

**PASQUOTANK COUNTY, NORTH CAROLINA  
DECEMBER 12, 2007**

The Pasquotank County Board of Commissioners met today in a special joint meeting with the Albemarle District Jail Commission, the Perquimans County Board of Commissioners, and the Camden County Board of Commissioners in the Community Room in the Pasquotank County Public Safety Building.

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

**MEMBERS ABSENT:** Jeff Dixon  
Jimmie Harris

**OTHERS PRESENT:** Randy Keaton, County Manager  
Mike Cox, County Attorney  
Karen Jennings, Clerk to the Board  
Sheriff Randy Cartwright

Also present were members of the Albemarle District Jail Commission, the Boards of Commissioners and County Managers from Perquimans County and Camden County, and the Camden County Clerk.

The meeting was called to order at 5:35 PM. County Manager Randy Keaton presented pictures of the jail construction taken by Building Inspector Paul Kahl showing some of the problems and deficiencies that have been found during the construction process. A few of the deficiencies noted were brick ties that were not the correct length and were hooked together or bent and straightened out and not properly tied together; many void spaces in cinder block walls that have not been filled with grout; rebar showing that should have been covered with concrete; trash and bags stuffed in cinder block wall spaces where grout should be; insulation which has pulled away from the block wall; spot welds on the metal decking which are too far apart and have not been brushed clean and painted; an entire wall not tied to the foundation with rebar; spaces between blocks where there is no mortar; bolts in blocks not properly held in place with epoxy; missing dampproofing along the block walls; and core samples showing the slab thickness of 2½" rather than 4" and showing the wire mesh at the bottom of the slab rather than in the middle of the slab where it should be.

Some of the Commissioners in attendance asked how this project got to this point. Mr. Jim Brennan with Brennan & Associates explained that issues have been raised about defective work for a number of months. The problems were documented by on-site inspectors and the contractor was to go back and correct the problems. He said the problems were not being repaired; the contractor continued to repeat problems; and the work was stopped in September, 2007 so that the defective work could be investigated. During the process they found some things that appeared to be structural problems and that is when the more detailed testing was begun. Mr. Brennan said in some areas there are ways to repair the problems and in other areas the walls will have to be taken down and replaced.

Mr. Keaton explained that the original contract with N.C. Monroe Construction Company was for \$16,361,291 and eight payments totaling \$7,000,145.50 have been paid thus far. Four additional payment requests totaling \$1,777,703.35 have been billed by the contractor, but have not been paid.

Mr. Brennan stated that he has issued a letter and a recommendation to the county that he would like to review regarding how to proceed. He said the County Manager has given an overview of some of the problems that were found at the site. He explained that defects were being noted back in the summer and repairs were not being made. He said the response of the contractor to all of the problems pointed out was that these were punch list items and something they had the right to fix whenever they wanted to. He stated that these problems have been documented in daily field reports as far back as the summer. He said when it was realized the contractor was

not going to correct the work, the work was stopped. He stated they initially focused on those things that had been identified as defective work in the field reports. As they got further into the process, they uncovered things that gave them serious concerns about the structural integrity of the building and moved on to more detailed testing.

Mr. Brennan explained there were originally one or two inspectors on-site doing periodic inspections, however when the problems began surfacing more inspectors were added to do daily observations. He added that it would not have been feasible to have inspectors observe every block being laid or every action of every worker.

Mr. Brennan referred to a letter he sent to the county on December 10 certifying that there is sufficient cause to terminate the contract with N.C. Monroe Construction. He said this certification is the first step that must be taken to terminate the contract. He stated that according to the contract the county can terminate if the contractor: 1) *persistently or repeatedly refuses or fails to supply enough properly skilled workers or proper materials:...* or 2) *otherwise is guilty of substantial breach of a provision of the contract documents.*

Mr. Brennan said throughout this process they have documented significant, substantial, and repeated defects and breaches of the contract documents. He stated that numerous items have been discovered throughout the process and all have been documented in field reports, photographs, and testing results. He said these breaches and deficiencies are themselves sufficient to justify termination of the contract.

Mr. Brennan provided some additional photographs and pointed out deficiencies. He said his firm's structural engineer has clarified that the deficiencies are not punch list items, but serious defects impacting the structural integrity of the building. He stated that N.C. Monroe Construction has shown little if any desire or ability to complete the repairs that have been pointed out to them. He added that they were concerned the contractor may have been taking deliberate steps to avoid detection of their non-conforming work by field inspectors.

