

**PASQUOTANK COUNTY, NORTH CAROLINA
MAY 17, 2010**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, May 17, 2010 in Courtroom C in the Pasquotank County Courthouse.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant 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. Rev. Banks, Assistant Pastor of Mount Carmel Baptist Church, gave the invocation and Vice-Chairman Lloyd Griffin led in the Pledge of Allegiance to the American Flag.

1. NHS TENTH GRADE CIVICS AND ECONOMICS CLASS:

Chairman Stevenson recognized students from Ms. Sarah Byrum's 10th grade honors Civics and Economics class from Northeastern High School who were at the meeting as part of a school assignment. He welcomed the students and asked them to introduce themselves as follows: Tyler Keaton, Jake Willis, Yana Ginsburg, Audrey Garrett, Amanda Melville, Matthew Hulse, and Michael Fenwick.

2. COMMENTS FROM MARCY BERGMAN ABOUT STRAWBERRY ACRES:

Chairman Stevenson recognized Ms. Marcy Bergman of 15 Camden Causeway, Elizabeth City who said she would like to speak to the Board about the Strawberry Acres Subdivision on Main Street Extended. She stated that she had applied to have the final plat approval on the agenda for tonight's meeting, however staff had determined that the subdivision was not ready to be brought to the Board for final plat approval. She said as the developer, she would like to request that the Commissioners direct staff to provide her with a clear and comprehensive list of what needs to be done to the subdivision so that they do not get to this point again next month. She stated that there is obvious miscommunication and misunderstandings and they have been going through this process for months and have not been able to make progress. She said it is imperative that the subdivision plat be on the agenda and be considered for final approval next month. Ms. Bergman said the list of concerns continues to change and it appears that standards are not consistently being applied during subdivision reviews. She said she feels there has also been a significant amount of confusion on the part of staff regarding some of the technical details of the project which has created additional confusion and costs. She explained that at one time the subdivision was not in compliance with the plan that had been submitted to the state. She said according to staff it is a requirement that the developer submit a letter to the county from the state certifying that the subdivision is in compliance, however according to the state that does not happen and this is not the process. She stated that the state deals directly with the developer and the county is not involved. Ms. Bergman said they are in compliance according to the representative from the state they have been dealing with. She asked for clarification from the Board as to how they are supposed to provide some type of documentation when the state tells them that is not their process and that they do not provide that letter. She explained that the second issue is a minor non-conformance on one of the ditches in their project. She said her understanding in the past is that other subdivisions have been approved for final plat by the Board of Commissioners with the understanding that the developer would go back and correct whatever the minor non-conformances were. She stated that this is not the standard being applied in this situation and she feels it is incumbent upon the Board to clarify that and be consistent. Ms. Bergman stated that the third issue is something that has just been brought to their attention this afternoon and deals with the vegetation on the project. She said they have been told that they need better vegetation. She stated this was discussed with staff back in February and it is obvious that they have done a significant amount of work to improve the

amount of vegetation on the project. She said it seems to her that the county already has a bond for this work and can see their best faith efforts toward getting this vegetation in place, but evidently this is not enough for the county to consider their subdivision for final plat approval. She asked for a definition of what better means and that it is not a subjective measure. Ms. Bergman stated that she thinks it is in the best of interest of the developer and the county to make this process a little more acceptable.

Chairman Stevenson explained to Ms. Bergman that in the past the Board has approved projects subject to certain requirements being met, but most recently the Commissioners have given direction to the staff that they will no longer tolerate things that are not completed prior to the final plat submittal. He said there have been situations in which the Board approved the final plat contingent upon the developer fixing or completing items that never got done. He added that the only way the Board has to hold anything over the developer is through the final plat process.

Commissioner Wood noted that the Commissioners visited the site of the Strawberry Acres Subdivision this afternoon and observed the conditions. He stated that the reality is that there is no vegetation on a number of the lot swales. He said the county is not into using improvement bonds to take over developments that have not been completed, because it would take a huge amount of work on the part of staff. Commissioner Wood acknowledged that a tremendous amount of work has been done by the developers to get the project to where it is now, but the fact is that it is not a subjective issue with regard to whether or not some of the requirements have been met. He said he sees it as objective because he could see that grass was not established.

