

**PASQUOTANK COUNTY, NORTH CAROLINA
JANUARY 16, 2024**

The Pasquotank County Board of Commissioners met today in a regular meeting on Tuesday, January 16, 2024 in the Commissioners Boardroom in the Pasquotank County Courthouse.

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

OTHERS PRESENT: Sparty Hammett, County Manager
John Shannon, Assistant County Manager
Mike Cox, County Attorney
Mike Barclift, Management Fellow
Shelley Cox, Planning Director
Lynn Scott, Clerk to the Board

The meeting was called to order at 6:00 PM by Chairman Charles Jordan. Commissioner Clifford Shaw gave the invocation and Commissioner Sam Davis led in the Pledge of Allegiance to the American Flag. Chairman Jordan welcomed those in attendance.

1. AMENDMENTS TO THE AGENDA:

Vice-Chairman Barry Overman requested that the agenda be amended to add the following item recommended by the Finance Committee to the Consent Agenda: 1) Approval of Parking Lease Agreement; and to add the following item to New Business: 2) Recommendations by the Appointments Committee.

Motion was made by Barry Overman, seconded by Sean Lavin to amend the agenda to add Item #1 to the Consent Agenda and Item #2 to New Business. The motion carried unanimously.

2. COMMENTS BY RENEE STALLINGS:

Chairman Jordan called on Renee Stallings of 116 Pineview Drive to address the Board. Ms. Stallings asked for an itemized bill for the new boardroom and public defenders' office space. She also asked if the syringe program will be voted on tonight, and when the Opioid Settlement group will be meeting next. She claimed the Board is not being transparent because people who do not have a means to attend the meetings do not have a way of knowing what goes on during the meetings if the minutes are not done and posted to the website.

3. COMMENTS BY WADE REID:

Chairman Jordan called on Wade Reid of 577 Body Road to address the Board. Mr. Reid stated that something needs to be done regarding deer dog hunters running through his property, chasing his cattle, threatening himself and his son, and tearing his fences down.

4. COMMENTS BY CYNTHIA CHAPMAN:

Chairman Jordan called on Cynthia Chapman of 206 Rachel Drive to address the Board. Ms. Chapman asked that the Board and others review all twelve options for spending the Opioid Settlement Funds in order to be informed prior to making any decisions.

5. CONSIDERATION OF APPOINTMENTS TO BOARDS AND COMMITTEES:

Vice-Chairman Overman, Chairman of the Appointments Committee explained that at the December 4th meeting, the Appointments Committee recommended the following appointments:

Joint Community Advisory Committee – Appoint Melvin Reid.

Planning Board/Board of Adjustments – Appoint Scott Temple.

The appointments have laid over for two weeks, and no additional applications have been received. A copy of the applications has been provided to Board members, and the Board can give final approval to the appointments or can nominate other individuals to fill the vacancies.

Motion was made by Barry Overman, seconded by Sean Lavin to appoint Melvin Reid to the Joint Community Advisory Committee and Scott Temple to the Planning Board/Board of Adjustments. The motion carried unanimously.

6. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of December 4, 2023 Commissioner Meeting

b. Adoption of Resolution Authorizing Upset Bid Process

The County has received an offer of \$2,000 submitted by the American Legion Post 84 Seth E. Perry for property located on Knobbs Creek Drive (P143-63). The American Legion has paid the required 5% deposit. The Finance Committee has recommended adoption of the following resolution to begin the upset bid process:

**RESOLUTION AUTHORIZING UPSET BID PROCESS
FOR PROPERTY LOCATED ON
KNOBBS CREEK DRIVE (P143-63)
ELIZABETH CITY, NORTH CAROLINA**

WHEREAS, the County of Pasquotank owns certain properties more particularly described as follows:

1. P143-63; PIN # 892409061282; Knobbs Creek Drive, Elizabeth City, NC in the Pasquotank County Tax Office and being .7 acres, more or less;

WHEREAS, the North Carolina General Statutes §160A-269 permits the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$2,000, submitted by the American Legion Post 84 Seth E. Perry; and

WHEREAS, the American Legion Post 84 Seth E. Perry has paid the required five percent (5%) deposit on their offer.

