

**PASQUOTANK COUNTY, NORTH CAROLINA
SEPTEMBER 17, 2018**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, September 17, 2018 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Cecil Perry, Chairman
Jeff Dixon
Lloyd E. Griffin, III
Joseph S. Winslow, Jr.
Frankie Meads
Charles H. Jordan

MEMBERS ABSENT: Dr. William R. Sterritt, Vice-Chairman

OTHERS PRESENT: Sparty Hammett, County Manager
R. Michael Cox, County Attorney
Shelley Cox, Planning Director
Brad Gardner, Solid Waste Director
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 Pasquotank County 4-Her Wil Haines, along with his brother, led in the Pledge of Allegiance to the American Flag. Chairman Perry welcomed and thanked everyone for coming and taking part in tonight's meeting.

1. AMENDMENTS TO THE AGENDA:

Chairman Perry asked if there were any amendments to the agenda. Commissioner Meads requested that the agenda be amended to add the following items: 1) Approval of Establishment of a Personnel Appeals Committee to the Consent Agenda and 2) Approval of Proposed Priorities for Hometown Strong to New Business.

Motion was made by Frankie Meads, seconded by Joe Winslow to amend the agenda to add Item 1 to the Consent Agenda and Item 2 to New Business, as recommended by the Finance Committee. The motion carried unanimously.

2. COMMENTS FROM WIL HAINES:

Chairman Perry called on Wil Haines, a 15-year old 4-Her from Newland, who has been an active County 4-Her in Pasquotank County for the last ten years and does many activities and programs with 4-H on the county, district, and state level. Wil stated that he recently attended the state county commissioners meeting in Hickory, and participated in activities and workshops to learn more about county government. He said he had the privilege of meeting Chairman Perry and County Manager Hammett who were in attendance.

3. PUBLIC HEARING ON PROPOSED ZONING TEXT AMENDMENT ZTA 18-01:

Chairman Perry called on Planning Director Shelley Cox to outline Zoning Text Amendment ZTA 18-01. Mrs. Cox explained that staff is proposing this text amendment to reduce the property line setbacks for communication facilities from 110% of the height of the tower to 50% of the height of the tower. The 110% setback from existing structures will remain and an additional 110% setback will be established from public rights-of-way. She stated that the proposal has been generated as a solution to a situation that currently exists near the County's Wellfield Road convenience site. Due to frequent flooding and a need for expansion, the Solid Waste Department is considering shifting the location of the site closer to Wellfield Road and further away from existing residences in Vicky's Ridge. She said this action will also require moving property boundaries that are within the setback of an existing communications tower. She noted that the purpose of establishing a 110% setback for towers is to ensure a clear "fall zone" should a tower fall straight down to the ground during a structural failure. She said although the proposed amendment would reduce the property line setbacks for communication facilities county-wide, clear fall zones will be ensured by retaining the 110% setback for existing structures and the public rights-of-ways. Ms. Cox advised that the Planning Board reviewed the text amendment on August 23 and voted to recommend approval.

Engineer Pat McDowell provided an overview of the proposed upgrades to the Wellfield Road Convenience site and laydown area. Commissioner Griffin questioned the layout of the site. Mr. McDowell noted that tonight's exercise is to purely deal with the ordinance and the final dimensions and layout of the site will be determined in the future.

Chairman Perry declared the meeting to be a public hearing on Zoning Text Ordinance Amendment ZTA 18-01. He asked if anyone would care to comment on the proposed zoning text amendment. At the absence of comments, the public hearing was closed.

Motion was made Lloyd Griffin, seconded by Joe Winslow to adopt a consistency resolution and to approve Zoning Text Amendment ZTA 18-01 as presented. The motion carried unanimously and the following consistency resolution and zoning text amendment were adopted.

