

**PITT COUNTY BOARD OF COMMISSIONERS
MINUTES FOR APRIL 2, 2001**

The Pitt County Board of Commissioners met in a regular session on Monday, April 2, 2001, at 9:00 a.m. in the Commissioners' Auditorium, Pitt County Office Building, 1717 W. 5th Street, Greenville, North Carolina. The purpose of the meeting was to consider public business.

Commissioners present were:

David Hammond, Chairman
Glenn Bowen, Vice Chairman
Tom Coulson, Commissioner
Eugene James, Commissioner
Tom Johnson, Commissioner
Mark Owens, Commissioner
Randy Royal, Commissioner
Terry Shank, Commissioner
Beth Ward, Commissioner

Staff present were:

Thomas B. Robinson, County Manager
JoAnne Burgdorff, County Attorney
Susan J. Banks, Clerk to the Board
Arlen Holt, PIO and Cable Coordinator
Melonie Bryan, Director of Financial Services
John K. Bulow, Assistant County Manager

CALL TO ORDER – Chairman Hammond

INVOCATION AND PLEDGE

Commissioner James offered the invocation.

Commissioner Johnson led in the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA – Chairman Hammond

Ms. Banks asked to remove the March 21, 2001 minutes from agenda so she could make some amendments prior to them becoming the permanent record. Mr. Robinson asked to remove the Council on Aging item and the Agenda Preview Meetings item. Commissioner Johnson asked to add the seven-year revaluation for re-consideration.

UPON MOTION by Commissioner James, seconded by Commissioner Royal, the Board voted unanimously to approve the agenda as recommended. Vice Chairman Bowen opposed the motion because the revaluation item had been addressed previously by the Board.

EMPLOYEE SERVICE AWARDS – Chairman Hammond

Chairman Hammond, Tom Robinson and Florida Hardy presented County Employee Services Awards to the following employees:

SERVICE AWARDS LIST
APRIL 2, 2001

5 YEARS

<u>CLAUDETTE</u> J. Bass	Health
Jeffrey <u>JEFF</u> A. Baxter	Sheriff's Department
<u>JIMMY</u> W. Bryant	Detention Center
<u>CHAUNCEY</u> B. Congleton	Sheriff's Department
<u>DIANA</u> S. Davenport	Tax Collector
<u>GEORGIA</u> S. Dishmon	Health
<u>SARAH</u> M. Edwards	Mental Health
<u>DONALD</u> W. Hawley	Mental Health
Charles <u>CB</u> B. Landreth	Sheriff's Department
<u>CYNTHIA</u> C. Patrick	Health
<u>DONNA</u> J. Preston	Detention Center
Sandra <u>SANDY</u> R. Pruette	Mental Health
<u>JENNIFER</u> S. Schmidt	Mental Health
Edward <u>CHAD</u> C. Suggs	Sheriff's Department
Michael <u>MIKE</u> C. Taylor	MIS
<u>SILVESTER</u> L. Whitehurst	Buildings and Grounds
<u>TONY</u> O. Williams	Sheriff's Department

10 YEARS

<u>FAYE</u> M. Bleicher	Mental Health
<u>GERALDINE</u> Brown	Detention Center
<u>JOHNNY</u> L.Craft	Sheriff's Department
<u>SHERRY</u> P. Farmer	Social Services
Casper <u>FRED</u> F. Galloway	MIS
Jeffrey <u>JEFF</u> M. Haddock	Sheriff's Department
<u>MADOLINE</u> S. Hudson	Social Services
<u>MICHELE</u> R. Matthews	Sheriff's Department
William M. <u>BILL</u> Price	Detention Center
<u>FRED</u> T. Wade	Health

15 YEARS

<u>CAROLYN</u> N. Fleming	Social Services
<u>MARY</u> P. Jones	Tax Assessor
<u>ANN</u> J. Owens	Social Services
<u>JENNIFER</u> L. Ransom	Social Services

20 YEARS

<u>FRANCES</u> C. Walters	Mental Health
Patricia <u>PAT</u> B. Wright	Sheriff's Department

25 YEARS

30 YEARS

Jack Weathersby commented that he was pleased to have worked with a group of fine professional people over the past twenty-five years and thanked the County for the opportunity.

Following receipt of the awards, the employees were invited to stay for a short reception in their honor.

Chairman Hammond called the meeting back to order.

PUBLIC ADDRESSES TO THE BOARD – Each speaker was limited to three minutes and was required to sign up to speak prior to the beginning of the meeting.

- ? Barbara Kelly – spoke in opposition to the proposed cotton gin. She spoke about their neighborhood having been flooded two years ago and that is it a very nice and diverse neighborhood. She said they have many questions about the cotton gin and the effects it could have on their water and air quality as well as rumors about rats, increased noise levels, fire, emergency response, truck traffic. She also spoke of decreased property values, health problems for people with asthma, allergies, and toxins. She said her husband has taken medication for years from the effects of Agent Orange which was supposed to be safe. Hurricane Floyd was not supposed to happen but it did happen. She spoke about the hurry to open the cotton gin because that area was in the Northwest zoning area and was zoned residential. The neighbors feel they have been thrown to the wolves. The project has been kept a secret and they are being sacrificed. She asked that the Board members vote no to any money being awarded to the cotton gin.
- ? Wayne Cleft, said he lives along the US 264 alternate, and they bought a house because they did not want to be in town. The cotton gin could be detrimental to the people's health and to people who have respiratory problems. He said the spokesman for the Harveys' (cotton gin owners) said they were going to use waste as fertilizer which will put toxins on land and this will be an environmental hazard. He spoke about the risk to the waterways and that they will be further taxed by the cotton gin.
- ? Havva Meric, 112 Woodstock Drive was opposed to the cotton gin in Bethel. She was concerned about the County being for big business and industry. She said there are sixty-five families that worked hard to buy homes and will the lose value of their properties. She asked what the Board would do if the cotton gin were placed next to Ironwood.
- ? J.T. Williams - spoke about the skirting issue in the Northwest Zoning Ordinance. He said the State Board passed a law to require skirting. He said they backed off of it because of the inspection part of it. He said the ordinance should specify the proper material to put under the mobile home skirting. He said on River Road there were eleven to twelve homes that were not underpinned. He said the problem is not major but the ordinance should address how it is put under the home and the proper type of material for the underpinning. He also spoke about the raising of mobile homes for the 100 years floodplain. He stated that the floor is supposed to be at the two foot mark which allows protection of the duct work and gives a six inch tolerance which would be consistent with the City's requirement. He said he would be available for assistance.
- ? Beth Manning – spoke in opposition to the proposed cotton gin. She said this is a twenty-four hour a day business with loud trucks, and cotton trash. She said farmers are allowed to use chemicals on cotton which may affect their drinking water which comes from in-ground wells. She said they do not want the noise or pollution. She stated that this is not helping Pitt County employment because twenty-two out of thirty workers will be brought in from Texas. She said she understood that the property is under contract but has not closed. The

