

**PASQUOTANK COUNTY, NORTH CAROLINA
FEBRUARY 24, 2010**

The Pasquotank County Board of Commissioners met today in a regional meeting with the Boards of Commissioners of Camden County and Currituck County on Wednesday, February 24, 2010 at the Currituck County Cooperative Extension Center, Barco, North Carolina.

MEMBERS PRESENT: Marshall H. Stevenson, Jr., Chairman
Matt Wood
Bill Trueblood
Jeff Dixon

MEMBERS ABSENT: Lloyd E. Griffin, III, Vice-Chairman
Cecil Perry

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

The meeting was called to order at 5:05 PM by Mr. Paul O'Neal, Chairman of the Currituck County Board of Commissioners. Mr. O'Neal welcomed everyone and asked the Chairperson of each Board of Commissioners and Board of Education to introduce their members and staff.

Mr. O'Neal called on Ms. Juanita Krause and Mr. Troy Breathwaite to make a presentation regarding the proposed site for a Navy Outlying Landing Field in the Hales Lake area on the border of Camden and Currituck Counties. Mr. Breathwaite presented maps showing a 30,000 acre area in Camden, Currituck and Pasquotank Counties that could be impacted by the jet noise. He said it could eventually impact as much as 60,000 or 70,000 acres in Northeastern North Carolina. Ms. Krause stated that ten schools which house thousands of students are located in or very near the zone, three of which are in Pasquotank County. These schools are Northside Elementary School, Elizabeth City Middle School, and Pasquotank County High School. Ms. Krause advised that these students would be impacted by the high noise levels. She said research has shown that adverse noise affects the educational process greatly and affects learning and cognitive abilities. It also causes various noise-related physical and physiological changes including elevated blood pressure and heart rate. Ms. Krause explained that the jets that will be flying over the schools are the newest, loudest aircraft in the Navy's inventory. She stated that a Navy study has estimated that it would cost approximately \$1.5 million per school for soundproofing to keep jet noise from disrupting classrooms. She said the Boards of Commissioners have adopted resolutions opposing the location of an Outlying Landing Field in Hales Lake, and the Boards of Education need to get involved. She also asked that the Boards of Education enlist the assistance of the State Superintendent of Schools to help protect the area schools.

Attorney John Morrison pointed out that Camden County was successful in getting the North Carolina General Assembly to unanimously pass a law this year which provides that Camden County does not give up its jurisdiction over this land.

Mr. O'Neal thanked everyone for attending the meeting and for caring about the community. The regional meeting was adjourned at 6:25 PM.

CHAIRMAN

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA
MARCH 1, 2010**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, March 1, 2010 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Lloyd E. Griffin, III, Vice-Chairman
Matt Wood
Bill Trueblood
Cecil Perry
Jeff Dixon
Charles H. Jordan

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

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

The meeting was called to order at 7:00 PM by Vice-Chairman Lloyd Griffin. The Rev. Max Edwards, Pastor of Evangelical Methodist Church, gave the invocation and Vice-Chairman Griffin led in the Pledge of Allegiance to the American Flag.

Vice-Chairman Griffin welcomed everyone present and he recognized and welcomed Pasquotank Youth Council members Laura Fletcher, Bobby Harris, and Jessica Barcliff.

1. APPOINTMENT OF COUNTY COMMISSIONER FOR NORTHERN OUTSIDE SEAT:

Motion was made by Cecil Perry, seconded by Matt Wood to accept the recommendation of the Democratic Party Executive Committee to appoint Mr. Charles H. Jordan to fill the unexpired term of the late Jimmie Harris for the Northern Outside Commissioner seat. The motion carried 5-0.

2. OATH OF OFFICE FOR NEW COMMISSIONER:

Superior Court Judge J.C. Cole administered the Oath of Office to Commissioner Charles H. Jordan. Commissioner Jordan then took his seat on the Board.

3. COMMENTS REGARDING CHILD SUPPORT ENFORCEMENT PROGRAM:

Vice-Chairman Lloyd Griffin recognized Mr. Stephen Craddock to address the Board. Mr. Craddock said he would urge the Board to vote for Pasquotank County to administer the Child Support Enforcement Program rather than hiring an outside contractor to administer the program. He said there are quite a few advantages to handling this program in-house including: 1) there are already cost-savings built in by not having to change or upgrade the computer equipment; 2) the people who are currently in the Albemarle Child Support office are already trained, know their jobs, and know the people that they are serving; 3) a portion of the salary of the County Manager and other county staff affiliated with Child Support will be reimbursed by federal funds that will be received by the county-run program; 4) Pasquotank County would be the leader in the area by doing what is right for the county and its citizens by not feeling pressured by the actions of the surrounding counties. Mr. Craddock said there are very few disadvantages to having the program in-house. He stated by going with the private contractor there would be higher turnover of employees causing delays in the establishment and the collections of current orders. He said the county would also be paying in advance for vacant positions that are not filled as people leave Young Williams, but if the county administered the program, it would not be paying the salary. Mr. Craddock added that if Pasquotank County administered the program, it could be assured that the employees are working for Pasquotank County and its residents instead of being part of a consortium that has no direct dealings with Pasquotank County. He stated that the Albemarle Child Support office has been in business for over 20 years, has been profitable since day one, and according to the State of North Carolina it is a profitable entity now. He said if the county takes on the program it will also see that same profitability. He noted that the agency employs Pasquotank County citizens, and the thousands of mothers, fathers and caretakers of the children depend on them for their expertise and knowledge in the area of child

support law. He urged the Board to vote to administer the Child Support Enforcement Program in-house.

