

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

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, July 9, 2007 in Courtroom C in the Pasquotank County Courthouse.

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Randy Keaton, County Manager  
Rodney Bunch, Asst. County Mgr. for Planning & Econ. Dev.  
R. Michael Cox, County Attorney  
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Cecil Perry. The Rev. 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. Chairman Perry welcomed everyone present.

**1. COMMENTS FROM MR. CARL ESTUS:**

Chairman Perry recognized Mr. Carl Estus, President of the SPCA, who explained that the animal shelter expansion is still not complete and he asked when the SPCA can expect the project to be completed. He also stated that the county saw fit not to extend the fence past the end of the building based on the recommendation of a county employee. He asked that the county reconsider extending the fence because it would provide additional security. The Board asked the County Manager to research this issue and report to Mr. Estus.

**2. COMMENTS FROM MR. TOMMY WILKINS:**

Chairman Perry recognized Mr. Tommy Wilkins of 207 Rachel Drive who stated that he addressed the Board at the last meeting and discussed concerns regarding railroad crossings that have not been in service for several years. He said that school buses have to make a lot of unnecessary stops, which results in additional wear and tear on the buses and extra fuel costs. He added that there are also safety concerns regarding rear end collisions. He stated that most local officials are aware of this situation and he hopes they will take it seriously. He said no one appears to be doing anything. He stated that he has learned that even though signs have been erected at some of the abandoned railroad crossings indicating that the tracks are no longer in service, it still does not give school buses the right to pass through without stopping. Mr. Wilkins asked for the Board's assistance in contacting state representatives to share concerns about the costs and the safety issues.

Chairman Perry explained to Mr. Wilkins that the Board has discussed this matter several times and was informed by the North Carolina Department of Transportation that nothing can be done regarding the railroad tracks without the permission of the railroad company.

Motion was made by Marshall Stevenson, seconded by Matt Wood that the Board write a resolution to be sent to the Board of Education and state representatives requesting that they resolve the problem regarding abandoned railroad tracks and school buses having to stop at them, whether it be by paving over the tracks, or giving additional latitude or definition on the directive that requires school buses to stop at all railroad crossings. The motion carried unanimously.

Discussion followed and Commissioner Dixon stated that he understands the issues, but has a huge problem not requiring school buses to stop at railroad crossings that are out of service while other railroad crossings in the county are still used by trains everyday. He said this could cause confusion for bus drivers who might not know which tracks are still in use. He stated that this could result in a serious accident.

Commissioner Trueblood stated that he agrees with Mr. Wilkins' thoughts about the railroad tracks. He suggested that the only solution would be for the tracks to be paved over and that all signage be removed. If the railroad company wants to put the tracks back in service in the future, the asphalt could be somehow removed. He said he agrees with Commissioner Dixon regarding the safety issues. He explained that DOT engineers had asked for permission from the railroad company to pave over the Peartree Road railroad tracks and were not given permission.

Commissioner Wood added that railroad rights-of-way is serious business and the railroad company is very serious about maintaining that legal right and is reluctant to give it up. He said in order to resolve this matter, he believes it will require a meeting of the railroad company and the Department of Transportation.

**3. COMMENTS FROM MR. JACKSON SAWYER:**

Chairman Perry recognized Mr. Jackson Sawyer of 520 Firetower Road who explained that he would like to deed an acre of property to his daughter so she can have a home to live in. He stated that he has obtained permission to use other property to give her access to this lot. He stated that he has spoken with the Planning Director who gave him paperwork to request a variance which he has completed. He asked what else he needs to do. Assistant County Manager Rodney Bunch explained that he spoke with Mr. Sawyer before tonight's meeting and reviewed with him the requirements. He added that he has scheduled a meeting with him tomorrow morning at 8:30 AM to review his request.

