

**PASQUOTANK COUNTY, NORTH CAROLINA
OCTOBER 20, 2008**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, October 20, 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 (Out of Town)

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. Vice-Chairman Marshall Stevenson gave the invocation and led in the Pledge of Allegiance to the American Flag. Chairman Perry welcomed everyone present.

1. PRESENTATION OF DEPARTMENT OF TRANSPORTATION SECONDARY ROADS IMPROVEMENT PROGRAM:

Chairman Perry recognized Mr. Jerry Jennings, Acting Division Engineer with the North Carolina Department of Transportation, to present the Secondary Roads Construction Program for 2008-09. Mr. Jennings introduced local DOT staff including Gretchen Byrum, District Engineer; Ronnie Sawyer, County Maintenance Engineer; and Darryl Wilkins, Road Maintenance Supervisor for Pasquotank County. He explained that the Secondary Roads Improvement Program is changing from its original intent. When it was first developed many years ago, its primary intent was to pave unpaved roads. Because the program has been successful throughout the state including Pasquotank County, there are not very many unpaved roads left in much of the state. Mr. Jennings stated that this program is evolving into more of a paved road improvement program as opposed to an unpaved road paving program. He said there have been some changes in the legislation that allocates these funds as well that recognizes that and provides more ability to make improvements to existing paved roads to perform the projects that have historically been a challenge to fund. He reviewed the 2008-09 program as follows:

FY 08-09 Anticipated Allocation

Highway Fund (GS 136-44b)	\$ 305,005.70
Highway Fund (GS 136-44c)	115,010.61
Trust Fund	<u>5,186.89</u>
Total	\$ 425,203.20

I. Paving Unpaved Roads Programmed Paving Goal: 0.13 Miles

A. Rural Paving Priority

Priority Number	SR No.	Length (Miles)	Road Name and Description	Est. Cost
1(S)-F	SR 1266	.13	Sawyer Road-Grade, Drain, Base, & Pave SR 1139 to End	\$50,000

Total Miles 0.13

Subtotal \$50,000

II. General Secondary Road Improvements

A. Paved Road Improvements

<u>SR No.</u>	<u>Project Description</u>	<u>Est. Cost</u>
SR 1354	Widen & Strengthen SR 1354 (Millpond Road-WBS#1C.070035) from SR 1001 to SR 1469. Total Estimated Costs: \$960,000; Previously Funded Amount: \$605,000; Complete Funding	\$355,000

Subtotal \$355,000

*Paved Road Improvements Alternatives

<u>SR No.</u>	<u>Project Description</u>	<u>Est. Cost</u>
SR 1101	Peartree Road from SR 1169 (Pitts Chapel Rd) to NC 344-3.64 miles; Strengthening (Total Costs: \$550,000 – Complete Funding)	\$550,000

B. Unpaved Road Spot Improvements

Subtotal \$ 0

IV. Funds reserved for surveying, right of way acquisition, acquisition, road additions, contingencies, overdrafts, and paving entrances to certified fire departments, rescue squads, etc.

Subtotal \$20,203.20

GRAND TOTAL \$ 425,203.20

Mr. Jennings noted that Sawyer Road is the last unpaved road within the county that has right-of-way available. Following this year’s program, pending right-of-way availability on any of the other roads that currently do not have it, the program in the future will focus solely on paved road improvements. Mr. Jennings reviewed the hold lists of the roads that have previously come up in priority, right-of-way acquisition was attempted, and right-of-way was not available. These roads will remain on the hold list, and if at any point in the future right-of-way becomes available, they would be incorporated in the following year’s program for paving. Mr. Jennings added that DOT does not look at these roads on the hold list every year, however if the county has some indication that there has been a change and that right-of-way may be available, to contact DOT and they will re-attempt right-of-way acquisition on the road.

Commissioner Jeff Dixon asked if Sandy Road has been paved. Mr. Jennings responded that it has been completely funded, part of the paving has been done, and the work is ongoing.

Commissioner Lloyd Griffin asked when Roanoke Avenue will be paved. Ms. Byrum stated that the work is under contract with a completion date of December 15. County Manager Randy Keaton noted that information has recently been received that Roanoke Avenue will be widened from the railroad track out to Halstead Boulevard. Mr. Jennings stated that this widening project has not been funded. The work planned will be from Road Street to the Health & Social Services Building. Mr. Jennings said DOT has a real challenge with regard to funding because since 2002 their construction costs have doubled. He stated that asphalt prices have increased at a much greater rate than fuel prices because of the way liquid asphalt is manufactured. He said a combination of decreased available funding and escalation of asphalt prices have limited their paving budget.

Commissioner Bill Trueblood asked the status of Harris Road. Mr. Jennings said it was in a prior year’s program. The grading work and base is complete and the final paving should be done in the spring.