permit has not been issued yet. The Air quality permit cannot be awarded with results. She said she felt confident that this Board should and will vote against the \$4.5 million revenue bonds being requested by the Harveys for the cotton gin. She talked with the Department of Agriculture about this project and was informed that if this Board does not approve of the location, then they can vote against the revenue bonds and Mr. Harvey would have to start over with the project. She said that the people feel that if the Board truly believes in the reasons for zoning then they would not want the cotton gin located in a residential area.

- ? Jane Barnhill – spoke about the appointment of members to the newly formed Board of Adjustment. She spoke about the Board of Commissioners appointing a municipal member on the County Planning Board. She said she was hopeful that the Board will place people on the Board of Adjustment that are honest, independent and understand the area. She suggested the Board appoint a committee for screening members because they have a reputation of appointing friends. No commissioner should have their sole choices on these appointments.
- ? Nancy Colville – spoke about a plan for a Senior center and the request for County to fund their building. She stated the Council on Aging is a private not for profit agency that wants the County to fund their building. She spoke about the amounts of funding requested. She stated that during her meeting with Dr. Byrd, he indicated that Don Speight had been offered \$300,000 for the property and questioned how the request had gone from \$300,000 to \$1 million or more. She said Pitt County's total contribution is \$157,000 for not for profit agencies. She spoke also about the additional costs the Council on Aging will have in running and maintaining the new facility. She spoke about other more pressing needs that the Board needs to address prior to funding the new Council on Aging facility. She commented on Kenneth K. Dews, Sr., a former county commissioner, who is on the Council on Aging Board and questioned how he could support this item. She made additional comments about other reasons the County should not fund this request for a new facility.

ITEMS FOR REPORT

Manager's Report – Tom Robinson

Mr. Robinson reported the following items:

- ? Board Meeting Schedule –
 1. April 16, 2001 @ 9:00 a.m., Auditorium
 2. Budget Workshop on Monday, April 30, 2001, 7:00 p.m. in the Emergency Operation Center – changed to Monday, April 30, 2001 at 5:30 p.m. in the Commissioners' Auditorium

It was suggested that this meeting be changed to 5:30 p.m. and be held in the Commissioners' Auditorium so it could be televised. Commissioner Shank stated that Monday night Board meetings cause a conflict for her with her position as liaison with the Board of Education, who also meet on Monday nights. It was a consensus of the Board to change the meeting to 5:30 p.m. and it will be held in the Commissioners' Auditorium for televising purposes.
- ? NC Association of County Commissioners Regional Meeting – Tuesday, April 10, Pitt County Agricultural Extension Building, 10:30 a.m. – 2:30 p.m. He asked the Board members to let Ms. Banks know if they wish to attend.
- ? Legislative Update – JoAnne Burgdorff

Ms. Burgdorff reported that twelve items were sent from Pitt County for legislation. Also asked for were local acts on local option sales tax with a citizen referendum and amendment to the 9-1-1 telephone fund. Both items were introduced. Representative Marian McLawhorn had reported that the 911 legislation was in committee. Ms. Burgdorff explained that this legislation would allow use of the 911 funds for purchase of the trunking system for fire and rescue and the interconnectivity between agencies. Representative Zeno Edwards introduced the local option sales tax bill. She stated that there was support in Senate in addition to the House of Representatives. She stated she hoped Pitt County would send good representation to the Legislative Briefing. She also said there is good support from the legislators on Pitt County's legislative requests. Ms. Burgdorff stated that the request change in structuring the bond funding

for the community college was not well received and would not be changed. This was due to the issuance of bonds and stated that the criteria was very specific on one to one matching funds. She said she continually receives resolutions from other counties. She has a redistricting resolution from Alexander County requesting that the whole State be placed in one federal district instead of being split. Chairman Hammond asked again about the community college bonds and funding. Ms. Burgdorff said the over match in the past would not count towards the new bonds as Pitt County had requested. Mr. Robinson explained that Pitt County is a low wealth county and he was hoping that that would be taken into consideration by the Legislature. Currently, \$8 million has been put into the community college and the additional amount needed is \$6.2 million. He said if they gave credit to the County for the low wealth status it would decrease Pitt County's contribution by \$2 million.

Commissioner Coulson stated that he wanted the individual county commissioner's votes on legislative items to be recorded because there were some items that he did not support. Vice Chairman Bowen asked Ms. Burgdorff to explain the 911 bill. She stated that the bill needs to be expanded so the funds can be used for additional communication equipment and whatever is necessary for communications in Pitt County. It would not increase any fees at this time.

Ms. Burgdorff stated that the County Tax Department and the Finance Office would like Pitt County to be added to a local bill that requires payment of delinquent taxes before recording deeds. This would help with the County's tax collection and it is House Bill 108. Taxes would have to be paid before property could be transferred to another owner. Commissioner James stated his support of House Bill 108.

Commissioner James spoke about the 911 funds.

Commissioner James **motioned** to add Pitt County to House Bill 108. Commissioner Ward seconded the motion. The vote was eight to one with Commissioner Owens opposed to the motion.

