

**PASQUOTANK COUNTY, NORTH CAROLINA
APRIL 23, 2001**

The Pasquotank County Board of Commissioners met today in a special meeting on Monday, April 23, 2001 in the Commissioners' Board Room in the Pasquotank County Courthouse.

MEMBERS PRESENT: Matt Wood, Chairman
W.C. Witherspoon
Horace C. Pritchard, Sr.
Lloyd E. Griffin, III
John W. Kitchen, Sr.
Bill Trueblood

MEMBERS ABSENT: Samuel S. Davis, III, Vice-Chairman

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Planning Director/Assistant County Manager
Karen Jennings, Clerk to the Board

The meeting was called to order at 8:30 AM by Chairman Matt Wood. Commissioner W.C. Witherspoon opened with a prayer.

Chairman Wood asked for a motion that the Board enter Closed Session to discuss the expansion or location of a business or industry.

Motion was made by John Kitchen, seconded by Bill Trueblood that the Board enter Closed Session to discuss the location or expansion of a business or industry. The motion carried unanimously.

Upon the end of Closed Session;

Motion was made by Horace Pritchard, seconded by John Kitchen that the Board return to Regular Session. The motion carried unanimously.

Motion was made by Horace Pritchard, seconded by W.C. Witherspoon that the meeting be adjourned. The motion carried unanimously and the meeting was adjourned at 8:55 AM.

CHAIRMAN

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA
APRIL 23, 2001**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, April 23, 2001 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Matt Wood, Chairman
Samuel S. Davis, III, Vice-Chairman
W.C. Witherspoon
Horace C. Pritchard, Sr.
Lloyd E. Griffin, III
John W. Kitchen, Sr.
Bill Trueblood

MEMBERS ABSENT: None

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Planning Director/Assistant County Manager
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Matt Wood. Commissioner W.C. Witherspoon gave the invocation and Vice-Chairman Sam Davis led in the Pledge of Allegiance to the American Flag.

1. APPROVAL OF MINUTES OF APRIL 2 AND APRIL 5, 2001 COMMISSIONER MEETINGS:

The minutes of the April 2 and April 5, 2001 Commissioner meetings were presented for approval.

Motion was made by Horace Pritchard, seconded by Sam Davis to approve the minutes of the April 2 and April 5, 2001 Commissioner meetings as presented. The motion carried unanimously.

2. APPROVAL OF AMENDMENTS TO WORK FIRST PLAN:

Chairman Wood recognized Mrs. Marilyn Owens with the Department of Social Services. Mrs. Owens explained that the Pasquotank County Department of Social Services submitted its Work First Plan to the state for the period 2001-2003 on December 1, 2000. She said the plan was approved in November by the Board of Commissioners and a letter was received on March 26 stating that the plan was reviewed at the state level and two changes were recommended. She outlined the recommended revisions, the first of which was to develop a memorandum of understanding with the Employment Security Commission for the first stop registration that is required for Work First Family Assistance. Mrs. Owens said this has been completed. The second revision in Section IX, Emergency Assistance, involved clarification in the first and third items to identify the sections in the Work First Family Assistance Manual that apply. Mrs. Owens said the proposed revisions were presented to the Social Services Board on April 9 and were accepted.

Motion was made by John Kitchen, seconded by Sam Davis to approve the revisions to the Work First Plan as presented by Marilyn Owens. The motion carried unanimously.

3. PRESENTATION OF PROCLAMATION FOR NATIONAL SAFE KIDS WEEK:

Chairman Wood called on EMS Supervisor Mike Whitehurst to accept a proclamation for National SAFE KIDS Week. Chairman Wood read and then presented to Mr. Whitehurst the following proclamation:

**PROCLAMATION
NATIONAL SAFE KIDS WEEK**

WHEREAS, unintentional injury is the number one killer of children ages 14 and under; and

WHEREAS, each year, nearly 6,000 children ages 14 and under die from unintentional injuries; and

WHEREAS, each year, nearly 120,000 children are permanently disabled and 1 out of every 4 children is hurt requiring emergency medical attention; and

WHEREAS, 90% of these are preventable; and

WHEREAS, 41% of these occur during "Trauma Season," the months of May, June, July, and August; and

WHEREAS, emergency rooms experience nearly 3 million visits from children ages 14 and under each summer; and

WHEREAS, the National SAFE KIDS Campaign promotes childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media; and

WHEREAS, the National SAFE KIDS Campaign, with the support of Founding Sponsor Johnson & Johnson, launches SAFE KIDS Week 2001, "Make it a SAFE KIDS Summer," which focuses on the five deadliest warm weather risk areas of motor vehicles, drownings, pedestrian, biking, and falls; and

WHEREAS, the Pasquotank County SAFE KIDS Coalition has planned special childhood injury prevention activities and community based events for SAFE KIDS Week 2001 in an effort to educate families about summer safety;

NOW, THEREFORE, BE IT RESOLVED, that the Pasquotank County Board of Commissioners hereby proclaims May 5-12, 2001 as **NATIONAL SAFE KIDS WEEK**.

ADOPTED this the 23rd day of April, 2001.

Mr. Whitehurst thanked the Board for its support of the coalition. He said through the coalition the lives of hundreds of children in Pasquotank and Camden Counties have been touched through distribution of child car seats, child safety seat checks, bicycle rodeos, and provision of other safety equipment.