Commissioner Trueblood asked which of the rural roads on the hold list are currently having work done on them. Ms. Byrum said the only one is Harris Road which was just mentioned and Wills Road on which right-of-way has been obtained. Work has begun on Wills Road, however it is not ready to be paved.

Mr. Jennings noted that this priority list was last updated in 2005 and they have been instructed by the Board of Transportation to re-rate the roads so that the roads that have been funded or where there has been a change will be updated prior to next year's program.

Commissioner Trueblood stated that there is school bus traffic on Bluff Point Road and he is not sure what the right-of-way concerns are. He said he has received an inquiry about Hammer Road and was told that the individuals who were holding up the paving of this road had already agreed to provide right-of-way. He asked what the process would be to get this project moving. Ms. Byrum stated that DOT will have their right-of-way agent revisit this road. Mr. Jennings said they will provide the County Manager with a list of the property owners on Bluff Point Road who have not given right-of-way and if the county feels there is a need to revisit that road DOT will.

Vice-Chairman Stevenson stated that at last year's Secondary Roads Meeting, Wills Road and the fact that it does not have any houses on it was discussed. He said the Board talked about deferring that road and using the money for roads on which people live. He stated that priority should be placed on roads that need paving and that have houses on them, not on a road that no one lives on. Mr. Jennings explained that there is a process the county must go through to ask DOT to skip a road in priority. This process includes calling for a public hearing for the purpose of skipping a road, and then in turn DOT would submit a revised secondary road program to the Board for approval. He said they cannot just skip over a road without going through this process. Vice-Chairman Stevenson asked what work is being done on the road. Mr. Jennings stated that the grading work has just begun. He said there is much work that goes on the front end of a road before paving can begin. They do the grading, move the ditches, undercut as necessary, widen, replace pipes, and put down a base before the pavement goes down, and typically these things are done a season ahead of the actual paving. Vice-Chairman Stevenson said it is his feeling that the priorities should lie with the dirt roads that have people living on them. Mr. Jennings reiterated that if the county wants to go through the process of holding a public hearing for the purpose of specifically asking DOT to skip that road or any other road, they will be glad to do that. He said they are bound by General Statute to pave the roads in priority order unless the county goes through the process to explicitly ask them to do otherwise. Commissioner Trueblood asked the status of the project on Wills Road. Mr. Wilkins stated that some grading work has begun, but the ditch work has not begun. Mr. Jennings suggested that DOT at a minimum continue with the widening, grading, ditch work, and put down a base to get the road in a much better condition so it can be maintained easier and will drain better. Commissioner Trueblood said he would like to have an opportunity to talk with the property owners on Wills Road before the Board takes any action.

The County Manager said he would research to find out the process and the public notice required for the Board to hold a public hearing to skip Wills Road in paving priority.

County Manager Randy Keaton asked for clarification on the Roanoke Avenue project. He said the county has requested several times for the widening from the railroad track out to Halstead Boulevard to be funded with Small Urban Funds. He stated that the city had announced this was going to be done and he thought the widening was going to be done as part of the paving project. Mr. Jennings said at one point he thought there was agreement from the DOT Board Member to fund the road, but there was another project with significant cost increases and the money had to be redirected to complete the funding of this project. He suggested that the Board may want to make this request again to DOT Board Member Stan White.

Commissioner Griffin said he had noticed in Chesapeake that Sheriff's Department prisoners were cleaning and mowing the roadsides on weekends. He suggested that a similar program be implemented in Pasquotank County for weekend prisoners to do field work rather than sitting in jail. This would help eliminate some of the jail overcrowding and add to the county's cleanup efforts. Mr. Keaton stated that Pasquotank County does not send out work crews because most of Pasquotank County's prisoners are pre-trial detainees and are not serving sentences.

Chairman Perry thanked Mr. Jennings and DOT staff for their presentation of the program.

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to adopt the following resolution approving the 2008-09 Secondary Roads Construction Program as presented by the Department of Transportation.

WHEREAS, the North Carolina Department of Transportation has presented and recommended to Pasquotank County a Secondary Roads Construction Program for Fiscal Year 2008-2009 with a total allocation of \$425,203.20 in funding; and

WHEREAS, the Pasquotank County Board of Commissioners agrees with the total proposed Secondary Roads Construction Program for the county as presented;

NOW THEREFORE BE IT RESOLVED this the 20th day of October, 2008, that Pasquotank County hereby approves and adopts the Secondary Roads Construction Program for Pasquotank County for Fiscal Year 2008-2009 as presented.

The motion carried.

2. AMENDMENTS TO THE AGENDA:

Chairman Perry asked if there were any amendments to the agenda. Commissioner Lloyd Griffin requested that the proposed Resolution Requesting Restoration of Fishermen’s Access to the Spiny Dogfish Fishery be moved from New Business to the Consent Agenda.