**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
FOR TEXT AMENDMENT ZTA 18-01**

WHEREAS, Section 153A-341 (2017) of the North Carolina General Statutes specifies that the governing board shall approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable; and

WHEREAS, the Pasquotank County Board of Commissioners considers the Zoning Ordinance text amendment to Article 7; Section 7.02 Note 9 Communication Towers to be consistent with the Pasquotank County Elizabeth City 2004 Advance Core Land Use Plan, Land Use Compatibility Policy 1 "Ensure that land use and development activities provide a balance between economic development needs and protection of natural resources and fragile environments" and Policy 13 "Conduct an ongoing review of the zoning regulations to assure that urban development that is occurring is compatible with the area and is supportable by County services."

WHEREAS, the Pasquotank County Board of Commissioners has determined that the text amendment is reasonable and in the public interest because the proposed setbacks will ensure a clear fall zone of 110% of the height of the tower between existing structures and public rights-of-way; and

WHEREAS, the Pasquotank County Board of Commissioners conducted a Public Hearing on September 17, 2018 for consideration of text amendment case ZTA 18-01 as submitted by the Planning Department staff;

NOW, THEREFORE BE IT RESOLVED THAT THE PASQUOTANK COUNTY BOARD OF COMMISSIONERS HEREBY:

Finds that the adoption of the text amendment as represented in ZTA 18-01 is consistent with the Pasquotank County Elizabeth City 2004 Advanced Core Land Use Plan and is reasonable and in the public interest based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff and the Pasquotank County Planning Board.

ADOPTED this 17th day of September, 2018;

**AMENDMENT TO THE ZONING ORDINANCE REGARDING
CELL PHONE TOWER SETBACKS**

WHEREAS, N.C.G.S. §153A, Article 18 "Planning and Regulation of Development" allows a county to adopt and enforce a zoning ordinance to regulate and promote the health, safety, morals or the general welfare of its citizens; and

WHEREAS, pursuant to that authority the Pasquotank County Board of Commissioners has adopted a zoning ordinance; and

WHEREAS, it is in the best interest of Pasquotank County to amend its zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF PASQUOTANK as follows:

Section 1. The Pasquotank County Zoning Ordinance shall be amended as follows:

**ARTICLE 7
DISTRICT REGULATIONS**

SECTION 7.02 – NOTES TO THE TABLE OF PERMITTED USES

Note 9. Communication Facilities

Towers and Antennas shall be subject to the following:

- a) Towers and antennas shall be required to maintain a setback from front, side and rear property lines ~~and existing structures a distance equal to the height of the tower and antenna(s) plus 10%~~ a distance equal to 50% of the height of the tower. Towers shall be setback from existing structures and public rights-of-way a distance equal to the height of the tower and antenna(s) plus 10%. Guy wires, when applicable, shall conform to the setback provisions of Article 8.

Section 2. This amendment shall be effective upon adoption.

ADOPTED this 17th day of September, 2018.

4. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. *Approval of Minutes of September 4, 2018 Commissioner Meeting*

b. *Approval of Tax Releases and Refunds*

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

Tax Releases

		County	City
1.	Carolina coastal Plastic Surgery	460.34	391.59

Tax Refunds

		County	City
1.	Nils Michael Gustafson	122.91	
2.	Ryan Mathew Nielsen	217.53	
3.	Tiffany Louise Pulliam	158.42	

Solid Waste Fee Release

		Parcel ID #	Reason for Release
1.	Carrie J. Bernard	P132A-222	Vacant
2.	J. Allen Godfrey	P8A-35	Vacant
3.	George O. & Margaret M. Halstead	P95-46	Vacant
4.	Cythina Moore	29-D-31	Vacant
5.	David Mowers Exec.	P142B-66	Vacant
6.	David Mowers Exec.	P142B-72	Vacant
7.	David Mowers Exec.	P142B-67	Vacant
8.	Earl Overton Lf. Est.	P99-8	Vacant

