

**PASQUOTANK COUNTY, NORTH CAROLINA  
MAY 4, 2009**

The Pasquotank County Board of Commissioners met today in a budget work session on Monday, May 4, 2009 in the Commissioners Board Room in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Marshall Stevenson, Chairman  
Lloyd E. Griffin, III, Vice-Chairman  
Matt Wood  
Bill Trueblood  
Cecil Perry  
Jeff Dixon  
Jimmie Harris

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Randy Keaton, County Manager  
Rodney Bunch, Assistant County Manager  
R. Michael Cox, County Attorney

The work session was called to order at 2:15 PM. County Manager Randy Keaton presented information regarding possible budget cuts including freezing positions and departments. Chairman Marshall Stevenson presented proposed 5% budget cuts for various departments. The Board will review this information in order to discuss it further at the next work session. The meeting was adjourned at 3:45 PM.

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CHAIRMAN

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CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA  
MAY 4, 2009**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, May 4, 2009 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Marshall H. Stevenson, Jr., Chairman  
Lloyd E. Griffin III, Vice-Chairman  
Matt Wood  
Bill Trueblood  
Cecil Perry  
Jeff Dixon  
Jimmie Harris

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Randy Keaton, County Manager  
Rodney Bunch, Assistant County Manager  
R. Michael Cox, County Attorney  
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Marshall Stevenson. Commissioner Matt Wood gave the invocation and Vice-Chairman Lloyd Griffin led in the Pledge of Allegiance to the American Flag.

**1. INTRODUCTION OF TINE TATER:**

Chairman Stevenson recognized Peggy Langley with Elizabeth City Downtown. Ms. Langley informed the Board that the North Carolina Potato Festival will be held on May 16. She said she would like to introduce one of the newest members of the Potato Festival team, Tine Tater, to encourage the members of the Board to attend the Potato Festival. She stated that another member of the team, Tommy Tater, is in the field tonight and could not be here. Ms. Langley thanked the Board for its financial support and said she hopes to see everyone on May 16.

**2. DISCUSSION OF REQUEST TO INSTALL STOPLIGHT AT INTERSECTION OF FOUR FORKS ROAD AND PEARTREE ROAD:**

The Board considered a request to support the installation of a stoplight at the intersection of Peartree Road and Four Forks Road. Chairman Stevenson said he has been approached by several people regarding a fatality that occurred at that intersection a few weeks ago. He stated that an individual who lives near this intersection has advised him that over the years there have been many accidents at the intersection, but this is the first fatality. Chairman Stevenson said there could be others if something is not done.

Motion was made by Lloyd Griffin, seconded by Jimmie Harris to request the North Carolina Department of Transportation to install a stoplight at the intersection of Four Forks Road and Peartree Road. The motion carried unanimously.

**3. AMENDMENTS TO THE AGENDA:**

Chairman Stevenson asked if there were any amendments to the agenda. Commissioner Wood requested that the agenda be amended to add the following items: 1) A Closed Session to discuss a personnel matter; 2) Discussion regarding the creation of a new drainage district; and 3) Convening of the Board of Equalization and Review for 2009.

Motion was made by Matt Wood, seconded by Bill Trueblood to amend the agenda to add the three items listed above. The motion carried.

**4. BOARD OF EQUALIZATION AND REVIEW:**

Chairman Stevenson stated that the Board of Equalization and Review will be convened for 2009 to hear appeals from property owners regarding property valuations. The Clerk to the Board swore in the members of the Board of Commissioners to serve as the Board of Equalization and Review.

The Board of Equalization and Review was convened and Chairman Stevenson asked if there were any appeals to be heard. Bill Jennings advised that the Tax Office has no scheduled appeals, however there is someone whom he believes would like to address the Board.

