

**PASQUOTANK COUNTY, NORTH CAROLINA  
AUGUST 20, 2018**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, August 20, 2018 in Courtroom C in the Pasquotank County Courthouse.

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

**MEMBERS ABSENT:** None

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

The meeting was called to order at 7:00 PM by Chairman Perry. Commissioner Jordan gave the invocation and Commissioner Sterritt 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. Vice-Chairman Sterritt requested that the agenda be amended to add the following items to the Consent Agenda, as recommended by the Finance Committee: 1) Approval of County's portion for 4-H Youth EFNEP Program Assistant; 2) Approval of starting salary above hiring rate for Building Inspector/Code Enforcement hire; 3) Approval of starting salary above hiring rate for Soil & Water Administrative Assistant hire; 4) Approval of request to reclassify Assistant Emergency Management Coordinator position; 5) Approval of request to purchase closed transition automatic transfer switch; 6) Approval of request for an extension to close on the Moyock Property – 102 Lark Drive; 7) Approval of request to reduce asking price for remaining parcel in Moyock – 104 Lark Drive; 8) Approval of request by Arts of the Albemarle for occupancy tax funds; and 9) Approval of proposals for Golden LEAF Community Based Grants Initiative.

Motion was made by Jeff Dixon, seconded by Lloyd Griffin to amend the agenda to add Items 1-9 to the Consent Agenda, as recommended by the Finance Committee. The motion carried unanimously.

**2. COMMENTS FROM DOUG LANE:**

Chairman Perry called on Mr. Doug Lane who asked Commissioner Dixon, Chairman of the Special Projects Committee, if he is willing to look into the "trespass by deer dogs" issue at the Special Projects Committee level. Commissioner Dixon asked Mr. Lane to submit his paperwork to the County Manager and the topic can be added to the next Special Projects Committee agenda.

**3. CONSIDERATION OF AMENDMENTS TO COUNTY ORDINANCE PROHIBITING THE USE OF TOBACCO AND VAPOR PRODUCTS:**

County Attorney Mike Cox explained that the ordinance was tabled at the last meeting, because it would have required a unanimous vote on its first reading and Commissioner Dixon was absent. He said there were also concerns among Board members about the Special Project Committee's recommendation. Mr. Cox outlined five options for the Board: 1) Adopt "as is", which would be a total ban minus parks and recreation facilities; 2) Have a special work session of the full Board; 3) Adopt a ban for all county property except for jointly owned property. This ban would include parks such as the recreation facility at Fun Junktion, but would not include South Park; 4) The County could make a request to the city to ban smoking on parks and recreation grounds; and 5) Send the matter back to the Special Projects Committee.

Commissioner Dixon said the Special Projects Committee recommends a full ban on county property, as is done at the hospital and College of the Albemarle.

The Board discussed enforcement concerns and issues with joint City/County owned and/or operated facilities.

Motion was made by Jeff Dixon, seconded by Charles Jordan to adopt the amendments to the County Ordinance prohibiting the use of tobacco and vapor products and for staff to make a request to the City to ban smoking on parks and recreation grounds. The motion carried 6-1, with Commissioner Griffin voted against the motion.

Attorney Cox said since the first vote was not unanimous, it will move forward to the next regular meeting for final approval

**4. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

a. Approval of Minutes of August 6, 2018 Commissioner Meeting

b. Approval of Tax Releases and Refunds

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

**Tax Releases**

		County	City
1.	Janie Stokley Overton	415.50	
2.	Brad E. & Holly Barrington	415.50	294.75
3.	Joan Harrell Ferraro	460.93	
4.	Virginia Dare Banks	261.50	163.75
5.	Beatrice Wageli Family	1,223.53	
6.	David Whidbee	261.50	163.75
7.	Christopher E. Weeks	418.97	
8.	Calvin & Mary Barclift	261.50	
9.	Johnnie M. & Elizabeth Jones	415.50	
10.	Randy E. & Dannis Spencer	261.50	
11.	Charles R. Jr. & Janet L. Harris	415.50	
12.	Carolyn F. Mitchell	312.71	207.31
13.	Helen Brown Sutton Etal	112.97	
14.	Thomas Alan & Loana Layne Taylor	154.00	
15.	Heron's Development LLC	1,116.50	964.75
16.	Heron's Development LLC	1,717.10	1,460.65
17.	Federal Home Loan Mortgage	108.90	
18.	Federal Home Loan Mortgage	111.60	
19.	Federal Home Loan Mortgage	111.60	
20.	Federal Home Loan Mortgage	113.40	
21.	Federal Home Loan Mortgage	99.56	
22.	Federal Home Loan Mortgage	99.56	
23.	Federal Home Loan Mortgage	99.56	
24.	Federal Home Loan Mortgage	100.87	
25.	Federal Home Loan Mortgage	100.87	
26.	Pauline A. Kercheval Lfe Est	454.23	358.59
27.	Nancy Rogerson Forbes	453.62	
28.	Sun & Shield of EC LLC	372.68	
29.	Laura Lee Riddick	932.48	706.72
30.	Mark Pritchard Copeland	1198.13	936.96
31.	Happy Taco of Eliz. City LLC	200.20	170.30
32.	Mid - Atlantic Hematology	1,262.72	1,074.13

