

**PASQUOTANK COUNTY, NORTH CAROLINA
AUGUST 20, 2007**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, August 20, 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. Commissioner Jimmie Harris 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 of 412 Pasquotank Station Road who discussed several issues with the Board including a previous question regarding farmers tilling their fields out to the edge of ditches causing drainage problems; various highway signs; and completion of the Animal Shelter expansion with the exception of a couple of items.

2. AMENDMENTS TO THE AGENDA:

Chairman Perry asked if there were any amendments to the agenda. It was requested that the following recommendations from today's Finance Committee meeting be added to the agenda: 1) Approval of addendum for LCID grinding contract with Simmons & Simmons; 2) Approval of sign advertising sale of Nags Head property; 3) Approval for County Attorney to advertise for property exchange.

Motion was made by Lloyd Griffin, seconded by Marshall Stevenson to amend the agenda to add the three additional items listed above to New Business. The motion carried unanimously.

3. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of July 30 and August 6, 2007 Commissioner Meetings

b. Approval of Tax Releases and Refunds

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

Releases:

		County	City
1.	Douglas Wayne Siedenber	110.02	
2.	Hamed Nor Sinclair	116.69	
3.	Larry J. VonWeigel	31.73	26.44
4.	Joyce Darlene Noovell	109.01	
5.	Benjamin M. Taylor	165.41	147.84
6.	Daniel Wade Edwards	110.93	
7.	Eric Rodriquez	112.90	99.08
8.	Walter W. Douglas	152.02	
9.	Joseph Norman Riggs	114.53	
10.	Justin A. Brown	126.58	
11.	Arbra E. & Deborah L. Asbell Lf Est	681.75	

12.	Bank of the West Equipment Leasing	248.50	
13.	John Loyal Riddick	101.31	84.42
14.	Steven George Schaffer	157.97	

Refunds:

1.	R.E. Daniels	363.05	302.54
2.	Reuben Earl James	655.28	
3.	Sanders Company Inc.	950.00	
4.	Sanders Company Inc.	950.00	
5.	Sanders Company Inc.	950.00	
6.	Sanders Company Inc.	1,070.00	
7.	Sanders Company Inc.	1,070.00	

c. Approval of Budget Amendments

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

Friends of the Library

Increase	024.0500.4831.00	Interest Earned	200.00
Increase	024.0600.4611.03	Book Sales	3,200.00
Increase	024.0600.4611.04	Membership Dues	350.00
Increase	024.0600.4833.00	Donations	150.00
Increase	024.0600.4611.05	Fundraisers	200.00
Increase	024.0991.4991.00	Fund Balance Appropriated	6,744.00
Increase	024.6110.5232.00	Library Materials	4,719.00
Increase	024.6110.5261.00	Departmental Supplies	300.00
Increase	024.6110.5325.00	Postage	200.00
Increase	024.6110.5231.00	Promotional Materials	1,400.00
Increase	024.6110.5191.00	Audit	75.00
Increase	024.6110.5272.00	Fundraiser Expenses	100.00
Increase	024.6110.5499.00	Miscellaneous	50.00
Increase	024.6110.5500.00	Capital Outlay	4,000.00

EMS

Increase	010.0991.4991.00	Fund Balance Appropriated	32,660.00
Increase	010.4370.5500.00	Capital Outlay	32,660.00

Library/Public Safety

Decrease	042.8163.5991.00	Contingency	113,856.00
Increase	042.8163.5590.00	Construction	113,856.00

d. Adoption of Resolution Increasing the Membership of the Elizabeth City-Pasquotank County Tourism Development Authority

The following resolution confirms action taken by the Board in 2005 to expand the membership of the Tourism Development Authority from seven members to nine members. Although a motion was made to increase the membership, a resolution was never adopted.

**RESOLUTION INCREASING THE MEMBERSHIP
OF THE ELIZABETH CITY-PASQUOTANK COUNTY
TOURISM DEVELOPMENT AUTHORITY**

WHEREAS, on June 6, 2005, the Pasquotank County Board of Commissioners (“Board”) adopted a resolution creating the Elizabeth City-Pasquotank County Tourism Development Authority (“TDA”) pursuant to local legislation; and

WHEREAS, the Board resolved that the TDA would consist of seven members as described in the resolution; and

WHEREAS, in order to provide additional flexibility and diversity with regard to the county’s appointments, the Board of Commissioners subsequently voted on June 20, 2005 to approve an expansion of the Tourism Development Authority from seven to nine members, with two additional at-large members to be appointed by the Board of Commissioners; and

WHEREAS, although the Board voted to approve the increase in membership, the resolution which created the Elizabeth City-Pasquotank County Tourism Development Authority was never amended to reflect the change.

