

**PASQUOTANK COUNTY, NORTH CAROLINA  
SEPTEMBER 4, 2018**

The Pasquotank County Board of Commissioners met today in a regular meeting on Tuesday, September 4, 2018 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Cecil Perry, Chairman  
Dr. William R. Sterritt, Vice-Chairman  
Lloyd E. Griffin, III  
Jeff Dixon  
Joseph S. Winslow, Jr.  
Frankie Meads  
Charles H. Jordan

**MEMBERS ABSENT:** None

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

The meeting was called to order at 7:00 PM by Chairman Perry. Commissioner Griffin gave the invocation and observed a moment of silence in remembrance of Senator McCain, and Vice-Chairman Sterritt led in the Pledge of Allegiance to the American Flag. Chairman Perry welcomed and thanked everyone for coming out and participating in tonight's meeting.

**1. AMENDMENTS TO THE AGENDA:**

Chairman Perry asked if there were any amendments to the agenda. Vice-Chairman Sterritt requested that the agenda be amended to add the following items recommended by the Finance Committee to New Business: 1) Call for a Public Hearing on Moratorium on New Solar Farms; and 2) Request for County to Submit \$800,000 Golden Leaf Grant through UNC Kenan-Flagler's 501/c/3.

Motion was made by William Sterritt, seconded by Jeff Dixon to amend the agenda to add the two items recommended by the Finance Committee to New Business. The motion carried unanimously.

**2. APPROVAL OF AMENDMENTS TO COUNTY ORDINANCE PROHIBITING THE USE OF TOBACCO AND VAPOR PRODUCTS:**

Attorney Mike Cox explained that the Board held a public hearing at the last meeting on Amendments to the County Ordinance Prohibiting the Use of Tobacco and Vapor Products and voted to approve it. Since upon the first reading all members of the Board must be present and voting in the affirmative in order for a police power ordinance to be approved, the Board could not give final approval to the ordinance because the vote was not unanimous.

Motion was made by Jeff Dixon, seconded by Joe Winslow to approve the Amended Ordinance to Define Certain Terms and to Prohibit the Use of Tobacco and Vapor Products in County Buildings, on County Grounds, and in County Vehicles as proposed. The motion carried five to two, with Commissioners Griffin and Meads voting against the motion, and the following amended ordinance was adopted:

**AN ORDINANCE AMENDING THE  
PASQUOTANK COUNTY CODE OF ORDINANCES  
TO DEFINE CERTAIN TERMS AND TO PROHIBIT  
THE USE OF TOBACCO AND VAPOR PRODUCTS  
IN COUNTY BUILDINGS, ON COUNTY GROUNDS  
AND IN COUNTY VEHICLES**

**WHEREAS**, pursuant to N.C. Gen. Stat. §153A-121, a county may by ordinance, define, regulate, prohibit or abate acts, omissions or conditions detrimental to the health, safety or welfare of its citizens; and

**WHEREAS**, pursuant to N.C. Gen. Stat. §153A-169, a county may by ordinance regulate the use of county property; and

**WHEREAS**, pursuant to N.C. Gen. Stat. §130A-498, a county may adopt and enforce ordinances restricting or prohibiting smoking that apply in county government buildings, on county government grounds, in county owned vehicles or in public places; and

**WHEREAS**, Pasquotank County currently regulates smoking within certain county buildings; and

**WHEREAS**, Pasquotank County desires to expand the designated areas to prohibit smoking, the use of tobacco and vapor products on all county grounds and county vehicles except certain designated parks; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners for the County of Pasquotank as follows:

Part I. The Pasquotank County Code of Ordinance is rewritten to read as follows:

~~Section 1. It shall be unlawful for any person to smoke tobacco products, to cause or allow smoke to be emitted from tobacco products or to use smokeless tobacco products within the following county buildings:~~

~~Pasquotank County Courthouse  
W.C. Witherspoon Memorial Library  
Pasquotank County Health and Social Services Building  
Pasquotank County Cooperative Extension Building  
Pasquotank County Tax and Register of Deeds Office Building  
Public Safety Building  
Pasquotank County Convenience Sites  
Pasquotank County Landfill Facilities  
Electronics Recycling Center  
Edgewood Center  
Harrell House  
Northeast Marketing Center  
Pasquotank County Utilities Building  
Pasquotank County Water Plant Building and accessory buildings located on the Pasquotank  
—County Water Plant property  
Pasquotank County Reverse Osmosis Water Plant  
Probation and Parole Office  
Albemarle District Jail~~