33.	Earl C. Jackson	415.50	
34.	Debra L. Cake	570.57	485.36
35.	Donald Helleu	103.95	

**Tax Refunds**

		County	City
1.	Naomi Ann Ellis	115.05	
2.	Debra Ann Ventura		102.79
3.	WL Onley Ice Cream Distributing Inc.	119.27	
4.	Davina Marie Boyd	103.66	88.18

**Solid Waste Fee Release**

		Parcel ID #	Reason for Release
1.	Margery Coulson Clark	51-C-22B-23-24	Vacant
2.	Carris C. Dance	P122A-150	Demolished
3.	George K. Gordon Sr./ Vision of Hope Ministries	11-E-71	Uninhabitable
4.	Edward Bailey Hollomon & Jo Ann Jezard	P142B-58	Vacant
5.	Willie Elnora Hoskins	P63-50	Vacant
6.	Julius Johnson Estate	55-F-23-24	Vacant
7.	Novella Johnson	44-H-2	Vacant
8.	Novella Johnson	44-B-42	Vacant
9.	Novella Johnson	44-H-1	Vacant
10.	Novella Johnson	P145-23	Vacant
11.	Novella Johnson	44-H-3	Vacant
12.	Alan Eugen Stewart Sr.	P111-2	Vacant
13.	Jordan Thornton Heirs	P112-62	Vacant
14.	Billie & Corrine White	P107-18B	Vacant

*c. Approval of Budget Amendments*

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

**Public Schools**

Increase	010.0991.4991.00	Fund Balance Appropriated	749,503.00
Increase	010.5910.5636.00	Capital Outlay	749,503.00

**Information Technology**

Increase	010.0991.4991.00	Fund Balance Appropriated	32,378.00
Increase	010.4125.5500.00	Capital Outlay	32,378.00

*d. Approval of Pasquotank-Camden-Elizabeth City Emergency Operations Plan*

Staff recommends approval of the proposed Emergency Operations Plan. We are required by NC Emergency Management to conduct yearly reviews of our EOP and every three years receive a dated letter of promulgation from the governing board adopting the EOP. The plan details the roles, responsibilities, and actions to be taken by individuals and organizations to prepare for, respond to, and recover from emergencies and disasters.

*e. Approval of County's Portion for 4-H Youth EFNEP Program Assistant*

The Finance Committee has recommended filling the 4-H Youth EFNEP Program Assistant Position. The position has been vacant since early 2016 when Brenda Wynne retired and is not included in the Extension's current budget. The Extension has been given the opportunity to have a full-time 4-H Youth EFNEP Program Assistant funded for a period of three years at no cost to the County. After that time, the County would be responsible for 50% of the cost of the position, based on a salary of \$31,200.

*f. Approval of Starting Salary above Base Hiring Rate for Building Inspector/Code Enforcement Hire*

The Finance Committee has recommended the Board approve the starting salary for a Building Inspector/Code Enforcement hire at Pay Grade 15, Step 10 - \$39,023, due to the applicant's experience, training, and current salary in a directly related position.

g. Approval of Starting Salary above Base Hiring Rate for Soil & Water Administrative Assistant Hire

The Finance Committee has recommended the Board approve the starting salary for a Soil & Water Administrative Assistant at Pay Grade 9, Step 12 - \$30,099, due to the applicant's experience, training, and current salary.

h. Approval to Reclassify Assistant Emergency Management Coordinator Position

Staff evaluated the Assistant Emergency Management Position to better recognize the job duties and requirements in comparison to other positions in the county. The position is currently a Pay Grade 17, with a salary range of \$34,492 to \$49,863. After review, staff recommended increasing the position to Pay Grade 20, with a salary range of \$38,444 to \$55,562. Pay Grade 20 better recognizes the job duties and responsibilities and extensive training requirements of the position. The Finance Committee has recommended approval.