Motion was made by Lloyd Griffin, seconded by Marshall Stevenson to amend the agenda to move from New Business to the Consent Agenda the Resolution Requesting the Governor and the North Carolina Department of Environment and Natural Resources to Restore North Carolina Commercial Fishermen’s Access to the Spiny Dogfish Fishery. The motion carried.

3. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of September 29 and October 6, 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.	Tony L. Feltman	138.15	
2.	Michael L. Christiansen	146.40	
3.	Mathew Charles Shackelford	108.95	94.34
4.	Vimalkumar Somabhai Patel		287.16
5.	Fifth Tabernacle Church of God	524.70	429.30
6.	Alonza Alton Ivey	116.35	
7.	Walter William Douglas	136.00	
8.	John Christopher Morgan	210.25	182.41
9.	Ray Lamar Stokes	150.15	
10.	Twifco Inc.	103.80	90.12
11.	Jerry J. Krywaczyk	159.00	
12.	Michael Anthony Reyes	106.15	92.04
13.	Main Street Ext Dev LLC	218.90	
14.	Dr. J.J. Morris	120.00	
15.	Johnnie Lee Richardson, Jr.	107.45	

Refunds:

1.	Brookridge Sr. Living	693.97	567.79
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c. Approval of White Goods and Scrap Metal Agreement

The Finance Committee has recommended approval of a white goods and scrap metal agreement with United Salvage & Auto, Inc. for a three-year term. The company will pay the county 27% of the market value of the goods removed from the designated sites.

d. Adoption of Resolution Imposing a Gross Receipts Tax on Heavy Equipment in Lieu of Property Tax

The Finance Committee has recommended approval of the following resolution imposing a gross receipts tax on heavy equipment in lieu of property tax. This replacement tax was approved by the General Assembly in the last session and only applies to heavy equipment that is leased for short terms.

**RESOLUTION IMPOSING A GROSS RECEIPTS TAX ON HEAVY EQUIPMENT
IN LIEU OF PROPERTY TAX**

Pursuant to North Carolina General Statutes 105-275(42a) and S.L. 2008-144, the Pasquotank County Board of Commissioners does hereby adopt the following resolution:

THAT WHEREAS, North Carolina General Statute 105-275(42a) designates Heavy Equipment on which a gross receipts tax may be imposed under 153A-156.1 and 160A-215.2 as a special class of property which is exempted from property taxation and shall not be listed, appraised, assessed or taxed after January 1, 2009; and

WHEREAS, in lieu thereof, North Carolina General Statute 153A-156.1 authorizes a County by resolution to impose a tax at the rate of one and two-tenths percent (1.2%) on the gross receipts from the short term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail; and

WHEREAS, this tax provides an alternative to a property tax on the equipment;

NOW THEREFORE, IT IS HEREBY RESOLVED that a tax of one and two-tenths percent (1.2%) on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail is imposed pursuant to 153A-156.1 in lieu of the personal property tax. This resolution shall be effective January 1, 2009.

ADOPTED this the 20th day of October, 2008.

e. Approval of Contract with R&D Excavating Company for Operation of Transfer Station

The Finance Committee has recommended approval of a one-year contract with R&D Excavating Company for operation of the transfer station for \$4.50 per ton. The contract will expire June 30, 2009.

f. Approval of Change Order for Old Library Renovation Project

The Finance Committee has recommended approval of three change orders totaling \$15,955.94 for the old library renovation project. These change orders will be deducted from the contingency fund, which will still leave \$15,956 remaining in contingency.

g. Declaration of Surplus Property

The County Manager requested that the Board declare several large pieces of kitchen equipment in the old middle school as surplus so they can be advertised for sale on Govdeals.com. The equipment includes two refrigerators, various stainless steel tables, a dishwasher, two hood assemblies, and a large stainless steel pot.

The County Manager also asked that the Board declare two lots off of Shillingtown Road as surplus so they can be advertised for sale and upset bids. The lots were sold for taxes at the courthouse door and no one bid on them. The cost of Lot 10 was \$1,043.81 and the cost for Lot 7 was \$1,274.48.

h. Adoption of Resolution Requesting the Governor and the North Carolina Department of Environment and Natural Resources to Restore North Carolina Commercial Fishermen's Access to the Spiny Dogfish Fishery

Hyde County has requested that each of the counties in the region adopt the following resolution requesting the Governor and the North Carolina Department of Environment and Natural Resources to restore North Carolina's fishermen's access to the Spiny Dogfish Fishery:

**RESOLUTION REQUESTING THE GOVERNOR AND THE NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO RESTORE
NORTH CAROLINA COMMERCIAL FISHERMEN'S ACCESS TO THE
SPINY DOGFISH FISHERY**

WHEREAS, The most recent and best available data shows that the stock of spiny dogfish is not overfished and that overfishing is not occurring; and

WHEREAS, North Carolina has historically (1988-2001) averaged 15% of the total dogfish landings on the east coast per year; and

