

**PITT COUNTY BOARD OF COMMISSIONERS
GREENVILLE, NORTH CAROLINA
FEBRUARY 2, 2004 MINUTES**

The Pitt County Board of Commissioners met on Monday, February 2, 2004, at 9:00 AM in the Commissioners' Auditorium, Pitt County Office Building, 1717 W. 5th Street, Greenville, North Carolina.

Commissioners present:

Eugene James, Chairman
Mark Owens, Jr., Vice Chairman
Jimmy Garris, Commissioner
John Minges, Commissioner
Beth Ward, Commissioner
Glenn Bowen, Commissioner
Tom Coulson, Commissioner
David Hammond, Commissioner
Randy Royal, Commissioner

Staff present:

Scott Elliott, County Manager
Susan Banks, Clerk to the Board
Melonie Bryan, Deputy County Manager/Financial Services
JoAnne Burgdorff, County Attorney
Glenn Cutrell, Tax Assessor
Phil Dickerson, Deputy County Manager/Public Services
Craig Forlines, Deputy Director
Eli Johnson, Planner I
Dwane Jones, Planner II
Mac Manning, Sheriff
John Morrow, Director/Health Department
John Bulow, Deputy County Manager/Human Services
Phil Dickerson, Deputy County Manager/Public Services
Mike Taylor, MIS Director
Florida Hardy, Human Resources

Call to Order

Meeting Notes

Chairman James called the meeting to order.

Roll Call

Invocation and Pledge

Meeting Notes

The invocation was offered by Commissioner Minges.
The Pledge of Allegiance was led by Commissioner Owens.

Approval of Agenda

Staff Recommendation

Motion to approve agenda.

Motion:

Motion to approve agenda. Commissioner Owens requested to add a revaluation discussion which was accepted.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Jimmy Garris.

Commissioner Bowen stated he wanted to add an Ayden ETJ appointment. Ms. Banks said this vacancy has been advertised but the deadline has not passed for applications. Commissioner Bowen said he would wait for this item to be on the next agenda.

Motion Passed Unanimously.

Public Addresses to the Board

Meeting Notes

Nancy Colville – spoke in opposition of the requested increase in compensation by the Board of Education. She asked the Board to reconsider reducing the membership of the Board of Education.

Items for Report

Manager's Report - Scott Elliott

Information Provided with the Agenda

- Next meetings
 - February 16 @ 6pm
 - March 15 @ 9am, March calendar was changed to accommodate the NACo Conference
- NCACC Winter Conference on Economic Development, March 18-19, 2004 at Mid-Pines Resort in Moore County on "How to Compete in today's World"
- North Carolina State Animal Response Team Award - Michelle Whaley and the Pitt County Animal Shelter have been selected as the State "CART Team of the Year!" They received the award and recognition in Raleigh on January 23rd where they were honored by the North Carolina State Animal Response Team organization.

Meeting Notes

Mr. Scott Elliott, County Manager, spoke to the items on the summary of information for his report.

He also asked that if anyone wished to attend the Economic Development Winter Conference to notify him or the Clerk.

Mr. Phil Dickerson, Deputy County Manager, spoke about the "CART Team of the Year" award that Michele Whaley and the volunteers received during Hurricane Isabel. Volunteers from the Humane Society, Poultry Producers, Red Cross and other agencies helped the County with the people who would not leave home until their animals were taken care of during the flood. They saved lives and time during this emergency. Mr. Dickerson said the volunteers did most of the work for this award. County equipment was used to move things. Ms. Cora Tyson, Michele Whaley, and Tim Langley with Greenville and many others worked on this team. He congratulated them on receipt of this award. Commissioner Minges thanked the volunteers.

Mr. Elliott reviewed a possible date of Monday, February 9 for rescheduling workshop that was cancelled due to snow and ice on January 26th. The meeting will be held in EOC from 3pm-9pm. The

consensus of the Board was to hold the meeting on February 9, 2004 from 3pm to 9pm in the Emergency Operations Center.

Mr. Elliott said on February 16th someone would be here from the North Carolina Association of County Commissioners to present to the County an Outstanding County Program Award.

Mr. Elliott reported on the hiring of the new Emergency Services Director who would replace Greg Hackett, who left six months ago. The position was offered to Noel Lee, who has been an instructor at community colleges, and has certification in areas for emergency services. He is also a Pactolus volunteer fire fighter. Commissioner James said most of the commissioners know Noel Lee, who is a Pitt County resident. Commissioner James thanked the committee and Mr. John Bulow for taking time to do the search and conduct the interviews.

Mid-East Commission Annual Report - Tim Ware

Information Provided with the Agenda

Mr. Tim Ware from the Mid-East Commission will provide an annual report for the Board of Commissioners.

Staff Recommendation

Report only.

Meeting Notes

Mr. Ware provided the Board with an annual report on activities in Pitt County. He thanked the individuals in Pitt County that work with the Mid-East and its board. He spoke about the partnerships between the Mid-East Commission and the counties. He said their dues structure for next year are expected to stay the same.

Motion:

Accept written annual report from the Mid-East Commission.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

Sheppard Memorial Library Strategic Plan Update - Scott Elliott

Information Provided with the Agenda

Willie Nelms will update the Board on the Sheppard Memorial Library Strategic Plan Update.

SHEPPARD MEMORIAL LIBRARY VISION STATEMENT

Sheppard Memorial Library is a reliable gateway to materials, services, and resources that serve the informational, recreational, intellectual, and creative pursuits of the individual and the community. The library's facilities provide welcoming community spaces (both virtual and real) for the free flow of ideas and for the preservation of the community's heritage. The library is recognized throughout eastern North Carolina as significantly enhancing the economic vitality and the quality of life in the area.

Staff Recommendation

No action needed.

Meeting Notes

Mr. Nelms reported that the library was expanded in 2001. They are constructing a library in Winterville within the next few months it will be completed. He spoke about providing Internet access for the public. The Library Board decided to develop a long range strategic plan for the next several years. They have received a technology federal grant and have a consultant working with them on strategic planning for the library. The consultant, Bill Miller, has extensive planning experience. He worked with the Pitt County United Way to develop a strategic plan a few years ago. They have gathered information on library needs and service levels. He has met with the staff and trustees to pull information together. He has developed and administered a survey with a response of 700 surveys. These surveys show a corresponding relationship with the population base. They have also developed a vision statement which was provided in the summary of information.

Mr. Nelms reported that the Annual Breakfast will be held in the library on April 5th and the plans will then be presented. He said they are excited about the changes over the last several years. He said he had been with the library about 24 years and is very proud of what has been accomplished.

Budget Award Received by Financial Services Department - Melonie Bryan

Information Provided with the Agenda

Pitt County has recently received notification from the Government Finance Officers Association that the County's Fiscal Year 2003-04 Budget document has received the Association's "Distinguished Budget Presentation Award". This award is the highest form of recognition in governmental budgeting and represents a significant achievement for Pitt County.

To receive the budget award, the County had to satisfy nationally recognized guidelines for effective budget presentation that assess how well the budget serves as a policy document, a financial plan, an operations guide, and a communications device. The document must be rated "Proficient" in all four categories to receive the award. Pitt County is pleased to have received "Outstanding" ratings by reviewers on multiple criterions this year.

The Budget Award is valid for only one year. Pitt County is pleased to have qualified for the recognition for seven consecutive years.

Staff Recommendation

For information purposes only.

Meeting Notes

Ms. Bryan said that there are only 874 awards given out with only thirteen counties in North Carolina receiving this award. She said this helps with the County's bond rating also. Commissioner James thanked Ms. Bryan and her staff for their hard work.

Status of Grants Held by Pitt County Emergency Services - Craig Forlines

Information Provided with the Agenda

The following grants have been awarded to Pitt County Emergency Services. These grants will enhance the County's initiatives to support responses to emergency situations, natural and manmade. The grants allow the county to augment our planning ability, our medical response, and responses to situations involving Weapons of Mass destruction. County Staff is in process of acquiring the necessary equipment and training opportunities associated with these tasks. This report is intended to keep the Board abreast of current issues Emergency Management and Homeland Security.

DOJ Equipment (24*681) "Emergency Management WMD Prep" \$24,545
04/08/2003 -03/30/2004.

- All equipment ordered.
- Status reports due quarterly. Jul-Sep report submitted.
- Reimbursement requests due by the 7th of the month

Community Emergency Response Team “CERT” (24*688) \$10,000

- All equipment ordered. Funding received.
- Training is being conducted and team will be formed mid April

PCMH Health Initiative (24*691) Defibrillators \$54,000

- 07/01/2003 - 06/30/2004.
- Funding received.
- Equipment received and in operation.
- Close-out paperwork filed with PCMH Foundation.

PCMH Disaster Planning (24*671) Special Medical Needs Shelter \$55,000

- 07/01/2003 - 06/30/2004.
- Funding received.
- Beverly Wheeler handling - wiring Rose High School generator.

Emergency Operation Planning (24*689) \$11,550

- 07/01/2003 - 12/31/2003.
- Excelliant was used for the operations plan update
- Plan is in review status with County Personnel
- No funds spent to date.

Emergency Management Performance (24*686) \$16,045

- Funds received.
- To be used for upgrade of Emergency Management computerized tools. Craig Forlines and Mike Taylor are discussing.
- No funds spent to date.

Homeland Security (24*690) \$136,383

- Requests from local entities after meeting with all agencies; Ham Radio equipment, “Code Red” Emergency Communication program, Greenville P.D. EOD Helmet, Farmville P.D. First Responder equipment.
- Items are in process of ordering
- Grant will close out 6/30/2004
- Established as a reimbursement grant - no funds spent to date.

NC Emergency Management Citizen Corps Council (24*687) \$2,500

- Funds received.
- Melissa Larson with Sheriffs Department is helping to organize and train volunteers.

Homeland Security \$411,836.00

- Requests from local entities after meeting January 15, 2004 are; Red Cross trailers for shelter equipment, Ham Communication equipment, Interoperability Radio equipment.
- Final Requests due to state by February 28, 2004.
- Final equipment list is in process.

Staff Recommendation

No Action Needed

Meeting Notes

Mr. Craig Forlines gave a report on the grants received by Emergency Services. Total of grants for 2003-2004 is \$747,809.

Education Compact II Committee - Eugene James

Information Provided with the Agenda

Chairman Eugene James would like to appoint Commissioner Beth Ward, Commissioner John Minges and himself, Chairman, to serve as the County's representatives on the new Education Compact Committee. Scott Elliott, Manager will serve as staff. A member of the Community will also need to be appointed.

Meeting Notes

Commissioner James spoke to the appointments of commissioners. He also appointed Mr. Gray Mathis of the Ayden Community who works for BB&T in Ayden.

Items for Consent

Consent Agenda

Staff Recommendation

Motion to approve Consent Agenda as presented.

Motion:

Motion to approve Consent Agenda as presented.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Budget Amendment - Social Services - Donations - \$5,000.00 (No County Funds) - Edward L. Garrison

Information Provided with the Agenda

The donations that the Department of Social Services has received this year have exceeded the revenues budgeted in the Department's approved budget. These funds are given to the Department by the citizens of Pitt County for foster children, senior citizens, and other clients that the Department assists. The Department uses these funds to buy clothing, personal items, energy assistance, and other items that are not funded by State and Federal programs. These funds should be used for the purpose that was originally intended by the citizen making the donation.

The Department is requesting a budget amendment to increase the expenditure line item for Donations to appropriate the additional revenues received this Fiscal Year.

Staff Recommendation

Staff recommends the approval of the attached budget amendment to increase expenditures in the Donation line by \$5,000.

Manager Comments

Concur with staff recommendation.

INVOICE NO:
DATE: February 23, 2004

Department: SOCIAL SERVICES Date of Request: 01/13/04

FY Budget: FY 03/04

| ACCOUNT NO. | TITLE OF ACCOUNT | INCREASE | DECREASE |
|---------------|---------------------------|----------|----------|
| 165458-529901 | CONTRIBUTIONS & DONATIONS | 5,000 | |
| 162800-484000 | CONTRIBUTIONS & DONATIONS | 5,000 | |

Department Justification: (Please provide detailed explanation)

To budget the additional revenue from donations in FY 03/04.

Motion:

Staff recommends the approval of the attached budget amendment to increase expenditures in the Donation line by \$5,000.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Budget Amendment - Development Commission -Technology Center - \$7,813 - (No County Funds) - John Chaffee

Information Provided with the Agenda

North Carolina's Eastern Region has awarded a \$7813 Flex Grant to Pitt County to assist in the upfit of labs at the Technology Center. This grant was awarded to assist in the location of Ectocelle, CTMG, and He mocellular as tenants in the Technology Center.

