

**PITT COUNTY BOARD OF COMMISSIONERS
GREENVILLE, NORTH CAROLINA
AUGUST 6, 2001 MINUTES**

The Pitt County Board of Commissioners met on Monday, August 6, 2001, at 9:00 AM in the Commissioners' Auditorium, Pitt County Office Building, 1717 W. 5th Street, Greenville, North Carolina.

Commissioners present:

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

Staff present:

Tom Robinson, County Manager
Susan Banks, Clerk to the Board
Melonie Bryan, Director of Financial Services
John Chaffee, Development Commission Director
Phil Dickerson, County Engineer
Edward Garrison, Social Services Director
Berry Gray, Planner I
Arlen Holt, PIO and Cable Coordinator
Dwane Jones, Planning Technician Soil Erosion and Sedimentation Control
James Rhodes, Planning Director

Call to Order

Chairman Hammond called the meeting to order.

Invocation and Pledge

Invocation was provided by Chairman Hammond.

The Pledge of Allegiance was led by Commissioner Owens.

Approval of Agenda

Mr. Robinson stated that a public hearing on the courthouse financing needed to be added to the agenda.

Motion to approve agenda.

Motion made by Commissioner Eugene James.

Motion seconded by Commissioner Terry Shank.

Total Yes Votes: 9

Total No Votes: 0

Motion Passed.

Public Hearings

Pitt County Subdivision Ordinance Amendments - Berry Gray

At its January 2001 meeting, the Pitt County Planning Board raised concerns over the limited amount of access provided to new development sites, especially those with numerous lots having ingress and egress from one access point. Primarily, the Board expressed its concern with one access hindering rescue personnel and evacuations during the threat of emergency situations. Currently the Subdivision Ordinance does not provide the Planning staff nor the Planning Board with the option of requiring additional access. Therefore, the Planning Board directed staff to propose potential amendments to the Ordinance to clarify existing sections and to require additional information on submittals.

Staff presented the proposed amendments to the Pitt County Technical Review Committee on May 9, 2001 for review and comments. The Committee approved the proposed amendments and forwarded a favorable recommendation to the Planning Board. The Planning Board held a public hearing at its June 20, 2001 meeting in order to receive comment regarding the amendments. There being no comments, the Board voted unanimously to recommend the Subdivision Ordinance amendments to the Pitt County Board of Commissioners. In addition, Planning Staff forwarded a copy of the amendments to local surveyors, engineers, and developers for review and comment in which no comments were received.

On July 9, 2001, the Board of Commissioners voted to conduct a public hearing on August 6, 2001 regarding the proposed subdivision amendments. This hearing was advertised twice in the local newspaper (see attached notice). Planning staff will be present at the August 6, 2001 meeting to present the relevant information relating to the amendments and answer any questions.

Mr. Gray reported that the Technical Review Committee, which was established in 1991, reviewed this item and had submitted for approval by the Planning Board. No comments were received from builder or contractors when published. Vice Chairman Bowen asked about buffer requirements. Chairman Hammond left the meeting at this time and Vice Chairman Bowen chaired the meeting. Commissioner Coulson asked about off site septic easements. Mr. Gray said the Planning Board discussed concern about how to maintain the off site septic easements and how to protect them. The Planning Board cannot restrict off site septic easements but instructed staff to ask the Health Board to look into that situation.

Adopt the Subdivision Ordinance amendments with an effective date of October 1, 2001. Accept recommendation of staff to approve Subdivision Amendments to the Subdivision Ordinance.

**Motion made by Vice Chairman Glenn Bowen.
Motion seconded by Commissioner Beth Ward.**

Vote Record:

Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes
Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes
Eugene James	Yes
Mark Owens	Yes

Total Yes Votes: 9
Total No Votes: 0
Motion Passed

Public Addresses to the Board

Jane Barnhill spoke in reference to NC11. She asked that in the future when dealing with people that live out in the country and own property to please be open. If this had been brought out in the open from the beginning a lot of the negative feelings wouldn't exist today.

Nancy Colville - spoke in reference to Keith Cooper's comments. The County has hired 120 employees, 69 black and 2 Hispanics. One black department head and five assistant department heads that are black. She gave specific numbers on the hiring. Manager went to Building Bridges at Atlantic Beach. She said she does not take for granted that assistant department heads would move up. The County should hire the most qualified people regardless of their race. 920 employees, which 317 being black. She said the County is doing extremely well in this area. She reviewed the benefits for county employees. She gave statistics about blacks versus Hispanic that are recipients of social services programs and asked that the Mexicans quit being blamed for everything.

Items for Report

Manager's Report-Tom B. Robinson

Selling of FEMA Trailers

Public Meeting on August 14th at 7pm in Commissioners' Auditorium on Redistricting
Legislative Update - Status of 911 bill, Local Option Sales Tax, Mental Health
Crisis Housing Assistance Grant Report
Other Matters as Needed

Mr. Robinson reported that the FEMA trailers were being sold to the highest bidders and were sold to anyone. Commissioner James said they had a sealed bid process and then there was not another opportunity. He said then they went out to certain individuals. He said they were federal trailers. He asked what Pitt County was doing with their trailers. He would like to see the people be able to buy those trailers. Mr. Robinson said Pitt County is not selling these trailers. Mr. Bobby Joyner said the trailers have been being sold for about a year. There is a website where these trailers can be sold. Mr. James Rhodes said there is a program that has not been available to Pitt County. There is another program that is being worked through the State where people without homes can be matched to the trailers. Commissioner James said he wants Social Services to work with the people to get these trailers so they will have a home of their own. Mr. Rhodes said the people in Edgecombe County have a different income structure and there has been a handful of people in Edgecombe County that bought the trailers. Chairman Hammond asked about a trailer park in the City of Greenville. Mr. Dickerson explained that the State is going back to the mobile home owners. Chairman Hammond said something needs to be done about the trailer park. Vice Chairman Bowen said this was a City problem. Commissioner Coulson said someone he worked with was flooded out and he lives in the extraterritorial jurisdiction. Mr. Rhodes said that staff has spoken with David Kelly, Governor's appointee to look over the flood recovery program. He said the process has been very liberal in the County but some of the municipalities have been much stricter. He said that Pitt County only has money for the people in their program but they are working towards helping these people. There may still be hope for the individuals and there needs to be a ruling on this item. He said it is a matter of the State's administration. Commissioner Royal said that the Board needs to encourage the City and County to work together to make sure these citizens are assisted. Mr. Robinson said they had met with David Kelly and addressed some problems and made progress. Mr. Rhodes said he has allowed them an extended time period. There are over two hundred caseloads in Pitt

County. Mr. Robinson said that there is still a big problem with renters that are low income renters are still displaced. Chairman Hammond said there is no activity going on in the Meadowbrook Subdivision and there needs to be some movement for these citizens.

