

PASQUOTANK COUNTY, NORTH CAROLINA
APRIL 2, 2007

The Pasquotank County Board of Commissioners met today in a special work session on Monday, April 2, 2007 in the Commissioners Board Room in the Pasquotank County Courthouse.

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

MEMBERS ABSENT: Jeff Dixon
Jimmie Harris

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
Shelley Cox, Planning Director

The meeting was called to order at 12:45 PM following a field trip to several areas of the county. The Board discussed the division of land that is not subject to subdivision and zoning regulations, including gift lots to children and the subdivision of land greater than ten acres.

Planning Director Shelley Cox outlined the current process of allowing gift lots to children. She provided examples of how this process has been abused and also provided draft language that could be included in the subdivision regulations to provide a procedure for family subdivisions.

The Board also discussed the division of land into lots greater than ten acres that are not subject to any county regulations. During the field trip this morning, Board Members had seen examples of how developers had created 10-acre lot subdivisions, some with only field paths as access, as a way to circumvent the subdivision and zoning regulations. At the last meeting the Board held a public hearing on a zoning text amendment which would require that developable lots contain 50 feet of road frontage and centralized public water, however action was delayed for 60 days.

Following discussion, the Board agreed to hold another work session on these issues when all members of the Board will be able to attend.

The meeting was adjourned at 3:00 PM.

CHAIRMAN

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA
APRIL 2, 2007**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, April 2, 2007 in Courtroom C in the Pasquotank County Courthouse.

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

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 Cecil Perry. The Rev. Glenn Greenway gave the invocation and Vice-Chairman Lloyd Griffin led in the Pledge of Allegiance to the American Flag. Chairman Perry welcomed everyone present.

1. COMMENTS FROM MR. CARL ESTUS:

Chairman Perry recognized Mr. Carl Estus who asked to address the Board regarding drainage. Mr. Estus stated that he knows the county is trying to address drainage problems and he has noticed in driving around the county that when farmers break ground to plant crops in their fields, they are running the discs out over the ditch. This leaves no buffers and when it rains, the soil washes off into the ditches causing the ditches to silt in. Mr. Estus said he believes this type of situation is contributing to the drainage problems throughout the county. He stated that the farmers should be required to leave some kind of a buffer at the ends of the rows to prevent soil from washing into the ditches.

Commissioner Marshall Stevenson suggested that the Board send a resolution to the Soil Conservation Service asking them to encourage the farmers to do something about this type of situation. He said he has witnessed a creek that has silted in totally over the course of more than 50 years as a result of farming. He said if the farmers were to be encouraged to create filtration strips, there are various government programs that will compensate them. County Manager Randy Keaton agreed to contact RC&D Coordinator Mark Powell and Extension Director Travis Burke to obtain information for the next meeting.

2. COMMENTS FROM MR. ALLEN TAYLOR:

Chairman Perry recognized Mr. Allen Taylor of Trinkaloe Road who said he has had a drainage problem for over twenty years. He stated that the ditch that runs through Trinkaloe from Oak Stump Road to U.S. 17 has almost filled in. He said every time it rains, his yard fills with water, and when it rains hard, he can take a boat down Trinkaloe Road. He said after the last big rain, it was some time before vehicles could travel the road. Mr. Taylor stated that cleaning the ditch from Oak Stump Road to U.S. 17 will correct some of the problems.

Chairman Perry explained that the county is in the process of conducting a drainage study to determine what needs to be done to alleviate the drainage problems in the county.

**3. PRESENTATION OF PROCLAMATION FOR NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS WEEK:**

Chairman Perry called on Ms. Crystal Owen with the Central Communications Department to receive a proclamation declaring the week of April 8-14, 2007 as National Public Safety Telecommunications Week. He read and then presented to Ms. Owen the following proclamation:

**PROCLAMATION
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK**

WHEREAS, Thousands of dedicated public safety telecommunications personnel daily serve the citizens of the United States by answering millions of telephone calls for police, sheriff, fire and emergency medical services and dispatching the appropriate assistance as quickly as possible; and

WHEREAS, The critical functions performed by professional public safety telecommunications personnel also include those related to other governmental divisions providing public safety telecommunications services; and

WHEREAS, Professional public safety telecommunications personnel work to improve the emergency response capabilities of these communication systems through their leadership and participation in training programs and other activities provided by the Association of Public Safety Communications Officials International (APCO) and National Emergency Number Association (NENA); and

WHEREAS, APCO and NENA are organizations of nearly 25,000 persons engaged in the design, installation and operation of emergency response telecommunications systems, has set aside the second week of April to recognize public safety telecommunications personnel and their crucial role in protecting life and property.