Mr. Brennan stated that he feels the documented significant, substantial, and repeated defects are sufficient to justify termination of N.C. Monroe's contract by the owner. He said Monroe's refusal to acknowledge the defects and take responsibility to ensure adherence with the contract documents provides supplemental reasons to justify that action. He explained that he has recommended that the county terminate the contract with N.C. Monroe Construction, and that the most expedient and efficient way to move forward is to immediately bring in another contractor to repair the defective work and complete the project properly.

Mr. Keaton stated if the county decides to terminate the contract, the contractor and the bonding company must be given seven days written notice of intention to terminate. Mr. Brennan said a meeting would then have to be held with the bonding company, the contractor, the county, and the architect within 15 days of the notice. He provided detailed information in his letter as to all of the legal steps available under the contract.

It was recommended that an attorney who specializes in construction law be retained to advise the counties and the Jail Commission as to how to proceed.

After lengthy discussion and questions from various Commissioners, the Pasquotank County Board of Commissioners moved to the Emergency Operations Center to hold a Closed Session to consult with the County Attorney.

Prior to entering Closed Session, Ms. Susan Christensen with USDA Rural Development read a memorandum sent to her from Mr. Thomas Honeycutt, State Program Support Director of USDA Rural Development. She said Mr. Honeycutt has been involved in this project since the problems began occurring. Mr. Honeycutt stated in his letter that although Rural Development has no direct contractual relationship with N.C. Monroe and cannot take any direct action regarding the county's possible declaration of default by the contractor, it does have a vested interest in the facility because it will serve as primary security for a \$12 million loan to provide financing for the project. The letter also indicated that USDA has very serious concerns as to the long term viability and usefulness of the facility based on the construction deficiencies that have been identified and are continuing to be identified. It also stated that if the county chooses to declare N.C. Monroe in default of their contract, Rural Development would agree that seems to be an appropriate step and would support that action, and that there does not seem to be a

realistic possibility of completing the project in an acceptable manner with the present contractor. Prior to proceeding with a default action, should the county so desire, Rural Development asked that a written recommendation for default, addressed to the county with a copy to Rural Development, be provided by both the project architect and the county's legal representative.

Motion was made by Bill Trueblood, seconded by Matt Wood that the Board enter Closed Session to preserve the attorney client privilege. The motion carried.

Upon the end of Closed Session;

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

Chairman Perry asked for a motion to adjourn the meeting.

Motion was made by Bill Trueblood, seconded by Lloyd Griffin to adjourn the meeting. The motion carried and the meeting was adjourned at 7:44 PM.

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CHAIRMAN

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CLERK TO THE BOARD

**PASQUOTANK COUNTY, NORTH CAROLINA  
DECEMBER 17, 2007**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, December 17, 2007 in Courtroom C in the Pasquotank County Courthouse.

**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, Asst. Manager for Planning & Economic Dev.  
R. Michael Cox, County Attorney  
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Cecil Perry. Commissioner Matt Wood gave the invocation and Vice-Chairman Marshall Stevenson led in the Pledge of Allegiance to the American Flag. Chairman Perry welcomed and wished everyone a Merry Christmas.

**1. PUBLIC HEARING ON REZONING REQUEST RR 07-06:**

Chairman Perry declared the meeting to be a public hearing on Rezoning Request RR 07-06. Planning Director Shelley Cox explained that Parkway Ag Supply, LLC has requested to rezone approximately 4.2 acres on the west side of Hassell Road from A-1 (Agricultural) to I-1 (Industrial). She said the site is adjacent to the existing grain bin site that is located off of U.S. 158. Property to the north is zoned I-1, and property to the south, east, and west is zoned A-1. This area is classified in the 1996 Land Use Plan as community, and the 2004 Draft Land Use Plan classifies the area as commercial. The area is not within a flood zone according to the FEMA rate maps. All of the first and second abutting property owners were mailed notices of this public hearing. The current use of the property is agricultural under cultivation and the minimum lot size in the proposed I-1 zoning district is 43,000 square feet. The Newland Volunteer Fire Department provides fire protection for this area. Ms. Cox noted that the applicant has indicated that the intended use of this property will be for the extension of the existing Parkway Ag Supply business. She stated that this request is consistent with the Draft Land Use Plan and the parcel is also located adjacent to an existing I-1 zoning district and existing industrial use. She said in consideration of these facts, staff is recommending approval of the request. In addition, the Planning Board has reviewed the request and has recommended approval.