Ms. Jane Geraghty of 1187 Ramsey Road said she is here tonight in support of the county taking over the responsibilities of the Child Support Program. She said she knows the current economic situation is probably driving the Board's decision, but she asked the Board to consider the children being served while making these decisions. She stated that it is her understanding that a private contractor has submitted a cost quote of approximately \$562,000 to operate the Child Support office for the first year. She said their proposal also included an increase for the second year and she asked what the third, fourth, or following years would be as the costs escalate. She explained that if Pasquotank County operates the program, the federal government will reimburse the county 66% of everything it spends to operate the office plus incentives on the amount of money collected. She noted that in 2009 the local office received \$259,000 in incentives. She said she would remind the Board that private contractors are in business to make money. She stated that currently the office in Pasquotank County has about 3,200 child support cases of which 84% are already under order. The other 16% of children probably will not continue getting the proper attention because staff would be reduced by the private contractor. Ms. Geraghty stated that the staff working for a contractor would never be as dedicated as it is now. She said as a former Child Support Agent, she knows that the employees in the office in Elizabeth City continue to work after 5:00 PM comes. She stated that the staff is very dedicated and very hard-working. She said aside from the financial side, she would beg the Board to consider absorbing the Child Support office into the county system for the sake of the children it serves, and for the very loyal employees who love the children they work so hard to represent.

4. COMMENTS FROM MR. JAMES HEWITT:

Vice-Chairman Griffin recognized Mr. James Hewitt. Mr. Hewitt said he initially planned to speak on why he wanted to be considered for the Northern Outside seat for County Commissioner, but he apparently did not interpret it correctly. He stated that he could not understand why the person nominated to fill Mr. Harris' seat in the Northside Outside District chose to run at-large in the May primary. He said he thought each of those running for the position might be considered to fill the vacant position which was apparently not the case. He stated that he will save for the voters the information he planned to tell the Board about why he thought he was uniquely qualified to represent his area.

5. HEALTHCARE REFORM:

Vice-Chairman Griffin called on Dr. Hezekiah Brown, Mr. Ernest Sutton and Dr. Kurt Hunsberger of the Community Relations Commission. Mr. Sutton stated that the commission raised the point that the present healthcare reform issue was a community relations issue and fell within the parameters of their responsibility and therefore they voted to take on this issue. He advised that the Chairman of the Community Relations Commission, Miss Mary Sharpe, appointed a subcommittee on healthcare reform action. He stated that the subcommittee has met three times and concluded that quality, affordable healthcare was indeed a concern for all citizens. He said that many local stakeholders are directly touched by the imperatives of the healthcare agenda. He stated that the CRC believes that together we can make a positive difference in our community, help focus on the real issues and concerns of ordinary people, and bring forth greater understanding directed toward achieving workable solutions for all stakeholders and citizens. He said that positive teamwork can make the dream of true healthcare reform become a reality. He said the committee does not feel that the healthcare issue can be allowed to die because it affects people in Northeastern North Carolina and people all across America.

Dr. Kurt Hunsberger stated that healthcare reform is a complex issue, however many people have not had a chance to express their concerns and their perspective. He said they have also recognized that the repercussions of not having good healthcare are quite dire and important. He stated that all providers are affected by healthcare reform and they have invited them to participate in the committee's dialogue.

Dr. Hezekiah Brown stated that he keeps hearing that the American people do not want healthcare reform, but he does not believe it. He said those who have insurance don't want it, but 50 million people in the United States, 1.8 million in North Carolina, and 25,000 in the Albemarle Area do not have health coverage. He read a resolution on healthcare reform and asked that the Board join with them in adopting the resolution. Vice-Chairman Griffin advised that this will be considered at the next meeting.

6. PRESENTATION BY MARK FINLAYSON ON HIGHWAY 17 ASSOCIATION:

Vice-Chairman Griffin called on Mr. Mark Finlayson with the Highway 17 Association. Mr. Finlayson presented the goals and progress report for the first quarter and provided a status report on projects within the U.S. 17 Corridor that are underway now in various stages. He said there are five projects underway at the current time. Mr. Finlayson noted that there are 300 miles of U.S. 17 throughout the State of North Carolina and 50 of those miles are two-lane roads. He said the goal is to see a fully controlled access expressway from border to border northeast to southeast. He stated that he would like to thank Pasquotank County for its support and he requested that Pasquotank County designate a County Commissioner or county staff to serve on their board and participate in their deliberations.

