

**PASQUOTANK COUNTY, NORTH CAROLINA  
MARCH 2, 2020**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, March 2, 2020 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Jeff Dixon, Chairman  
Lloyd E. Griffin, III, Vice-Chairman  
Cecil Perry  
Frankie Meads  
Charles H. Jordan  
Sean Lavin  
Barry Overman

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Sparty Hammett, County Manager  
R. Michael Cox, County Attorney  
Shelley Cox, Planning Director  
Lynn Scott, Clerk to the Board

The meeting was called to order at 6:00 PM by Chairman Jeff Dixon. Vice-Chairman Lloyd Griffin gave the invocation and Commissioner Frankie Meads led in the Pledge of Allegiance to the American Flag.

**1. AMENDMENTS TO THE AGENDA:**

Chairman Dixon asked if there were any amendments to the agenda. Vice-Chairman Griffin requested the agenda be amended to add the following item recommended by the Finance Committee today: 1) Support of Senior Center Crosswalk.

Motion was made by Lloyd Griffin, seconded by Charles Jordan to amend the agenda to add item #1 to the Consent Agenda. The motion carried unanimously.

**2. TRILLIUM HEALTH RESOURCES ANNUAL REPORT:**

Chairman Dixon recognized Bland Baker, Northern Regional Director, who thanked the Board for the opportunity to come before them. He thanked Commissioner Jordan, for his service on the Trillium Advisory Board. He said Commissioner Jordan and Mr. Denauvo Robinson, the County's other representative on the board, are very active members and represent Pasquotank County very well.

Mr. Baker provided a PowerPoint presentation. He stated that Trillium serves 26 counties across the eastern part of the state. This past year, they served 57,000 individuals with mild to severe mental health needs. Trillium has a network of approximately 500 providers. The cost to provide services last year was \$475,921,857.

Mr. Baker said that Medicaid Transformation has been delayed. In November 2019, the Department of Health and Human Services suspended the implementation of Medicaid Transformation for Standard Plan Insurance Companies. They have not put a timeframe on when they will go live. Tailored Plans will still be applying in late winter, with the potential of going live July 2021. He said they are moving forward with organizational changes in order to make the transition smooth.

Mr. Baker provided an update on current projects. He said recently a link was launched for Safe Schools, Healthy Kids. All schools within the 26 county region were given access. Friday, he presented a check, in the amount of \$5,000, to River Road Middle School for having one of the highest participation rates. He is very proud that one of his counties was one of those awarded \$5,000. Several healthy eating classes were held. Sixty three Peloton Bikes were given to group homes and day programs to encourage healthier lifestyles. They continue to provide Naloxone kits to counties, Crisis Intervention training for law enforcement, and mental health first aid. There is a day treatment program that works directly with the school systems for students who have behavioral problems related to mental health and substance abuse. He said there are many other programs that they continue to do, as well as new programs being implemented.

Mr. Baker stated that 1,796 consumers were served in Pasquotank County alone (1,456 for mental health, 329 for substance abuse, and 254 for intellectual/developmental disabilities) last year. The total cost of the services in Pasquotank County alone exceeded \$11 million dollars, not including the nutrition programs or crisis intervention training. He provided a brief history of how the mental health program was started in the County.

3. **PUBLIC HEARING TO CONSIDER CONTRACTING WITH NEXSEN PRUET FOR LEGAL FEES ASSOCIATED WITH PROJECT KNOWN AS “PROJECT ABC”:**

Chairman Dixon declared the meeting to be a public hearing to consider contracting with Nexsen Pruet for legal fees associated with a project known as “Project ABC”. He asked if anyone cared to comment on the proposed contract. At the absence of comments, the public hearing was closed.

County Manager Hammett explained that this request is for the project discussed in closed session previously that there was consensus to move forward with. Any funds that are spent on economic development require a public hearing.

Commissioner Meads said he recently read an article that states that the government is spending a lot of money on economic development and in most cases, at best, are breaking even. He is opposed to giving taxpayers’ money to developments that are putting small businesses out of business.

Motion was made by Lloyd Griffin, seconded by Charles Jordan to approve contracting services with Nexsen Pruet for legal fees associated with the project known as “Project ABC”, with a not to exceed amount of \$40,000. The motion carried six to one, with Commissioner Meads voted against the motion.

4. **APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

Vice-Chairman Griffin stated that he needs to be recused from considering the tax releases and refunds due to a conflict of interest, and requested that they be removed from the consent agenda and considered separately.