Chairman Perry asked if anyone would care to comment on Rezoning Request RR 07-06. At the absence of comments, the public hearing was closed.

Motion was made by Jimmie Harris, seconded by Matt Wood to approve Rezoning Request RR 07-06 as presented based on the following findings of facts:

1. The proposed rezoning is consistent with the Draft Land Use Plan.
2. The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.
3. The allowed uses within the proposed zoning district are similar or comparable to uses permitted as currently zoned.
4. The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.

Discussion followed and Commissioner Trueblood stated that he supports the motion, but would like to add a couple of comments. He stated that buffers will be required in the I-1 district, but there are also some concerns from adjoining property owners about truck traffic on Hassell Road and dust from the site. He said there should be some consideration during technical review about possibly providing an area for staging of trucks to get them off of Hassell Road.

Ms. Cox noted that there would be a 30 foot roadside buffer required along Hassell Road, and there would also be a 30 foot buffer required between the existing agricultural use and the proposed rezoning area.

The motion to approve Rezoning Request RR 07-06 carried unanimously.

**2. PUBLIC HEARING ON ZONING TEXT AMENDMENT ZTA 07-07:**

Chairman Perry declared the meeting to be a public hearing on Zoning Text Amendment ZTA 07-07. Ms. Cox explained that this was a staff generated text amendment to the Zoning Ordinance. She said that staff is proposing to change how the maximum height of residential structures will be measured. She said the height would still be a maximum of 35 feet, however the method of measuring the height is changing. She stated that this is the result of months of research and she asked Fire Marshal Barry Overman to address the Board because he did most of the research behind this text amendment. Mr. Overman stated that he has provided a letter summing up the recommendations. He said the recommendation is based on Currituck County's height restriction and measuring method. Ms. Cox referred to a diagram of a permit application that has recently been submitted. She explained how the maximum building height of the structure would be calculated using the current method and using the proposed method. The proposed zoning text amendment is as follows:

SECTION 8.02           NOTES TO THE TABLE OF AREA, YARD AND HEIGHT  
REQUIREMENTS

NOTE 10   The height of residential structures shall be measured as the vertical distance from the lowest adjacent grade to the average height of the highest roof surface.

Chairman Perry asked if anyone would care to comment on the proposed zoning text amendment. At the absence of comments, the public hearing was closed.

Vice-Chairman Stevenson commented that Note 10 states that "to the average height of the highest roof surface", while the letter from the Fire Marshal says "to the midpoint of the highest roof height". He noted that these appear to say two different things.

Motion was made by Bill Trueblood, seconded by Jimmie Harris to approve Zoning Text Amendment ZTA 07-07, subject to the Planning Director and the Fire Marshal reconciling the proposed wording in the text. The motion carried unanimously.

**3. PUBLIC HEARING ON ZONING VARIANCE ZV 07-03:**

Chairman Perry declared the meeting to be a public hearing on Zoning Variance ZV 07-03. Ms. Shelley Cox explained that Mr. Garry Manning is requesting to create a lot for his child. It does not require family subdivision approval because the lot will exceed 10 acres, however the lot he is proposing to create is quite a ways off of Weeksville Road off of Fletcher Pit Road which is not a state-maintained road. In order to make that a buildable lot, Mr. Manning has requested a variance from the minimum 25 feet of state road frontage requirement and the requirement that the lot be within 1,000 feet of a public water supply. Ms. Cox stated that the property involved in this request is owned by the Hollowell Family Partnership and the parcel that is proposed to be divided by Mr. Manning is approximately 103 acres, however the Hollowell Family Partnership does own several surrounding tracts that have frontage on Weeksville Road. This area is zoned A-1 Agricultural and a portion of the property that is proposed to be divided is located within the U.S. Coast Guard Accident Potential Zone 1. A large percentage of the road frontage along Weeksville Road that is owned by the Hollowell Family Partnership is located within a clear zone for the runways. Ms. Cox said staff has considered this request extensively and they are sympathetic to the fact that Mr. Manning is trying to create a lot for his son to build a house upon. She stated however that they must consider that this ordinance is affecting other property owners throughout Pasquotank County. She said this is a relatively new provision in the Zoning Ordinance and to approve a variance at this point could potentially set a precedent that would

undermine the strength of the ordinance. She stated that there are alternatives for the Mannings and one of the suggestions she has made is that they provide a 25 foot strip of land running from Weeksville Road back to the proposed site. This would meet the minimum standards of the ordinance and no variance would be required for that. In addition, she said they have looked at all of the property owned by the Hollowell Family Partnership on Weeksville Road and there is an area that is not within the accident potential zone that could potentially be developed by a child. Ms. Cox said in consideration of these facts, staff is recommending denial of the variance request.

