

**PASQUOTANK COUNTY, NORTH CAROLINA
AUGUST 1, 2022**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, August 1, 2022 in Courtroom C in the Pasquotank County Courthouse.

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

MEMBERS ABSENT: William "Bill" Sterritt

OTHERS PRESENT: Sparty Hammett, County Manager
R. Michael Cox, County Attorney
Mike Barclift, NCACC Management Fellow
Shelley Cox, Planning Director
Sheri Small, Finance Director
Lynn Scott, Clerk to the Board

The meeting was called to order at 6:00 PM by Chairman Lloyd Griffin. Commissioner Barry Overman gave the invocation and Commissioner Cecil Perry led in the Pledge of Allegiance to the American Flag. Chairman Griffin welcomed those in attendance.

1. AMENDMENTS TO THE AGENDA:

Vice-Chairman Jordan requested that the agenda be amended to add the following items recommended by the Finance Committee: 1) Approval to commit funds to College of the Albemarle for a Health Sciences Simulation Lab; 2) Approval of Salary for New Assistant County Manager; and 3) Consideration of Offer for Purchase of Kitty Hawk Property.

Motion was made by Charles Jordan, seconded by Sean Lavin to amend the agenda to add Items #1-2 to the Consent Agenda and Item #3 to New Business. The motion carried unanimously.

2. ADOPTION OF PROCLAMATION FOR CHILD SUPPORT AWARENESS MONTH:

Motion was made by Barry Overman, seconded by Charles Jordan to adopt the following proclamation, proclaiming March 2022 as Child Support Awareness Month:

WHEREAS Pasquotank County is recognizing August as Child Support Awareness Month, and reaffirms its commitment to strengthening Pasquotank County's families by providing child support services to improve the economic stability and well-being of children; and

WHEREAS, in State Fiscal Year 2021-22, more than \$4.3 million in child support was collected from parents of Pasquotank County's children, and

WHEREAS, there are nearly 2,135 child support orders in place, working to ensure that more than 2644 children receive financial support from their parents: and

WHEREAS, the court must order either parent to obtain and maintain medical health insurance coverage for a child if it is actually and currently available to the parent at a reasonable cost.

WHEREAS Child Support Awareness Month salutes the diligent working parents who spend time with their child and who make regular child support payments, to safeguard their children's future: and

WHEREAS, strengthening individuals and families promotes the safety and well-being of children, provides stability, improves the lives of children, and provides opportunities for families to be able to enhance their children's futures; and

WHEREAS, children who do not receive adequate financial and emotional support from their parents may experience greater difficulty in becoming healthy, happy, and productive citizens; and

WHEREAS, many concerned and dedicated judges, district attorneys, clerks of court, sheriffs' personnel, and child support professionals work to establish and enforce child support orders for Pasquotank County's children, one of our county's most vital resources.

NOW, THEREFORE, We, the Pasquotank County Board of Commissioners, do hereby proclaim August 2022, as "CHILD SUPPORT AWARENESS MONTH" in Pasquotank County, and commend its observance to all citizens.

The motion carried unanimously.

3. PUBLIC HEARING ON ZONING TEXT AMENDMENT ZTA 22-01:

Chairman Griffin called on Planning Director Shelley Cox to present Zoning Text Amendment ZTA 22-01.

Ms. Cox presented the following:

Application Overview:

The State of North Carolina recently adopted legislation that no longer permits the criminal enforcement of most local development regulations. This change in enabling legislation will affect both the Zoning and Subdivision Ordinances which have provisions for violators to be charged with a misdemeanor. The proposed text amendment will bring the Zoning Ordinance into compliance with statutory requirements.

Staff Recommendation:

Staff recommends approval of the proposed text amendment with the following findings:

1. The text amendment is neither consistent nor inconsistent with the adopted CAMA Land Use Plan since the plan does not address ordinance violations; and
2. The text is reasonable and in the public interest because it will ensure that the Zoning Ordinance remains consistent with the North Carolina General Statutes.

Proposed Ordinance Text

Additions and/or changes to the existing regulations are highlighted in yellow.

Deletions are noted by ~~strikethrough~~.