THEREFORE, Pasquotank County does hereby proclaim the week of April 8-14, 2007 as “National Public Safety Telecommunications Week” in Pasquotank County to recognize and honor our public safety telecommunications personnel and the vital contributions they make to the safety and well-being of our citizens.

THIS the 2nd day of April, 2007.

Ms. Owen thanked the Board for proclaiming National Public Safety Telecommunications Week. She said it is an honor to accept the proclamation on behalf of the Central Communications Department. She stated that she loves her job and it gives her no greater pleasure than to know that it’s because of her and the people she works with that they can make the area a safer place by doing what they do. She added that it is not very often the people behind the scenes get recognized.

4. APPROVAL OF AMENDMENTS TO THE AGENDA:

Chairman Perry asked if there were any amendments to the agenda. It was requested that the following items be added to the agenda: 1) Approval of replacement for section of Edgewood Center roof; 2) Approval of interlocal agreement with DOT for future maintenance costs of Halstead Boulevard landscape project; and 3) Award of contract to Whitehurst Sand Company for Commerce Park drainage improvements.

Motion was made by Bill Trueblood, seconded by Matt Wood to include the three additional items listed above on the consent agenda. The motion carried unanimously.

5. APPROVAL OF CONSENT AGENDA:

The Board considered the consent agenda. Commissioner Stevenson stated that the consent agenda includes an item entitled *Approval of Contract for Knobbs Creek Basin Drainage Study* which was approved at the last meeting. He requested that this item be removed from the agenda and the Board concurred. The Board then considered the following consent agenda:

a. *Approval of Minutes of March 19 and March 26, 2007 Commissioner Meetings*

b. *Approval of Tax Releases and Refunds*

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

Releases:

		County	City
1.	Darin Dail Hooser	101.14	
2.	Marcos Antonio Colon	104.88	
3.	Alexander T. Moraitis	125.23	
4.	Julian Maxwell	190.22	
5.	Christopher J. & Rhonda Pittarelli	377.24	261.20

Refunds:

1.	Harvest Pointe Homeowners Association, Inc.	830.77	
2.	Karen J. Hoffman	154.56	

c. Approval of Budget Amendments

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

Animal Control

Decrease	010.6900.5991.00	Contingency	15,000.00
Increase	010.4380.5351.00	Maintenance-Building-SPCA	15,000.00

School Construction

Decrease	040.8915.5194.00	Engineering (Middle School)	94,300.00
Decrease	040.0500.4831.00	Interest Earned	92,800.00
Increase	040.8900.5580.13	NHS (Tennis Courts)	1,500.00

Newland Drainage District

Increase	027.0991.4991.00	Fund Balance Appropriated	14,000.00
Increase	027.4731.5350.00	Maintenance	14,000.00

School Resource

Increase	010.0600.4833.01	Donations-DARE	500.00
Increase	010.4315.5231.00	Promo-Educational Supplies	500.00

Friends of the Library

Increase	024.0991.4991.00	Fund Balance Appropriated	4,500.00
Increase	024.6110.5500.00	Capital Outlay	4,500.00

Inspections

Decrease	010.6900.5991.00	Contingency	13,000.00
Increase	010.0550.4831.00	Interest Earned	5,000.00
Increase	010.4350.5500.00	Capital Outlay	18,000.00

d. Approval of Price Range for RO Water Sales

The Finance Committee has recommended the establishment of a price range of \$3.50 to \$4.00 per 1,000 gallons for the cost of water from the RO plant. This price range will be used to propose a contract to the City of Elizabeth City and Perquimans County for the purchase of water from the plant. The price range is based on several factors that are subject to change such as the final cost of the plant and interest rates.

e. Approval of Drainage Improvement Financing Plan for Country Village

The Finance Committee has recommended that the Board approve a drainage improvement financing plan for Country Village similar to the plan that was provided to the Crystal Lakes homeowners, which will allow them to finance the cost of the improvements over five years, utilizing monthly, quarterly, or annual payments. The homeowners will also be allowed to prepay the total cost with a 5% discount.