Chairman Perry asked if anyone would care to address the Board regarding Zoning Variance Request ZV 07-03. Mr. Garry Manning stated that the property is unique because of the fly zone restrictions on the property. He said his son wants to purchase property from the Hollowell Family Partnership. If the property were required to have a 25 foot strip of land to Weeksville Road, it would mean that his son would have to purchase more property. He stated that Barnhill Contracting has a road in this area and will continue to maintain the road. The road goes back to Barnhill's property beyond theirs. Mr. Manning noted that the property is 1,200 feet, not 1,000 feet from the public water supply, and they plan to drive a well for water. He said they would prefer not to chop up the land in order to have a 25 foot road to the lot.

Mr. Manning answered questions from several members of the Board. Commissioner Matt Wood explained that the county has experienced some horrendous abuse of the 10-acre rule and pieces of property have been butchered and convoluted lots have been created. He said this is the reason the county implemented the 25 feet of road frontage rule. He stated that the county is trying to protect the public from that kind of situation. He noted that access is the problem.

Mr. Manning asked the Board to keep in mind that Fletcher Pit Road crosses the partnership's property and is very well maintained. He asked if an option might be to deed his son a right of way. Assistant County Manager Rodney Bunch explained that to meet the requirements of the subdivision ordinance that 25 foot strip would have to belong to the owner of the 11-acre lot. He said this does not mean he could not access the lot through Fletcher Pit Road and the 25-foot strip could continue to be farmed. If however at some time in the future the lot were sold, the buyer would have the 25 foot access. He stated that a second option would be to deed Fletcher Pit Road as part of this lot and with access easements granted to the others who use the road. Mr. Manning said in this case his son would have to buy more land and it chops up the property.

Motion was made by Matt Wood, seconded by Jeff Dixon to delay action on Zoning Variance Request ZV 07-03 until the January meeting. The motion carried by a six to one margin with Commissioner Harris voting against the motion.

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

Chairman Perry asked if there were any amendments to the agenda. It was requested that the agenda be amended to add the following items: 1) Recommendation from Finance Committee to approve the 2006-07 financial report; and 2) Approval to hire Conner Gwyn Schenck PLLC to assist the county in the jail matter.

Motion was made by Matt Wood, seconded by Lloyd Griffin to amend the agenda to add the two additional items to the consent agenda. The motion carried by a six to one margin with Commissioner Harris voting against the motion.

**5. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

- a. Approval of Minutes of December 3, 2007 Commissioner Meetings
- b. Approval of Tax Releases

The Finance Committee has recommended approval of the following tax releases

Releases:

		County	City
1.	Johnny Elemer Jones, II	145.00	133.90
2.	Steven Michael Fischer	102.65	89.17
3.	Timothy James Kessell	149.40	

4.	Joshua Joseph Foss	122.80	110.70
5.	Wallace David Wood	120.00	
6.	Anthony Diaz	112.40	97.17

*c. Approval of 2006-07 Financial Report*

The Finance Committee has recommended approval of the 2006-07 financial report as presented at the Finance Committee meeting today.

*d. Approval to Hire Conner Gwyn Schenck PLLC to Assist in Jail Matter*

The Finance Committee has recommended that the Board approve the hiring of Conner Gwyn Schenck PLLC to assist the county in the jail matter. The firm's current hourly rate is \$285.

