

**PASQUOTANK COUNTY, NORTH CAROLINA
FEBRUARY 21, 2005**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, February 21, 2005 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Bill Trueblood, Chairman
Cecil Perry, Vice-Chairman
Matt Wood
Lloyd E. Griffin, III
Marshall H. Stevenson, Jr.
John "Hank" Krebs
Jeff Dixon

MEMBERS ABSENT: None

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

The meeting was called to order at 7:00 PM by Chairman Bill Trueblood. The Rev. Charles Bowe, Pastor of Mary Holly Grove A.M.E. Zion Church, gave the invocation and Vice-Chairman Cecil Perry led in the Pledge of Allegiance to the American Flag.

1. PRESENTATION ON PASQUOTANK RIVER WATERSHED PROJECT:

County Extension Director Travis Burke introduced Dr. Mike Hoover, a soil scientist from North Carolina State University, to discuss the proposed Pasquotank River Watershed Project. Dr. Hoover explained that he is a professor in the Soils Department at N.C. State University, focusing on soils and septic systems, and is also an Extension Specialist with the Cooperative Extension Service. He provided handouts regarding the proposed project. He stated that this project developed from a collaboration of Mr. Ralph Hollowell of Albemarle Regional Health Services, Ms. Valerie Nelson of Gloucester, Massachusetts, and himself. He said they looked for a way to integrate the effects of septic systems, stormwater, flood control, erosion and sedimentation, and water table management with the idea of trying to develop some commonalities. He stated these are currently handled through individual technologies and techniques, however there is no interconnection. The intent of this project is to provide some interconnection of these technologies. This project concept was taken to Congress and was funded through the EPA State and Travel Assistance Grants Program. Dr. Hoover said the funding has been identified for EPA to do this specific project as a national water resources demonstration project. He said this funding would not have been obtained without the assistance of Mr. Ralph Hollowell and Albemarle Regional Health Services. He stated that the name of this project will be Pasquotank River Watershed Project: Integrated Water Design (IWD). In this particular project an integrated design concept will be developed and all of the technologies that meet that concept will be identified. The technologies will be tested and used in a demonstration community in the Pasquotank River Basin. Dr. Hoover stated that wells and monitoring devices will be installed in the demonstration community to see what the existing groundwater issues are. Changes would then be made to improve the drainage, septic system technologies, erosion and sedimentation control, and to maintain the ditches, and then the effects of these changes would be measured and shared with others. He explained that the next part of the project will be to develop basic GIS models that can be used to determine other places in the Pasquotank Watershed besides the demonstration community where this approach could be valuable. He said an additional part of the project will be training for the professionals in the field on the integrated technology approach, and the final component will be public education within the Pasquotank Watershed. Dr. Hoover stated that the demonstration community that has been selected is North Meadows Subdivision because of the existing problems there and the likelihood that they could be solved using this integrated approach. In addition there is a good likelihood of being able to gather the data that could be used elsewhere to solve similar problems. Dr. Hoover advised that the interest and acceptance of the people in the community is very critical to the success of a project of this type because this project will exist over a period of four to five years. He said the final decision to conduct this project in North Meadows will not be made until the

North Meadows community has indicated that it wants this. He stated they are in the process of drafting a work plan and the EPA will not release the funding until the work plan has been completed and reviewed.

Several residents of North Meadows Subdivision and surrounding areas asked questions regarding the project. Mr. Donald Alexander asked what level of participation would be required of the property owners and what responsibilities the developers have. County Manager Randy Keaton explained that when this subdivision was developed there was not a requirement for a road maintenance bond. Under the current subdivision regulations, a developer must post a road maintenance bond to ensure that the roads and ditches are maintained until acceptance by DOT.

Ms. Peggy Tufano asked if there would be sufficient funds provided by EPA to complete the project. Dr. Hoover responded that he does not anticipate that the funding would be pulled back before the project is complete.

Mr. Paul Miller asked if the residents could expect the roads to be brought up to state standards in this project so that DOT would accept them. Dr. Hoover explained that the issues regarding the roads are completely separate from this project. He said any damage done to the roads during the project will be repaired, however no pre-existing road damage would be repaired. Mr. Keaton added that the problems with the roads are a result of the drainage problems. He said there are some pavement failures in North Meadows that would have to be addressed. Once the drainage is repaired through Dr. Hoover's project, the roads can be repaired and the residents can petition DOT for acceptance onto the state road system. Mr. Keaton said there would probably need to be some participation by the residents in the road repairs. He suggested that the drainage work be coordinated with DOT to ensure that it meets DOT standards.

Ms. Eucell Temple asked how this project will affect adjoining properties. Dr. Hoover said at this point he is not sure, however it may enhance stormwater controls on those properties and could have an effect by changing the flow to ditches. He stated this project would certainly take into account not just the properties within the subdivision, but all properties that will be affected.

