

**PASQUOTANK COUNTY, NORTH CAROLINA
APRIL 5, 2010**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, April 5, 2010 in Courtroom C in the Pasquotank County Courthouse.

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

MEMBERS ABSENT: Matt Wood (*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 Chairman Marshall Stevenson. The Rev. David Turner, Pastor of Corinth Baptist Church, gave the invocation and Vice-Chairman Lloyd Griffin led in the Pledge of Allegiance to the American Flag.

1. PRESENTATION OF PINS TO EMPLOYEES FOR YEARS OF SERVICE:

Chairman Stevenson called on the following county employees to receive pins in recognition of their years of service with Pasquotank County:

Employee	Department	Years of Service
Dottie Pritchard	Social Services	25 years
Jerrell Saunders	Emergency Medical Services	15 years
William T. Ward	Sheriff's Department	15 years
Carlton Himelwright	Maintenance Department	10 years

The Board congratulated the employees and thanked them for their service.

2. PUBLIC HEARING ON PROPOSAL THAT PASQUOTANK COUNTY WITHDRAW FROM ALBEMARLE AREA MENTAL HEALTH AND JOIN EAST CAROLINA BEHAVIORAL HEALTH EFFECTIVE JUNE 30, 2010:

Chairman Stevenson declared the meeting to be a public hearing on a proposal that Pasquotank County withdraw from Albemarle Area Mental Health and join East Carolina Behavioral Health effective June 30, 2010. He asked if anyone would care to comment on the proposal. At the absence of comments, the public hearing was closed.

3. PUBLIC HEARING ON PROPOSED AMENDMENT TO ANIMAL CONTROL ORDINANCE THAT WOULD PLACE A LIMIT OF THREE DOGS PER HOUSEHOLD IN RESIDENTIAL SUBDIVISIONS:

Chairman Stevenson declared the meeting to be a public hearing on a proposed amendment to the Animal Control Ordinance that would place a limit of three dogs per household in residential subdivisions. He asked if anyone would care to comment on the proposed amendment.

Paula Dignan of 802 Elmwood Court stated that this amendment would be too late to help her. She said she has neighbors who have nine dogs and sometimes twelve dogs when their children visit. She said the dogs are not the problem, but the owners are the problem. She stated that the dogs have access to the inside and the outside of the home through a doggie door. She said whenever she goes outside to get her mail, to go to her car, to wash her car, or to just talk to a neighbor, the dogs bark constantly and make it very difficult for her to enjoy her yard. She stated that she was at home sick in bed for a week and the dogs barked all the time. She said her neighbor does not have a kennel license and her neighbor was hostile because she reported it. Ms. Dignan noted that she does not know what to do to satisfy her problem, but she hopes other people do not have to endure this. She stated that she hopes the Board passes this amendment.

Connie Sloan of 129 Dances Bay Road said she lives in the county and pays her taxes. She stated that the nuisance law that has already been passed should address the problem. She said new laws cost money for enforcement. She stated that this law has been shown not to work in counties all over the United States and in her opinion would just make people who have problems give local government rights it should not have. She said this is not the time to pass such a law when there is not adequate space at the animal shelter or adequate animal control officers to enforce it. She said the county is not equipped to handle this unnecessary law and she asked that the Board not approve it.

Andy Ribie of 508 Small Drive said he and his wife moved to Pasquotank County three years ago to retire. He stated that his concern was about documenting the number of dogs if this ordinance amendment is passed, but after reviewing paragraph 3.2 of the amendment which requires owners of dogs to apply for a kennel license, he believes his concern is addressed.

Doug Temple of 1273 Lynch's Corner Road said he is against the ordinance amendment. He stated that he does not believe it is needed because there is already a nuisance law that would take care of it and he does not see the need to pass more laws to take away the rights of citizens. He added that he does not think the Board should pass an ordinance when just a few people complain about something. He said it appears that the Sheriff's Department does not receive many complaints about dogs in residential areas.

Bobby Harris of 291 Belcross Road, Camden, said he is President of the Albemarle Houndsmen Association and they are opposed to this ordinance. He said there are enough laws on the books already and he does not know how the county will be able to document the number of dogs that property owners currently have. He stated that this ordinance would just take another right away from county residents. He asked if the homeowners associations in subdivisions place restrictions on the number of dogs allowed. Chairman Stevenson stated that some homeowners associations in subdivisions have restrictive covenants, however some are inactive. These restrictive covenants are not enforceable by the county, only by the homeowners association. Mr. Harris said he does not think this ordinance is necessary and he does not think this is a big problem.

Marie Hunter of 703 Airship Drive explained that she moved here nine months ago and they talked to the realtor about where dogs would be welcome and asked if there were limits on dogs. She said they ended up in Newbegunland because there was no limit. She stated that she is the neighbor that Ms. Dignan spoke about earlier and a lot of what she said was totally inaccurate and false. She said her neighbor pretty much complains about everything. She said she does have eight dogs and has a privacy fence and her dogs are better cared for than probably 50% of the children in this county. She stated that the Sheriff came out to her residence one day and left a note asking whether she had a kennel license. She said she had a kennel license so she called the Sheriff's Department to let them know she did. She stated that it would have taken a lot less time and would have cost less taxpayer money if the Sheriff's Department had checked to see if a kennel license had been issued rather than driving all the way out to Newbegunland to leave a note. She stated that most of her dogs are rescue dogs and they are better cared for than probably anybody else's dogs in the county. Ms. Dignan said she does not see a need for this ordinance because there are already nuisance laws. She stated that she thinks it would be totally inappropriate and unnecessary for the Board to pass this ordinance.