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

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

Releases:

		County	City
1.	Diane Seberle-Diaz	3.46	
2.	Debra Denise Mitchell		88.03
3.	Edward Leon Carver	17.33	14.21
4.	Charles Duane Durbin	3.25	
5.	Cody Jacob Hudock	58.55	
6.	Jerry Anthony Tucker	38.26	
7.	Albert Anthony Santora	63.79	
8.	Wayne Curtis Beasley	8.65	
9.	Nandila Banerjee	2.74	2.28
10.	Troy Darnell White	51.39	42.82
11.	Eddie Don Masters	77.25	
12.	Coy Stephen Clark	5.00	
13.	Holly Lynn Koerber	21.58	17.70
14.	Stuart Hall Hampton	18.30	15.01
15.	Nancy Jo Cameron	40.66	33.88
16.	Candace Anne Duprat	7.95	11.52
17.	Howard Allyn Turner II	12.75	10.62
18.	Howard Allyn Turner II	10.22	13.52
19.	Kenneth Kendell Stokley	21.55	
20.	Paul Eugene Hejmanowski	27.41	27.84
21.	Timothy James Kessell	12.38	13.93
22.	Martha Moxley Jackson	2.83	
23.	Kevin James Sprenger	61.00	50.02
24.	Lee Swain	38.95	36.94
25.	Wiley Frank Wood, Jr.	1.68	
26.	William Henry Sharpe, Jr.	27.88	22.86
27.	William Henry Sharpe, Jr.	29.43	24.52
28.	Telda Faye Lassiter	3.45	
29.	William Michael Barnes	14.55	
30.	Joshua Joel Owens	23.80	19.52
31.	Jean Maxine Gray	11.50	
32.	Jean Maxine Gray	4.80	
33.	Klassic Auto Sales & Rentals	28.50	28.37
34.	Melvin C. Hooker, Jr.	5.77	4.73
35.	Roxanne Curtis Bottum	41.93	
36.	William Joseph Maloney	13.28	
37.	William Joseph Maloney	25.49	
38.	Samuel Leon Price	18.93	
39.	Joseph Thomas Kane	56.70	
40.	Joseph Thomas Kane	4.75	
41.	Gloria McPherson Brown	39.63	
42.	Gloria McPherson Brown	3.45	
43.	Reginald Jerome Smith	79.31	65.03
44.	Delton Wayne Stuck	5.65	
45.	Justin David Fink	66.38	60.32
46.	Stephen Eugene Armistead	8.93	

47.	Stephen Eugene Armistead	82.75	
48.	Deborah Linette Brite	17.00	
49.	Carolyn Taylor Elliott	51.83	
50.	Robert John Rein	56.70	56.50
51.	Christopher Wayne Ramey	67.82	
52.	Christopher Wayne Ramey	33.79	
53.	Sarah Elizabeth Hess	42.30	
54.	Sarah Elizabeth Hess	87.81	68.30
55.	Kevin James Sprenger	12.20	15.00
56.	B&S Enterprises Inc.	20.64	
57.	Hudson & Son Garage Inc.	80.96	
58.	Steven R. Jordan	7.92	
59.	Curtis C. Tyler	58.08	
60.	Candace Blumbers Brosneck	31.23	25.60
61.	Adam Paul Gray	59.62	
62.	Pirate Paint Ball, Inc.	18.00	
63.	River City Medical Ctr.	74.14	60.79
64.	Cory Carnell Williams	4.13	3.53
65.	David Michael Rivette	63.85	
66.	Orval Lee Walker	37.20	
67.	William G. Williams	2.20	
68.	William Robert Jones	39.90	
69.	George William Seabold III	2.74	
70.	George W. Seabold III	19.66	
71.	Sturgeon & Sons Recycling LLC	50.53	41.43
72.	Christopher Nicholas Deason	91.97	
73.	Albemarle Business Concepts	51.45	42.19
74.	Russell Ray Jackson	9.38	7.68
75.	John Griffith, Jr.	11.30	9.02
76.	Brenda Kay Helms	2.95	2.42
77.	Gloria Banks King	3.82	3.26
78.	Mildred Quidley James	6.38	5.23
79.	J. Fashion Inc.	54.15	44.40
80.	Melvin Morgan	23.94	
81.	Melvin Morgan	14.57	
82.	Melvin Morgan	18.12	
83.	Jayesh J. Kinariwala	4.23	3.47
84.	Felecia Lavonne Roberts	74.16	
85.	Christopher George Wood	81.45	
86.	Mara Kaymissea Sampson	2.60	2.14
87.	Frank D. Schilleci, Jr.	10.51	13.76
88.	Benjamin James Albert	7.73	
89.	Melanie Nachele Nixon	35.38	29.01
90.	Ryan Joshua Downey	61.05	
91.	Jesse Pervis, Jr.	50.60	46.49
92.	Marvin Glenn Sawyer	2.33	
93.	Scott Samuel Wentz	4.45	
94.	Mary P. Seymour	23.24	
95.	P.W. Carter's Landscape & Lawn Service	27.50	22.55
96.	Curtis Fearing Edwards, Jr.		21.15
97.	Renee Lea Hoffman	14.45	
98.	Charisse Tonette Lynch	20.60	17.16
99.	John Andrew Neff	69.17	62.64
100.	Barry Wade Norris	15.33	12.57
101.	James Paul Lucas	63.00	
102.	Joseph Norman Riggs	4.80	
103.	Douglas Wayne Overton	54.10	
104.	Douglas Wayne Overton	6.60	
105.	Frank Aquino	92.30	81.92
106.	Jeffrey Daniel Durham	86.45	
107.	Ralph Hubert Cole, Jr.	3.05	2.54
108.	Roger Clayton Ferrell	27.33	
109.	Darrell L. Orsak	11.00	
110.	Willie Ruby Moore	59.11	