THEREFORE, THE PASQUOTANK COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners authorizes the sale of the Property described above through the upset bid procedure of North Carolina General Statute §160A-269.

2. The County clerk shall cause a notice of the proposed sale to be published. The notice shall describe the Property and the amount of the offer, and shall state the terms under which the offer may be upset.

3. Any person may submit an upset bid to the office of the County clerk within ten (10) days after the notice of sale is published. Once a qualifying high bid has been received, that bid will become the new offer.

4. If a qualifying higher bid is received, the County clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit as hereinabove described; the deposit may be made in cash, cashier's check or certified check. The County will return the deposit of any bid not accepted, and will return the deposit on an offer subject to an upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing unless the bidder requests the amount be credited towards the purchase price. In the event the high bid is accepted by the County and the high bidder refuses to close on the Property for any reason the bid will be retained by the County.

7. The terms of the final sale are that:

- the Board of Commissioners must approve the final high offer before the sale is closed, which it will endeavor to do within thirty (30) days after the final upset bid period has passed, and
- the buyer must pay with cash, cashier's check or certified check at the time of closing, and

8. Title will be transferred by non-warranty deed.

9. The County reserves the right to withdraw the Property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Adopted this 16th day of January, 2024.

c. Adoption of Resolution Accepting American Rescue Plan Funding

The Board is required to adopt the following resolution in order to accept \$150,000 in ARP funds to perform an Asset Inventory and Assessment study of the water/wastewater system and to give assurance to the North Carolina Department of Environmental Quality that any conditions or assurances contained in the award offer will be adhered to:

RESOLUTION ACCEPTING AMERICAN RESCUE PLAN FUNDING

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs; and

WHEREAS, the North Carolina Department of Environmental Quality has offered ARP funding in the amount of \$150,000 to perform an Asset Inventory and Assessment study detailed in the submitted application; and

WHEREAS, the Pasquotank County Board of Commissioners intends to perform said project in accordance with the agreed scope of work,

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

That the Pasquotank County Board of Commissioner does hereby accept the ARP offer of \$150,000.

That the Pasquotank County Board of Commissioners does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Sparty Hammett, Pasquotank County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

ADOPTED this 16th day of January, 2024.

d. Adoption of Proclamation Proclaiming January 15, 2024 as A Day to Recognize and Remember Dr. Martin Luther King, Jr.

Chairman Jordan presented the following proclamation at the Martin Luther King Breakfast on January 15, 2024:

Proclamation

Proclaiming January 15, 2024 as
A Day to Recognize and Remember
Dr. Martin Luther King, Jr.

WHEREAS, Dr. Martin Luther King Jr., who was born on January 15, 1929, devoted his life to advancing equality, social justice, and opportunity for all, and challenged all Americans to participate in the never ending work of building a more perfect union; and,

WHEREAS, Dr. King's legacy includes landmark United States Federal laws, such as the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968 and created a framework to ensure equality and advance justice in the years ahead: and,

WHEREAS, Dr. King believed that "the arc of the moral universe is long, but it bends towards justice" and that it requires all hands and hearts to keep its course straight and true; and,

WHEREAS, The goals and ideals of Dr. King have not yet been fully realized. With that in mind, it is our duty, as Americans, to continue his struggle and to work toward a more understanding and respectful society; and

WHEREAS, The King Day of service is the only federal holiday commemorated as a national day of service, and offers an opportunity for Americans to give back to their communities on the holiday and make ongoing commitments to service throughout the year; and

WHEREAS, Dr. King once said, "Life's most persistent and urgent question is: "What are you doing for others?" Americans across the country will answer that question by coming together to honor Dr. King by helping their neighbors and communities through thousands of service projects spread across all 50 states.

NOW, THEREFORE, The Pasquotank County Board of Commissioners does hereby proclaim Monday, January 15, 2024 as a day to recognize and remember Dr. Martin Luther King Jr. and the dreams and ideals for which he stood and affirm our commitment to realizing his dreams, and to encourage Pasquotank County citizens to give back to our community on the holiday and make ongoing commitments to service throughout the year.