Donna Manning of 133 Dances Bay Road stated that she breeds dogs and she does have a kennel license. She said she opposes the proposed amendment to the Animal Control Ordinance that would limit a household to three dogs in a residential subdivision. She stated that this type of restriction is already covered by many of the restrictive covenants in subdivisions. She said the amendment is unnecessary and in some cases will allow a property owners association to pass the cost of enforcement and prosecution of their covenants on to the taxpayers of Pasquotank County. She said this should be left to the level of the property owners associations. She stated that many of the problems in the county have occurred over the years with hunting dogs which often get lost during hunting season. The process of preparing them for the hunt involves withholding food from them for a day or two before they actually hunt. Ms. Manning said this is considered an acceptable hunting practice. She stated that these dogs are hungry and often go onto personal property damaging it as well as attacking household pets while searching for food. She stated that these incidents have occurred in her own yard and in her residential subdivision, and apparently there is little or no protection for the property owners from these types of dogs during hunting season. She stated that many of her friends own more than three dogs and they live in residential subdivisions. Some are responsible breeders like her and others are just dog

lovers. Ms. Manning said that people should not have to surrender their beloved pets because of another county ordinance. She added that this county is facing some difficult costly issues regarding jobs and education, and the Commissioners' time and taxpayer dollars should not be wasted on issues that are best left handled in the neighborhoods.

Kim Parrish, President of the SPCA, asked for clarification as to whether a backyard breeder or puppy mill with 20 dogs and a kennel license can replace a dog if one of them dies. The County Attorney advised that this would be considered a nonconforming use and if a dog dies, is sold or is given away, it cannot be replaced. Ms. Parrish stated that she believes the three dog number is arbitrary. She said she believes there are other ways to address this issue and suggested the county work with the Sheriff's Department and the SPCA to come up with something that would work for everybody. She stated that the three dog limit is not going to cover everybody's needs, such as those brought up by Ms. Dignan tonight. She said she used to be in the real estate business and this will be an issue for people moving to the area. She suggested that dog owners be required to purchase a kennel license in order to monitor how many dogs a property owner has. Ms. Parrish said she believes the three dog limit is arbitrary and she would like to see something else come into play that would help everybody in the community. She recommended that all dog owners get their kennel licenses.

Chairman Stevenson explained that the county has been looking at this issue for a couple of years and the Special Projects Committee came up with a three dog limit in part because that is what the city has. He said they tried to draft regulations that would affect the least number of people which is why existing kennels were grandfathered. He said the ordinance would only be applicable to residential areas. He stated that one of the issues of concern is someone having twenty hunting dogs on property adjacent to another house and those hunting dogs bark and fight and sometimes their pens are not kept clean. He said this is the kind of thing no one wants next door to them and this is what the Special Projects Committee was trying to address.

At the absence of further comments, the public hearing was closed and Chairman Stevenson asked for comments from Commissioners.

Commissioner Dixon stated that he voted against this at the last meeting and he agrees with many of the comments made tonight. He said he believes this amendment is not needed and is overkill because there is already a provision in the animal control ordinance, Section 92.01, to address nuisance animals.

Commissioner Jordan asked if the county is currently having any success in prosecuting those who violate the nuisance regulations. County Attorney Mike Cox stated that he does not have the numbers readily available on the charges and convictions, however he knows there are people charged from time to time. He said he can get the Board a report on these numbers. Commissioner Jordan asked what the proposed ordinance would add to Section 92.01. Mr. Cox said it would be different in that it would count numbers rather than responding to annoyance complaints which would be more subjective. Commissioner Jordan noted that three dogs could be just as annoying as ten.

Commissioner Perry stated that he was the one who asked that the Board involve the public and he is glad he did because he has learned a lot from the public tonight. He said after hearing the remarks he would have to agree with Commissioner Dixon that the ordinance amendment is not needed and that the current regulations should be enforced. He stated that he would have to say no to the ordinance amendment.

Commissioner Trueblood said he continues to be concerned about the complaints he has received by telephone and in person regarding subdivisions and dogs. He said when this restriction on the numbers of dogs in subdivisions was first discussed he received calls from people who did not live in subdivisions asking why they were being excluded because their neighbors' dogs were causing problems for them. He stated that the Board felt a three dog limit was an adequate compromise, that those people who had dogs should to be grandfathered, and that puppies would be allowed to reach 16 weeks of age before the ordinance would apply to them. He said the checks and balances on this would be a kennel license. He said he still supports the ordinance amendment as it is proposed, but will accept any compromise.

Commissioner Jordan stated that he would appreciate it if the Animal Control Officer and the Sheriff could meet with the Board to discuss how the present ordinances are being enforced and the success they are having.

Vice-Chairman Griffin said he would agree with Commissioner Jordan and would also like information on the amount of fines, penalties and kennel licenses.