Vice-Chairman Griffin stated that the Subdivision Ordinance requires that a letter from Sedimentation and Erosion Control has to be on file before the project moves forward. He said he heard from Ms. Bergman that Sedimentation and Erosion Control does not issue letters of approval. He asked Planning Director Shelley Cox how this has been handled in the past. Ms. Cox said in the past this has not been an issue to her knowledge. She stated after the field trip today she contacted the State Sedimentation and Erosion Control Office and left a message for the person who has performed the inspections at this site. She said throughout this process she has spoken with him several times and he has not tried to withhold any information from her and he never told her that this information is not readily available to the county. She noted that at this point in time all she is looking for is confirmation of whether this project is consistent with the State Sedimentation & Erosion Control permit. She explained that engineer Greg Johnson also contacted the state office and was informed that the state would not have any trouble giving the county a letter saying that they are compliant. Vice-Chairman Griffin said the Subdivision Ordinance clearly states that a letter from the Sedimentation & Erosion Control office is required. He asked if letters have been obtained for any of the other prior subdivisions. Ms. Cox said letters have not been received, but in the past the Planning Department has gotten copies of the permit and staff has done a final inspection of every site to determine compliance. In this case, when the inspection was done in February, it was immediately apparent that this site was not compliant with the state permit. She said usually it is not an issue.

Assistant County Manager Rodney Bunch explained that the Subdivision Ordinance requires a copy of the permit from the state at the preliminary plat stage in order to grant approval for the developer to construct the project. At final plat, the permit is on the check-off list. Mr. Bunch said the situation in this particular case is that staff became aware that the permit was in violation which to him says there is no permit until the violation is corrected. Staff needs that acknowledgement at final plat saying that the permit was still valid which is what staff was trying to get.

Ms. Bergman said when the state tells them that sending a letter to the county is not their standard process, and if the county requires such a letter for every project, then the county needs to work out a resolution with the state office.

Commissioner Wood added that each and every project that becomes out of compliance with the state permit needs to show to the county at some point that they are back in compliance. He said when the county has knowledge that a project is out of compliance, it is incumbent upon the county to act on that knowledge.

Mr. Arthur Bergman of 2135 Rivershore Road advised that the state inspector explained to him that the state will send a notification to the responsible party indicating that there is a nonconformance. Once that nonconformance is cleared up, there is no further notification. He

said for the record as of last Friday, there was no nonconformance according to the state inspector.

Commissioner Trueblood informed Mr. Bergman that there are timetables that have been established for staff to react to requests. He said there are certain things that have to be done by staff before a project can be included on the agenda. Commissioner Trueblood stated that over the last few years there has been much said about Knobbs Creek and the increased drainage problems in the Knobbs Creek basin. He said this is the reason the Board is concerned about sedimentation and erosion control and what goes into the Knobbs Creek basin. He stated that anytime staff sees a problem or concern, whether there is a violation or not, they have direction to do whatever it takes to get that matter corrected. He said it is also incumbent upon the developer to make sure that what flows from their development into Knobbs Creek is only water and not the sediment from the subdivision. He added that if it appears that staff or the Board has reacted in such a way to impugn the developers' ability to move forward, they are only trying to make sure that everything is handled properly.

3. 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 item recommended by the Finance Committee to the consent agenda: 1) Approval of request for leave without pay for EMS employees.

Motion was made by Matt Wood, seconded by Lloyd Griffin to approve the amendment to the agenda as recommended. The motion carried unanimously.

4. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of April 28 and May 3, 5, and 11, 2010 Commissioner Meetings

b. Approval of Tax Releases

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

Releases:

		County	City
1.	Guy Eugene Mefferd	104.77	
2.	Robert Johnson, Jr.	123.21	
3.	Donald Kelly Jansen, Jr.	126.24	107.12
4.	Lawrence Jane Perante	150.93	
5.	Donald D. & Brenda Vandewalker	377.40	198.00
6.	David Patton Sheppard	122.50	99.23

c. Approval of Family Subdivision Request 10-02

Staff has recommended approval of Family Subdivision Request 10-02 by William & Judith Perry to create a gift lot for a child in accordance with Article 3, Section 303 of the Pasquotank County Subdivision Ordinance. Twenty-five feet of road frontage for the proposed parcel is provided onto Okisko Road. The total lot area proposed is 1.00 acre for the gift lot and 88+/- acres for the residual tract. The grantors are requesting to give a lot to their son, Michael Perry, and they have provided documentation showing the property has been in continuous ownership for a period of over five years. Documentation has been provided that the plat qualifies as a family subdivision and Albemarle Regional Health Services has evaluated the site and determined that it is suitable for a septic system. Staff has advised that the application meets the minimum requirements for a family subdivision.