Mr. Robinson said that the Attorney General's opinion on the 911 funds and Pitt County's opinion has been very conservative. Mr. Robinson said that there are no intentions to increase the 911 fees but Pitt County has a very low fee and this could be considered sometime in the future.

Mr. Robinson said that he would be bringing House Bill 381 on Mental Health reform bill back on April 16, 2001 for Board support. He is working with Deby Dihoff on changes to the proposed bill. He is preparing a draft to send out to the Board this afternoon. He said the bill, as it exists, would change Pitt County's Mental Health program

Mr. Robinson informed the Board of the Groundbreaking of the Convention Center at 4:00 p.m. on Tuesday, April 10, 2001 and said all of the Commissioners are invited.

Mr. Robinson said that Ms. Burgdorff had informed him that Senator Warren is trying to get Mark Basnight, President Pro Tempore of the North Carolina Senate to Pitt County to talk about the new bypass around Greenville. The Board was supportive of this meeting.

? Legislative Briefing, May 9, 2001, Raleigh, NC 12:00 p.m. – 7:00 p.m.

Sheppard Memorial Library – Willie Nelms – Invitation to Ribbon Cutting on April 22, 2001 at 2:00 p.m.

Mr. Nelms stated the official opening of the renovation of Sheppard Memorial Library is scheduled for April 22, 2001 and he personally invited the Board of Commissioners to participate in the ribbon cutting. He asked Mr. Hammond to offer comments. Remarks will be made, a reception will be held and tours of the library will be offered. It is a 34,000 square foot addition and is the largest library east of Highway 95 in North Carolina. Commissioner Shank stated it is a beautiful addition and spoke about the lovely facility. Mr. Nelms stated there is meeting space available free of charge.

Northwest Zoning Ordinance – James Rhodes - Underpinning Requirements, Nonconforming Situations, and Proposed Cotton Gin

Mr. Rhodes stated the Land Use Plan was adopted on January 8th and the Zoning Ordinance and map was adopted on January 22, 2001. He said some alternate language for the underpinning requirements needs to be considered by the Board. He offered numerous options. The options included remaining the same, requirement for brick underpinning on owner lots outside of mobile home lots or underpin with other materials.

***Proposed Amendments to the Northwest Planning Area Zoning Ordinance
Masonry Underpinning Requirements***

1) Amendment to Table 5-1, Table of Permitted Uses:

Remove: Manufactured Home on Individual Lot

Add: Manufactured Home

2) Amendment to Section 8.43.1, Manufactured Home on Individual Lot:

Remove: Manufactured Home on Individual Lot

Add: Manufactured Home

3) Amendment to Section 8.43.1.2, General Requirements:

Remove: There shall be a continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, installed underneath the manufactured home.

Add: Skirting shall be installed underneath all manufactured homes for the purpose of enclosing the space from the bottom of the manufactured home to grade and shall consist of a weather-resistant material. Skirting shall also provide for required ventilation and access as required by Section 4.7.7 of the State of North Carolina Regulations for Manufactured/Mobile Homes, Pitt County Building Code. Skirting for mobile homes located within a flood hazard area shall meet the requirements of the Pitt County Flood Damage Prevention Ordinance.

4) Amendment to Section 8.43.1.3, Exceptions:

Remove: The provisions of 8.43.1.2 shall not apply to manufactured homes located within manufactured home parks or to manufactured homes used as an accessory dwelling unit to a principal dwelling.

Add: The provisions of 8.43.1.2 shall not apply to manufactured homes required to be elevated six (6) feet or more above the highest adjacent grade, due to the provisions of the Flood Damage Prevention Ordinance.

Suggested language - skirting requirements from NC building code - this would be applied throughout the ordinance. The exception would be elevated homes that are elevated more than six feet. There are additional exceptions that could be added but it would make it more difficult in administering the regulations. The final option would be to delete the whole section. There

are few manufactured housing units that are installed that do not have an underpinning package now. Skirting will require another inspection and will delay people moving into their homes.

Commissioner Ward asked about the installation. Mr. Rhodes said the ordinance does not get into the actual attachment of the skirting. Commissioner Ward said one of the speakers addressed the installation. Commissioner Ward asked about salt treated wood. Mr. Rhodes said it is a requirement to use treated wood. Commissioner Ward pointed out that the inspection would not be additional compared to the masonry requirements. Commissioner Owens asked Mr. Rhodes for his recommendation.

Commissioner Owens **motioned** to strike the whole section. Commissioner James disagreed with Commissioner Owens' motion and stated that the underpinning must be maintained. He stated the individual should be able to move in and the inspection should be done within six months so as not to inhibit the owner from moving into his mobile home. Commissioner Shank suggested that specific materials should be listed. Mr. Rhodes said that State building codes already addresses this issue without being specific. Chairman Hammond said he thought taking out the masonry requirement may address this issue. Commissioner Royal said the concern was not to tax the citizens with the brick underpinning. There should be some underpinning requirements in the ordinance. Commissioner Owens's motion did not receive a second.

Commissioner Coulson spoke about the noise section of the ordinance. He proposed the wording be changed stating that the noise level would not go beyond a property line so this would be fair to the other residents.

Commissioner James **motioned** to instruct the Planner to follow the State guidelines on underpinning and mobile homes and include three months to complete the underpinning job and inspection but they could live in the home during the interim time period. He said give them time to move in. He said most of this work is going to be done as a package deal when the mobile homes are sold to the owners. Chairman Hammond asked how much the second inspection would cost. Mr. Rhodes said this has not been determined.