SECTION 13.08 – Penalties for Violation

~~1. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards establishes in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable by a maximum fine in the amount of seventy five dollars (\$75.00) or a maximum thirty (30) days imprisonment as provided by G.S. 14-1.~~

1. Any act constituting a violation of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions or safeguards established in connection with the grants of variances or special use permits, shall subject the offender to a civil penalty of fifty dollars (\$50.00) for each day the violation continues. If the offender fails to pay this penalty within fifteen (15) days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustments if the offender was sent a final notice of violation in accordance with Section 13.01 and did not take an appeal to the Board of Adjustments within the prescribed time stated in Section 14.05.

2. This Ordinance may also be enforced by any appropriate equitable action.

3. Each day that any violation continues after notification by the Enforcement Officer that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
4. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

Ms. Cox stated that the Planning Board met on July 28, 2022 and recommended approval of the amendment.

Chairman Griffin declared the meeting to be a public hearing on Zoning Text Amendment ZTA 22-01 and asked if anyone would care to comment on the proposed text amendment. At the absence of comments, the public hearing was closed.

Motion was made by Charles Jordan, seconded by Jonathan Meads to approve Zoning Text Amendment ZTA 22-01 as presented to bring the Zoning Ordinance into compliance with statutory requirements based on the following findings:

1. The text amendment is neither consistent nor inconsistent with the adopted CAMA Land Use Plan since the plan does not address ordinance violations; and
2. The text is reasonable and in the public interest because it will ensure that the Zoning Ordinance remains consistent with the North Carolina General Statutes.

The motion carried unanimously.

4. PUBLIC HEARING ON SUBDIVISION TEXT AMENDMENT STA 22-01:

Chairman Griffin called on Planning Director Shelley Cox to present Subdivision Text Amendment STA 22-01.

Ms. Cox presented the following:

Application Overview:

The State of North Carolina recently adopted legislation that no longer permits the criminal enforcement of most local development regulations. This change in enabling legislation will affect both the Zoning and Subdivision Ordinances which have provisions for violators to be charged with a misdemeanor. The proposed text amendment will bring the Subdivision Ordinance into compliance with statutory requirements.

Staff Recommendation:

Staff recommends approval of the proposed text amendment with the following findings:

1. The text amendment is neither consistent nor inconsistent with the adopted CAMA Land Use Plan since the plan does not address ordinance violations; and
2. The text is reasonable and in the public interest because it will ensure that the Subdivision Ordinance remains consistent with the North Carolina General Statutes.

Proposed Ordinance Text

*Additions and/or changes to the existing regulations are highlighted in yellow.
Deletions are noted by ~~strikethrough~~.*

SECTION 204 – Penalties for Violation

~~After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Pasquotank County Register of Deeds, shall be guilty of a misdemeanor.~~

~~The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County through its attorney or other official designated by the Pasquotank County Board of Commissioners may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.~~

Section 204.1 **Penalty**

The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$100 to be recovered by the County. Violators shall be issued a written citation which must be paid within ten (10) days.

Section 204.2 **Continuing Violations**

Each day's continuing violation of this ordinance shall be considered a separate and distinct offense.

Section 204.3 **Court Action**

Notwithstanding the Subsection of this section above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

Section 204.4 **Other Remedies**

Nothing in this section shall be construed to limit the use of remedies available to the County. The County may seek to enforce this ordinance by using any one, all or a combination of the remedies.

Ms. Cox stated that the Planning Board met on July 28, 2022 and recommended approval of the amendment.

Chairman Griffin declared the meeting to be a public hearing on Subdivision Text Amendment STA 22-01 and asked if anyone would care to comment on the proposed text amendment. At the absence of comments, the public hearing was closed.

Motion was made by Barry Overman, seconded by Charles Jordan to approve Subdivision Text Amendment STA 22-01 as presented to bring the Subdivision Ordinance into compliance with statutory requirements based on the following findings:

1. The text amendment is neither consistent nor inconsistent with the adopted CAMA Land Use Plan since the plan does not address ordinance violations; and
2. The text is reasonable and in the public interest because it will ensure that the Subdivision Ordinance remains consistent with the North Carolina General Statutes.

The motion carried unanimously.

5. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of July 11, 2022 Commissioner Meeting

b. Approval of Tax Releases and Refunds

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

Tax Releases

		County	City
1.	Woodstock I Limited Partnership	1,721.34	1,638.05
2.	Woodstock II Limited Partnership	6,105.60	5,810.17
3.	Woodstock III Limited Partnership	4,202.98	3,999.61
4.	GP6 LLC	48.36	46.02
5.	Jean S. Weeks	28.52	
6.	Steven C. & Lynne R. Raisor	127.10	
7.	George Lee & Elaine Brown	321.65	
8.	Paul J. Majetick	883.37	
9.	Gary M. & Bonita Sue Michael	439.14	352.23
10.	Jacquelyn W. & James A. Peterson	588.25	494.12
11.	Cynthia Ann Phillips	551.67	
12.	Lois L. & Douglas G. Rogerson	511.99	
13.	William C. Taylor Heirs	665.44	
14.	Noah Jr. & Lucille Griffin Life Est.	1,106.24	951.68

Tax Refunds

		County	City
1.	Raymond Edward Dodd, Jr.	107.18	
2.	Reina Xiomara Merino	160.08	158.85
3.	Cannon William Knight Jr. & Jill Arlene Knight	265.57	
4.	Andrew Charles Edwards & Gennis Byrd Edwards	116.63	
5.	Debra Combs Skinner & Red Rosevelt Skinner	220.20	
6.	Kenyada Shakarian Wiggs & James Andre Wiggins	249.39	
7.	Richard Lee Williams	127.43	122.46

Solid Waste Fee Releases

		Parcel ID #	Reason for Release
1.	C.C. Scaff LLC	24-B-4	Vacant
2.	C.C. Scaff LLC	24-B-5	Vacant
3.	Clyde N. Jr. & Nancy H. Hartman	39-D-2	Vacant

Solid Waste Fee Refund

		Parcel ID #	Reason for Release
1.	Clyde N. Jr. & Nancy H. Hartman	39-D-2	Vacant

c. Approval of Late Property Tax Exemption or Exclusion Applications

The Finance Committee has recommended approval of the following disabled veteran exclusions:

Applicant	Map #	Exclusion	County Tax	SW ADJ	City Tax	Total Tax
Rodriquiz D. & Crystal Alexandra	P142-174	45,000	279.00	69.00		348.00
Michael T. Jr. & Judith M. Ellis	P139-273	45,000	279.00	69.00		348.00
Ronald L. & Patricia A. Franklin	P126-5	45,000	279.00	69.00		348.00
Ryan A. & Crystal Y. Garron	P80-120	45,000	279.00	69.00		348.00
Vernon L. & Brenda P. Johnson	35-C-26	45,000	279.00	69.00	265.50	613.50
Gary H. Littleton	P142A-76	45,000	279.00	69.00		348.00
David L. & Wendy M. Lawson	P60-154	45,000	279.00	69.00		348.00
Christopher G. Snyder	P8A-34	45,000	279.00	69.00		348.00
Roland A. & Kathryn Wiborg	P12A-55	45,000	279.00	69.00		348.00

d. Approval of Late Property Tax Exemption or Exclusion Applications

The Finance Committee has recommended approval of the following Elderly or Disabled Property Tax Exemptions:

Applicant	Map #	Exclusion	County Tax	SW ADJ	City Tax	Total Tax
Juanita Anne Barrington	61-C-36 thru 38	69,850	433.07	69.00	412.11	914.18
Wilhelmina M. Watkins	P117-29	91,365	566.46	69.00		635.46

e. Approval of Records Retention and Disposition Schedules

The County Attorney is requesting approval of certain Records Retention and Disposition Schedules prepared by the North Carolina Division of Cultural Resources. The schedules detail the types of records that must be retained and sets a timeframe from when the records can be destroyed. The County must approve the General Schedule for Local Governmental Agencies and the Programs Records Schedule for Local Government Agencies.

f. Approval of Lease with American National Red Cross

The Finance Committee has recommended approval of the following resolution which approves entering into a lease for County owned property at 1409-B Parkview Drive with American National Red Cross. The proposed lease is for a five-year term beginning July 1, 2022. The rent for the lease is \$1.00.