Legislative Issues - Mr. Robinson said the 911 bill has been put on hold. He said Pitt County has been conservative with the use of the money. It may come up again next year. He said he provided the Board with information on the local option sales tax bill, which is an additional source of funding. The Mental Health bill is still in process.

Commissioner Owens asked to move item #5 up so Dr. Meredith could go back to his duties.

Mr. Robinson stated that the Planning Staff would like to have an open house prior to the Commissioners meeting on August 14th so the public can come in and look at the maps.

Eastern North Carolina Regional Science Center-John Chaffee

As you may recall I have been working with several people to look at the concept and feasibility of developing a regional science center in Pitt County. There are several strong reasons for this work. There also may be several sources of large grant funds to develop such a center. I have asked John Chaffee to be present on August 6th to give you and overview and update on this project. The enclosed material has been developed to help us gel the idea and be able to have a defined concept for grant proposals.

Letter of support for grant application.

**Motion made by Commissioner Mark Owens.
Motion seconded by Commissioner Beth Ward.**

Vote Record:

Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes
Eugene James	Yes
Mark Owens	Yes
Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes

Total Yes Votes: 9

Total No Votes: 0

Motion Passed.

Quarterly Investment Report - Quarter ending June 30, 2001-Melonie Bryan

Davenport & Co., the County's investment advisor, will be present to discuss the performance of the County's professionally managed portfolio. As they have done in the past, they will have visuals and be available to answer any questions related to the \$30 million under professional management.

Mr. Sean Ekert provided a summary of the Hospital Proceeds. The equity has not faired as well. Franklin Street and Sovereign have had slightly good returns but Trusco was negative. He stated the fixed income Managers were over the index. Each manager has slightly over performed the S&P 500. He said the equity managers have faired pretty well. During the next

quarter, there will be one complete year and then they will look at a broad strategy and report sometime in September. He provided the following report:

Initial Investment - \$30,000,000
Net Account Value, 6/30/01 - \$31, 363,199
Fees Paid to Date - (82,313) but \$17,000 fees to Davenport was not included
Net Return on Investments - \$1,280,886
Holding Period Return - 4.27%
Annualized Return - 5.27%

He said they felt the money managers had performed well considering the market. Fixed Income Managers have 8.38% since inception. Equity Managers had 4.27% since inception. He stated that Trusco was the best performer during the last quarter even those they were the low performers previously. Commissioner James said he wants to know how much it is costing Pitt County for these investments. Vice Chairman Bowen asked if they think the Board did the best thing last year. Mr. Eckert said they do believe this is a good plan and there will be benefits on these earnings for years to come. He said you will see some quarters better than others and this quarter was at the lower end of the range. He said they believe in giving the managers one complete year for performance. Commissioner Royal asked what assumptions are they working under in this current market. He said that because of the status of the market, they recommend splitting the investments between the fixed income and equity managers so it will minimize risks. He said they look at long term records. Vice Chairman Bowen asked that the Board get the information before their board meeting in the future. Mr. Eckert said they would attempt to get the report to the staff so it can be sent out ahead of the meeting. Chairman Hammond asked about MDL. Mr. Eckert said they are the best performers of all the managers.

Soil Erosion and Sedimentation Control Civil Penalty Assessment-Dwane Jones

At its June 13, 2001 meeting, the Technical Review Committee unanimously approved a one time \$5000 civil penalty assessment for Walter Williams. The cited violation was failure to submit an acceptable erosion and sediment control plan after being notified.

Mr. Williams appealed the penalty assessment to the July 11, 2001 Technical Review Committee meeting. The committee again voted unanimously to uphold the civil penalty assessment and to forward that recommendation to the Pitt County Board of Commissioners per the Pitt County Soil Erosion and Sedimentation Control Ordinance.

- Attachment 1 - July 11, 2001 Technical Review Committee Minutes
- Attachment 2 - Timeline of Events
- Attachment 3 - First Notice of Violation
- Attachment 4 - First response from Walter Williams
- Attachment 5 - Second response from Walter Williams
- Attachment 6 - Continuing Notice of Violation mailed to Walter Williams
- Attachment 7 - Third response from Walter Williams
- Attachment 8 - Septic permit for Trade Mart obtained by Planning Department
- Attachment 9 - Memo One from Pitt County Legal Department
- Attachment 10 - Notification of Assessment of Penalties
- Attachment 11 - Violation Information Summary
- Attachment 12 - Memo Two from Pitt County Legal Department
- Attachment 13 - Assessment of penalties (Following appeal hearing)
- Attachment 14 - Memo of contact from the Planning Department
- Attachment 15 - Agricultural Exemption form faxed to Walter Williams
- Attachment 16 - Fourth response from Walter Williams with completed agricultural exemption form
- Attachment 17 - Pertinent sections of the Pitt County Soil Erosion and Sedimentation Control Ordinance

Dwane Jones is the technical staff for the State Soil Erosion Program. Mr. Robinson said that there is a civil penalty assessment which needs to be addressed by the Board.