Chairman Stevenson recognized Mr. Johnnie Walton of 401 New York Avenue. Mr. Walton said it seems to him that the 4<sup>th</sup> Ward, which was at one time a middle class neighborhood, is now being assessed with more burden than some other communities. He presented some comparative information from various areas of the city regarding property assessments and taxes paid on four homes before and after the 2006 revaluation. He said a particular homeowner in the 4<sup>th</sup> Ward is now paying \$511 more in taxes than in 2005. He stated that this is a big jump and he does not feel it is fair to the people in the 4<sup>th</sup> Ward to have to shoulder more of the tax burden than they did three years ago.

County Manager Randy Keaton explained that during a revaluation each house is valued based on a comparative to other houses of the same size, character, and construction. If the houses Mr. Walton mentioned are not the same type of construction or the same size, they would have different values. Mr. Keaton said each house is looked at individually during revaluation and could increase at different rates. The valuation was based on what a house would sell for on the market, and some houses did increase a lot more in value than other houses did based on the market conditions. The houses are supposed to be valued for tax purposes at what they would sell for on the open market at fair market value. Mr. Keaton explained that the county has to publish what the revenue neutral rate would have been to generate the same amount of revenue countywide, not for individual houses. He said some people pay more and some people pay less during a revaluation and values differ vastly from one area to another. He added that when the tax rate went down, an individual's tax bill for vehicles and equipment dropped significantly because those values did not change. He said taxpayers must look at the total tax burden.

Chairman Stevenson recognized Ms. Andrea Williams of 1308 Halstead Boulevard. Ms. Williams said she is here on behalf of properties owned by her father. She stated that she received notices on the change in valuation of two properties, one that had a house that was torn down, and one that had a house that was burned down by the city. The house at 103 Pinewood Avenue was previously assessed at \$48,900 and after the house was burned down the property was valued at \$12,000. She said the second piece of property at 1209 Southern Avenue was previously assessed at \$33,000 and after the house was torn down, the property was assessed at \$16,900. Bill Jennings explained to Ms. Williams that the reason he sent the letters was to notify her father that the assessments had changed due to the fact that houses were no longer on the lots and that the new assessments were for the land only. Ms. Williams stated that she does not understand how the vacant lots can be assessed so high and she is seeking clarification. The Board asked the Tax Office staff to meet with Ms. Williams to explain the basis for the assessment.

There being no further comments or appeals, the Board of Equalization and Review was adjourned for 2009.

##### **5. CONSIDERATION OF GLASS DISPOSAL SERVICES AGREEMENT:**

The Board discussed the proposed Glass Disposal Services Agreement with Elizabeth City Glass Company, Inc. for disposal of recycled glass materials. The Board had delayed action at the last meeting pending review of the agreement by County Attorney Mike Cox. Mr. Cox explained that this is basically the same agreement that was signed by Currituck County. He said the issue regarding the cost per ton depends on the market rates. Chairman Stevenson stated that he is concerned that the county has no control over what goes in the glass recycling bins and the contract provides that the county would be penalized if there are foreign materials mixed in the glass. He stated that the county is currently operating without a contract and has been for some time. The County Manager explained that this provision was included in the contract by Elizabeth City Glass because they have had other suppliers haul in material to them that has been contaminated with a huge amount of waste material in the glass. He said Pasquotank County has never had this problem because the recycling attendants monitor what goes in the containers and pull out any foreign materials. Commissioner Wood suggested that the contract include a clause that either party could terminate the contract without cause upon 30 days written notice to the other party. He said this would allay any concerns regarding the contract.

Motion was made by Matt Wood, seconded by Lloyd Griffin to approve the proposed Glass Disposal Services Agreement with Elizabeth City Glass Company, Inc. with the addition of a clause stating that either party can withdraw from the contract without cause upon 30 days written notice to the other party. The motion carried.

**6. CONSIDERATION OF THREE WATER AGREEMENTS WITH CITY OF ELIZABETH CITY:**

The Board discussed the three water agreements with the city that were approved at the last meeting. County Manager Randy Keaton explained that the agreements were signed by the Chairman and sent to the city following the meeting. He provided a copy of a letter from the City Manager proposing additional wording changes. After discussion of the proposed changes, the Board concurred with all of the revisions outlined in the City Manager's letter except Paragraph 2 in the Halstead Boulevard Extension Area Agreement regarding payment for transmission lines.