f. Approval of \$2,000 Contribution to Albemarle Coalition to End Homelessness

The Finance Committee has recommended that the Board approve a \$2,000 contribution to the Albemarle Coalition to End Homelessness for supplies and other miscellaneous costs associated with starting the coalition. The funds would come from commissioners miscellaneous.

g. Approval of Recommendation from Solid Waste Commission for Plan for Downtown Compactor Site

The Finance Committee has recommended that the Board approve the cost of a downtown compactor site. The county will charge the city \$350 per month for the equipment based on purchasing the equipment from Baker's at a total cost of \$17,645. The Solid Waste Commission would borrow the funds from the county general fund over sixty months at 5% interest. The county will also charge the city \$125 per haul for the compactors. One half of the hauling fee, plus \$10 per month, will go into a special reserve fund within the landfill fund to pay for future maintenance of the equipment. The tipping fee for the compactor site will be covered by the existing solid waste availability fee that is being paid by the residents and businesses in the downtown area.

h. Approval of Recommendations from Board Appointments Committee

The Appointments Committee has recommended the appointments of David Taylor and Carlton Lamb to the Farmers' Market Advisory Committee.

i. Adoption of Resolution Authorizing Removal of Certain Public Record Books Kept by the Register of Deeds for the Purpose of Repair, Restoration and Rebinding

The Board needs to adopt the following resolution authorizing Brown's River Records Preservation Services to repair, restore, and rebind certain public record books.

RESOLUTION AUTHORIZING
REMOVAL OF CERTAIN PUBLIC RECORD BOOKS
KEPT BY THE REGISTER OF DEEDS FOR
THE PURPOSE OF REPAIR, RESTORATION
AND REBINDING

WHEREAS, N.C. Gen. Stat. §132-7 provides that books of public records should be copied or repaired, renovated or rebound if worn, mutilated, damaged or difficult to read; and

WHEREAS, there is identified certain books of public records maintained by the Register of Deeds in need of repair, restoration and rebinding; and

WHEREAS, Brown's River Records Preservation Services is under contract to provide repair, restoration and rebinding of those certain books of public records.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR PASQUOTANK COUNTY, NORTH CAROLINA, THAT:

Section 1. The Register of Deeds is authorized to remove or cause to be removed to the care and custody of Brown's River Records Preservation Services for repair, restoration and rebinding the following books of public records:

Birth Index Book M-R
Birth Index Book S-Z

Section 2. The books of public records listed in Section 1 of this resolution may remain in the care and custody of Brown's River Records Preservation Services for the length of time required to repair, restore or rebind them.

Section 3. This resolution is effective upon its adoption.

ADOPTED the 2nd day of April, 2007.

j. Approval of Replacement of Section of Roof at Edgewood Center

The Finance Committee has recommended that the Board authorize the replacement of the section of roof at Edgewood Center which is over the Albemarle Mental Health Center. Gordon Sheet Metal has provided a proposal to replace the roof for \$152,032. The Finance Committee also recommended that the roof replacement be funded from the capital reserve fund like the previous section that has just been completed.

k. Approval of Interlocal Agreement for Maintenance of Halstead Boulevard Landscaping

The Finance Committee has recommended approval of an interlocal agreement with the Department of Transportation regarding the future maintenance of the Halstead Boulevard landscape project. The estimated annual cost of the maintenance would be approximately \$7,500 per year and the city has agreed to pay one-half of the cost.

l. Approval of Bid for Commerce Park Drainage Improvements

The Finance Committee has recommended approval of a contract with Whitehurst Sand Company for the construction of drainage improvements in the Commerce Park. Whitehurst Sand Company was the low bidder at a base bid of \$68,112.50. In addition Whitehurst Sand has provided a price of \$4.50 per cubic yard for hauling the excavated material to the newly cleared section of the Fairgrounds area.

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

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

Refunds:

1.	Harvest Pointe Homeowners Association Inc.	70.69
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6. CONSIDERATION OF SUBDIVISION VARIANCE REQUEST SV 07-01 BY GROVER SANDERS, JR.:

The Board considered Subdivision Variance Request SV 07-01 by Mr. Grover Sanders, Jr. to create a gift lot for a child that does not front upon a state-maintained road as required by Article V, Section 6 of the Pasquotank County Subdivision Ordinance. Board members and all individuals requesting to address the variance request were sworn in by the Clerk to the Board.

