

**PASQUOTANK COUNTY, NORTH CAROLINA  
DECEMBER 1, 2008**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, December 1, 2008 in Courtroom C in the Pasquotank County Courthouse.

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

**MEMBERS ABSENT:** None

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

The meeting was called to order at 7:00 PM by Clerk to the Board Karen Jennings. Commissioner Matt Wood gave the invocation and Commissioner Bill Trueblood led in the Pledge of Allegiance to the American Flag.

**1. OATH OF OFFICE FOR COMMISSIONERS:**

Clerk of Court Lynne Pike administered the oath of office to newly re-elected Commissioners Lloyd Griffin, Jeff Dixon, and Bill Trueblood.

**2. ORGANIZATION OF THE BOARD OF COMMISSIONERS:**

The Clerk to the Board explained that state law requires the reorganization of the Board of Commissioners during its first meeting in December through the selection of a Chairman and a Vice-Chairman. She opened the floor for nominations for Chairman. Commissioner Bill Trueblood nominated Commissioner Marshall Stevenson as Chairman. Following a vote of the Board, Commissioner Stevenson was unanimously elected Chairman.

The meeting was then turned over to Chairman Stevenson who called for nominations for Vice-Chairman. Commissioner Jimmie Harris nominated Commissioner Lloyd Griffin as Vice-Chairman. Following a vote of the Board, Commissioner Griffin was unanimously elected Vice-Chairman.

Chairman Stevenson thanked the Board for the confidence placed in him by electing him as Chairman of the Board. He said he will do everything in his power to do what is necessary for the citizens of Pasquotank County. He also thanked Commissioner Perry for his service as Chairman for the past three years and for his dedication to the people of the county.

**3. PUBLIC HEARING ON ZONING TEXT AMENDMENT ZTA 08-02 TO ALLOW RETAIL FLOORING SALES IN THE I-1 INDUSTRIAL DISTRICT:**

Chairman Stevenson declared the meeting to be a public hearing on Zoning Text Amendment ZTA 08-02. Planning Director Shelley Cox explained that Zoning Text Amendment ZTA 08-02 would allow retail flooring sales and installation within the I-1 Industrial district. She said the application was submitted by Ken Sisk on behalf of Frank Cudequest. She explained that Mr. Cudequest recently had property located at the corner of Pitts Chapel Road and Sand Pit Road rezoned from A-1 to I-1 and he now wishes to proceed in opening up a retail flooring and installation business at that location. She stated that staff has reviewed this request and recommends that a new classification for "Flooring Sales & Installation" be adopted under the Retail Trade category in the Table of Permitted Uses. She said they also recommend that the use be permitted in the C-1 Commercial District by right, and in the I-1 Industrial District with a Conditional Use Permit that would have to be reviewed by both the Planning Board and the

Board of Commissioners. Ms. Cox stated that this request was reviewed by the Planning Board on November 20 and the Planning Board recommended approval.

Chairman Stevenson asked if anyone would care to comment on the proposed zoning text amendment. Mr. Ken Sisk stated that he submitted the petition for the text amendment. He said they are just trying to get retail flooring as a conditional use within the light industrial zoning district.

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

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to approve Zoning Text Amendment ZTA 08-02 as presented. The motion carried unanimously.

**4. AMENDMENTS TO THE AGENDA:**

Chairman Stevenson asked if there were any amendments to the agenda. Commissioner Matt Wood suggested the agenda be amended to include change orders for the jail project that were recommended by the Finance Committee today.

Motion was made by Matt Wood, seconded by Cecil Perry to amend the agenda to add approval of change orders for the jail project to the consent agenda. The motion carried unanimously.

**5. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

a. Approval of Minutes of November 17, 2008 Commissioner Meeting

b. Approval of Tax Releases and Refunds

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

Releases:

		County	City
1.	Colter Paul Blackford	188.05	
2.	Robert Lee & Rebecca Hare	120.00	
3.	John Paul Fournier	149.44	124.19
4.	John Willie Felton	383.30	319.31
5.	Gregori Bill Alexopoulos	133.20	
6.	Lillian Sanders Life Est	240.00	

Refunds:

1.	Casper D. Meekins, Jr. & Helen	120.00	
----	--------------------------------	--------	--

c. Approval of Banking Proposal

The Finance Committee has recommended approval of a new contract with Gateway Bank to provide banking services to Pasquotank County for the years 2009 through 2011.

