

**PASQUOTANK COUNTY, NORTH CAROLINA  
SEPTEMBER 15, 2008**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, September 15, 2008 in Courtroom C in the Pasquotank County Courthouse.

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

**MEMBERS ABSENT:** Matt Wood (*On AEDC Legislative Trip to Washington, DC*)

**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 Cecil Perry. The Rev. Roger Braun, Pastor of Newbegun United Methodist Church, gave the invocation and Vice-Chairman Marshall Stevenson led in the Pledge of Allegiance to the American Flag. Chairman Perry welcomed everyone present.

**1. PRESENTATION OF PROCLAMATION FOR THE BIG READ MONTH:**

Chairman Perry recognized Mr. Mark Maland, Chairman of the Pasquotank-Camden Library Board. Mr. Maland explained that the proclamation the Board will be presenting tonight for “The Big Read” is important to the community and he thanked the Commissioners for what they have done. He stated that Commissioners and staff will be given a packet that includes the book Bless Me, Ultima, which is the focus of “The Big Read”. People in the community can get free copies of the book at the Library, the Senior Center, and Page After Page Bookstore.

Mr. Maland explained that “The Big Read” is a grant that was given to the library by the National Endowment for the Arts. He said it is designed to get the entire community reading one book and then having various activities and discussions about that book to try to get people involved. He stated that the kickoff for “The Big Read” will be held this Sunday afternoon at 2:00 PM. Mr. Maland thanked the Board for its support.

Chairman Perry called on Ms. Jackie King, Director of the Pasquotank-Camden Library, to receive a proclamation for *The Big Read Month*. He read and then presented the following proclamation to her:

**Proclamation**

Whereas, reading skills are essential to building a foundation of academic and personal achievement and they must be fostered if we are to set our children and ourselves on the path to lifelong success; and

Whereas, reading is a cornerstone of education for people of all ages; and

Whereas, democracy needs an informed citizenry and reading is critical to this purpose; and

Whereas, reading for enjoyment and enlightenment can enrich the lives of individuals; and

Whereas, the Pasquotank-Camden Library recognizes and appreciates the value and long-term effect of reading literacy; and

Whereas, **The Big Read** is an initiative of the National Endowment for the Arts designed to restore reading to the center of American culture by asking communities to come together to read and discuss one book.

Now, therefore, be it proclaimed by the Pasquotank County Board of Commissioners that September 21 – October 21, 2008 be observed as

### **The Big Read Month**

Presented this 15<sup>th</sup> day of September, 2008.

#### **2. COMMENTS FROM CARL ESTUS:**

Chairman Perry recognized Mr. Carl Estus. Mr. Estus said on the Oprah Show today they talked about child abuse, a matter that is becoming prevalent in this country. He said there is a bill in the U.S. Senate entitled “Protect Our Children”, S1738. This bill will help get law enforcement more funds to track child predators. He asked the Board to support this bill.

#### **3. COMMENTS FROM JAMES STANLEY:**

Chairman Perry recognized Mr. James Stanley. Mr. Stanley stated that he lives in Planters Run Subdivision which backs up to Pine Lakes Subdivision. He explained that certain residents in Pine Lakes burn trash and the smoke goes to his neighborhood. He said this has been going on as long as he has lived in Planters Run. He stated that he has an asthmatic child and the burning and the smoke affect him. He said he realizes that the people who burn have always burned and they have been there longer than he has, however their burning affects other people every time they burn. He stated that there are environmental issues and health issues. He said he has to close his windows on a nice day and his child has to come inside from playing outside when the smokes starts rolling in. Mr. Stanley said he would appreciate any assistance the county can provide to help address this situation.