Commissioner Jeff Dixon asked if there could be some federal mandates as a result of this study that could for instance have an effect on all septic systems in Pasquotank County and Northeastern North Carolina. Dr. Hoover responded that EPA has no regulatory authority over septic systems as this is state-based, and he does not see it as likely to change. He said he does see the state regulatory agencies as being interested in the results of the project and he does not think it will have a negative effect.

Mr. Ralph Hollowell of Albemarle Regional Health Services noted that Albemarle Regional Health Services has been recognized nationally and internationally by EPA for its septic system work, and has been used as a model throughout the country. He said he does see any negative impact.

Mr. Horace Pritchard stated that this project will reach out two or three miles from North Meadows because of the offsite impacts. He asked Dr. Hoover if they are prepared to clear drainageways and swamps from Berea Church Road to Knobbs Creek.

Commissioner Hank Krebs stated that he has been assured by Joyce Hudson of EPA that Dr. Hoover is one of the top authorities in this country and that he will not leave until the project has been completed. He advised the owners of properties adjacent to North Meadows that this project will not do anything that will hurt them.

Dr. Hoover said he would like to have some sense of the level of interest by the residents in the North Meadows community and would probably want to hold a community meeting with the residents to discuss the specific work plan once it has been developed. He stated that if the residents have concerns or questions he needs to hear them.

Mr. Marcus Robbins of 1110 Meadow Drive said he would give permission to Dr. Hoover to cross his property to the drainage outlet.

Mr. Barry Duvall asked if 100% participation from the residents is needed and if everything would be put back in order upon completion of the project. Dr. Hoover said that he does not

know that 100% participation is needed in order to do the project. He stated that their intention is to make sure that everything is put back the way it was before the beginning of the project.

Ms. Joan Yates asked if the county has any responsibility in this project as far as off-site drainage. Dr. Hoover stated that the Health Department has a role and the County Extension Service has a role. Chairman Trueblood said the county would have some involvement in this project.

Mr. Eddie Graham of Oak Drive stated that he needs to make some repairs to the septic field in his back yard. He asked if he should wait until the project begins or if he should go ahead and do the repair work. Dr. Hoover suggested that Mr. Graham proceed with this work because of the potential health hazards that could result from delaying the repairs.

Dr. Hoover thanked everyone for their interest. He again said this project would not be possible without the assistance of Mr. Ralph Hollowell and Albemarle Regional Health Services.

2. PUBLIC HEARING ON REZONING REQUEST RR04-05 TO REZONE 116 ACRES ON LIONS CLUB ROAD FROM A-1 TO R-35A:

Chairman Trueblood declared the meeting to be a public hearing on Rezoning Request RR04-05 to rezone 116 acres on Lions Club Road from A-1 to R-35A. He asked if anyone would care to speak on the rezoning request. He recognized Engineer Sean Robey who said he was representing Dr. Jesse John Morris, the property owner. Mr. Robey explained that this request has been before the Planning Board, and the Board has been provided with the results of that meeting. He passed out to the Board an idea of a sketch plan for a subdivision that could be developed on this property. Mr. Robey stated that they looked at several of the factors that might influence the Board's decision regarding whether to approve this rezoning request including infrastructure. He said a paved state road serves this property. He stated that there is water adjacent to this property and the Water Superintendent has informed him there is adequate water to serve this property. Mr. Robey said they looked at drainage and determined that this property is high in the middle, is served by two separate drainage basins, and there are no issues that would prevent the drainage from getting away from this property. Mr. Robey stated that they looked at the properties adjoining this property and determined that this project would be compatible with the surrounding properties. He said after looking at the infrastructure and the compatibility, they see that these are non-issues. He stated that there has been much discussion over the Land Use Plan and he understands if the Land Use Plan is adhered to strictly, it will be very difficult for property owners in the whole southern end of the county to do anything with their property other than leave it as it is currently zoned. Mr. Robey explained that this is not property that Dr. Morris purchased for the intent of developing for a profit, but is property that he has farmed and used for his personal enjoyment over the years. He stated that Dr. Morris is now at the age where he no longer wishes to farm the property and wants to develop it in a manner that would be most acceptable to him.

Chairman Trueblood asked if anyone else would care to comment on the rezoning request. At the absence of further comments, the public hearing was closed and he asked for staff comments.