Motion was made by Lloyd Griffin, seconded by Charles Jordan to table consideration of the Animal Control Ordinance amendment to limit the number of dogs in residential areas until the Sheriff and Animal Control Officer can meet with the Board and provide information regarding enforcement of present ordinances and the amount of fines and penalties collected and kennel licenses issued. The motion carried 6-0.

4. PRESENTATION FROM SHARON TANNER ON STATUS OF ALBEMARLE HOSPITAL AFFILIATION WITH UNIVERSITY HEALTH SYSTEMS:

Chairman Stevenson called on Ms. Sharon Tanner, CEO of Albemarle Health, to make a presentation on the status of Albemarle Hospital's affiliation with University Health Systems. Ms. Tanner stated that it has been almost a year since the affiliation agreement with University Health Systems has been signed and she is pleased to provide a status report on what has been accomplished and what has happened over the last year. She said the affiliation was implemented on May 1, 2009 and is a five-year management agreement that was entered into as a means of ensuring the residents in the seven county service area continue to have compassionate high quality health care well into the future. She stated that the agreement maintains a high level of local authority and the Albemarle Hospital Authority Board of Commissioners continues to make all decisions regarding the size of the Albemarle Health work force, employee compensation and benefits, and addition or termination of any Albemarle programs or services. The Hospital Authority Board of Commissioners also continues to approve annual operating and capital budgets. The annual management fee paid to UHS is designed to be offset by savings to Albemarle Health resulting from the affiliation. She said the Albemarle Health/UHS strategic framework focuses on the following five key areas and she detailed each area:

- PEOPLE: Create a culture that retains, recruits and empowers the best talent
- QUALITY: Practice high quality, safe patient care
- SERVICE: Provide extraordinary experiences to patients, families, physicians, and our community
- FINANCE: Achieve superior financial performance
- GROWTH: Grow services that achieve our mission and vision

Ms. Tanner stated that Albemarle Health has experienced a definite and measurable financial benefit since the beginning of the management agreement on May 1, 2009. She noted that a financial benefit of \$224,000 realized in the fiscal year ending September 30, 2009 exceeded the \$208,000 projected benefit. For the first two quarters (October 2009 – March 2010) of the current fiscal year, the financial benefit of over \$320,000 is tracking to exceed the annual management fee. Ms. Tanner said that Albemarle Health's affiliation with UHS is proving to be one of the most viable means of ensuring a strong and vibrant healthcare delivery system to serve and meet the needs of people of Northeastern North Carolina.

Mr. David Harris, the local appointee to the UHS Board of Directors, explained that the affiliation appears to be working very well. He stated that there are very few hospitals in North Carolina that are not now affiliated with a larger organization. He added that standalone hospitals will soon be a thing of the past as they will need to be affiliated in order to survive.

The Board thanked Ms. Tanner and Mr. Harris for the update.

5. PROCLAMATION FOR CHILD ABUSE PREVENTION MONTH:

Chairman Stevenson recognized Ms. Sandy Latty, Children and Family Team Facilitator with the Department of Social Services. He read and presented to her the following proclamation declaring April as Child Abuse Prevention Month:

WHEREAS, our children deserve the best we have within us and look to us to be their protectors, role models, heroes and heroines; and

WHEREAS, children who are loved and nurtured grow up to love and nurture others; giving back to their own families, their neighborhoods, and the entire State the good that was bestowed on them. Still the circle continues; and

WHEREAS, in the State of North Carolina over 122,672 children were reported as abused and/or neglected during fiscal year 2008-2009, and at least 33 children died due to abuse, the rest live on, but they often carry the burden of their abuse into adulthood; and

WHEREAS, child abuse and neglect know no social or economic boundaries. We dedicate our energies to preventing child abuse, sexual abuse, emotional abuse, neglect, and their terrible legacy; and

WHEREAS, preventing child abuse and neglect is the responsibility of every citizen, and community action and involvement are essential to breaking the cycle of abuse; and

WHEREAS, it is vital that we join together to reach out to parents and children to prevent the senseless abuse and neglect of all children.

NOW, THEREFORE, the Pasquotank County Board of Commissioners hereby proclaims April 2010 as "CHILD ABUSE PREVENTION MONTH" in Pasquotank County, and urges our citizens to support this observance.

THIS the 5th day of April, 2010.

6. APPROVAL OF TEN YEAR SOLID WASTE PLAN UPDATE:

Chairman Stevenson called on Solid Waste Director Mike Etheridge to present an update to the ten year solid waste plan for Pasquotank County, Camden County and the City of Elizabeth City. Mr. Etheridge explained that in early 2000 the state required counties to implement a ten year solid waste plan to help them reach their waste reduction goals. The county was allowed to set its own goals and had to put a plan together as to how it planned to reach its goals. Mr. Etheridge said the original plan was approved by the Board in early 2000 and every three years an update has to be done. He stated that another update is now due and his staff has been working with Camden County and the City of Elizabeth City to prepare the updates. He explained that the plan is not binding, but provides guidelines to follow in meeting goals. He said the plan allows the state to see what is being projected in order to determine whether the goals are being met. He stated that the county has met every goal it has projected so far in its updates. Mr. Etheridge said the plan was on display for public viewing at the library for two weeks, and a public meeting was conducted on March 1, 2010 and comments were received from two individuals. He stated that he is bringing the plan before the Board tonight for approval.