7. PUBLIC HEARING ON SUBDIVISION VARIANCE REQUEST SV 10-02 BY JOHN T. SPENCE:

Vice-Chairman declared the meeting to be a public hearing on Subdivision Variance Request SV 10-02 by John T. Spence, 1670 Morgans Corner Road. Mr. Spence and Planning Director Shelley Cox were sworn in by the Clerk to the Board to testify in this matter. Ms. Cox explained that Mr. Spence is requesting to create a family subdivision lot that does not have a minimum of 25 feet of state road frontage as required by the Pasquotank County Subdivision Ordinance. She presented a map of the property and explained that it is currently used for agricultural purposes. The petitioner has requested to create a 1.25 acre lot approximately 900 feet off of Brothers Lane. Ms. Cox said the property is zoned A-1 Agricultural and contains approximately 106 acres. The property does not have any road frontage at all along Brothers Lane or Mill Pond Road and the proposed lot will have no state road frontage. Access is proposed to be provided via an easement to Brothers Lane. Ms. Cox advised that all adjoining property owners have been notified of the variance request, an advertisement has been placed in the newspaper, and a sign has been posted on the site. She stated that a survey of the property has not yet been submitted and will be done if the variance request is approved. The family subdivision request would also be submitted if the variance is approved. Ms. Cox stated that the Planning Board considered this request at its meeting last week and voted 4-0 to recommend approval.

Vice-Chairman Griffin asked if anyone would care to address the Board regarding the subdivision variance request. At the absence of comments, the public hearing was closed.

After questions and discussion regarding access, the Board discussed the four findings and responded as follows;

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of his land. *This is obviously a situation which creates a problem with the intended use. The map shows that there are special conditions with that property.*
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner. *The land owners have indicated they want to use this property for a family subdivision and it has been the intent of the Board to allow family subdivisions where possible. It seems that the variance is necessary for them to have that type of enjoyment.*
- c) That the circumstances giving rise to the need for the variance are peculiar to the parcel and not generally characteristic of other parcels in the jurisdiction of this Ordinance. *There is no road access to this large tract therefore the variance would be required.*
- d) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated. *In looking at the map, it appears that no one will be too bothered by this house being where Mr. Spence wants to put it. No argument can be made that public health, safety or welfare will be negatively impacted.*

Motion was made by Matt Wood, seconded by Cecil Perry to approve Subdivision Variance 10-02 as presented.

Discussion followed and Vice-Chairman Griffin asked if the easement Mr. Spence will use is a recorded easement. Mr. Spence replied that the easement is recorded. Ms. Cox said this will be verified once the family subdivision application is submitted. Commissioner Perry asked if the road is paved. Mr. Spence said the road is not paved, but provides sufficient access for emergency vehicles. Vice-Chairman Griffin said he feels for any future family subdivision lots

along this road it would be wise to make sure that the right of way is preserved to the standard provided in the subdivision regulations.

The motion to approve the variance as presented carried unanimously.

8. PUBLIC HEARING ON SUBDIVISION VARIANCE SV 10-03:

Vice-Chairman Griffin declared the meeting to be a public hearing on Subdivision Variance SV 10-03 by Albert L. Luton, 1843 Nixonton Road. The Clerk to the Board swore in Mr. Luton and Planning Director Shelley Cox to testify in this matter. Ms. Cox summarized the request and explained that the applicant is requesting to create four family subdivision lots that do not have a minimum of 25 feet of state road frontage as required by the Pasquotank County Subdivision Ordinance and has submitted an application for a subdivision variance. She explained that Mr. Luton owns this property with his brother Gary Luton as heir property from their parents. She noted that under the exempt provisions of state statutes they can divide the property as an heir division and they would not have to have family subdivision approval in order to split it among the heirs. Ms. Cox stated that the property is located off of Nixonton Road and is zoned A-1 Agricultural. It contains approximately 8.56 acres and has no road frontage along Nixonton Road. Mr. Luton proposes to provide access to the parcels he wants to create via two easements that run on either side of the property to Nixonton Road. The proposed lots will be approximately 1.5 acres to 4 acres in size. The variance would allow for the creation of the four lots to be considered buildable under Pasquotank County's regulations. Ms. Cox stated that all adjacent property owners have been notified, a sign has been posted on the site, and a legal ad has been placed in the newspaper as required by state statutes. She said tonight's request is not for the family subdivision and is just for the variance to create four lots without any road frontage. She noted that if the Board chooses to approve the variance, the applicants will have to get approval from Environmental Health showing that all of the lots can support a septic system. She said there are some concerns about the fourth lot and whether it can support a septic system with the existing pond on the site. She advised that the Planning Board reviewed this request at their meeting last week and recommended approval of the variance.

Vice-Chairman Griffin asked if there were any comments regarding the Subdivision Variance SV 10-03. There being no comments, the public hearing was closed.

After brief discussion and questions the Board made the following findings:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of his land. *This land does not have road access therefore the variance is required in order to have a family subdivision.*
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner. *The variance is necessary for the owners to have enjoyment of their property by developing a family subdivision.*
- c) That the circumstances giving rise to the need for the variance are peculiar to the parcel and not generally characteristic of other parcels in the jurisdiction of this Ordinance. *The lack of road access to the property is a unique characteristic.*
- d) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated. *There are farm buffers on both sides of this property so it does not appear to be affecting neighboring property.*

Motion was made by Matt Wood, seconded by Bill Trueblood to approve Subdivision Variance Request SV 10-03 based on the findings of fact. The motion carried.