**RESOLUTION APPROVING LEASE WITH
AMERICAN NATIONAL RED CROSS**

WHEREAS, Pasquotank County owns property located at 1409-B Parkview Drive (being approximately 3,392 square feet); and

WHEREAS, The American National Red Cross wishes to lease said county owned property; and

WHEREAS, the County has determined the property will not be needed during the term of the lease; and

WHEREAS, the County and The American National Red Cross have agreed to enter into a lease for a term of five (5) years, beginning July 1, 2022; and

WHEREAS, the rent for the lease is \$1.00; and

WHEREAS, NCGS 160A-272 authorizes the county to enter into leases up to ten (10) years upon resolution of the county commissioners adopted at a regular meeting after thirty (30) days' notice; and

WHEREAS, the required notice has been published and the Board of Commissioners is convened at a regular meeting.

THEREFORE, THE BOARD OF COMMISSIONERS OF PASQUOTANK COUNTY RESOLVES THAT:

The Board of Commissioners hereby approves the lease of county property described above to The American National Red Cross for five (5) years on terms as described hereinabove and directs the chairman to execute any instruments necessary to secure the lease.

ADOPTED this 1st day of August, 2022.

g. Approval of Funding for College of the Albemarle Health Sciences Lab

The Finance Committee has recommended the following:

- Approval of the following resolution committing the County to funding the remaining \$11 million of the cost of the Health Sciences Simulation Lab using debt service.
- Directing the County's Lobbyist, Jackson Stancil, to pursue additional state funding for the project in the 2023 Long Session of the North Carolina General Assembly to attempt to reduce the loan proceeds needed.
- Directing the County Manager and Finance Officer to identify alternative means of funding the project to be presented at the 2023 Board of Commissioners Retreat.

**RESOLUTION COMMITTING \$11 MILLION
TO THE COLLEGE OF THE ALBEMARLE'S HEALTH
SCIENCE EXPANSION AND SIMULATION LAB**

WHEREAS, the College of the Albemarle's nursing and allied health programs have consistently produced excellent graduates and outcomes; and

WHEREAS, the registered nursing program was named the #1 program in North Carolina by registerednursing.org for 2021; and

WHEREAS, the Owens Center, the college's home for nursing and health sciences, serves more programs and more students than was intended when the facility was constructed almost 20 years ago. In addition, simulation has emerged as a critical component of health science education; and

WHEREAS, College of the Albemarle (COA) has proposed a \$25 million Health Science Expansion and Simulation Lab building that would add nearly 26,000 square feet to the current Owens Center facility; and

WHEREAS, the additional classrooms, labs, storage, and a high-fidelity simulation center will provide for the expanding Health Science education needs; and

WHEREAS, the Board voted to support the project at the January 18, 2022 Finance Committee meeting. Since that meeting, College of the Albemarle has been allocated \$12.5 million of the requested \$25 million in the current State Budget and \$1.5 million is available from North Carolina Connect Bonds; and

WHEREAS, in order to access the funds in the State Budget necessary to move forward with the Health Science Expansion and Simulation Lab, the Pasquotank County Board of Commissioners must formally commit to the remaining funding needed.

NOW, THEREFORE BE IT RESOLVED the Pasquotank County Board of Commissioners commits to funding the remaining \$11 million necessary to design and construct the Health Science Expansion and Simulation Lab for the College of the Albemarle using debt service.

ADOPTED this the 1st day of August, 2022.

h. Approval of Salary for New Assistant County Manager

The Finance Committee has recommended approval to formalize the salary for the new Assistant County Manager, John Shannon, at Pay Grade 50, Step 12 - \$105,305, and the reimbursement of up to \$5,000 in moving costs.

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

6. CONSIDERATION OF FINAL PLAT OF OAK RIDGE SUBDIVISION, PHASE II, SECTION C:

The Board considered the final plat for Oak Ridge Subdivision, Phase II, Section C.

Ms. Cox reviewed the request and explained that the development consists of 17 residential lots ranging in size from 43,000 to 62,821 square feet and is located off of Mill Pond Road in Newland Township. The previous two phases were developed out pretty quickly. The site is zoned R-25A, Residential and all of the required improvements have been installed according to the approved Preliminary Plat and the Pasquotank County Subdivision Ordinance. The subdivision now has Pasquotank County Water and fire hydrants installed, as required. There have been two very minor areas identified by the County's Stormwater Engineer, Greg Johnson, where ponding of water was occurring and he has recommended they regrade those two areas. She said staff is recommending a conditional approval, with the two minor areas being addressed.