Mr. Phil Dickerson said the set up for the inspection following the people having moved in, would be extremely difficult to enforce if they did not follow through with the proper underpinning. He said that it is fine if the Board wants to add this but there are no feasible repercussions that would make the citizens comply with the underpinning requirement. Commissioner James said to give the people the benefit of the doubt. Vice Chairman Bowen asked if the County could fine people if they do not comply within the allotted time. Commissioner Ward asked what Mr. Rhodes recommendation would be. Mr. Rhodes said it needs to be done before the occupancy permit is released or completely struck from the ordinance. Commissioner Ward asked Commissioner James to change his motion. Commissioner James would not change his motion. He said this was about common sense and he said 99% of the people are going to abide by this ordinance and the others will fall through the cracks. Mr. Rhodes said this underpinning requirement would be the third inspection for the mobile home. Civil penalties are written in the ordinance. Mr. Rhodes said the Planning Staff does not want to get in the issue of fining people.

Commissioner Ward **motioned** to require the proper skirting to be in place and an inspection completed prior to the mobile home being occupied and electricity being turned on. Commissioner Coulson seconded the motion. Commissioner James said this would be a hardship on these people. Vice Chairman Bowen suggested that the second and third inspection be combined. Mr. Dickerson said it is much easier to inspect the underneath of the mobile homes prior to the skirting being in place. The votes for the motion were: Chairman Hammond, Commissioner Ward, Commissioner Shank, Commissioner Johnson. The votes against the motion were: Vice Chairman Bowen and Commissioner James. The motioned passed with a seven to two vote.

Non conforming situations

Mr. Rhodes said one of the commissioners is concerned about the zoning of an existing use in the Northwest Planning Area. This is a use that is in place and is not zoned as it is currently being used. Mr. Rhodes said the owner would have to come through and ask for an exception or a rezoning. The other possibility is for the owner to come get the building permit before July 1, 2001 when the zoning ordinance becomes effective. The specific case deals with a wrecker service. Commissioner James said there were three businesses in that area, with the Teel business down the road. Mr. Rhodes said there were three options to consider. Rezoning the area, asking the Board of Adjustment for a special exception or to come in and get a building permit prior to July 1, 2001. The language in the zoning ordinance is already very lenient and he would not recommend expanding this language. Vice Chairman Bowen said that businesses should be "grandfathered" in. Commissioner Coulson said he reviewed the section that addresses the non-conforming situations and the problems should not be made any worse. Section 12.4.2 – addresses the Conditions for Continuance of an existing nonconforming structure. Commissioner Ward noted the wording that "any enlargement shall conform." The language addresses the issue. Commissioner Coulson said that there are going to be people who are going to be upset when this ordinance actually goes into effect.

Mr. Rhodes said staff recommendation is what was proposed. Mr. Rhodes said if the deficiency gets worse than the existing matter then it would be considered nonconforming. Commissioner Royal said if it is already out of compliance it will just get worse. Vice Chairman Bowen asked about a home occupation in this area. Mr. Rhodes said if it is a home occupation then there would be a zoning compliance form required.

Cotton gin

Mr. Rhodes reported that no building permits or soil and sedimentation plans have been applied for or issued to his knowledge. The Planning Department has not seen any building plans. Mr. Robinson said the Board has received a request to sign off on \$4.5 million in agricultural revenue bonds which allows the Harvey's that are building the cotton gin to borrow money at a tax exempt status. There is a statewide cap on this type of support. Approval of this resolution would allow these revenue bonds to go against the County's bond limits. He said Ms. Burgdorff, Ms. Bryan and himself have been on the phone with the attorneys requesting this action. He said they have only one letter from the Harvey's attorney requesting approval of the revenue bonds and not additional information. There is a requirement that the Agricultural committee hold a public hearing but it is scheduled to be held in Raleigh. Ms. Burgdorff stated that staff would recommend the public hearing be held in Pitt County. Mr. Robinson said he had stated to the attorneys that he would like to see what is proposed and what the impact will be for the County. Ms. Burgdorff said they spoke with Harvey Fertilizer's attorney and stated their concerns. She said they requested the plans, needs for utility services and would have that information to the County by the end of this week. Mr. Rhodes said the County has not received any requests for permits but he understood there are some preliminary air quality plans that have been given to the State. Ms. Burgdorff stated they have requested some information prior to the Board taking action on their request for April 16th. Commissioner James said they are going to affect a large group of people who are opposed to this situation and this Board should support the people of this area.

Census Report – James Rhodes

Mr. Rhodes said they started receiving this information a week ago. He said they are looking at the numbers and there are some implications that things will be effected such as the Metropolitan Planning Organization. Reimbursement of tax revenues from the State concerns these areas. The preliminary numbers reinforces the numbers from the special census. The North Carolina growth rate was over 20%, Pitt and Greene were over the 20%. Hispanic population increased in Greene County. Forty percent of the growth in Greene County was from the Hispanic population. Pitt County's Hispanic population is 3.2%. The exact census numbers for Pitt County are being recalculated taking into account that the Town of Grifton needs to be split between Pitt and Lenior Counties. A lot of communities decreased in size. Greenville is increasing about 2,000 people per year. The race population figures in Pitt County have remained steady.

Mr. Rhodes spoke about census tracts numbers. Some areas had substantial changes. North Greenville had a substantial decrease. Farmville and Ayden had some decrease. West Greenville and East Greenville are growing fast. He said you can see the shifting of the population in Pitt County which may mean redistricting the commissioners' voting districts. You cannot have more than a 10% range in a voter district. Mr. Rhodes said these are preliminary numbers.

Vice Chairman Bowen said the City of Greenville is considering canceling the municipal election because of the need to change the district lines.

A short break was called by the Chairman.

Amendment to the Flood Damage Prevention Ordinance – James Rhodes/Stephen Smith

Mr. Rhodes said they are moving forward with implementation of the hazard mitigation plan. They have had fifty-seven closings in the Buy-Out Program to date. People are moving along and they are just waiting for the attorney's work to be completed. He said they have people who have chosen not to participate. Thirty to thirty-five people out of two hundred have chosen not to participate in the programs. Commissioner Coulson said that the people that were displaced have to carry five years worth of flood insurance regardless of where they live and this is ridiculous. Ms. Burgdorff said that this is a federal law and is a stipulation for people who accept the federal funds following a flood. They are proceeding with grant applications.