**4. PRESENTATION OF PINS TO EMPLOYEES FOR YEARS OF SERVICE:**

Chairman Perry called on the following county employees to receive pins recognizing their years of service to Pasquotank County:

Employee	Department	Years of Service
Namanuel White	Sheriff's Department	25 years
Randy Keaton	County Manager	20 years
Dianne Watts	Soil Conservation Service	20 years
Walter Jones	Maintenance Department	10 years
Sheila Cooch	Maintenance Department	10 years

The Board congratulated and thanked the employees for their service. A plaque was also presented to Mr. Namanuel White who retired from the Sheriff's Department May 26, 2007. Sheriff Randy Cartwright also advised Mr. White that the Board of Commissioners has agreed to consider retiring his badge and weapon. He thanked Mr. White for 25 years of extraordinary service to the Sheriff's Department.

Motion was made by Marshall Stevenson, seconded by Jimmie Harris to present to Namanuel White his badge and weapon due to his retirement from the Sheriff's Department. The motion carried unanimously.

**5. PUBLIC HEARING ON RURAL OPERATING ASSISTANCE APPLICATION:**

Chairman Perry declared the meeting to be a public hearing to receive comments on the proposed Rural Operating Assistance Program application to be submitted to the North Carolina Department of Transportation. The programs included in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the transportation of elderly and disabled citizens. This transportation assistance allows for the individual to reside for longer periods in their homes, thereby enhancing their quality of life. For the purpose of EDTAP, an elderly person is defined as one who reaches the age of 60 or more years. A disabled person is defined as one who has a physical or mental impairment that substantially limits one or more major life activity, an individual who has a record of such impairment, or an individual who is regarded as having such impairment.
2. Employment Transportation Assistance Program is intended to provide operating assistance for transitional Work First, Workforce Development Programs and general public employment transportation needs. These funds are used to support the employment transportation needs of individuals that are not eligible to receive benefits from the Temporary Assistance for Needy Families (TANF) program.

3. Rural General Public (RGP) Program funds are intended to provide transportation service to individuals who are not human service agency clients.

The individual program amounts are as follows for the performance period beginning July 1, 2007 and ending June 30, 2008:

PROGRAM	TOTAL
EDTAP	\$45,999
EMP	\$ 7,572
RGP	\$38,417
TOTAL	\$91,988

Chairman Perry asked if anyone would care to comment on the 2007-2008 Rural Operating Assistance Program application. At the absence of comments, the public hearing was closed.

Motion was made by Lloyd Griffin, seconded by Jimmie Harris to approve the 2007-2008 Rural Operating Assistance Program application as presented. The motion carried unanimously.

**6. PUBLIC HEARING ON SUBDIVISION TEXT AMENDMENT STA 07-02:**

Chairman Perry declared the meeting to be a public hearing on Subdivision Text Amendment STA 07-02 to create family subdivision review procedures. Planning Director Shelley Cox explained that the text amendment has been drafted as a proposal to replace the gift lot to a child provision that the Board voted several months ago to have withdrawn from the subdivision ordinance. This text amendment defines a family subdivision as the division of a tract of land as a gift to a naturally or legally defined child, step-child, grandchild, step-grandchild, or parent of a property owner. Some of the provisions in this amendment are similar to the gift lot to a child provisions, among them the 43,000 minimum lot size and 140 feet of lot width. Ms. Cox said one thing that is different is that the previous gift lot to child provisions required 50 feet of road frontage while this proposal reduces that to 25 feet of road frontage on a state maintained road. She stated that there is also a provision that lots shall have access to a public water system and there are provisions to require ownership for a minimum of ten years by the family, and the lot created through the family subdivision cannot further be subdivided for another ten years. She said one of the things that makes this somewhat unique from the previous provisions is that this ordinance would actually require that the Board of Commissioners would review these types of subdivisions. Ms. Cox advised that the Planning Board reviewed this proposal during its last meeting and voted to approve it with the condition that the requirement for access to a public water system be removed.

Several Commissioners expressed concern regarding hardship cases and the length of time property owners would have to own the property before they could transfer ownership. Assistant County Manager Rodney Bunch noted that there will be hardships, however the intent of the text amendment is to try to prevent abuse of the regulations by developers who use the family subdivision exemption to create lots for sale. Commissioner Trueblood noted that there is a variance procedure in the subdivision regulations which would allow those with hardships to appear before the Board to request a variance from the regulations.