~~Section 2. It shall be unlawful for any person to leave tobacco product ashes or residue, cigarettes or cigarette butts upon any floor, stairway, windowsill, or any other surface within the county buildings named in Section 1. of this ordinance.~~

~~Section 3. The violation of this ordinance shall be a misdemeanor and upon conviction shall be punishable by a fine not more than five hundred dollars (\$500.00) or imprisonment for not more than 30 days.~~

## § 1 SMOKING, TOBACCO AND VAPOR PRODUCT USE.

(A) *Authority.* This subchapter is enacted pursuant to N.C. Gen. Stat. §153A-121, §153A-169, and §130A-498.

(B) *Definitions.* For the purpose of this subchapter, the following definitions shall apply:

**SMOKING.** The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product as defined by N.C. Gen. Stat. §130A-492 (16).

**VAPOR PRODUCT.** Any non-combustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge as defined by N.C. Gen. Stat. §14-313(5).

**TOBACCO PRODUCT.** Any product that contains tobacco and is intended for human consumption, as defined by N.C. Gen. Stat. §14-313(4). As used in this subchapter, this does not include a tobacco product regulated by USFDA and prescribed for smoking cessation.

**COUNTY BUILDING.** A building owned by Pasquotank County, leased as lessor by Pasquotank County, or the area leased as lessee by Pasquotank County and/or occupied by Pasquotank County, within the meaning of **LOCAL GOVERNMENT BUILDING** as defined by N.C. Gen. Stat. §130A-492(8).

**COUNTY VEHICLE.** A passenger carrying vehicle owned, leased, or otherwise controlled by Pasquotank County and assigned permanently or temporarily by Pasquotank County to Pasquotank County employees, agencies, institutions, or facilities for official Pasquotank County business, within the meaning of "local vehicle" as defined by N.C. Gen. Stat. §130A-492(9).

**COUNTY GROUNDS.** An unenclosed area owned, leased, or occupied by Pasquotank County, within the meaning of "grounds " as defined by N.C. Gen. Stat. §130A-492(6) except parks, playgrounds and athletic fields, greenways, trails and open space land owned, leased or occupied by Pasquotank County.

**MANAGER.** The individual exercising the powers and duties of manager for Pasquotank County pursuant to N.C. Gen. Stat. §153A-82.

*(C) Areas where smoking, use of tobacco products and use of vapor products are prohibited.*

(1) Smoking, use of tobacco products and use of vapor products are prohibited in any county building, any county vehicle and on any county grounds.

(2) The Manager shall direct conspicuous and clear signage to be posted at reasonable intervals at all county buildings and grounds where smoking, use of tobacco products and use of vapor products are prohibited by this subchapter.

(3) This subchapter does not prohibit smoking, use of tobacco products, and use of vapor products on streets, rights of way, sidewalks, or other property not owned or leased by Pasquotank County as lessor or lessee.

(D) A violation of this ordinance shall be an infraction and upon conviction shall be punishable by a fine in the amount of \$50.

Part II. Severability. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part of this ordinance to be invalid, such decision shall not affect the remaining provisions of this ordinance or the Code of Ordinances of Pasquotank County, North Carolina.

Part III. This ordinance is effective upon adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Commissioner Dixon asked that fines generated by the ordinance be directed to the school system if possible.

Commissioners said he does not feel the ordinance is enforceable.

### **3. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

a. Approval of Minutes of August 20, 2018 Commissioner Meeting

b. Approval of Tax Releases and Refunds

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

Tax Releases

		County	City
1.	Michael R. Lassiter	234.85	
2.	Perry Glass Co. Inc	2,239.16	2,151.92
3.	Perry Enterprise Group	3,649.80	3,104.70
4.	Vianna Rose Bell Donahoe	658.35	560.03
5.	HD Supply Waterworks Ltd.	192.23	
6.	Panera LLC 601689	2,350.16	1,999.16
7.	Xerox Corp	286.17	243.43
8.	William Earl Winslow Jr.	167.71	
9.	United Rentals	256.60	218.28
10.	Pierre Edward Baker	415.50	
11.	Billy S. & Barbara T. Davis Lf Est	144.00	
12.	Michelle D. & William Daczkowski	399.63	339.95
13.	McCarthy Improvement Co.	207.21	
14.	Morgan Stanley Smith Barney LLC	106.11	90.26