9. PUBLIC HEARING ON SUBDIVISION TEXT AMENDMENT STA 10-01 TO IMPROVE MINIMUM STREET DESIGN STANDARDS:

Vice-Chairman Griffin declared the meeting to be a public hearing on Subdivision Text Amendment STA 10-01. Ms. Cox explained that if this is adopted, the street right of way width required for new subdivisions would be increased to 50 feet; the minimum pavement width would be 20 feet; subdivision streets would be engineered based on the existing soil conditions at the site and based on traffic counts; and all street improvements must be made at the time of final

plat approval, except for asphalt paving (with submission of improvements bond). Ms. Cox stated that another requirement of this text amendment is upon submittal of the final plat application, an onsite meeting would be held with the developer, county staff, and the county engineer to walk the site to insure that all improvements have been installed correctly and comply with all state permits. She said the amendment also requires that a digital copy of the plan be submitted with the final plat.

Commissioner Trueblood noted that if previous boards 20 years ago had been foresighted enough to implement regulations requiring that subdivision streets be engineered based on existing soil conditions and traffic counts, there would be fewer problems today with existing subdivision streets.

Ms. Cox stated that the Planning Board reviewed this proposal at their meeting last week and voted to recommend approval.

Vice-Chairman Griffin asked if there were any comments regarding Subdivision Text Amendment STA 10-01. At the absence of comments, the public hearing was closed.

Motion was made by Matt Wood, seconded by Bill Trueblood to approve Subdivision Text Amendment STA 10-01 as presented. The motion carried and the following text amendment was adopted.

SUBDIVISION TEXT AMENDMENT

STA 10-01

Proposed amendments to improve minimum street design standards by increasing minimum right-of-way width, increasing minimum pavement width, and requiring sub-base soil testing for use in determining minimum pavement design.

ARTICLE IV MINIMUM DESIGN STANDARDS

The following shall be considered the minimum requirements for all new subdivisions.

1. Streets

Proposed subdivisions shall be designed and developed in such a way that all lots shall have direct vehicular access to a new interior street. The street layout shall conform to the arrangement, width and location indicated on any official plans or maps for Pasquotank County. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets. All streets must be dedicated to public use free and clear of any liens, easements exclusive of utilities, deeds of trust, or any other encumbrance.

- A. The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of principal streets in the surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.
- B. Construction plans for the proposed street system shall be prepared by a registered engineer or registered surveyor with materials and construction to be in accordance with standards specified by the Division of Highways, North Carolina Department of Transportation in the most current edition of their manual entitled Subdivision Roads: Minimum Construction Standards.

2. Minimum Street Right-of-Way Width

~~Minimum street right of way width shall be as shown in the adopted thoroughfare plan or as required by the Department of Transportation of Highway Standards.~~

Street right-of-way width shall be a minimum of 50 feet. If the adopted thoroughfare plan or the NCDOT Subdivision Roads Minimum Construction Standards mandates a greater width, the right-of-way shall be the greater width.

3. Pavement Width

~~Pavement width shall be constructed as required by the Department of Transportation Division of Highways Standards.~~

Pavement width shall be a minimum of 20 feet. If the NCDOT Subdivision Roads Minimum Construction Standards requires a greater width, the pavement width shall be the greater width.

4. Pavement Design

Soil testing by a certified geotechnical engineer shall be performed for all streets to determine the soil classification and structural strength of the subgrade. The developer's engineer shall provide a pavement design based upon the soil type and strength. California Bearing Ration (CBR) tests shall be performed on the subgrade material. At least two tests shall be performed for any development which proposes public roads. CBR tests shall not be spaced more than 500 feet apart as measured along the roadway. Traffic counts shall be in accordance with the Institute of Transportation Engineers "Trip Generation" latest edition. The minimum design count shall be based upon ten trips per day per single family home. Collector streets shall be designed using the sum of the traffic generated by contributing local streets. A minimum of 10% truck traffic for industrial and commercial roads shall be used in traffic counts. The pavement design thickness shall in no case be less than that specified in the NCDOT Subdivision Roads Minimum Construction Standards. The soils reports supporting the pavement design and the pavement design shall be submitted to the County for review and approval. Pavement design methods shall conform to NCDOT criteria.

5. Street Grades

Unless necessitated by exceptional topography and subject to the approval of the Planning Board, the grades shall meet the requirements of the ~~NC Department of Transportation, Division of Highway Standards~~ **NCDOT Subdivision Roads Minimum Construction Standards**.

6. Radii of Curvature

- A. Major Streets 300 feet
- B. Collector Streets 200 feet
- C. Minor Streets 150 feet

7. Tangents

A tangent at least 100 feet long shall be provided between reverse curves on all streets.

8. Intersections

Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.

- A. Street jogs with center lines offset of less than 125 feet shall be avoided.
- B. Intersections with a major street or highway shall be at least 800 feet apart.
- C. Property lines at street intersections shall be rounded with a minimum radius of 20 feet or of a greater radius when required by the Planning Board.

9. Cul-de-sacs

Permanent dead end streets or cul-de-sacs shall be no longer than 600 feet, other than a minor street cul-de-sac as defined in this regulation; and shall be provided at the closed end with a turn-around which meets the requirements of the NCDOT Subdivision Roads Minimum Construction Standards **and the Pasquotank County Fire Marshall**.

10. Street Names and Traffic Signs

Street names for all subdivision plats shall be subject to approval of the Planning Board **and Board of Commissioners**. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected whenever possible.