County Manager Randy Keaton advised that he had been contacted by Fire Marshal Barry Overman today about this issue and he agreed to come to tonight’s meeting to answer any questions about the laws on burning. The Board asked Mr. Overman to give a brief overview on the laws for burning and what is allowable. Mr. Overman said the laws can be confusing because they are different in the city, the ETJ, and the county. He explained that no burning is allowed in the city because pickup is available. In the ETJ residents can obtain permits from the Fire Marshal’s office and can burn only things that grow on their property and are smaller than six inches in diameter. In the county outside of the ETJ residents can obtain a permit from the Forest Service to burn at their residence as long as the burn is not within 500 feet of a woodland and as long as the permit guidelines are followed. Mr. Overman stated that this is the area in which Mr. Stanley falls. He said when a fire is set within a subdivision there are normally houses on two or three sides and it is nearly impossible to not affect someone. He stated that once smoke is given off and it is determined to be a nuisance, then the fire department or Fire Marshal can get involved and ask the resident to extinguish the fire and try burning another day. It can be determined a nuisance if there is any smoke or odor going towards anybody’s yard or house.

Mr. Stanley said the person doing the burning is not obeying the law and doesn’t have a burning permit most of the time. He noted that every time he or one of the other neighbors have called the fire department over the last three years they ended up putting the fire out. Mr. Overman stated that burning is a right of property owners as long as they follow the guidelines. Commissioner Trueblood suggested that Mr. Overman write a letter to the resident who has been doing the burning and ask for consideration, particularly with an asthmatic child involved. Mr. Overman said he would be glad to meet with the individual and follow up with a letter. He added that the law is on the property owner’s side unless the burning is a nuisance.

County Manager Randy Keaton said he would like to clarify that residents countywide can only burn what grows on their property. He noted that wood debris, paper, or other debris from new construction cannot be burned and must be hauled away.

#### **4. PRESENTATION OF ANNUAL REPORT BY COUNTY FOREST RANGER:**

Chairman Perry recognized Mr. Robb Davis, County Forest Ranger. Mr. Davis said because he has only been on the job a couple of months, Pasquotank County was covered by rangers from neighboring counties for the last fiscal year that began July 2007 and ended June 2008. He

stated that this year has been particularly dry and there is a lot of anticipation for the fall season. In 2007 the Forest Service responded to 16 fires resulting in six acres burned, and already in 2008 they have responded to 23 calls with 133 acres burned. Mr. Davis commended the Elizabeth City Fire Department and the county volunteer fire departments for their assistance in wildfire suppression. He stated that they prepared 25 forest management plans last year consisting of 1,382 acres and he believes they will exceed that number this year. He said they conducted 10 forest practice and best management practice inspections of post-logging operations to ensure compliance with regulations to protect water quality and utilize forest resources in a sustainable manner. He explained that they fly the county once a year to look for dead spots caused by southern pine beetle infestation. Mr. Davis stated that the Forest Service participates in information and educational programs to educate students and the public in general on forestry and fire prevention. He said the Forest Service will have Smokey the Bear at the Fun, Safety and Education Day on September 27 at Knobbs Creek Park. The County Manager asked Mr. Davis if he could take a look at several dead trees in front of Northeastern High School and suggest a species to plant there after the dead trees are removed. Mr. Davis said they would do a site index to determine the type of soil and the sort of trees that would do best there. The Board thanked Mr. Davis for his report.

**5. AMENDMENTS TO THE AGENDA:**

Chairman Perry asked if there were any amendments to the agenda. Vice-Chairman Stevenson requested that the following items recommended by the Finance Committee be added to the consent agenda: 1) Approval of waiver of payment in lieu of taxes for Elizabeth City Housing Authority; 2) Approval of appropriation of additional \$15,000 for purchase of a diesel pump for the Water System; and 3) Approval to send out a request for proposals for 20 year financing for the RO plant. County Attorney Mike Cox requested that the Board hold a Closed Session to discuss the acquisition of real estate and to preserve the attorney client privilege.

Motion was made by Marshall Stevenson, seconded by Jeff Dixon to amend the agenda to add the three items recommended by the Finance Committee to the consent agenda and to add a Closed Session to discuss the acquisition of real estate and to preserve the attorney client privilege. The motion carried.