Motion was made by Cecil Perry, seconded by Sean Lavin to approve the final plat for Oak Ridge Subdivision, Phase II, Section C, with the condition that the two areas be addressed. The motion carried unanimously.

7. SALE OF KITTY HAWK PROPERTY:

Chairman Griffin stated that the Finance Committee met earlier today and recommended the following regarding the sale of County owned property at 5200 N. Croatan Highway, Kitty Hawk, NC:

- Deny DPJ Residential Acquisitions, LLC's offer of \$3.5 million.
- Deny Resource Building Corporation's offer of \$3.75 million.
- Accept the Town of Kitty Hawk's offer of \$4 million.
- Rescind the Board's direction to seek an appraisal.

Motion was made by Barry Overman, seconded by Cecil Perry to deny DPJ Residential Acquisitions, LLC's offer of \$3.5 million; deny Resource Building Corporation's offer of \$3.75 million; accept the Town of Kitty Hawk's offer of \$4 million; and rescind the Board's direction to seek an appraisal for property located at 5200 N. Croatan Highway, Kitty Hawk, NC. The motion carried 4 to 2, with Commissioners Lavin and Meads voting in opposition.

8. COUNTY ATTORNEY'S REPORT:

County Attorney Mike Cox thanked Emergency Management Director Brian Parnell and Assistant EM Director Josh Wyse for getting the Emergency Management Ordinance Updated.

9. REPORTS FROM COMMISSIONERS:

Commissioner Lavin attended the monthly Parks and Recreation meeting. He remains encouraged by the new format of the group and some of the initiatives they are taking on. He also attended the Newland Drainage Advisory Committee meeting. They recently received some grant funding, which will help them address some of the drainage issues. He attended open house at NEAAAT. He reminded the Board that Thursday is Coast Guard Day. He stated that coming into the meeting he received an alert about a five-car accident at Morgan's Corner. He is thoughtful of the people involved and their families. It's bad that this intersection is discussed often and how dangerous it is. He hopes that something will be done about it in the near future.

Commissioner Meads attended the monthly Solid Waste/Landfill Committee meeting where they discussed the future of the landfill. He also performed a walk around of the courthouse with Maintenance Director, Chris Jones to identify maintenance issues in and around the courthouse. He hopes to schedule a Building & Grounds Committee meeting in August to come up with a plan for addressing the repair issues.

Commissioner Overman attended the EMS Board meeting. A lot of information was shared. Some of it the Board will probably see in their upcoming meetings. He attended the joint city, county, school board social event. Lastly, he attended the Tourism Development Authority meeting and noted that they have two new employees.

Commissioner Perry attended the joint city, county, school board social event as well. He thought it was a great get together, and a great opportunity to share thoughts with one another. He reported that the Health Department has a new Director, Ms. Ashley Stoop. She has been with the department for a very long time, and he thinks she was an excellent choice. She's very innovative and friendly to everyone. He attended the Jail Board meeting. He noted that they continue to have challenges with filling vacancies.

Vice-Chairman Jordan attended the Committee of 100 Luncheon, the Economic Development Commission Meeting, the Solid Waste/Landfill Committee Meeting, the Joint City, County, School Board Social, the Sentara Groundbreaking, the Shut up & Listen Records Ribbon Cutting, and the Parks & Recreation monthly meeting.

Chairman Griffin attended the Sentara Groundbreaking Event. He estimated over 200 people were in attendance. The new facility will be one of the largest investments Sentara has made in their system. He attended the Shut up and Listen Ribbon Cutting. He said he is glad to see so many women participating with businesses downtown; whether they are women owned businesses or they are supporting their families. He attended the Airport Authority meeting. They are moving forward with expansion of their apron and taxiways, and the Coast Guard is working on some of their infrastructure concerns that they have. He said the ECSU drone facility is moving along nicely. Their Crime Lab will be housed in the same general location,

and it will be significant to Northeastern North Carolina.

There being nothing further to come before the Board;

Motion was made by Jonathan Meads, seconded by Sean Lavin to adjourn the meeting. The motion carried and the meeting was adjourned at 6:24 PM.

CHAIRMAN

CLERK TO THE BOARD