4. PUBLIC HEARING ON AMENDMENTS TO ALLOWABLE MANUFACTURED HOME ORDINANCE TO RESTRICT HOMES BEING BROUGHT INTO PASQUOTANK COUNTY TO 10 YEARS OLD:

Chairman Wood declared the meeting to be a public hearing on proposed amendments to the Allowable Manufactured Home Ordinance to restrict homes being brought into Pasquotank County to ten years and require that they have an attached HUD label. He asked for public comments regarding this issue and recognized Mr. William Harmon.

Mr. Harmon said he is a resident in neighboring Perquimans County and feels that the issues that are being considered by Pasquotank County will eventually be considered by Perquimans County. Mr. Harmon said there are a lot of people who earn less than \$15,000 per year who need the opportunity to have a home. He stated that most of these cannot afford new mobile homes. He added that as long as a mobile home is safe and presentable, it should not be restricted from coming into Pasquotank County.

Mr. H.V. Cole stated that he is against the proposed ordinance because he thinks every person should have a home and should not be restricted as to the type of home. He said it is wrong to restrict someone from living in a home that is more than ten years old that has been built to federal specifications. Mr. Cole asked that the Board not adopt the ordinance amendments.

Mr. Curtis Chambers stated that possibly when mobile homes were first being constructed there were deficiencies as compared to the dwellings that are currently manufactured. He said the homes that have been constructed during the last few years are of a better quality and have to meet more stringent code requirements. He stated that he does not feel it would be harmful to the county for these homes to be moved within the county even if they are more than ten years old. He added that he thinks it would be cheating the people who had purchased these homes if the county adopts the proposed restrictions.

At the absence of further comments, the public hearing was closed and Chairman Wood asked for discussion from the Board.

Commissioner John Kitchen stated that the County Attorney has had a death in her family that has prevented her from attending tonight's meeting. He suggested that the Board delay action on this issue until she can return and advise the Board.

Motion was made by John Kitchen, seconded by Bill Trueblood to delay action on the proposed ordinance amendments for at least two weeks until the County Attorney returns and can advise the Board properly.

Commissioner Horace Pritchard said that suggestions have been made to him to possibly develop criteria for inspection of the homes older than ten years for a fee. He suggested that a committee be established to study the criteria for such inspections.

Vice-Chairman Davis stated that it seems unfair for the Board to delay action on this matter since it is apparent that many of the people in attendance tonight are interested in this issue.

Commissioner Lloyd Griffin noted that information has been received from the Institute of Government regarding other counties' age restrictions on mobile homes and he feels that the County Attorney should have an opportunity to review this information and provide input.

Commissioner Bill Trueblood stated that the Board has received a letter from a local attorney representing the manufactured home dealers and he does not think the Board of Commissioners should make a decision on the ordinance amendment without being able to consult with the County Attorney.

Commissioner Kitchen added that the letter from the attorney for the manufactured home dealers is the reason he suggested delaying action on this matter because he feels the Board needs advice from the County Attorney before making a decision.

Chairman Wood stated that there is a significant tax problem in this situation because rental mobile homes are taxed as personal property and the values decrease substantially over a ten year period. He said the county provides services for these property owners, but has no vehicle for collecting sufficient revenues to pay for these services. He stated that he would like to see this issue addressed as well and would therefore also support delaying action for two weeks.

Commissioner Horace Pritchard asked that the Board consider a four week delay to provide sufficient time to meet with the County Attorney to review the concerns and answer any questions.

The motion was amended to delay action on the proposed ordinance amendments until the May 21, 2001 meeting. The amended motion carried by a six to one vote with Vice-Chairman Davis voting against the motion.

5. PUBLIC HEARING ON AMENDMENTS TO ZONING ORDINANCE REGARDING TELEPHONE AND TELEGRAPH FACILITIES:

Chairman Wood requested that Assistant County Manager Rodney Bunch highlight proposed amendments to the Zoning Ordinance which would regulate cellular towers. Mr. Bunch explained that currently the Zoning Ordinance permits cellular towers in four districts, however there are no restrictions whatsoever in the ordinance regulating the towers in these districts. He said the Planning Board felt that restrictions are necessary and has prepared the proposed amendments for the Board's consideration.

Chairman Wood declared the meeting to be a public hearing on the proposed amendments and asked if anyone would care to comment. At the absence of public comments, the public hearing was closed. After discussion by the Board;

Motion was made by Bill Trueblood, seconded by W.C. Witherspoon to accept the recommendation from the Planning Board to adopt the proposed Zoning Ordinance amendments regarding telephone and telegraph facilities.

Discussion followed regarding the provision that abandoned towers shall be removed within 180 days of cessation of operations. Commissioner Pritchard recommended that this be changed to 365 days.