d. Approval of Family Subdivision Request 10-03

Staff has recommended approval of Family Subdivision Request 10-03 by John B. Spence to provide a gift lot for a child in accordance with Article 3, Section 303 of the Pasquotank County Subdivision Ordinance. No road frontage is provided for this parcel, however the Board approved a subdivision variance for the lot on March 1, 2010. The total lot area proposed is 1.5 acres for the gift lot and 105 +/- acres for the residual tract. The grantor is requesting to give a lot to his son, John T. Spence, and he has provided documentation to show the property has been in continuous ownership for a period of over five years. Documentation has been provided that the plat qualifies as a family subdivision and Albemarle Regional Health Services has evaluated the site and determined that it is suitable for a septic system. Staff has advised that the application meets the minimum requirements for a family subdivision.

e. Approval of Revised Bylaws for Albemarle Economic Development Commission

The Board reviewed proposed changes in the bylaws for the Albemarle Economic Development Commission. The two main changes include an increase in the number of members and the addition of language regarding conflict of interest and confidentiality agreements. Pasquotank County, Camden County and Elizabeth City must approve the changes before they can become effective.

Vice-Chairman Lloyd Griffin explained that the EDC has asked to increase the number of non-voting ex officio members to include a non-elected Camden County resident, the director of the Elizabeth City Area Convention & Visitors Bureau, and the Superintendent from the Elizabeth City-Pasquotank Public School System. He said it was felt it would be beneficial for the Superintendent to be involved in order to hear the voice of the business community and take that information back to the Board of Education to show the value of the schools in economic development in our region.

Assistant County Manager Rodney Bunch noted that the bylaws need to be corrected to remove reference to Camden County as a participating county in the second paragraph and in a couple of other sections of the bylaws.

f. Approval of Surplus of Old Mobile Radios

The Sheriff's Department has requested that the Board approve the surplus of old mobile radios that have been taken out of patrol vehicles. The North Carolina Department of Corrections still uses these types of radios and would like to purchase the radios from the county for parts. There are currently between ten and fifteen radios and the Sheriff's Department has estimated the value at approximately \$100 per radio. The Board needs to approve the surplus of these radios for eventual sale to the state.

g. Approval of Requests for Leave without Pay for EMS Employees

The Finance Committee has recommended approval of leave without pay requests from EMS employees Larry Myers and Tom Taylor. Mr. Myers will need approximately three weeks of leave without pay and Mr. Taylor is requesting six weeks of leave without pay. The EMS Director has stated that he does not feel this will cause a hardship for the EMS Department.

Motion was made by Cecil Perry, seconded by Charles Jordan to approve the consent agenda as amended, including an amendment to the AEDC bylaws to remove references to Camden County as a participating county. The motion carried unanimously.

5. ADOPTION OF CAPITAL PROJECT ORDINANCE FOR R.O. PROJECT:

The County Manager explained that the Board needs to adopt a capital project ordinance for the R.O. Project. He said everything contained in the ordinance has been previously approved by the Board, however the ordinance is needed for the project since it spans more than one fiscal year.

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to adopt the proposed Capital Project Ordinance for the R.O. Project as presented. The motion carried unanimously and the following ordinance was adopted.

CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Board of Commissioners of Pasquotank County, North Carolina, that, pursuant to N.C. Gen. Stat. §159-13.2, the following Capital Project Ordinance is hereby adopted:

Section 1. The projects authorized are the construction of a reverse osmosis water treatment facility, a 24" transmission main, a 12" force main, directional bore and discharge header, and the purchase of easements necessary to construct the transmission main and force main. These projects are to be financed by the sale of revenue bonds.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the installment financing agreement, the trust agreement, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering	\$ 1,050,000
Trustee Fees	9,000
Issuance Cost	67,000
RO Plant	7,847,000
Production Wells	1,286,630
24" Transmission Main	1,868,090
12" Force Main Phase II	1,146,480
Directional Bore & Discharge Header	436,300
Miscellaneous Expenses	15,000
Easements	15,000
Contingency	1,034,866
Transfer to Water System	<u>3,319,765</u>

Total \$18,095,131

Section 4. The following revenues are anticipated to be available to complete this project:

Bond Proceeds	\$16,500,000
Sales Tax Refunds	180,000
Interest Earned	25,000
Rural Center Grant	500,000
Transfer from Water System	<u>890,131</u>

Total \$18,095,131

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the installment financing agreement and the trust agreement.

Section 6. Funds may be advanced from the Construction Fund for the purpose of making payments as due. Reimbursement requests should be made to the trustee in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this Capital Project Ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

ADOPTED this the 17th day of May, 2010.

6. COUNTY MANAGER'S REPORTS:

County Manager Randy Keaton stated that three Commissioners and two staff will be attending County Assembly Day in Raleigh this Wednesday. The county van will leave the parking lot at 6:30 AM.