Sedimentation is the number one pollution to the waters in the State. General Statute 113A states not to disturb more than one tract of land without approval. The ordinance was amended in December 2000 which includes the new regulations. The Technical Review Committee makes recommendations on the Soil Sedimentation and Erosion Plan. He reviewed who actually served on the committee. The violation occurred at NC 33 East and Eagle's Nest Road, with Walter Williams as the property owner. There was a failure to submit an acceptable soil erosion plan. The letter sites that the disturbing of the property was for agriculture or forestry. On May 3, the Planning Department received a letter citing agriculture purposes for this property. Mr. Jones said he left numerous phone messages for Mr. Williams with his administrative assistant but his calls were not returned. On May 21, a notice was sent to Mr. Williams. The Planning Department had received permits dated March 2, 2000 which were approved for a Trade Mart on this particular site. On review, a civil penalty was assessed for \$5,000. Mr. Williams was not present at the meeting where the penalty was decided.

On July 11, the TRC committee met and upheld the penalty. Mr. Williams said his intent was to avoid the fee by claiming agricultural use of the property. On July 19, Mr. Williams was faxed an agricultural exemption form. He completed the form and submitted it to the Planning Department. Mr. Jones said the total assessment could have been over \$1,000 per day, or \$51,318.75. TRC recommended a one-time fee of \$5,000 rather than going the other route.

Commissioner James asked if a farmer had done the same thing, what would have happened. Mr. Jones said that they would have had to submit that the use of the property was exclusive for agriculture use. Mr. Jones said Mr. Williams did that after the penalty was assessed and felt he did it to avoid the penalty. Commissioner James said all citizens should be treated the same. Commissioner Coulson asked if we know what he wants to use the land for? Mr. Jones said it went from pastureland, feeding horses, to it was convenient to have the property cleared because a neighbor was having his land cleared. Mr. Jones said the TRC levied the fine because they did not believe Mr. Williams intended to do the sedimentation control plan. Commissioner Coulson asked about the application for a septic permit. Mr. Jones said Environmental Health would not release this septic tank permit until the building permit had been approved.

Commissioner Bowen spoke to an April 17th letter from Mr. Jones to Mr. Williams and a return letter on April 17th. Mr. Jones said Mr. Williams did respond to his requests until he started asking for an erosion control plan. Commissioner Bowen read an excerpt from the letter from Janis Gallagher, Assistant County Attorney, about Mr. Williams plan to use the property for a Trade Mart. Commissioner Bowen said that the Board is acting as the Judge in this situation. He said they can decide whether he intended to build a Trade Mart or that he was going to use it for farming. Commissioner Owens asked why they sent him a form for agriculture use after they had assessed the penalty. He asked if they had had the form when they assessed the penalty, would that have changed their decision. Mr. Jones said at the time they were accepting a written letter instead of using a form. Commissioner Owens asked if Mr. Williams has paid his fees and followed the regulations at this time. Mr. Jones said Mr. Williams had complied with the rules and regulations, and paid a small penalty but not \$5,000. Commissioner James said he agrees with Commissioner Owens and he has a figure of about \$100 in mind for a penalty. Commissioner Shank said she was concerned with the definitions in this process. Commissioner Shank said she would think registered mail would be more appropriate for these type of matters. She asked if voice mail was considered a legal contact. She said the issues are confusing. Commissioner Bowen asked to allow Mr. Williams to speak. Commissioner Royal said Mr. Williams is a good man but that the County establishes a process and the Board should support the staff. Staff abided by what they were given to work with in this procedure. He said it weakens the staff's ability to do their job when the Board does not support their decisions and recommendations. He said he respects the people that were hired to do their job. The Board cannot come back at every interval and protect individuals instead of supporting policy. Commissioner Royal spoke about

Mr. Williams volunteer service on the Weed and Seed committee and how much he contributes to this community. He said if an infraction has occurred, then the Board needs to support staff.

Commissioner Coulson asked about the statement made by Mr. Williams where he said did not intend to use the property for agriculture. He said \$5,000 is only one-tenth of what could have been fined and he felt they should uphold the ordinance. Commissioner Ward said that the form was not ready and up to that point, they had accepted letters on how the property was going to be used. There was a letter dated in May stating the property was for agricultural purposes and then an April letter to use land for agriculture purposes. She asked if there was a reason that his letters were not accepted. Mr. Jones said they needed a sole or exclusive use of the property stated. Mr. Jones said the voice mail messages were left stating that they needed a sole use of the land and that he needed a letter stating a specific use. Mr. Jones said the law changed in August 2000, about certified mail, and they can make contact without sending letters by certified mail if they keep it well documented. He said they have sent certified letters to people where they do not receive receipts back because if they were doing something wrong they would not accept the letter. Commissioner Bowen said that you should not assume because he applied for the septic tank permit that he was going to build something on the property. Chairman Hammond asked when the last time the TRC levied a fine. Mr. Jones said they levied a fine last year, 2000. The fines were increased with the amendment to the ordinance.