Mr. Grover Sanders, the applicant, explained that his grandfather deeded this parcel of land to him in 1990. He said this land consists of a 3.6 acre tract 776 feet off of Blount Road and is accessed by a 37 foot right-of-way. He said his intention has always been to have a home on this property and give a portion to his two youngest daughters. He stated that he has a home on the property, but did not immediately deed the additional property to his daughters. He said he planned to deed each of them a $\frac{3}{4}$ acre lot, however when the county changed its regulations to require one acre lot sizes, it took away his ability to give both daughters a lot. He said he is ready to give a 1.5 acre lot to his youngest daughter to build a house and is now in danger of losing that ability because there is not 50 feet of road frontage. Mr. Sanders stated that he does not want to develop a subdivision, he just wants one lot. He said if he is allowed to give this lot to his daughter, it will never be anything more because there is no room for anything else and the property is land-locked. He stated that he has tried for three years to purchase additional right-of-way but has not been able to do so. He said he owns the road and maintains the road and does not expect anyone else to maintain it. He added that the property is served by county water. Mr. Sanders stated that the Planning Board approved his variance request and he asked for the Board's support so he can give this lot to his daughter.

Planning Director Shelley Cox explained that Mr. Sanders' request is for a variance from the 50 foot minimum state-maintained road frontage requirement for exempt lots which is a gift lot to a child. She said the property is zoned A-1 agricultural and a single family residence does exist on the property. The property contains 3.6 acres and has 37.16 feet of road frontage along Blount Road. The variance would allow for a lot that is land-locked. Ms. Cox stated that the Planning Board reviewed this request at its March 22 meeting and voted 4-0 to recommend approval.

She said the Subdivision Ordinance requires the Board of Commissioners to make the following four findings of fact in order to issue a variance from the subdivision regulations:

1. That special conditions or circumstances affecting said property such that the strict application of the provisions of the Pasquotank County Subdivision Ordinance would deprive the applicant of reasonable use of his land.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.
4. 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.

Ms. Cox said it is staff's opinion that Mr. Sanders' variance request does not meet the first three of the four factors. She noted that a similar variance request was made by Mr. Emerson Overman in November, 2002 and his request was denied.

Assistant County Manager Rodney Bunch clarified that the change in lot size requirements did not affect this request, and it was based on road frontage. He said the county's regulations related to gift lots to children have since 1989 required that the lots have road frontage. He further noted that when the balance of Pasquotank County was zoned on February 1, 1999, Mr. Sanders' 3.6 acre lot with only 37.16 feet of road frontage actually became a non-conforming lot at that time, however Mr. Sanders was able to continue using the lot. Once a second lot is created, the non-conformity needs to be corrected, plus the additional lot needs 50 feet of road frontage, therefore a total of 100 feet of road frontage is needed for the two lots according to the county's regulations.

Members of the Board discussed the four findings of fact and asked questions of staff and Mr. Sanders.

Motion was made by Jimmie Harris, seconded by Marshall Stevenson to approve Subdivision Variance Request 07-01 by Grover Sanders, Jr. based on the following findings of fact:

- 1. That there are special conditions or circumstances that would deprive the applicant of reasonable use of his land because he is unable to purchase additional right-of-way to meet the 50 foot requirement of the Subdivision Ordinance and the variance is the only way he will be able to share the property with his daughter.*
- 2. That the variance is necessary for the preservation and enjoyment of a substantial property right because it is obvious that family is very important to Mr. Sanders' peace of mind, and preservation of enjoyment of his property will be enhanced by being able to divide the property for his daughter.*
- 3. 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 county because the parcel is land-locked and the applicant is not able to purchase additional right-of way to meet the 50 foot requirement of the Subdivision Ordinance.*
- 4. That granting the variance will not be detrimental to the public health, safety, and welfare of other property in the district.*

Discussion followed and Commissioner Wood said he would like to note for the record that the Board will be going through this same procedure at other times and he personally feels it is important to put on the record different opinions because all situations that may appear exactly the same may not be exactly the same. He stated that he would like to dispute that finding number 1 has been met because he thinks that not being able to purchase additional right-of-way is not a special circumstance. He said most anyone could say that they cannot purchase the right-of-way. He stated that finding number 2 is ambiguous and he cannot speak to that. He said that he would also dispute finding number 3 because he does not think the situation is peculiar in that it is landlocked because there are thousands of acres in Pasquotank County that are landlocked.