i. Approval to Purchase Closed Transition Automatic Transfer Switch

The Finance Committee has recommended approval to purchase a closed transition automatic transfer switch for the Public Safety Building at a cost not to exceed \$50,000.

j. Approval of Extension to Close on Moyock Property – 102 Lark Drive

The Finance Committee has recommended approval to extend closing on the Moyock property by 45-days. The current closing date is August 27, 2018.

k. Approval to Reduce Asking Price for Remaining Moyock Property – 104 Lark Drive

The Finance Committee has recommended reducing the asking price from \$700,000 to \$400,000. Staff consulted with the County's real estate agent and believes the property is listed at a much higher price than can reasonably be obtained at this time.

l. Approval of Request for Occupancy Tax Funds from Arts of the Albemarle

The Finance Committee has recommended the Board approve an appropriation of \$17,500 to Arts of the Albemarle from tourism (occupancy tax) funds. An application for tourism funds will need to be submitted to the Tourism Development Authority.

m. Approval of Golden LEAF Community Based Grants Initiative Proposals

Each County in the Northeast Prosperity Zone has the opportunity to compete for the pool of \$11 million in funding. Pasquotank County is restricted to a maximum of four submittals, totaling no more than \$2 million. Five proposals were submitted and forwarded to Golden Leaf to review and provide feedback. Golden Leaf rated the proposals and selected College of the Albemarle, Elizabeth City-Pasquotank County Public Schools, Northeastern Academy for Aerospace and Advanced Technologies, and River City Community Development Corporation as the top four proposals. The Finance Committee has recommended following Golden Leaf's recommendation, as well as capping each organization's grant request at \$500,000.

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

**5. APPROVAL OF CREEKSIDE FARMS, PHASE 2, FINAL PLAT:**

Main Street Development, LLC has requested Final Plat approval for 21 residential lots in Phase 2 of Creekside Farms Subdivision, which consists of 22.42 acres. Planning Director Shelley Cox explained that this is a 3-phase subdivision. Residential lot sizes range from 43,000 square feet to 54,658 square feet and is located off of Lovers Lane in Providence Township. The site is zoned R-15. All required infrastructure for Phase 2 including street, water lines, and electric utilizes have been installed.

Ms. Cox said in June 2005, the Board of Commissioners approved a Sketch Plan for Creekside Farms consisting of 75 lots. A Preliminary Plat was approved for development in February 2006. Phase I was granted Final Plat approval for 29 lots in November 2011. Due to the economic recession that occurred in the mid to late 2000s, Phase I of this subdivision was slow to build out. Under normal conditions, Preliminary Plat approval for this development would have expired two years after the first phase went to record. However, a series of extensions were granted by the board of Commissioner to allow the Preliminary Plat to remain valid. The current

extension is due to expire on December 31, 2019. She said they have been working very hard to build out the 1<sup>st</sup> phase and are getting very close.

Ms. Cox stated that the surrounding land uses in the area are residential and agricultural. She said under the current school districting, students generated from this development would attend Northside Elementary, Elizabeth City Middle School and Pasquotank County High School. Providence Volunteer Fire Department provides fire protection for this area and fire hydrants have been installed according to approved plans. This area is served by the Pasquotank County water system and water line installation is complete. Water tap fees in the amount of \$37,800 have been paid by the developer. On-site septic systems are proposed to be utilized at this location. Environmental Health has certified that the proposed systems meet the criteria and requirements of ARHS. The area requested for Sketch Plan approval is located within Flood Zone X and AE according to FEMA Map 37720890500J effective October 5, 2004. The Preliminary Flood Maps (estimated adoption date December 20, 2018) removes most of this property from the 100 year flood plain. Street segments within Phase 2 have been paved, so an installation bond has not been required. Road beds and asphalt density testing has been completed and is in compliance with NCDOT design requirements. Street and traffic signs have been installed.

Ms. Cox stated that this application meets the Final Plat requirements within the Pasquotank County Subdivision Ordinance. Therefore, staff recommends approval of Creekside Farms, Phase 2.

She noted that because of the age of this subdivision the Preliminary Plat was approved prior to adoption of the Pasquotank County Stormwater Ordinance. She said she cannot tell the Board absolutely, 100% that the subdivision complies with the current ordinance, but she said she can say it is developed as designed. She said she drove to the subdivision several times over the last several weeks after heavy rain events and there is ponding in some of the ditches, but the lots themselves seem dry. The Board voiced concerns about drainage since this subdivision is over thirteen years old. Sean Robey detailed drainage of the subdivision. He said the lots were not raised more than 2-3 inches. Ms. Cox stated that the Sketch Plan is pretty much a design concept. Any changes to our drainage manual that we make after a Sketch Plan is approved can be retroactive to when it was approved. It's when the Preliminary Plat is approved that the drainage plan is actually approved. At that point, all the engineering and design work has gone in and we get into the issue of vested rights where the developer has expended a tremendous amount of money on the engineering and design work and put in the infrastructure and you cannot go back and change the rules on them. She said this is a very unusual situation and is the only subdivision in the County that she is aware of that has been caught up in this recession.