Adopted the 15th day of January, 2024.

e. Approval of Parking Lease Agreement

The Finance Committee has recommended approval to lease nine parking spaces directly behind the employee parking area between the Public Safety Building and the Library from Herbert T. Mullen, Jr. Family Trust at a cost of \$450 per month.

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

7. CONSIDERATION OF STRAWBERRY ACRES, PHASE 3 FINAL PLAT:

Chairman Jordan called on Planning Director Shelley Cox to provide a staff analysis of the request. Ms. Cox provided the following analysis:

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: Cedar Lakes Holding, LLC
625 Innovation Drive, Suite 103
Chesapeake, VA 23320

SUMMARY OF REQUEST

Cedar Lakes Holding, LLC is requesting Final Plat approval for Strawberry Acres Subdivision, Phase 3 consisting of 30 single family residential lots on 36.35 acres. The property is zoned R-35A (Residential) and lot sizes are proposed to range from 43,000 square feet to 47,500 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. Fire hydrants and waterlines have been installed. Water tap fees in the amount of \$54,000 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 3 and noted the following concern in relation to the approved stormwater plan:

- Areas of on-site erosion, including rills along ditches and culverts, should be regraded and stabilized.

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

Staff Comments:

- The Final Plat for Phase 1 was approved on June 7, 2010 and Phase 2 was approved on May 20, 2020.
- There will be one remaining section undeveloped after the approval of Phase 3. This final section, Phase 4, will contain nine lots.
- Turn lanes on Main Street Extended have been installed as required by NCDOT.
- The State Stormwater Permit for this development requires that certain language within the permit be incorporated in the neighborhood's restrictive covenants. No restrictive covenants for Phase 3 have been submitted at the time of this analysis.
- Since this subdivision's Sketch and Preliminary Plats were originally approved, the US Postal Service has adopted a policy requiring cluster mailboxes to serve neighborhoods instead of delivering to individual boxes. Staff has advised the applicant of this requirement by the US Postal Service and has recommended that cluster mailboxes be provided in accordance with USPS and NCDOT policies.

Ms. Cox explained that there are several outstanding items that need to be addressed before it goes to record; however, they believe for the most part, the improvements have been installed and they are according to the plans, so she feels comfortable bringing it before the Board tonight. She said staff and the Planning Board are recommending conditional approval, with the following recommendations:

Staff Recommendation:

Staff recommends approval of Phase 3 with the following conditions:

1. On-site erosion, including rills along ditches and culverts, shall be regraded and stabilized.
2. Restrictive covenants for Phase 3 shall be recorded which includes the language required by the State Stormwater Permit for this development.
3. Cluster mailboxes shall be installed in accordance to USPS and NCDOT requirements within six months of Final Plat approval.
4. Road density tests showing that the road base and pavement meets NCDOT requirements shall be provided.
5. The NCDEQ Public Water Supply Permit shall be renewed and waterline installation approved by the Pasquotank County Utilities Department.

Location Map



Zoning Map



Commissioner Meads asked if #2 on the recommendations would cover the expired DEQ permit. Ms. Cox stated that the DEQ permit is one of the recommendations included.

Commissioner Lavin said his questions are probably less with the development itself as they are with the ability for Main Street Extended to handle the additional traffic. He said he heard Ms. Cox mention that there is an additional turn lane at the entrance, but what about the rest of Main Street Extended. He noted that there is an awful lot of traffic flowing on that road day to day either going to 17 north or towards town. He asked if there are any plans for widening Main Street Extended in the future. Bikers and pedestrians often walk or ride that road early in the mornings and late evenings, which seems like suicide to him. Ms. Cox said with Main Street Extended being a state maintained road, her staff relies upon NCDOT to advise them on how they want to see this handled. As far as she is aware, there are no plans in the current transportation plan to widen Main Street Extended. She said our bicycle and pedestrian plan encourages widening of major roadways when they are repaved to give at least a little bit of space for people that are walking and biking.

Commissioner Griffin said the County has asked DOT to start putting three ways in subdivisions and requiring right-of-way setbacks. Ms. Cox said the County has been requiring an additional

non-ingress egress easement along any lots that front Main Street Extended, so if in the future DOT wants to expand the roadway there is adequate roadway for them to do so. Commissioner Griffin noted that this was a big concern when Fox Haven and Equestrian Estates were developed. She stated that there is right-of-way available which will make it less expensive for DOT to expand in the future.