The motion was amended to accept the proposed amendments to the Zoning Ordinance with the change from 180 days to 365 days in the length of time that abandoned towers shall be removed after cessation of operations. The amended motion carried by a six to one vote with Commissioner Griffin voting against the motion. The amendments to the Zoning Ordinance as approved are as follows:

Article I. Section 7.01 – Table of Permitted Uses

TRANSPORTATION & COMMUNICATION FACILITIES

	<u>C-1</u>	<u>I-1</u>	<u>A-1</u>	<u>A-2</u>	<u>O&I</u>
Telephone & Telegraph Facilities Lighted (See Section 7.02, Note 10)	P	P			P
Telephone & Telegraph Facilities (Non-Lighted) (See Section 7.02, Note 10)	P	P	P	P	P

Section 1.01 Section 7.02 – Notes to the Table of Permitted Uses

NOTE 10. Transportation & Communication Facility Antennas

Towers and Antennas shall be subject to the following:

- a) Towers and antennas shall be required to maintain a one (1) foot setback from front, side and rear property lines for every one (1) foot of tower height. Guy wires, when applicable, shall conform to the setback provisions of Article 8.
- b) All utility buildings and accessory structures towers and antennas shall be architecturally designed to blend in with the surrounding environment.
- c) Abandoned or Unused Towers
 - 1. Abandoned or unused towers and antennas located on land owned or leased by the utility owner shall be removed by the utility owner within 365 days of cessation of operations;
 - 2. If the tower/antenna is not removed within the required 365 days of cessation of operations, the County will attempt to contact the utility owner and order the removal of the tower/antenna within sixty (60) days of receipt of the notice. If the County is not successful in contacting the utility owner, the County will notify the landowner that the tower/antenna must be removed within sixty (60) days of receipt of the notice; and
 - 3. Upon successful notification to either the utility owner or the landowner and failure to remove the tower/antenna as ordered, the County may remove the tower/antenna and tax the costs of removal to the landowner or place a lien upon the property for the costs of removal.
- d) Towers and antennas proposed for local business internal communication purposes only shall be exempt from the 1 mile search radius required.
- e) Antennas placed on existing structures shall be considered accessory uses that are permitted by right subject to a zoning permit provided they are no higher than 20 feet above the structure to which they are attached and a qualified and licensed professional certifies the existing structure can suitably accept the antenna. No additional setbacks shall be required for antennas placed on existing structures, excluding existing towers. Antennas that are placed on existing towers cannot be placed above that which exists unless required setbacks can be met.
- f) No new or existing tower and antenna service shall interfere with public safety telecommunications. Further, where it can be shown that telecommunication service interferes with reception received by surrounding properties, the permit holder shall be responsible for taking reasonable steps to eliminate that interference in accordance with FCC regulations.
- g) Prior to obtaining a building permit, the applicant shall submit proof of compliance with Federal Aviation Administration and Federal Communications Commission regulations and any other documentation to demonstrate compliance with state building code regulations.
- h) Every tower, affixed to the ground, and guy wires shall be protected to discourage climbing by unauthorized persons. The base of the tower along with any individual guy wires shall be enclosed by a commercial grade chain link fence (or some other fence of equal or greater quality) a minimum of eight (8) feet in height, and in addition to, shall include a minimum of two (2) strands of barbed-wire and/or razor wire affixed to the top of the fence.
- i) The permit, when issued, shall include a condition that the electromagnetic radiation levels maintain compliance with requirements of the Federal Communications Commission, regarding emission of electromagnetic radiation. Within 30 days of completion of the tower or antenna, and within 30 days of installation of any additional equipment in the future, the tower or antenna owner shall provide documentation of emission levels to FCC standards.

j) Landscaping requirements are as follows:

1. When deemed appropriate to minimize the potential impact on surrounding properties, the Zoning Administrator or his designee may require landscaping around the tower, antenna, guy wires, and associated buildings. In addition, the following shall be required:
 - a. land form preservation: existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed;
 - b. existing vegetation: existing vegetation on a tower or antenna site may be used in lieu of required landscaping when approved by the Zoning Administrator or his designee; and
 - c. minimum site disturbance: grading for the new tower or antenna shall be minimized and limited only to the area necessary for the new facility.

k) Aesthetics, placement, materials and colors: The following standards shall apply to all new antenna arrays and new tower and antenna facilities:

1. Antenna Array Attachments shall be designed so as to be compatible with the tower and antenna facility to which it is to be affixed; including but not limited to, matching the proposed array with existing structural design, façade colors, and camouflage technology.
2. To the extent feasible, new towers and antennas shall be designed to be compatible with existing structures and surroundings. The proposed tower or antenna should be consistent with the tower and antenna type and height standards for similar properties in similar locations; including but not limited to, considerations of scale and space of the immediate vicinity of the new facility, placement in a location which is consistent with proper functioning of the tower or antenna facility and the use of compatible or neutral colors, and camouflage technology.

l) Lighting: The following lighting requirements shall apply to all towers and antenna installations. Towers and antennas shall not be artificially illuminated, directly or indirectly, except for:

1. security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site;
2. such illumination of the towers and antenna as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences; and
3. unless otherwise required by the FAA or other applicable authority, the required light shall be red and a type of lens used to reduce ground lighting when the site is within 100 feet of a residential dwelling.

m) Signage: Towers and antennas shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing tower and antenna facilities.