WHEREAS, Since the implementation of the Atlantic States Marine Fisheries Commission's (ASMFC) Spiny Dogfish Fisheries Management Plan in 2002, North Carolina's commercial fishermen have not had

access to 15% of the total allowable catch of dogfish, and the bulk of the quota set by ASMFC has been harvested by fishermen in other states thereby cutting the North Carolina fishing season short; and

WHEREAS, The ASMFC has set an 8 million pound total quota for dogfish for the 2008-2009 fishing year and the State of North Carolina should be allocated 15%, or 1.3 million pounds of the quota for 2008-2009; and

WHEREAS, Without a direct allocation to the State of North Carolina of 1.3 million pounds of the dogfish quota for the fishing year of 2008-2009, North Carolina will not be guaranteed a dogfish fishery because the full 8 million pound quota is likely to be harvested by fishermen in other states and the fishing season shortened in North Carolina once again; and

WHEREAS, A dedicated allocation of 1.3 million pounds of dogfish to the State of North Carolina would guarantee North Carolina fishermen their historic share of the dogfish quota, would benefit commercial fishermen, seafood processors, their employees in Pasquotank County and throughout the State, would lead to the development of dogfish processing facilities in North Carolina, and would have significant positive impacts upon the local economies of the coastal fishing counties including Pasquotank County and the State as a whole; and

WHEREAS, because the significant economic benefits to coastal fishing counties and the State of North Carolina, the allocation of the 1.3 million pound quota to North Carolina should be accomplished as soon as possible, specifically at the ASMFC meeting in August 2008;

NOW, THEREFORE, BE IT RESOLVED that the Pasquotank County Board of Commissioners seeks emergency relief for its commercial fishermen. The Board asks that the Governor, without delay, direct the North Carolina Department of Environment and Natural Resources to immediately request the ASMFC to specifically allocate a 1.3 million pound annual spiny dogfish quota specifically allocated to North Carolina for the fishing season 2008-2009, and until such time that the ASMFC modifies the coast wide harvest quota to reflect NC historical landings. The Pasquotank County Board of Commissioners further requests that the Director of the North Carolina Division of Marine Fisheries be directed to present and defend this request to the ASMFC.

NOW, THEREFORE, BE IT RESOLVED that the Pasquotank County Board of Commissioners requests the Governor of North Carolina, the North Carolina General Assembly, and the North Carolina Marine Fisheries Commission to fully support the North Carolina Department of Environment and Natural Resources and the Director of the North Carolina Division of Marine Fisheries in this effort to restore North Carolina commercial fishermen's access to the spiny dogfish fishery and take all other necessary measures to insure the survival of North Carolina's watermen.

This the 20th day of October, 2008.

Motion was made by Matt Wood, seconded by Marshall Stevenson to approve the consent agenda as presented. The motion carried.

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

Releases:

		County	City
1.	Lynn Denise Cooper	2.48	2.03
2.	William Scott Collins	61.63	50.54
3.	Arlene Ownley Marshall	24.18	
4.	Curtis John Olds, Jr.	51.80	
5.	Johnathan Tyler Lane	3.20	
6.	Andrew Wycliff Perry	9.90	8.91
7.	US Bancorp Equip Finance Inc.	56.71	46.40
8.	Che Thomas Russell	91.45	
9.	Johnathan James Anderson	27.40	
10.	John Tyson Lowry	12.95	
11.	Kristian Richard Entwistle	92.10	
12.	Matthew Robert Farnen	22.35	
13.	One Man & Mower	18.06	15.04
14.	One Man & Mower	28.21	23.13
15.	James Carroll Oakley	6.25	
16.	Mitcheltree, Joshua Hayden	99.55	
17.	Alexander Quinn Bozkurt	10.45	
18.	Alexander Quinn Bozkurt	8.25	
19.	Drew D. Dazzo	59.10	
20.	Bradley Scott Smardo	64.65	58.01