Stop, Yield, or other traffic signs as would be required by the NCDOT at the intersection of streets within the subdivision shall be required. Any supplemental signs deemed necessary to safety and welfare by the Planning Board and Board of Commissioners shall also be required.

It shall be the responsibility of the developer to pay for the cost of purchasing and installing street name and traffic signs at the intersection of streets within his development. County Personnel shall be responsible for purchasing and installing the signs at each intersection upon the payment of a fee per sign by the developer. The fee per sign shall be established by the Pasquotank County Board of Commissioners and may be changed as necessary. The fee for street name and traffic signs shall be paid by the developer to the Planning Department at final plat submittal.

11. Access Roads

Where a tract of land to be subdivided adjoins a federal or state highway, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. If reverse frontage is required, then the subdivider shall be required to provide ten foot (10') easement parallel and adjacent to the right-of-way of the highway. Such easement shall be restricted to the planting of trees or shrubs for screening purposes and shall be in addition to all other easements required by this ordinance.

**ARTICLE III
PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION
PLATS**

Proposed amendment to require developer to meet with county staff and county engineer at the time of final plat submittal.

Section 306 Final Plat Review

Prior to submittal of the final plat for review by the County Board of Commissioners the developer shall have completed the installation of all improvements in accordance with the approved preliminary plat. The only exception will be asphalt street paving provided the developer submits an improvement guarantee in accordance with Section 306.5 Improvement Guarantees.

Upon completion of the installation or an arrangement for the improvements shown on the approved preliminary plat for the whole or in a portion of the subdivision that is acceptable to the Planning Board and County Commissioners, the applicant shall submit a final plat 21 days prior to the regular meeting of the Board of Commissioners showing the areas covered by such improvements. **At the same time the final plat is submitted the developer shall schedule a meeting at the subdivision site with the Subdivision Administrator and the County Engineer to inspect the project for conformance with the approved preliminary plan. Should the developer opt to provide an Improvement Guarantee rather than install asphalt street paving at final plat submittal, he shall have installed and graded the base materials to provide for positive drainage in accordance with the pavement cross section detail. Roadway shoulders and ditches, lot line swales, outfall ditches, etc. shall be graded and grass shall be established in accordance with the approved preliminary plat. Grass shall be mowed so that the Subdivision Administrator and County Engineer can verify construction conforms to the approved preliminary plan.**

A final plat for the first phase of the subdivision shall be submitted not more than 24 months after the date on which the preliminary plat was approved; otherwise preliminary approval shall be null and void, unless a written extension of this limit is granted by the County Board of Commissioners on or before the 24th month anniversary of the preliminary plat approval. Subsequent phases shall be submitted not more than 24 months after the date of the final plat approval for the prior phase of development; otherwise preliminary approval shall be null and void, unless a written extension of the limit is granted by the County Board of Commissioners on or before the 24th month anniversary of the previous final plat approval.

**ARTICLE III
PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION
PLATS**

Proposed amendment for sketch, preliminary and final plat submittals requiring digital plan files for presentation at Planning Board and Board of Commissioner review.

Section 304.1 Sketch Design Plan Requirements

j) Number of Copies and Graphics Media

Twenty (20) copies shall be submitted to the Subdivision Administrator. In addition, one reduced copy ~~shall be submitted~~ which is 8 ½" x 11" in size **and one plan digital file shall be submitted.** No specific graphics media must be employed.

Section 305 Preliminary Plat Review

The subdivider shall submit twenty (20) copies of the preliminary plat and supplementary material to the Subdivision Administrator at least twenty-one (21) days prior to the regularly scheduled Technical Review Committee meeting at which said plat is to be considered. The subdivider shall also include with the submittal one (1) reduced copy of the subdivision plat which is 8 ½" x 11" in size. **In addition to the hard copies the subdivider shall submit one digital plan file for review by the Planning Board and the Board of Commissioners.** Upon submission of the preliminary plat for processing by the Subdivision Administrator, the subdivider shall pay a processing fee to Pasquotank County in accordance with an approved Subdivision Fee Schedule adopted by the Pasquotank County Board of Commissioners. The preliminary plat shall be submitted not more than 24 months after the date on which the sketch plan was approved, otherwise the sketch plan approval shall be null and void.

Section 306 Final Plat Review

1) The subdivider shall submit four (4) copies of the final plat and ten (10) reduced copies of the subdivision plat which are 8 ½" x 11" in size **and one plan digital file.**

10. PUBLIC HEARING ON SUBDIVISION TEXT AMENDMENT STA 10-02 TO REQUIRE A MINIMUM NUMBER OF LOTS WHEN SUBDIVISIONS ARE DEVELOPED IN PHASES:

Vice-Chairman Griffin declared the meeting to be a public hearing on Subdivision Text Amendment STA 10-02 to require a minimum number of lots when subdivisions are developed in phases. Ms. Cox explained that this is a staff generated text amendment which would limit the number of phases within subdivisions. Any subdivision that consists of more than ten lots may be phased and if it is under ten lots it will have to be developed all at once. If the subdivision is greater than ten lots, each phase must consist of at least ten lots or must be at least 25% of the total number of lots proposed. In addition, the developer would have to submit a phasing plan at preliminary plat to show exactly how the subdivision will be developed so the county and state can insure that each phase can stand on its own in regards to drainage improvements, water and

road improvements. Ms. Cox said the Planning Board reviewed this proposal at last week's meeting and recommended approval.