n) Sound: No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

o) Shared Facilities and Collocation

1. Collocation: All new tower and antenna facilities (other than those proposed for local business utilization) shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to collocate with other existing tower and antenna facilities and to accommodate the future collocation of other tower and antenna facilities. A zoning permit for a tower shall not be issued until the applicant proposing a new tower and antenna facility shall demonstrate that it has made a reasonable good faith attempt to locate its antenna facility on an existing structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against collocation.
2. All towers and antenna facilities (other than those proposed for local business utilization) with a support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least 3 antenna arrays. All towers and antenna facilities with support structures 150 feet or greater in height shall be engineered and constructed to accommodate at least 4 antenna arrays.
3. Collocation Agreements. All applicants for towers and antenna facilities (other than those proposed for local business utilization) are required to submit a statement with the application for a zoning permit agreeing to allow and reasonably market collocation opportunities to other tower and antenna facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers.

p) Wireless Communication Facility Development Standards:

1. In addition to all General Standards as noted above, the following definitions and development standards for Wireless Communication Facilities within the zoning jurisdiction of Pasquotank County shall apply to the installation, construction, attachment, removal, and alteration of facilities to accommodate wireless communication facilities.

2. Purposes

- a. Pasquotank County desires to encourage the orderly development of wireless communication technologies for the benefit of the County and its citizens. The County also recognizes the character of the communities of the County;
- b. As a matter of public policy the County aims to encourage the delivery of new wireless technologies throughout the County while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Pasquotank County;
- c. Specifically, the Wireless Communication Facility Development Standards are designed to achieve the following:
 - (1) Provide a range of locations for wireless communication facilities throughout the County;
 - (2) Encourage the location of wireless communication facilities onto existing structures to reduce the number of new communication towers needed within Pasquotank County;
 - (3) Encourage collocation and site sharing of new and existing wireless communication facilities;
 - (4) Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;
 - (5) Protect residential, historic preservation areas, and scenic corridors from the uncontrolled development of wireless communications facilities by requiring reasonable site conditions;
 - (6) Promote the use of suitable lands for the location of wireless antennae, towers, and/or wireless communication facilities;
 - (7) Insure the harmonious, orderly and efficient growth and development of wireless communication facilities within the County;
 - (8) Provide standards for the development of wireless communication facilities which are consistent with the requirements of the Federal Telecommunications Act of 1996 and the best interest of the future of Pasquotank County; and
 - (9) Provide clear performance standards addressing the siting of wireless communication standards.

3. Definitions

Antenna Array An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

Attached Wireless Communication Facility An Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

Collocation/Site Sharing Collocation/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of an Antenna Array on a structure owned or operated by a utility or other public entity.

Equipment Facility An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility, which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

FAA Federal Aviation Administration.

FCC Federal Communications Commission.

FTA Federal Telecommunications Act of 1996.

Height When referring to a wireless communication facility, height shall mean the vertical distance measured from the base of the tower to the highest point on the wireless communication facility, including the antenna array and other attachments.

Setback Setback shall mean the required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet and guy anchors.

Support Structure A Support Structure is a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device), which is used to attach an attached wireless communication facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structure.

Temporary Wireless Communication Facility Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

Wireless Communications Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless Communication Facility A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

4. Preferred Locations for Wireless Communication Facilities and Applicability

a. The following wireless communication facilities may be allowed within Pasquotank County:

(1) Antenna Attachments: Antenna attachments onto existing Support Structure(s), including but not limited to water tanks, utility poles/structures, buildings, etc. or onto an Attached Wireless Communication Facility shall be permitted subject to Development Standards identified in number 5.

b. A proposal for a new wireless communication facility shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on existing or approved towers, buildings or alternative structures within a one (1) mile search radius of the proposed wireless communications facility due to one or more of the following reasons:

(1) The planned equipment would exceed the structural capacity of the existing or approved tower, building or structures, as documented by a qualified and licensed North Carolina professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, building or other structure as documented by a qualified and licensed North Carolina professional engineer and the interference cannot be prevented at a reasonable cost.

(3) Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed North Carolina professional engineer.

(4) Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building or other structure.

5. Development Standards:

a. Development standards for Wireless Communication Facilities, in addition to the general standards as noted in this ordinance, will include the following:

(1) Spacing requirements:

(a) Wireless Communication Facilities shall be spaced a minimum of one half (1/2) mile apart unless an existing tower is full and another tower is erected on the same property.

(2) Height standards:

- (a) Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum original permitted height of that tower.

6. PUBLIC HEARING ON AMENDMENTS TO SUBDIVISION ORDINANCE TO ALLOW FOR IMPROVEMENT GUARANTEES FOR ASPHALT STREET PAVING ONLY:

Chairman Wood requested that Mr. Rodney Bunch outline the proposed amendments to the Subdivision Ordinance that would allow for improvement guarantees for asphalt street paving only. Mr. Bunch explained that currently the Subdivision Ordinance provides that anyone receiving a preliminary approval for a subdivision can immediately request a final plat approval and at that time submit a guarantee for all improvements which could consist of water lines, fire hydrants, artificial drainage, grading and ditching, drainage culverts, stone base, asphalt, and seeding. The recommendation from the Planning Board is to amend the improvement guarantee to provide that all infrastructure would be in place at final plat approval with the exception of the asphalt itself which could be bonded and constructed anytime within a twelve month period.