111.	Marlon Hornide Diaz Johnson	27.87	
112.	Barbara Harrell Sharp	19.78	
113.	Christopher Michael Hulse	36.48	
114.	Robyn Nichellie Ferebee	15.87	13.22
115.	Henry Felton Roach	54.38	
116.	Glenn D. Pollitt	11.50	
117.	Ronnie Linwood Riddick	1.71	1.42
118.	Jawanee Gaetono Holley	14.88	
119.	Joshua Dan Sawyer	18.53	15.44
120.	Tracy Williams Gray	26.54	
121.	Troy Boyd	82.55	
122.	Kirk Landon Bickel		28.17

Refunds:

		County	City
1.	Willie Ruby Moore	6.46	
2.	Chiu Wong	32.59	26.72

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
Emily H. McCarthy	P139-5	Units under construction being Combined
Nolan M. Bundy	P6-5	Unoccupied for 14 years
Richard Wade Reid	P33-33	Unoccupied since before 2000
Ronald C. Etheridge	39-F-6	Unoccupied over 10 years
Ronald C. Etheridge	39-F-53	Unoccupied over 10 years
Bobbie G. Moore	76-H-9A	Unoccupied since 1999
Bobbie G. Moore	P120-193	Unoccupied since 1991
Donald & Linda Perry	64-E-10	Unoccupied since 2003
Harold Chambers	P35-56	Unoccupied over 10 years
Melba Bridgman	P7-16	Unoccupied since 2003
Linda Bridgeman Etal	P6-26	Unoccupied since February 2002
Horace Pritchard	P141-217	Unoccupied since 2005

**6. CONSIDERATION OF FINAL PLAT FOR QUEENSWOOD SUBDIVISION, PHASE 9:**

The Board considered the final plat for Queenswood Subdivision, Phase 9 consisting of 41 residential lots in Mount Hermon Township. Ms. Shelley Cox explained that Kar-San Development is requesting final approval for 41 residential lots consisting of Phase 9 which is the last phase of Queenswood Subdivision. The property is zoned R-25 residential and lot sizes range from 30,000 square feet to 56,661 square feet. A performance bond for street installation and a street maintenance bond have been submitted as required by the ordinance. On-site septic systems will be installed to dispose of wastewater and tentative approval has been issued by Albemarle Regional Health Services. Ms. Cox noted that in the previous plat approval for Phase 8, there was some discussion about several fallen trees that had previously impeded drainage flow in an outfall ditch adjacent to the landfill property. She said the county's Solid Waste Director has informed her that the fallen trees have been cleaned out to open up the ditch for drainage flow. She advised that staff visited the site with Mr. Greg Johnson and inspected the drainage improvements that have been completed for Phase 9. She said it appears that all of the improvements have been made and staff's biggest concern is the erosion on the lots and the ditches within Phase 9. Additionally, sediment has begun to build up in the ditches which can potentially prohibit adequate flows. Ms. Cox stated that staff has recommended conditional approval of the final plat with the following items to be addressed:

- Lots and ditch slopes shall be stabilized to prevent further erosion.
- Sediment shall be removed from ditches to provide adequate flows.
- The ditch located between lot 263 and lot 101 shall be straightened (should run parallel to the property line) where it connects to the roadside ditch.
- The cable pedestal located on the corner of lot 244 must be removed from the drainage easement.
- A drainage easement must be provided over the rear ditch on lots 261, 262, and 263.
- The roadside ditch for lot 101 shall be graded.

The Board discussed water flow and drainage concerns that were pointed out during preliminary plat review and Mr. Greg Johnson responded to questions about drainage.