Motion was made by Matt Wood, seconded by Bill Trueblood to accept Subdivision Text Amendment STA 10-02 as presented. The motion carried and the following text amendment was approved.

Subdivision Text Amendment
STA 10-02

*This is a staff generated subdivision text amendment.
The purpose of this amendment is to require a minimum number
of lots when subdivisions are developed in phases.*

Article IV
Minimum Design Standards

21. Subdivision Phasing

Subdivisions that contain more than ten lots may be divided into phases provided that the following criteria are met:

1. Each phase shall contain a minimum of 10 lots or at least 25% of the total number of lots proposed within a development; and
2. A phasing plan showing the phases of development must be approved as part of the Preliminary Plat; and
3. Road construction, water supply, stormwater management, erosion and sedimentation control, and other required improvements in each phase and previously approved phases shall be sufficient to serve or handle all of the development within that phase.

11. PUBLIC HEARING ON SUBDIVISION TEXT AMENDMENT STA 10-03 TO REQUIRE A PER LOT RECREATION FEE BE PAID FOR EACH LOT DEVELOPED WITHIN A NEW SUBDIVISION:

Vice-Chairman Griffin declared the meeting to be a public hearing on Subdivision Text Amendment STA 10-03. Ms. Cox explained that staff had been directed to research recreational fees and how other counties and municipalities within this part of the state handle recreation and payment of fees and STA 10-03 is based on that research. She said the proposed fees would apply to all residential subdivisions or developments, except family subdivisions. The fees would be based on a per lot basis or per residential unit basis and would be paid at the final plat stage. The proposed fee at this time is \$500 per lot. Ms. Cox added that General Statutes state that subdivision recreation fees have to be used to acquire recreational land or areas to serve the development within the immediate area of the subdivision. She noted that there are some limitations on how the funds can be spent.

Commissioner Trueblood stated that the intent of this requirement at the time the Board discussed it at the retreat was for the funds to go in the countywide recreational plan for additional recreation facilities for all. Commissioner Wood said he does not think this limits use of the funds exclusively for a particular area.

Ms. Cox stated that the Planning Board recommended denial of this text amendment due to concerns with recreational fees paid for one development being used 20 years later to develop a recreation area to serve that development.

Commissioner Wood said at the rate of \$500 per subdivision lot the use of funds to acquire land would have to be done over a long period of time. He added that he would like to think that future boards would have a pot of money they could use should they have an opportunity to get access to land for recreational use.

Commissioner Dixon stated that when this was first proposed, he was in favor of it, however now there are probably 2,000 vacant lots in the county at the current time on which the county would have already collected a \$500 fee. He said he has an issue with the \$500 per lot being paid at final plat rather than when the lot is sold.

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

Motion was made by Matt Wood, seconded by Cecil Perry to accept the following Subdivision Text Amendment STA 10-03 as presented by the Planning Department. The motion carried by a five to one margin with Commissioner Jeff voting against the motion.

**Subdivision Text Amendment
STA 10-03**

The purpose of this amendment is to require a per lot recreation fee be paid for each lot developed within a new subdivision.

Article III
PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 306.8 Recreation Fees

- 1) All residential subdivisions and developments, except Family Subdivisions, shall provide funds to the County whereby the County may acquire public recreation and park land or areas to serve the development or subdivision.
- 2) The amount of such fee shall be the product of the total number of dwelling units and/or building lots located in the development or subdivision multiplied by the recreation fee as established by the Pasquotank County Board of Commissioners.
- 3) The fee must be paid prior to approval of a final plat for the subdivision, provided that payments may be phased in accordance with the approved phasing of the subdivision.

~~Section 306.8~~

Section 306.9 Approval of Amended Subdivision Map

- 1) Minor changes to a subdivision map which has received plat approval by the Board of Commissioners are permissible and the Subdivision Administrator may authorize such minor changes. A change is minor if it has no discernible impact on neighboring properties or the general public. Examples of minor changes are reduction in minimum building setbacks which meet or exceed the minimum requirements in this ordinance, slight lot line realignments, and the combination of previously approved lots. This is not intended to be an all-inclusive list.
- 2) Major changes to a subdivision map which has received final plat approval by the Board of Commissioners must be resubmitted to the Board of Commissioners. The Board of Commissioners shall approve or disapprove the amended map. Examples of major changes are an increase in the number of lots, major shifting of lot lines, and major shifting of streets. This is not intended to be an all-inclusive list.

~~Section 306.9~~

Section 306.10 PLAT REQUIREMENT CHECKLISTS

INFORMATION REQUIRED	Sketch Plat	Preliminary Plat	Final Plat
- Payment for water laterals and meters within Pasquotank County Water System service area.			X
- Payment of recreation fees			X

12. AMENDMENTS TO THE AGENDA:

Chairman Stevenson asked if there were any amendments to the agenda. Commissioner Matt Wood requested that the agenda be amended to add the following items; 1) Add a closed session to discuss the acquisition of property; 2) Add to new business a recommendation from Finance Committee to approve a listing agreement proposal for property in Dare County; 3) Add to new business a recommendation from the Finance Committee regarding administration of the Child Support Enforcement Program; 4) Add to consent agenda a recommendation from the Finance Committee to approve the hiring of seasonal employees for the Parks & Recreation Department; and to approve the filling of a vacant Maintenance Department position.