21.	Anthony Uche Emekalam	24.85	
22.	Raymond Dartaryen Koneval	58.35	52.85
23.	Twifco Inc.	28.13	
24.	Kristen Rae Ludtman	54.20	49.44
25.	Kristen Rae Gochnaver	4.05	8.32
26.	Ernest Alan Jarvis	16.10	
27.	Cora Lynn Nance	24.70	20.26
28.	Delmer Allan Alligood	18.90	
29.	Arthur Emerson Harrison, Jr.	21.15	
30.	Otoniel Perez Perez	3.83	3.14
31.	Earl Cantey	5.75	
32.	Scot Evan McCaffery	78.45	69.33
33.	Robert Alexander Melvin, III	85.95	
34.	Lance Wesley Hendrix	24.95	
35.	Rosalinda Sanchez Garcia	6.03	4.94
36.	Marquis Devon Felton	4.30	3.53
37.	Paul & Ruth P. Overton	42.35	
38.	Mary E. Walker	25.30	
39.	Amy Lee Harris	75.15	
40.	Michael Dean Garza	48.35	
41.	Michael Dean Garza	45.30	
42.	Timothy Timpson	2.65	
43.	Jason Sean Wheelbarger	14.15	
44.	Antonia Denise King	2.35	1.93
45.	Milton Blackwell	2.95	2.42
46.	Nicole Mane Moore	63.15	
47.	Guilleono Navano Verde, Jr.	12.35	
48.	Burome Vincent Brumfield	71.70	
49.	Burome Vincent Brumfield	46.05	
50.	Bradley D. Kopf	60.90	
51.	Ivy H. Smith Co. LLC		75.60
52.	Guilleono Navano Verde, Jr.	7.75	
53.	Harry S. Tufano, Jr.	7.05	
54.	Laurie Harrison Duncan	29.40	
55.	Shawn Anthony Mercer	3.70	3.04
56.	WL Onley Ice Cream	91.00	
57.	Glenn Allen Weeks	36.68	
58.	Terrence Malcolm Thompson	49.67	44.70
59.	Chenelle Christine Schmidtke	46.53	38.07
60.	Cleveland Franklin Hooper, III	88.65	
61.	James Brendan Fitzgerald	19.50	20.99
62.	Robert Evan Pitchford	77.95	68.92
63.	Walter William Douglas	8.80	
64.	Beverly Wood Sampson	17.85	
65.	Tracy Kent Stevens	73.90	
66.	Samuel Ross Gerszewski	19.63	16.10
67.	John Christopher Morgan	55.50	50.51
68.	Marluis Evett Stokes	62.10	
69.	Elroy Jerome Lillard		48.99
70.	Elroy Jerome Lillard		49.36
71.	Gregory Michael Grant	21.05	17.27
72.	Richard W. & Cathy Mataitis	42.35	
73.	Richard W. & Cathy Mataitis	80.30	
74.	Robert Steven Josvai, II	12.05	
75.	Rodolfo Hernandez Gomez	5.98	4.90
76.	Weldon Lee James	31.30	
77.	Gene Wyman	8.40	
78.	Judith Simpson Smith	3.60	
79.	Joseph Nate Walker	13.20	
80.	Odathia Renee Swain	18.25	14.97
81.	Samuel Robert Lynn	73.45	65.23
82.	Joseph Anontavara	72.65	
83.	Michael Steve Russell	28.83	
84.	Rodolfo Hernandez Gomez	5.08	4.17
85.	Rodolfo Hernandez Gomez	2.53	2.07
86.	Judith Jones	24.45	

87.	Carol Sweet Ballance	6.75	
88.	Bruce Boyd	3.00	
89.	Brian Christopher Marcotte	50.60	46.49
90.	Peter Conrad Hentze, Jr.	94.40	
91.	Alfonzo Snowden, Jr.	1.85	1.52
92.	James Garland King, II	57.90	52.48
93.	Andrew Michael Felsing	72.00	64.04
94.	Eileen Nichole Weaver	34.49	28.74
95.	Stephen Jon Goyette	71.45	
96.	William Edgar Stevens	21.68	
97.	Shawn Patrick Garrigan	3.00	
98.	David Allen Deal	64.73	
99.	Christopher Rob McCalla	11.80	14.68
100.	Denise Marie Beasley	4.47	3.72
101.	David Ryan Hassell	11.45	
102.	David Ryan Hassell	11.25	
103.	Wanda Williams Rawls	33.65	
104.	Michael Cory Dibble	62.85	
105.	James William Stanier	76.15	
106.	Daniel Lee Lamb	49.60	
107.	Michael Allan Meads	18.05	
108.	Edmond Brown	26.50	
109.	Mark S. Naplitano	51.79	
110.	Mark Stephen Napolitano	25.15	
111.	Sarah Letitia Gidden	8.75	7.18
112.	Sarah Letitia Gidden	18.25	14.97
113.	Gloria Marie Hall	16.80	
114.	James Travis Nelson	8.05	
115.	James Travis Nelson	11.05	
116.	Oraba Felix Perez	1.48	1.21
117.	Avantika Pankajbhai Patel	77.28	63.37
118.	Marvin Felton	2.65	
119.	Linda Bennett	33.65	27.60

Refunds:

1.	Gladys L. Griffin	77.00	
2.	Gladys L. Griffin	83.85	
3.	Gladys L. Griffin	73.92	
4.	Ordelia Bogues	72.96	

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
George M. Griffin	P119A-13	Never occupied
Mary E. Walker	P95-27	Unoccupied since 2003

4. ADOPTION OF RESOLUTION TO SUPPORT EXPLORATION FOR NATURAL ENERGY RESOURCES WITHIN NORTH CAROLINA'S OUTER CONTINENTAL SHELF:

Chairman Perry read a proposed Resolution to Support Exploration for Natural Energy Resources within North Carolina's Outer Continental Shelf. Vice-Chairman Stevenson stated that he had requested that this resolution be put on the agenda. He said he has spoken with a Perquimans County Commissioner who advised they had recently passed this resolution and he indicated that other coastal counties were considering doing the same. Vice-Chairman Stevenson stated that he supports this resolution and he hopes the Board will support it. Commissioner Griffin noted that he feels only two areas of the state will benefit and those are the Wilmington and Morehead City areas. He said the inlets and ports in Ocracoke, Hatteras, and Oregon Inlet will probably only provide support with the main work and jobs coming out of the Tidewater and Norfolk, Virginia area. Chairman Perry said he questions the environmental study for the drilling because he did not see it in the resolution. Vice-Chairman Stevenson stated that the proposed resolution does not address who will get the jobs, but it does address the royalties and that the CAMA counties would share equally.

Motion was made by Marshall Stevenson, seconded by Lloyd Griffin to adopt the following Resolution to Support Exploration for Natural Energy Resources within North Carolina's Outer Continental Shelf. The motion carried.

**RESOLUTION TO SUPPORT EXPLORATION
FOR NATURAL ENERGY RESOURCES WITHIN
NORTH CAROLINA'S OUTER CONTINENTAL SHELF**

WHEREAS, North Carolinians are suffering from record high gasoline and diesel prices; and

WHEREAS, Congressional moratoria prohibit oil and natural gas drilling, exploration, and production within the State of North Carolina's outer continental shelf (OCS); and

WHEREAS, the State of North Carolina and all coastal states should have the right to determine on their own whether such drilling, exploration, and production should be permitted along their coasts; and

WHEREAS, Congress and the NC General Assembly should eliminate policies, such as OCS moratoria, which artificially limit oil supply and thereby increase gasoline prices; and

WHEREAS, according to the United States House Committee on Natural Resources staff, the State of North Carolina would receive about \$23.82 billion in royalties over a 30-40 year period through revenue sharing from OCS leases; and

WHEREAS, lower energy costs and more reliable energy markets in North Carolina would promote economic growth and prosperity; and

WHEREAS, offshore oil and natural gas drilling off the coast of North Carolina's outer continental shelf would lead to significant job growth for our port, citizens, and coastal communities; and

WHEREAS, said royalties shall be equally shared by the State and CAMA counties.

NOW, THEREFORE, BE IT RESOLVED, that the Pasquotank County Board of Commissioners does hereby support and encourage both our Federal and State elected officials to support the exploration of oil and gas off the outer continental shelf provided that royalties are equally shared with CAMA counties.

BE IT FURTHER RESOLVED that this approval shall become effective on the 20th day of October, 2008.

ADOPTED this 20th day of October, 2008.

5. APPROVAL OF REQUEST FOR PRELIMINARY PLAT EXTENSION FOR CARTER'S GLEN SUBDIVISION, PHASE 3:

The Board considered a request from the developers of Carter's Glen Subdivision for a sixty-day extension of the preliminary plat approval for Carter's Glen, Phase 3 to complete infrastructure improvements and submit the required information for final plat review. Commissioner Jimmie Harris stated that he understands why this request is being made.

Motion was made by Jimmie Harris, seconded by Lloyd Griffin to approve a 60 day extension until December 19, 2008 of the preliminary plat for Carter's Glen Subdivision, Phase 3. The motion carried.

6. APPROVAL OF SOCIAL SERVICES CHILD CARE POLICY FOR 2008-09:

The Board reviewed a proposed child care services policy for the Department of Social Services for 2008-09. Commissioner Jeff Dixon, who serves as the Board's representative on the Social Services Board, stated that the changes have been highlighted and there is very little change in this policy from the previous year.

Motion was made by Jeff Dixon, seconded by Lloyd Griffin to approve the Social Services Child Care Policy for 2008-09 as presented. The motion carried.

7. ADOPTION OF IDENTITY THEFT PREVENTION ORDINANCE:

County Attorney Mike Cox explained that the Federal Trade Commission has enacted red flag rules requiring creditors to implement identity theft prevention programs. Several county departments are creditors, therefore the county must adopt an ordinance to implement identity theft prevention programs to detect, prevent, and mitigate identity theft activities. Following review of the proposed ordinance;

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to adopt the proposed Ordinance to Establish an Identity Theft Prevention Program. The motion carried.

8. CONSIDERATION OF ORDINANCE FOR BACKGROUND CHECKS:

Mr. Cox stated that this originated from a request from the Volunteer Fire Department Coordinator who has inquired as to whether the county could perform background checks on potential members of the volunteer fire departments. He said this could also be available for final applicants for county positions. The proposed ordinance would allow the county to have access through the State Bureau of Investigation for background checks. If the Board approves the ordinance, it would be sent to the State Bureau of Investigation along with additional information. The SBI would then allow the county an access agreement for a designated official within the county to perform background checks using the DCI information system.

