

**PASQUOTANK COUNTY, NORTH CAROLINA
NOVEMBER 21, 2022**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, November 21, 2022 in Courtroom C in the Pasquotank County Courthouse.

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

MEMBERS ABSENT: Cecil Perry

OTHERS PRESENT: Sparty Hammett, County Manager
John Shannon, Assistant County Manager
Mike Cox, County Attorney
Mike Barclift, Management Fellow
Shatoria Reid, Deputy Clerk to the Board

The meeting was called to order at 6:00 PM by Chairman Lloyd Griffin. Commissioner Charles Jordan gave the invocation and Mike Barclift led in the Pledge of allegiance to the American Flag. Chairman Griffin welcomed those in attendance.

1. PUBLIC COMMENTS FROM REPRESENTATIVE BILL WARD:

Bill Ward stated that he is looking forward to start working and taking care of the State's and district's business. He plans to meet with the Commissioners to discuss the needs of the County.

2. APPOINTMENTS TO BOARDS AND COMMITTEES:

Commissioner Overman, Chairman of the Appointments Committee stated that there are three appointments that have laid over for the two-week requirement. Allison Evans to the ABC Board and to the Animal Control Board and Jimmy Payne to the East Albemarle Regional Library Board.

Motion was made by Barry Overman, seconded by Charles Jordan to appoint Allison Evans to the ABC Board, Allison Evans to the Animal Control Board and Jimmy Payne to the East Albemarle Regional Library Board. The motion carried unanimously.

3. U.S. MOTTO "IN GOD WE TRUST" SIGNAGE:

The County Manager, Sparty Hammett stated that the Board originally approved displaying the U.S. Motto "In God We Trust" on the exterior entrance of the Pasquotank County Courthouse, which would require going through the Historic Preservation Commission's approval process. The option to display the motto "In God We Trust" in the foyer of the Courthouse was discussed with the Building & Grounds Committee. This display is consistent with the intended purpose of the sponsors for the proposal (US Motto Committee) and maintains the current building exterior. The Building & Grounds Committee recommended displaying "In God We Trust" in the foyer of the Courthouse, aligning the text straight across.

Motion was made by Jonathan Meads, seconded by Charles Jordan to display the motto "In God We Trust" in the interior foyer of the Courthouse, aligning the text straight across. The motion carried unanimously.

**RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF
PASQUOTANK, IN THE STATE OF NORTH CAROLINA,
SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO**

**“IN GOD WE TRUST” IN A PROMINENT LOCATION AT THE COURTHOUSE IN
PASQUOTANK, NORTH CAROLINA**

WHEREAS, “In God We Trust” became the United States national motto on July 30, 1956, shortly after our nation led the world through the trauma of World War II and

WHEREAS, the words have been used on United States currency since 1864: and

WHEREAS, the same inspiring slogan is engraved above the entrance to the Senate Chamber as well as above the Speaker’s dais in the House of Representatives: and

WHEREAS, in both war and peace, these words have been a profound source of strength and guidance to many generations of Americans; and

WHEREAS, the County desires to display this patriotic motto in a way to solemnize public occasions and express confidence in our society.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Pasquotank County does hereby resolve as follows:

Section 1. That the Board of Commissioners of the County of Pasquotank, North Carolina, does hereby determine that the historic and patriotic words of our national motto, “In God We Trust” shall be permanently and prominently displayed on the foyer at the Courthouse in Pasquotank, North Carolina, and to remain there in perpetuity.

Section 2. The County Clerk shall certify to the passage and adoption of this resolution and enter it into the book of resolutions.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Commissioners of the County of Pasquotank, North Carolina, held on the 21st day of November 2022.

4. REPEAL OF PROHIBITION OF TATTOOING ORDINANCE:

The County Attorney stated that at the last meeting the Board voted 6 to 0 to repeal the ordinance prohibiting tattooing in the County since tattoo parlors are allowed in the C-1 District. The law requires all members vote in favor of an ordinance adoption or repeal at the first meeting it is introduced to be approved. Since the law is not clear how the vacancy affects the vote, the County Attorney recommended a second vote to avoid any issues. On a second vote, only a simple majority is required even if there is a vacancy or a Board member is absent.

Motion was made by Barry Overman, seconded by Sean Lavin to repeal the Tattoo Ordinance as presented. The motion carried unanimously.

**ORDINANCE REVOKING THE PROHIBITION
OF TATTOOING IN PASQUOTANK COUNTY**

WHEREAS, in 1980, Pasquotank County adopted an ordinance prohibiting tattooing within the County; and

WHEREAS, tattooing is now regulated pursuant to the Pasquotank County Zoning Ordinance; and

WHEREAS, it is the desire of Pasquotank County to repeal the “Prohibition of Tattooing” Ordinance adopted in 1980.