Motion was made by Lloyd Griffin, seconded by Charles Jordan to remove the tax releases and refunds from the Consent Agenda and considered separately. The motion carried unanimously.

a. *Approval of Minutes of February 17, 2020 Commissioner Meeting*

b. *Adoption of Proclamation Designating April 2020 as “North Carolina 811 Safe Digging Month”*

The Board has been requested to adopt the following proclamation designating April 2020 as North Carolina 811 Safe Digging Month:

## Proclamation

Designating the month of April 2020 as “North Carolina 811 Safe Digging Month

**WHEREAS**, as utility owners, excavators, designers, and homeowners work to keep pace with North Carolina’s economic development, it is important to minimize damages to underground utility lines, danger to workers and the general public, environmental impact, and loss of utility services to the citizens of North Carolina; and

**WHEREAS**, North Carolina 811, a utility service notification center and leader in education celebrates its 42<sup>nd</sup> year of continuous service to the State, is key to preventing injuries and damages when excavating; and

**WHEREAS**, this unique service provides easy, one-call notification about construction and excavation projects that may endanger workers and jeopardize utility lines while promoting workplace and public safety, reducing underground utility damage, minimizing utility service interruptions and protecting the environment; and

**WHEREAS**, this vital service, which began in 1978 serves the citizens of North Carolina from the mountains to the coast, educates stakeholders about the need for excavation safety whether the project is as small as planting a tree to designing and beginning construction on a new interstate; and

**WHEREAS**, in 2019, the North Carolina one call system received 2.2 million notification requests and transmitted over 12.2 million requests, providing protection to utility companies infrastructure, their employees, excavators, and customers;

**NOW, THEREFORE, BE IT PROCLAIMED**, that Pasquotank County has designated the month of April 2020 as “North Carolina 811 Safe Digging Month” to encourage all excavators and homeowners of Pasquotank County to contact 8-1-1 either by dialing 8-1-1 or contacting NC811 via the webpage of NC811.org at least three working days prior to digging in order to “Know What’s Below,” avoid injury, protect the environment, prevent millions of dollars in damages and to remind excavators that three working days’ notice is the law, for safe digging is no accident, and that more information may be obtained by visiting [www.nc811.org](http://www.nc811.org).

**ADOPTED**, this 2<sup>nd</sup> day of March 2020.

*c. Approval to Send Letter Regarding Crosswalk at Senior Center*

The Finance Committee has recommended Chairman Dixon draft a letter to Mayor Parker strongly encouraging the City to address safety concerns identified by seniors in regard to accessing the Senior Center. In contract to the raised, lighted crosswalk proposed by City staff, consideration should be given to a raised crosswalk with Rectangular Rapid Flashing Beacons.

Motion was made by Cecil Perry, seconded by Charles Jordan to approve the Consent Agenda as amended. The motion carried unanimously.

**5. CONSIDERATION OF TAX RELEASES AND REFUNDS:**

Vice-Chairman Griffin asked that he be recused from considering the following tax releases and refunds due to a conflict of interest.

Motion was made by Barry Overman, seconded by Charles Jordan to recuse Vice-Chairman Griffin from considering the tax releases and refunds due to a conflict of interest. The motion carried unanimously.

The Finance Committee has recommended approval of the following tax refunds, solid waste fees, and solid waste fee refund:

**Tax Refunds**

		County	City
1.	Miriam L. Britt	177.87	151.31
2.	Troy D. & Rhonda W. McCullen	374.22	318.33

**Solid Waste Fee Releases**

		Parcel ID #	Reason for Release
1.	Helen Virginia Dehart Trustees	P141-19A	Vacant
2.	Margaret Bowers Graham	P133A-45	Vacant
3.	William F. & Linda E. Gregory	P5-5	Vacant
4.	Lloyd E. Griffin, Jr. ETAL	24-B-57	Vacant
5.	Allen Lee Liverman	P63-44A	Vacant

**Solid Waste Fee Refund**

1.	Lloyd E. Griffin, III	24-B-51A	Vacant 2 SW fees

Motion was made by Barry Overman, seconded by Frankie Meads to approve the tax refunds, solid waste fee releases, and solid waste fee refund as presented. The motion carried unanimously.

**6. CONSIDERATION OF STRAWBERRY ACRES, PHASE II, FINAL PLAT:**

The Board considered the final plat for Strawberry Acres, Phase II.

Ms. Cox reviewed the request and provided the following summary:

**GENERAL INFORMATION**

**Location:** Property is on the west side of Main Street Extended, approximately ½ mile south of Berea Church Road in Providence Township.