Tax Refund

		County	City
1.	Larry B. & Shirley Beatty	160.89	

Solid Waste Fee Releases

		Parcel ID #	Reason for Release
1.	Mary S. Berry Lfe. Est.	24-B -16	Vacant
2.	Florence Evans Etal	P126-32	Vacant
3.	Rudene R. & Robert J. Felton	11-D-6	Vacant
4.	Demetris Holley	12-C-1	Uninhabitable
5.	Willie Sam & Paula M. Keith	P120-215	Vacant
6.	Janice Poole & Hattie Poole	P95-21	Uninhabitable
7.	James Pool Heirs	P64-60	Uninhabitable
8.	Luther Jr. & Judith Williams Lfe. Est.	P80-79	Uninhabitable
9.	Tony Lewis	23-R-27	Vacant
10.	Tony Lewis	50-L-8	Vacant
11.	Tony Lewis	12-G-16A	Vacant
12.	Mary Anderson	P120A-57	Vacant
13.	Tameca Michelle Bowe	39-A-22	Vacant
14.	Dorothy Etheridge	P63-40-1	Vacant
15.	James Lee Fagans	50-B-8	Vacant
16.	Geneva Gibbs	25-C- 89& 90	Uninhabitable
17.	Mary D. & John W. Gibson Lfe. Est	P63-4	Vacant
18.	Elizabeth S. Overton Lfe. Est.	P98-16	Uninhabitable
19.	Basilio A. Perez	P119-37	Vacant
20.	Basilio A. Perez	P119A-5,6	Vacant
21.	Alexander Jr.& Helen Sutton	P63-7	Vacant
22.	Margaret S. Teat Etal	P112-31	Vacant
23.	Hazel white Heirs	P142-12	Vacant
24.	Gertrude Williams	P111A-18	Uninhabitable
25.	Margaret B. Barham	P96-42	Vacant
26.	Charles Jr. & Carolyn J P Everett	21-F-10-11A	Vacant
27.	Dorothy Gallop Gregory	P111-41	Uninhabitable

c. Amendment No. One to the Counties of Camden, Chowan, Currituck, Dare, Hyde Martin, Pasquotank, Perquimans, Tyrrell, and Washington Other Post-Employment Benefits Trust Agreement

On November 21, 2016, Pasquotank along with Camden, Chowan, Currituck, Dare, Hyde, Martin, Perquimans, Tyrrell, and Washington counties created the Other Post-employment Benefits irrevocable trust for the funds held for health benefits for the retirees of the former Albemarle and Tideland Mental Health agencies. In order for the trust to invest in the equity portion (BlackRock) of the State Treasurer's Ancillary Governmental Participant Program (AGPIP), BlackRock requires that the name of the trust exactly match the name assigned by the IRS with the federal identification number. Rather than trying to change the trust name with the IRS, participating counties are being requested to change the trust name to Albemarle and Tideland Mental Health Retirees Health Insurance Trust. The Finance Committee has recommended approval of the request.

Motion was made by Jeff Dixon, seconded by Joe Winslow to approve the Consent Agenda. The motion carried unanimously.

**4. CALL FOR A PUBLIC HEARING ON MORATORIUM ON NEW SOLAR FARMS:**

Motion was made by Lloyd Griffin, seconded by Jeff Dixon to call for a Public Hearing on Monday, October 1, 2018 at 7 PM in Courtroom C of the Pasquotank County Courthouse to hear comments regarding a 60-day moratorium on all new solar farm applications. The motion carried unanimously.

**5. REQUEST FOR COUNTY TO SUBMIT \$800,000 GOLDEN LEAF GRANT THROUGH UNC KENAN-FLAGLER'S 501/C/3:**

County Manager Sparty Hammett stated that he was contacted by UNC Professor Nicholas Didow indicating that he has been authorized to organize and submit a single regional LOI proposal to Golden LEAF through UNC Kenan-Flagler's 501/c/3 on behalf of any county that wants to identify either: a dock infrastructure and site improvement project; or a waterfront terminal/visitor welcome center with passenger amenities project.