Assistant County Manager Rodney Bunch pointed out that the Board gave approval to the preliminary plat and this is what was used in the construction of Phase 9. He suggested that the Board delay action on this item until later in the meeting to allow Ms. Cox time to obtain a copy of the preliminary plat from her office.

Motion was made by Lloyd Griffin, seconded by Marshall Stevenson to delay action on the final plat for Queenswood Subdivision, Phase 9 until the Planning Director obtains the requested information from her office. The motion carried unanimously.

Ms. Cox returned to the meeting awhile later with a copy of the approved preliminary plat and the minutes from the meeting during which the preliminary plat was approved. Mr. Greg Johnson advised that he has reviewed the Queenswood Subdivision construction plans and preliminary drawings and the as-built plan is in accordance with the approved plan.

Engineer Sean Robey noted that Commissioner Griffin stated that construction began before the Board even saw the preliminary plat. He said that construction did begin in Phase 8 prior to the preliminary plat being completely approved, but construction had not begun in Phase 9 prior to approval of the preliminary plat. He stated that a detailed modeling of the drainage was conducted during the preliminary plat review of Phases 8 and 9 to determine how the McGhee property at the intersection of Blount Road would be impacted. He said the study showed that taking water an alternative way did absolutely nothing to help the drainage situation at the McGhee residence. They found that the only thing that would help alleviate the situation would be to improve the drainage across Blount Road.

Motion was made by Matt Wood, seconded by Jeff Dixon to approve the final plat for Queenswood Subdivision, Phase 9 as presented subject to the six conditions outlined above by the Planning Director being met.

Discussion followed and Commissioner Stevenson asked whether in this subdivision post development drainage will be better than pre development drainage. Mr. Johnson said he believes the reason the additional culvert was placed in front of Mr. McGhee's house was because there was additional runoff from the post development site.

The motion carried by a four to three margin with Commissioners Griffin, Stevenson, and Harris voting against approval.

## **7. DISCUSSION REGARDING THE USE OF THE OLD ELIZABETH CITY MIDDLE SCHOOL:**

Chairman Perry recognized Mr. Ken Henshaw, Chairman of the Elizabeth City State University Foundation. Mr. Henshaw provided a proposed letter of intent that has been drafted for the use of the old middle school property by ECSU. The letter proposed the donation of the middle school and the parcel on which it is located to the university to utilize for education purposes with a lease of the gymnasium back to Pasquotank County for \$1.00 per year.

It was suggested to protect the taxpayers of Pasquotank County that if the project does not move forward within a certain length of time, the property would be returned to Pasquotank County. After further discussion;

Motion was made by Matt Wood, seconded by Lloyd Griffin to approve the draft letter of understanding with an amendment providing that a definitive agreement must be presented to the county within 90 days from today or the draft will be null and void. The motion carried unanimously.

It was recommended that discussion of this agreement be an agenda item for the Board's upcoming retreat.

**8. APPROVAL OF FAMILY SUBDIVISION REQUEST FS 07-11 CONSISTING OF THREE LOTS ON MILLPOND ROAD IN NEWLAND TOWNSHIP:**

The Board considered Family Subdivision FS 07-11 consisting of three lots at 1440 Millpond Road in Newland Township. Ms. Cox explained that James and Delores Griffin are requesting approval to create two gift lots, one for a child, and one for a grandchild in accordance with Article 5, Section 303 of the Pasquotank County Subdivision Ordinance. She said this property currently exists as two narrow lots that run parallel to each other. In order to create the two gift lots and retain a residual parcel, the two lots are proposed to be recombined and then divided into three lots. The lots that will be created through this subdivision meet the minimum lot area requirements of 43,000 square feet, road frontages of 25 feet, and lot widths of 140 feet. Mr. and Mrs. Griffin have owned this property since 1988 and documentation has been provided that the plat qualifies as a family subdivision and improvements permits have been received from Albemarle Regional Health Services. Ms. Cox stated that the application meets the standards set forth under the family subdivision provisions of the Subdivision Ordinance and staff recommends approval of the request.

Motion was made by Bill Trueblood, seconded by Jimmie Harris to approve Family Subdivision Request FS 07-11 as presented. The motion carried unanimously.