Vice-Chairman Griffin noted that the plan is key for the county to obtain grants for funding waste reduction and demonstration projects. Mr. Etheridge stated that all goals included in the plan are programs he plans to implement through grants. He said they have been very fortunate in that every grant they have applied for they have obtained to implement new programs. He noted that he plans to apply for two more grants this year. He said over the years that he has been with the Solid Waste Department they have applied for 55 to 60 grants and have only missed one. He stated that it has been said that Pasquotank County has one of the best solid waste programs in the State of North Carolina.

Commissioner Dixon asked what the life expectancy is for the C&D landfill. Mr. Etheridge responded that if no additional land is purchased there are approximately fifteen to twenty years of capacity remaining, depending on the rate of fill which is dependent on the economy and the number of major storms.

Commissioner Dixon said he has read about some counties and municipalities converting methane gas and he asked if this could be done for a C&D landfill. Mr. Etheridge said it would have to be a municipal waste landfill which accepts residential waste. He stated that there is probably methane gas in the current C&D landfill but not enough to produce methane that would sustain any kind of factory or where the financial gain would be worth implementing a program for it.

Commissioner Perry asked if the Solid Waste Department offers tours for the public. Mr. Etheridge stated that tours are offered every year for the public school systems and Elizabeth City State University for their environmental programs, and tours are available for other groups who request them.

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to approve the ten year solid waste plan update as presented. The motion carried.

7. AMENDMENTS TO THE AGENDA:

Chairman Stevenson asked if there were any amendments to the agenda. It was requested that the agenda be amended to add the following two items recommended by the Finance Committee: 1) Approval of request from Nixonton Volunteer Fire Department to finance a brush truck; 2) Approval of funds in the amount of \$173.91 for the Community Relations Commission; 3) Approval of reimbursement for Tanglewood Development LLC portion of Halstead Boulevard water line; 4) Approval of funds in the amount of \$1,000 for Carolina Cup Regatta; 5) Approval of listing agreement for surplus property; 6) Approval of amendment to Commerce Park Restrictive Covenants and waiver of extension fees; and 7) Approval of proposal from Harn R/O for a reverse osmosis pilot system.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to approve the amendments to the agenda as recommended. Items 5 and 6 will be considered individually and items 1 through 4 and item 7 will be added to the consent agenda. The motion carried.

8. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of March 15 and March 22, 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.	David Paul Malcolm	116.94	
2.	Leasthis N. Anderson	920.28	
3.	Dion Shea Powers	130.75	
4.	The Real Estate Motivator	156.55	
5.	Steven Michael Forbes	120.74	
6.	Jason Lee Roberts	100.09	
7.	Thomas Henry Parker	107.06	
8.	George Walters & Maria Myrle	116.42	94.55

Refunds:

1.	Douglas Dasverna Bowe	73.44	61.20
2.	Douglas Dasverna Bowe	76.50	62.73
3.	Douglas Dasverna Bowe	84.15	68.85
4.	Douglas Dasverna Bowe	88.68	68.16

Solid Waste Fees:

	Owner's Name	Parcel ID Number	Reason for Release
1.	Esther S. McLean	40-G-14	No one lives in house

c. Approval of Budget Amendments

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

Special Appropriations

Increase	010.0230.4390.04	EDTAP	55,452.00
Increase	010.0230.4390.05	Rural Operating Assist Program	61,393.50
Increase	010.6600.5620.02	EDTAP	55,452.00
Increase	010.6600.5620.03	Rural Operating Assist Program	61,393.50

Juvenile Justice Programs

Increase	010.0230.4360.05	Juvenile Justice Pass-Thru	137,474.00
Increase	010.6600.5615.10	Juvenile Justice Pass-Thru	137,474.00
Decrease	010.6600.5615.09	JCPC Administration	954.00
Decrease	010.0230.4360.04	JCPC Administration	954.00

Data Processing

Decrease	010.4135.5261.00	Departmental Supplies	3,000.00
Decrease	010.4135.5321.00	Telephone	5,000.00
Decrease	010.4135.5500.00	Capital Outlay	6,000.00
Decrease	010.0500.4831.00	Investment Earnings	14,000.00

Board of Elections

Decrease	010.4170.5352.01	Maintenance – Office Equip	14,000.00
Decrease	010.0500.4831.00	Investment Earnings	14,000.00

Tax Administrator

Decrease	010.6900.5991.00	Contingency	4,000.00
Increase	010.4140.5325.00	Postage	4,000.00

Central Fire

Increase	010.0550.4835.00	Sale of Assets	2,860.00
Increase	010.0700.4981.21	Transfer from Capital Reserve	44,165.00
Increase	010.4340.5500.00	Capital Outlay	47,025.00
Increase	021.0991.4991.00	Fund Balance Appropriated	44,165.00
Increase	021.8200.5980.10	Transfer to General Fund	44,165.00

d. Adoption of Proclamation for National Public Safety Telecommunications Week

The Board has been requested to adopt the following proclamation for National Public Safety Telecommunications Week. The proclamation will be presented at the April 15th 911 Board meeting by Commissioner Charles Jordan, the Board’s representative on the Central Communications Advisory Board.