Staff Recommendation

Accept Grant and Budget Amendment as submitted.

Manager Comments

Concur with staff recommendation.

Pitt County
Finance

Budget Amendment Request

INVOICE NO:
DATE: February 23, 2004

Department: Industrial Development Commission Date of Request: 1/7/04

FY Budget: 2003-2004

| ACCOUNT NO. | TITLE OF ACCOUNT | INCREASE | DECREASE |
|---------------------|----------------------|----------|----------|
| 501000 491007 60000 | GTP Grant | 7813 | |
| 506000 553000 60000 | Technology Equipment | 7813 | |

Department Justification: (Please provide detailed explanation)

Appropriation of a \$7813 NC Eastern Region Flex Grant for purchase of equipment to upfit labs at the Technology Center in association with new tenants Ectocelle, CTMG, and Hemocellular.

Motion:

Accept Grant and Budget Amendment as submitted.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Budget Amendment - JCPC Grant - \$7,092 - (No County Funds) - Melonie Bryan

Information Provided with the Agenda

The Department of Juvenile Justice Delinquency Prevention has notified Pitt County of additional funding for Pitt's JCPC programs in the amount of \$7092. The Pitt County JCPC Board has indicated that the additional funds should be budgeted to the Home Based Services/Alternative Education program - \$480 and Teen Court program - \$6612. This budget amendment appropriates the funds to the recommended programs.

Staff Recommendation

Approval of budget amendment as submitted.

Manager Comments

Concur with staff recommendation.

Pitt County
Finance

Budget Amendment Request
DATE: February 23, 2004

Department: State Grants - JCPC Date of Request: 1-7-04

FY Budget: 03-04

| ACCOUNT NO. | TITLE OF ACCOUNT | INCREASE | DECREASE |
|---------------|-------------------------------|----------|----------|
| 243606 436000 | Non Federal Categorical Grant | 6,612 | |
| 245606 560006 | JCPC Teen Court | 6,612 | |
| 243660 436000 | Non Federal Categorical Grant | 480 | |
| 245660 569304 | Schools | 480 | |

Department Justification: (Please provide detailed explanation)

An additional \$7092 has been allocated through the Juvenile Crime Prevention Council for Pitt County. Our JCPC Board has indicated that the additional funds be distributed to Home Based Services/Alternative Education - \$480 and Teen Court - \$6612.

Motion:

Approval of budget amendment as submitted.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Budget Amendment - Pitt Partners for Health Grant \$1,000 (No County Funds) - Ward Parker

Information Provided with the Agenda

The Sheriff's Office has received grant funds from the Pitt County Health Dept. to promote driving safety. The Sheriff's Office will purchase educational materials such as key chains and buttons that display a safety message urging teenagers not to drink and drive. These items will be distributed during Drivers Education classes in Pitt County during the Law Enforcement Section taught by the Sheriff's Office. No additional county dollars are required.

Staff Recommendation

Approve budget amendment as presented.

Manager Comments

Concur with staff recommendation.

Pitt County
Finance

Budget Amendment Request

INVOICE NO: Dd
DATE: February 23, 2004

Department: Sheriff's Office Date of Request: 01/21/04

FY Budget: 03-04

| ACCOUNT NO. | TITLE OF ACCOUNT | INCREASE | DECREASE |
|---------------|-----------------------|----------|----------|
| 102800 484000 | Donations | 1000.00 | |
| 104310 523100 | Educational Materials | 1000.00 | |

Department Justification: (Please provide detailed explanation)

To appropriate funds received from the Pitt County Health Department's Pitt Partnership grant to purchase items that will be distributed by the Pitt County Sheriff's Office to teenagers in the county.

Motion:

Approve budget amendment as presented.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Permission to Apply - District Attorney/Sheriff's Department - Crime Commission Grant - \$78,000 - Ward Parker

Information Provided with the Agenda

Pitt County, in partnership with the District Attorney's office, has the opportunity to apply for a grant from the North Carolina Crime Commission to implement technology in the Superior Courtroom for the purpose of increased prosecution in Domestic Violence cases. This grant will be for \$78,000 and requires only an in-kind match from the Sheriff and District Attorney. The first grant, received in a prior fiscal year, upgraded the technology in the District Courtroom, which has been a great success. This current grant involves placing computer monitors in the courtroom for the prosecution, the judge, and in the jury box. This enables parties to view digital images presented by law enforcement. On the witness stand is a special monitor that allows victims and law enforcement to 'write' on a tablet highlighting specific items in a photo. In addition, this grant will purchase approximately 20 digital cameras to be divided among all the law enforcement agencies in Pitt County working domestic violence cases

Staff Recommendation

Direct staff to complete the Pre-Application and bring award back to the Board for further action.

Manager Comments

Concur with staff recommendation.

Motion:

Direct staff to complete the Pre-Application and bring award back to the Board for further action.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Releases and Refunds Greater Than \$100 - Glenn Cutrell

Information Provided with the Agenda

December 2003 Releases and Refunds Greater Than \$100

Releases - Pitt County (106) - \$ 37,477.22

Releases - City of Greenville (26) - \$ 6,797.31

Refunds Greater Than \$100 - Number of Refunds (1)

Johnson, Jeffrey Scott - \$ 143.43

Staff Recommendation

Approve as submitted.

Manager Comments

Concur with staff recommendation

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 TAX RELEASE FORM
 GREATER THAN \$100

| NAME | ACCOUNT # | PARCEL # | RELEASE # | TOTAL RELEASED |
|---|-----------|----------|-----------|----------------|
| ANDREWS, MARCUS NOTE: 2003 - RELEASED MOBILE HOME. NOT IN PARK FOR 2003. | 1198640/0 | | 86894 | 238.66 |
| ARNOLD, TRACY JORDAN NOTE: 2003 - VEHICLE CHARGED IN ERROR. | 3030762/4 | | 86984 | 182.38 |
| BARRETT, JESSE NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11894740, BARRETT, JESSE LEE JR. | 1195352/0 | | 86959 | 231.52 |
| BARRETT, JESSE LEE JR NOTE: 2002 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11953520, BARRETT, JESSE. | 1189474/0 | | 86958 | 264.42 |
| BARTON, JANE DARE NOTE: 2003 - PRORATE TAXES ON VEHICLE. | 3080626/2 | | 86846 | 100.22 |
| BELL, FRANCES R. LFE ESTATE NOTE: 2003 - FAILE TO RECEIVE THE OLD AGE EXEMPTION DUE TO CLERICAL ERROR. | 103019/0 | 4938 | 86772 | 128.76 |
| BLOUNT DEVELOPMENT CO. NOTE: 2003 - INCORRECT NUMBER OF ACRES CHARGED. | 1085230/0 | 44228 | 87179 | 409.50 |
| BRADEN, ALFRED EDWARD NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12128450, SAME NAME. | 1212568/0 | | 87113 | 255.96 |
| BRADFORD, PROPERTIES OF GNVL NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11894620, BRILEY, JASON. | 1213093/0 | | 87218 | 141.55 |
| BRADFORD, PROPERTIES OF GNVL NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11894620, JASON BRILEY. | 1213090/0 | | 87223 | 184.90 |
| BRADFORD, PROPERTIES OF GNVL NOTE: 2003 | 1213091/0 | | 87221 | 196.23 |
| BRADFORD, PROPERTIES OF GNVL NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11894620, JASON BRILEY. | 1213094/0 | | 87222 | 226.34 |
| BROWN, KEITIE | 1207662/0 | | 87114 | 218.33 |

NOTE: 2002 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12078030,
GORDON, GLENN.

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PITT COUNTY
TAX RELEASE FORM
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| NAME | ACCOUNT # | PARCEL # | RELEASE # | TOTAL RELEASED |
|--|-----------|----------|-----------|----------------|
| BROWN, WILLIAM | 1212779/0 | | 86988 | 321.69 |
| NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11826580, MARTHA ROBERSON BROWN. | | | | |
| CENTURA BANK LEASING | 1183994/0 | | 86807 | 107.04 |
| NOTE: 2003 - INCORRECT SCHEDULE USED FOR COMPUTER EQUIPMENT. | | | | |
| COBB, MAMIE | 1204485/0 | | 87227 | 463.92 |
| NOTE: 2003 - RELEASED MOBILE HOME. TAXPAYER DID NOT OWN JANUARY 1, 2003. | | | | |
| CORBETT, J.C. & | 1147617/0 | 49885 | 87018 | 266.59 |
| NOTE: 2003 - RELEASED MOBILE HOME. NOT A DOUBLEWIDE ON THIS LOT. | | | | |
| CRAWFORD, HELEN | 1199307/0 | | 87023 | 417.21 |
| NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11956030, ANNIE FOX SCOTT. | | | | |
| CUTRELL JR, IRA GLENN | 3090774/9 | | 86977 | 109.06 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| DANIEL, BETTIE | 1204555/0 | | 87140 | 158.83 |
| NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11762810, DANIELS, BETTIE TURNER. | | | | |
| DAVIS, ALICE HARRIS | 1187276/0 | | 87202 | 226.66 |
| NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11773350, ALICE FAYE DAVIS AND CALVIN LEE MCKINNEY. | | | | |
| DAVIS, ALICE HARRIS | 1187276/0 | | 87200 | 283.22 |
| NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11773350, MARY FAYE DAVIS AND CALVIN LEE MCKINNEY. | | | | |
| DAVIS, ALICE HARRIS | 1187276/0 | | 87201 | 258.63 |
| NOTE: 2002 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11773350, MARY FAYE DAVIS AND CALVIN LEE MCKINNEY. | | | | |
| DAVIS, ALICE HARRIS | 1187276/0 | | 87199 | 317.60 |
| NOTE: 2000 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11773350, MARY FAYE DAVIS AND CALVIN LEE MCKINNEY. | | | | |
| DAVIS, JOSEPH E | 1192545/0 | | 86892 | 198.91 |
| NOTE: 2003 - RELEASED MOBILE HOME. NOT ON PARK REPORT. REPOSSESSED 2002. | | | | |
| DENNISON, JOHN | 1212917/0 | | 87203 | 224.38 |
| NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11829790, JOHN HENRY DENNISON. | | | | |

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TAX RELEASE FORM
GREATER THAN \$100

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| NAME | ACCOUNT # | PARCEL # | RELEASE # | TOTAL RELEASED |
|---------------------|-----------|----------|-----------|----------------|
| DEWITT, JANE SUTTON | 3090077/2 | | 87211 | 135.19 |

NOTE: 2003 - VEHICLE CHARGED IN ERROR.

DILK, ROBERT JUSTIN 1213821/0 87011 103.95
NOTE: 2003 - RELEASED BOAT. SOLD IN 2002.

DIXON, TERRY RAY & 1182095/0 6147 87004 168.92
NOTE: 2002 - RELEASE FOR OUT BUILDINGS DOUBLE CHARGED ON PARCEL NUMBER
40460 (DIXON, TERRY RAY).

DIXON, TERRY RAY & 1182095/0 6147 87005 174.10
NOTE: 2001 - RELEASE FOR OUT BUILDINGS DOUBLE CHARGED ON PARCEL NUMBER
40460 (DIXON, TERRY RAY).

DIXON, TERRY RAY & 1182095/0 6147 87006 194.43
NOTE: 2000 - RELEASE FOR OUT BUILDINGS DOUBLE CHARGED ON PARCEL NUMBER
40460 (DIXON, TERRY RAY).

EADUS, JOHN & 1193554/0 63647 86955 529.19
NOTE: 2003 - RELEASED MOBILE HOME AS REAL. BILLED ON ACCOUNT NUMBER
12082480, CATHERINE ELIZABETH DEAN.

EADUS, JOHN & 1193554/0 63647 86954 567.36
NOTE: 2002 - RELEASED MOBILE HOME AS REAL. BILLED AS PERSONAL ON
ACCOUNT NUMBER 12082480, CAHTERINE ELIZABETH DEAN.

ELLIS JR, WILLARD LEON 3090255/8 87087 130.91
NOTE: 2003 - VEHICLE CHARGED IN ERROR.

ELLIS, GREGORY CARROL 7060235/4 86853 117.99
NOTE: 1997 - PRORATE TAXES ON VEHICLE.

ETHERIDGE, R S KATHRYN S 1206533/0 86866 111.11
NOTE: 2002 - RELEASED BOAT. BOAT SOLD IN 2001.

ETHERIDGE, R S KATHRYN S 1206533/0 86911 114.39
NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003.