NOW, THEREFORE, BE IT ORDAINED that:

1. The Prohibition of Tattooing Ordinance adopted by Pasquotank County on June 16, 1980 is hereby repealed.
2. This ordinance shall become effective upon adoption.

Adopted this 21st day of November 2022.

5. AMENDMENT OF CERTAIN COUNTY ORDINANCES WITH CRIMINAL PENALTIES TO COMPLY WITH SESSIIN LAW 2021-138:

The County Attorney reported as recent legislation involving criminal penalties in local ordinances, several of the county's ordinances need revision to comply with the new law. The law requires all members vote in favor of an ordinance adoption or repeal at the first meeting it is introduced to be approved. Since the law is not clear how the vacancy affects the vote, the County Attorney recommended a second vote to avoid any issues. On a second vote, only a simple majority is required even if there is a vacancy or a Board member is absent.

Motion was made by Charles Jordan, seconded by Sean Lavin to approve the Decriminalization of Local Ordinances as presented. The motion carried unanimously.

AN ORDINANCE AMENDING VARIOUS ORDINANCES OF PASQUOTANK COUNTY

WHEREAS, Part XIII of S.L. 2021-138 provides that, effective December 1, 2021, a violation of a county ordinance may be a misdemeanor as provided by G.S. 14-4 only if the county specifies such in the ordinance; and

WHEREAS, prior to December 1, 2021, state law provided that the violation of a county ordinance is a misdemeanor unless the board of commissioners otherwise provides; and

WHEREAS, the Pasquotank County Board of Commissioners desires to clarify that several ordinances comply with S.L. 2021-138; and

WHEREAS, the Pasquotank County Board of Commissioners intends for certain ordinance violations to continue to be punishable as a misdemeanor; and

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. The "Reckless Use of Firearms" Ordinance is amended as follows:

~~e. Any person who utilizes a firearm in violation of this ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed FIFTY DOLLARS (\$50.00) or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the Court.~~

c. Any violation of this Ordinance is a misdemeanor as provided by North Carolina General Statute §14-4, punishable by a fine of not more than FIFTY DOLLARS (\$50.00) or imprisonment for not more than thirty (30) days, or both fined and imprisonment. For a continuing offense, each day's violation is a separate offense.

Section 2. The "Ordinance Prohibiting Fishing from Designated Bridges in Pasquotank County" is amended as follows:

~~5. Any person who violates this ordinance is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than thirty (30) days for each separate violation, fined not more than FIFTY DOLLARS (\$50.00) or both.~~

5. Any violation of this Ordinance is a misdemeanor as provided by North Carolina General Statute §14-4, punishable by a fine of not more than FIFTY DOLLARS (\$50.00) or imprisonment for not more than thirty (30) days, or both fined and imprisonment. For a continuing offense, each day's violation is a separate offense.

Section 3. The "Ordinance of Pasquotank County Code to Regulate the Discharge of Firearms" is amended as follows:

1.5 Violations and Penalties

~~(a) Any person violating any provision of this part shall be guilty of a misdemeanor and subject to a fine of not more than \$500 and/or imprisonment for not more than thirty (30) days.~~

~~Violators may be subject to a civil penalty of FIVE HUNDRED DOLLARS (\$500) per violation to be recovered in the nature of debt if not paid within thirty (30) days.~~

(a) Any violation of this Ordinance is a misdemeanor as provided by North Carolina General Statute §14-4, punishable by a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) or imprisonment for not more than thirty (30) days, or both fined and imprisonment. For a continuing offense, each day's violation is a separate offense.

Section 4. “An Ordinance Prohibiting Within Pasquotank County the Creation of any Sound Causing Unreasonable Annoyance, Disturbance, or Discomfort to Reasonable Persons of Ordinary Sensibilities” is amended as follows:

5.01 Penalty for violation of noise restrictions

(a) Any person who violates any provision of this article shall be deemed guilty of a Class 3 misdemeanor as provided by North Carolina General Statute §14-4, punishable by imprisonment not to exceed 30 days or fine not less than \$75.00 and not more than \$500, or both fined and imprisonment. Each day of a continuing violation shall constitute a separate violation. ~~under this article.~~

Section 5. The “Solid Waste Ordinance” of Pasquotank County is amended as follows:

Section IX.

A. The violation of any provision of this ordinance shall be a misdemeanor as provided by North Carolina General Statute §14-4, punishable by a fine not to exceed \$500.00, or imprisonment for not more than 30 days, or both. Each day's violation of this ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for fees or civil penalties imposed under this ordinance.