Assistant County Manager Rodney Bunch summarized that the 1996 Land Use Plan classifies this area "Rural with Services", or areas that are mainly agricultural and that have central water with mainly farm residences at densities of less than one dwelling per acre. The 2004 draft Land Use Plan defines this area as "Rural Agricultural", areas that are predominantly farm land and open spaces with scattered residential structures. Mr. Bunch said some small residential subdivisions and mobile home parks exist in this classification and public water service is available within the majority of this classification. He referred to a land use survey map that indicates scattered single family residences in the area, a mobile home subdivision across the road, and Weeksville Elementary School on the corner of Lions Club Road and Salem Church Road. He stated that the majority of this property is in the 100 year floodplain, with the remainder in Flood Zone X, areas of minimal flooding, and Shaded X which is a 500 year floodplain. Mr. Bunch stated that there is a six inch water main extending from Salem Church Road to the Lions Club Building. He said Mr. Dwane Hinson has indicated that the soils in the area are workable. He stated that the minimum lot size in the R-35A classification is 43,000 square feet and mobile homes or manufactured homes are not allowed in this classification. He pointed out that several rezoning requests have been denied in northern Pasquotank County over the past 15 months because of nonconformance with the Land Use Plan. Mr. Bunch outlined the

Planning Board's review of this rezoning request. He advised that the Planning Board voted to recommend denial of the rezoning request.

Mr. Robey reminded the Board that the rezoning requests that were denied in the northern portion of the county had other extenuating circumstances besides nonconformity with the Land Use Plan. These included issues with drainage and questions as to whether South Mills Water Association would be able to provide water to these areas. Mr. Robey advised that these issues do not exist on Dr. Morris' property.

Dr. Morris addressed the Board and spoke of his heritage and his family history of ownership of the property. He stated that he and his engineer have done everything they know to do to meet every criteria of the county in order to develop this property. He said he cannot comprehend why the county can utilize a Land Use Plan that has not been formally adopted by the Board. He stated that he understood that the Land Use Plan would only be used as a guide and that the Board of Commissioners has the power to deviate from it. He said the geography of this piece of land is situated such that there is probably not another parcel that would meet all of the physical attributes for an R-35A development. He stated that there would be no adverse impact on any particular resident. He said it is up to him to now try to do the things that will use this property in such a way as to continue its historical imminence, or some commercial developer will at some time in the future develop this property. He said the county will prosper from a tax base because of the quality of subdivision that he plans to pursue. He asked that the Board not deny his request to rezone this property.

Vice-Chairman Perry stated that the Board has asked Dr. Morris to follow the rules and he has followed the rules. He said when he reviewed the information regarding this rezoning request, he did not see the problems that existed for the rezoning requests that have previously been denied. He stated that based on the facts that were presented to him he will vote in favor of this rezoning request.

Commissioner Krebs stated that he likes the sketch that was presented by Mr. Robey, however he has a problem rezoning the property to R-35 due to the fact the sketch plan could change. He said he does not see that this conforms to the Land Use Plan. He suggested that the Planning Board possibly look at another type of zoning where four to nine acre lots would be permitted.

Commissioner Griffin said the one acre lot requirement was one method of controlling growth. He stated that Dr. Morris' sketch clearly shows that he has complied because 20 lots are one acre in size and the remaining 33 lots are greater than one acre. He noted that Dr. Morris could actually create 112 lots on this parcel instead of 53. He said that drainage, water, and paved roads are available. He stated that the Board has talked in the past about the need to have controlled growth, and this developer has presented an example of a plan that would control growth.

Commissioner Wood pointed out that the design of the subdivision itself is not an issue at this point, and the Board should be looking at strictly a land use issue to determine if residential development is wanted in this particular area. Mr. Bunch stated that the Board's first priority is to determine if it wants growth in the area, however it would be good to look forward to see if the infrastructure is there to support it should the Board decide to rezone the property.

Vice-Chairman Perry asked why the county is allowing this individual to go through this rezoning process if he will not be allowed to rezone the property and if it has already been determined that development will not be allowed in certain areas of the county. Mr. Bunch stated that the Land Use Plan basically identifies the areas where growth will be allowed over the next five years. He suggested if the Board feels the plan is wrong, then it should change the plan.

Commissioner Griffin asked whether not approving a rezoning such as this would constitute a taking of land which denies the owner the highest and best use of his property. Vice-Chairman Perry said he feels that it would violate an individual's Fifth Amendment rights. County Attorney Mike Cox advised that when a regulation becomes so restrictive that it denies an individual all economical and feasible use of property, it would be a violation of an individual's Fifth Amendment rights. He said the Board's decision tonight is a legislative decision and it can

consider a wide range of factors. He stated a rezoning request differs from a subdivision where the Board would be required to approve it if it meets all subdivision requirements.

Commissioner Krebs noted that the Board has not denied Dr. Morris the use of that property as there are more than 40 uses allowed in an agricultural district according to the zoning regulations.

Motion was made by Hank Krebs, seconded by Bill Trueblood to deny Rezoning Request RR04-05 due to non-conformance with the Land Use Plan. The motion carried by a four to three margin with Commissioners Krebs, Trueblood, Wood, and Stevenson voting in favor of denial, and Commissioners Griffin, Perry, and Dixon voting against denial.