FIRST PORTLAND CORPORATION 1203474/0 87168 292.60
NOTE: BUSINESS PERSONAL PROPERTY DOUBLE LISTED. SEE ACCOUNT
12049290 - FIRSTCORP/FIRST PORTLAND CORP.

FISHER, RICHARD M. & 1171478/0 86787 161.17

NOTE: 2003 - MOBILE HOME DOUBLE CHARGED AS REAL ON PARCEL NUMBER 10041
(FISHER, RICHARD M. & WF. HELEN K.).

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| NAME | ACCOUNT # | PARCEL # | RELEASE # | TOTAL RELEASED |
|---|-----------|----------|-----------|----------------|
| FOXWORTH, CHARLES B | 1213713/0 | | 86887 | 139.04 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003. | | | | |
| GARDNER, BARBARA STALLS | 1133175/0 | 52282 | 87078 | 151.24 |
| NOTE: 2003 - RELEASED MOBILE HOME. PICKED UP AS REAL ESTATE ON THIS SAME ACCOUNT NUMBER. | | | | |
| GLISSON, BERNICE BOWEN | 1213651/0 | | 86915 | 137.49 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003. | | | | |
| GREENE, EDWARD L. | 1213712/0 | | 86913 | 582.01 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003. | | | | |
| GREENPOINT CREDIT | 1194058/0 | | 86946 | 164.17 |
| NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 390850, BARBARA MANNING. | | | | |

GREENPOINT CREDIT 1194058/0 86945 186.73
 NOTE: 2002 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 390850,
 BARBARA MANNING.

HARDEE, LEON R. & 1167270/0 22811 86783 2316.35
 NOTE: 2003 - ADJUST DEFERRED TAX BILLING PER INFORMATION PROVIDED
 BY TAXPAYER ON CORRECT ACREAGE.

HARDEE, LEON R. & 1167270/0 22811 86784 2491.17
 NOTE: 2003 - ADJUST DEFERRED TAX BILLING PER INFORMATION PROVIDED
 BY TAXPAYER ON CORRECT ACREAGE.

HARDEE, LEON R. & 1167270/0 22811 86781 2185.25
 NOTE: 2003 - ADJUST DEFERRED TAX BILLING PER INFORMATION PROVIDED
 BY TAXPAYER ON CORRECT ACREAGE.

HARDEE, LEON R. & 1167270/0 22811 86782 2230.77
 NOTE: 2003 - ADJUST DEFERRED TAX BILLING PER INFORMATION PROVIDED
 BY TAXPAYER ON CORRECT ACREAGE.

HARRELL, WILLIAM WRIGHT 3090156/1 87127 130.43
 NOTE: 2003 - VEHICLE CHARGED IN ERROR.

HARRIS, ROY PAUL JR 1182315/0 86841 225.41
 NOTE: 2002 - MOBILE HOME DOUBLE CHARGED AS REAL AND PERSONAL PROPERTY.

HITE ASSOCIATES, PC 1191481/0 86825 151.15
 NOTE: 2003 - BUSINESS PERSONAL PROPERTY CHARGED IN ERROR THROUGH TMA
 AUDIT.

TCL0440
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PITT COUNTY
 TAX RELEASE FORM
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| NAME | ACCOUNT # | PARCEL # | RELEASE # | TOTAL RELEASED |
|--|-----------|----------|-----------|----------------|
| HITE ASSOCIATES, PC | 1191481/0 | | 86820 | 472.29 |
| NOTE: 2003 - BUSINESS PERSONAL PROPERTY CHARGED IN ERROR THROUGH TMA AUDIT. | | | | |
| HITE ASSOCIATES, PC | 1191481/0 | | 86821 | 555.90 |
| NOTE: 2003 - BUSINESS PERSONAL PROPERTY CHARGED IN ERROR THROUGH TMA AUDIT. | | | | |
| HOBBS, NATALIE ANN | 2120762/1 | | 86974 | 136.54 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| HOLY CHURCH ON THE ROCK, INC. | 1195698/0 | 22417 | 87076 | 627.59 |
| NOTE: 2003 - ACCEPT LATE EXEMPT APPLICATION PER APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS ON DECEMBER 15, 2003. | | | | |
| JAMES, JACK ALLEN | 1200165/0 | | 86996 | 258.23 |
| NOTE: 2002 - RELEASED BOAT. DID NOT OWN JANUARY 1,2002. | | | | |
| JAMES, JACK ALLEN | 1213392/0 | | 86997 | 147.91 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2002. | | | | |
| JENKINS JR, FREDERICK EARL | 3090372/3 | | 87092 | 110.85 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| JENKINS, WILLIAM C III | 1213439/0 | | 86924 | 149.38 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003. | | | | |
| JONES, RANDY RAY | 3030936/7 | | 86970 | 194.06 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |

| | | | |
|--|-----------|-------|--------|
| JORDAN, SAM G | 1213703/0 | 87061 | 362.66 |
| NOTE: 2003 - RELEASED MOBILE HOME. SOLD 2002. | | | |
| LANCE, POPKINS INC | 1213778/0 | 86968 | 438.13 |
| NOTE: 2003 - RELEASED BOAT. TAXABLE IN NEW HANOVER COUNTY. | | | |
| LAUGHINGHOUSE, MICHELE BUCK | 3070096/2 | 86900 | 135.58 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | |
| LOVITT, JOHN ROBERT & | 1187441/0 | 86863 | 218.30 |
| NOTE: 2003 - RELEASED MOBILE HOME. DOUBLE BILLED ON THIS SAME ACCOUNT. | | | |
| MANNING JR, BOBBY THOMAS | 3090801/4 | 87035 | 187.80 |
| NOTE: 2003 - ADJUST VALUE ON VEHICLE. | | | |
| MANNING, ART | 1212786/0 | 87075 | 102.81 |
| NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 10756140, MANNING, ARTHUR EARL. | | | |

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PITT COUNTY
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| NAME | ACCOUNT # | PARCEL # | RELEASE # | TOTAL RELEASED |
|---|-----------|----------|-----------|----------------|
| MATTHEWS, CURTIS LEE | 5174050/0 | | 87151 | 1347.33 |
| NOTE: TMA AUDIT INCORRECT. CREDIT NOT GIVEN FOR TRACTORS LISTED. | | | | |
| MATTHEWS, CURTIS LEE | 5174050/0 | | 87150 | 1600.62 |
| NOTE: TMA AUDIT INCORRECT. CREDIT NOT GIVEN FOR TRACTORS LISTED. | | | | |
| MATTHEWS, CURTIS LEE | 5174050/0 | | 87153 | 765.15 |
| NOTE: TMA AUDIT INCORRECT. CREDIT NOT GIVEN FOR TRACTORS LISTED. | | | | |
| MATTHEWS, CURTIS LEE | 5174050/0 | 14386 | 87158 | 302.18 |
| NOTE: TMA AUDIT INCORRECT. CREDIT NOT GIVEN FOR TRACTORS LISTED. | | | | |
| MATTHEWS, CURTIS LEE | 5174050/0 | | 87152 | 1050.56 |
| NOTE: TMA AUDIT INCORRECT. CREDIT NOT GIVEN FOR TRACTORS LISTED. | | | | |
| MATTHEWS, CURTIS LEE | 5174050/0 | | 87154 | 546.25 |
| NOTE: TMA AUDIT INCORRECT. CREDIT NOT GIVEN FOR TRACTORS LISTED. | | | | |
| MCRAE, DAVID C | 1213644/0 | | 87105 | 170.31 |
| NOTE: 2003 - RELEASED BOAT. TAXABLE IN CARTERET COUNTY. | | | | |
| PEED, R.A., JR. | 1181727/0 | | 87058 | 114.24 |
| NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11976190, PERKINS, SAMUEL LEWIS. | | | | |
| PEED, R.A., JR. | 1181727/0 | | 87057 | 124.15 |
| NOTE: 1999 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12105580, PERKINS, JAMES HARVEY. | | | | |
| PEED, R.A., JR. | 1181727/0 | | 87059 | 134.54 |
| NOTE: 2000 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12105580, PERKINS, JAMES HARVEY. | | | | |
| POFF, ROY DAVIS | 3090432/0 | | 87128 | 137.89 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| ROBERSON JR JR, ERNEST NORWOO | 3090297/3 | | 87228 | 113.75 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| ROGISTER JR, PAUL VERNON | 3070388/2 | | 87133 | 131.34 |
| NOTE: 2003 - PRORATE TAXES ON VEHICLE. | | | | |

SCHMIDT JR, ROBERT STEVENS 3040749/4 87117 111.44
 NOTE: 2003 - VEHICLE CHARGED IN ERROR.

STATEN, FLOYD 1212781/0 86898 270.00
 NOTE: 2003 - MOBILE HOME DOUBLE CHARGED. SEE ACCT 11986910.

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| NAME | ACCOUNT # | PARCEL # | RELEASE # | TOTAL RELEASED |
|---|-----------|----------|-----------|----------------|
| SZCZESNIAK, KATHERINE WILSON | 3090253/6 | | 87068 | 180.34 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| SZCZESNIAK, KATHERINE WILSON | 3090253/8 | | 87067 | 180.34 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| TAYLOR, ELBERT | 1181160/0 | | 87198 | 232.39 |
| NOTE: 2002 - RELEASED MOBILE HOME. REPOSSESSED IN 2001. | | | | |
| TRIPP, WILNER LEE | 3060217/7 | | 87089 | 111.01 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| TROUGHT, ELIZABETH MCGOLDRICK | 3030174/7 | | 87209 | 154.37 |
| NOTE: 2003 - PRORATE TAXES ON VEHICLE. | | | | |
| TYSON, LOUIS THOMAS | 8191225/0 | | 87175 | 109.38 |
| NOTE: 2003 - ACCOUNT DISCOVERED IN ERROR. TAXPAYER IS NO LONGER FARMING. | | | | |
| TYSON, SHONELL | 1198927/0 | | 86940 | 218.65 |
| NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11985890, DONNIE L. CANNON. | | | | |
| TYSON, SHONELL | 1198927/0 | | 86941 | 248.65 |
| NOTE: 2002 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11985890, DONNIE L. CANNON. | | | | |
| UPTON, DAN K | 1213673/0 | | 86870 | 155.10 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003. | | | | |
| VALERA, ERIC PATRICK | 1213580/0 | | 87115 | 123.20 |
| NOTE: 2003 - RELEASED BOAT. TAXABLE IN BEAUFORT COUNTY. | | | | |
| WALSTON JR, LARCEY | 3071001/9 | | 87091 | 114.11 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| WARD, JAMES HARVEY III & | 1107815/0 | 58132 | 87162 | 810.83 |
| NOTE: 2003 (2001) - ADJUST DEFERRED TAX BILLING DUE TO APPRAISAL ERROR ON MARKET VALUE. | | | | |
| WARD, JAMES HARVEY III & | 1107815/0 | 58132 | 87160 | 749.64 |
| NOTE: 2003 (2002) - ADJUST DEFERRED TAX BILLING DUE TO APPRAISAL ERROR ON MARKET VALUE. | | | | |
| WARD, JAMES HARVEY III & | 1107815/0 | 58132 | 87159 | 699.94 |
| NOTE: 2003 - ADJUST DEFERRED TAX BILLING DUE TO APPRAISAL ERROR ON MARKET VALUE. | | | | |

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NAME ACCOUNT # PARCEL # RELEASE # TOTAL RELEASED

| | | | | |
|--|-----------|-------|-------|--------|
| WARD, JAMES HARVEY III & | 1107815/0 | 58132 | 87163 | 872.02 |
| NOTE: 2003 (2000) - ADJUST DEFERRED TAX BILLING DUE TO APPRAISAL ERROR ON MARKET VALUE. | | | | |
| WARREN, JAMES G JR | 1213745/0 | | 86888 | 146.86 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003. | | | | |
| WETHERINGTON, JOANNE | 1213474/0 | | 86969 | 120.51 |
| NOTE: 2003 - RELEASED BOAT. LISTED ON ACCOUNT NUMBER 11976440, WEATHERINGTON, JOANNE AND HARRIS, HOPE. | | | | |
| WHEELED, COACH OF NC | 1213689/0 | | 86873 | 161.92 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003. | | | | |
| WHITAKER, GREGORY & JANICE | 1156980/0 | | 87002 | 142.41 |
| NOTE: 1995 - CREDIT THIS ACCOUNT FOR TAXES PAID IN ERROR ON ACCOUNT NUMBER 1175317/0 (WHITAKER, GREGORY & JANICE). | | | | |
| WHITE, MAGALENE | 1181997/0 | | 86949 | 303.58 |
| NOTE: 1999 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11651810, SAME NAME. | | | | |
| WIGGINS, ZELLA DIXON | 1208119/0 | | 86899 | 260.56 |
| NOTE: 2003 - MOBILE HOME DOUBLE CHARGED. SEE ACCOUNT 11981830. | | | | |
| WILSON, ALLEN MANNING | 3090266/1 | | 87120 | 116.11 |
| NOTE: 2003 - PRORATE TAXES ON VEHICLE. | | | | |
| WILSON, ROBERT EARL | 1207529/0 | | 86938 | 116.66 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003. | | | | |
| WILSON, ROBERT EARL | 1207529/0 | | 86883 | 105.83 |
| NOTE: 2002 - RELEASED BOAT. DID NOT OWN JANUARY 1,2002. | | | | |

TOTAL RELEASES: 106 37477.22

THE RELEASE (G.S. 105-381 OR 382), CORRECTIONS (G.S. 105-325), OR REFUNDS (G.S. 105-381 OR 382) OF TAX BILLS OUTLINED ABOVE ARE APPROVED BY THE PITT COUNTY BOARD OF COMMISSIONERS.