Commissioner Trueblood said he had suggested that the city be requested to provide the county with a schedule of the production costs of its water. He also asked where it should be written that in order to help the transition period between City of Elizabeth City water and Pasquotank County water, that the county implement the city's prevailing water rate until the city takes over those customers the county is serving for the city. He said if the rates were increased for those customers before the city takes over the customers, there would be no transition once the city takes over. He noted that the county's rate is less than the city's rate and he believes these customers should be charged at the city rate. The County Manager said this should probably be done during the budget process to create a third tier of rates.

Commissioner Dixon stated that one of the agreements needs to include a formula for selling a water line to the city. County Attorney Mike Cox noted that there is a provision in the Water Boundary Agreement that addresses payment for water lines at a depreciated value.

Motion was made by Matt Wood, seconded by Jeff Dixon to approve the proposed changes in the water agreements with the exception of the proposed change in Paragraph 2 of the Halstead Boulevard Extension Area Agreement relating to Payment for Transmission Lines and to send the agreements back to the city for consideration. The motion carried unanimously.

**7. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda.

- a. *Approval of Minutes of April 20 and April 27, 2009 Commissioner Meetings*
- b. *Adoption of Resolution Opposing the "Public Health Improvement Plan" as Contained in Senate Bill 202*

The Health Board has requested that the Board adopt the following resolution in opposition to a senate bill that has been introduced proposing the "Public Health Improvement Plan" since there has been no input from local government officials or public health professionals.

**RESOLUTION OPPOSING THE  
"PUBLIC HEALTH IMPROVEMENT PLAN"  
AS CONTAINED IN SENATE BILL 202**

Whereas, Section 10.26 of Senate Bill 202 contains a provision entitled "Public Health Improvement Plan", and

Whereas, the Public Health Improvement Plan was proposed with no input from local government officials or local and State public health professionals, and

Whereas, the plan sets out an unreasonable timeline for such reform of the current public health system, and

Whereas, the plan calls for no additional public health funding, rather a redistribution of the existing, insufficient funds with no defined distribution formulas, and

Whereas, the plan calls for the creation of a Public Health Improvement Plan Task Force which is a duplication of the existing Public Health Task Force, and

Whereas, many Northeastern North Carolina counties are in the process of re-building the Mental Health infrastructure requiring greater contributions of local funds, and

Whereas, the same Northeastern North Carolina counties can ill afford alteration of the public health infrastructure requiring greater local funding to provide core public health services,

Now therefore be it resolved that the Pasquotank County Board of Commissioners is opposed to Section 10.26 of Senate Bill 202 or any other budget provision entitled Public Health Improvement Plan and stands opposed to any efforts to reform public health absent appropriate planning and input from local government officials and local public health professionals.

Adopted this 4<sup>th</sup> day of May, 2009.

c. *Approval of Resolution Supporting Local Control of Local ABC Boards and Opposing Forced Mergers of Local ABC Boards*

The ABC Board has requested that the Board adopt the following resolution that would oppose Senate Bill 839 and House Bill 768 which would take away local control of the ABC system.

**A RESOLUTION SUPPORTING LOCAL CONTROL OF LOCAL ABC BOARDS  
AND OPPOSING FORCED MERGERS OF LOCAL ABC BOARDS**

WHEREAS, the citizens of Pasquotank County voted to permit the sale of spirituous liquor through the establishment of the Pasquotank County ABC Board, which is a part of North Carolina's state control system; and

WHEREAS, SB 839/HB 768 – Modernization of the ABC System would require all ABC boards in the county to merge, allow the state ABC Commission to merge countywide boards into regional boards, require the ABC Commission to develop performance standards, allow the ABC Commission to close or merge ABC boards, close ABC stores with low profitability, contract directly with agency stores for the sale of spirits where ABC stores are authorized but not in operation, and require an ABC board to contract with an agency store; and