Commissioner Griffin stated that the land owners in the northern and southern areas of the county need to be advised that the Board will not be allowing development in these areas and that projects in these portions of the county will be denied.

3. PUBLIC HEARING ON REZONING REQUEST RR05-01 TO REZONE 53 ACRES ON PRITCHARD ROAD FROM A-1 TO R-35A:

Chairman Trueblood declared the meeting to be a public hearing on Rezoning Request RR05-01 to rezone 53 acres on Pritchard Road from A-1 to R-35A. He asked if anyone would like to address the Board regarding this matter.

Mr. Joe Anlauf of Quible & Associates, representing the developer, said they are looking to rezone 53 acres of land between two areas that were recently rezoned to R-35A. He said this rezoning request is consistent with the county's Land Use Plan.

Chairman Trueblood asked if there were any further public comments. There being no further comments, the public hearing was closed and he asked for staff comments.

Mr. Rodney Bunch explained that the parcel is located between a 36 acre tract to the south and an 82 acre tract to the north, both of which were rezoned from A-1 to R-35A, and this rezoning would be an expansion or an enclosure of that area. He stated that this parcel is in the area projected for growth according to the Land Use Plan. He said the property includes flood zones with the area closest to Main Street Extended in flood zone X, and other portions of the property in the 500 year flood plain and the 100 year plain. The most eastern boundary of the tract is approximately 200 feet west of the Knobbs Creek floodway designation. He explained that the property is requested for R-35A zoning and would have a minimum of 43,000 square foot lots, with no mobile homes or manufactured homes permitted. Mr. Bunch explained that there are two other parcels, each with a residence on the site, located in the northeast corner of Pritchard Road and Main Street Extended. He said that staff has recommended that these two parcels also be classified R-35A should the Board vote to rezone the parcel requested. He stated that the Planning Board voted by a five to one margin to recommend approval of the rezoning request.

Commissioner Stevenson stated that when the other two parcels on either side of this property were being considered for rezoning, there were a lot of comments from surrounding property owners regarding flooding, nevertheless the rezoning was approved. He asked if there were any objections voiced at the Planning Board meeting regarding the flooding issues. Mr. Bunch responded that no one voiced objections at the Planning Board meeting due to the flooding. He added that the developers, during the Planning Board meeting, presented a sketch plan of the most northern part of this development showing the large drainage areas.

Commissioner Krebs stated that he has concerns with development so close to the Knobbs Creek floodway. He said when soils are disturbed, it creates runoff and erosion which will magnify the drainage problems fifteen years from now when he feels that the properties currently near the floodway will be in the floodway. He stated that he is opposed to this rezoning.

Motion was made by Hank Krebs, seconded by Lloyd Griffin to deny Rezoning Request RR05-01. The motion to deny the rezoning request carried by a four to three margin with Commissioners Krebs, Griffin, Stevenson, and Perry voting in favor of denial and Commissioners Trueblood, Wood, and Dixon voting against denial.

4. PUBLIC HEARING ON LEASE TO NEXTEL COMMUNICATIONS:

Chairman Trueblood declared the meeting to be a public hearing on a proposed lease agreement with Nextel Communications for the placement of an antenna on the elevated water tank located at the Water Plant on Weeksville Road. The initial five year term of the lease would include a rental rate of \$1,800 per month or \$21,600 per year with a 15% increase for each renewal period after the initial five year term. Chairman Trueblood asked if there were any public comments regarding the lease agreement. There being no comments, the public hearing was closed.

Motion was made by Bill Trueblood, seconded by Hank Krebs to approve the lease agreement with Nextel Communications for the placement of an antenna on the elevated water tank at the Water Plant. The motion carried unanimously.

5. AMENDMENTS TO THE AGENDA:

Chairman Trueblood asked if there were any amendments to the agenda. It was requested that the agenda be amended to include a recommendation from the Personnel Committee to approve the Archer Performance Appraisal System. It was also requested that the agenda be amended to include attorney client discussions of two issues in Closed Session.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to amend the agenda to include consideration of the Archer Performance Appraisal System and to include a Closed Session to preserve the attorney client privilege. The motion carried unanimously.

6. APPROVAL OF ARCHER PERFORMANCE APPRAISAL SYSTEM:

The Board considered a recommendation from the Personnel Committee to approve implementation of the Archer Performance Appraisal System.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to approve the implementation of the Archer Salary Study Performance Appraisal System. The motion carried unanimously.