CHAIRMAN OF THE BOARD

DATE APPROVED

TCL0440

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CITY OF GREENVILLE
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| NAME | ACCOUNT # | PARCEL # | RELEASE # | TOTAL RELEASED |
|--|-----------|----------|-----------|----------------|
| BLOUNT DEVELOPMENT CO. | 1085230/0 | 44228 | 87179 | 359.78 |
| NOTE: 2003 - INCORRECT NUMBER OF ACRES CHARGED. | | | | |
| BRADEN, ALFRED EDWARD | 1212568/0 | | 87113 | 169.53 |
| NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12128450, SAME NAME. | | | | |
| CARLISLE, KATHY WIMMER | 3030202/2 | | 86978 | 106.06 |
| NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR. | | | | |
| CREDLE, CHRISTOPHER RYAN | 3090298/8 | | 87147 | 152.96 |
| NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR. | | | | |
| CUTRELL JR, IRA GLENN | 3090774/9 | | 86977 | 115.82 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |

| | | | |
|--|-----------|-------|--------|
| ELKS JR, DARRELL VANN | 3080783/0 | 86831 | 104.01 |
| NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR. | | | |
| ETHERIDGE, R S KATHRYN S | 1206533/0 | 86866 | 100.50 |
| NOTE: 2002 - RELEASED BOAT. BOAT SOLD IN 2001. | | | |
| ETHERIDGE, R S KATHRYN S | 1206533/0 | 86911 | 100.50 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003. | | | |
| FIRST PORTLAND CORPORATION | 1203474/0 | 87168 | 257.07 |
| NOTE: BUSINESS PERSONAL PROPERTY DOUBLE LISTED. SEE ACCOUNT 12049290 - FIRSTCORP/FIRST PORTLAND CORP. | | | |
| HENDRIX AND DAIL IN | 3090530/4 | 87027 | 145.89 |
| NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR. | | | |
| HITE ASSOCIATES, PC | 1191481/0 | 86825 | 135.79 |
| NOTE: 2003 - BUSINESS PERSONAL PROPERTY CHARGED IN ERROR THROUGH TMA AUDIT. | | | |
| HITE ASSOCIATES, PC | 1191481/0 | 86820 | 427.15 |
| NOTE: 2003 - BUSINESS PERSONAL PROPERTY CHARGED IN ERROR THROUGH TMA AUDIT. | | | |
| HITE ASSOCIATES, PC | 1191481/0 | 86821 | 502.75 |
| NOTE: 2003 - BUSINESS PERSONAL PROPERTY CHARGED IN ERROR THROUGH TMA AUDIT. | | | |
| HOBBS, NATALIE ANN | 2120762/1 | 86974 | 143.49 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | |

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CITY OF GREENVILLE
TAX RELEASE FORM
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| NAME | ACCOUNT # | PARCEL # | RELEASE # | TOTAL RELEASED |
|--|-----------|----------|-----------|----------------|
| JENKINS, WILLIAM C III | 1213439/0 | | 86924 | 131.24 |
| NOTE: 2003 - RELEASED BOAT. DID NOT OWN JANUARY 1,2003. | | | | |
| LANCE, POPKINS INC | 1213778/0 | | 86968 | 384.93 |
| NOTE: 2003 - RELEASED BOAT. TAXABLE IN NEW HANOVER COUNTY. | | | | |
| MCRAE, DAVID C | 1213644/0 | | 87105 | 149.63 |
| NOTE: 2003 - RELEASED BOAT. TAXABLE IN CARTERET COUNTY. | | | | |
| MOBLEY, BRINKLEY ALEXANDER | 3020179/0 | | 87025 | 123.60 |
| NOTE: 2002 - VEHICLE CHARGED IN CITY LIMITS IN ERROR. | | | | |
| REID, JACK MICHAEL | 3080049/4 | | 86778 | 105.24 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| ROBERSON JR JR, ERNEST NORWOO | 3090297/3 | | 87228 | 119.94 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| SCHMIDT JR, ROBERT STEVENS | 3040749/4 | | 87117 | 121.65 |
| NOTE: 2003 - VEHICLE CHARGED IN ERROR. | | | | |
| VALERA, ERIC PATRICK | 1213580/0 | | 87115 | 108.24 |
| NOTE: 2003 - RELEASED BOAT. TAXABLE IN BEAUFORT COUNTY. | | | | |
| WARD, JAMES HARVEY III & | 1107815/0 | 58132 | 87162 | 733.32 |
| NOTE: 2003 (2001) - ADJUST DEFERRED TAX BILLING DUE TO APPRAISAL ERROR ON MARKET VALUE. | | | | |
| WARD, JAMES HARVEY III & | 1107815/0 | 58132 | 87163 | 705.31 |
| NOTE: 2003 (2000) - ADJUST DEFERRED TAX BILLING DUE TO APPRAISAL ERROR ON MARKET VALUE. | | | | |

WARD, JAMES HARVEY III & 1107815/0 58132 87159 614.94

NOTE: 2003 - ADJUST DEFERRED TAX BILLING DUE TO APPRAISAL ERROR ON MARKET VALUE.

WARD, JAMES HARVEY III & 1107815/0 58132 87160 677.97

NOTE: 2003 (2002) - ADJUST DEFERRED TAX BILLING DUE TO APPRAISAL ERROR ON MARKET VALUE.

TOTAL RELEASES: 26 6797.31

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CHAIRMAN OF THE BOARD

DATE APPROVED

Motion:

Approve as submitted.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Set Public Hearing for naming the NC 11 Bethel Bypass and renaming the existing NC 11 North sections outside Bethel City Limits - Eli Johnson

Information Provided with the Agenda

The North Carolina Department of Transportation (NCDOT) has constructed a four lane highway around the Town of Bethel. This highway has been designated as the Senator R.L. 'Bob Martin' Highway. For E-911 addressing purposes, this highway must be officially named by the Pitt County Board of Commissioners to reflect its primary NC route number and direction - in this case, NC 11 N. The existing NC 11 North road segments on the north and south side of Bethel City Limits must be renamed also (see attached map).

Staff Recommendation

Set Public Hearing Date For March 16, 2004 to solicit comments from affected parties and the public.

Manager Comments

Concur with staff recommendation to set public hearing concerning this road/highway naming and renaming.

Motion:

Set Public Hearing Date For March 16, 2004 to solicit comments from affected parties and the public.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

NC DOT Reimbursement For Paving Driveways At North Pitt And Bell Arthur EMS Stations - Phil Dickerson

Information Provided with the Agenda

North Carolina Department of Transportation, Division of Highways policy allows the Division to reimburse counties for the cost of paving a driveway from the edge of pavement on the State road to the door of the truck bay at rescue stations. In the North Pitt and Bell Arthur cases, this reimbursement amounts to approximately \$8,000.

Staff Recommendation

The staff recommends that the Clerk be directed to send a letter to the Division of Highways, District Engineer requesting that the County be reimbursed by the Division of Highways for the cost of paving the driveways to the Bell Arthur and North Pitt EMS Stations.

Manager Comments

Concur with staff recommendation.

Motion:

The staff recommends that the Clerk be directed to send a letter to the Division of Highways, District Engineer requesting that the County be reimbursed by the Division of Highways for the cost of paving the driveways to the Bell Arthur and North Pitt EMS Stations.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Resolution Supporting Poultry Farmers - Scott Elliott

Information Provided with the Agenda

Attached is a sample resolution concerning poultry the farming community. There are currently six growers/operators in Pitt County. The issue at hand concerns the tax value of these 'poultry houses'. It has been reported that this industry has lost several large contracts and is now seeking alternative uses for these structures. North Carolina State University is working with this industry to try to find alternative uses. This was originally received from Greene County. Mitch Smith states that he is involved in this matter. Chairman James requested the Board adopt this resolution of support.

Staff Recommendation

Adopt Resolution on Poultry Farms.

**A RESOLUTION
SUPPORTING POULTRY FARMERS OF PITT COUNTY**

WHEREAS, Pitt County poultry farmers have suffered an economic setback due to the loss of production contracts with contracting companies, and their poultry houses and equipment cannot be easily adopted to alternative uses; and

WHEREAS, Pitt County broiler receipts are \$9 million; and

WHEREAS, the loss of production capacity will cause an erosion of the tax base; and

WHEREAS, Pitt County poultry farmers are shouldering debt as a result of low commodity prices and tobacco quota cuts.

NOW, THEREFORE BE IT RESOLVED, that the Pitt County Board of Commissioners, by a unanimous vote of its Board members, does hereby urge North Carolina Cooperative Extension Service, North Carolina State University, North Carolina Department of Agriculture and Consumer Services and North Carolina Poultry Federation to provide assistance to Pitt County poultry farmers in finding new production contracts or viable alternatives for the houses and equipment; and

BE IT FURTHER RESOLVED, that this resolution be entered into the minutes of the Board of Commissioners of Pitt County, and entered this 2nd day of February, 2004 at the Board's regular meeting.

Chairman Eugene James

ATTEST

Susan J. Banks
Clerk to the Board

Motion:
Adopt Resolution on Poultry Farms.
Motion made by Commissioner John Minges.
Motion seconded by Commissioner David Hammond.
Motion Passed Unanimously.

Approval of Minutes - Susan Banks

Information Provided with the Agenda

Approve Minutes from January 12, 2004 Board meeting.

Staff Recommendation

Motion to approve minutes from January 12, 2004 Board meeting.

Motion:
Motion to approve minutes from January 12, 2004 Board meeting.
Motion made by Commissioner John Minges.
Motion seconded by Commissioner David Hammond.
Motion Passed Unanimously.

Items for Discussion

Grant Request for Education Alternative Resources(EAR)

Meeting Notes

Mr. Elliott said the agenda was revised to include a request for County approval of a pre-application from the Governor's Crime Commission for the Education Alternative Resources Program. He said he was approached last week about this grant application. He received a copy of the grant application on Thursday. The deadline to submit this grant was last Friday but he stated they had received an extension for the application. He said he was not comfortable in signing the pre-application without this Board's approval. The program deals with short term and long term suspension of students from school.

Mr. Elliott shared a letter he received from Dr. Michael Priddy, School Superintendent, concerning the Education Alternative Resources Program. Dr. Priddy's letter raised some issues about the proposed director of that program.

Mr. Connie Newton from Martin Community Action came before the Board. He acknowledged that Commissioners Royal, James and Hammond have served on the Martin Community Action board. The said they are asking for an opportunity to serve students and the families of students that have been suspended from school. He stated that this is only a pre-application. It deals with short term and long term suspensions from school and addresses the student's time away from school. As for the referral from the Schools Superintendent, he said he would prefer to have the schools systems support and referrals. He said he does have a letter of support from the Juvenile Crime Prevention Counsel. They will be looking for a resource. Martin Community Action is a non-profit agency. He said they would do the day to day oversight and asked the Board to allow them to submit the pre-application and have the County Manager sign the pre-application.

Commissioner Garris expressed concerns about the County's liability and the tasks that will fall on the county. He said his concerns were heightened when they received Dr. Priddy's letter this morning. Commissioner Royal asked if they can submit the pre-application without the County's support. Commissioner Royal said he would like to get the support from the School Superintendent. He suggested this matter be cleared up prior to moving forward but was also anxious to help keep this program alive. In the meantime, Martin Community Action representatives would need to work with the Superintendent to work out these issues. Commissioner James said he believes it is a good program but he cannot support the grant as it currently exists because of the letter from Dr. Priddy. He said they could move forward with some changes to their proposal.