d. Approval of Request from COA for Occupancy Tax Funds

The Finance Committee has recommended approval of a request from COA for occupancy tax proceeds in the amount of \$15,000 over a three year period based on \$5,000 per year beginning July 1, 2009. The funds will be used for startup costs associated with the campaign for intercollegiate athletics.

e. Approval of Change Order for Old Library Renovation Project

The Finance Committee has recommended a change order for the old library renovation project in the amount of \$11,058.20 to install additional insulation in the ceiling above the ceiling tile.

f. Approval of Surplus Items for Sale on Govdeals.com

The Library has requested to surplus the following items so they can be sold on Govdeals.com: one brown desk; one brown book case; two black rolling carts; two grey vertical file cabinets; one beige vertical file cabinet; one brown card catalog; and one 7.5 foot Christmas tree with lights. Before the items are sold, they will be offered to other departments who may need them.

*g. Approval of Change Orders for Jail Project*

The Finance Committee has recommended approval of four change orders for the Jail project totaling \$181,564. Change Order #6 is in the amount of \$43,031; Change Order #7 is in the amount of \$42,324; and Change Order #8 is in the amount of \$33,237. The fourth change order in the amount of \$62,972 is for a temporary heating system to dry out the building.

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

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

Refunds:

		County	City
1.	Quilts and More, Inc.	11.37	16.33

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
Melba Bridgman	P7-16	Unoccupied since 2003
Melba Bridgman	P6-26	Unoccupied since 2003
Woodyworks LLC	P120-32	Unoccupied since 2006

**6. CONSIDERATION OF PRELIMINARY PLAT FOR FOX HAVEN SUBDIVISION CONSISTING OF NINETY SIX (96) RESIDENTIAL LOTS OFF OF MAIN STREET EXTENDED:**

The Board considered the preliminary plat for Fox Haven Subdivision. Planning Director Shelley Cox explained that this was formerly known as Bell's Woods Subdivision, however during technical review the EMS Director advised that there is a Bell's Farm Subdivision in Camden County and he was concerned about the duplication of names. In response, the developer agreed to rename the subdivision Fox Haven Subdivision. Ms. Cox provided an aerial photo showing the location of the property approximately 600 feet north of the intersection of Berea Church Road and Main Street Extended in Providence Township. She said the request is for approval of 96 residential lots. The property is zoned R-35A Residential and the lot sizes are proposed to range from 43,000 square feet to over 138,000 square feet. Ms. Cox pointed out the other subdivisions that are in the process of being constructed in this area. She stated that under the current school districting, students generated from this development would attend Northside Elementary School, Elizabeth City Middle School and Pasquotank County High School, however the school system indicated it might be necessary to redistrict in the future once all of the subdivisions along this corridor are developed. Providence Volunteer Fire Department provides fire protection for this area and it is served by the Pasquotank County Water System. The developer proposes to utilize on-site septic systems at this location and notification has been received from environmental health of their approval. The area is not within the 100 year flood plain, however there are some pockets of wetlands on the site which are indicated on the plat. Ms. Cox advised that the Technical Review Committee reviewed this proposal on November 5 and the plan was revised in response to concerns noted during technical review. Due to traffic safety concerns, the development is proposed to have one divided entrance along Main Street Extended and the developer has agreed to install turn lanes and acceleration lanes along Main Street Extended. Ms. Cox said normally with a development of this size, more than one entrance would be required, however based on the location and the curves along Main Street Extended in this particular area, the Department of Transportation was only comfortable with one entrance. In order to provide for future right-of-way expansion along Main Street Extended, the lot sizes have been increased for lots adjacent to the corridor.

The Board discussed the preliminary plat at length and Commissioners asked questions regarding traffic, schools, and stormwater. Mr. Joe Anlauf and Mr. Greg Johnson addressed the questions regarding stormwater. Ms. Cox explained that the questions regarding schools and streets are best answered during the rezoning process. At this point the Board has already approved the rezoning and the sketch plan, and is now focusing on the construction plans and how the development will be built.

Motion was made by Bill Trueblood, seconded by Lloyd Griffin to approve the preliminary plat for Fox Haven Subdivision as presented. The motion carried by a six to one margin with Commissioner Harris voting against approval.