7. DISCUSSION ON U.S. 17 NORTH SEWER LINE:

Chairman Trueblood recognized Mr. John Kitchen who had requested to address the Board regarding the sewer line project. Mr. Kitchen explained that the 1999 agreement was very simple, the intent was very clear, and the city and county both approved the agreement. He said the draft that has now been presented by the city is five pages long and takes every right that the county negotiated and fully dilutes the true intent of the original agreement. He stated that the intent of the original agreement was to reserve 500,000 gallons of sewer per day for economic development in the Commerce Park and that 500,000 gallons is given up in the new draft. He said the second intent was to reserve and to give the county a right to request an additional 500,000 gallons at a prescribed rate that would give the county one million gallons for economic development. He stated that the third intent was to not allow any residential connections to the line beyond Lover's Lane because it was solely for commercial and industrial use. Mr. Kitchen said the fourth intent was that the city intended for the sewer line to be the city's contribution to the growth of the area because the city did not want to participate in the purchase of the land for the Commerce Park, but agreed to give the county at a prescribed price the amount of sewer needed for the Commerce Park. He stated that the city cannot guarantee the county anything if there is not a specified amount which is why the 500,000 gallon figure was included in the 1999 agreement. He said the city has rewritten the agreement giving them full control of the sewer line. He stated that the line to the Commerce Park needs to be built to handle commercial development, but not subdivisions. He said the rewritten agreement would allow grant money that is provided for economic development purposes to be used to provide developers with the opportunity to have sewer so they can construct high density housing in the northern part of the county. He said this is not economic development and will create the need for more schools and services. He added that the sole reason for this sewer line was to provide for economic development and not to speed up the residential growth in Pasquotank County.

Mr. Horace Pritchard stated that he was part of the 1999 agreement and he fought against letting the city have control for residential use. He said if residential use is allowed, the city would have full control of the line to Morgan's Corner.

Motion was made by Marshall Stevenson, seconded by Hank Krebs that the Board not agree to the city's revised version of the 1999 sewer agreement, however if the city will not honor the 1999 agreement with certain minor modifications that the county explore other opportunities such as expansion of the current lagoon system or the possibility of getting an agreement with Tanglewood to provide the needed sewer capacity.

Discussion followed and Commissioner Wood said the problem with this is the tremendous amount of misinformation. He said the 1999 agreement does not address residential use of the sewer line at all, so he is confused as to why the 1999 agreement is better if it does not address residential use. He said the connection fee in the new agreement is a better deal than in the 1999 agreement because it allows the collection of connection fees all the way back to the sewer plant, while the 1999 agreement does not provide any connection fees inside Lover's Lane. He suggested that the best parts of each agreement be used. He said he agrees that the county and city should jointly approve industrial and commercial hookups. He advised that this provision was in the 1999 agreement but is not in the new agreement and he would like to see this restored because it would give the county a measure of control in the development in that area. He urged the Board to come up with a plan that works for all involved and protects the interests of all the citizens in the county.

Commissioner Griffin suggested that the county try to reach an agreement with the city so as to not lose the grant moneys that have been provided for the sewer line project.

Commissioner Stevenson said that Commissioner Wood has indicated that the revised agreement is a better agreement because the county would get more connections. Commissioner Stevenson said this was not the original objective of the sewer line. He stated that the original objective of the sewer line was to serve the Commerce Park, not development of any type other than jointly agreed to commercial and industrial development. He said the grant moneys that have been provided can be used if the county goes forward with another plan. He said he had stated in a previous meeting that the county would stand to spend probably \$1 million more by running this sewer line the way it has been planned. He stated that if the city will not honor the agreement and the county chooses to go another way, it could save perhaps \$1 million and all of the misery that would go along with installing the line by Albemarle Hospital with all of the underground utilities along U.S. 17 North.

Commissioner Wood said the new agreement provides that the city shall accept all of the waste generated in the Commerce Park and does not limit it to 500,000 gallons, so Mr. Kitchen's statement that the agreement is not specific is not accurate. He stated that the county has come a long way in trying to get this agreement with the city and he has trouble understanding everyone's concerns. He pointed out that the Tanglewood development has over 1,000 acres of property zoned R-15 which would equate to approximately 2,000 lots. He said once sewer is available, these lots will not come back to the Board for a zoning hearing and can go straight to the subdivision process. He stated that there are literally thousands of acres of commercial property in the Tanglewood site while the Board is denying others the ability to have commercial or industrial development. He asked if there is a fairness issue in what has been done.

Commissioner Stevenson stated that he would again submit that the apparent intent with the revised agreement is to change the objective. He said the original objective was to provide sewer to the Commerce Park, not to other developments, and what is being attempted is to bring other things into this sewer line.

Commissioner Griffin said he was in the meeting when the 1999 agreement was negotiated and when the discussion was held, any residential use was excluded from the agreement because it was the intent to try to promote economic development to bring jobs to Pasquotank County and Elizabeth City along this U.S. 17 corridor because the infrastructure was in place to handle that type of growth.