Chairman Wood declared the meeting to be a public hearing to receive comments on the proposed amendments and asked if anyone would care to comment on the amendments. Mr. Frankie Meads asked for clarification regarding the bonding provisions and Mr. Bunch provided a response.

At the absence of further comments, the public hearing was closed and Chairman Wood asked for discussion by members of the Board.

Motion was made by John Kitchen, seconded by Bill Trueblood to accept the amendments to the Subdivision Ordinance as recommended by the Planning Board.

Discussion followed and Commissioner Kitchen stated that he supports the motion because on January 8, 2001 the Board requested that the Planning Board look at the bonding provisions and make a recommendation to the Board regarding the elimination of all bonding with the exception of asphalt. He said in the past the county has allowed lots to be sold, and if there had been a bond posted a person could have built a house or moved a house on the lot and could potentially have to wait twelve months to get water. He stated with these new provisions, a person buying a lot would immediately be able to get water and not have to wait for up to twelve months.

Commissioner Horace Pritchard suggested that developers also be allowed to bond seeding since final seeding would be completed after the roads are asphalted in order for the state to accept the road on the DOT system. It was further suggested that the grading of the shoulders be bonded as well because this would need to be done after asphaltting and before the final seeding. Commissioner Lloyd Griffin suggested that the motion be amended to accept the amendments to the Subdivision Ordinance with the exception that improvement guarantees also be allowed for shoulder-grading and seeding.

The motion was amended to adopt the proposed amendments to the Subdivision Ordinance with the exception that improvement guarantees will continue to be allowed for shoulder-grading and seeding in addition to asphaltting of the roads. The motion carried unanimously and the proposed amendments to the Subdivision Ordinance were adopted.

Article III, Procedures for Review and Approval of Subdivision Plats
Section 306.5, Improvement Guarantees

A) Agreement and Security Required

In lieu of required completion, ~~installation, and dedication of all improvements~~ of asphalt street paving, shoulder/ditch grading, and seeding prior to final plat approval, the County of Pasquotank may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all ~~required improvements~~ asphalt street paving, shoulder/ditch grading, and seeding. Once the agreement is signed by both parties and the required security is provided, the final plat may be approved by the Pasquotank County Board of Commissioners, if all other requirements of this

ordinance are met. To secure this agreement, the subdivider shall provide, subject to approval of the Pasquotank County Board of Commissioners any one or combination of the following guarantees:

1) Surety Performance Bond(s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in the State of North Carolina. The bonds shall be payable to the County of Pasquotank and shall be in an amount equal to 1.20 times the entire cost, as estimated by the subdivider and approved by the Pasquotank County Board of Commissioners, of installing ~~all required improvements~~ the asphalt street paving and completion of final shoulder/ditch grading and seeding. The duration of the bond(s) shall be until such time as the improvements are determined by the Board of Commissioners to be in compliance with the provisions of this ordinance. All improvements must be made within twelve (12) months of the date of authorization of the security bond(s).

2) Cash or Irrevocable Letters of Credit on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.

The subdivider shall deposit, an irrevocable letter of credit or cash with Pasquotank County. The amount of the deposit shall be equal to 1.20 times the entire cost of installing ~~all required improvements~~ the asphalt street paving and completion of final shoulder/ditch grading and seeding as estimated by the subdivider and approved by the Pasquotank County Board of Commissioners. All improvements must be made within twelve (12) months of the date of authorization of the security.

Section 306.7, Acceptable Guarantees for Street Maintenance

To clarify that street maintenance guarantees are for all street improvements.

The amount of the security shall constitute fifteen percent (15%) of the cost of ~~the~~ all improvements relating to road construction (grading, ditching, culverts, stone base, asphalt, seeding, etc.). The developer shall provide information sufficient to determine the cost of the improvements. The following types of bonds/guarantees will be acceptable to the Board of Commissioners for the purpose of satisfying maintenance of streets guarantees prior to final plat approval:

1) Surety Bond(s)

The subdivider shall obtain a surety bond(s) from a surety bonding company authorized to do business in the State of North Carolina. The bond(s) shall be payable to the County of Pasquotank and shall be in an amount approved by the Pasquotank County Board of Commissioners. The duration of the bond(s) shall be until such time as the streets are accepted by the North Carolina Department of Transportation.

2) Cash or Irrevocable Letters of Credit on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.

The subdivider shall deposit, an irrevocable letter of credit or cash with Pasquotank County. The amount of the deposit shall be approved by the Pasquotank County Board of Commissioners. The security shall be held until such time as the streets are accepted by the North Carolina Department of Transportation.

Section 306.9 – Plat Requirements Checklists

To remove requirement for note to be added to plat if water line is not constructed prior to final plat approval. This proposal is subject to the improvements guarantee being approved, thereby requiring water lines to be constructed prior to final plat submittal.

~~The following statement shall appear on the face of the plat if water lines are not installed prior to final plat approval: "According to the Pasquotank County Subdivision Ordinance, water lines may not be built in this subdivision for 12 months from the date of final plat approval. Information on the status of construction of the water system in this subdivision can generally be obtained from the developer or the County Water System."~~

7. CONSIDERATION OF OFFER FROM GENE AND SHIRLEY MEADS:

The Board considered an offer from Gene and Shirley Meads to donate Meads Pool and thirty acres of land to Pasquotank County.