Vice-Chairman Griffin questioned why lots to all children must have 25 feet of road frontage if the first lot has that road frontage. Commissioner Wood stated that he feels this amendment is a good compromise and the Board can consider hardship cases through the variance procedure because one size does not fit all.

Vice-Chairman Griffin said the Board has also previously discussed requiring right-of-way for ten-acre parcels. Ms. Cox responded that currently there are no requirements for road frontage for ten-acre lots. Mr. Bunch added that the staff was given direction by the Board to move forward with the family subdivision provisions, however was not given direction with regard to ten-acre lots. He said this will eventually be coming back to the Board.

Commissioner Marshall Stevenson stated that the Board has to do something regarding family subdivisions because it has requested that special legislation be repealed that was enacted to provide for a gift lot to a child. Once the legislation has been repealed, there will be no provision for a gift lot to a child. This subdivision amendment would allow family members to give lots to children, parents, or grandchildren.

Chairman Perry asked if anyone from the public would like to comment on the proposed subdivision text amendment.

Mr. Jackson Sawyer said the family subdivision could have access to public water, and he asked why it should be made to use public water if it does not have to. He also asked why 25 feet of right-of-way should have to be given to the second child if the first 25 feet will go past his property as well. Commissioner Wood stated that the lot may not belong to the child forever and would be a platted lot that could be sold to someone else who might need public water and the right-of-way. Commissioner Trueblood explained that just because a lot has access to public water, it does not mean the lot must be hooked onto public water. He noted that if the Health Department does not approve a private well, the only other option is to have county water available. If the well passes Health Department standards, the property owner would not have to hook onto county water.

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

Motion was made by Marshall Stevenson, seconded by Bill Trueblood to approve Subdivision Text Amendment STA07-02 with the deletion of the requirement that lots shall have access to a public water system as recommended by the Planning Board.

Mr. Bunch stated that the special legislation included three requirements for a gift lot to a child: 1) state road frontage; 2) Health Department approval of the size of the lot for a septic system; and 3) access to public water. He said if the motion that is on the floor passes, it will remove the requirement for access to public water.

Mr. Bunch explained that the legislation is still in place that provides for the gift lot to a child or a parent and the county must comply with the legislation until it is repealed. He suggested that the Board's motion be to approve the subdivision text amendment to be effective the same date the General Assembly approves repeal of the legislation that provides for a gift lot to a child.

The motion to approve Subdivision Text Amendment STA07-02 with the deletion of the requirement for access to a public water system carried by a four to three margin with Commissioners Perry, Griffin and Harris voting against the motion. The amendment is to be effective on the same date the General Assembly approves repeal of the legislation providing for a gift lot to a child.

Subdivision Text Amendment STA07-02 as approved is as follows:

## **ARTICLE 5 DEFINITIONS**

### **Family Subdivision**

-The division of a tract of land as a gift to a naturally or legally defined child, stepchild, grandchild, step grandchild, or parent of a property owner.

## **SECTION 303      Procedure for Family Subdivision Review**

- (a) Lots divided as a family subdivision, as defined in Article V, shall be approved under the following conditions:
- 1) Lots created by means of a Family Subdivision shall have a minimum of 25' of frontage upon a State-maintained road.
  - 2) Lots shall be a minimum of 43,000 square feet in area, with at least 140' of lot width at the front minimum building setback.
  - 3) To qualify as a family subdivision, the property owner must provide proof that ownership of the tract to be subdivided has been in continuous ownership for a minimum of 10 years.
  - 4) Lots created through the Family Subdivision review shall not be eligible for further subdivision for 10 years.
  - 5) Lots shall be approved under the family subdivision provisions as a one-time gift of a single lot to each child, grandchild or parent of the property owner. A gift of any additional lot to the same child or parent shall require compliance with the major subdivision provisions within the County's Subdivision Ordinance.