**Owner/Developer:** Marart, LLC, 2135 Rivershore Road, Elizabeth City, NC 27909

**SUMMARY OF REQUEST**

Marart, LLC is requesting Final Plat approval for Strawberry Acres Subdivision, Phase II consisting of 12 single family residential lots on 14.96 acres. The property is zoned R-23A (Residential) and lot sizes are proposed to range from 43,000 square feet to 45,728 square feet.

**Schools:**

Under the current school districting, students generated from this development would attend Northside Elementary, Elizabeth City Middle and Pasquotank County High School.

**Fire Protection:**

This development will be under Providence Volunteer Fire Department's jurisdiction.

**Water:**

This area is served by the Pasquotank County water system. Hydrants have been installed and water tap fees in the amount of \$21,600 have been paid.

**Wastewater:**

On-site septic systems are proposed to be utilized at this location.

**Flood Zone:**

The area requested for Final Plat approval is located within Flood Zone X (not within the 100 year floodplain) according to FEMA Map 3720799500L effective December 21, 2018.

**Stormwater:**

A Low Density Stormwater Permit and an Erosion and Sedimentation Control Permit for this development has been issued by the NC Department of Environmental Quality.

The County's stormwater engineer, Greg Johnson, has performed a final inspection of drainage improvements within Phase II and noted the following concerns in relation to the approved stormwater plan:

- Lot 18 - The rear lot line ditch is too low. At the top, right corner the ditch is 0.7' low.
- Lot 17 - The top left corner ditch is 0.7' too low. The top right corner is 1.5' low.
- Lot 16 - The top right corner ditch is 0.75' too low.
- Lot 15 - The entire lot should drain to the front, however both the left and right side ditches have high points that prohibits drainage on either side from reaching the front of the lot.

**Section 404 Wetlands:**

No Army Corps of Engineers - Section 404 wetlands have been delineated at this location.

**Staff Comments:**

- The Preliminary Plat for this development was approved by the Board of Commissioners on April 6, 2009 and the Final Plat for Phase I was approved on June 7, 2010. The Subdivision Ordinance requires that subsequent development be submitted within 24 months after the date of the Final Plat approval for the prior phase, which would have

resulted in the Preliminary Plat expiring on June 7, 2012. However, it is staff's opinion that Phase II would qualify as having common law vested rights since the developer had installed most of the improvements for Phase II at the time Phase I was developed, including water lines, drainage, and street improvements.

Once Phase II is approved, the developer will have two years to submit a Final Plat for the next phase or the Preliminary Plat will expire.

- In accordance with Section 306.5 of the County's Subdivision Ordinance, Marart, LLC has elected to provide a performance bond in lieu of completion of street paving. A bond in the amount of \$43,750 has been submitted by the applicant.
- Due to the time of year, the developer has requested to submit a landscape bond in lieu of planting the buffer yard required between residential subdivisions and existing agricultural uses in accordance with Article IV, 18 of the Subdivision Ordinance. Marart, LLC has provided a check in the amount of \$12,850 to serve as a landscape bond.
- The Preliminary Plat approval requires that turn lanes from Main Street Extended onto Strawberry Drive be installed with Phase III. Phase III was shown on the Preliminary Plat as lots 13-18 and those lots have been included on the Phase II Final Plat.

The developer has requested that they be allowed to install the turn lanes at the same time the street is paved. Turn lane installation was a requirement by NCDOT and staff has advised the District Engineer of the developer's request. We are awaiting clarification and documentation from NCDOT on when it will be acceptable for turn lanes to be installed to serve this development.

- The area at the intersection of Strawberry Acres Drive and Peach Lane does not comply with Fire Code standards for emergency vehicles to turn around. The end of both roads should be extended to meet the distance needs. An all-weather surface is required to extend 60' from the centerline of the intersection in front of lot 15 towards the east/future extension of Strawberry Acres Drive and 70' from the edge of the right-of-way in front of lot 15 extending Peach Lane towards future Apple Court. Examples of acceptable designs have been provided to the applicant.
- Since the staff analysis was written, the developer has provided a letter from C& W Grading stating that they have been hired to adjust the ditch grades, improve the emergency turn around, and install the turn lane on Main Street Extended. According to the letter, they have equipment on site and were waiting for the weather to break so they can complete these items.
- The State Stormwater Permit for this development requires that certain language within the permit be incorporated in the neighborhood's restrictive covenants. Staff has provided the developer a copy of the required language and requested that the covenants be amended to incorporate this language. Since the staff analysis was written, the Restrictive Covenants have been amended and recorded in the Register of Deeds office.
- Since this subdivision was originally approved, the US Postal Service adopted a policy that requires cluster mailboxes to serve neighborhoods instead of delivering to individual boxes. Staff has advised the developer of this requirement by the US Postal Service and has recommended that cluster mailboxes be provided in accordance with USPS and NCDOT policies.