**6. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

- a. Approval of Minutes of August 26 and September 2, 2008 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.	Debra G. Mason	344.40	219.60
2.	Rodriguiz Dominic Alexander	106.20	
3.	Terry Hudson Hobbs	11,880.00	
4.	Eastern Alb. Regional Library	106.75	92.54
5.	Geary D. Coleman	125.45	
6.	Lisa F. Meads Etal	1,550.93	
7.	Richard K. & Mary T. Soria	569.25	465.75
8.	Carl G. & Violet M. Conner	177.10	
9.	Floyd Raymond Ashton, Jr.	152.90	125.10
10.	Donald Keith Murray	100.90	
11.	Christy S. & James E. Bailey, Jr.	132.00	
12.	Theodore Richard Daudel	370.15	
13.	William K. & Geraldine H. Meads	509.30	
14.	William D. & Sandra B. Swain	280.50	

Refunds:

1.	Carl G. & Violet M. Conner	159.39	
2.	Carl G. & Violet M. Conner	153.01	
3.	William D. & Sandra B. Swain	244.80	
4.	William D. & Sandra B. Swain	280.50	

c. Approval of Family Subdivision Request 08-21 from Helen Perry to Create One Gift Lot for a Child

Staff has recommended approval of a request from Helen Perry to create a gift lot for a child in accordance with Article 3, Section 303 of the Pasquotank County Subdivision Ordinance. The property is located off of Old Hertford Highway and 140 feet of road frontage for the proposed parcel is provided onto the highway. The total lot area proposed is 1.00 acres for the gift lot and 30± acres for the residual tract. The grantor, Helen F. Perry, is requesting to give a lot to her son, Robert Perry. The property owner 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.

d. Adoption of Resolution for Financing of Equipment

The Board needs to adopt the following resolution to complete the financing with SunTrust Equipment Finance & Leasing Corp. for the purchase of various vehicles and equipment:

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 02, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the governing body of **PASQUOTANK COUNTY, NC** (“Lessee”) desires to obtain certain equipment (the “Equipment”) described in Equipment Schedule No. 02 to the Master Lease Agreement (collectively, the “Lease”) with **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.**, the form of which has been available for review by the governing body of Lessee prior to this meeting; and

WHEREAS, the Equipment is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be deposited with **SUNTRUST BANK** (the “Escrow Agent”) pursuant to an Escrow Agreement between Lessee and the Escrow Agent (the “Escrow Agreement”) and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, Lessee proposes to enter into the Lease with **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.** and the Escrow Agreement with the Escrow Agent substantially in the forms presented to this meeting.  
**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:**

Section 1. It is hereby found and determined that the terms of the Lease and the Escrow Agreement (collectively, the “Financing Documents”) in the forms presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The County Manager of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The Clerk to the Board of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

Section 3. The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the Lease and Escrow Agreement executed on behalf of Lessee are the same as presented at such meeting of the governing body of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

e. Adoption of Capital Project Budget Ordinance for RO Water Treatment Plant

The Board needs to adopt the following capital project budget ordinance in order to receive the \$500,000 in funding from the Rural Center for the RO plant:

CAPITAL PROJECT BUDGET ORDINANCE  
PASQUOTANK COUNTY  
REVERSE OSMOSIS WATER TREATMENT PLANT

BE IT ORDAINED by the Board of Commissioners of the County of Pasquotank, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I. The project authorized is the construction of the Pasquotank County Reverse Osmosis Water Treatment Plant.

Section II. The amount appropriated for the project is: \$16,483,142.00

Section III. The following revenues are anticipated to be available to Pasquotank County to complete the project:

Loan Proceeds	\$15,983,142.00
Clean Water Partners' Infrastructure Program	<u>500,000.00</u>
	<b>\$16,483,142.00</b>

ADOPTED this the 15<sup>th</sup> day of September, 2008.

*f. Approval of Waiver of Payment in Lieu of Taxes for Elizabeth City Housing Authority*

The Finance Committee has recommended approval of a waiver of the payment in lieu of taxes that is paid to Pasquotank County by the Elizabeth City Housing Authority. It is also recommended that the authority be permitted to make the payment in lieu of taxes and that the county return it to the authority in the form of a grant to be used for energy conservation.