Commissioner James **motioned** that Pitt County send a resolution pertaining to the requirement for people who have received federal assistance during a flood to have to pay for flood insurance for five years to the Federal Government stating the Board's opposition to this policy. Commissioner Coulson seconded the motion and the motion passed unanimously. The attorney was instructed to send this resolution to the United States House and Senate. Vice Chairman Bowen stated this resolution should also be submitted to the National Association of County Officials for support.

**RESOLUTION TO DECLARE
OPPOSITION TO THE REQUIREMENT TO CARRY FLOOD INSURANCE IMPOSED ON
PARTICIPANTS IN THE HAZARD MITIGATION PROGRAMS**

COUNTY OF PITT
STATE OF NORTH CAROLINA

WHEREAS, many Hurricane Floyd flood victims in Pitt County have had the difficult task of leaving their homes, relocating and purchasing other homes;

WHEREAS, the necessary relocation has resulted in an upheaval of many victim's lives, and has created extreme financial burdens;

WHEREAS, those individuals participating in the Hurricane Floyd Hazard Mitigation Programs, are required by state and federal regulations, as a condition of funding, to purchase flood insurance on the re-located or repaired home, regardless of the location of the re-located home;

WHEREAS, the requirement to purchase flood insurance is costly and creates an additional financial burden on the already financially stressed flood victims;

THEREFORE, BE IT RESOLVED, that the Pitt County Board of Commissioners hereby opposes the requirement of purchasing flood insurance imposed upon flood victims participating in the Hazard Mitigation Programs in Pitt County and is hereby advising the appropriate agencies of this opposition.

ADOPTED this the 2nd day of April, 2001.

David Hammond, Chairman
Pitt County Board of Commissioners

ATTEST:

Susan J. Banks
Clerk, Board of Commissioners

Mr. Stephen Smith said that FEMA met in April of last year with County staff. They came to assess Pitt County's assistance. He provided the Board with statistics about flood insurance policies. He said there have been 209 claims filed for \$73 million. He stated they reviewed the program for deficiencies and a biannual report. He said there were two major components, that there is a need for a variance procedure and there was not an actual provision in the ordinance. They recommended the County submit a copy of an updated ordinance and complete the next bi-annual report.

This was researched and the drafted changes were approved by the Planning Board. State Emergency Management has also reviewed the amendments.

A Statewide mapping project was started after Hurricane Flood. The Planning Department said they will receive new elevation data and changes on the new flood plain elevations.

Summary of Amendments to the Pitt County Flood Damage Prevention Ordinance

1. Section 4-80. Statutory authorization.

Added correct Statutory authorization.

The authorization comes from Chapter 153A (Counties) of the General Statutes, not Chapter 160A (Cities and Towns) as previously cited.

2. Section 4-84. Definitions.

Added nine new definitions:

- a. Accessory structure
- b. Base Flood Elevation
- c. North American Vertical Datum
- d. Flood Zone
- e. Floodplain
- f. Floodproofing
- g. Freeboard
- h. Regulatory Flood Protection Elevation
- i. Retrofitting

Shortened the definition of Elevated Building for clarity.

Deleted the definition of Breakaway wall.

3. **Section 4-85. Lands to which the ordinance applies.**
Change section to read, This ordinance shall apply to all areas of special flood hazard within the county outside the corporate or extraterritorial jurisdiction of any municipality. This ordinance may also apply within the jurisdiction of any municipality whose governing body agrees, by resolution, to such applicability.

4. **Section 4-86. Basis for establishing the areas of special flood hazard.**
Added the phrase: "...in its Pitt County Flood Insurance Study which includes the..." and deleted "September 14, 1990".

5. **Section 4-92. Local Administrator—Designated.**
Change the local administrator from the Pitt County Engineer to the Pitt County Planning Director or his designee.

6. **Section 4-95. Local Administrator—Application; certificates.**

Added that the plot plan must be drawn at a scale that clearly shows all required information.

Added two new requirements for development permits:

- a. A plot plan that shows the one hundred (100) year floodplain contour or a statement that the entire lot is within the floodplain must be provided with the development permit application when the lot is, or appears to be, within the floodplain.....
- b. The plot plan required by section 4-95(1) must show the floodway, if any, as identified.....

7. **Section 4-96. Same—Inspection; stop-work orders; revocation; corrective action; appeals from orders.**

Added Variance Procedure (Subsection j)

8. **Section 4-97. Flood hazard reduction—General standards.**

Added three new standards.(Subsections 2,11, and 12)

- (2) Regulatory Flood Protection Elevation: The additional elevation to which structures or uses located within the areas of special flood hazard must be elevated or floodproofed. Within areas that have approved engineered flood studies such as the FEMA Flood Insurance Study, local flood study extensions or flood analysis, this elevation shall be the Base Flood Elevation plus two (2) feet of freeboard for all structures. For areas of special flood hazard that do not have established base flood elevations, the required elevation should be two (2) feet above the highest adjacent grade.
- (11) No new solid waste disposal facilities, hazardous waste management facilities, salvage yards, or chemical storage facilities shall be permitted in the 100-year floodplain except as authorized under section 4-96(j) of this ordinance.
- (12) Provide that a structure or tank for chemical or fuel storage incidental to a use that is allowed by this ordinance or to the operation of a water treatment plant or wastewater facility may be in a 100-year floodplain only if the structure or tank is either elevated to the base flood elevation(state mandate) or the regulatory

flood protection elevation, or designed to be watertight....

9. Section 4-98. Standards for streams with established base flood elevations and floodways.

Added "Regulatory Flood Protection Elevation" to the following subsections.

- (1) Residential construction
- (2) Non-residential construction
- (3) Manufactured homes

10. Section 4-100. Standards for subdivision, mobile home park, and multi-family development proposals.

Changed the heading to include Mobile Home Parks and Multi-Family Development proposals.

Deleted the word subdivisions in all four subsections for clarity. Added the terms spaces and units to account for the change in the heading.