The Board discussed the proposed ordinance at length and suggested that staff develop a written policy which would become a part of the county's personnel policy. The policy would detail which employees or volunteers would be subject to background checks, the extent of the background checks, and who would be designated to perform the background checks.

Motion was made by Lloyd Griffin, seconded by Jeff Dixon to delay action on the proposed Ordinance for Background Checks pending further information or development of a proposed policy. The motion carried.

9. REPORT FROM COUNTY MANAGER:

County Manager Randy Keaton reported that he has received notification that the county has been awarded a \$120,000 Community Development Block Grant for the Rivers Edge at Elizabeth Crossings. This development will provide affordable rental units behind Farm Fresh.

10. REPORT FROM ASSISTANT COUNTY MANAGER:

Assistant County Manager Rodney Bunch provided a memorandum to the Board in response to comments by Mr. Richard Humphries at the last meeting regarding tall grass on property adjacent to his that had been rezoned from agricultural to residential two years ago. The property is no longer being farmed and is not yet being developed and the grass and weeds had grown six feet high. Mr. Bunch said he researched the city's Code of Ordinances and found information that referred to tall grass or weeds which required mowing if it reached a height of 18 inches. He provided a copy of the city's regulations to the Board. He noted some specific areas in the county that have grass or weeds three to six feet in height. He added that staff has received complaints from residents who live next to wooded areas with heavy undergrowth regarding mice, rats, and snakes as a result of the undergrowth. Mr. Bunch said some considerations for implementing a program such as the city's would be: 1) the regulations would be in the form of a nuisance ordinance; 2) hiring a reliable contractor to mow grass when necessary; 3) a fairly substantial line item in the budget for mowing grass; 4) enforcement; and 5) collections. Mr. Bunch said if the Board were to enact such regulations it might want to possibly enact them only in subdivisions.

Commissioner Griffin noted that the county has implemented a subdivision ordinance requirement for a 75 foot buffer between agricultural uses and residential uses and he could see these buffer areas growing up resulting in complaints as subdivisions are being built. He asked if the county is prepared to maintain these areas.

Commissioner Dixon said he could support regulations to require mowing of tall grass in subdivisions because it is an issue, especially with subdivisions not building as quickly as anticipated. He stated that it is not fair for the few house in the subdivisions when the rest of the subdivision grows up in grass and weeds. He said he does not believe this would however address the concerns voiced by Mr. Humphries at the last meeting. Mr. Bunch agreed this would not address Mr. Humphries' concerns.

Commissioner Trueblood stated that in Mount Hermon Village there is a house that was completely abandoned and the next door neighbor for the past three or four years has been dealing with trying to keep the weeds down in the yard. He contacted the realtor who finally got it mowed. He said this year they had a lot of problems again getting the grass mowed, but got the job done with the help of the county's Code Enforcement Officer. Commissioner Trueblood added that this was not a vacant lot, but a fairly new house that had been completely abandoned.

He said a bank now owns the house and there are rodents and snakes coming off this lot and the neighbor wanted some help to get it mowed. Commissioner Trueblood stated that these are the types of problems people are dealing with. Mr. Keaton noted that this appears to be a problem that is occurring across the country because of foreclosures. He said not only do the yards get grown up, but people break into the vacant houses, vandalize them, and strip out the wiring. He stated that a situation such as this can blight the entire neighborhood.

Mr. Bunch suggested that the Board refer this to a committee so that all of the ideas and questions might be addressed. The matter was referred to the Special Projects Committee.

11. REPORTS FROM COMMISSIONERS:

Commissioner Lloyd Griffin said he would like to thank the County Manager and the staff for today's informative meeting regarding the budget.

Commissioner Bill Trueblood asked the Board Members for their thoughts concerning Wills Road and whether the Board should pursue asking DOT to pull the funds back from the paving of that road. He said he intends to approach all of the property owners on the road, but would like to have the Board's thoughts on this issue. Board Members agreed that the grading and drainage work should be completed, but that paving should be delayed. They agreed that the funds should be used to pave roads that people live on first.