Section 6. The “Pasquotank County Stormwater Ordinance” is amended as follows:

Section 402 REMEDIES AND PENALTIES

~~(C) Criminal Penalties—Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.~~

Section 7. The “Ordinance Regulating the Operation or Maintenance of Automobile Graveyards and Junkyards in Pasquotank County” is amended as follows:

Section Seven. Violation Shall be a Misdemeanor

~~Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a junkyard or automobile graveyard in violation of this Ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$50.00 or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the Court. Each day that said automobile graveyard or junkyard shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.~~

Section Seven. Any violation of this Ordinance is a misdemeanor as provided by North Carolina General Statute §14-4, punishable by a fine of not more than FIFTY DOLLARS (\$50.00) or imprisonment for not more than thirty (30) days, or both fined and imprisonment. For a continuing offense, each day's violation is a separate offense.

Section 8. The “Ordinance Regulating Abandoned and Junk Motor Vehicles in Pasquotank County, North Carolina” is amended as follows:

ARTICLE VIII ENFORCEMENT REMEDIES AUTHORIZED; PENALTIES FOR VIOLATION

(b) The violation of this ordinance shall be a misdemeanor as provided by North Carolina General Statute §14-4 and in addition to, or lieu of, remedies authorized in subsection (a) above shall be punishable by a fine not to exceed \$500, or imprisonment for not more than 30 days. For a continuing offense, each day's violation is a separate offense.

Section 9. The “Ordinance of the Pasquotank County Board of Commissioners Defining and Regulating Peddlers and Solicitors” is amended as follows:

Section 3. Penalties.

~~A violation of this ordinance shall be punished by a fine or not more than \$500 or by imprisonment for not more than thirty (30) days for each separate violation. Each day any violation of this ordinance shall continue shall constitute a separate offense.~~

Any violation of this Ordinance is a misdemeanor as provided by North Carolina General Statute §14-4, punishable by a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) or imprisonment for not more than thirty (30) days, or both fined and imprisonment. For a continuing offense, each day’s violation is a separate offense. In addition to the penalties previously stated a violation of this ordinance may be enforced by any one or more of the remedies authorized by G.S. §153A-123.

Section 10. The “Ordinance to Prohibit the Use of Tobacco and Vapor Products in County Buildings, on County Grounds and in County Vehicles” is amended as follows:

~~Section 1. (D) – A violation of this ordinance shall be an infraction and upon conviction shall be punishable by a fine in the amount of \$50.~~

Any violation of this Ordinance is a misdemeanor as provided by North Carolina General Statute §14-4, punishable by a fine of not more than FIFTY DOLLARS (\$50.00) or imprisonment for not more than thirty (30) days, or both fined and imprisonment. For a continuing offense, each day’s violation is a separate offense.

Section 11. The “Ordinance Regulating the Use of Golf Carts on Public Streets” is amended as follows:

§1.99 PENALTY.

~~(B) Violation of this chapter shall be a misdemeanor and~~ Any violation of this Ordinance is a misdemeanor as provided by North Carolina General Statute §14-4, punishable by a fine of not more than ONE HUNDRED FIFTY DOLLARS (\$150.00) or imprisonment for not more than thirty (30) days, or both fined and imprisonment. In addition, a violation of this ordinance may be punished with a fine as published by the Pasquotank County Board of Commissioners for each violation, provided, however, that operating a cart under the influence of an impairing substance, alcohol or drugs, on a public road or highway is not a violation of this chapter, but a violation of state law, and is publishable as provided in G.S. Chapter 20.

Section 12. The “Ordinance Regulating and Allowing for the Abatement of Overgrown Lots as Public Health Nuisances” is amended as follows:

Title: “Ordinance Regulating and Allowing for the Abatement of ~~Overgrown Lots as~~ Certain Public Health Nuisances”

Section 7. REMEDIES

Any violation of this Ordinance is a misdemeanor as provided by North Carolina General Statute §14-4, punishable by a fine of not more than FIFTY DOLLARS (\$50.00) or imprisonment for not more than thirty (30) days, or both fined and imprisonment. For a continuing offense, each day’s violation is a separate offense. ~~The procedure remedies set forth in this ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances. and this ordinance shall not prevent the county from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this ordinance as provided in GS 14-4.~~

ADOPTED this 21st day of November 2022.

6. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of November 7, 2022 Commissioner Meetings

b. Approval of Tax Releases and Refunds

The Finance Committee has recommended approval of the following tax releases and tax refunds:

Tax Releases

		County	City
1.	Michael A. Cole	144.00	
2.	Edward M. Gregory Jr	451.85	

Tax Refunds

		County	City
1.	Gerrick L. Bailey	348.00	265.50
2.	Robin Smith Crim	112.37	107.99
3.	Shawn M. & Belinda D. Pepple	132.44	
4.	Shawn M. & Belinda D. Pepple	132.44	
5.	Shawn M. & Belinda D. Pepple	132.44	
6.	Shawn M. & Belinda D. Pepple	132.44	
7.	Alexis Revell	163.25	156.88
8.	Dollie Marie Simpson & Makieyah Joel Liverman	150.06	

Solid Waste Fee Releases

		Parcel ID #	Reason for Release
1.	Mary Perry	P60-66	Vacant
2.	Geneva & Mary Stallings	26-B-27	Vacant
3.	Edward White III	P11-35	Vacant
4.	Pauline B. & Edward Lee White Jr.	P12-21C	Vacant

c. Approval of Budget Amendments

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

SOIL & WATER

Increase	010.0230.4370.00	State Grants	227,000.00
Increase	010.4960.5600.00	Grant Funds	227,000.00

CENTRAL COMMUNICATIONS

Increase	010.0240.4380.25	Federal Grants	61,204.00
Increase	010.4325.5600.00	Grant Funds	61,204.00

Motion was made by Jonathan Meads, seconded by Sean Lavin to approve the Consent Agenda, as presented. The motion carried unanimously.

7. RECOMMENDATIONS FROM THE APPOINTMENTS COMMITTEE:

Commissioner Overman, Chairman of the Appointments Committee met today and has made the following recommendations:

- a) Senior Citizens Advisory Committee – Nominate Stephen Lily and Cheryl Bogue.
- b) District Jail Commission – Reappoint Cecil Perry and Charles Jordan to additional terms.
- c) Economic Development Commission – Reappoint Charles Jordan, Sean Lavin and Lloyd Griffin to additional terms.
- d) EMS Board – Reappoint Jonathan Meads, Barry Overman and James Wilson to additional terms.
- e) Newland Water Management & Watershed Improvement Advisory Board – Reappoint Paul Stallings, Doug Temple, John Spence and Sean Lavin to additional terms.
- f) Personnel Appeals Committee – Reappoint Travis Burke, Dimples Armstrong and Matt Wood to additional terms.

Motion was made by Barry Overman, seconded by Charles Jordan to nominate Stephen Lily and Cheryl Bogue. The new appointments will be

placed on the next agenda for final approval. The motion carried unanimously.

Motion was made by Barry Overman, seconded by Charles Jordan to reappoint Cecil Perry and Charles Jordan to additional terms on the District Jail Commission; to reappoint Charles Jordan, Sean Lavin and Lloyd Griffin to additional terms on the Economic Development Commission; to reappoint Jonathan Meads, Barry Overman and James Wilson to additional terms on the EMS Board; to reappoint Paul Stallings, Doug Temple, John Spence and Sean Lavin to additional terms on the Newland Water Management & Watershed Improvement Advisory Board; to reappoint Travis Burke, Dimples Armstrong and Matt Wood to additional terms on the Personnel Appeals Committee. The reappointments can be approved tonight. The motion carried unanimously.

8. REPORTS FROM COMMISSIONERS:

Commissioner Overman reported visiting the Weeksville Fire Department, as they had taken possession of their new fire truck. He also attended the Tourism Development Authority - Strategic Planning Retreat as well as attended the United Way Philanthropy dinner last week.

Commissioner Meads reported he attended the Solid Waste meeting.

Commissioner Lavin reported he traveled to Greenville, NC to attend the Regional Workforce Chair where they compare and learn best practices. He also traveled to Raleigh, NC to represent the County at the NCACC Legislative Goals Session where he listened to proposed goals such as, recycling assistance, school infrastructure funding and broadband to name a few.

Commissioner Jordan reported attending the Trillium Board meeting via zoom. He also attended a Regionalism meeting on the campus of ECSU, this meeting was hosted by the Elizabeth City Mayor. Mr. Jordan reported attending three Veterans' Day Ceremonies, along with a Chamber meeting. He attended the Jail meeting, United Way Philanthropy dinner and the Arbor Day Ceremony where they planted a tree.

Commissioner Griffin reported that the NC Works Center in Dare has closed. He also informed the Board that on December 6th, 2022 the Albemarle Commission will celebrate 50 years, the celebration will take place at 7 Sounds Brewery.

There being nothing further to come before the Board; the meeting was adjourned at 6:27 PM.

CHAIRMAN

DEPUTY CLERK TO THE BOARD