Motion was made by Sam Davis, seconded by Lloyd Griffin to accept the donation of Meads Pool and thirty acres of land.

The Board discussed the proposal at length and several members expressed concern that the county might be obligated to spend taxpayers' money to maintain and operate the pool if accepted. They felt that some assurances were needed from Mr. and Mrs. Meads that the county would not be obligated to operate the pool. Other members of the Board felt the county should accept the pool and operate it and provide swimming lessons and recreational opportunities for the county's children. The Board heard comments from several individuals from the public.

The motion was amended to accept the gift of Meads Pool and the thirty acres of land so long as the county can get a free and clear deed from Gene and Shirley Meads. The motion carried by a five to two vote with Commissioners Wood and Kitchen voting against the motion.

8. PUBLICATION OF COUNTY COMMISSIONER MEETING AGENDAS:

Vice-Chairman Davis stated that on January 22, the Board voted to pay to publish its meeting agendas in the classified section of *The Daily Advance* and to assess the effectiveness after 90 days. He said it seems to him that there have not been any more people in attendance at the meetings since the agendas have been published and he does not feel the costs are justified.

Motion was made by Sam Davis, seconded by Lloyd Griffin to stop publishing Commissioner meeting agendas in the classified ads.

Discussion followed and Commissioner Kitchen stated that the citizens deserve to have a notice in the newspaper letting them know what will be discussed at the meetings and when the meetings will be held. He said he felt the meetings have been well-attended since the agendas have been published in the paper.

The motion to discontinue publishing the agendas in the classified ads failed by a three to four vote with Commissioners Davis, Witherspoon, and Pritchard voting in favor of the motion, and Commissioners Wood, Kitchen, Trueblood, and Griffin voting against the motion.

9. WEEKSVILLE SCHOOL SEPTIC SYSTEM:

Motion was made by Sam Davis, seconded by Horace Pritchard to reconsider the septic system at Weeksville School and to go back to the idea of a sewer line going to Weeksville School.

The County Manager was asked to update the Board on the status of the septic system. He said he notified Dr. Stewart, Superintendent of Schools, of the Board's action to authorize the septic system and he met with the engineer to review the plans. He stated that they discussed the schedule for the project and the engineer felt there was ample time to readvertise for bids and complete the project by the beginning of the next school year. He said the School System is in the process of readvertising and accepting bids for the septic system project.

Vice-Chairman Davis said that he understands there may possibly be grant funds available to install a sewer line at no cost to the taxpayers of Pasquotank County. He said the county had previously asked the city to apply for this grant and he thought it should be followed through. He added that the sewer line would be a permanent fix rather than a temporary fix which would result from the septic system.

Commissioner Kitchen pointed out that the motion by Commissioner Davis is out of order according to the Board's rules of procedure because it was not made at the same meeting at which the original vote was taken.

The Chairman ruled the motion made by Commissioner Davis out of order.

Motion was made by Sam Davis, seconded by Horace Pritchard to rescind the motion made at the March 18 meeting to authorize the installation of a septic system at Weeksville School.

Discussion followed and Commissioner Bill Trueblood said the Board of Education has already begun the process of re-advertising for bids and the county would be stopping this process. He

stated that Pasquotank County would own the septic system, but would not own the sewer line, as it would be owned by the City of Elizabeth City.

Commissioner Lloyd Griffin stated that a long-term fix is needed and the sewer line would be a long-term fix.

Chairman Wood said he felt the Board made the right decision when it voted to install a septic system at Weeksville School. He said this has been an issue for at least five years and possibly longer, and the county has paid approximately \$4,000 each month to have the school's sewage pumped and hauled. He said the septic system was a reasonable solution to the problem while the sewer line could take much longer to construct.

Commissioner Kitchen said by saving the \$4,000 per month in pump and haul costs, the septic system would be paid for in three years. He said the cost of the sewer line is substantially more than the septic system and there is no assurance that a grant for the sewer line would be funded.

Commissioner Davis stated that he believes the sewer line could be constructed just as quickly as the septic system could be constructed. He added that the additional land that was purchased for the septic system would allow expansion of the school if a sewer line is constructed, and if a septic system is installed, it would limit the ability to enlarge the school. He said the sewer line is a permanent fix that may not cost the county anything and he does not feel the county should pass up this opportunity.

The motion to rescind the decision made at the March 18 meeting to authorize the installation of a septic system at Weeksville School carried by a four to three vote with Commissioners Davis, Pritchard, Griffin, and Witherspoon voting in favor of the motion, and Commissioners Wood, Kitchen, and Trueblood voting against the motion.

Motion was made by Sam Davis, seconded by Horace Pritchard to proceed with the sewer line for Weeksville School and to pursue grant funds. The motion carried by a four to three vote with Commissioners Davis, Pritchard, Griffin, and Witherspoon voting in favor of the motion, and Commissioners Wood, Kitchen, and Trueblood voting against the motion.