Motion was made by Sam Davis, seconded by Jonathan Meads to approve Strawberry Acres, Phase 3 Final Plan, with the five conditions recommended by staff. The motion carried unanimously.

8. RECOMMENDATIONS BY APPOINTMENTS COMMITTEE:

Vice-Chairman Barry Overman, Chairman of the Appointments Committee, stated that the Appointments Committee met today and would like to make the following recommendations:

Industrial Facilities Pollution Control Financing Authority – Reappoint Joe Winslow and Debbie Sawyer.

Motion was made by Barry Overman, seconded by Lloyd Griffin to reappoint Joe Winslow and Debbie Sawyer to the Industrial Facilities Pollution Control Financing Authority. The motion carried unanimously.

9. REPORTS FROM COUNTY MANAGER:

Management Fellow Mike Barclift reported that he and Assistant County Manager John Shannon will be attending the NC City and County Management Association Winter Seminar in Winston-Salem January 31 - February 2.

10. REPORTS FROM COMMISSIONERS:

Commissioner Lavin stated that he enjoyed his break, but is now back at work. He is going to miss a meeting tomorrow because he will be out of town for work. Next week, Elizabeth City Downtown will be holding a Downtown Economic Vision Forum to help determine Downtown Elizabeth City's vision and future direction, which he hopes to participate in.

Commissioner Lavin said as Mr. Reid pointed out, the county had a great year last year, with no reports regarding problems with deer dog hunting. He wishes that we could, as a group, get our acts together and police ourselves more effectively.

Commissioner Lavin said during the planning stages of the new boardroom the Board discussed having it as an opportunity to get additional engagement and to create some more openness and transparency. The room was wired for a lot of different displays and equipment, and the desks are wired to help support some of that. He hopes the Board can continue the conversation about where we go from here, such as recording our meetings and posting them online so citizens can access them. He hopes it will take some of the burden off staff to try to get the meeting minutes posted over a holiday or something like that just for the sake of letting people know what the Board talked about. As the Board continues to use the room, he is sure they will refine their operations, such as soundproofing areas and how they can engage and use the room to the benefit of the citizens.

Commissioner Lavin stated that he has been made aware of a couple different instances at convenience sites. While it is understandable over holidays that we may have times where all the bins are full at some of the sites, it is happening on a regular basis and on times where there are no special events or activities. He wants the Board to continue to look into those operations and find solutions. He noted that they are a very customer forward department for the County. Personally, he is at the dump sites three times a week dropping trash off. He is sure a lot of other people are at least going once a week. He would like to see what can be done to address some of these concerns. He said it shouldn't be on the site workers to try to get people to put trash wherever it can actually fit, and be the ones having to deal with the bulk of the public interaction, which usually is not a positive one. He stated that we need to do a better job supporting our employees and supporting the residents of the County. Chairman Jordan assured Commissioner Lavin that the Solid Waste/Landfill Committee is working on the concerns he has voiced.

Commissioner Griffin attended a couple ribbon cuttings over the last month. He noted that his meetings will be coming up in the next week.

Commissioner Shaw attended the Tourism Development Authority meeting on December 7th. On December 9th, he attended the ECSU Fall Commencement. On December 12th, he attended the PW Moore Family Dinner. On December 13th, he attended the Juvenile Crime Prevention Council meeting. On December 13th, he also attended the SPCA meeting. On December 21st, he attended the Jail Board meeting. On December 25th, he assisted Bible Way Church and J2 Photo Booth Rental in passing out chili to the community, and also passed out meals to the community at SOULS Ministry and Open Door Church. On December 31st, he was on site at the JC Sawyer School after the fire broke out. He noted that everything is back up and running at the school. On January 6th, he attended the Parks and Ziegler ribbon cutting, along with Commissioners Griffin and Davis. On January 10th, he attended the SPCA meeting. On January 11th, he attended the Tourism Development Authority meeting. Lastly, on January 15th, he attended the Reverend Dr. Martin Luther King, Jr. 20th Annual Community Breakfast.