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, These 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 the agencies within the communication systems through their leadership and participation in training programs and other activities provided and promoted by the Association of Public Safety Communications Officials International (APCO) and National Emergency Number Association (NENA); and

WHEREAS, APCO and NENA, organizations with more than 26,000 persons internationally engaged in the design, installation and operation of emergency response telecommunication systems, have set aside the third week of April to recognize public safety telecommunications personnel and their crucial role in protecting life and property.

THEREFORE, The Pasquotank County Board of Commissioners does hereby proclaim the week of April 11-17, 2010 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 5th day of April, 2010.

e. Approval of Pasquotank County Volunteer Agricultural District Ordinance

Since not all Board Members were present at the last meeting, a second vote needs to be taken on the Voluntary Agricultural District Ordinance.

f. Approval of Request from Dance’s Bay Property Owners Association for 25 MPH Speed Limit in Dance’s Bay Subdivision

The Dance’s Bay Property Owners Association has requested a 25 MPH speed limit in the subdivision beginning at Spud Drive. A request will need to be sent to the Department of Transportation requesting they investigate the speed limit request.

g. Approval of Request from Nixonton Volunteer Fire Department for Financing of Brush Truck

The Finance Committee has recommended that the county approve a no interest loan to the Nixonton Volunteer Fire Department to purchase a slide-in unit for a new brush truck. The cost will be approximately \$30,000 on state contract. The fire department would pay the county back over a period of four years.

h. Approval of Request for Funds from Community Relations Commission

The Finance Committee has recommended approval of a request for \$173.91 from the Community Relations to pay an application fee to set up a booth at the Potato Festival and for the

cost of printing brochures to pass out at the Potato Festival. The funds would come from contingency.

i. Approval of Reimbursement for Tanglewood Development LLC Portion of Halstead Boulevard Water Line

The Finance Committee has recommended the payment of \$67,684.98 to Tanglewood Development LLC as the remainder of their portion of the Halstead Boulevard water line. The Board had previously approved reimbursement of \$119,000 to Tanglewood Development and \$51,315.02 of that amount has been paid by the county to the Tax Office to cover 2009 taxes. The city has also approved a credit in the amount of \$119,000 for Tanglewood Development, but due to numerous property transfers that have been made in that area, the city is still trying to calculate the credit. The Finance Committee has recommended that the county go ahead and pay its remaining portion even though the city has not yet paid its portion.

j. Approval of Funds for Carolina Cup Regatta

The Finance Committee has recommended approval of funds in the amount of \$1,000 for the Carolina Cup Regatta to help support the power boat race scheduled for June 4-6. The funds would come from occupancy tax proceeds.

k. Approval of Proposal from Harn R/O for Reverse Osmosis Pilot System

The Finance Committee has recommended approval of a proposal from Harn R/O to provide a reverse osmosis pilot system for the initial testing of the proposed upgrade for the Weeksville Water Treatment Plant. The total cost of the pilot RO system is approximately \$36,000.

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

9. APPROVAL OF LISTING AGREEMENT FOR SOUTHERN SHORES PROPERTY:

The Finance Committee has recommended approval of a listing agreement with Ed Brooks, a real estate broker, for the surplus property in Southern Shores. County Attorney Mike Cox advised that the property will be listed for \$1.9 million and the broker would receive a 4% commission. No commission would be received by the broker until there is an actual sale and if the broker is not the procuring cause of the sale, then he would not receive a commission. The listing agreement would expire on July 31, 2010.

Motion was made by Cecil Perry, seconded by Charles Jordan to approve the listing agreement with Ed Brooks for the Southern Shores property based on the conditions recommended by the Finance Committee above. The motion carried by a five to one margin with Commissioner Griffin voting against the motion.

10. COMMERCE PARK RESTRICTIVE COVENANTS:

Vice-Chairman Lloyd Griffin requested that he be recused from considering this item due to a conflict of interest.

Motion was made by Cecil Perry, seconded by Charles Jordan to recuse Commissioner Lloyd Griffin from consideration of this item. The motion carried.

The County Attorney explained that the Finance Committee has recommended that the Board waive the right of first refusal for property purchased by Jerry Kelly, Inc. in the Commerce Park. This would allow the corporation to sell the property.

In addition, the Finance Committee has recommended that the county begin the process to amend the restrictive covenants to end the requirement that the purchaser pay extension fees and to delete the five-year buyback provision. He stated that all of the property owners in the Commerce Park have to be notified of the proposed restrictive covenants. The changes cannot take effect until thirty days after the owners have been notified. Mr. Cox said due to the current economic situation the Commerce Park Ad Hoc Committee felt these changes should be made because of numerous requests from Commerce Park property owners.

Motion was made Jeff Dixon, seconded by Bill Trueblood to waive the right of first refusal for property purchased by Jerry Kelly, Inc. in the Commerce Park, and to amend the Commerce Park Restrictive Covenants to end the requirement that the purchaser pay extension fees if construction does not begin within specified times and to delete the five-year buyback provision. The motion carried.