Phillip McMullen stated that he is here tonight representing Professor Didow. He provided a background of the Harbor Town Project. He said when he moved to northeastern North Carolina he had a job at ECSU as Director of Northeastern North Carolina Tomorrow. He had previously been at the Research Triangle Institute and they were asked by the governor to give an economic development strategy for the state in 1974. He said there were a lot of people involved in it. There were a lot of good suggestions, including textiles, tobacco, and furniture, but they said nothing useful about northeastern North Carolina. Having been born and raised in Edenton, he wanted to see if he could do something about it. He stated that a number of good ideas came along. They tried hard to bring smoke stack industry in, but our environmental situation often and in some cases always, precluded going ahead with it. He said he looked at what we have and found that we have water, history, and beautiful land and asked his self what we can do with it.

Mr. McMullen said a number of people decided to see what could be done to get people on the water. They talked to a company in Jacksonville, Florida and convinced them to bring a tour boat with entertainment and dinner cruises. It was stationed in Elizabeth City and traveled around through the region. He came to Elizabeth City because he wanted to be able to sell liquor because that was the only way he was going to be able to make money. He said it was very successful for one summer, but when he took the boat to Manteo, for two months they refused to let him operate. They went to the state and required him to put in an entire new kitchen. Since he lost those two months, he could not afford to come back. He said they continued to try to find other ideas. At that time, they decided to see if they could move boats back and forth between the towns. He said the smaller boats could move passengers fast enough that people would be encouraged to stay in the region for a whole week.

Mr. McMullen said about that time he got on the Northeastern Partnership and they were very interested in tourism at the time. They supported the concept. A number of studies were performed, including infrastructure and type of boat that would do best. They decided a 49 passenger catamaran would be the best option then and it still is today. He contacted the North Carolina State Tourism office economist and the two of them put together a feasibility study. At that time, they were not talking about just the Albemarle; they were talking about the Albemarle, Manteo, and the Pamlico. He provided the study to the Manager Hammett.

Mr. McMullen went on to say that it was going along very well and everyone from all the towns were very interested in it until suddenly the Outer Banks Chamber of Commerce talked to their legislators and said these people are planning to steal all our tourists. The next thing they knew, they began to run into opposition. The Elizabeth City Main Street Program agreed to put a proposal into the Golden LEAF Foundation to support the project and they won the award, but when he did the business plan for it they threw it in the wastebasket and said they were told to take it back. The Tourism office then said they were going to close down entirely. He stated that was a good twenty years ago. They all went on and did other things. Then, the study circulated again recently and people are starting to ask them about it. Stan Riggs at East Carolina was interested in it for the Outer Banks. Professor Didow somehow heard about it and sent his graduate students down to collect all the information on it and took it back and made it a project for his graduate students. The professor did a feasibility study for the project, which he then became very committed to his self. The professor said this should have happened 25 years ago. He has come down here a number of times and given a presentation on the feasibility study.

Mr. McMullen stated that the Department of Archives and History brought a boat up (The Spirit of Washington) to the Museum for the celebration of the 350<sup>th</sup> Anniversary of the Albemarle and they charged \$1,000 per person to take a ride on the boat over a period of three or four days. Apparently, all of the seats were sold out in a day and a lot were waiting. They traveled from here over to Perquimans and from there over to Edenton, Plymouth, and Columbia before they returned. He talked to a number of people that were on it when they came back, and said it was one of the best vacations they had ever been on. He stated that people like to go out and ride on boats for their vacations and they think that it would sell. They then talked to all the counties, and all five counties and all five towns passed resolutions in support of the concept. The professor is in the process of convincing the governor to back this idea.

He said they are very committed to this idea and they have now begun to negotiate with a prominent ferry builder and operator who they had talked to twenty five years ago, and he has showed an interest again.

Peter Thompson, Chairman of the Committee of 100, stated that they are trying to find funding from both state and federal sources. He said they would be much happier if the Golden LEAF grants were being granted in about six months' time, but they did not choose the timing. They would have rather had organizational meetings with the Board and have their own 501(c)(3). He said with any Golden LEAF grant there are no administrative fees, so they have nothing to gain and Kenan-Flagler would be the administrator. They had a two hour meeting with Dan Gerlach in Rocky Mount and were told that this round of Golden LEAF funding would be 1) for economic development projects, 2) bricks and mortar, 3) his board would give the priority to regional projects rather than senior projects, and 4) while tourism is not ideal, the idea of a fast ferry connection is good as a regional idea, but he would only fund possibly those things that were connected with ferry infrastructure such as docks, terminal, and ground. With that in mind, Kenan-Flagler agreed to act as an administrator with no fee and move forward with asking the counties to participate. At this time, the counties have decided that this has happened too fast for them. He stated that they are worried that this only comes along every now and then.