10. APPROVAL OF FINANCE COMMITTEE RECOMMENDATIONS:

The Finance Committee has recommended approval of the following items:

a. Budget Amendments

Fun Junktion

Increase	010.0550.4839.00	Miscellaneous Revenue	5,500.00
Decrease	010.6130.5500.00	Capital Outlay	5,500.00

Planning

Decrease	010.6900.5991.00	Contingency	2,500.00
Increase	010.4910.5500.00	Capital Outlay	2,500.00

b. Tax Releases and Refunds

Releases:

		County	City
1.	William W. & Elizabeth Follett		479.26
2.	Unknown Owner c/o Basin Group	100.16	
3.	Sallie McMurren Heirs	103.60	
4.	Sallie McMurren Heirs	102.80	
5.	Sallie McMurren Heirs	102.30	
6.	Sallie McMurren Heirs	102.70	
7.	J&J Produce Inc.	118.08	
8.	Donald D. Vandewalker	114.38	82.46
9.	Donald D. Vandewalker	103.74	82.46

10.	Donald D. Vandewalker	380.00	
11.	Vern Oscar Strubeck	184.84	
12.	Joseph Yinger	162.95	
13.	Mike O'Dell	127.05	105.60
14.	Carolina Housing	253.71	182.90

Refunds:

		County	City
1.	Jordan Thornton Heirs	150.88	
2.	Jordan Thornton Heirs	134.16	
3.	Jordan Thornton Heirs	125.56	
4.	H.L. Proctor, Sr.	125.56	
5.	H.L. Proctor, Sr.	112.74	
6.	H.L. Proctor, Sr.	106.58	
7.	Robert James Hannaford	138.33	123.20
8.	Robert James Hannaford	162.10	140.63
9.	Maurice K. Berry	144.14	
10.	Maurice K. Berry	130.73	
11.	Maurice K. Berry	122.35	

Motion was made by Horace Pritchard, seconded by Bill Trueblood to approve the budget amendments and tax releases as recommended by the Finance Committee. The motion carried unanimously.

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

Releases:

		County	City
1.	Hai Van Vo	52.39	44.50
2.	Sharon Whidbee Arnold	11.10	8.00
3.	Tory Vaughn Hill	2.24	
4.	Ellen Louise Mosher	11.87	
5.	David Carroll Miller	22.71	16.37
6.	William Wayne Stokely	3.49	2.52
7.	Donald Edward Welch	71.90	
8.	Raymond Charles Williams	24.34	17.55
9.	Christopher Michael Kelly	92.19	71.46
10.	Patricia Ann Shepherd	12.52	9.95
11.	Gary Allen Stone	42.16	
12.	Tony Anthony Houlditch	25.79	
13.	Michael J. Rzepa	73.70	
14.	Jackson Hoffler	12.98	
15.	Jackson Hoffler	2.21	
16.	Meredith Malone Glover	33.46	
17.	Don Wayne Jernigan	50.14	
18.	Elizabeth Earle Eure	79.77	
19.	Edwin Ferebee Aydlett, Jr.	1.72	1.24
20.	Vann Winston Pennell	28.38	
21.	Johnathan Alan Williams	2.89	
22.	James Graves Midgett, Jr.	25.12	
23.	Charles B. Nunley	54.13	48.03
24.	Anthony Craig Addair, Jr.	83.07	
25.	Charles Burts Nunley	85.72	73.14
26.	Margaret C. Santo	15.57	11.23
27.	Arthur James Gladden, Jr.	23.01	
28.	Arthur James Gladden	18.10	
29.	Brenda Hollowell Joyner	22.97	
30.	Winfred Deward Hughes	53.82	

31.	Winfred Deward Hughes	30.51	
32.	Linda Staples Frazier	64.59	
33.	William Edward Blowe		76.67
34.	Robert Battle Betts, Jr.	18.02	12.99
35.	Gregory Kirk Corriveau	33.11	
36.	Bruce Leon Eckenrode II	40.42	29.14
37.	Mohammed Ashraful Alam	6.02	
38.	Alfred Thompson, Jr.	33.20	
39.	Michael C. McDaniel	77.77	66.81
40.	Dianne Downing Perry	63.52	
41.	Alvin Judson Southworth	43.10	
42.	Erma Baum Jones	30.66	22.11
43.	Roosevelt Walker	37.07	
44.	Christi Schoneboom	70.97	

Refunds:

		County	City
1.	Robert James Hannaford	72.09	57.39

11. APPROVAL OF FINAL PLAT FOR RED OAK SUBDIVISION :

The Board considered the final plat for Red Oak Subdivision, Phase 2, Section 5, consisting of 29 lots. Mr. Rodney Bunch explained that all improvements have been made, fees paid, appropriate certificates have been signed, and the street maintenance guarantee is in place. He said staff would recommend final approval.

Motion was made by Horace Pritchard, seconded by Lloyd Griffin to approve the final plat for Red Oak Subdivision, Phase 2, Section 5. The motion carried unanimously.

12. CONSIDERATION OF FINAL PLAT FOR OAK RIDGE SUBDIVISION, SECTION D:

The Board reviewed the final plat for Oak Ridge Subdivision, Section D, consisting of 18 residential lots on Linwood Drive in Newland Township. Mr. Bunch said after reviewing the site last week, he noted four items that needed to be addressed. He detailed the four items and stated that he has received some responses today. He asked that the Board consider giving the developer an additional thirty days to complete the project and resubmit for approval.