11. APPROVAL OF RESOLUTIONS WITHDRAWING MEMBERSHIP WITH ALBEMARLE MENTAL HEALTH CENTER AND REQUESTING MEMBERSHIP WITH EAST CAROLINA BEHAVIORAL HEALTH LME:

The Board considered resolutions officially withdrawing membership with Albemarle Mental Health Center and requesting membership with East Carolina Behavioral Health LMC. The resolutions are the next step after the public hearing. County Manager Randy Keaton stated that these resolutions are necessary to begin the process of joining ECBH. He said the first resolution acknowledges the fact that Albemarle Mental Health is no longer providing mental health services and officially withdrawing the county's membership. The second resolution requests membership in East Carolina Behavioral Health. After adoption, the resolutions would be sent to the state along with a letter requesting the change.

Commissioner Trueblood asked if it is stipulated that Pasquotank County will have representation on the ECBH Board. Mr. Keaton said this is part of the process requesting membership. He stated that the ECBH Board currently consists of 18 members with two representatives from each of their nine member counties. With the addition of the ten Albemarle counties, ECBH will have nineteen member counties. The proposal is for the ECBH Board to go to one member per county and have a 19-member board. Mr. Keaton noted that approval from the state legislature will be needed to change the makeup of the ECBH Board and it is hoped this can be done in the upcoming General Assembly short session.

Motion was made by Jeff Dixon, seconded by Cecil Perry to adopt the following resolutions withdrawing membership with Albemarle Mental Health Center and requesting membership with East Carolina Behavioral Health LME. The motion carried.

**RESOLUTION WITHDRAWING MEMBERSHIP IN
ALBEMARLE MENTAL HEALTH CENTER &
DEVELOPMENT DISABILITIES & SUBSTANCE ABUSE SERVICES**

WHEREAS, Albemarle Mental Health Center Development Disabilities & Substance Abuse Services (AMHC) has experienced past operational and financial difficulties; and

WHEREAS, the North Carolina Department of Health & Human Services' Division of Mental Health, Developmental Disabilities & Substance Abuse Services (DMH/DD/SAS) assumed management responsibility of AMHC in January, 2009; and

WHEREAS, East Carolina Behavioral Health has been providing Local Management Entity (LME) mental health services under contract with DMH/DD/SAS since July 1, 2009 to the citizens of Pasquotank County; and

WHEREAS, AMHC will potentially become a non legal entity and will not be able to provide LME mental health service to the citizens of Pasquotank County sometime after July 1, 2010; and

WHEREAS, it is apparent that the Secretary of the North Carolina Department of Health & Human Services will approve a permanent legal dissolution of AMHC sometime after July 1, 2010.

NOW THEREFORE BE IT RESOLVED that the Pasquotank County Board of Commissioners declares its intent to formally withdraw its membership in AMHC after meeting the requirements of G.S. 122C-115.3b and any other statutory requirements that may be required to facilitate this withdrawal.

BE IT FURTHER RESOLVED that the Pasquotank County Board of Commissioners intends for this withdrawal of membership in AMHC to become effective on June 30, 2010.

ADOPTED this the 5th day of April, 2010.

**RESOLUTION REQUESTING MEMBERSHIP IN
EAST CAROLINA BEHAVIORAL HEALTH LME**

WHEREAS, Pasquotank County is currently a member of Albemarle Mental Health Center & Developmental Disabilities & Substance Abuse Services (AMHC); and

WHEREAS, AMHC will potentially become a non legal entity and will not be able to provide Local Management Entity (LME) mental health services to Pasquotank County citizens sometime after July 1, 2010; and

WHEREAS, mental health services will continue to be needed by the citizens of Pasquotank County after the dissolution of AMHC; and

WHEREAS, the North Carolina Department of Health & Human Services' Division of Mental Health, Developmental Disabilities & Substance Abuse Services (DMH/DD/SAS) has contracted with East Carolina Behavioral Health (ECBH) to provide LME services for Pasquotank County; and

WHEREAS, ECBH has established a LME presence under a management contract with DMH/DD/SAS in Pasquotank County since July 1, 2009;

WHEREAS, ECBH has indicated that it is open to establishing a permanent legal contract with Pasquotank County to provide LME mental health services in the county; and

WHEREAS, ECBH will prepare a quantitative mental health needs assessment and prepare a strategic plan to address those mental health needs in Pasquotank County; and

WHEREAS, ECBH is exploring the opportunity to make available to Pasquotank County a seat on ECBH's Board of Directors.

NOW THEREFORE BE IT RESOLVED that the Pasquotank County Board of Commissioners declares its desire to become a member of ECBH and to enter into a formal permanent contract membership arrangement with ECBH to become effective June 30, 2010.

ADOPTED this the 5th day of April, 2010.

**12. ADOPTION OF RESOLUTION APPROVING PASQUOTANK COUNTY
WATER SYSTEM WATER SHORTAGE PLAN:**

The Board reviewed the water system water shortage plan that was adopted in June, 2008. At the time the plan was approved, a resolution was not adopted approving the plan. The Board needs to adopt a resolution so it can be submitted to the state for final approval. The County Manager advised that the state has required that all water systems adopt a Water Shortage Plan in response to the water shortages across the state over the last couple of years. He noted that Pasquotank County does not have the same issues as some of the surface water systems have, but it is still a statewide mandate.