Mr. Walter Williams said this has been a fiasco from the beginning. He said he knows about soil erosion and sedimentation control because he has had farms for years. If agriculture is not permitted, then change the rules. He said he has seven stations that have sedimentation and erosion control plans. He said that the plan that was finally submitted, was after he got fined. He said he submitted a plan stating that he was going to use the land for agriculture but it was not registering with staff. He said he tried to do what was a good deed. His neighbor was cutting his timber and went along with his neighbor and agreed to clear the property with the idea that he would not be building a Trade Mart. However, he said he would not say that he was never going to build a Trade Mart on that property but did not have plans to for several years. He said his interpretation is that grass is agriculture. He said Dwane Jones was lying when he said that he had not said he was going to solely do agriculture. He said if he didn't like grass then he should have told him what he wanted. He said he had a letter advising him not to do anything. He said he seeded and grassed the land prior to the erosion control plan. He said if the plan is accepted as is, then he's controlled the erosion because it was seeded. He said if he is fined \$.50 then he will believe this Board is saying he is lying. He said he finally called Mr. Rhodes about the situation and Mr. Rhodes saw that Dwane sent him a form. He said about the Trade Mart septic tank issue is what caused the problem. He said they had a copy stating that the property would perk for a house. He said he offered to sign a letter stating there would be no commercial use on this property for one, two or five years but he did not receive a reply. Ms. Burgdorff stated this Board is deciding whether or not to support the TRC's recommendation which follows the State laws and County's Ordinance. Chairman Hammond stepped out of the meeting. Commissioner Bowen asked Mr. Williams at the time when he cleared this property was it his intent to put a Trade mart there. He said he did not because there is not enough traffic there to justify a Trade Mart. Commissioner James said he supports Mr. Williams one hundred percent and the Planning Department one hundred percent. He said he believes he had good intentions. Commissioner Coulson said that on July 11th meeting, Mr. Williams stated it was irrelevant whether he was going to put a Trade Mart there but we have an ordinance. He stated that Mr. Williams did not want to spend \$1200 for the soil erosion control plan because he was not going to put a Trade Mart. Mr. Williams said he responded to every letter he received from Mr. Jones. He said agriculture and forestry was what he planned to use the property. Ms. Burgdorff said the Board should respect and enforce the County's Ordinances. There were some discrepancies in regards to notices, such as certified mail. This Board appointed the TRC and they had an appeal hearing and it was the view of that Committee that the penalty should be assessed and this Board needs to decide whether or not to support that. Mr. Williams said he supports his employees but they make mistakes and it is his responsibility to settle the problems. When he attended the meeting, he said he had already been fined \$5,000 and they were prejudiced that he was going to build a

Trade Mart. He said staff tends to support staff. He said he felt he followed the exceptions. He said every letter he sent was ignored. Vice Chairman Bowen said he did not disagree with staff. Commissioner James said he asked what would he have done if a farmer had had this situation. Commissioner Royal said Mr. Williams has supported local organizations and several community organizations in the City of Greenville, but as a Board member staff has done a credible job and once a committee does a job this Board should support it. Chairman Hammond said whenever an ordinance is not clear, it make decisions harder to make for this Board.

Motion: In light of presentations, the Board overruled the TRC assessment of civil fine and the issue will be dead from this day forward.

**Motion made by Commissioner Mark Owens.
Motion seconded by Commissioner Terry Shank.**

Vote Record:

Tom Coulson	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes
Beth Ward	Yes
Glenn Bowen	Yes
Eugene James	Yes
Mark Owens	Yes
Randy Royal	No

Total Yes Votes: 8

Total No Votes: 1

Motion Passed.

Chairman Hammond commended Mr. Jones on the job that he has done on this item.

Grant Application - Sheriff's Department-Tom B. Robinson

The Sheriff's Department has made application for Local law Enforcement Block Grant funds in the amount of \$89,917 for mobile data terminals, which will require a 10% local match in the amount of \$8,292. Notice of funding should be received in the Fall. A budget amendment will be brought back to the Board for appropriation, if and when the grant is awarded.

Mr. Robinson reported on the grant application.

Rezoning Pitt County Courthouse Property-Phil Dickerson

The City of Greenville has determined that some of the site work that the County needs to do at the Courthouse does not conform to the City's Zoning Ordinance as the property is currently zoned. The area of noncompliance relates primarily to the spacing of walkways along the City's sidewalks. There are also some gray areas relative to setbacks and on-site parking. The present zoning classification, Office Residential (OR) is the root of the problem.

The City Planning Department has agreed to sponsor a rezoning of the block on which the Courthouse is located. The rezoning would be to Downtown Commercial (CD), the same zoning classification as the Federal Courthouse and other properties east and south of the Courthouse. The rezoning will affect the County property only and it will give the County much greater flexibility in the use of the property. It should also be pointed out that the rezoning will not delay the renovation of the Courthouse, since the site work in question will not occur until near the end of the project.

Mr. Robinson stated that the County is submitting a rezoning application to the City because of the Courthouse sidewalk project. Mr. Dickerson said he will write the City a letter asking for consideration by the City of Greenville to allow more flexibility in using the property.

Items for Consent

Approve Items for Consent-Susan Banks

Motion to approve items for consent.

**Motion made by Commissioner Eugene James
Motion seconded by Commissioner Beth Ward**

Vote Record:

Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes
Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes
Eugene James	Yes
Mark Owens	Yes

**Total Yes Votes: 9
Total No Votes: 0
Motion Passed**

Proclamation for Breastfeeding Week-Susan Banks

**BREASTFEEDING WEEK 2001
For Pitt County**

WHEREAS, children are our number one priority. They are our future and we owe them the opportunity to lead healthy and prosperous lives; and

WHEREAS, breastfeeding is a healthy, natural food source for infants that provides them with an ideal balance of nutrients and a high degree of natural immunity against infection and allergies; and

WHEREAS, breastfeeding is recommended by the United States Surgeon General and the majority of health care professionals. Breastmilk is the world's only non-polluting, renewable baby food source, and it contains the best possible nutrients for infants to become healthy and strong adults; and

WHEREAS, breastfeeding creates a smarter, healthier and happier community; and

WHEREAS, this year's theme is "Breastfeeding in the Information Age";

NOW, THEREFORE, I, The Board of Commissioners of Pitt County, do hereby proclaim August 1-7, 2001, as "BREASTFEEDING WEEK" in Pitt County and encourage our citizens to recognize the environmental and health benefits to mothers and babies in our County by promoting, protecting and supporting breastfeeding.

ADOPTED this the 6th day of August, 2001.

Attest: _____
Susan J. Banks, CMC
Clerk to the Board

David Hammond
Chairman

Approval of Minutes-Susan Banks

July 9, 2001, Rescheduled Regular Meeting
July 19, 2001, Redistricting Workshop

Budget Amendments- HRI Foster Care-Edward L. Garrison

The Department of Social Services is requesting a budget amendment to expand the High Risk Intervention (HRI) component of Foster Care. The NC Division of Social Services, the Pitt County Department of Mental Health, and the Pitt County Department of Social Services have cooperated to modify and expand the HRI program that is funded by Medicaid and new, 100% State funds.