Commissioner Bowen asked about the other two counties that are served by Martin Community Action. Mr. Newton said they were looking at doing this program in Martin County. When they were approached by EAR, they were not prepared to submit it in all three counties. Commissioner Hammond asked what liability the Board would have for this program? Ms. Bryan stated the County would be held responsible since the funds pass through Pitt County. Mr. Ricky Hines, Board Chairman for Martin County Community Action said the Board could support the pre-application but it can be withdrawn at any time. Mr. Elliott said it may be hard to send the money back once it has been received. Mr. Hines said he had just learned of Dr. Priddy's letter. He said they looked at this as a way to help the kids to stay in school. Mr. Elliott said the County would assume 100% liability if there was misappropriation or mismanagement of funds. Commissioner Hammond asked if the County is bonded. Ms. Bryan said that the State will come after Pitt County since it is considered a Pitt County grant and if it is spent in a way the State does not agree with. Once the funds are passed on, the County does not have any oversight. Mr. Hines said they have a fiscal department and it is very sound. He would not be asking if he did not think they could not handle it. Commissioner James said there are some things that need to be done to this application before any action is taken but that they do need to keep high school students out jail.

Motion:

Table consideration until more information can be provided.

Motion made by Commissioner Glenn Bowen.

Motion seconded by Commissioner Jimmy Garris.

Commissioner James said they will have a called meeting if they receive information that may change this perspective. Mr. Newton said they thought they could do the pre-app with the county manager's authority and they did not need the Board's approval, except that the Manager would not sign the pre-application without the Board's approval. He said they have an extension until February 5th. Chairman Ward asked if there are other government agencies that can sign off on these grants. Mr. Elliott said the Mid-East Commission could host it but they would want to know why the County would not sponsor the application. Commissioner Minges suggested a copy of the letter needs to be forwarded to the Martin County Community Action representatives. Commissioner Royal said as of

last Thursday night at an emergency meeting of the Martin County Community Action Board, this letter had not surfaced. He said this needs to be addressed urgently and a second look needs to be done. This program is intended to prevent school dropouts. Mr. Elliott said he received the letter from Dr. Priddy this morning and that Dr. Priddy had spoken with Sherece Gorham about the letter and his concerns. Commissioner Hammond asked if there has ever been a problem with a grant like this program. Ms. Bryan stated that she had had to pursue a payback from a program that was set up similar to this program. Commissioner Bowen asked if Dr. Priddy has the authority to refuse this request. Mr. Hines read the letter from Dr. Priddy and said that in light of this letter, he was withdrawing this request.

This request was withdrawn by Chairman Hines.

Motion was then withdrawn by Commissioner Bowen and Commissioner Garris.

A short break was held at this time.

Revaluation

Meeting Notes

Mr. Glenn Cutrell gave a brief summary about the current revaluation. He said that since last Friday, they have logged a little over 1,000 appeals from the revaluation notices. Since January, they have received phone calls and traffic on about 500 parcels. Most cases have been amended. Mr. Cutrell said that 2.4% of the parcels assessed have been appealed. The State average for this type of revaluation is 6%. The informal hearings are starting today. Staff has been hearing about the percentage of increase. As of last week, MIS and GIS have changed the OPIS to demonstrate prior value from 2003 and 2004. Farm Use and Old Age Exemption applications have increased. Commissioner Owens requested a meeting with Mr. Cutrell and Mr. Elliott but he has not been able to meet with them yet. He said he received a letter from a taxpayer concerned about the 30 day timeframe to address questions and appeals. Mr. Cutrell said they are not cutting it off at the end of 30 days. They will take appeals until the Board of Equalization and Review begins to have their meetings. Commissioner Owens asked that they should inform the public about the statutory requirements. Commissioner Owens said the tax agency should have the burden of proving the value since the tax office changed the value. The tax office should show them the comparable properties and share the criteria with the citizens of how they came about the values. The townships that have had no sales want to know where they came up with the comparable properties. Commissioner Owens said the rate will have to be lowered if the increase stays at 20-30%. Commissioner Ward said she has gotten calls about the larger parcels that were affected by the flood. The market value is different from what it was eight years ago. Commissioner Hammond said he had a copy of a check for \$9,000 from a citizen that said that if this Board does not lower the rate, he would contribute \$1,000 per commissioner to their opposition's campaign in the next election. Commissioner Coulson said this Board needs to seriously consider the people living on fixed incomes. When someone reaches a certain age such as 70, their taxes should remain the same. They have less spendable money.

Commissioner Coulson said it looks like a 2.7% increase over each year for eight years. He has heard that Greenville's tax rate is going to be held at the same rate this year. Commissioner Bowen spoke of a citizen who said the tax office employee told him that his property value came out of a book. Mr. Cutrell said that must be farm land use value because that is the only tax that they have a book to use. Mr. Cutrell said the Old Age Exemption allows for a tax reduction.

Commissioner Minges spoke about calls he had gotten about the tax increases. He asked if other counties are doing eight the year revaluation cycle. Mr. Cutrell said that 55% of the counties in North Carolina are on a four year revaluation cycle. Pitt County has 63,000 parcels. Commissioner Garris said one person said theirs went up 114% and he plans to appeal this value. Commissioner Garris said his concern is how this Board sets the tax rate. Expenditures have to be as tight as possible in order to keep the rate low. Commissioner Royal said his constituents are concerned because they are having problems with their valuation being too low because they are in areas that were affected by the flood. It hurts their resale value also. Commissioner Royal said it also hurts when these people try to borrow money because of their loss in value. Commissioner James said his land went up over 100%. He asked about the appointments to

the Board of Equalization and Review. Ms. Banks stated the Board of Equalization and Review are scheduled to be on the next agenda. Commissioner James spoke to the value of land that will not perk.

Mr. Cutrell said the Board of Equalization and Review (Board of E&R) members will receive training done by State Tax officials. Commissioner Owens asked if there is a cut off date for appeals. Mr. Cutrell said the cut off time would be once the Board of E&R starts meeting.

Commissioner Ward asked if they would make the public aware of criteria that was used for the values. Commissioner Minges suggested that this information be put on the Pitt-TV explaining the way the values were arrived at during the revaluation period. Commissioner James said there are people who cannot afford cable TV who also need this information. Commissioner Bowen reminded the Board that this Board had voted to shorten the revaluation period but went back and changed it back to eight years.

Hospitalization Coverage for Deputies and Detention Officers Permanently Disabled Due to a Work Related Injury or Assault. - Mac Manning

Information Provided with the Agenda

Deputy sheriffs and detention officers are frequently required to perform work with hostile persons and in hazardous circumstances. The nature of their required duties places these officers at an increased risk for injury resulting from an assault or accident. These officers are required to perform their lawful duties without the option of withdrawing from such required work. For humanitarian purposes and to ensure that the negative effects on a disabled officer's financial future resulting from a work related injury are mitigated, the County of Pitt should extend hospitalization coverage to these employees during retirement due to permanent disability so incurred.

Staff Recommendation

Amend Section 10-85 of the Personnel Ordinance to extend hospitalization to officers permanently disabled due to a work related accident of injury.

Manager Comments

It is not recommended to amend the Pitt County Personnel Ordinance in this manner. As previously discussed with the board, employees who are permanently disabled due to a work related injury or assault are normally compensated through the County's Worker's Compensation Program. However, if the Board is inclined to change the Ordinance, I would recommend that you allow for staff to bring back a formal proposal that would address 1) long term financial considerations, 2) applicability of amended ordinance to all employees 3) potential affect on Worker's Compensation Program and 4) alternative compensation proposal(s).

Meeting Notes

Sheriff Manning said this was first discussed in September of 2003. He asked that consideration be given to certified law officers that are injured on the job and are forced to retire due to their injury. He said it would cost \$4,512 per year per employee. He said it is the right thing to do for humanitarian reasons. He said this would include three officers in the Sheriff's office. He said it would also give current employees a comfort level that health insurance would be taken care of if they were so injured.

Mr. Elliott said he has not recommended this be done based on the impact to the County budget but if the Board does wish to make this available then he would recommend it be made available to all employees. He said that if the Board is considering this, he asked that the Board allow the staff to come back with a recommendation. Consideration has to be given to the self-funded hospitalization program and it would need to be equitable to all employees. There is also a potential impact to the workers compensation program. When an employee goes out with a work related injury, it is normally a workers compensation matter. Health insurance and other matters are settled in the workers compensation claim.

Commissioner Owens said the Board should include all employees and it is a problem with funding but it should include everyone. This Board should try to arrive at an equitable solution and look at various approaches to this matter.

Motion:

Look at various approaches to the issues of employees that are disabled from a job injury and bring back to Board.

Motion made by Vice Chairman Mark Owens, Jr.

Motion seconded by Commissioner David Hammond.

Commissioner Hammond asked when they will come back with this recommendation. Commissioner Bowen asked to bring back what the State and other counties are doing. Commissioner James said that the Human Resources staff will bring this information back to the Board. Commissioner Royal asked about the staff's recommendation. The Sheriff stated that what was recommended was his recommendation. Commissioner Minges spoke about the self-insured pool and possibly look at a blanket disability policy. Commissioner Ward said this needs to be looked at and studied. The ordinance does not address this type of incidents.

Commissioner Bowen said he had a problem with the wording on the abstract that reads "staff recommendation". Mr. Elliott said they will remove the word "staff" on the recommendation.

Vote Record:

| | |
|------------------------|------------|
| John Minges | Yes |
| Jimmy Garris | Yes |
| Mark Owens, Jr. | Yes |
| Beth Ward | Yes |
| Glenn Bowen | Yes |
| Tom Coulson | Yes |
| David Hammond | Yes |
| Eugene James | Yes |
| Randy Royal | No |

Total Yes Votes: 8

Total No Votes: 1

Motion Passed.

School Board Compensation - Scott Elliott

Information Provided with the Agenda

Dr. Priddy sent the County Manager the attached letter requesting a change in the Pitt County Board of Education's By Laws as approved by the Board of Education on January 12, 2004. The proposed change is to increase their monthly compensation. The attached page is the requested change to the Pitt County School Board's By-Laws.

Staff Recommendation

No staff recommendation.

Board Members' Compensation and Reimbursement (Policy 2.110) – Members of the Board of Education shall receive compensation for performance of official school district business at the rate of ~~\$200~~ 50% of the amount of such compensation paid to the members of the Pitt County Board of Commissioners. The Chair of the Board of Education shall receive compensation for performance of official school district business at the rate of 50% of the amount of such compensation paid to the Chair of the Pitt County Board of County Commissioners. ~~per month for members and \$350 per month for Chairman.~~

Meeting Notes

Mr. Michael Dixon acknowledged Delano Wilson and Dr. Ralph Love who were present. He stated that January, 2004, the Board of Education worked to update policies and by-laws. He reviewed the committee meetings that he chaired and stated that there were several revisions to Board of Education's by-laws. They currently receive \$200 per month and \$350 for the board chairman. He said this has not changed in 19 years. The \$200 figure was initiated in 1985 when the board was made larger. He said the Board of Education serves over 21,000 children and has a budget over \$150 million. He reviewed and discussed issues. He said there have been 18 pay increases for teachers during this time and substitute teachers pay has doubled. Commissioners compensation has increased 17 times. He review the plan adopted by Forsyth County Board of Education who opted to receive 50% of their Board of Commissioners compensation. He said then he and his committee recommended to the full Board of Education that the Board of Education's compensation be 50%. Their compensation is modest compared to benefits commissioners receive.

Commissioner Garris thanked the Board of Education for the long hours they work and congratulated Mr. Dixon on his Martin Luther King Humanitarian Award. Commissioner Garris said that the Board received a copy of their by-laws package. He said they have very good goals objectives, good overall description, and he encouraged citizens to read it because they would be impressed.

Commissioner Garris said he had reservation about this request. He said the increase is deserved but he did not believe these people serve for the compensation but for the love of the community. At a time when citizens are going to be asked to pay more in taxes, its not an appropriate time to raise this compensation. This Board needs to minimize its size.

Motion:

Do not approve this request for an increase in Board of Education's compensation.

Motion made by Commissioner Jimmy Garris.

Motion seconded by Commissioner Tom Coulson.

Commissioner Bowen said he questioned a lot of things in the Board of Education's by-laws. He questioned using secret ballot to elect officers which is illegal in North Carolina. He also questioned the twelve hours of training the board members are supposed to receive annually. Several have not received any training. He said the Board of Education members must call a school in advance before visiting the school and tell them the reason they are there. Commissioner Bowen said he can talk to the County Attorney any time but they may not talk to the Schools Attorney and if they do, the Attorney must provide answers to their questions through the Board Chairman or the School Superintendent.