Motion was made by Matt Wood, seconded by Jeff Dixon to approve the amendments to the agenda as recommended above. The motion carried.

13. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of February 15, 2010 Commissioner Meetings

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

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

Releases:

		County	City
1.	Richard Thomas Forbes	110.99	95.81
2.	Robert Wade Cline	111.62	
3.	Gateway Bank & Trust	101.20	82.80
4.	Paul Mathew Denton	101.31	
5.	Mary Foskey	120.00	
6.	Glenn Scott Sapp	110.68	
7.	Jeffery Carl Lovett	129.29	
8.	Neil A. Garrand	101.67	83.21
9.	Mathew Angelo Schibler	152.69	
10.	Charles Earl Overton	690.96	

Refunds:

1.	Billie James Sherwin	173.75	133.65
2.	Jo Ann Jezard Trustee	326.70	
3.	Jo Ann Jezard Trustee	347.49	
4.	Lewis F. & Sheri M. Norwood	145.94	
5.	Lewis F. & Sheri M. Norwood	155.21	
6.	Three P's of EC LLC	120.00	
7.	Patrick E. & Amie P. Wallace	149.42	

Solid Waste Fees:

	Owner's Name	Parcel ID Number	Reason for Release
1.	Ayesha S. Cowell	30-A-21	House not livable
2.	Mary Foskey	29-C-17	House vacant for 5 years
3.	Samuel T. Williams Heirs	P77-3	House uninhabitable

c. Purchase of Equipment for 911 and Fire Departments

The Finance Committee has recommended approval of the purchase of equipment for the 911 Center that will enable them to monitor the Pasquotank County fire channels. The total cost of the equipment will be \$47,050. Included in the recommendation was that the source of funds to pay for the equipment would be the capital reserve funds. In addition, the sales proceeds from the recently surplused Weeksville equipment truck will also be credited towards the cost of the equipment.

d. Approval to Hire Seasonal Employees for Parks & Recreation Department and to Fill Vacant Maintenance Department Position

The Finance Committee has recommended approval of a request from the Parks & Recreation Department to hire two seasonal employees for grounds maintenance for the county parks and two seasonal employees to operate the driving range and batting cages at South Park. The Finance Committee has also recommended the filling of a vacant Maintenance Technician position in the Maintenance Department.

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

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

Releases:

		County	City
1.	Mark Charles Barfuss	11.72	
2.	Charmaine Lavon Melson	14.22	10.94
3.	Charmaine Lavon Melson	55.17	46.37
4.	Thomas Lloyd Ferguson	82.65	
5.	Joseph Ray Hyder, Jr.	1.60	1.31
6.	Joseph Ray Hyder, Jr.	6.44	4.95

7.	Raymond Tilden Rollman, Jr.	51.78	39.83
8.	Steven Michael Gifford	13.20	15.80
9.	John Van Dickens III	81.44	72.65
10.	Ivan Guy Armstrong	68.62	
11.	Clifford Eugene Shaw	16.03	12.33
12.	Todd Orlando Bartlett	24.87	19.13
13.	John Fredrick Finner II	11.33	8.71
14.	Ronald Wayne Hopkins, Jr.	20.01	
15.	Roger Neil Myers	6.84	
16.	James Howard Owens	18.72	14.40
17.	Tiffany Renee Hopson	12.27	10.04
18.	Birds & Bunnies, Inc.		23.50
19.	Melody Annette Elliott	17.41	13.39
20.	Mia Shantae Riddick	13.69	10.53
21.	John Anthony Sikorra	16.67	
22.	Janet Lamb Hoggard	5.50	4.50
23.	Ryan Joshua Downey	78.92	
24.	Ryan Joshua Downey	89.43	
25.	Ryan Joshua Downey	97.52	
26.	Robert Pizano, Jr.	73.98	
27.	Cory Monroe Garrison	72.60	64.53
28.	Brendan M. Hermesch	76.84	67.87
29.	Jimmy Dee Barr	20.24	20.57
30.	Brian Justan Taylor	4.29	3.51
31.	Kendell Ray Mullen	11.73	9.03
32.	David Michael Rivette	77.81	
33.	Leah Beth Roberts	64.17	
34.	Clarence Ray Bundy, Sr.	23.78	
35.	Oscar White	66.79	
36.	Oscar White	65.04	

Refunds:

1.	Robert S. Barger		38.46
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14. APPROVAL OF LISTING AGREEMENT PROPOSAL FOR PROPERTY IN DARE COUNTY:

The Board discussed a recommendation from the Finance Committee to approve a listing agreement proposal from Ed Brooks for property in Dare County that is owned by the county and leased to the Hospital Authority.

Motion was made by Matt Wood, seconded by Jeff Dixon to accept the proposal submitted by Ed Brooks to list the property in Dare County as presented at the Finance Committee meeting, subject to the two deletions that the Finance Committee made which include that no option is available and no earnest money will be required.

Discussion followed and the County Attorney advised that if Mr. Brooks brings a potential buyer for the property, it would still have to go through the upset bid process. It was noted that portions of the proposed agreement are not legible since it is a fax copy. Commissioner Trueblood suggested that action be delayed until the March 15 meeting until a legible copy of the proposal is received.