The HRI program will allow MH and Social Services to provide treatment and therapy to foster children served by both Departments. The primary source of funds for this program is Medicaid. The Department proposes transferring 100% County funds from a Foster Care line item and using those funds to provide a 38% match for the HRI program component. This will allow the Department to provide an improved treatment program to our most difficult foster children. This will increase revenues and reduce net County funds dedicated to foster care.

Additional County funds re not requested.

Schedule Public Hearing For New Franchise Agreement With Adelphia Cable-Arlen Holt

Attached is a proposed Franchise Agreement between Adelphia Cable and Pitt County. The County's Communications Ordinance stipulates that a Public Hearing is to be held before a Franchise Agreement is enacted.

Request that the Board schedule a Public Hearing for August 20, 2001, during the Board's regular meeting, to discuss the new franchise and receive public comments.

Budget Amendments- Grant Rollovers from Prior Year-Melonie Bryan

These budget amendments re-appropriate unspent grant funds from the prior year(s) into the Fiscal Year 2001-02 budget.

Gang/Property Crimes Grant ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
243627 426400 01 Rev	Fed Categorical Grant	8,923.29	
243627 498010 01 Rev	Interfund Transfer- Gen	2,974.65	
245627 512000 01 Exp	Salaries	4,785.97	
245627 512200 01	Overtime	578.06	
245627 518100 01	FICA Taxes	363.67	
245627 518200 01	Retirement	195.66	
245627 518201 01	401K Retire	337.67	
245627 518300 01	Hospital	887.85	
245627 518400 01	Life Insurance	45.66	
245627 519300 01	Prof Services - Medi	250.00	
245627 521200 01	Uniforms - Employees	650.00	
245627 528000 01	LE Supplies	1,760.06	

245627 531200 01	Travel	1,185.28
245627 532100 01	Telephone	481.23
245627 539500 01	Training/Conf	167.03
245627 552000 01	DP Equip	63.00
245627 553002 01	Communic. Equipment	146.80

Abuse You Lose Grant

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
243635 436000 01 Rev *	Non Fed Categorical Grant	29,119.82	
245635 526000 01 Exp	Office Supplies	2,000.00	
245635 531200 01	Travel Gen	5,500.00	
245635 532500 01	Postage	64.12	
245635 534100 01	Printing	6,566.44	
245635 539500 01	Training/Conference	10,000.00	
245635 561000 01	Contracted Services	4,989.26	

Law Enforcement Block Grants

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
243612 426400-00 Rev	Fed Cat Grant	6,461.00	
243612 498501-00 Rev	Local Match	718.00	
245612 542200-00 Exp	Software	3,150.00	
245612 552000-00 Exp	DP Equipment	4,029.00	
243612 426400-01 Rev	Fed Cat Grant	49,190.41	
243612 498501-01 Rev	Local Match	5,465.49	
245612 542200-01 Exp	Software	19,159.10	
245612 552000-01 Exp	DP Equipment	35,496.80	

West Charitable trust

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
243670 499103 Rev*	Fund Balance Grants	35,000	
245670 535101 Exp	Repair of Building	35,000	

State Excise Tax & Federal Asset Forfeiture

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
223601 499100 Rev	Fund Balance Appropriated – Federal Asset Forfeiture	20,770.66	
225601 528000 Exp	LE Supplies	9,744.09	
225601 551000	Office Furn & Equip	548.96	
225601 553001	LE Equipment	10,477.61	
223602 499100 Rev	Fund Balance Appropriated State Excise Tax	19,108.18	
225602 526000 Exp	Office Supplies	500.00	
225602 528000	LE Supplies	6,993.91	
225602 539500	Training/Conference	4,013.99	
225602 539903	Drug Info	3,000.00	
225602 553001	LE Equipment	4,600.28	

Home Grant

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
243641 426400 Rev	Fed Grant	55,600	
243641 498010 Rev	FT Gen	6,355	
245641 535101 Exp	Building Repairs	57,195	
245641 569504 Exp	Admin Costs	4,760	

Budget Amendment- Crisis Housing (Hurricane Floyd)-Melonie Bryan

Additional grant funds were awarded by the State on July 11, 2001 for these hurricane recovery programs. This budget amendment brings projects in line with the new funding amounts.

Revised Funding Amounts - \$13,875,722
Currently Budgeted - 10,507,354
Increase - \$ 3,368,368

Educational Leave- Joyce Holloway, Financial Services Department-Melonie Bryan

Ms. Holloway requests educational leave of 3 hours per week to attend a Managerial Accounting class at East Carolina University as part of a degreed program. This class and degree are applicable to her employment with the County.

Educational Leave for Kimberly Woodard, County Manager's Office-Susan Banks

Ms. Woodard is in the process of completing her Associates Degree in Business Administration at Pitt Community College. She has registered for a Calculus class for the Fall Semester. Mr. Robinson and Ms. Banks support her request for three hours educational leave during the fall which is required for completion of her degree.

Releases and Refunds Greater Than \$100-Glenn Cutrell

June 2001	Total County Releases(Greater Than \$100) - 52	\$ 9,883.74
June 2001	Total Greenville Releases(Greater Than \$100) - 20	\$ 2,670.52
	Total Refunds(Greater Than \$100) - 8	\$ 2,089.49
	Boylan, John H.	\$ 220.05
	Leasetec Corporation	\$ 176.10
	Pitt County Tax Collector for Parcel 45460	\$ 195.64
	Pitt County Tax Collector for Account 1189867/0	\$ 800.00
	Shea, Charles	\$ 128.38
	Smith, Henry	\$ 259.01
	VT, Inc. as T'stee World Omni Ltd	\$ 188.79
	Wells Fargo Auto Finance	\$ 121.52

Releases & Refunds less than \$100- June 2001-Melonie Bryan

The attached spreadsheet recognizes and authorizes the Releases and Refunds transacted in June 2001. This information is normally included in the Monthly Financial Report. However, the June activity is presented as the Comprehensive Annual Financial Report (annual audit) and will not be released for presentation until September 2001 after the audit is complete.