NOW THEREFORE BE IT RESOLVED that the Pasquotank County Board of Commissioners hereby approves an amendment to the Resolution Authorizing the Elizabeth City-Pasquotank County Tourism Development Authority and Enacting a 3% Room Occupancy Tax as follows:

The Authority shall consist of ~~seven~~ **nine** members as follows:

- One (1) - County Commissioner
- One (1) - City Councilor
- Two (2) - From the hotel/motel industry recommended by the hotel/motel industry and appointed by the Pasquotank County Board of Commissioners
- One (1) - City Appointment appointed by the Pasquotank County Board of Commissioners on recommendation of the City of Elizabeth City
- ~~One (1)~~ **Three (3)** - County Appointments
- One (1) - From the hotel/motel industry based on a joint recommendation of the City of Elizabeth City and Pasquotank County.

ADOPTED this 20th day of August, 2007.

e. Appointment to Albemarle Region Criminal Justice Partnership Advisory Board

The Appointments Committee has recommended the appointment of Patricia Youngblood to the Criminal Justice Partnership Advisory Board.

f. Appointment of Melissa Joines as Review Officer for Pasquotank County

The Planning Director has recommended that Melissa Joines be appointed as a review officer to review and sign plats to be recorded in the Register of Deeds office.

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

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

		County	City
1.	Emory W. & Margot H. Liggett		70.75
2.	Marcial Cortes Matamoros	6.96	
3.	Michael C. Morrill	58.70	53.92
4.	Steven R. Harris	24.50	
5.	Mrs. Paul F. White Heirs	86.50	70.93
6.	Karena Alejandra Perez	22.71	17.48
7.	Matthew Charles Shackelford	65.71	59.76
8.	Marie McPherson Butts	67.00	54.94
9.	Tonia Michelle Cassaday	51.91	
10.	Jon Fischman		15.50
11.	Tina Denise Turner	17.52	14.60
12.	Roy Eli Overton	1.88	1.56
13.	Michael Fairbanks	5.76	
14.	Dale Patrick Hall	42.30	
15.	Rodriguez Dominic Alexander	39.89	
16.	Blackwell Memorial Church	82.50	67.65
17.	Vickie Whitley Brady	28.18	
18.	Jerry J. Krywaczyk	84.48	
19.	Richard Jason Parker	59.50	
20.	Richard Jason Parker	86.50	
21.	Margaret Simpson Liverman	3.70	3.08
22.	Aimee F. Slaughter	11.74	
23.	Stacy Patton Lee	13.25	11.04
24.	Qualey Inc.	8.25	6.77
25.	Frances Williams Reid	8.91	7.42
26.	Adams Landing NC LLC	5.50	4.51
27.	Zachariah Monkell Georg	57.50	52.92

28.	Jason Eugene Evans	70.18	
29.	Howard Thomas Reed	74.69	
30.	Jeremiah J. Baisley	4.35	
31.	William Louis Kochler, Jr.	4.71	
32.	Charles A. Smith	2.57	2.14
33.	Effie Ishmael Bray	1.20	

The following requests for release or refund of the solid waste availability fee have been approved by the Tax Administrator:

OWNER'S NAME	PARCEL ID NUMBER	REASON FOR RELEASE
Evelyn R. Poole Etal	P98-15	Unoccupied since 1994
Terrance M. Meads Lfe Est	P88-19	Unoccupied for two years
W.W. Jennings, Jr.	P120-153	Unoccupied since 1983
H.L. Proctor, Sr. Lf Est	P80-11A	Unoccupied since August 2006
Hazel White Heirs	105794	Unoccupied since 2001
W.W. Carter Heirs	P120-101	Unoccupied since 2000
Carlton L. Wood	P5-13	Unoccupied for three years
Johnnie W. Muse	P70-11	Unoccupied for ten years
Barbara Simpson	P58-15	Unoccupied since about 1989
James R. Hurdle	P143-27A	Unoccupied since December 2006

4. APPROVAL OF RECOMMENDATIONS FROM FINANCE COMMITTEE:

The Board considered the following items recommended by the Finance Committee at today's meeting:

a. Approval of Addendum to LCID Grinding Contract

The Finance Committee has recommended approval of an addendum to the agreement with Simmons & Simmons for grinding LCID material at the landfill for \$1.98 per cubic yard. The addendum will establish a contract term of five years retroactive to October, 2006.

b. Approval of Sign Advertising Sale of Nags Head Property

The Finance Committee has recommended approval of the purchase of a sign from Ambrose Signs for \$500, including installation, advertising the 10.5+/- acre tract in Nags Head for sale.

Motion was made by Lloyd Griffin, seconded by Matt Wood to approve items *a* and *b* as recommended by the Finance Committee. The motion carried unanimously.