9.	Charlie E. Price	P98-3	Vacant
10.	C.E. & Blanche Price	50-B-16	Vacant
11.	C.E. & Blanche Price	32-H-12B	Vacant
12.	C.E. & Blanche Price	55-E-25,26	Vacant
13.	Sandra G. Smith	P143A-60	Vacant
14.	Leona Taylor	50-N-23A	Vacant

Solid Waste Fee Refund

		Parcel ID #	Reason for Release
1.	J. Allen & Hazel T. Godfrey	P8A-36	Vacant

c. Approval of Budget Amendments

The Finance Committee has recommended approval of the following budget amendments:

Public Buildings

Increase	010.0400.4834.06	Rent-Edgewood	24,300.00
Increase	010.4190.5351.01	Maintenance-Edgewood	24,300.00

Friends of the Library

Increase	024.0500.4831.00	Interest Earned	35.00
Increase	024.0600.4611.03	Book Sales	900.00
Increase	024.0600.4611.04	Membership Dues	650.00
Increase	024.0600.4611.05	Fundraisers	50.00
Increase	024.0600.4833.00	Donations	100.00
Increase	024.0991.4991.00	Fund Balance Appropriated	2,689.00
Increase	024.6110.5191.00	Audit	100.00
Increase	024.6110.5231.00	Promotion/Education	100.00
Increase	024.6110.5232.00	Library Materials	1,224.00
Increase	024.6110.5261.00	Departmental Supplies	1,500.00
Increase	024.6110.5272.00	Fundraiser Expenses	150.00
Increase	024.6110.5325.00	Postage	50.00
Increase	024.6110.5499.00	Miscellaneous	300.00
Increase	024.6110.5500.00	Capital Outlay	1,000.00

Water/Sewer Capital Reserve

Increase	080.0350.4713.10	System Development Fees	102,600.00
Increase	080.0500.4831.00	Interest Earned	2,000.00
Increase	080.0700.4981.60	Transfer from Water System	75,000.00
Increase	080.8200.5960.91	Reserve-Debt	104,600.00
Increase	080.8200.5980.63	Transfer to RO	75,000.00

Central

Increase	010.0991.4991.00	Fund Balance Appropriated	21,813.00
Increase	010.0600.4941.02	Central-Camden	9,089.00
Increase	010.0600.4940.01	Central-City of Elizabeth City	14,542.00
Increase	010.4325.5500.00	Capital Outlay	45,444.00

911

Increase	022.0220.4532.00	Other Grants	479,198.00
Increase	022.4328.5600.00	Grants Funds	479,198.00

d. Approval of Starting Salary above Base Hiring Rate for DSS IMC II Hire

The Finance Committee has recommended the Board approve the starting salary for an Income Maintenance Caseworker II hire at Pay Grade 13, Step 5 - \$32,333 due to the applicant's six years of experience in a directly related position.

e. Approval of Eight Hours of Vacation Time for United Way Drawing

The Finance Committee has recommended that the Board authorize eight hours of vacation time for one employee whose name will be drawn from the pool of all employees who contribute a minimum of \$24 to the United Way.

f. Approval to Establish a Personnel Appeal Committee

The Finance Committee has recommended establishing a Personnel Appeals Committee consisting of three (3) members and two (2) alternates in order to meet the timelines established in the Personnel Policy for each step of the Appeal Process.

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

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

		County	City
1.	Andrew L. Kee	63.64	
2.	William Guy Murphy		34.89
3.	Floyd E. Simpson Jr.	66.99	
4.	Suzanne Tungate	94.71	80.57
5.	Edward W. & Brenda Murphy		46.36
6.	George H. Bell	18.48	
7.	Rosmas James & Robert K. Skinner		36.00
8.	Kathryn Hughes	25.64	
9.	Eula & Melvin Reid	43.12	
10.	Faith Works by the Water LLC	32.61	27.74
11.	Cathy B. & Berle W. Wilson	50.05	
12.	Dollar General Store #11410	38.58	32.82
13.	Dollar General Store #12463	37.96	
14.	Dollar General Store #2786	25.80	21.94
15.	D & D Mobile Home Repairs & Moving Inc.	99.02	
16.	Loyce W. Twiford	15.61	
17.	Kay W. Weeks	73.44	