11. Section 4-102. Legal Status Provisions.

Added entire section on legal provisions

Vice Chairman Bowen asked if people are going into the houses that have been acquired by the County. Mr. Rhodes said they are working on a proposal or policy for the Board to review and adopt on these acquired properties. Mr. Rhodes said they will be posting the properties with "No Trespassing" signs. Commissioner James spoke about a long-term lease on properties with the next door neighbors.

Mr. Rhodes spoke about the schedules for the Neuse River Basin and the Tar-Pamlico River Basin.

Report on Emergency Watershed Protection Debris Removal (Snagging) Program – James Rhodes/Tim Etheridge

Mr. Rhodes said that the Pitt County Planning staff and the Natural Resources and Conservation Office had been working together on this program. The areas have been surveyed for snagging and they have snagged around fifty-five miles of drainage ways to this date. Mr. Rhodes stated that the next part of the project will be stream banks stabilization and completion. Mr. Rhodes said that Tim Etheridge has been overseeing this program and has helped with the citizens. Mr. Etheridge said they are almost complete with this project. There is one final contract they are trying to finish. People have been very appreciative. FEMA funds were used in some of the drainage districts. He said they are waiting for a permit to come in on the stream bank stabilization program.

Mr. Etheridge stated that FEMA and EWP funds were utilized for some of these services. Commissioner James stated his appreciation for all the work they have done. He said the creeks look really good. Commissioner Coulson asked what would be done to keep these waterways open. The Perpetual Drainage committee will have their first meeting on Wednesday to begin to address this issue.

Mr. Etheridge reviewed the different projects that were done in specific areas of the County. Commissioner James said there are drainage districts in all these areas. He said the big problem today is beavers and beaver dams. He said the Federal Government brought them in and dropped them on the County. Mr. Etheridge said the beaver problem will be the first issue addressed by the Perpetual Drainage Committee.

ITEMS FOR CONSENT – Items for Consent are intended to be non-controversial and routine items. These items do not add positions or use contingency funds.

Upon Motion by Commissioner Shank, seconded by Commissioner James, the Board voted unanimously to approve the Items for Consent except for approval of Minutes for March 21, 2001 which were removed during approval of the agenda.

1. Approval of Minutes – March 21, 2001 8:30 a.m. Workshop
2. Budget Amendment – Hurricane Floyd Grant - \$212,960
3. Budget Amendment – E911 Surcharge Fund - \$20,000
4. Approval of ECU Fireworks Display for Great Spring Tailgate on April 28, 2001 and the Pigskin Pig-Out Weekend on August 31

1. Budget Amendment – Hurricane Floyd Grant

\$212,960 – This amendment appropriates supplemental funds granted by the State in the Hurricane Floyd Hazard Mitigation program for Tenant Relocation Assistance.

<u>Account No.</u>	<u>Title of Account</u>	<u>Increase</u>	<u>Decrease</u>
242400 426402	Federal Grant	212,960	
245507 569505	Service Delivery	19,360	
245507 569506	HMGP	193,600	

2. Budget Amendment – E911 Surcharge Fund

\$20,000 – This amendment appropriates the revenue received under the new Wireless 9-1-1 Phase One initiative and related expenditures. This is the expanded served that provided the location of the tower from which a cellular caller is transmitting in order to locate individuals for emergency services.

<u>Account No.</u>	<u>Title of Account</u>	<u>Increase</u>	<u>Decrease</u>
292600 440130	911 Wireless	20,000	
294339 553002	Communications Equipment	15,000	
294339 568000	E911 Reserve	5,000	

3. Approval of ECU Fireworks Display for ECU

Lee Workman, Assistant Athletics Director of East Carolina University, requesting permission for ECU to hold fireworks displays for the Great Spring Tailgate on Saturday, April 28, and the Pigskin Pig-Out Weekend on Friday, August 31. The County has typically approved these requests contingent on the confirmation from ECU that they provide the County with a copy of the Certificate of Insurance from the fireworks company prior to the functions.

ITEMS FOR DECISION

Endorsement of site for Council on Aging Building – Dr. Charlie Byrd

This item was postponed until a later date.

Budget Amendment – Contingency for Division of Youth Services – Melonie Bryan

Ms. Bryan stated this budget amendment was due because of an invoice received from the State for the Juvenile facility. This item is budgeted each year with very little information.

UPON MOTION by Commissioner Johnson, seconded by Commissioner Ward, the Board voted unanimously to approve the budget amendment for the Division of Youth Services.

Account No.	Title of Account	Increase	Decrease
109910 599100	Contingency		30,000
104379 569002	Division of Youth Services	30,00	

Schedule Meeting for EMS Study – Tom Robinson

Mr. Robinson stated he would like the Board to schedule a time to meet and hear the Presentation of the EMS Study and would like to invite the municipalities and the EMS Council members to attend. Mr. Joyner said they have been working on this for some time and he is ready to move forward. He stated that Steve Allan, with Freeman White, has done the consultant work and done an excellent job. Commissioner Coulson asked if the Board will have a report to study prior to the meeting. Mr. Joyner said he would make that request to the consultant. Commissioner Shank asked for this meeting to be held on Tuesday instead of Monday.

UPON MOTION by Commissioner James, seconded by Vice Chairman Bowen, the Board voted unanimously to schedule this meeting on Tuesday, on April 17, 2001 at 7:00 p.m. Also, the Board agreed that if the consultant cannot schedule to come on Tuesday, then the meeting will be moved to Monday, April 16th at 7:00 p.m. as originally suggested.