**Staff Recommendation:**

Should the Board of Commissioners approve the Final Plat, staff recommends the following conditions:

1. The ditch grading along lots 15, 16, 17, and 18 shall be brought into compliance with the approved drainage plan. A revised as-built will be required to show corrected ditch elevations.
2. The intersection of Strawberry Acres Drive and Peach Lane shall be modified to meet Fire Code requirements for emergency vehicle turn arounds.

3. The subdivision's restrictive covenants shall be amended to include the language required by the State Stormwater Permit.
4. Turn lanes along Main Street Extended shall be installed according to the approved Preliminary Plat or the applicant shall provide documentation from NCDOT on an acceptable time frame for turn lane installation.
5. The landscape buffer required behind lots 7, 8, 9, 13, 14, and 15 shall be installed in accordance with Article IV, 18 of the Subdivision Ordinance within six months of Final Plat approval.
6. Cluster mailboxes shall be installed in accordance to USPS and NCDOT requirements within six months of Final Plat approval.

Vice-Chairman Griffin stated that a lot of homeowners associations are not maintaining their buffers. He asked if there is any way we can let the buffer area be incorporated into the lots and maintain a vacant right-a-way, like was done at Queenswood. She said the problem with that is, when homeowners see that as part of their lot, they are more than likely to go in and clear it and fence it in, which makes it much harder to enforce. Ms. Cox said the buffer at Queenswood was not required by ordinance, it was required as part of the subdivision process because of the landfill. She explained that the way the language is currently, it does require the buffer not be part of the lot. She explained that we would have to go through the subdivision ordinance amendment process, and amend the language. Ms. Cox asked the Board if they would like her to come back with an ordinance amendment. Vice-Chairman Griffin said he thinks we should come up with a solution for tonight so we can move forward, but come up with a solution for this in the future.

Commissioner Meads questioned the proposed drainage improvements. He thinks the elevations are not low enough to warrant changes, and are not a real issue. He said the problem is people go in and fill the ditches up. Ms. Cox said when the ditches are too low there is a risk of ponding, which causes a lot of concerns with citizens.

Ms. Cox explained that the Board can 1) approve the final plat, with the staff's recommendations; 2) approve it, with different conditions; or 3) deny it. The current ordinance standards require that buffers not be a part of the lot, so in order to change that, we would have to do a variance from that provision of the ordinance or amend the ordinance, with a text amendment. Due to advertising requirements, a variance would take at least 30 days.

The developer said the smart thing to do is to put the buffer back in the lot where it should have been to start with. He said they are losing five acres of land. He feels the lot owner should be responsible for maintenance of the buffer.

Ms. Cox said her recommendation was based on the plat that was presented to her. She said she reviews the plat and application, and makes sure it meets the standards of the ordinance. The landscape buffer is a standard of the ordinance. If the developer is requesting that be changed, they need to either go through the variance process to allow them to change that or go through the text amendment process so it will apply to all subdivisions coming before the Board in the future. She stated that the developer can go ahead and take it to final plat, with the conditions she recommended and get approval tonight, and then come back and do a recombination after the Board amends the ordinance to change how landscape buffers are required if that is what the Board desires. She said that would take about sixty days. If the plat is approved, it will go to record tomorrow, and they can sell lots immediately. If the Board does a text amendment to amend the ordinance to eliminate the buffer, the developer can come back and do a recombination and add the buffer area to the lots, if that is what they desire to do.

Commissioner Meads stated that the County will no longer have to mow around the buffers if they are placed on the lots. Ms. Cox explained that the County does not mow the buffers. She said the purpose of the buffer is to separate active agriculture land from residential subdivisions. Often when fields are farmed, there is a lot of dust generated or if a crop duster sprays the fields, it provides a buffer. Commissioner Meads asked that he be recused because the developer is his cousin. After researching, the County Attorney advised that unless he will have a financial gain from the item, he has a duty to vote.