5. APPROVAL OF REQUEST TO RETIRE DUTY WEAPON, BADGES, AND CELL PHONES FOR RETIRED SHERIFF'S DEPARTMENT EMPLOYEES:

The Board considered a request from Captain Travis Jackson to retire the duty weapons, badges and cell phones (including numbers) and award them to Lieutenant William Ward, III and Sheriff Randy Cartwright upon their retirements. The Sheriff's Department has a policy that allows sworn law enforcement officers who retire to receive their badges at no cost and to receive their service side arms at the discretion of the Board of Commissioners according to a price schedule based on their years of service. Lt. Ward is retiring after 23 years of service and Sheriff Cartwright is retiring after 24 years of service. According to the schedule, retiring officers with more than 20 years of service would receive their weapons at no charge.

Motion was made by Lloyd Griffin, seconded by Charles Jordan to retire the duty weapons, badges, and cell phones (including numbers) and award them to Lieutenant William Ward, III and Sheriff Randy Cartwright according to the Sheriff's Department policy and fee schedule. The motion carried unanimously.

6. RECOMMENDATIONS BY BOARD APPOINTMENTS COMMITTEE:

Commissioner Jordan reported that the Appointment Committee met this afternoon and would like to make the following recommendations:

East Albemarle Regional Library Board – Reappoint Phyllis Phillips, Charles Jordan, and Rowena Roby to additional terms.

Animal Control Board – Appoint Bettie Mitchell Lyons to replace Ann Hoffman as SPCA Representative (Joint County/City Appointment).

Motion was made by Jeff Dixon, seconded by Lloyd Griffin to approve the appointments as recommended by the Appointments Committee. The motion carried unanimously.

7. APPROVAL OF HOMETOWN STRONG PRIORITIES:

The Finance Committee has recommended approval of Hometown Strong's top three priorities as follows: 1) Infrastructure - I-87; 2) Education and Workforce – Support for Elizabeth City State University; and 3) Revitalize Waterfront. The board considered the Hometown Strong priorities.

Motion was made by Jeff Dixon, seconded by Joe Winslow to recuse Lloyd Griffin from consideration of the Hometown Strong priorities due to a conflict of interest. The motion carried unanimously.

Motion was made by Joe Winslow, seconded by Jeff Dixon to approve the Hometown Strong priorities as recommended by the Finance Committee. The motion carried unanimously.

8. REPORTS FROM COMMISSIONERS:

Commissioner Winslow praised the County's Emergency Management staff, and all those who have worked very hard the last several days during Hurricane Florence. He is very proud of the services the County offers to its residents, and would like to thank each and every one who helped.

Commissioner Meads noted that sales tax should be up this month due to extra expenses from the storm. He is glad Pasquotank County fared relatively well.

Commissioner Jordan attended the 911 Memorial Day Celebration. He reported that the Trillium meeting was cancelled due to the storm.

Commissioner Dixon stated that a number of the County's Central Communication staff won some outstanding awards recently and he would like to see the staff members recognized at a future meeting.

Chairman Perry reported that he spent some time in the Emergency Operation Center during the storm and noted that they are doing an excellent job with keeping our residents safe.

9. COMMENTS FROM COUNTY ATTORNEY:

County Attorney Mike Cox informed the Board that Pasquotank County is one of 44 counties affected by the federal subpoena with Elections. He noted that he has spent a fair amount of time on it the last couple weeks.

Motion was made by Lloyd Griffin, seconded by Charles Jordan to adjourn the meeting. The motion carried and the meeting was adjourned at 7:40 PM.

CHAIRMAN

CLERK TO THE BOARD