PCMH Board of Trustees Appointments – Susan Banks

Ms. Banks stated that Thomas Ed Casey and Walter Morehead were eligible for reappointment to the Pitt County Memorial Hospital Board of Trustees. Commissioner Shank offered a nomination for reappointment of Walter Morehead. Commissioner James nominated Commissioner Royal to fill the position occupied by Walter Morehead. Commissioner Bowen motioned to close the nominations, which was seconded by Commissioner Owens, and the Board voted unanimously to approve the motion. Mr. Robinson stated that the Board may want to assure that there is no conflict with appointing another County Commissioner to the Hospital Board. Vice Chairman Hammond called for votes on the nominations. Commissioners voting for Walter Morehead were Commissioner Owens, Commissioner Johnson, Commissioner Shank, and Commissioner Ward. Commissioners in favor of Commissioner Royal were: Commissioner James, Commissioner Bowen, Vice Chairman Hammond, and Commissioner Coulson. This led to a four to four vote. Chairman Hammond stated someone did not vote. It was noted that Commissioner Royal did not vote and was asked to clarify his position. Upon being asked Commissioner Royal stated he would vote for himself to serve as a Hospital Board Trustee. Commissioner Royal will replace Walter Morehead on the Hospital Board of Trustees to a term that expires March 31, 2006.

Vice Chairman Hammond asked for nominations for the position held by Thomas Ed Casey. Commissioner Ward nominated Thomas Ed Casey for reappointment to complete a second term. Commissioner Coulson nominated Dick Adams to fill the position currently held by Thomas Ed Casey. Commissioners in favor of appointing Thomas Ed Casey were: Commissioner Owens, Commissioner Johnson, Commissioner Shank, and Commissioner Ward. Commissioners in favor of appointing Dick Adams were as follows: Commissioner James, Commissioner Bowen, Vice Chairman Hammond, Commissioner Coulson, and Commissioner Royal. Dick Adams was appointed to the PCMH Board of Trustees to a term that expires March 31, 2006.

Pitt County Board of Adjustment Appointments – Susan Banks

Ms. Banks informed the Board that they needed to appoint five new members and two alternate members to the Pitt County Board of Adjustment. One member will come from the NC

11 area and the remaining four members will come from the Northwest Planning Area. The two alternates could be appointed from any area within Pitt County. Chairman Hammond asked for nominations from the NC Highway 11 area. Commissioner Shank nominated William (W.C.) Moore.

UPON MOTION by Commissioner James, seconded by Commissioner Bowen, the Board voted unanimously to accept the nomination of William Moore by acclamation.

Nominations went as follows:

- Commissioner James nominated Steve Little.
- Commissioner Owens nominated Tom Harris.
- Commissioner Ward nominated Annie Holder.
- Chairman Hammond nominated Moses Teel, Jr.
- Commissioner James nominated Tony Bullock.
- Commissioner James nominated Alexander Weaver.
- Commissioner Coulson nominated Joseph Moore.

Commissioner Shank **motioned**, seconded by Commissioner Ward, to accept the Manager's plan for the person with the highest number of votes to be placed in the position with the longest term. The motion passed unanimously.

Chairman Hammond called for votes as follows for the Pitt County Board of Adjustment:

<u>Applicants</u>	<u>Votes</u>
Joseph Moore	Coulson, Bowen, Owens (3)
Moses Teel, Jr.	Coulson, Royal, Hammond, Bowen, James, Johnson and Owens (7)
Steve Little	James, Shank, Ward (3)
Annie Holder	Royal, Bowen, James, Johnson, Ward, Shank And Owens (7)
Tom Harris	Coulson, Royal, Bowen, James, Johnson, Ward, Shank, Owens and Hammond (9)
Tony Bullock	James, Shank and Ward (3)
Alexander Weaver	Hammond, Royal and Coulson (3)

The top three candidates were Moses Teel, Jr. who will serve a two-year term, Annie Holder who will serve a two-year term, and Tom Harris who will serve a three-year term.

The Board re-voted on the remaining nominees who each received three votes previously.

<u>Applicants</u>	<u>Votes</u>
Tony Bullock	None
Alexander Weaver	Hammond and Royal
Steve Little	James, Shank, and Ward
Joseph Moore	Owens, Johnson, Bowen and Coulson

Mr. Joseph Moore was appointed to serve a one-year term as a regular member on the Pitt County Board of Adjustment.

The Board then addressed the two alternate positions. Nominations went as follows:

- Commissioner Ward nominated Benjamin Tetterton.
- Commissioner Bowen nominated Tommy Harrell.
- Commissioner James nominated Alexander Weaver.

Commissioner Owens motioned to close the nominations. Commissioner James seconded the motion and the Board unanimously approved the motion.

Chairman Hammond called for votes on the three applicants for alternate members. These two alternate members could be appointed from any area within Pitt County. The alternate members are treated the same as regular members with the exception that they can only vote when a regular member is absent.

Tommy Harrell received a vote from Commissioner Bowen. Alexander Weaver received votes from Commissioner Owens, Commissioner James, Chairman Hammond, Commissioner Royal, and Commissioner Ward. Benjamin Tetterton received votes from Commissioner Coulson, Commissioner Ward, Chairman Hammond, Commissioner Bowen, Commissioner James, Commissioner Johnson, and Commissioner Owens.

Alternate members appointed were:

Benjamin Tetterton will fill the two-year term until July 1, 2003.

Alexander Weaver will fill a one year term.

Pitt County Board of Adjustments membership is as follows:

1. Joseph Moore - one year, expire July 1, 2002, NW area
2. Moses Teel, Jr. - two years, expire July 1, 2003, NW area
3. Annie Holder - two years, expire July 1, 2003, NW area
4. Tom Harris - three years, expire July 1, 2004, NW area
5. William (W.C.) Moore - three years, expire July 1, 2004, NC 11 area

Alternates:

1. Alexander Weaver - one year, expire July 1, 2002
2. Benjamin Tetterton - two years, expire July 1, 2003

Appointment to Greenville Planning and Zoning Commission – Alternate ETJ Position – Susan Banks

No action was taken.

Appointment to the Convention and Visitors Authority – Susan Banks

Ms. Banks informed the Board that she had received a nomination from the Greenville City Council of Dawn Boyd of Best Western Suites, as an owner/operator of a hotel/motel. Ms. Boyd would fill Susie Glynn's unexpired term.