Commissioner Marshall Stevenson said he had forwarded each Commissioner a copy of an email from Mr. Bill Ashburn regarding campers dumping sewage on the highway in front of his house as they exit the Dixieland Speedway. He stated that since he sent that email there has been some additional information and he may have jumped to conclusions based on the photographs. He asked Mr. Bunch to explain what additional information was received. Mr. Bunch stated that he has talked with people who were involved. He said the Code Enforcement Officer and the Fire Department Coordinator talked with the fire chief from Newland Volunteer Fire Department. The chief advised that the fire department responded to two calls to the racetrack that weekend, one on Saturday, and a second one on Sunday. He stated that on Sunday, the call went out at 4:00 PM and it was cleared at 4:17 PM according to the fire report and the call that the Code Enforcement Officer received from Mr. Ashburn was shortly before 5:00 PM. The chief stated that he had a new volunteer fireman who was in training who was driving the tanker truck going to the site that day and he braked too hard to make his turn going in and water sloshed out of the tanker when he was putting on brakes. Mr. Bunch said they all feel that the amount of liquid that was seen on the road that day was water from the tanker. Commissioner Stevenson stated that according to this information, it appears there might have been other reasons for the road to be wet besides sewage on the road. He asked if there is anything further being done regarding campers at the racetrack. Mr. Bunch responded that nothing new is happening, however discussions were held with the ones responsible for the ATV events and they were asked to talk to the people who attend their events in campers to try to ensure that sewage is not dumped on the highway. He noted that he understands there is another event in early December and the Code Enforcement Officer or a deputy plan to be there as campers are leaving to observe what is going on.

Vice-Chairman Stevenson asked if there is any consensus that the Board should take action to require that the speedway have a dump station. Mr. Bunch said he felt the county should work with the Health Department before going any further because the county would need the assistance of the Health Department. Commissioner Griffin noted that the county would also have to amend its zoning ordinance to require a dump station. Mr. Keaton stated camping at the speedway would be considered primitive camping, and the same could be applied to the Wal-Mart parking lot where people sometimes camp overnight. If a campground provides water and electricity, they are required to provide a dump station. Vice-Chairman Stevenson explained that a camper can only hold a certain amount of fresh water and the holding and sewage tanks could never be filled up with that fresh water, so if a water hookup is not furnished, then the holding tank would not overflow and a dump station would not be needed. The camper could then carry the sewage in the holding tank out when it leaves.

Vice-Chairman Stevenson stated that Mr. James Stanley appeared before the Board a couple of meetings ago and requested that the Board do something to address open burning. He said Mr. Stanley asked him to bring it back up to the Board. Commissioner Stevenson asked if the Board has interest in trying to create an ordinance or do anything besides what the Fire Marshall was going to do. Commissioner Harris said the Forest Service would be responsible for the issuance

of burning permits and if someone cannot get a burning permit, they should not be burning. Commissioner Stevenson said the issue was that a neighbor was burning without a permit. Mr. Keaton said his understanding was that sometimes the neighbor was getting burning permits, and Mr. Stanley's issue was that even if the person obtained a burning permit, he did not want anyone in the neighborhood burning because he has a child with asthma. Commissioner Harris added that a burning permit is worded such that if anyone complains about the burning, the fire has to be put out. The Board asked that the Fire Marshal provide something in writing to the Board about his discussion with Mr. Stanley's neighbor.

There being no further business;

Motion was made by Jeff Dixon, seconded by Lloyd Griffin to adjourn the meeting. The motion carried and the meeting was adjourned at 8:25 PM.

CHAIRMAN

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA
OCTOBER 27, 2008**

The Pasquotank County Board of Commissioners met today in a special meeting on Monday, October 27, 2008 in the Community Room at the W.C. Witherspoon Memorial Library.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Randy Cartwright, Sheriff
David Smithson, Resident Inspector
Karen Jennings, Clerk to the Board

Also present were members of the Camden County Board of Commissioners, the Perquimans County Board of Commissioners, Camden County Manager Randell Woodruff, and Perquimans County Manager Bobby Darden. The meeting was called to order at 8:30 AM by Chairman Cecil Perry.

County Manager Randy Keaton advised that Brennan Associates has resigned as architect for the Albemarle District Jail construction project and discussions have been held with Stewart Cooper Newell Architects to provide architectural services to complete the project. He noted that Stewart Cooper Newell Architects interviewed with the Jail Commission when it conducted initial interviews for architectural services. The USDA is also familiar with Stewart Cooper Newell and has given their approval to waive the normal architect selection process. Mr. Keaton stated that a standard AIA contract and an indemnity agreement have been prepared for the Board's consideration. Stewart Cooper Newell has proposed a fee of \$300,700 for administration and design, plus another \$40,000 to McKnight, Smith for plumbing, mechanical, and electrical design, and \$11,500 to McDowell Associates for civil engineering for a total fee proposal of \$352,200.

Mr. David Smithson, Resident Inspector for the project, updated the Board on the construction progress. He said it is hoped the building will be completely dried-in by Thanksgiving. The site work is almost complete and site lighting should be completed by the end of this week. It is estimated that the project will be completed next spring.

After discussion and questions;

Motion was made by Bill Trueblood, seconded by Matt Wood to approve the contract for architectural services and the indemnity agreement with Stewart Cooper Newell Architects for completion of the Albemarle District Jail Project based on a total fee proposal of \$352,200. The motion carried unanimously.

Motion was made by Jeff Dixon, seconded by Lloyd Griffin to adjourn the meeting. The motion carried and the meeting was adjourned at 9:05 AM.

CHAIRMAN

CLERK