Clarify request for change of fee for tank removal/installation - combustible products to take effect August 1, 2001-Bobby Joyner

Pitt County Manual of Fees under Emergency Services reads as follows:

Old language - Tank removal/installation - Combustible Products \$60.00

New language - Tank removal/installation - Combustible Products \$60.00 per tank

Call for Public Hearing - August 20, 2001, Courthouse Financing Package-Melonie Bryan

As we discussed during the March 21, 2001 Facilities Workshop, staff has been working with the Local Government Commission to facilitate the funding of the renovations at the Courthouse. Under the North Carolina General Statutes, a public hearing is necessary to allow for public comment on the proposed financing package.

After meeting with the Local Government Commission on August 3, 2001 and reviewing the available sale dates, it has been determined that we will market our Certificates of Participation on September 20, 2001. Should we not take this sale date, the County would have to wait until the end of October due to other jurisdictions' bond sales conflicting with our sale. Additionally, the Board approved the award of the construction contracts at the June 18, 2001 meeting which means from a cash flow perspective, the County will need funds by late September / early October and therefore, the September 20 sale date works to our advantage.

We will be bringing all necessary findings of fact and resolutions to the Board at the August 20, 2001 meeting for adoption after the public hearing. As we discussed in March, we will be considering the construction funds and well as any advance refunding of prior debt which saves the County money in debt service costs.

Items for Decision

NC 11 North Corridor Land Use Plan and Zoning Ordinance-James Rhodes

With the implementation of the Northwest Planning Area Zoning Ordinance as of July 1st, Planning staff now recommends proceeding with the review and consideration of the recommended NC 11 North Corridor Land Use Plan and Zoning Ordinance. The recommended documents were endorsed on November 30, 2000, by the NC 11 North Corridor Planning Committee (see Attachment 1 - Minutes) after the group met nine times and held three public forums over a two year period. As you are aware, the NC 11 North planning effort was initiated in response to the proposed Greenville Utilities Commission sewer line extension from Greenville to Bethel along NC 11. In an agreement with other affected parties (see Attachment 2), Pitt County is to develop a land use plan and enact zoning regulations to allow sewer service access within the planning area. If the County adopts an acceptable plan and zoning ordinance, the City of Greenville will relinquish its sewer tap-on authority to the County.

The NC 11 North Corridor Planning Area encompasses 12,122 acres (see Attachment 3 - Map) and has a population of approximately 644 people. The area has experienced very little development and is predominantly rural in nature. However, due to the four-laning of NC 11 and the availability of rail and sewer service, the area has great potential for growth.

Similar to the Northwest Planning Area plan, the draft NC 11 North Corridor Land Use Plan seeks to guide anticipated growth over the next 20 years. Four land use categories, which include Agricultural/Open/Natural Resources, Rural Residential/Agricultural, Suburban Residential, and Rural Commercial/Crossroads Community, are utilized. Future development is focused along NC 11. Very rural and sensitive areas, such as flood-prone properties, are recommended for protection from intense development. The accompanying zoning ordinance serves to carry out the goals and objectives of the land use plan. Two zoning districts, Rural Agricultural and Rural Residential, blanket the planning area except for one small commercial zone along NC 11.

The remaining steps for the review and consideration of the recommended Land Use Plan and Zoning Ordinance include:

- 1) Presentation to and receipt of review comments from the governing boards for the City of Greenville, Greenville Utilities, and Town of Bethel;
- 2) Presentation of recommended documents, along with review comments received in #1 above, to the Pitt County Planning Board and establish a public hearing date;
- 3) Pitt County Planning Board to hold a public hearing and forward recommended versions of the Land Use Plan and Zoning Ordinance to Board of Commissioners; and
- 4) Board of Commissioners to hold a public hearing and consider adoption of the Land Use Plan and Zoning Ordinance.

Mr. Robinson stated that the City allow County to exercise sewer taps to line. County pay for a pump station and a portion of the sewer line. There is no provision in the agreement for the County to back out of implementation of the Land Use Plan. There is already an ongoing sewer project and the question will be what to do with and how to address who can tap onto the sewer. If the County does not control the sewer taps, then the City will. Chairman Hammond asked the cost to Pitt County. Commissioner Coulson asked why the sewer taps would be controlled by the City of Greenville if the County does not vote to put in the Land Use Plan and Zoning Ordinance. Mr. Robinson said the sewer line is controlled by Greenville Utilities Commission. Commissioner James said he worked hard to get this passed and now Bethel has sewer. He said you can tap on for \$330 for water. He said they need to have the people's support. He said he has not had anyone come to him in support of this project and he cannot support it. Chairman Hammond asked the cost of the pumping station between Greenville and Bethel. Mr. Bucky Moore, Wooten Company consultant for the Town of Bethel and the pump station to serve a mile radius would be \$250,000 and it can go up from there. Chairman Hammond said that Bethel is dying and it needs help. Commissioner Ward said that Bethel people must want it because the Town voted in support of it. She said you hear from the people who are not for projects. She said she has had people come to her in support of this project. She said they have heard pros and cons. She said this plan has changed significantly since it was first presented. It is a very minimal land use plan and zoning ordinance. She said the people have been listened too and asked to hear from Mr. Rhodes before a decision is made. Mr. Moore said the issue of zoning as far as Bethel is concerned, has no effect on the sewer project. He said they are ready to advertise bids. As for zoning the corridor, it will not stop or start the project and Bethel supports orderly growth. He said if there is a restriction on taps, there will be more people coming to Bethel.

Mr. Rhodes said the NW Zoning Ordinance has been running fairly smooth so far. The Northwest area already has a land use plan and zoning ordinance is in place which includes 38,000 acres. The Board of Adjustment has met three times and they want to continue with more training. There have been no official items before them at this time. They have received 25 zoning compliance permits, 21 were for manufactured homes and the others were day cares, additions to homes, and one accessory structure.