Mr. Keaton reminded everyone of the Jail Dedication Ceremony scheduled for this Friday at 1:00 PM. Following the ceremony, tours of the facility will be available.

Mr. Keaton asked the Board to look at their calendars in order to schedule another budget work session.

Motion was made by Matt Wood, seconded by Bill Trueblood to schedule a budget work session for this Thursday, May 20 at 8:30 AM in the Library Community Room if it is available. The motion carried unanimously.

Chairman Stevenson stated that there has previously been discussion about having a joint city-county meeting on the fifth Monday in May which is Memorial Day. He said if a meeting with the city is needed, he would suggest it be held the week before or the week after Memorial Day.

7. COUNTY ATTORNEY'S REPORTS:

County Attorney Mike Cox said that a joint meeting of the Boards of Commissioners from Camden, Perquimans and Pasquotank counties is needed to discuss the jail project. He said he will be circulating some dates for the Board to consider.

8. REPORTS FROM COMMISSIONERS:

Commissioner Dixon asked if any movement has been made on the water contracts with Perquimans County and the city. Mr. Keaton responded that staff met with city officials last week and they are in the process of finalizing the credit for Tanglewood. He said he expects to soon receive notice that the city has provided the credit to Tanglewood which should resolve the issues with the city. He stated that he had emailed the Perquimans County Manager and informed him that the county needs to know the status of the contract with Perquimans, however he has not yet received a response. Commissioner Trueblood suggested that the County Manager and Water Superintendent meet with the Perquimans County Manager to discuss the contract and Perquimans County's concerns.

Commissioner Jordan reported that he attended the 911 Advisory Board meeting last week and one of the interesting discussions was regarding the number of questions a person is asked when they call 911. He stated that the person with the emergency wants emergency response to be on the way immediately while the telecommunicators are required to ask certain questions according to their protocol. He said he understands this protocol was established by the EMS Medical Director at the hospital. Commissioner Jordan said this is a real concern of many county residents. Mr. Keaton stated that the emergency medical dispatch issue comes up frequently. He said this is an optional service 911 provides and not every county provides that service. He explained that it is a standard set of computer-based protocols to generate the questions based on the symptoms provided by the caller. He said these questions allow EMS to do some of their assessment before they arrive and be prepared to administer care as soon as they arrive on the scene. He said in a lot of the cases an ambulance is being dispatched simultaneously while the questions are being asked.

Commissioner Jordan stated that he visited the Community Care Clinic sponsored by the Albemarle Hospital Foundation. He asked if this clinic is supported by the county. Mr. Keaton stated that the Community Care Clinic has requested funding, but has not received funding from the county. Commissioner Perry added that the clinic is funded through grants and contributions from local citizens. Commissioner Wood pointed out that Pasquotank County and Albemarle Hospital have a relationship unique from any other counties in the region in that Pasquotank County owns the hospital and the hospital pays rent to the county. He said the financial arrangements between the other counties with regard to the hospital are different and the county has never taken general fund dollars to fund the Community Care Clinic. He added this might be something for future boards to consider.

Commissioner Perry stated that it is good to have the young people here tonight because it provides an opportunity for the Board of Commissioners to connect with the schools. He said he would suggest that the Commissioners be allowed to go into the classrooms a day a month to exchange information with public school students.

Vice-Chairman Griffin said he plans to go to Raleigh tomorrow in an effort to try to find a use for the old Elizabeth City Middle School. The County Manager stated that he has been contacted by another group regarding interest in the school building. He said the Assistant County Manager will be meeting with them this Friday to show them the facility and see if there is any interest.

Chairman Stevenson asked if there was any further business to come before the Board. There being no further business;

Motion was made by Lloyd Griffin, seconded by Cecil Perry to adjourn the meeting. The motion carried and the meeting was adjourned at 7:52 PM.

CHAIRMAN

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA
MAY 20, 2010**

The Pasquotank County Board of Commissioners met today in a budget work session on Thursday, May 20, 2010 in the Community Room at the Pasquotank County Public Safety Building.

MEMBERS PRESENT: Marshall Stevenson, Chairman
Bill Trueblood
Matt Wood
Cecil Perry
Charles H. Jordan

MEMBERS ABSENT: Lloyd E. Griffin III, Vice-Chairman
Jeff Dixon

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Sheri Small, Finance Officer
Karen S. Jennings, Clerk to the Board

The meeting was called to order at 8:30 AM by Chairman Marshall Stevenson. He welcomed a group of senior citizens and recognized Ms. Brenda Forbes, Mr. Doug Rogerson, and Mr. Raymond Rivers to speak on behalf of the group. Each of them asked that the Board of Commissioners not eliminate its financial support for the Senior Center. They stated that the facility is very important to the senior citizens and for some seniors it is the only thing they have to look forward to.