5. APPROVAL TO ADVERTISE FOR EXCHANGE OF PROPERTY:

County Attorney Mike Cox presented a survey showing a tract of county-owned property near Summerfield Subdivision and two adjacent tracts. The county's parcel is described in Deed Book 605, Page 791 (PIN # 891303008657); James C. Tatem and wife, Jennifer B. Tatem own a parcel acquired in Deed Book 854, Page 860 (PIN # 8913 03105432); HAP of Elizabeth City, LLC owns a parcel acquired in Deed Book 909, Page 254 (PIN # 8913 03110942). Mr. Cox said it has been unclear as to where each party's boundary line lies, so it has been suggested that the boundary lines be clearly defined which would involve an exchange of property. If approved the county would be conveying a parcel to HAP of Elizabeth City, LLC, and would be acquiring a parcel from James C. Tatem and wife. He explained that this would be an even trade with no cash consideration. He asked the Board to authorize him to advertise the property exchange and a final decision on the exchange would be included on the September 4 agenda.

Motion was made by Matt Wood, seconded by Bill Trueblood to authorize the County Attorney to advertise for the exchange of property as outlined above. The motion carried unanimously.

6. CONSIDERATION OF ONE LOT FAMILY SUBDIVISION:

The Board considered family subdivision request 07-02, a request by David and Ruth Banks to create a gift lot for a child in accordance with the new family subdivision rules. Planning Director Shelley Cox explained that the request is for a one lot family subdivision. She said Mr. and Mrs. Banks are proposing to give a lot to their son. She stated that the lot has 25 feet of frontage along Soundneck Road. The total lot area is 1.17 acres and David and Ruth Banks have owned the property since 1989. The applicants have provided documentation that the plat qualifies as a family subdivision, and have also provided an improvement permit from Albemarle Regional Health Services. Ms. Cox stated that staff recommends approval of this request.

Motion was made by Jimmie Harris, seconded by Marshall Stevenson to approve family subdivision request 07-02 by David and Ruth Banks to create a gift lot for a child. The motion carried unanimously.

7. CONSIDERATION OF REQUEST FOR EXTENSION OF SKETCH PLAN FOR EQUESTRIAN ESTATES, PHASE II:

The Board considered a request from the developer of Equestrian Estates for an extension of the sketch plan approval for Equestrian Estates, Phase II. Phase II consists of five lots along Pritchard Road and was initially approved on July 28, 2005. According to the Subdivision Ordinance, the preliminary plat must be submitted not more than 24 months after the date on which the sketch plan was approved, otherwise the sketch plan approval shall be null and void. Ms. Cox stated that staff would recommend approval of the one year extension.

Motion was made by Matt Wood, seconded by Lloyd Griffin to approve a one year extension of the sketch plan for Equestrian Estates, Phase II.

Discussion followed and Commissioner Jimmie Harris asked why the extension is being requested. Mr. Joe Anlauf of Quible & Associates explained that the reason it has taken so long to develop Phase II is because it is immediately adjacent to Pritchard Road. He said the right of way of Pritchard Road was unclear because the Department of Transportation had a ditchline right of way, and a larger right of way was needed in order to improve Pritchard Road. Mr. Anlauf stated that the right of way could not be defined until sketch plan approval had been received for Phases III and IV. He said Phases III and IV were dependent upon the wetland delineation which could not be confirmed until the Army Corps of Engineers completed their court case which happened recently.

The motion to approve a one year extension of the sketch plan for Equestrian Estates, Phase II carried by a five to two vote with Commissioners Stevenson and Harris voting against approval.

8. REPORT FROM COUNTY MANAGER:

County Manager Randy Keaton reported to the Board that he has received some positive information regarding the issue of abandoned railroad tracks. As a result of the resolution and the letters that were sent out after the last meeting, Representative Bill Owens has been in contact with Durwood Laughinghouse with Norfolk Southern Railroad. Mr. Laughinghouse called him and stated that he agrees the railroad tracks should be paved over, however he cannot authorize it because the tracks are leased to Chesapeake & Albemarle Railroad Company. The person who was the general manager for Chesapeake & Albemarle Railroad has left the position, so Mr. Laughinghouse is trying to get in touch with someone from Chesapeake & Albemarle in the Norfolk area to try to get this resolved.

9. RECOMMENDATIONS FROM APPOINTMENTS COMMITTEE:

Commissioner Marshall Stevenson reported that the Appointments Committee met today and voted to recommend the appointment of Don Parks, Jr. to the Airport Authority to replace Hugh Clinkscales who has resigned. This recommendation will carry over to the next meeting in order for Board members to review Mr. Parks' application.