*g. Approval of \$15,000 Appropriation for Purchase of a Diesel Pump for the Water System*

The Finance Committee has recommended that the Board approve an additional appropriation of \$15,000 for the Water System to purchase a diesel pump. The total cost of the pump including fittings is \$30,000, and \$15,000 has already been included in this year's budget.

*h. Approval of Financing Option for RO Plant*

The Finance Committee has recommended that the Board authorize the County Manager to send an RFP seeking proposals from banks to finance the RO water plant with a 20 year revenue bond.

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

The following tax refunds have been approved by the Finance Officer:

Refunds:

		County	City
1.	Michael Dean Garza	37.80	

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
Robert & Laura Spence Heirs	P119A-1	Unoccupied since 1995

**7. APPROVAL OF EXCHANGE OF PROPERTY WITH CORINTH BAPTIST CHURCH:**

At the last meeting, the Board considered and signified its intent to authorize the exchange of a two acre tract of land owned by Pasquotank County for a 6.458 acre tract of land owned by Corinth Baptist Church off of U.S. 17 South. The appraised value of the county tract proposed to be exchanged is \$83,000 and the appraised value of the Corinth Baptist Church tract is \$110,000. The Board was required to give ten days notice of its intent to authorize the exchange of the property, which has been done, and can now give final approval to the property exchange.

Motion was made by Jeff Dixon, seconded by Bill Trueblood to give final approval to the exchange of property off of U.S. 17 South between Pasquotank County and Corinth Baptist Church. The motion carried unanimously.

**8. CONSIDERATION OF PRELIMINARY PLAT FOR MATTHEWS ESTATES SUBDIVISION:**

The Board considered the preliminary plat for Matthews Estates Subdivision in Providence Township. Planning Director Shelley Cox explained that the property for this development is located on the west side of Main Street Extended south of its intersection with Corporate Drive. She provided an aerial photo of the site that is to be developed. She said that Matthews Land Development is the owner/developer of the project, and the applicant representative is Albemarle & Associates. She stated that the request is for preliminary plat approval of Matthews Estates which consists of 45 residential lots. The property is zoned R-35A residential, and lot sizes are proposed to range from 43,000 square feet to 61,422 square feet. Under the current school districting, students from this development would attend Northside Elementary School, Elizabeth City Middle School, and Pasquotank County High School. Providence Volunteer Fire Department provides fire protection for this area and it is served by the Pasquotank County Water System. On-site septic systems are proposed to be utilized. Ms. Cox stated that the development is proposed to be installed in two phases. The developer has provided a 75 foot landscape buffer along the line between the residential lots and the farmland that is adjacent to the property. They have also provided a 10 foot easement for maintenance access to the buffer along lot 11. They are proposing to install turn lanes at the subdivision's entrance on Main Street Extended and only one entrance into the subdivision is planned in response to DOT's concerns. Ms. Cox said the Technical Review Committee met on July 2 and reviewed the proposal. The major concerns discussed during TRC were related to the drainage plan for the development. She stated that the county's engineering consultant, Greg Johnson, has worked extensively with Albemarle & Associates to ensure that the drainage plan meets the county's subdivision requirements. She said Mr. Johnson has recommended approval with the condition that the developer provide electronic files for the HEC-RAS and SWMM models on a CD so this information can be provided to other engineers working on future projects upstream and downstream from Matthews Estates. Ms. Cox advised that the Planning Board reviewed this request on August 28 and accepted staff's recommendation for approval with several conditions. She said since that time most of the conditions have been met, however there is one outstanding condition which is Mr. Johnson's recommendation that the applicant provide electronic files of the drainage information to the county on CD so that information can become part of the record for this development.

Vice-Chairman Marshall Stevenson asked Mr. Johnson if he has looked at pre and post drainage and whether they are the same. Mr. Johnson responded that pre and post are the same.