Mr. Rhodes stated that the NC 11 North Corridor is one-third the size of the northwest area. It is centered about the NC 11 corridor which is sparsely populated with great potential for growth. There is an eleven-member committee which met on this plan. As part of the agreement, a provision is included to allow Greenville to extend ETJ one more mile which would allow a two-mile extraterritorial jurisdiction going north. In January 1999, the first committee meeting was held and there has been nine more meetings. They have held a public forum and hearing. At the last meeting on November 30, 2000, the committee supported the land use plan and zoning ordinance. There are two main patterns that fit along with the Northwest Planning Area. They have used data to assure they fit together. One exception is the Country Mart that is zoned commercial since it already exists. Mr. Rhodes said staff needs permission to move forward. Commissioners would have to hold a public hearing and adopt the ordinance. This would still have to be accepted and approved by the City of Greenville. Greenville Utilities has been very involved in the process. They seek to put some minor zoning requirements in place. Vice Chairman Bowen asked if there is deadline when this needs to approved.

**Motion to table until the Board sees fit to bring it back.
Motion made by Vice Chairman Glenn Bowen.
Motion seconded by Commissioner Eugene James.**

Vote Record:

Tom Coulson	Yes
Glenn Bowen	Yes
Tom Johnson	Yes
David Hammond	Yes
Eugene James	Yes
Mark Owens	Yes
Beth Ward	No
Terry Shank	No
Randy Royal	No

**Total Yes Votes: 6
Total No Votes: 3
Motion Passed**

Schedule Redistricting Workshop-Tom B. Robinson

Following the last Board meeting, several commissioners have requested some changes to the proposed redistricting map. Due to these requests, Chairman Hammond would like the Board to meet in a workshop on August 7, 2001 in the evening to consider all commissioners' requests for changes.

This will allow the staff to have maps available for the August 14th public meeting

Mr. Robinson said following the last meeting the Commissioners have requested changes to the maps. Consequently, the Chairman has requested a meeting to discuss these changes prior to the August 14th meeting. Chairman Hammond said that Mr. Rhodes has said that if maps were generated from this workshop, then they would be ready for the August 14th public forum. Commissioner Ward said there were two maps presented at the last workshop on redistricting. She reviewed the assumptions that the staff was working under and said because it was a workshop then she thought changes would be considered then. She said she is not one of the commissioners that has requested changes to the maps. She said the public was supposed to have access to those two maps. She said she wants people to know that some of the commissioners were meeting individually with planning staff. She said she felt that this was not the way to do this and that it was handled inappropriately. Chairman Hammond said the growth has not been equitable and their needs to be some balance in the population numbers. Commissioner Owens said the Manager called him and informed him about commissioners requesting changes and that the two proposals that were submitted were fine but any commissioner that wanted changes should requests them in a full Board meeting.

Motion to schedule a workshop on redistricting on August 7, 2001 at 7:00 p.m. but amended the time to 7:30 p.m.

Commissioner Royal said a meeting will be held tomorrow evening at 6pm with the purpose of looking at the existing redistricting plans. Mr. Robinson said the School Board is meeting tomorrow at 5:30 pm. He said the meeting may need to be held at 7:30 p.m. instead of 7pm. Commissioner Owens agreed to the time.

**Motion made and amended by Commissioner Mark Owens.
Motion seconded by Commissioner Eugene James.**

Commissioner James said the Board determines this change and the two maps are just suggestions. Mr. Rhodes said if you use the working assumptions, you have two good maps. Mr. Rhodes said he needs direction on how to plan for the meeting tomorrow night. Commissioner Shank said she was not aware that the commissioners could negotiate on their district lines and she is uncomfortable because she does not know the process. Mr. Rhodes said he would bring two maps tomorrow night. In the workshop tomorrow, Commissioner Ward said that this would be the time to make changes. She said those two maps should be available and the Commissioners who want to share changes do so then. The Board can then vote on the changes and Mr. Rhodes can adjust the map and bring it back to the Board.

Vote Record:

Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes
Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes
Eugene James	Yes
Mark Owens	Yes

Total Yes Votes: 9

Total No Votes: 0

Motion Passed.

Release of FY 2000-01 Held Funds to Pitt County Schools and Pitt Community College.-Tom B. Robinson

You will recall this past February that I asked the Board to withhold \$250,245 and \$27,289 in funding from Public Schools and Pitt Community College (see enclosed memo). The reason for this withholding of funds was due to Governor Easley's reverting \$815,000 to Pitt County and I now ask the Board to allow the Public Schools and Pitt Community College to receive the \$250,245 and \$27,289 we have withheld. Dr. Priddy has indicated that Public Schools will use these funds to start remediation programs earlier in the year. Dr. Hunnicutt has stated that Pitt Community College would like to use these funds to replenish the fund balance that was used this past year as a result of the loss of these funds.

Mr. Robinson said this item comes from when he reported to the Board in a previous workshop about the State withholding the County's reimbursements. He said this item needed to be brought back to the Board for approval.

Manager recommends reverting these held funds back to Public Schools and Pitt Community College.

Motion made by Commissioner Randy Royal.

Motion seconded by Commissioner Beth Ward.

Commissioner Owens asked if this was included in the Schools budget this year. Vice Chairman Bowen said the money has already been given to the Schools and he asked if this was true. Ms. Bryan said that staff is asking to pay the funds that were promised to them originally.

Vote Record:

Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes
Eugene James	Yes

Mark Owens	Yes
Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes

Total Yes Votes: 9
Total No Votes: 0
Motion Passed

Reappointment to Pitt County Mental Health Area Board- Dr. David White-Susan Banks

The Pitt Area Board recommends the reappointment of Dr. David White. Dr. White is a member in good standing and his term expired on June 30, 2001.

Motion for reappointment of David White to the Pitt County Mental Health Area Board.

Motion made by Commissioner Tom Johnson.
Motion seconded by Commissioner Beth Ward.