- (b) Family subdivision plat shall be approved by the Board of Commissioners and submitted in accordance with the following:
- 1) The application and plat indicate that it qualifies as a family subdivision as defined in this Article;
  - 2) The application must provide documentation that attests to the linear relationship that qualifies the applicant for the family subdivision;
  - 3) The plat shall state that the lot may not be further subdivided for a period of at least 10 years; and
  - 4) An Improvement Authorization Permit must be provided from the Environmental Health Department regarding the soil suitability for an on-site septic tank disposal system.

**7. APPROVAL OF AMENDMENTS TO THE AGENDA:**

Chairman Perry asked if there were any amendments to the agenda. It was requested that the following item recommended by the Finance Committee at today's meeting be added to the agenda: 1) Approval of salary grade changes for System Administrator and GIS Coordinator.

Motion was made by Bill Trueblood, seconded by Matt Wood to amend the agenda to add the item listed above to the consent agenda. The motion carried unanimously.

**8. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

*a. Approval of Minutes of June 18 and June 29, 2007 Commissioner Meetings*

*b. Approval of Tax Releases*

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

Releases:

		County	City
1.	Frances Perry Spruill	143.66	124.72
2.	James T. Nolson	102.67	
3.	Abe Shannon, Etal	107.00	
4.	Abe Shannon, Etal	107.00	
5.	Abe Shannon, Etal	452.64	
6.	Jennifer L. Covington	161.95	

Refunds:

1.	Bank of the West Equipment Leasing	295.68	
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*c. Approval of Salary Grade Changes for System Administrator and GIS Coordinator*

The Finance Committee has recommended approval of placement of the position of System Administrator at grade 24 and reclassification of the position of GIS Coordinator to grade 24.

Motion was made by Lloyd Griffin, seconded by Jimmie Harris to approve the consent agenda as amended. The motion carried unanimously.

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

Releases:

		County	City
1.	David Reed Moore	33.31	
2.	Christopher Joe Entsminger	97.54	
3.	Derrick Paul Suba	24.72	25.60
4.	David Janson Harrell	55.82	
5.	David Janson Harrell	54.10	
6.	Francis Anthony Bargarda III	79.25	71.04
7.	Benjamin Whayland Anderson	16.90	
8.	Jessica Nicole Burris	36.24	35.20

9.	Dustin Kyle Burris	92.06	81.72
10.	Bradley D. Kopf	67.39	
11.	Joseph Russell Berent	40.56	
12.	Joseph Russell Berent	45.17	
13.	Scott Alexander Hergott	15.79	13.16
14.	Jeffery Allen Center	93.46	82.88
15.	Melissa Powell Linton	16.66	60.74
16.	Melissa Powell Linton		25.84
17.	James Howard Brandt, Jr.	49.01	
18.	Brian Christopher Sabin	9.51	
19.	Lucille Laycock	12.52	14.98
20.	Scott Darren Gibson	49.15	
21.	Antonio Cataquet	42.00	
22.	Marjorie Long Sawyer	13.94	11.62
23.	David & Shelia Lawyer		36.00
24.	Peggy Sue Craft	3.11	2.48
25.	Raven Gene Atkins, Jr.	14.64	17.20
26.	Connie Marie Davis	20.21	
27.	Kristopher John Butz	15.08	
28.	Robert Clinton Saunders	19.06	
29.	Danielle Bartlett	3.50	
30.	Nathan Ray Forbes	12.65	
31.	Ellen E. Lacy Green	65.76	
32.	Stacey Nicole Elliott	75.74	
33.	Jessica Ann Daugherty	54.77	
34.	Jasmine Charisse Alston	9.17	7.64
35.	Andy Carey Lynch	15.22	12.68
36.	James Michael Bowen	47.48	
37.	Neil Andrew Garrand	86.06	76.72
38.	Sheldon W. Stokely	38.02	
39.	Dawn Marie Molita	39.51	32.92
40.	Iris McIntosh Taylor	18.24	
41.	Allen Richard Alger	25.04	
42.	Benjamin F. Harney, Jr.	19.16	15.96
43.	Geraldene White	5.16	4.02
44.	Frank Carl Zimmerman II	53.26	42.48
45.	Jeffrey Lynn Shunk	7.20	
46.	Christopher Vincent	21.98	