Mr. Michael Dixon said the secret ballot will be changed because it was picked up from the past by-laws. Training is State mandated. There are board members that have not taken advantage of this training. The Legislature is currently looking at requiring stricter standards on the training. As for visiting schools, it is a distraction to the staff when Board members visit the Schools. They are required to go to the office and let the staff know that they are there to visit. The policy about asking questions of the Schools Attorney was because if they visited with Phil Dixon, contracted attorney, he was paid by billing for time. They can visit the In-house attorney at any time. Commissioner Garris said this board was supposed to focus on one provision in this document and he stills believes it is a good document. He said the specifics of their policy should be left up to the Board of Education. Commissioner Hammond spoke about their meetings, stating they need to be televised. It would shed light for the citizens, to televise and highlight departments like the County does to inform the public.

Vote Record:

| | |
|------------------------|------------|
| John Minges | Yes |
| Jimmy Garris | Yes |
| Mark Owens, Jr. | No |

| | |
|---------------|-----|
| Beth Ward | Yes |
| Glenn Bowen | Yes |
| Tom Coulson | Yes |
| David Hammond | No |
| Eugene James | Yes |
| Randy Royal | No |

Total Yes Votes: 6

Total No Votes: 3

Motion Passed.

Commissioner James asked why or when this board can expect them to televise their meetings so the citizens can see what takes place. Mr. Dixon said he has no problem with televising meetings but the whole Board of Education will have to make that decision. Commissioner Minges asked if it was correct that the Board of Education was going to be reduced when systems merged in 1985. Mr. Dixon said they decreased from 15 to 12 members at that time and there was discussion about decreasing to a 9 member board. This has come up three different times and each time it has been defeated. They have the largest School Board in North Carolina.

Commissioner Owens said when he was on the School Board in 1985, and there was a much different perception. He said he wanted every child to be treated the same way and they had to go to the Justice Department for approval of any change in board makeup. There were three components including race, gender and geographical location. The proposal was sent to the Justice Department. There were two representatives from each district in an effort to try to implement the best system for the county. This is a good system. The Board of Commissioners also went from five to nine members at this time. Commissioner James said the different districts had different tax rates. He was there when they met with the Justice Department and the Civil Rights Commission. They were hoping the Board of Education would go the same route.

Commissioner Garris asked them to consider revising the procedure of passing out Pitt County fair tickets because that provided a way for all the school children to get to go free. Commissioner Bowen said one-third of their members were not present when they voted on their by-laws. Mr. Dixon said the policy was presented previously and then the policy sits for 30 days before they vote. During that time, there were extenuating circumstances for the members that were not present but at the time the proposed policy was not controversial.

Commissioner Hammond said he went to Washington, D.C. in 1985 and three members would not be on that board if not for that change. He said he supported the requested increase in compensation because they have not had a raise in 17 years. Commissioner James said everyone knows what they will get when they run for the office. He said they did not give the teachers a raise because those raises come from the State. Commissioner James said not all commissioners get hospitalization.

Items for Decision

Budget Amendment - Health Department - Health Administration - \$21,545.00- (No County Funds) - John H. Morrow

Information Provided with the Agenda

This request reallocates budgeted funds from line items in the Specialized Training (this is the budget line in which we recorded the Fed/State \$ for bioterror initiatives) to Salary and Fringe benefits to support the proposed Health Planner position. This position will coordinate and prepare the emergency response plan proposal. This budget amendment allocates sufficient \$ to fund the position from Feb 1, 2004 thru June 30, 2004.

Staff Recommendation

"Recommend Approval of the budget amendment and the authorization of the additional FTE"

Manager Comments

Concur with staff recommendation. It should be noted that this budget amendment does create a new FTE (full time equivalent) position. This is 100% grant funded. This position would be continued into FY 04-05 with grant funds.

55 Pitt County
 Finance

Budget Amendment Request

INVOICE NO:
DATE: February 23, 2004

Department: Health Administration Date of Request: January 14, 2004

FY Budget: FY 03/04

| ACCOUNT NO. | TITLE OF ACCOUNT | INCREASE | DECREASE |
|---------------|----------------------|-----------|-----------|
| 155110 512000 | Salaries | 16,690.00 | |
| 155110 518100 | FICA | 1,276.00 | |
| 155110 518200 | Retirement | 814.00 | |
| 155110 518201 | 401K | 818.00 | |
| 155110 518300 | Hospitalization | 1,909.00 | |
| 155110 518400 | Life Insurance | 38.00 | |
| 153110 539600 | Specialized Training | | 21,545.00 |

Department Justification: Reallocating budgeted line items from Specialized Training (this is the budget line in which we recorded the Fed/State \$ for bioterror initiatives) to Salary and Fringe benefits to support the proposed Health Planner position. This position will coordinate and prepare emergency response plan proposal. This budget amendment allocates sufficient \$ to fund position from Feb 1, 2004 thru June 30, 2004.

* Denotes new account number.

Motion:

Recommend Approval of the budget amendment and the authorization of the additional FTE.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Commissioner Garris asked if there would be funds for this program after 2005. Dr. Morrow said he cannot predict the funding but could not imagine them not funding the program. The employees would be notified that this is grant funding.

Motion Passed Unanimously.

Church Exemption - Grifton Chapel Church of Christ, Disciples of Christ - Glenn Cutrell

Information Provided with the Agenda

Grifton Chapel Church of Christ, Disciples of Christ submitted a late application requesting relief of property taxes for the 2003 tax year. They are located in Grifton and are identified as tax parcel number 18076 & 18077. The property meets the requirements as stated in NCGS 105-278.3 (Real and Personal Property Used for Religious Purposes). The 2003 taxes owed are \$ 170.51.

The Board of County Commissioners has the authority to accept late applications pursuant to NCGS 105-282.1(a)(a1).

Staff Recommendation

Tax Assessor recommends relief of taxes due to property owned and occupied as a church.

Manager Comments

Concur with staff recommendation.

Motion:

Tax Assessor recommends relief of taxes due to property owned and occupied as a church.

Motion made by Commissioner John Minges.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Amended Adult Business Ordinance - Second Reading - JoAnne Burgdorff

Information Provided with the Agenda

The Amended Adult Business Ordinance was presented at the December 15, 2003 meeting and did not receive a unanimous vote of all Commissioners, it is therefore being brought back for a second vote.

Staff Recommendation

Approve the Amended Adult Business Ordinance.

Manager Comments

Concur with staff recommendation to adopt amendments to Adult Business Ordinance on second reading.

Meeting Notes

Ms. Burgdorff explained that this item was presented to the Board previously but did not receive a unanimous vote so it had to be brought back for a second reading.

Motion:

Approve the Amended Adult Business Ordinance.

Motion made by Commissioner Randy Royal.

Motion seconded by Commissioner Beth Ward.

Discussion:

This is the second reading because the first reading was not unanimous. Commissioner Owens said he was opposed because this is more restrictive than the State requires of counties. Commissioner Hammond asked if this would be in conflict with the State. Ms. Burgdorff said it would only effect the businesses with a liquor license. Commissioner Hammond said this should be in keeping with the State's laws. Commissioner Garris said there is no change in the enforcement of this ordinance because this was requested by the Sheriff's Department.

Motion:

Amend the motion to exempt businesses with a liquor license.

Motion made by Commissioner Glenn Bowen.

Motion seconded by Commissioner David Hammond.

Ms. Burgdorff said the grandfather period is up. They changed the fee structure in this amendment. Some items were clarified.

Commissioner Bowen said those with liquor or beer license have no regulation regarding nudity and dancing. Commissioner James said churches do not want those types of businesses by them. Commissioner Garris said this was given to the Board by the Sheriff's Department. The grandfather period of twelve months is up. This amendment changed the fee structure and clarified some items.

Vote Record:

| | |
|-----------------|-----|
| John Minges | No |
| Jimmy Garris | No |
| Mark Owens, Jr. | Yes |
| Beth Ward | No |
| Glenn Bowen | Yes |
| Tom Coulson | No |
| David Hammond | Yes |
| Eugene James | No |
| Randy Royal | No |

Total Yes Votes: 3

Total No Votes: 6

Motion Failed.

Vote Record on original motion to approve the amended ordinance:

| | |
|-----------------|-----|
| John Minges | Yes |
| Jimmy Garris | Yes |
| Mark Owens, Jr. | No |
| Beth Ward | Yes |
| Glenn Bowen | No |
| Tom Coulson | Yes |
| David Hammond | No |
| Eugene James | Yes |
| Randy Royal | Yes |

Total Yes Votes: 6

Total No Votes: 3

Motion Passed.

AMENDED
ORDINANCE REGULATING ADULT ESTABLISHMENTS
SEXUALLY ORIENTED BUSINESSES

WHEREAS, the provisions of this article are adopted by the Pitt County Board of Commissioners under the authority granted by GS § 153A-(45-50); 153A-121; 153A-(134-135); and 160A-181.1

WHEREAS, the Board of Commissioners recognizes that important and substantial governmental interests provide a constitutional basis for reasonable regulation of the time, place and manner under which adult and sexually oriented businesses operate; and

WHEREAS, for the purpose of preventing harmful secondary impacts such as neighborhood blight, increases in crime and decreases in property value, this article is adopted by the Board of Commissioners to regulate adult and sexually oriented businesses, as hereby defined, located in the County. From and after the effective date of this ordinance, this ordinance shall apply to every building, lot, tract or parcel of land within unincorporated Pitt County, in all municipalities where the Pitt County Sheriff provides law enforcement patrol, and in any incorporated municipality that by Resolution requests enforcement of this Ordinance within its jurisdiction; and

WHEREAS, the Board of Commissioners has determined that persons seeking to operate sexually oriented businesses shall be required to observe specific location requirements before they commence business; and

WHEREAS, the regulations contained in this ordinance shall not repeal, impair, abrogate or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, or regulations previously adopted pursuant to law in any established zoning district in Pitt County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

AND, WHEREAS, the regulations contained in this Ordinance shall not duplicate or contradict state law or infringe upon a liberty guaranteed by the State or Federal Constitution.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF PITT ORDAINS:

1. PURPOSE.

1.1. Pitt County is committed to protecting the general welfare of the County through the enforcement of laws prohibiting obscenity, indecency, and sexual offenses. It seeks to reduce and eliminate the deleterious effects of sexually oriented businesses while preserving constitutionally protected forms of expression. Pitt County finds that sexually oriented businesses in certain locations contribute to neighborhood deterioration and blight through an increase in crime and diminution of property values, among other adverse consequences, and finds that such effects are contrary to the general welfare of the County. The County recognizes that important and substantial government interests provide a constitutional basis for reasonable regulation of the time, place and manner under which sexually oriented businesses operate; and that, therefore, the County has determined that persons seeking to operate sexually oriented businesses shall be required to observe specific location requirements before they commence business, as provided for in this article. The County finds that the licensing of sexually oriented businesses is necessary to ensure compliance with the location and zoning requirements of such businesses. The County finds that sexually oriented businesses in other communities have been used for unlawful sexual

activities, including prostitution, and sexual encounters of a casual nature. The concern over sexually transmitted diseases is a legitimate health concern of the County. The provisions of this article shall not be construed as permitting any use, activity, or structure that is otherwise prohibited, illegal, or made punishable by law, nor shall it be construed so as to prohibit conduct or expression that is subject to constitutional protection.

2. DEFINITIONS.

2.1. Adult Arcade (also known as “peep show”) - any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed are characterized as depicting or describing “specified sexual activities” or “specified anatomical areas”, as herein defined.

2.2. Adult bookstore or adult video store – any establishment which has a substantial (over 25% of total retail space) portion of its stock-in-trade and offers for sale or rental for any form of consideration any one or more of the following:

2.2.(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by an emphasis on depiction or description of “specified sexual activities” or “specified anatomical areas”; or

2.2.(b) Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

2.3. Adult Business – any business activity, club or other establishment which permits its employee, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

2.4. Adult cabaret - a nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

2.4.(a) Persons who appear nude or semi-nude; or

2.4.(b) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or

2.4.(c) Films, motion pictures, videocassettes, slides, or other photographic reproductions which depict or describe “specified sexual activities” or “specified anatomical areas.”

2.5. Adult motel - a hotel, motel or similar commercial establishment that:

2.5.(a) Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe “specified sexual activities” or “specified anatomical areas” as one of its principal business purposes; or

2.5.(b) Offers a sleeping room for rent for a period of time that is less than ten hours; or

2.5.(c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of less than ten hours.