The motion carried by a five to two margin with Commissioners Griffin and Wood voting against approval of the variance.

7. APPROVAL OF EXTENSION OF FEASIBILITY PERIOD FOR 120 DAYS FOR LOTS 2 & 3 IN COMMERCE PARK, SECTION B:

Assistant County Manager Rodney Bunch advised that the Commerce Park Ad Hoc Committee met last week to consider a request from CAO Properties for a 120 day extension of the feasibility period for closing on lots 2 and 3 in Section B of the Pasquotank County Commerce Park. CAO Properties has signed a contract to purchase the lots and is in the process of trying to obtain high density impervious coverage for stormwater reasons from the North Carolina Division of Water Quality. DWQ has informed them that this process will take approximately 90 days. Mr. Bunch said the Ad Hoc Committee has recommended approval of extension of the feasibility period for 120 days provided CAO Properties pays an additional 5% of the purchase price, \$6,600 for that feasibility period. This would apply toward the purchase price if the property closes, and if CAO Properties does not close, they would forfeit the entire deposit.

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to approve a request from CAO Properties for a 120 day extension of the feasibility period to purchase lots 2 and 3 in the Commerce Park, provided CAO Properties pays an additional 5% deposit of \$6,600 for the 120 day period. The motion carried unanimously.

8. BUDGET WORK SESSIONS:

County Manager Randy Keaton passed out to Commissioners copies of the Board of Education's proposed budget. He asked that the Board schedule some budget work sessions to begin work on the 2007-08 budget. The Board agreed to schedule the first work session on April 9 at 5:00 PM. Additional meetings will be scheduled at a later date.

9. REPORTS FROM COUNTY COMMISSIONERS:

Commissioner Wood asked if the Planning Board has toured the problem subdivisions the Board looked at today during the field trip. He said if the Planning Board has not looked at these areas, they need to do so in order to better understand the issues.

Commissioner Trueblood thanked the Board members for the good spirited debate on the issues today. He commended the Commissioners on their ability to listen to everyone's opinion with an open mind.

Vice-Chairman Griffin informed the Board of his upcoming wedding scheduled for Sunday, April 8 in Big Torch Key, Florida.

Chairman Perry encouraged everyone who is available to attend the upcoming NCACC Legislative Day in Raleigh. He also asked that those who plan to attend the NACo Annual Conference in Richmond this summer notify the Clerk so that registrations can be sent in. He reported that County Government Week is scheduled for April 22-28 and he encouraged the Commissioners to let the public know about the activities and responsibilities of County Commissioners and county government.

10. UPCOMING MEETINGS:

Mr. Rodney Bunch reminded the Board that a meeting is scheduled for Tuesday, April 3 at 7:00 PM at the Providence Ruritan Building with the property owners in Country Village Subdivision to discuss proposed drainage improvements within their subdivision and to get their feedback. He said that a meeting will be held on Thursday, April 5 at 7:00 PM at the Soundneck Volunteer Fire Department with the property owners in Riverview Acres about the potential dredging project in their neighborhood.

The Board was also reminded of the NCACC District Meeting scheduled for tomorrow beginning at 10:00 AM in Williamston.

Chairman Perry asked if there was any further business to come before the Board. There being no further business, he asked for a motion to adjourn the meeting.

Motion was made by Lloyd Griffin, seconded by Jimmie Harris to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 8:25 PM.

CHAIRMAN

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA
APRIL 9, 2007**

The Pasquotank County Board of Commissioners met today in a budget work session on Monday, April 9, 2007 in the Commissioners Board Room in the Pasquotank County Courthouse.

MEMBERS PRESENT: Cecil Perry, Chairman
Matt Wood
Bill Trueblood
Jeff Dixon
Jimmie Harris

MEMBERS ABSENT: Lloyd E. Griffin, III, Vice-Chairman
Marshall Stevenson

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Asst. County Mgr. for Planning & Econ. Dev.
R. Michael Cox, County Attorney
Sheri Bulman, Finance Officer

The work session was called to order at 5:00 PM. The Board reviewed the budget requests from the fire departments and several other departmental budget requests. The meeting was adjourned at 7:00 PM.

CHAIRMAN

CLERK