Commissioner Stevenson stated that the original agreement allowed for additional commercial and industrial hookups if the county and the city both agreed. He said the new agreement allows that with the city's approval, and also allows additional residential hookups with the city's approval, with the county having no say in this decision.

Commissioner Krebs said the only reason he would support the 1999 agreement is because the Board's predecessors entered into the agreement, and he feels it would violate the integrity of the Board if it does not support that agreement.

After additional discussion, it was requested that Commissioner Stevenson's motion be split into two parts. The original motion was amended to split it into two parts.

Motion was made by Marshall Stevenson, seconded by Hank Krebs that the Board not accept the revised sewer agreement proposed by the city. The motion carried unanimously.

Motion was made by Marshall Stevenson, seconded by Hank Krebs if the city will not honor the current sewer agreement with minor revisions that the Board explore other opportunities such as expanding the current lagoon system or the possibility of getting a line run to the Tanglewood project; if the city serves Tanglewood with sewer in the long run, the county could connect to the line via Halstead Boulevard Extended.

Discussion followed and Chairman Trueblood stated that he believes there is enough language in both of the agreements that can be put together to create a workable agreement.

Commissioner Dixon said the last time this sewer line issue was discussed the connector road was mentioned and he thought that might be a good idea. He stated that the cost of the U.S. 17 North sewer line in 1999 was \$2.2 million, however the cost has probably ballooned to more than \$3 million by now. He said he has a problem with a public entity joining with a private entity to provide services, particularly if the public is not in the driver's seat. He stated that business owners are waiting to construct their projects because they want to find out what is going on with the sewer line. He said the longer the project is delayed the more tax dollars Pasquotank County will stand to lose. He added that he would not want to see Pasquotank County lose the grant funds that have been reserved for this sewer line project because of the delays.

The motion failed by a two to five margin with Commissioners Stevenson and Krebs voting in favor of the motion.

Motion was made by Lloyd Griffin, seconded by Jeff Dixon to direct the Chairman and County Manager to meet with the Mayor and City Manager to attempt to work out the details of a sewer line agreement.

Discussion followed and Commissioner Wood suggested that the Chairman and County Manager be given some guidance in negotiating the agreement. He recommended that the following items be considered:

- 1) to include in the agreement that city and county approval would be required for all commercial and industrial hookups. This was in the 1999 agreement, but not in the revised agreement.
- 2) to remove from the agreement the requirement that customers sign a pre-annexation agreement.
- 3) to require joint city-county approval of any residential hookups outside the city limits of Elizabeth City.

The motion was amended to add that the Chairman and County Manager be given guidance to include the three items recommended above in their negotiations with the city. The amended motion carried by a five to two margin with Commissioners Stevenson and Krebs voting against the motion.

8. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

- a. Approval of Minutes of January 31, February 1, and February 7, 2005 Commissioner Meetings
- b. Tax Releases Recommended by Finance Committee

Releases:

		County	City
1.	Jason Allen Lee	121.05	94.30
2.	Julie Piscorik Hill		183.76
3.	Donald Edward Welch	107.59	
4.	Mark Cartwright Heirs	344.40	
5.	Sherika Williams Simpson	457.52	329.84
6.	Bonita S. Collier	588.80	
7.	Michael Robert McKnight, Jr.	100.02	77.11
8.	Barbara Constance Solaro	120.62	93.97
9.	Steve Owens	520.30	
10.	Steve Owens	558.14	
11.	Bruce Williams	166.97	130.09
12.	Aaron Frank Brosneck	154.67	
13.	Douglas Ray Marriner	248.93	
14.	Edward C. Donaldson	180.34	
15.	Thomas Charles Durkin	100.10	
16.	Key Bank, USA	115.71	
17.	Kristin Elyse Wynkoop	179.83	
18.	Steve Craig Kocher	144.22	
19.	Jacqueline Moore	400.64	
20.	Horace C. Pritchard, Sr. Etal	647.36	
21.	Joshua Joseph Foss	126.85	103.83

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

		County	City
1.	Louise Clate Aydlett	35.26	27.47
2.	Louise Clate Aydlett	35.26	25.42
3.	Louise Clate Aydlett	35.26	25.42
4.	Louise Clate Aydlett	35.26	25.42
5.	Louise Clate Aydlett	35.26	25.42
6.	W.H. Morris	69.66	
7.	W.H. Morris	69.66	
8.	W.H. Morris	69.66	
9.	W.H. Morris	69.66	
10.	W.H. Morris	69.66	
11.	Bobby Sanderson	95.00	
12.	Bobby Sanderson	95.00	
13.	Bobby Sanderson	95.00	
14.	Bobby Sanderson	95.00	
15.	Bobby Sanderson	95.00	

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
Bobby Sanderson	P12-8	Unoccupied since 1994
Elnora G. Johnson	50-A-48	Unoccupied since 2000
Barbara Franklin Simpson	P58-15	Unoccupied for 12 years