Commissioner Bill Trueblood noted that the county does not need duplication of names for developments in the county. He said there is already a Matthews Acres and now with Matthews Estates this could cause confusion for emergency responders. He suggested that the developer consider changing the name. Mr. Jason Mizelle with Albemarle & Associates responded that this might have been addressed more easily at sketch plan review. He said at this point a lot of state permits have been applied for or obtained that reference Matthews Estates. Additionally the owners would prefer to keep Matthews in the name to honor their parents. Commissioner Trueblood stated that something needs to happen for the sake of the next generation because there will be problems. He said he would respectfully request the developer to consider changing the name of the subdivision. Mr. Mizelle asked if this could be done at the final plat stage. The County Attorney said he believes the preliminary plat could be approved contingent upon the name being changed if that is the Board's desire.

A motion was made by Commissioner Griffin to approve the preliminary plat for Matthews Estates as presented with a name change before acceptance of the final plat. Mr. Mizelle noted that staff has recommended approval with a condition that the developer release his electronic files to the county. He said this is not a requirement of the ordinance and is not a requirement he can find in the draft drainage manual Albemarle & Associates has been provided by the county's engineer. He stated that at this time all of the plans, permit documents, calculations, drainage reports, culvert calculations, and hydraulic graphs have been provided to the county's engineer and subsequently approved. He said they cannot comply with giving up digital information. He stated they provided the county with a PDF file to have an electronic document, but the data files, the database, and the pertinent tools used to generate these things they feel are not a part of

the requirement. Mr. Mizelle said they would respectfully ask the Board to recommend approval of this preliminary plat as submitted with the other consideration of the name change, but without the condition that electronic files of the HEC-RAS and SWMM models be provided. Commissioner Griffin's motion did not receive a second.

Commissioner Griffin asked Mr. Greg Johnson if these electronic files would be proprietary information. Mr. Johnson responded that he would argue that this information is not proprietary and that it was part of the submission to document what the plan is, how the plans comes together, etc. He advised that other engineers have been providing that information without request as it actually expedites the review and documents the materials backing up the plan. Additionally they are using the data to expand the database for Knobbs Creek in making sure that different areas and different improvements that are made can one day be made a part of the continuing model of Knobbs Creek. Commissioner Griffin stated that the county has been working for some time to develop a drainage model to minimize the impacts of development in the county. He said in addition to assisting the county, it will assist developers.

Mr. Mizelle said they have put a lot of effort in developing this information to give the county and the county's engineer to review. He added they are certainly open to discussing this further with staff and the Board if necessary. He said although he understands Mr. Johnson's position, this particular item was not a requirement at the time the plat was submitted. He noted that this request for the digital information did not come up at TRC, but came up in the last memo they received from Mr. Johnson just prior to the Planning Board meeting. He stated they would like to have further discussion regarding this matter aside from this project.

Mr. Johnson explained that Albemarle & Associates is the first engineering firm to raise a question about providing the digital information. He said other engineers he has dealt with have actually emailed back and forth to him their models to see the effects. He added that this speeds the entire process and documents for any future projects how to use the information that is already available.

Mr. Mizelle said he understands the request, and his engineering firm would like to have further discussion with staff as to how to come to a compromise. He said however he feels to hold this project up because of that condition is not appropriate at this time.

After further discussion, Mr. Mizelle requested that this item be tabled until the next meeting so they can review their options.

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to delay action on the preliminary plat for Matthews Estates until the next meeting. The motion carried.

## **9. REPORTS FROM COUNTY MANAGER:**

County Manager Randy Keaton reported that he has provided the Board with a report from the Department of Transportation about specific project requests they have approved. He said included on the list is a project the county has been requesting for some years now to complete the widening of Roanoke Avenue from the railroad track out to Halstead Boulevard. He stated that this project has been approved now for small construction funding in the amount of \$300,000. He noted that DOT also plans to mill and resurface Roanoke Avenue.