Motion was made by Lloyd Griffin, seconded by Jeff Dixon to adopt the following resolution approving the Pasquotank County Water System Water Shortage Plan. The motion carried.

**RESOLUTION APPROVING
PASQUOTANK COUNTY WATER SYSTEM
WATER SHORTAGE RESPONSE PLAN**

WHEREAS, North Carolina General Statute 143-355(I) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interest of sound local planning, a Water Shortage Response Plan for Pasquotank County has been developed and submitted to the Pasquotank County Board of Commissioners for approval; and

WHEREAS, the Pasquotank County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355(I) and that it will provide appropriate guidance for the future management of water supplies for Pasquotank County, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pasquotank County that the Water Shortage Response Plan entitled Pasquotank County Water System Water Shortage Plan dated June 23, 2008 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Pasquotank County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

THIS the 5th day of April, 2010.

13. CONSIDERATION OF AGREEMENT BETWEEN PASQUOTANK COUNTY AND TCOM FOR WATER LINE:

The Board considered a proposed agreement with TCOM regarding construction of a water line to TCOM's property. The county would construct an eight inch water line to the TCOM facility and in exchange TCOM would allow the county to control the pressure and volume of water to the property. The owners of Newbegunland Subdivision had requested the agreement to insure that TCOM could not fill its elevated storage tank and kill the water pressure in the subdivision. Commissioner Trueblood commented that he would like for Board members to recognize the fact that this is an economic development grant by the Pasquotank County Water System which only represents one-third of the residents of Pasquotank County.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to approve the proposed agreement with TCOM regarding construction of a water line to their property. The motion carried.

14. CONSIDERATION OF CRIMINAL HISTORY CHECK FOR PEDDLERS AND SOLICITORS APPLICANTS ORDINANCE:

County Attorney Mike Cox stated that the Board previously passed a Peddlers and Solicitors Ordinance, and immediately after it was passed the Sheriff's Department advised him that they did not have an "E" purpose code for the SBI Division of Criminal Information System to access criminal history information which is required in the permitting process. The first step in getting the "E" access code is for the Board to pass the proposed Criminal History Check for Peddlers and Solicitors Applicants Ordinance. Once the ordinance is approved and signed by the Chairman, it will be sent to the SBI who will prepare an access agreement for the county to sign. The access agreement would allow the Sheriff's Department to obtain the necessary information.

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to adopt the Criminal History for Peddlers and Solicitors Applicants Ordinance as proposed. The motion carried and the following ordinance was adopted.

**PASQUOTANK COUNTY
CRIMINAL HISTORY CHECK FOR
"PEDDLERS AND SOLICITORS" APPLICANTS
ORDINANCE**

This Ordinance adopted by the Pasquotank County Board of Commissioners is to provide a policy and procedure for conducting criminal history checks through SBI/DCI on applicants for "peddlers and solicitor" permits with Pasquotank County. This ordinance is adopted pursuant to the authority vested in Pasquotank County by the General Assembly of the State of North Carolina in N.C.G.S. 153A-11, N.C.G.S. 153A-12 and other applicable laws.

1. In order to protect the citizens of the county and their properties, the procedures herein are established to provide for fingerprinting and criminal history checks on all applicants for "peddlers and solicitors" permits. Subject to Division (C) of this section, an application for a permit with the county may be denied for those persons convicted of any crime against a person, or crimes against property where intent is an element, or any drug or gambling related offense.

(A) The Sheriff, or designee, may conduct an investigation of any applicant for the "peddlers and solicitors" permit and it shall be a precondition prior to issuance of the permit that an applicant for such permit shall, upon request, provide fingerprints and all other necessary personal identification including a social security number and drivers license, if available, so that the Sheriff, or designee, may cause a thorough search to be made of the local and state criminal records to determine if the applicant has a history of criminal convictions or the crimes enumerated above by use of the Division of Criminal Information Network (DCI).

(B) The Sheriff, or designee, shall provide the findings from the use of the DCI to the County Manager, or designee, only in the event an appeal is made to the County Manager for refusal to issue a permit or the revocation of a permit and provided that all necessary agreements with the State Bureau of Investigations Division of Criminal Information have been executed.

(C) An evaluation of any crime for purpose of the “peddlers and solicitors” permit application will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the request for a permit.

(D) Prior to denial or termination of the “peddlers and solicitors” permit based upon criminal history record information (CHRI) the Sheriff’s Department shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information and identification section for verification that the CHRI record belongs to the individual.

2. If this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to that end the provisions of this Ordinance are declared to be severable.

3. Any Ordinance or any part of any Ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety, and general welfare of the inhabitants of Pasquotank County, North Carolina, and shall be in full force and effect from and after its adoption.

5. This Ordinance shall take effect and be in force from and after the date of its adoption.

It is hereby ORDAINED the 5th day of April, 2010.

15. ETHICS TRAINING:

The Clerk to the Board advised that the new ethics law requires each County Commissioner to complete two hours of ethics training by December 31, 2010. She provided information on upcoming opportunities to obtain that training at NCACC district meetings with associated ethics training sessions or through an archived session of a School of Government webinar that was conducted in March. The Board requested that the Clerk obtain the archived webinar and make arrangements for the Commissioners to view it. After the initial ethics training, Commissioners will have to receive the training again within 12 months of each subsequent re-election. New Commissioners would have to complete the training within 12 months of being elected or appointed to the Board.