- c. Approval of Revised Interlocal Agreement with City of Chesapeake

The City of Chesapeake has requested that the interlocal agreement which had previously been approved for each of the fire departments to sign individually for mutual aid response with the City of Chesapeake be revised such that it is directly with Pasquotank County rather than the individual fire departments. The agreement has been re-drafted based on that request and a paragraph has been added which provides for a five year duration of the agreement. The revised agreement needs to be approved.

d. Adoption of Resolution Regarding Medical Costs for Inmates in County Facilities

The Board was requested to adopt the following resolution which calls for the retention of Medicare and Medicaid benefits for eligible juvenile and adult inmates who are housed in county detention facilities while awaiting trial.

**RESOLUTION BY THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF PASQUOTANK
STATE OF NORTH CAROLINA
CALLING FOR RETENTION OF MEDICARE AND MEDICAID BENEFITS FOR ELIGIBLE
JUVENILE AND ADULT INMATES IN COUNTY FACILITIES**

WHEREAS, currently a person who is eligible for either Medicare or Medicaid benefits loses eligibility upon being charged with a crime *while* incarcerated awaiting trial *before* being found guilty; and

WHEREAS, currently the cost of medical care for inmates becomes a county responsibility while incarcerated; and

WHEREAS, the cost to counties for medical care for persons incarcerated in county jails, who would otherwise be eligible for Medicare and Medicaid, is a significant burden on already-strained county budgets; and

WHEREAS, people who are released upon posting of bond, on their own recognizance, on house arrest, or on any other alternative means of detention, continue to be eligible for Medicare and Medicaid benefits while awaiting trial; and

WHEREAS, county taxpayers are forced to bear the full health care costs for Medicare and Medicaid-eligible persons who would receive assistance, but for their placement in a county correctional facility; now

THEREFORE, BE IT RESOLVED, that the Board of Commissioners for the County of Pasquotank respectfully requests of the United States Senate and House of Representatives that you change eligibility requirements so that all individuals who are eligible for Medicare or Medicaid prior to arrest remain eligible until such time as they have been convicted of a crime and become a ward of the federal government, state or county; and

BE IT FURTHER RESOLVED, that the Board of Commissioners for the County of Pasquotank respectfully calls upon our 1st District US Congressional Representative and both our US Senators to work toward achieving this change in federal Medicare and Medicaid policy to alleviate a substantial burden on the counties of North Carolina and other states; and

BE IT FURTHER RESOLVED, that the Board of Commissioners for the County of Pasquotank supports the efforts of the National Association of Counties, the North Carolina Association of County Commissioners, and any other organization, state government, or local government that is working to alleviate this substantial burden upon already-strained local budgets.

e. Approval of Resolution and Agreement for Services with Northeastern Community Development Corporation

The Board considered a resolution regarding various plans and requirements for the Capacity Building Grant, and an agreement for services between Northeastern Community Development Corporation and Pasquotank County in order to release the \$75,000 in funding to complete the grant project. The resolution is as follows:

**RESOLUTION REGARDING
CAPACITY BUILDING GRANT
CDBG NUMBER 04-C-1311**

WHEREAS, Pasquotank County has been awarded a \$75,000 preliminary Community Development Block Grant (CDBG) for Capacity Building funds; and

WHEREAS, the grant funds will assist the Northeastern Community Development Corporation to expand its capacity in economic development and to develop an economic development project; and

WHEREAS, a condition of the grant agreement is the adoption of various policies and plans; and

WHEREAS, the Pasquotank County Board of Commissioners has previously adopted and currently has in place the required policies and plans;

NOW THEREFORE BE IT RESOLVED that Pasquotank County will be complying with all requirements of the following plans previously adopted by the Pasquotank County Board of Commissioners;

1. Fair Housing Plan
2. Equal Employment and Procurement Opportunity Plan
3. Local Economic Benefit (Section 3 Regulation) Plan
4. Sections 504 and ADA Plan
5. Obligation of Recipient With Regard to Vacant Units
6. Drug Free Workplace Policy

Motion was made by Lloyd Griffin, seconded by Hank Krebs to approve the consent agenda as presented. The motion carried unanimously.

9. CONSIDERATION OF LEASE WITH AIRPORT AUTHORITY FOR CONVENIENCE SITE:

The Board considered a proposed lease agreement between the Airport Authority and Pasquotank County for use of the Coast Guard Convenience Site. The county previously had a lease with the U.S. Coast Guard however the property has now been transferred to the Airport Authority. The lease provides for an annual lease payment of \$50.

Motion was made by Lloyd Griffin, seconded by Hank Krebs to approve the lease agreement between the Airport Authority and Pasquotank County for use of the Coast Guard Convenience Site. The motion carried unanimously.