The Board voiced concerns about future operating expenses of the project due to lack of a business plan, as well as conflicts with other grant applications and projects. Commissioner Dixon said it is vital that Dare County is on board. Mr. Thompson said he was told by the major ferry company that fast ferries break even the first year the infrastructure is paid for, and goes up from there. They hope they can turn to the state and feds once they received Golden LEAF funds. He said they were told if they can get all the counties together, Dare County would come onboard. Vice-Chairman Sterritt said Pasquotank County would benefit more from this project than anyone else and he feels our residents will support it. He does not want to hold the project up waiting on I-87, which is only a dream that may happen in 40 years.

Commissioner Dixon said he likes the idea, but he needs to know how much it is going to cost Pasquotank County every year. Vice-Chairman Sterritt said if the project is no longer working for the County after five years or so we can tell them we are not going to spend any more money on it. Commissioner Meads said he hopes this is not another "Dolly Parton Project".

Mr. McMullen said at this time they would ideally like the Board to vote for the Golden LEAF grant only. He said the Board will obviously need a complete business plan before moving

forward. He said there is a lag time of about two months before the grant will be awarded and they hope to have more information for the Board by that time. He noted that it is a \$22 million project.

Motion was made by Bill Sterritt, seconded by Jeff Dixon to authorize submission of a single regional LOI proposal to Golden LEAF for \$800,000 through UNC Kenan-Flagler's 501/c/3 on behalf of the county for either a dock infrastructure and site improvement project or a waterfront terminal/visitor welcome center with passenger amenities project. The motion failed 3 to 4, with Commissioners Griffin, Meads, Winslow, and Jordan voting against the motion.

**6. REPORTS FROM COMMISSIONERS:**

Commissioner Winslow reported on the NCACC Annual Banquet he attended in Hickory. He said since the ¼ cent sales tax takes effect October 1, he would like to see a billboard placed either north or south of town saying to please shop in Elizabeth City/Pasquotank County.

Commissioner Meads provided numbers indicating that the County would bring in more money from farm rent than solar farms.

Commissioner Jordan attended a couple ribbon cuttings. He welcomed students back at area schools. He informed the Board that the Joint Community Advisory Board is in critical need of members.

Commissioner Griffin stated that Camden County is worried that if we put a 60-day moratorium in place on new solar farms that their large tracts of land will start to be recipients. He reported on the Workforce Development Program, Senior Nutrition Program, and STI funding. He requested staff send a letter to NCDOT regarding interchanges for I-87 in our area.

Commissioner Dixon reminded the Board that the NC Department of Military & Veterans Affairs will be in Pasquotank County on September 24<sup>th</sup> for a tour/SWOT analysis of the Coast Guard Air Station. He reported that the Special Projects Committee met recently. They discussed the new Flood Damage Prevention Ordinance, as well as possibly joining the Community Rating System, which can save homeowners 5% or more on their flood insurance. He attended the Water Committee Meeting. He said the Elizabeth City/Pasquotank County Economic Develop Commission is very close to having a new director and the Tourism Authority is performing interviews this week for a new director.

Vice-Chairman Sterritt attended the Community Relations Commission meeting recently. They now meet on the 4<sup>th</sup> Tuesday of each month at 6:30 PM in the Public Safety Building Community Room. He provided an overview of the committee's happenings. He reported that he will be absent at our next meeting. He appointed Frankie Meads as Chairman of the Finance Meeting on September 17, 2018.

Commissioner Winslow reminded the Board that there will be a memorial service on September 29 for Seth E. Perry on the courthouse lawn. The Board suggested staff prepare a proclamation declaring September 29, 2018 as Seth E. Perry Day.

Chairman Perry attended the NCACC Annual Conference in Hickory.

Motion was made by Lloyd Griffin, seconded by Jeff Dixon to adjourn the meeting. The motion carried and the meeting was adjourned at 8:45 PM.

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CHAIRMAN

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CLERK TO THE BOARD