**9. DISCUSSION REGARDING PLANS FOR RIBBON-CUTTING AND DEDICATION CEREMONY FOR LIBRARY AND PUBLIC SAFETY BUILDING:**

The County Manager and the Clerk updated the Board on preliminary plans for the ribbon-cutting and dedication ceremony that will be held on August 5 for the library and public safety building. The County Manager reported that a committee of employees from the different agencies located in the buildings has been working on the plans for the ceremony. He said about 500 invitations were mailed out today to a list of invitees compiled by the different departments. All county employees and the public will be invited to attend. The County Manager reviewed a draft copy of the program for the ceremony. He stated that it is also proposed that staff will be stationed in each building to give tours of the buildings. He said food or drinks will also be available in each building.

**10. COUNTY MANAGER'S REPORT:**

County Manager Randy Keaton reported that he plans to be on vacation part of this week and also the week of August 6. He asked the Board if it wants to move forward with the joint city-county meeting on July 30 which is a fifth Monday. The Board agreed to schedule the joint meeting. It was suggested that the agenda include discussion regarding the proposed water agreement with the city.

**11. REPORTS FROM COUNTY COMMISSIONERS:**

Commissioner Jeff Dixon asked if there has been any discussion regarding establishment of a Parks and Recreation Committee made up of citizens from the county and the city. He said there may be some issues the citizens could bring to the committee to address some of the concerns such as the tragic situation that recently occurred at Fun Junktion and issues that may come up in the future. Commissioner Wood suggested that the current City Recreation Advisory Committee be expanded to include additional representation from the county and to include agenda items

related to county recreational facilities. It was suggested that this possibly be an item for inclusion on the agenda for the joint city-county meeting.

Commissioner Matt Wood stated that there have been concerns expressed recently regarding pedestrian problems on Main Street. He explained that he serves as a county representative on the Pathways of Pasquotank committee that deals with pedestrian access issues. He requested permission to ask this committee to look at the pedestrian problem and bring its recommendations to the county. The Board concurred for Commissioner Wood to take this problem to the Pathways of Pasquotank committee.

Chairman Perry reported that he will be out of town the next several days and will return after the NACO Conference in Richmond next week.

**12. RECOMMENDATIONS FROM APPOINTMENTS COMMITTEE:**

Commissioner Marshall Stevenson reported that the Appointments Committee met today and voted to recommend the following appointments:

COA Board of Trustees – Recommend appointment of Don McCabe to replace Melvin Daniels.

Tourism Development Authority – Recommend appointments of James Stewart and Arthur McPherson to replace Nick Patel and Carol Veal.

Planning Board – Reappoint Kevin Brickhouse to an additional four year term.

Commissioner Stevenson said the appointments to the COA Board of Trustees and the Tourism Development Authority will have to carry over until the next meeting. The Board can take action tonight on the Planning Board reappointment.

Motion was made by Marshall Stevenson, seconded by Matt Wood to approve the reappointment of Kevin Brickhouse to the Planning Board for an additional four-year term. The motion carried unanimously.

**13. REPORT FROM COUNTY ATTORNEY:**

County Attorney Mike Cox reported that Gold Key has exercised its right to terminate the contract to purchase the Nags Head parcel of land. He stated that the county received approximately \$82,600 in fees during the feasibility period. He said he will provide information to the Board at the next meeting on what to do next.

**14. QUESTION FROM MR. ROBERT EARL HEWITT:**

Mr. Robert Earl Hewitt stated that he owns a 130 acre farm that is off the road with a twenty foot right-of-way. He asked if he wanted to give a second child a parcel of this property to build a house how he could do it under the county's regulations if the twenty foot right-of-way is given to the first child. Mr. Hewitt was advised that he could apply to the Board of Commissioners for a variance from the subdivision regulations.

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

Motion was made by Lloyd Griffin, seconded by Jeff Dixon to adjourn the meeting. The motion carried and the meeting was adjourned at 8:30 PM.

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CHAIRMAN

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CLERK