County Manager Hammett explained that the buffers were put in the ordinance for a purpose. He asked what the rationale was for putting the buffers in place originally. Ms. Cox said a previous board decided they wanted the buffer in place because there were concerns, specifically Fox Haven Subdivision, from a farmer who had a field that abutted a residential subdivision. He was concerned about complaints from homeowners when he plowed the fields or drift when he sprayed pesticides. The Board wanted a buffer between the residential subdivision and the active agricultural fields. Mr. Hammett asked what the requirements are for a variance. Ms. Cox said it requires an advertised public hearing. It must be advertised no less than 10 days, twice, before the hearing. Also, certain conditions must be met. Vice-Chairman Griffin said they would not be getting rid of the buffer instead the buffer would be part of the lot. Mr. Hammett reminded the Board that they cannot control somebody's property.

Commissioner Lavin said he is not comfortable removing the current buffer requirement in the ordinance. He said we need to keep the right-of-ways clear for drainage and other issues.

Ms. Cox said if the plat is approved tonight, it will not come back unless a variance application is filed or the Board goes forward with a text amendment. If the applicant elects to submit a variance application they can do that, but it will have to come back through the process. It will take a while, because staff will have to advertise for a public hearing. She explained that the Board can: approve it tonight as is, and the developer can come back with a variance; or approve it tonight as is, and take it to record and move forward; or approve it as is and request that staff bring forward a text amendment in the future that would take away the buffer requirement, which will eliminate the buffer requirement for the developer and they can come back and recombine those lots to include the buffer.

Commissioner Overman said in his previous work experience in the fire department, the buffer areas become rat and mouse infested areas, and brushfire hazards, because no one is assigned to take care of it, except homeowner's associations, and often that does not work well. He said it does become a buffer, but it is a landlocked piece of land that no one can do anything with.

Motion was made by Commissioner Overman, seconded by Lloyd Griffin to approve the final plat for Strawberry Acres, Phase II, with the staff recommended conditions, with the understanding that the Board plans to consider a text amendment in the near future.

Ms. Cox said if the Board directs staff, they will move forward with a text amendment that will add an additional setback on lots, from agricultural uses. The text amendment will be moved forward to the Planning Board, and then County Commissioners for their approval.

The motion carried unanimously.

#### **7. REPORT FROM COUNTY MANAGER:**

County Manager Hammett said he is in the process of scheduling someone from the Health Department to provide an update on the Coronavirus at the next Board meeting. He met with the County's Emergency Management Coordinator, Christy Saunders this morning to start developing a Continuity of Operation Plan to address sustaining operations should there be a pandemic or natural disaster. He said we do have a good plan in place from an IT perspective.

Commissioner Jordan stated that he has been asked if the hospital has protocols in place if the virus were to spread to our area. Chairman Dixon said he has been informed that Sentara does have a plan in place, and they have been doing drills, and training.

#### **8. REPORTS FROM COMMISSIONERS:**

Commissioner Overman reported that he attended the Solid Waste/Landfill meeting, the Board Retreat, DSS Board meeting, Weeksville VFD Shrimp Dinner, as well as Anthony Jernigan's retirement party from the State Bureau of Investigations. He said Mr. Jernigan provided our community many years of great service.

Commissioner Jordan stated that he and Attorney Cox presented at the League of Women's Voters. He attended the Jail Board meeting and the Witherspoon-Harris Awards, where four individuals were honored. Today, he read to a group of 4<sup>th</sup> graders at J.C. Sawyer Elementary School.

Vice-Chairman Griffin attended a Transportation meeting and was updated on current road projects. He invited Alan Moran to work with our County Manager and Planning Director to work on the County's future plans. Albemarle Commission is requesting expansion of the congregant meal site and the Meals on Wheels Program in the County.

Commissioner Lavin attended the Economic Development Committee meeting. He continues to be excited and impressed about the steps we are taking to bring development and opportunity to the County. He thanked staff for putting together a good Board Retreat.

Commissioner Meads praised the Board Retreat and thanked staff for putting it together.

Commissioner Perry attended the Health Board meeting, the Jail Board meeting, and the Witherspoon-Harris Awards.

Chairman Dixon stated that Friday's Retreat was very informative. He thanked staff for putting together a great agenda. He attended a couple of ribbon cuttings last week. He reported that the NEAAAT School will be expanding to include 5<sup>th</sup> grade next year, which will be an addition of 70 new students. The slots were filled in less than five days.

Clerk to the Board Lynn Scott reminded the Board of the ribbon cutting for the new EC/PC Senior Center on Friday.

There being no further business, Chairman Dixon asked for a motion to adjourn the meeting.

Motion was made by Lloyd Griffin, seconded by Frankie Meads to adjourn the meeting. The motion carried and the meeting was adjourned at 7:25 PM.

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CHAIRMAN

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CLERK TO THE BOARD