2.6. Adult motion picture theater - a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe "specified sexual activities" or "specified anatomical areas."

2.7. Adult theater - a theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of "specified anatomical areas" or by "specified sexual activities".

2.8. Applicant - the person who will operate the sexually oriented business, and shall include each of the following persons associated with that business:

2.8.(a) The owner of a sole proprietorship;

2.8.(b) Each member of a firm, association or general partnership;

2.8.(c) Each general partner in a limited partnership;

2.8.(d) The manager of an establishment operated by a corporation;

2.8.(e) Any manager who has been empowered as attorney-in-fact for a nonresident individual or partnership.

2.9. Employ, employee and employment - describes and pertains to any person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise.

2.10. Escort - a person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.

2.11. Escort agency - a person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.

2.12. Establishment - is and includes any of the following:

2.12.(a) The opening or commencement of any sexually oriented business as a new business; or

2.12.(b) The conversion of any existing business, whether or not a sexually oriented business, to any sexually oriented business; or

- 2.12.(c) The addition of any sexually oriented business to any other existing sexually oriented business; or
- 2.12.(d) The relocation of any sexually oriented business.
- 2.13. Licensee - a person(s) in whose name a license to operate a sexually oriented business has been issued.
- 2.14. Massage Parlor – an establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios or massage parlors, where massage involves the massage or touching of specified anatomical areas of the body.
- 2.15. Operates or causes to be operated - to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.
- 2.16. Nudity or a state of nudity –
- 2.16.(a) The appearance of a human anus, male genitals, or female genitals; or
- 2.16.(b) A state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.
- 2.17. Person - an individual, proprietorship, partnership, corporation, association, or other legal entity.
- 2.18. Semi-nude - a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- 2.19. Sexual encounter center - a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female person and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- 2.20. Sexually oriented business - an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, massage parlor, adult motion picture theater, adult theater, escort agency, sexual encounter center, or any combination of the foregoing.
- 2.21. Specified anatomical areas – less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 2.22. Specified sexual activities - includes any of the following:
- 2.22.(a) Human genitals in a state of sexual stimulation, arousal, or tumescence; or

2.22 (b) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or

2.22.(c) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

2.22.(d) Masturbation, actual or simulated; or

2.22.(e) Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or

2.22 (f) Erotic or lewd touching, fondling, or other contact with an animal by a human being; or

2.22 (g) Human excretion, urination menstruation, vaginal or anal irrigation.

2.23. Transfer of ownership or control of a sexually oriented business - includes any of the following:

2.23.(a) The sale, lease, or sublease of the business.

2.23.(b) Persons other than those named as applicants for a license becoming associated with the business, as provided in the definition of “applicant”; except that a mere substitution of a person as manager of an establishment shall only require filing a notice with the Code Enforcement Officer and Sheriff of Pitt County.

2.23.(c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

2.24 Total retail space – any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

3. SEXUALLY ORIENTED BUSINESSES ARE CLASSIFIED AS FOLLOWS:

3.1. Adult arcades.

3.2. Adult bookstores or adult video stores.

3.3. Adult cabarets.

3.4. Adult motels.

3.5. Adult motion picture theaters.

3.6. Adult theaters.

3.7. Massage Parlors

3.8. Escort agencies.

3.9 Sexual encounter centers.

4. LICENSE REQUIRED.

4.1. It is unlawful for any person to operate a sexually oriented business without a valid sexually oriented business license approved by the Code Enforcement Officer pursuant to this article.

4.2. An application for a license must be made on a form prescribed by the Code Enforcement Officer. An application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

The Property Tax parcel numbers for the business location shall be given.

4.3. The application may request and the applicant shall provide such information as to enable the Code Enforcement Officer to determine whether each applicant meets the qualifications established in this article.

4.4. Each applicant must be qualified in accordance with this article and each applicant shall be considered a licensee if a license is granted.

4.5. Each applicant must request and receive a special use permit when required by any local zoning ordinances.

5. ISSUANCE OF LICENSE.

5.1. Within 30 days after receipt of a completed application, the County will approve or deny the issuance of a license to an applicant for a sexually oriented business license. The County will approve the issuance of a license to an applicant unless it finds one of more of the following to be true:

5.1.(a) An applicant is under 18 years of age.

5.1.(b) The license fee required by this section has not been paid.

5.1.(c) Applicant is delinquent in payment to Pitt County of ad valorem taxes, sales taxes, the annual license fee, fees, fines, penalties, or any other fee or tax related to the sexually oriented business or other business of the licensee, assessed against or imposed upon the applicant in relation to a sexually oriented business.

5.1.(d) An applicant has failed to provide information required in order to determine the qualifications of the applicant under this article for issuance of the license, or has falsely answered a question or request for information on the application form required.

5.1.(e) An applicant or the proposed establishment is in violation of, or is not in compliance with this article or other provisions of this Code, including local zoning requirements.

5.1.(f) An applicant has been convicted of a violation of a provision of this article, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

5.1.(g) The Sheriff of Pitt County shall make a determination to the Code Enforcement Officer based on a check of any state, federal and/or local repository for criminal history to determine if an applicant has been convicted of a crime involving:

5.1.(g)-1 Any offense described in G.S. Chapter 14 (Articles 7A, 26, 26A, 27, 37, or 39); or any similar offenses to those described above under the criminal or penal code of North Carolina, other states, Pitt County, or other counties, cities, or other countries; or facilitation, attempt, conspiracy, or solicitation to commit any of the foregoing offenses; for which

5.1.(g)-1.1 Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

5.1.(g)-1.2 Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

5.1.(g)-1.3 Less than five years have elapsed since the date of the last conviction or the date of release from confinement of the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

5.1.(g)-1.4 The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

5.1.(g)-1.5 An applicant who has been convicted of an offense listed above may qualify for a sexually oriented business license only when the period required by this article has lapsed.

5.1.(g)1.6 The applicant has failed to make application using a legal name or has failed to produce a valid state driver's license or a valid state identification card.

5.2. The license, if granted, shall state on its face the legal name of the person or persons to whom it is granted, the classification of sexually oriented business for which it is granted, the expiration date, and the address of the sexually oriented business. Licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

6. APPEAL.

6.1. An applicant whose application is denied, suspended or revoked by Code Enforcement Officer, may appeal such action in writing within 30 days to the Pitt County Board of Adjustment, who shall hear the appeal and decide either to uphold the action of the Code Enforcement Officer or to issue the license not later than sixty (60) days after receipt of the appeal. The applicant or licensee shall have the right to present evidence before the Board of Adjustment. The decision to uphold the action of the Code Enforcement Officer or issue the license shall be based solely on the criteria established in this article for the action by the Code Enforcement Officer. A suspension or revocation shall be stayed during the pendency of an appeal to the Board of Adjustment.

7. FEES:

7.1. Every sexually oriented business shall submit a nonrefundable business license fee of \$1,000.00 upon application for a sexually oriented business license. If the license is granted, an annual renewal application and license fee of \$200.00 shall become due and payable on the anniversary date of the issuance of the original license.

7.2. A substitution of a manager of the business which occurs during any license year shall require a completed application form on the new person be filed with the Code Enforcement Officer within 30 days of the occurrence, and a \$200.00 investigation fee paid.

7.3. All license applications and fees shall be submitted to Pitt County.

8. LOCATION

8.1. Overconcentration. No more than one (1) sexually oriented business shall be located in any one thousand three hundred and twenty (1320) foot radius (determined by a straight line measured from building to building and not by street distance). This regulation is necessary to prevent an overconcentration of sexually oriented businesses and the creation of a de facto downgrading or blighting of surrounding neighborhoods.

8.2. Residential Proximity.

8.2.(a) No sexually oriented business shall be located within a one thousand three hundred twenty (1320) foot radius (determined by a straight line measured building to building and not by street distance) of any place of worship, a residential dwelling, a school(public or private), specialty school, day-care facility, or a lot or parcel of land on which a public playground, public swimming pool, or public park is located. Special regulation of these establishments is necessary to insure that deleterious secondary effects which can reasonably be expected to result from the inappropriate location or concentration of sexually oriented businesses and these adverse effects will not contribute to a downgrading or blighting of surrounding residential districts or certain other districts which permit residential uses.

9. NON-CONFORMING SEXUALLY ORIENTED BUSINESS

9.1 Any sexually oriented business lawfully operating on the date that this ordinance becomes effective, that is in violation of this article shall be deemed a nonconforming use.

9.2 Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed one year from the date this ordinance first became effective.

9.3 Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use.

9.4 If a nonconforming use is discontinued for a period of one hundred eighty (180) days or more it may not be reestablished.

9.5 If two (2) or more adult businesses or sexually oriented businesses are within one thousand three hundred twenty (1,320) feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming.

9.6 A sexually oriented business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, residential dwelling, day care center, school, playground, public swimming pool or public park within one thousand three hundred twenty (1,320) feet of the sexually oriented business.

10. INSPECTION.

10.1. A business license applicant or licensee shall permit representatives of the Pitt County Sheriff's Department or any other county, city, state, or federal department, division, or agency that enforces codes, regulations, ordinances or statutes relating to human health, safety or welfare or structural safety, to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

10.2. The provisions of this article do not apply to areas of an adult motel which are currently being rented by the customer for use as a permanent or temporary habitation.

11. EXPIRATION OF LICENSE.

11.1. All licenses shall expire one year from the date of issuance and may be renewed only by making application as provided in this article.

12. SUSPENSION.

12.1. The Code Enforcement Officer is authorized to, and will, suspend a sexually oriented business license for a period not to exceed 30 days if the Pitt County Sheriff's Department and/or inspections department determines that a business licensee has:

12.2. Violated or is not in compliance with this article or with any other requirements of this Code, including those relating to buildings, electricity, plumbing, fire safety, and mechanical equipment; or

12.3. Refused to allow an inspection of the sexually oriented business premises as authorized by this article; or

12.4. Permitted illegal gambling by any person on the sexually oriented business premises; or

12.5. Demonstrated an inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.

13. REVOCATION.

13.1. The Code Enforcement Officer is authorized to, and will, revoke a license if a cause for suspension occurs and the license has been suspended within the preceding 12 months.

13.2. The Code Enforcement Officer is authorized to, and will, revoke a sexually oriented business license if the Sheriff's Department determines that a business licensee:

13.2(a) Gave false or misleading information in the material submitted during the application process, including, but not limited to, the use of a name other than a legal name to procure a license; or

13.2(b) Has allowed the possession, use, or sale of controlled substances on the premises; or

13.2(c) Has allowed a person to dance, perform, or otherwise appear in a state of nudity or semi-nudity at any adult business or sexually oriented business at a distance of less than five (5) feet from any patron in such establishment. In addition the proprietor of such business shall have a duty to prevent any physical contact between any patron of such business and any person in a state of nudity or semi-nudity on the premises.

13.2(d) Has allowed prostitution on the premises; or

13.2(e) Has operated or worked in the sexually oriented business during a period of time when the licensee's license was suspended; or

13.2(f) Has been convicted of an offense referenced in section 5 of this ordinance for which the time period required has not lapsed; or

13.2(g) On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime as referenced in section 5 of this ordinance for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed; or

13.2(h) Has allowed any act of sexual intercourse, masturbation, oral copulation, or sodomy to occur in or on the licensed premises; or

13.2(i) Is delinquent in payment to the County of Pitt ad valorem taxes, sales taxes, or the annual license fee, or any other fee or tax related to the sexually oriented business or other business of the licensee.

13.3. When the Code Enforcement Officer revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation became effective.

13.3(a) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

14. SEVERABILITY.

14.1 Each and every provision of this Ordinance is independent and stands alone. If any provision, section, part, paragraph, phrase, or sentence is found to be invalid, all other provisions, parts, paragraphs, phrases, and sentences shall remain valid and in full force and effect.

15. ENFORCEMENT:

15.1 Any person who violates this article shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with Section 14-4(a) of the North Carolina General Statutes.

15.2 This article may be enforced against any person who is in violation by an appropriate equitable remedy issuing from a court of competent jurisdiction as provided for in Section 153A-123(d) of the North Carolina General Statutes.

15.3 This article may be enforced against any person who is in violation by injunction and order of abatement as provided for in Section 153A-123(e) of the North Carolina General Statutes.

15.4 Each day's continuing violation of this article by any person is a separate and distinct offense.

As used herein, "person" shall include:

15.4(a) The agent or operator in charge of the establishment, business, premises, structure or facility.

15.4(b) The owner of the building, establishment, premises, structure or facility when such owner knew or reasonably should have known the nature of the business located therein.

15.4(c) The owner of the business or the manager of the business.