Motion was made by John Kitchen, seconded by Lloyd Griffin to allow the developer an additional thirty days to complete the improvements in Oak Ridge Subdivision, Section D and resubmit the final plat. The motion carried unanimously.

13. REQUEST FOR EXTENSION OF PRELIMINARY PLAT FOR PARKWAY CENTER SUBDIVISION:

Mr. Bunch explained that a request has been received from the developers of Parkway Center Subdivision for an extension of the preliminary plat. The plat consists of 68 commercial lots off U.S. 17 South and received preliminary approval from the Board of Commissioners on May 17, 1998. Sixteen of the lots have received final approval. Two one-year extensions of the preliminary approval had been granted and the last extension will expire on May 17, 2001.

Motion was made by Bill Trueblood, seconded by John Kitchen to grant a six-month extension of the preliminary plat approval for Parkway Center Subdivision. The motion carried unanimously.

14. BUDGET MEETINGS:

County Manager Randy Keaton requested that the Board consider when to begin having budget work sessions. The Board agreed to schedule the special Finance Committee meetings on May 2 at 7:30 PM, May 14 at 7:30 PM, and May 16 at 7:30 PM. In addition, the first hour of the May 7 and May 21 regular Finance Committee meetings at 4:00 PM will be set aside for work on the budget.

15. REPORTS FROM COMMISSIONERS:

Commissioner Horace Pritchard reported that Albemarle Commission has learned that the costs of home-delivered meals will increase substantially next fiscal year. He said that Pasquotank County's costs will increase by approximately \$26,000 for the next fiscal year in order to serve the same number of persons. He stated each county will have to make a decision during budget deliberations as to whether to pay the increased cost or decrease the number of meals.

Commissioner Lloyd Griffin reported that the Specific Projects Committee is doing more work on outdoor advertising signs and manufactured home skirting.

Commissioner Griffin also reported that a tree-planting celebration will be held at 10:00 AM this Tuesday at Fun Junktion for the Shade Tree Project to prevent skin cancer.

Commissioner John Kitchen said he feels it is very necessary that the Board of Commissioners hold a special meeting to talk about its problems. He said that Board members need to get together and talk with no agenda.

Vice-Chairman Sam Davis reported that he and Commissioner Kitchen attended the NCACC Regional Meeting recently in Greenville. He said the event was very informative and several issues were covered that were important to all of the County Commissioners in Northeastern North Carolina.

Vice-Chairman Davis stated that the Hospital's budget was presented at a recent Hospital Board meeting, and from the budget that was presented there appears to be no adverse affect on the Hospital's budget by making lease payments to Pasquotank County.

16. RECOMMENDATIONS FROM BOARD APPOINTMENTS COMMITTEE:

Vice-Chairman Davis said the Board Appointments Committee met this afternoon and would like to recommend the following reappointments to the Keep Pasquotank Beautiful Committee: Tom Campbell, Hugh Clinkscales (honorary), Becky Falenski, Carolyn Jennings, Rodney Johnson (honorary), Van Johnson, Liz Linney, and Matt Wood (honorary). New appointments being recommended include Anne Blindt, Harold Ellingsen, Peggy Langley, and Rhonda Twiddy. Vice-Chairman Davis said that Board members will be provided the applications from these four individuals to review so that action can be taken at the next meeting to appoint them. Chairman Wood asked for nominations from the floor. There being no further nominations;

The recommendations from the Board Appointments Committee were unanimously accepted.

17. YMCA:

Chairman Wood noted that members of the Board have received a letter from the Director of the Elizabeth City Boys Club regarding the proposed YMCA. He said the letter contains much misinformation and he would like to clarify that the YMCA building would not be any burden on the county whatsoever. He stated that two buildings are actually being built--one is the COA Building for Allied Health which will house the nursing program, EMS program, and surgical technician program. He stated that the county will be responsible for the expenses associated with maintaining the building like all buildings at COA. The second building would be built by the YMCA and Albemarle Hospital with private funds and the county would not be responsible for maintenance of the building. The advantage for COA is that it will be allowed to hold the majority of its physical education classes in the facility, and the students would also have access to the YMCA at a discounted price. Chairman Wood said the College of The Albemarle Board of Trustees has agreed to go forward with the project and he believes the Hospital Board has also agreed to proceed with the project. He added if anyone has questions about the YMCA project, he will be glad to answer them.

18. CLOSED SESSION TO INSTRUCT STAFF CONCERNING THE POSITION TO BE TAKEN IN NEGOTIATING THE MATERIAL TERMS OF A PROPOSED CONTRACT FOR THE ACQUISITION OF REAL PROPERTY:

Chairman Wood 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 instruct staff concerning the position to be taken in negotiating the material terms of a proposed contract for the acquisition of real property.

Motion was made by Horace Pritchard, seconded by Sam Davis that the Board enter Closed Session to instruct staff concerning the position to be taken in negotiating the material terms of a proposed contract for the acquisition of real property. The motion carried unanimously.

Upon the end of Closed Session;

Motion was made by Lloyd Griffin, seconded by Bill Trueblood that the Board return to Regular Session. The motion carried unanimously.

Motion was made by W.C. Witherspoon, seconded by Sam Davis that the meeting be adjourned. The motion carried unanimously and the meeting was adjourned at 10:00 PM.

CHAIRMAN

CLERK