Commissioner Davis attended the Parks and Ziegler ribbon cutting on January 6th, and attended the First Friday Art Walk that evening. He noted that the art walk is a huge event for Elizabeth City Downtown and it really brings a lot of people into Elizabeth City and it makes him very proud to be a resident of the city and county. He attended the monthly DSS meeting. He reported that Family and Children's Medicaid from December 2022 to December 2023 increased by 158%. Adult Medicaid increased 67%. Food and nutrition services decreased 17%. He believes these are staggering numbers. He said he thinks it is worthy for us to know that our State Representative Bill Ward and his wife are in attendance this evening. He stated that it is a great time for him to be here and to hear his concern over the proposed increase in insurance costs for homeowners in North Carolina. It is estimated that homeowner's insurance may increase between 25-40% and this is something that the Board needs to address. Our citizens are paying as much as they can pay at this time.

Commissioner Griffin said there is nothing fair about charging coastal communities more. When you look at the wind and hail damage that happens in Charlotte and Mecklenburg and areas west of us, you will see that those insurance claims are greater than any hurricane claim. He hopes that Representative Ward will meet with the insurance commissioner and ask him to prove why the insurance companies can charge coastal communities more.

Commissioner Meads stated that Solid Waste is seeing some issues, including those that Commissioner Lavin discussed and he believes that they have identified some solutions, which will be brought to the Board in the future. Most of his monthly meetings are coming up soon. He said he has attended a few meetings with a future congresswoman, and shared with her some of our concerns.

Vice-Chairman Overman said December was slow due to the holidays, but he did attend the COA Board of Trustees meeting, the COA Finance Board meeting, and a number of fire department banquets. As part of his day job, he investigated the JC Sawyer Elementary School fire. He noted that they were back on track pretty quickly considering what it could have been had the alarm activation not come in as quick as it did, which was a blessing. The EMS Board meeting was rescheduled. He invited everyone to attend the Weeksville Volunteer Fire Department dinner on February 12th.

Chairman Jordan informed Ms. Stallings that the Board heard her questions, but the Board does not answer questions during Public Comments. He advised Ms. Stallings to check with staff and they can help provide some of the answers she needs.

Chairman Jordan attended a Trillium conference in Winston-Salem. He also attended the Sentara Community Partner Celebration where Sentara honored many businesses in the area that they support. He attended the Weeksville and Nixonton Volunteer Fire Department dinners. He attended the Jail Board meeting. Before the Jail Board meeting he attended a luncheon honoring Mr. Jones who recently retired as the director of the jail. He noted that the new director, Ms. Wheelbarger, is the first lady to be director at the jail. He attended the Trillium Governing Board meeting. State Health Secretary Kinsley has combined Trillium with Sandy Hill and East Point. The Board has had several meetings to bring the counties joining Trillium onboard. He also attended the Green Saves Green meeting. The County's Solid Waste Department presented at the meeting. A lot of the concerns they are seeing is roadside trash and how to clean it up. Lastly, he attended the Chamber of Commerce meeting.

Attorney Cox stated that there was a very good turnout for the Max Roach event last week. He said he knew who Mr. Roach was in 1990, but did not know that he was from Pasquotank County until he passed away and it was in the paper. He said as part of the celebration, Winton Marsalis is coming to town next week, which is a big deal. He asked the Board to spread the word, because they have a lot of tickets to sale, and it will be a great time. He saw them last year in New York. He thanked Chairman Jordan for presenting a proclamation at the event. Mr. Jordan noted that Max Roach was from Newland and was his wife's second cousin.

Chairman Jordan reminded the Board that the Chamber holds several events each month. He is aware that many are held during the day when some members of the Board are working, but asked that they try to attend some of the events.

Commissioner Meads reminded the Board of the District I meeting in Camden on January 22nd.

Manager Hammett reminded the Board that the Intercounty Volunteer Fire Department dinner is this Saturday.

There being nothing further to come before the Board;

Motion was made by Barry Overman, seconded by Lloyd Griff to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 6:44 PM.

CHAIRMAN

CLERK TO THE BOARD