Vote Record:	
Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes
Eugene James	Yes
Mark Owens	Yes
Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes

Total Yes Votes: 9
Total No Votes: 0
Motion Passed

Reappointments To The Grimesland Planning Board-Susan Banks

Terry Strickland and Annie Clemons serve as extraterritorial jurisdiction members on the Grimesland Planning Board. Both have terms which expire July 30, 2001 and are eligible for reappointment. The Grimesland Town Clerk, Dottie Sullivan has provided information on their attendance which is acceptable.

Reappoint Terry Strickland and Annie Clemons to a new term on the Grimesland Planning Board. Term will expire 7/30/2003.

Motion made by Vice Chairman Glenn Bowen.
Motion seconded by Commissioner Beth Ward.

Vote Record:	
Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes
Tom Coulson	Yes
Randy Royal	Yes

Glenn Bowen **Yes**
Eugene James **Yes**
Mark Owens **Yes**

Total Yes Votes: 9
Total No Votes: 0
Motion Passed

Reappointments To The Grimesland Board Of Adjustment-Susan Banks

Mr. Danny Strickland, Sr. and Mr. William B. Howell serve as extraterritorial jurisdiction members on the Grimesland Board of Adjustment. Both have terms which expire July 30, 2001 and are eligible for reappointment. The Grimesland town Clerk, Dottie Sullivan has provided information on their attendance which is acceptable.

Reappoint William B. Howell and Danny Strickland to a new term on the Grimesland Board of Adjustment.

Motion made by Commissioner Eugene James.
Motion seconded by Commissioner Terry Shank.

Vote Record:
Tom Coulson **Yes**
Randy Royal **Yes**
Glenn Bowen **Yes**
Eugene James **Yes**
Mark Owens **Yes**
Beth Ward **Yes**
David Hammond **Yes**
Terry Shank **Yes**
Tom Johnson **Yes**

Total Yes Votes: 9
Total No Votes: 0
Motion Passed

Reappointments To The Mid-East Workforce Development Board-Susan Banks

The Clerk contacted Mr. Walter Dorsey with the Mid-East Commission who works directly with the Mid-East Workforce Development Board. He has recommended the reappointments of Robert Waddell from Pitt Community College and Debra Butler of Vocational Rehabilitation. Ms. Butler has been through chemotherapy recently and her attendance has not met the minimum requirement. Ms. Butler has sent a representative from Vocational Rehabilitation to the meeting. Mr. Dorsey asked that this be taken into consideration. Ms. Butler is now on the mend and is able to attend the meetings. Being that she is an agency representative and has sent someone in her place, the Clerk would like to also support this reappointment. It has been the past policy of the Board, to allow people to continue serving when there has been illness involved and they can come back and serve as required.

Motion to reappoint Debra Butler and Robert Waddell to the Mid-East Workforce Development Board.

Motion made by Commissioner Eugene James.
Motion seconded by Commissioner Beth Ward.

Vote Record:

Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes
Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes
Eugene James	Yes
Mark Owens	Yes

Total Yes Votes: 9

Total No Votes: 0

Motion Passed

Appointment to Development Commission-Susan Banks

Mr. John Charles Thompson recently resigned from the Development Commission because he was being relocated to Virginia. Mr. Thompson was serving from District 5. A list of applicants were provided.

Commissioner Shank nominated Gene Wall to replace John Thompson on the Development Commission. Mr. Wall will fill Mr. Thompson's unexpired term.

Motion made by Commissioner Terry Shank.

Motion seconded by Vice Chairman Glenn Bowen.

Vote Record:

Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes
Eugene James	Yes
Mark Owens	Yes
Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes

Total Yes Votes: 9

Total No Votes: 0

Motion Passed

Commissioners' Comments

Chairman Hammond spoke about Pitt County receiving a plaque from the Jackie Robinson Baseball League for funds for the concession stand for 2001.

Commissioner James said he went to the ball park to accept the plaque and they have a very nice park. He stated they are working on providing lights now.

Commissioner Coulson asked why the tax bills offer a discount.

Settled lawsuits - Joanne - decision on Harvey lawsuit. Judge said ruled in favor of the Harvey's and there is an injunction against the county and they may proceed as needed. Other case - all counties were in class action suit on timber, Friday asked to dismissed that case and Judge rule to dismiss.

Chairman Hammond August 8-12 NCACC in Fayetteville. Who is going? Mr. Robinson said this is also a Rural ? at the same time.

Commissioner Coulson said he wants to go on record that the local option sales tax and this is extortion by the State and them dumping their problems on the counties. He said this was a tax on industry and was promised to be paid by the State. He said Governor Easley is spending new money on programs and the tract history. If there is another half cent, it will cost \$110 per family. There is a movement to add a whole cent. They want to take more of your money. He said he has written legislators with his opposition to the tax. He said he hopes this board will look at it for what it is.

Closed Session

Closed Session

G.S. 143-318.11(a)

(1) prevent the disclosure of privileged information

(3) to protect attorney-client privilege

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

(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee

Motion to go into closed session under General Statutes as cited by the County Attorney.

Motion made by Commissioner Beth Ward.

Motion seconded by Commissioner Eugene James.

Vote Record:

Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes
Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes
Eugene James	Yes
Mark Owens	Yes

Total Yes Votes: 9

Total No Votes: 0

Motion Passed

Motion to return to open session.

Motion made by

Motion seconded by

Vote Record:

Beth Ward	Yes
David Hammond	Yes
Terry Shank	Yes
Tom Johnson	Yes
Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes

Eugene James Yes
Mark Owens Yes

Total Yes Votes: 9
Total No Votes: 0
Motion Passed

Mr. Robinson announced that the Board decided not to pursue negotiations on the Physicians East property.

Adjourn

Motion to adjourn meeting.

Motion made by Commissioner Eugene James.
Motion seconded by Commissioner Terry Shank.

Vote Record:

Beth Ward Yes
David Hammond Yes
Terry Shank Yes
Tom Johnson Yes
Tom Coulson Yes
Randy Royal Yes
Glenn Bowen Yes
Eugene James Yes
Mark Owens Yes

Total Yes Votes: 9
Total No Votes: 0
Motion Passed.

Respectfully submitted,

Susan J. Banks, CMC
Clerk to the Board