The motion failed by a two to four margin with Commissioners Dixon and Wood voting in favor and Commissioners Griffin, Trueblood, Perry, and Jordan voting against the motion.

Motion was made by Bill Trueblood, seconded by Cecil Perry for the County Attorney to present a clean copy of the proposal to list the Dare County property so each member of the Board will be able to review it. The motion carried.

15. APPROVAL OF PROPOSAL FROM YOUNG WILLIAMS TO ADMINISTER CHILD SUPPORT ENFORCEMENT PROGRAM:

The Board considered a recommendation from the Finance Committee to accept the proposal from Young Williams to administer the Child Support Enforcement program for Pasquotank County.

Motion was made by Matt Wood, seconded by Jeff Dixon to accept a proposal from Young Williams as contract provider for the Child Support Enforcement Program for Pasquotank County. The motion carried.

16. REPORT FROM COUNTY MANAGER:

County Manager Randy Keaton stated that he has provided information to the Board about a reception that will be held Wednesday evening at Arts of the Albemarle by the Board of Directors of Leadership North Carolina. He said there is an all day session and a reception in the evening. He stated that local leaders and officials are invited and he asked that those who would like to attend let him know so he can register them.

17. REPORT FROM CLERK:

The Clerk to the Board passed out a draft attendance policy for members of boards and committees appointed by the Board of Commissioners. She asked that the Board review the policy and provide her with any recommendations before the next meeting so that it might be included on the agenda for consideration.

18. APPOINTMENTS TO BOARDS AND COMMITTEES:

Commissioner Trueblood presented the following recommendations from the Appointments Committee:

Planning Board – Recommend the appointments of William J. Kruse and Dr. Hezekiah Brown to replace Dr. Hermon Brown and Commissioner Charles Jordan.

Central Communications Advisory Board – Appoint Commissioner Charles Jordan to replace the late Jimmie Harris.

Public Safety Committee – Appoint Commissioner Charles Jordan to replace the late Jimmie Harris.

Newland Water Management & Watershed Improvement Advisory Board – Appoint Commissioner Charles Jordan to replace the late Jimmie Harris.

SPCA Advisory Committee – Appointment Commissioner Charles Jordan to replace the late Jimmie Harris.

Economic Improvement Council – Reappoint Lenora Spence to an additional term.

Tourism Development Authority – Reappoint Maureen Donnelly, Gwen Sanders, Tom Spagnol, Bobby Vaughan, and Andy Montero.

Commissioner Trueblood noted that appointments to the City Recreation Advisory Committee were to be made during the month of March, however the Appointments Committee felt these should be delayed until after the pending merger of the city and county recreation departments.

Motion was made by Matt Wood, seconded by Bill Trueblood to accept the recommendations from the Appointments Committee to make the appointments and reappointments as listed above with the exception of the Planning Board appointments which will be on the next agenda for final approval. The motion carried.

Commissioner Dixon stated that Mr. Finlayson has tonight requested that a County Commissioner be appointed to the Highway 17 Committee. This appointment will be included on the Appointments Committee list for the next meeting.

19. REPORTS FROM COMMISSIONERS:

Commissioner Charles Jordan thanked everyone who came this evening to see him take the oath of office. He said he is looking forward to working with the Board and will do the very best that he can as a Commissioner.

Commissioner Jeff Dixon reported that Elizabeth City has been selected for the National Shriners Convention which will be held in November 2011. He said that between 1,200 and

3,500 people will be in the community and the Tourism Development Authority is looking for over 800 hotel rooms. He added that this will be a big event.

Commissioner Dixon stated that there has been an underlying issue with Occupancy Tax and many of the internet services such as Expedia, Travelocity and Priceline feel that they do not have to pay Occupancy Tax. He said they have fought and lost and now have formed an attack with their lobbyists to not pay any Occupancy Tax on anything that is booked on the internet by comparing it with Sales Tax. There is currently a Travel Act of 2010 before Congress and these groups are trying to attach a provision to not require the payment of Occupancy Tax for anything that is booked on the internet. He added that 30% to 50% of hotel rooms are now booked by these companies and it could drastically impact Occupancy Tax collections if they do not have to pay Occupancy Tax.

Commissioner Dixon reported that in response to the county's new hiring policy, the Social Services Board adopted a policy to add a board member to the committee that oversees the hiring of personnel.

Commissioner Wood stated that the COA Board of Trustees has appointed a new President who will be coming in on April 19. He said he is excited about her appointment and everyone is looking forward to her dynamic new leadership.

20. CLOSED SESSION TO DISCUSS THE ACQUISITION OF PROPERTY:

Vice Chairman Griffin asked if there was any further business to come before the Board in Regular Session. There being no further business, he asked for a motion that the Board enter Closed Session to discuss the acquisition of property.

Motion was made by Bill Trueblood, seconded by Jeff Dixon that the Board enter Closed Session to discuss a property acquisition matter. The motion carried.

Upon the end of Closed Session;

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

Motion was made by Matt Wood, seconded by Jeff Dixon to adjourn the meeting. The motion carried and the meeting was adjourned at 9:05 PM.

CHAIRMAN

CLERK