Motion was made by Frankie Meads, seconded by Jeff Dixon to approve the Final Plat for Creekside Farms, Phase II as presented. The motion carried unanimously.

Troy Brinkley, Main Street Development, LLC, thanked the Board for working with them. He said the market has really affected them.

**6. ADOPTION OF RESOLUTION SUPPORTING NC FARM ACT OF 2018 AND PASQUOTANK COUNTY FARMERS:**

The Board considered the following resolution:

**RESOLUTION IN SUPPORT OF PASQUOTANK COUNTY FARMERS**

WHEREAS, frivolous nuisance lawsuits are threatening the very existence of farming in North Carolina, and

WHEREAS, agriculture and agribusiness is the number one industry in North Carolina which contributes \$85 billion to our State's economy; and

WHEREAS, our nation enjoys a food supply that is abundant, affordable, and among the world's safest, thanks in large part to the efficiency and productivity of North Carolina's farmers; and

WHEREAS, our farmers provide the food, fuel and fiber for our state and our country; and

WHEREAS, agriculture touches the life of everyone, whether it be in our daily meals or the clothes we wear; and

WHEREAS, farming supports other community businesses and the local economy; and

WHEREAS, it is estimated that we are going to need to increase feed production by at least 70 percent by 2050 to meet the growing world demands; and

WHEREAS, we are losing farmland at an alarming rate and it is getting progressively more difficult to recruit and retain farmers willing to work our state's land; and

WHEREAS, we need to support our agricultural industry and our farmers, and encourage a safe and abundant food supply.

NOW, THEREFORE, BE IT RESOLVED that the Pasquotank County Board of Commissioners do hereby support the NC Farm Act of 2018 and our agricultural community.

ADOPTED this the 20<sup>th</sup> day of August, 2018.

Motion was made by Lloyd Griffin, seconded by Joe Winslow to adopt the proposed resolution supporting NC Farm Act of 2018 and Pasquotank County Farmers. The motion carried unanimously.

**7. REPORT FROM COUNTY MANAGER:**

County Manager Sparty Hammett reported that the selection committee responsible for selecting a new economic development director has gone through their second round of receiving applications. He stated that one of the applicants stood out, and a decision was made to start the process of interviewing the individual next week.

**8. REPORTS FROM COMMISSIONERS:**

Commissioner Winslow reported that he will be attending the NCACC Annual Conference at the end of the week with Chairman Perry and County Manager Hammett.

Commissioner Jordan attended the Grand Opening of Southgate Park.

Commissioner Griffin reported on activities at the airport, as well as the Albemarle Commission. He requested NCDOT be invited to an upcoming meeting to present an update.

Commissioner Dixon said he has received several calls regarding mosquito spraying, drainage issues, and pot holes. He asked staff to follow up on the complaints. He said his personal business recently received notification from the NC Department of Revenue informing him that they need to start collecting the 1/4¢ sales tax beginning October 1, 2018.

Commissioner Jordan stated that he received a complaint regarding the condition of Mill Pond Road.

Commissioner Jordan, Chairman of the Appointments Committee, reported that an application has been received from Sekender A. Khan as a potential appointee to the Community Relations Commission to fill one of the slots for "Other Nationalities/Ethnicities". He said Chairman Perry has agreed to appoint Mr. Khan to the CRC.

Vice-Chairman Sterritt stated that the Board needs to address the concerns of the people in the northern part of the county wanting a recreational facility in their area. Commission Winslow said he would like the Chairman to form a committee, which includes the County Manager, County Attorney, and Commissioner Jordan to find a good location for such a facility. Vice-Chairman Sterritt said he is going to ask the Board to include \$100,000 in next year's budget to investigate what it would cost for a suitable piece of land. Chairman Perry suggested including the Parks & Recreation Director in the discussions.

Chairman Perry attended the Grand Opening at Southgate Park. He will be attending the NCACC Annual Conference the end of the week. He hopes that more members will attend in the future.

Motion was made by Lloyd Griffin, seconded by Jeff Dixon to adjourn the meeting. The motion carried and the meeting was adjourned at 7:55 PM.

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CHAIRMAN

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CLERK TO THE BOARD