16. JURISDICTION.

This ordinance shall apply to every building, lot, tract or parcel of land within unincorporated Pitt County, in all municipalities where the Pitt County Sheriff provides law enforcement patrol, and in any incorporated municipality that by Resolution requests enforcement of this Ordinance within its jurisdiction.

17. EFFECTIVE DATE.

This Amended Ordinance shall be in full force and effect on and after January 12, 2004 and shall replace the Ordinance which first became effective on October 7, 2002. All enforcement action shall be based upon the effective date of October 7, 2002.

PITT COUNTY BOARD OF COMMISSIONERS

BY: _____
CHAIRMAN

ATTEST:

SUSAN J. BANKS
CLERK TO THE BOARD

Commissioner Minges asked what the effective date would be for this ordinance. Ms. Burgdorff said the effective date was retroactive to when this amended ordinance was first presented in January 2004.

Soil Erosion and Sedimentation Control Civil Penalty Assessment Appeal for Nature's Bend Subdivision - Dwane Jones

Information Provided with the Agenda

At its November 26, 2003, meeting, following much deliberation and consideration of the documentation presented, the Pitt County Technical Review Committee (TRC) assessed a one-time civil penalty of \$5,000 for Nature's Bend Subdivision (located on Tucker Road) for recurring noncompliance with the Soil Erosion and Sedimentation Control Ordinance. The committee was concerned with the length of time it took the bring the site into compliance with the Soil Erosion and Sedimentation Control Ordinance and the amount of environmental damage caused by its noncompliance (see chronology).

Per the recently amended Soil Erosion and Sedimentation Control Ordinance, if a civil penalty assessed by the TRC is appealed within 30 days following the action, the appeal is to be considered by the Board of County Commissioners. As of December 16, 2003, the site was temporarily in compliance with the Soil Erosion and Sedimentation Control Ordinance (on the basis that vegetation becomes established).

Staff Recommendation

Uphold the \$5,000 civil penalty assessed by the Technical Review Committee.

Manager Comments

Concur with staff recommendation.

Chronology of Events that Led to the \$5,000 Civil Penalty Assessment for Nature's Bend Subdivision

April 25, 2001 – The erosion and sedimentation control plan for Nature's Bend Subdivision was conditionally approved by the Pitt County Technical Review Committee.

August 28, 2001 – An inspection revealed that the site was not in compliance with the Soil Erosion and Sedimentation Control (SESC) ordinance. A Notice of Violation (certified mail) sent to Mr. Ed McAfee (developer) for *failure to conduct land-disturbing activities in accordance with the provisions of an approved plan* (Article IV, Section 4-129 of the Pitt County Codes).

September 18, 2001 – A re-inspection of Nature's Bend Subdivision revealed the site was temporarily in compliance with the SESC ordinance.

September 2001 – September 2003 – Periodic inspections of Nature's Bend Subdivision for compliance with the SESC ordinance.

September 24, 2003 – An inspection revealed the site was not in compliance with the SESC ordinance. A Notice of Violation (certified mail) was sent to McMort Developers, Inc. (Ed McAfee) for *failure to minimize erosion and sedimentation in order to protect public and private properties* (Article IV, Section 4-126 of the Pitt County Codes). **Compliance deadline was set for October 15, 2003.**

October 7, 2003 – Ed McAfee (developer) contacted the Planning Department, via phone, to set-up a meeting for October 17, 2003, at Nature's Bend Subdivision. Mr. McAfee said that he could not meet before this date because he had a new store opening in Charlotte and didn't want to miss its grand opening.

October 17, 2003 – Ed McAfee, representatives of Rick Stevens Builders, NCDOT, and Planning Department staff met at Nature's Bend to discuss the requirements needed to bring the site into compliance with the SESC ordinance.

November 10, 2003 – A re-inspection of Nature's Bend Subdivision revealed that the corrections cited on the Notice of Violation, nor those discussed at the meeting, had been implemented. A continuing Notice of Violation was sent to the developer citing that the Technical Review Committee (TRC) would consider assessment of penalties at its November 26, 2003 meeting.

November 20, 2003 – Ed McAfee contacted the Planning Department, via phone, regarding Nature's Bend Subdivision to discuss the potential of fines being levied and requirements to bring the site into compliance with the SESC ordinance.

November 21, 2003 – Gene Fellingner of Rick Stevens Builders contacted the Planning Department, via phone, regarding issuance of permits for Nature's Bend Subdivision.

November 24, 2003 – December 16, 2003 – A series of meetings with representatives of Rick Stevens Builders at Nature's Bend Subdivision were held to determine if corrective actions had been completed.

November 26, 2003 – The TRC reviewed documentation for Nature's Bend Subdivision and considered the assessment of penalties for the violations. The committee voted unanimously to assess a one-time civil penalty of \$5,000.00, for recurring noncompliance with the SESC ordinance.

December 16, 2003 – An inspection revealed that the site was temporarily in compliance with the SESC ordinance.

December 22, 2003 – Ed McAfee contacted the Planning Department, via phone, regarding the need to fax a letter to the Planning Department before the December 26, 2003, deadline for an appeal.

December 23, 2003 – A written request to appeal civil penalty assessment for Nature's Bend Subdivision was received, via fax, from Ed McAfee.

January 5, 2004 – A copy of the written request to appeal fines imposed on Nature's Bend Subdivision was received, via first-class mail.

February 2, 2004 – Consideration of appeal Board of County Commissioners.

Meeting Notes

Mr. Dwane Jones reported that this area has nutrient sensitive waters. This creek is also on the section 303d list as a body of water not meeting its intended uses and the branch. The subdivision is adjacent to farms and a subdivision. He provided pictures showing the violations including sediment in the ditch. Mr. Jones said they have worked to bring site 80% into compliance at this time.

He reviewed the chronological list of events as they transpired. He said the TRC was concerned about the time it took them to bring the site into compliance. On December 16, 2003, the site was temporarily in compliance. On this date, February 2, 2004, Mr. McAfee asked that the Board consider his appeal of the penalty. Mr. Jones said they received the notice of violation and failure to maintain the site in compliance. He stated they factored a five working day fee that would total \$6900 for this fine but the TRC assessed a \$5,000 civil penalty. He stated that the developer is present and would like to speak to the Board. Mr. Ed McAfee, representing the developer, said this is family land that they have developed. In 2001, when they developed the property they were aware of the sand and erosion of soils and took precautions so sedimentation would not get into the stream. He said they have not contaminated the stream. He said there were no complaints until September 2003. He said they had a working agreement with the builder for the builder to accept responsibility of the subdivision and this problem came from shortcomings by the builder. Mr. McAfee said that he had been working with Mr. Jones trying to get these problems resolved. He said they had erosion and the Department of Transportation has problems because of drain tiles in being in the wrong places. The plan was to get the engineer involved but the process took longer than expected. He said they did not want to make adjustments because they needed to do things in a proper order which took longer than thirty days. He said they made every effort to comply and they needed more time than was allowed. They have been in compliance since December 16th, 2003. On December 22nd, they were in permanent compliance. He stated that he would appreciate them waiving the fee because he wants to do some other projects in Pitt County.

Commissioner Owens asked how much damage was done outside of the development. Mr. Jones said some sediment did go into the stream. Homeowners made complaints because they were trying to get some things done. Mr. Jones said they try to be objective about the amount of the off site sediments. The civil penalty was lowered to \$2500 daily from what is in the ordinance. They did not use the \$2500 daily figure.

Commissioner Bowen asked how many acres were involved. Mr. Jones said thirteen acres are involved. Revenue generated from these fines go into the County General Fund. Commissioner Garris said he was concerned about the staff time spent on these violations. The potential for assessment was \$49,000. Some leniency has been given on this fee. Commissioner Garris said he would like to relieve Mr. McAfee of the penalty but as a representative of Pitt County citizens he feels he should uphold the penalty. Commissioner James said this is a cost to the County, and the Board needs to support the Planning Department. Mr. McAfee said they have spent \$25,000 over the past three years grassing the road. They have made an extreme amount of efforts to remedy this situation. They have one lot out of 38 lots that still belongs to the developer. The homeowners are not taking care of their own ditches. He said they have gone to great expense and effort to get this area in compliance. Commissioner Royal said he would support a \$2500 penalty.

Motion:

Charge a \$2500 civil penalty.

Motion made by Commissioner Randy Royal.

Motion seconded by Commissioner David Hammond.

Vote Record:

| | |
|------------------------|------------|
| John Minges | Yes |
| Jimmy Garris | Yes |
| Mark Owens, Jr. | Yes |
| Beth Ward | Yes |
| Glenn Bowen | Yes |
| Tom Coulson | No |
| David Hammond | Yes |
| Eugene James | Yes |
| Randy Royal | Yes |

Total Yes Votes: 8

Total No Votes: 1

Motion Passed.

ATM Contracts For Detention Center and Courthouse - Phil Dickerson

Information Provided with the Agenda

Since installing the ATM's at the Detention Center and the Courthouse, JonRa, Inc., according to the attached letter, is losing money and it is requesting a change in the contract terms.

As the letter indicates, there are advantages to the County associated with the ATM's being located in its facilities. For example, small bonds can be withdrawn from the ATM at the Detention Center, thus avoiding housing inmates for the night. Money can be withdrawn at the Courthouse to pay small fines. However, two questions arise. First, does the cost of a subsidy exceed the benefits of having the ATM at the two locations? Second, is it fair to other potential bidders to change the contract terms after a competitive process caused JonRa, Inc. to be awarded the contract. The Pitt County Board of Commissioners must answer the above questions for itself.

Staff Recommendation

That the County offer JonRa, Inc. the option to continue with the contract as executed or remove the machines from County facilities.

Manager Comments

Concur with staff recommendation.

Motion:

That the County offer JonRa, Inc. the option to continue with the contract as executed or remove the machines from County facilities.

Motion made by Vice Chairman Mark Owens, Jr.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Appointment to the Mid-East Region Q Workforce Development Board - Susan Banks

Information Provided with the Agenda

Robert Waddell has resigned from the Mid-East Region Q Workforce Development Board. President Massey and Mr. Waddell recommend Mr. Ernis Lee, who serves as the Outreach Coordinator at PCC to replace Mr. Waddell.

Staff Recommendation

Consider President Massey's request to appoint Ernis Lee to replace Robert Waddell on the Mid-East Region Q Workforce Development Board.

Motion:

Consider President Massey's request to appoint Ernis Lee to replace Robert Waddell on the Mid-East Region Q Workforce Development Board.

Motion made by Commissioner Randy Royal.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Appointment to the Local Fireman's Relief Fund Board - Susan Banks

Information Provided with the Agenda

The following members need to be reappointed for a two-year term to the Local Fireman's Relief Fund Board:

Farmville- Dan Thompson
Fountain- Nancy Bell
Staton House- Rex Fleming
Stokes- Edwin Congleton

The following people need to be replaced on the Local Fireman's Relief Fund Board:

Gardnerville- Stanley Whaley needs to be replaced with Robert Humbles, III
Sharp Point- Joyce Corbett needs to be replaced with Michael Garrett
Simpson- Adam Viverette needs to be replaced with James "Ron" Pridgen

Staff Recommendation

Motion to accept the recommendations of the fire chiefs for appointments to the Local Fireman's Relief Fund Board.

Motion:

Motion to accept the recommendations of the fire chiefs for appointments to the Local Fireman's Relief Fund Board.

Motion made by Commissioner Jimmy Garris.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Appointment to the Greenville Board of Adjustment - Susan Banks

Information Provided with the Agenda

1. Ernest Schwartz passed away and it has been suggested that Joe Wright move from alternate to regular member to replace Mr. Schwartz and appoint the one applicant to the other regular seat.

2. There is one vacancy. Edward Caldwell was appointed but later determined that he does not live in the ETJ area. Mr. William Dunn has applied for the vacant seat.

Staff Recommendation

Request Joe Wright be moved into a regular seat and consider appointment of William Dunn to the vacant seat.

Motion:

Request Joe Wright be moved into a regular seat and consider appointment of William Dunn to the vacant seat.

Motion made by Commissioner Randy Royal.

Motion seconded by Commissioner Beth Ward.

Motion Passed Unanimously.

Commissioners' Comments

Meeting Notes

Commissioner Coulson said there is no recommendation for relief of taxes for?

Does not mean this board could not make that action.

Adjourn

Staff Recommendation

Motion to adjourn meeting.

Motion:

Motion to adjourn meeting at 12:00pm.

**Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Jimmy Garris.**

Motion Passed Unanimously.

Respectfully Submitted,

Susan J. Banks, CMC
Clerk to the Board