Mr. Joe Forbes, Chairman of the Airport Authority, asked that the county not cut the Airport Authority's budget by the \$25,000 that is being proposed. He said if the county reduces its appropriation, the city would also have to reduce its appropriation and the Airport Authority cannot sustain these cuts and provide the current level of services. He stated that the Airport is a major economic development engine and is making money. He added that it is nearing the point of becoming self-sustaining and should reach that point in the next couple of years.

The County Manager presented an updated spreadsheet on estimated revenues and expenditures for the 2010-11 fiscal year and proposed ways to balance the budget by decreasing expenditures and increasing revenues including a possible three-cent tax increase. The Board discussed possible ways to fund two badly needed capital projects for the school system, a new roof for Northeastern High School and a new heating and air conditioning system for Central Elementary School.

Another work session will be held next Tuesday, May 25th, at 8:30 AM.

Motion was made by Bill Trueblood, seconded by Charles Jordan to adjourn the meeting. The motion carried and the meeting was adjourned at 11:05 AM.

CHAIRMAN

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA
MAY 25, 2010**

The Pasquotank County Board of Commissioners met today in a budget work session on Tuesday, May 25, 2010 in the Community Room at the W.C. Witherspoon Memorial Library.

MEMBERS PRESENT: Marshall Stevenson, Chairman
Lloyd E. Griffin, III, Vice-Chairman
Matt Wood
Cecil Perry
Charles H. Jordan
Jeff Dixon (*Arrived at 9:10 AM*)

MEMBERS ABSENT: Bill Trueblood (*Out of Town*)

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Sheri Small, Finance Officer
Karen Jennings, Clerk to the Board

The meeting was called to order at 8:34 AM by Chairman Marshall Stevenson. Commissioner Charles Jordan gave the invocation.

Chairman Stevenson recognized Mr. Joe Forbes, Chairman of the Airport Authority, who again requested that the county not decrease its contribution to the Airport Authority. He stated that the airport terminal building needs a new roof and major renovation work which cannot be done if the funding is cut. He noted that the Airport Authority terminal building is the front room of the community for many companies that fly into the area for economic development purposes.

A representative from the Senior Center presented a petition signed by 97 senior citizens requesting that the county continue funding its share of the Senior Center budget in order for the center to remain open.

Mr. Phil Donahue from the Albemarle Hospital Foundation advised the Board that an inordinate number of mental health cases end up in the Hospital Emergency Department. He said this creates a huge burden for the hospital to handle these patients, and the emergency room is not equipped to provide them with the care they need. He stated that many are repeat patients. He said the hospital would like to establish a fund to hire a case manager to help manage the care for some of the repeat patients and he asked if the county would consider appropriating the \$81,000 that has previously been appropriated for Mental Health to the hospital for this program to help manage the care of some of the mental health patients.

Chairman Stevenson recognized Fire Marshal Barry Overman. Mr. Overman introduced his staff and he listed the various functions and services of the Fire Marshal's office. He stated that they serve Camden County, Pasquotank County, and the City of Elizabeth City. Mr. Overman advised that Pasquotank County would suffer if it ends its relationship with the Fire Marshal's office.

County Manager Randy Keaton presented an updated spreadsheet showing projected revenues and recommended expenditures for the 2010-11 budget. He provided options for spending cuts and revenue increases. He noted that he would recommend a portion of the \$81,000 savings from Mental Health be added to Albemarle Hopeline's appropriation to bring it up to \$10,000 from \$6,667, and to Kids First to increase that appropriation from \$24,000 to \$40,000.

Motion was made by Jeff Dixon, seconded by Matt Wood to reallocate the \$16,000 in additional funds recommended for Kids First to the Albemarle Hospital Foundation and keep Kids First at the current funding level of \$24,000. The motion carried with Commissioners Stevenson and Griffin voting against the motion.

The Board concurred to include an appropriation for debt payment for a new roof for Northeastern High School and a new HVAC system for Central Elementary School and to reduce the appropriation to the schools by the same amount.

The Board agreed for the County Manager to prepare the proposed budget for presentation at the June 7 meeting with a three-cent increase in the ad valorem tax rate.

Motion was made by Cecil Perry, seconded by Charles Jordan to adjourn the meeting. The motion carried and the meeting was adjourned at 10:55 AM.

CHAIRMAN

CLERK