10. APPROVAL OF PRELIMINARY PLAT EXTENSION REQUEST FOR COPPERFIELD SUBDIVISION, PHASE 2:

The Board considered a request from Parks Land Development for a 60-day extension of the preliminary plat for Copperfield Subdivision, Phase 2. Mr. Rodney Bunch explained that the preliminary plat is due to expire March 3. He said he has been to the site and verified that the roads have been paved, however the shoulders and ditches need to be graded and seeded. Parks Land Development had indicated that due to the inclement weather, they have not been able to complete the grading and seeding work, but they anticipate that they can complete the work within 60 days. Mr. Bunch stated that staff would recommend approval of the 60-day extension.

Motion was made by Lloyd Griffin, seconded by Hank Krebs to approve a 60-day extension of the preliminary plat for Copperfield Subdivision, Phase 2. The motion carried unanimously.

11. REPORT FROM COUNTY MANAGER:

County Manager Randy Keaton reported that Mr. Jim Stumbo, architect for the new Library and new Public Safety Building, will be in town next Wednesday and Thursday, and will be available to meet with the Board to provide an update on the buildings. He asked if the Board would like to schedule a meeting with Mr. Stumbo. The Board agreed to meet with Mr. Stumbo on Wednesday, March 2 at 4:30 PM.

12. REPORT FROM ASSISTANT COUNTY MANAGER:

Assistant County Manager Rodney Bunch reported that the three areas approved to be repaired on Traci Drive have been completely repaired. He said the paving work has now been completed.

13. REPORTS FROM COUNTY COMMISSIONERS:

Commissioner Krebs requested that the Finance Officer be asked to research the amount that was spent for the dinner when Horace Pritchard and Sam Davis left the Board of Commissioners. He said he would like to have a report on the monetary value.

Commissioner Krebs asked if a meeting has been scheduled for the Newland Drainage Committee. The County Manager said he will contact members of the committee to try to schedule the meeting during the next week or two. He also suggested that members of the Joyce

Creek Drainage Committee from South Mills be invited to the meeting to give examples of how they do their yearly inspections. Commissioner Krebs asked that the Board be provided a report on the Greenways Project. He said he understands there are some concerns from property owners about the project utilizing the abandoned railroad tracks. He stated if they could provide a report on what is being proposed, it might assist the Board Members in responding to questions about the project.

Commissioner Griffin reported that the sewer line for the SPCA Building will soon be completed, the fence will soon be moved, and a contractor has been hired to move the catch basin. He reported that the contractor has begun placing metal on the sides of the new Utilities Building. He also reported that the TAMSCO project at the airport is moving forward.

Commissioner Wood said he would like to thank Commissioner Krebs for his recent trip to Washington. He stated that it appears to have been a very successful trip.

Vice-Chairman Perry stated that he would like to thank all of the Commissioners in advance for attending the breakfast tomorrow morning at 7:30 with Senator Burr. Vice-Chairman Perry reported that he participated in interviews for North Carolina Teaching Fellows held in Greenville last Saturday. Vice-Chairman Perry reported that he was able to visit the TAMSCO facility recently and they are making tremendous progress with their construction project. He said the Jail Commission met today and discussed hiring an architect to design a new jail.

Chairman Trueblood stated that he would like to thank Vice-Chairman Perry for handling the last meeting in his absence. He reported that he represented the county at the ribbon-cutting for the new Farm Fresh store. He said he, Commissioner Krebs, and the County Manager attended a meeting with Mr. Jimmie Harris and Mr. Billy Lewis at Providence Volunteer Fire Department to try to begin the process of expanding the fire department by two bays.

14. RECOMMENDATION FROM APPOINTMENTS COMMITTEE:

Commissioner Stevenson reported that the Appointments Committee met today and voted to nominate Zeb Moseley to the Central Communications Advisory Board. This appointment will be on the next agenda for final approval so that Commissioners can be provided a copy of Mr. Moseley's application.

15. CLOSED SESSION TO PRESERVE THE ATTORNEY CLIENT PRIVILEGE:

Chairman Trueblood asked if there was any further business to come before the Board in Regular Session. There being no further business, he asked for a motion that the Board enter Closed Session to preserve the attorney client privilege.

Motion was made by Hank Krebs, seconded by Matt Wood 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 Lloyd Griffin, seconded by Hank Krebs that the Board return to Regular Session. The motion carried unanimously.

Chairman Trueblood stated that Commissioner Griffin has requested that the Board consider enacting a six-month moratorium on billboard signage on Halstead Boulevard Extended as the city has done. He said the Board will discuss this at the next meeting.

Motion was made by Matt Wood, seconded by Lloyd Griffin that the meeting be adjourned. The motion carried and the meeting was adjourned at 10:22 PM.

CHAIRMAN

CLERK