**7. CHANGE IN JANUARY MEETING SCHEDULE:**

The Board discussed the January meeting schedule and the fact that the second meeting in January falls on the Martin Luther King, Jr. holiday. In some previous years, the Board has only held one meeting in January since that is traditionally when the Board holds its annual retreat. Members of the Board asked if a retreat is feasible this year due to the county's current economic situation. It was suggested that the retreat be held in the county this year.

Motion was made by Lloyd Griffin, seconded by Jeff Dixon to hold only one regular meeting in January on Monday, January 12, 2009, and to have an in-county Board Retreat this year. The motion carried unanimously.

**8. DESIGNATION OF VOTING DELEGATE FOR LEGISLATIVE GOALS CONFERENCE:**

The Board considered the designation of a voting delegate for the Legislative Goals Conference which will be held January 15-16 in Raleigh.

Motion was made by Lloyd Griffin, seconded by Matt Wood to designate Chairman Marshall Stevenson as the voting delegate for the Legislative Goals Conference, and that the Chairman appoint a designee if he does not plan to attend. The motion carried unanimously.

**9. REPORTS FROM COMMISSIONERS:**

Commissioner Matt Wood stated that he is a member of the Pathways of Pasquotank and at their last meeting they discussed a grant application they intend to submit. He said one of the requirements of the grant is to make a policy change that leads to more active adults. He stated that over the years the Board has discussed possibly having a recreation requirement for subdivisions similar to what the City of Elizabeth City has. He asked that the county's Planning Department begin working on a possible recreation requirement.

Commissioner Cecil Perry stated that the Board has been invited by the Board of Education to its annual tour of schools on December 15. He said this is the same day that Congressman Butterfield will be in Perquimans County for a planning session with county chairmen and vice-chairmen. Chairman Stevenson, Vice-Chairman Griffin and Commissioner Perry will attend the meeting with Congressman Butterfield. Chairman Stevenson encouraged the other members of the Board to attend the school tour if at all possible.

Vice-Chairman Lloyd Griffin thanked the Board for the confidence placed in him by electing him Vice-Chairman for the next year. He said he looks forward to working with Chairman Stevenson.

Vice-Chairman Griffin stated that the Albemarle Commission is reluctant to understand that all of the counties in the region are having financial issues. He said at their meeting two weeks ago, Albemarle Commission was informed they should begin to prepare for cuts from other organizations.

Vice-Chairman Griffin stated that he has asked the County Manager to check into property taxes when land is being sold through foreclosure or a normal sale. Mr. Keaton said he spoke with the Tax Administrator and asked if property is sold at foreclosure at a much lower value than the tax value how it would affect the property valuation and whether someone could request a reduction. He stated that Mr. Stevens explained that anytime property is sold in foreclosure, those values are never used to determine the value of a house because it is normally a distressed situation and the bank is paying only what it has invested in the property which may not be the fair market value of the property. When the bank sells the property, it just tries to get back its investment. Mr. Keaton added that anytime a property is sold at foreclosure, that value is not used to determine property value.

Commissioner Matt Wood said there was an article in the newspaper today about ethics for County Commissioners. He stated that he is considered a covered party by the North Carolina Ethics Commission and has to fill out an ethics statement because he is a member of the College of The Albemarle Board of Trustees and the Centennial Authority. He said that County Commissioners are not covered by the ethics legislation, however there are very clear conflict of interest rules that cover County Commissioners. He stated that something that concerns him is that the way the rules for County Commissioners are written, they actually encourage

Commissioners to vote on issues rather than discourage them to vote on issues. He said it is important to not intimidate elected officials to the point that they refuse to exercise their duties as elected officials and step down in every situation where there might be some remote conflict of interest. He stated that in his opinion the reason the conflict of interest rules are as explicit as they are is to ensure that elected officials take a stand on a controversial issue and not hide behind conflict of interest when they don't want to offend someone they know in the community. He said there are hundreds of people who have filled out the ethics forms and he questions who knows what is on the forms and how effective that data really is. He stated that the Board should acknowledge the strong conflict of interest rules that have worked well for County Commissioners.

Commissioner Trueblood stated that at the December 15 Commissioner meeting Mr. Greg Johnson will present the Stormwater Manual that has been worked on for some time. He stated that Commissioners will be provided a copy of the manual prior to the meeting. He said it is hoped the document can be adopted by the Board at its January 12 meeting.

Chairman Stevenson again said that he appreciates the Board's confidence in electing him Chairman and added that he will try to do his best.

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 7:55 PM.