The County Manager stated that he has received a model Code of Ethics which he will be reviewing and bringing to the Board for consideration.

16. APPOINTMENTS TO BOARDS AND COMMITTEES:

Commissioner Trueblood stated that the Appointments Committee would like to make the following recommendations for appointments or reappointments to boards and committees:

College of The Albemarle Board of Trustees – Reappoint Douglas Gardner to an additional four-year term.

Senior Tarheel Legislature – Reappoint Robert J. Youngblood to an additional term, however funding for travel expenses will no longer be provided.

Home & Community Care Block Grant Advisory Committee – Appoint Jill Jordan, Jerry Parks, Sue Norton, Rev. Bill Bailey, Jean Allen, Susan Scurria, and Laura Alvarico.

Adult Care Home Community Advisory Committee – Reappoint Randy Griffin to an additional three-year term.

Aging Advisory Council – Reappoint Jean Allen to an additional two-year term.

Airport Authority – Reappoint Joe Forbes and Don Parks, Jr. to additional two year terms.

Farmers Market Advisory Committee – Reappoint David Taylor, Carlton Lamb, Jeff Spear, and Nolita K. English to additional three-year terms.

Pasquotank-Camden Library Board – Reappoint Rev. Thomas Wilson and Mark Maland to additional four-year terms.

Social Services Board – Reappoint Jeff Dixon to an additional three-year term.

Motion was made by Cecil Perry, seconded by Bill Trueblood to approve all of the appointments as recommended by the Appointments Committee. The motion carried.

17. REPORTS FROM COUNTY COMMISSIONERS:

Commissioner Perry stated that he recently had an opportunity to go to Raleigh and judge the NCACC Outstanding County Program Award submittals. He said he thought it was very interesting that most of the programs submitted were things that Pasquotank County was already doing, and doing much better in many cases.

Vice-Chairman Griffin reported that since the last meeting he went to Washington, DC with the EDC Legislative Committee to meet with legislators. He stated that they met with Congressman Butterfield's staff, Congressman Jones, Congressman Price, Congressman Coble, and Senator Burr's and Senator Hagan's staff. He said during the meetings they discussed broadband, phase two of the airpark, Workforce Development job creation, and energy technologies.

Vice-Chairman Griffin said at the next work session he would like for the Board to discuss how to improve its status on the Department of Transportation TIP plan and the process in which the old thoroughfare plan has changed to a CTP. He stated that he would like for Stephen Lambert to discuss the importance of a bike path, a foot path, a barge site, trains, identifying sites, and adopting plans where these things have been identified. He stated that the goal is for all ten counties to have some form of updated plan through the RPO.

Chairman Stevenson reported that in early March he was in Washington, DC representing the Commissioners on the RC&D Council. He said he is currently serving as the State President of the Association of RC&D Councils, which consists of ten councils in the State of North Carolina. He stated that President Obama has zeroed out the budget for RC&D across the nation and the trip to Washington was an effort to try to get it reinstated. He said before President Obama, President Bush had also zeroed out the RC&D budget, but it was eventually reinstated. He stated that this involves a \$50 million line item which funds 325 RC&D Councils across the nation. Chairman Stevenson said while he was in Washington he visited all fifteen offices of North Carolina's House and Senate members. He said he spoke with one senator and three congressmen and the staff of the remaining senators and congressmen. He added from the discussions they had they believe they can get the funding for RC&D put back in the budget. He stated that RC&D is a program that is well-received and does many things that affect the community.

18. VOLUNTARY AGRICULTURAL DISTRICTS:

District Extension Director Travis Burke said he and Mr. Steve Harris are here tonight on behalf of the Voluntary Agricultural Districts. He expressed appreciation to the Board for adopting the VAD ordinance. He stated that Mr. Harris is the Chairman of the Agricultural Advisory Board and will begin work tomorrow. He said the Board will be kept abreast of the progress. He added that Mr. Harris will be the first to apply to enroll his farm in a Voluntary Agricultural District. The Board thanked Dr. Burke for making this happen.

19. CLOSED SESSION TO DISCUSS THE LOCATION OR EXPANSION OF A BUSINESS OR INDUSTRY AND TO DISCUSS A PERSONNEL MATTER:

Chairman Stevenson 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 location or expansion of a business or industry and to discuss a personnel matter.

Motion was made by Cecil Perry, seconded by Lloyd Griffin that the Board enter Closed Session to discuss the location or expansion of a business or industry and to discuss a personnel matter. The motion carried.

Upon the end of Closed Session;

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

20. APPROVAL TO HIRE MAINTENANCE TECHNICIAN ABOVE THE HIRING STEP:

Motion was made by Lloyd Griffin, seconded by Cecil Perry to approve the hiring of a Maintenance Technician above the hiring step due to his years of experience. The motion carried.

There being no further business to come before the Board;

Motion was made by Cecil Perry, seconded by Charles Jordan to adjourn the meeting. The motion carried and the meeting was adjourned at 9:35 PM.

CHAIRMAN

CLERK