10. REPORTS FROM COUNTY COMMISSIONERS:

Commissioner Jeff Dixon reported that he watched the televised City Council meeting last week to see if City Council discussed the three proposed water agreements with the county. He said the agreements were not discussed, however he did make an interesting observation. He explained that when a subdivision was reviewed the Planning Director noted the impact the subdivision would have on the school system including an estimate of the number of children who would be generated from the development. Commissioner Dixon said he found it interesting that the number of children that will come out of a 59 lot subdivision can be estimated. Ms. Shelley Cox said the city uses census figures to project the number of children that will be generated. She added that if the Board would like to have this information on future county projects, she will be able to provide it.

Commissioner Stevenson asked who is responsible for maintaining the shrubbery and mowing along Halstead Boulevard. Mr. Keaton responded that the Department of Transportation is responsible for the shrubbery during the establishment period which is the first year, including the mowing. Beginning with the second year the city and county are jointly responsible for the maintenance. Commissioner Stevenson stated that the mowing needs to be done very badly.

Commissioner Wood asked the status of the technology improvements for the Commissioners' meeting room to improve and modernize the Board's presentation to the public. Mr. Keaton stated that two fairly comparable bids have been received for the improvements and staff will be meeting with one of the vendors this Thursday to discuss their bid. He said a recommendation may be forthcoming at the next meeting.

Commissioner Wood said another thing on which he would like an update is making the on-line tax information more user-friendly. Mr. Keaton advised that the GIS Director has designed a new website that is almost ready to be implemented. He said this entire new website should be more user-friendly.

Commissioner Wood reported that he, Chairman Perry, and Commissioner Dixon attended the NCACC Annual Conference in Fayetteville last week. He said while there he and Commissioner Dixon attended a meeting about cooperation between governments as it relates to water and sewer projects. He stated that it appears the county and city are making good progress on their agreements relative to what some other counties are dealing with.

Commissioner Trueblood noted that City Council tabled action on a proposed project on Savin Road pending review by Mr. Greg Johnson of Patton Harris Rust & Associates. He said obviously some of the things the county is doing in regard to stormwater has gotten the city's attention.

Commissioner Trueblood reported that he will be meeting next week with the Planning Director, the County Attorney, and Mr. Greg Johnson to review the stormwater manual. He said they should have a working document in a few months.

Vice-Chairman Griffin asked if someone is monitoring the tide gauges that have been installed. He said last week the tide came up about two feet and there was also rain and wind. Assistant County Manager Rodney Bunch stated that the tides are being monitored, however he is not sure that the wind is being monitored. He noted that some new wind equipment has been located on the Public Safety Building and they may be able to monitor the wind using that equipment.

Chairman Perry reported that the North Carolina Association of County Commissioners will be sending a resolution of appreciation to all members of the General Assembly for supporting Medicaid relief for counties. He also advised that the new President of the NCACC is David Young of Buncombe County.

Chairman Perry mentioned several upcoming meetings and events he will be attending this week. He also asked if the card he was given to allow him access to the Public Safety Building will allow access to the entire building. He said he took a Commissioner from another county to tour the building today and was not able to get into the 911 center with his card.

Chairman Perry noted that repairs to the front doors of the Courthouse still have not been made so the doors will close properly. He said the doors need to be repaired as soon as possible. Mr. Keaton said the hinges are worn out and have caused the doors to sag. Custom-made hinges have been ordered which will correct the problem.

Commissioner Trueblood stated that a couple of months ago the Board took a tour of some 10-acre lots that had been created, and discussed the associated drainage problems and other problems that could occur because there was no county review process. He advised that an issue will be coming up at the next meeting of the Stormwater Management Committee involving a resident of one of these lots. He noted that some of the problems the Board had anticipated with regard to these developments are already arising.

Commissioner Stevenson stated that at the last meeting the Board had tabled action on Zoning Text Amendment ZTA 07-05 and Subdivision Text Amendment STA 07-03 until a special meeting could be held to discuss these two items. He asked if a meeting has been scheduled. The Board agreed to schedule a special meeting on September 4 at 12:30 PM to discuss these issues.

11. CLOSED SESSION TO PRESERVE THE ATTORNEY CLIENT PRIVILEGE:

Chairman Perry 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 preserve the attorney client privilege.

Motion was made by Jimmie Harris, seconded by Lloyd Griffin that the Board enter Closed Session to preserve the attorney client privilege. The motion carried unanimously.

Upon the end of Closed Session;

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

12. APPROVAL OF CHANGE ORDER FOR BUILDING PROJECT:

Motion was made by Matt Wood, seconded by Marshall Stevenson to pay McKenzie Construction Corporation \$35,306.33 for the cost of Change Order 6A, to request the County Manager to notify the architect that the county believes this change order is still in dispute, and to direct the County Attorney to review the county's contract with the architect. The motion carried unanimously.

At the absence of further business;

Motion was made by Jimmie Harris, seconded by Matt Wood to adjourn the meeting. The motion carried and the meeting was adjourned at 7:50 PM.

CHAIRMAN

CLERK