---

CHAIRMAN

---

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA  
DECEMBER 5, 2008**

The Pasquotank County Board of Commissioners met today in a special meeting on Friday, December 5, 2008 in the Commissioners Board Room in the Pasquotank County Courthouse.

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

**MEMBERS ABSENT:** Matt Wood (*present by conference call*)  
Jimmie Harris

**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 4:00 PM by Chairman Marshall Stevenson. Chairman Stevenson 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 Jeff Dixon, seconded by Lloyd Griffin 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 Jeff Dixon, seconded by Bill Trueblood that the Board return to Regular Session. The motion carried.

County Attorney Mike Cox explained to the Board that today he received a notice of termination of the sales agreement for the purchase of the Nags Head property from the attorney for R.V. Owens, III. He stated that the buyers have indicated that a \$760,000 reduction in the price would make the deal work for them. Mr. Cox explained that if the Board chooses to lower the price, the new price would have to go back through the upset bid process.

Following discussion, the Board agreed to make a counteroffer to Mr. Owens at \$6,870,000 with the 5% deposit being hard money. If closing does not occur by January 20, the county would retain the deposit of \$343,500.

Motion was made by Jeff Dixon, seconded by Bill Trueblood to make a counteroffer to R.V. Owens and his partners for the purchase of the Nags Head property for \$6,870,000, with the 5% deposit being hard money the county would retain if closing does not occur by January 20, 2009. The motion carried by a four to one margin with Chairman Stevenson voting against the motion.

The County Attorney called and notified Mr. Owens' partner, Mr. Tillman, of the Board's decision. After consulting with his partners, Mr. Tillman called back with a counter of \$6,650,000. Members of the Board wanted to consider this offer over the weekend and agreed to recess today's meeting until Monday, December 8.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to recess today's meeting until Monday, December 8 at 12:00 noon. The motion carried and the meeting was recessed at 5:20 PM.

---

CHAIRMAN

---

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA  
DECEMBER 8, 2008**

The Pasquotank County Board of Commissioners met today in a continuation of the December 5, 2008 recessed meeting.

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

**MEMBERS ABSENT:** None

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

The meeting was reconvened at 12:00 noon. County Attorney Mike Cox and County Manager Randy Keaton recapped the issues discussed at Friday's meeting. Mr. Cox explained that on Friday the buyers terminated the contract to purchase the Nags Head property. They have indicated the contract price of \$7,250,000 would need to be reduced approximately \$760,000 in order for the project to work for them. Mr. Keaton said the Board agreed on Friday to counter at \$6,870,000, and R.V. Owens III and his partners then countered at \$6,650,000. They have also proposed a hard 5% deposit if the bid is accepted and will close by January 20, 2009. The Board needs to propose to accept, reject or counter the offer. Any new bid would have to be advertised for upset bids.

Commissioner Bill Trueblood stated that his first response to the group would be for them to live up to the original agreement or forget it. He said better judgment intercedes and he realizes that the county has financial obligations including the \$800,000 that was borrowed from the Water System and he does not want to be part of a county government that borrows from a utility and does not pay it back. He said the county has a \$100,000 commitment to repurchase property in the Commerce Park and a \$320,000 obligation to repay the Commerce Park fund. He stated that right now by not trying to figure out a way to move this property, the county is committing itself to a 3% tax increase just to meet obligations. He said if the county fails to act and find a reasonable resolution to this, he has to succumb to this deal because he believes it will be to the benefit of the taxpayers of Pasquotank County. He stated that he is going to support the means to try to make this project work and sell the property.

Vice-Chairman Lloyd Griffin suggested that the county counter one more time. The Board then agreed to counter at \$6,750,000, to require a letter of commitment at that price with a hard 5% cash deposit. While the Board took a recess, the Chairman and the County Attorney phoned Mr. Tillman with the counteroffer. The County Attorney returned and reported that the partners have agreed to offer \$6,700,000 for the property and will have the 5% cash deposit to the county by the end of the 10-day upset bid period.

Motion was made by Matt Wood, seconded by Bill Trueblood to propose to accept an offer of \$6,700,000 from R.V. Owens III and partners for the purchase of the Nags Head property with the 5% cash deposit hard at the end of the 10-day upset bid period. The motion carried unanimously.

The Board would hold a special meeting at the end of the 10-day upset bid period to formally accept the offer if there are no upset bids.

The meeting was adjourned at 1:10 PM.

---

CHAIRMAN

---

CLERK