Mr. Keaton stated that he would like to thank Planning Director Shelley Cox, Assistant County Manager Rodney Bunch, and Code Enforcement Officer James Flowers for working together to investigate the complaints about Dixieland Speedway. He said the Code Enforcement Officer plans to be at the next motorcycle race and will give information to the campers to let them know what they can and cannot do. He also plans to be there when they leave to ensure that no illegal dumping occurs. Ms. Cox, Mr. Bunch, and Mr. Flowers will be meeting with Mr. Bill Ashburn to let him know the status of the investigation. He said the burden will be put on the owners and operators of the racetrack to tell the campers what they can and cannot do. He added that the operators of the racetrack are looking at possibly putting in a dump station for wastewater due to the number of campers who come to the racetrack for the different events.

Mr. Keaton reported that he has been asked to serve on a study commission for emergency management and will be leaving tomorrow afternoon for a meeting of the commission on Wednesday morning. He said this commission will be looking at requiring full-time emergency

management coordinators in all of the counties. They are looking at Pasquotank County as a model because Pasquotank and Camden Counties have a shared coordinator, and a similar arrangement may be a good solution for some of the smaller counties that do not have a coordinator at all.

**10. REPORTS FROM ASSISTANT COUNTY MANAGER:**

Assistant County Manager Rodney Bunch reported that representatives from the Department of Transportation in Raleigh came to Pasquotank County last week to ride the area the county has suggested for a potential second connector road. The next phase of the process is to conduct a new transportation study.

**11. RECOMMENDATIONS FROM APPOINTMENTS COMMITTEE:**

Vice-Chairman Marshall Stevenson reported that the Appointments Committee met today and voted to recommend the appointment of Colter Blackford to the Firemen's Relief Fund Board for Providence Volunteer Fire Department.

Motion was made by Marshall Stevenson, seconded by Lloyd Griffin to approve the appointment of Colter Blackford to the Firemen's Relief Fund Board for Providence Volunteer Fire Department. The motion carried by a five to one margin with Commissioner Harris voting against the motion.

Vice-Chairman Stevenson stated that the Appointments Committee has also recommended the appointment of Tommy Wilkins to the Board of Zoning Adjustment to replace Louis Twiford who is not eligible for reappointment, and the appointment of Clayton Griffin, Sr. to replace Priscilla Burrus-Penny on the Board of Adjustment. These appointments will be held over until the next meeting for final approval.

Vice-Chairman Stevenson said the Appointments Committee recommends the reappointment of Elwood Harrell and Maurice Berry, Jr. to the Board of Zoning Adjustment. The committee also recommends the reappointment Lloyd Griffin to the Albemarle Commission.

Motion was made by Marshall Stevenson, seconded by Bill Trueblood to approve the reappointments of Elwood Harrell and Maurice Berry, Jr. to the Board of Zoning Adjustment, and the reappointment of Lloyd Griffin to the Albemarle Commission. The motion carried.

**12. REPORTS FROM COMMISSIONERS:**

Commissioner Jeff Dixon asked if there has been another change order for the River Road Sports Complex because he has noticed that two more trees have been removed. Mr. Keaton responded that two more trees had to be removed because they were close to where the goals would be, however they were removed by county staff using county equipment and a change order was not required.

Chairman Perry reported that Commissioner Matt Wood is absent tonight because he has gone with the Economic Development Commission on a legislative trip to Washington, DC.

**13. CLOSED SESSION TO DISCUSS THE ACQUISITION OF REAL ESTATE AND 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 discuss the acquisition of real estate and to preserve the attorney client privilege.

Motion was made by Lloyd Griffin, seconded by Marshall Stevenson that the Board enter Closed Session to discuss the acquisition of real estate and to preserve the attorney client privilege. The motion carried.

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.

The Board asked the County Attorney to provide an update on the Tonter litigation in Closed Session.

Motion was made by Lloyd Griffin, seconded by Marshall Stevenson that the Board enter Closed Session to discuss Tonter v. Pasquotank County. The motion carried.

Upon the end of Closed Session;

Motion was made by Lloyd Griffin, seconded by Jeff Dixon that the Board return to Regular Session. The motion carried.

There being no further business;

Motion was made by Lloyd Griffin, seconded by Jimmie Harris to adjourn the meeting. The motion carried and the meeting was adjourned at 8:35 PM.

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CHAIRMAN

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CLERK