**9. APPROVAL OF MONEYS WORTH LINEN SERVICE BUILDING ELEVATION PLAN:**

The Board reviewed the building elevation plan, color charts and sample brick materials for Moneys Worth Linen Service structure to be constructed on lot 10, Section A in the Pasquotank County Commerce Park. Mr. Brant Wise, representing the developer, explained that the siding on the building will be slate blue; the roof will be stone white; and the trim including gutters and downspouts would be stone white; the brick façade will be light gray with dark gray accents; and the façade will wrap around the sides of the building 25 feet.

Motion was made by Matt Wood, seconded by Lloyd Griffin to approve the building elevation plan for the Moneys Worth Linen Services building to be constructed on lot 10, Section A in the Commerce Park.

Commissioner Dixon asked if there is any signage proposed for the building. Mr. Wise said that no signage is proposed at this point. He stated that he does realize when it is time to install signage, county approval will be required.

**10. REPORT FROM COUNTY MANAGER:**

County Manager Randy Keaton stated that he has given each Commissioner a United Way pledge card for those who would like to make a United Way contribution through the county. He said the county will have a short campaign this year and as a way to generate more interest from employees, prizes have been donated. A drawing for the 28 prizes will be held on December 19 from those employees who have turned in pledge cards.

**11. REPORT FROM COUNTY ATTORNEY:**

County Attorney Mike Cox stated that last year he had signed up for the County Attorneys Winter Conference and the Board set the retreat for the same weekend, so he cancelled. He said it appears that the two may be the same time again this year, February 7-8. The County Manager noted that the tentative date for the retreat is February 1-2, so there would be no conflict.

**12. APPOINTMENTS TO BOARDS AND COMMITTEES:**

Commissioner Marshall Stevenson reported that the Appointments Committee met today and would like to recommend the following appointments to boards and committees:

Child Fatality Prevention Team – Recommend appointment of Jerry Newell to replace Dean Schaan.

ABC Board – Recommend appointment of Anthony Turner to the ABC Board to replace Myrtle Rivers. The Clerk noted that this position is appointed jointly by the city and the county, therefore a letter would need to be sent to the city requesting that City Council also approve the appointment of Mr. Turner.

Elizabeth City Planning Board – Reappoint David McGuire for an additional term.

Senior Tarheel Legislature – Reappoint Robert Youngblood for an additional term.

Motion was made by Marshall Stevenson, seconded by Bill Trueblood to reappoint David McGuire to an additional term on the Elizabeth City Planning Board and Robert Youngblood to an additional term on the Senior Tarheel Legislature. The motion carried unanimously.

**13. REPORTS FROM COUNTY COMMISSIONERS:**

Commissioner Bill Trueblood reported that at last week's meeting of the Stormwater Management Committee, Hobbs Upchurch presented the final version of the watershed districts throughout the county. He said this will be presented to the Board at the first meeting in February for consideration. He stated with the districts and the stormwater manual which has been prepared by Greg Johnson, the county will soon be ready to address concerns with regard to drainage.

Commissioner Jeff Dixon pointed out that the county's sales tax distributions appear to fluctuate greatly. Mr. Keaton stated that this is normally due to large sales tax refunds, especially when there is a lot of construction activity.

Commissioner Matt Wood stated that the North Carolina Association of County Commissioners has been discussing the issue of phone systems for state offices. He explained that all state employees and the court systems have their own phone system. The County Manager explained that when the county was considering a new phone system he had discussions with the Administrative Office of the Courts about the state offices piggybacking on the county's phone system to have interconnectivity with the District Attorney's Office and the Clerk of Court's Office. He said at first they were in agreement, however at the state level it was decided that it would be more beneficial to have all of the Clerk of Court offices, District Attorney offices, and AOC connected by one statewide phone system so they could have local dialing to and from any of these offices throughout the state. In the meantime, the General Assembly this year passed a last minute provision that will require counties effective July 1, 2008 to be responsible for purchasing phone systems for the state, and it would be the type system the state specifies, not the type system the county has. He said he has been talking with representatives from AOC to clarify some issues regarding the phone system for the Clerk of Court's office. He stated that he will be following up with Clerk of Court Lynne Pike and the AOC to determine whether the phone equipment has been ordered so that it might be installed by July 1.

Commissioner Perry reported that he recently attended a statewide Mental Health Board conference in Pinehurst. He said his hours of class were from 9:00 AM until 4:00 PM and he received a certificate of completion.

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

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to adjourn the meeting. The motion carried and the meeting was adjourned at 9:03 PM.

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CHAIRMAN

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CLERK