Commissioner Shank stated that as liaison with the Convention and Visitors Authority, she would like to offer the nomination of Ms. Dawn Boyd to fill an unexpired term on the Convention and Visitors Authority. Commissioner James motioned, seconded by Commissioner Ward, to close the nominations and accept Dawn Boyd's nomination by acclamation. The Board approved the motion unanimously.

Agenda Preview Meetings – Tom Robinson

This item was removed from the agenda.

Seven Year Revaluation Matter for reconsideration – Tom Johnson

Commissioner Johnson stated he had asked for this item to be added to the agenda so the Board could reconsider the seven-year revaluation cycle.

Commissioner Owens **motioned** to table this item. Commissioner Coulson seconded the motion. Chairman Hammond called for the positive vote on the motion. In favor of tabling this item were: Commissioner Owens, Commissioner Coulson, Chairman Hammond and , Vice Chairman Bowen. Discussion was begun at this point in time.

Commissioner Coulson said that this item should not be reconsidered. He stated if the County needs more funds then the Board needs to consider raising taxes, not doing a revaluation. He said the people expect it every eight years. He said sometimes you can not get the tax value and it is gutless for the Board to vote for the revaluation instead of raising the tax rate. Commissioner James said he disagreed with these comments. He said there needs to be a fair taxation on anything you own. He said this is the fair way to tax the people. He said you would save \$120,000 on utilities and computers that would pay for the revaluation. He said he is willing to pay the fair share and this is the only way to be fair. Commissioner Johnson said this needs to be carefully analyzed and asked the Manager to clarify this matter. Mr. Robinson stated the idea is to have equity in tax values. He said there is a disproportionate value on the lower income residents and farmers and it is currently not fair to them. The overall impact on the tax rate is determined by the Commissioners. He reviewed how much money is being lost because of the tax values not being equitable. He said twenty-nine counties are on four-year cycles and many are moving their schedules to be more up-to-date. Mr. Glenn Cutrell, Tax Assessor, explained the logic and the effects on the property tax values. Commissioner Owens asked if there has ever been a revaluation where there was not more money put in the County's pockets.

Commissioner James said the tax rate is \$.68 and once the revaluation is done he will vote to reduce the tax rate. Commissioner Coulson said that the funds that are raised from this process cost the taxpayers more money. Mr. Robinson said that if the Board does not reduce the tax rate during a revaluation, then it would increase the funds by \$6 million. He said that the County is better off if taxes are raised in small increments instead of a huge increase which is what happens if it is on an eight year cycle. He said that Boards usually go to a revenue neutral status where the tax rate is decreased. Commissioner Coulson commented on the requested legislation for a one-cent sales tax being equal to \$220 per year increase for each family. He said the average person in the County is already behind with the average three percent cost of living raise. He said he feels this would hurt the people of the County. He said before the Board does this, the Board should reduce county departments budgets. Chairman Hammond said that Raleigh has already reduced the County's budget. Commissioner Shank said that the sales tax is a regressive tax and therefore the property tax is the way to go and for this Board to own up to its responsibility for the citizens.

The Clerk asked the Chairman to have the Board vote again since the voting was not completed. Against the motion to table this item were: Commissioner Johnson, Commissioner Ward, Commissioner Shank, Commissioner Royal and Commissioner James.

Commissioner Johnson **motioned** to change the revaluation cycle from eight years to seven years for this cycle. Commissioner Ward seconded the motion.

Vice Chairman Bowen called for an **amendment** to the motion stating that at the time the Board considers the revaluation, the Board will lower the tax rate following the revaluation. Commissioner James seconded the motion. In favor of the amendment to the motion were: Vice Chairman Bowen, Commissioner James, Commissioner Coulson, and Chairman Hammond. Against the amendment were: Commissioner Shank, Commissioner Ward, Commissioner Johnson, and Commissioner Royal. Commissioner Owens did not vote. The County Attorney announced that with a four to four vote the amendment failed.

Chairman Hammond then called for the Board to vote on the original motion to change the revaluation from an eight-year cycle to a seven-year cycle. In favor of the motion were: Commissioner James, Commissioner Johnson, Commissioner Shank, Commissioner Royal, and Commissioner Ward. Opposed to the motion were: Commissioner Coulson, Commissioner Owens, Chairman Hammond, and Commissioner Bowen. The motion passed with a five to four vote.

Vice Chairman Bowen **motioned** to authorize Phil Dickerson to work with the Town of Ayden to use twenty-four of the pews at the courthouse in the Ayden Courthouse. Commissioner Coulson seconded the motion. Commissioner Ward asked to amend the motion stating the motion should include requiring the Town of Ayden to come and move the pews out

of the Pitt County Courthouse. Commissioner Bowen accepted this amendment to his motion. There was a unanimous vote to approve the motion about the negotiations on the pews.

COMMISSIONER COMMENTS

- ? Commissioner Coulson spoke about road construction and problems on Staton Road and US 264, causing a public safety problem. He said he has called the Highway Department about the cones on the road in that area. He said that they have been there for three months.
- ? Commissioner Shank said she would appreciate it if commissioners would add items needing action during approval of the agenda and not at the end of the meeting.
- ? Commissioner Royal stated that last Saturday night the community celebrated the life of Dr. Andrew Best and missing was a resolution from the County of Pitt. He recommended and **motioned** that the County Attorney put together a resolution and ask Dr. Best to attend the next meeting for presentation of the resolution. Chairman Hammond seconded the motion and it was approved unanimously.

CLOSED SESSION – G.S. 143-318.11(a)

(3) To consult with the an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

UPON MOTION by Commissioner Ward, seconded by Vice Chairman Bowen, the Board voted unanimously to go into closed session based on the authority noted.

UPON MOTION by Commissioner James, seconded by Commissioner Bowen, the Board voted unanimously to return to open session.

ADJOURN

UPON MOTION by Commissioner Royal, seconded by Commissioner James, the Board voted unanimously to adjourn the meeting at 1:35 p.m.

Respectfully submitted,

Susan J. Banks, CMC
Clerk to the Board