WHEREAS, it is a local decision to establish and operate an ABC store, and any decision to merge an ABC Board should be made by the local government based on local circumstances, and not by the state; and

WHEREAS, a local government balances control, profits and availability of spirits in operating ABC stores; and

WHEREAS, the decision by a local government to operate with a low profit margin does not reduce the amount of liquor excise tax received by the state, so the state does not have a financial interest in the profitability of ABC stores; and

WHEREAS, an "agency store" is a private retail seller, and the citizens of Pasquotank County, when voting to permit the operation of ABC stores, did not vote to allow liquor to be sold in such private off-premise retail establishments; and

WHEREAS, sales of liquor may not be well-regulated in agency stores, thereby potentially creating law enforcement and other problems, and Pasquotank County desires to retain North Carolina's control system over the sales of spirits and to continue to make spirits available to its citizens only through its ABC store;

NOW THEREFORE, BE IT RESOLVED BY THE Pasquotank County Board of Commissioners that the establishment and operation of the Pasquotank County ABC Store through the control system should be a local decision and that the Pasquotank County Board of Commissioners opposes any state mandate to merge ABC Boards, mandate the merger or closing of ABC stores, and opposes the establishment of agency stores;

ADOPTED this 4<sup>th</sup> day of May, 2009.

d. Approval of Tax Releases and Refunds

The Finance Committee has recommended approval of the following tax releases and refunds:

Releases:

		County	City
1.	Eric Mark Wood	150.10	

Refunds:

1.	Alan Joseph Larkin	229.98	
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e. Approval of Project Grow

The Finance Committee has recommended approval of the location of a community garden on a portion of the old middle school property that borders Pearl Street for a one-year trial basis.

f. Approval of Suspension of 401K Employer Contribution

The Finance Committee has previously approved suspending the 2% employer 401K contribution for non-law enforcement employees for the months of April, May, and June. The Board needs to approve this suspension.

g. Approval of Recommendations from the Appointments Committee

The Appointments Committee has recommended approval of the appointment of William Kruse to the American Red Cross Board of Directors and Orestes Gooden to the Airport Authority. The committee also recommended at the last meeting that Lloyd E. Griffin III be reappointed to the Airport Authority and that the Keep Pasquotank Beautiful Committee be dissolved since it is no longer functioning.

h. Approval of Amendment to Letter of Conditions for USDA Loan for New Jail

The USDA has submitted an amendment to the letter of conditions for the USDA loan for the new jail and a revised letter of intent to meet conditions. The amendment changes USDA's former security interest from a first lien deed of trust to a parity basis with RBC for the \$7 million loan. The amendment also changes the lot numbers of the jail property in the Pasquotank County Commerce Park and extends the date for final processing of the loan by one year. The letter simply updates changes that have occurred due to the delay in construction of the jail and the security interests for the property in conjunction with the RBC loan.

i. Approval of Contribution to the Potato Festival from the Tourism Fund in the Amount of \$1,800 for Rides

The Finance Committee has recommended approval of a request from the Potato Festival to fund the children's rides in the amount of \$1,800 from the county's portion of the tourism fund.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to approve the consent agenda as presented. The motion carried.

The following tax releases and refunds have been approved by the Finance Officer:

Releases:

		County	City
1.	Gregory Edwin Selby	58.41	52.79
2.	Tama Kathryn Glover	88.61	77.50
3.	Charles Deberry Cherry	32.73	
4.	Shawa Celestine Overton	7.15	5.85
5.	Jason Allen Mizelle	18.59	15.21
6.	Teresa Ann Mallory	7.72	
7.	Charlie Rudeth Chamblee	4.95	4.05
8.	James Travis Gardner	37.45	35.71
9.	Jeremiah Henning	90.86	79.34
10.	Southeastern Professional Contractors	73.81	60.39
11.	Tejwant Singh Chandi	21.07	17.24
12.	Culpeper Hauling Inc.	92.05	
13.	Culpeper Hauling Inc.	89.27	
14.	Keith F. Vecchiarelli	80.35	70.89
15.	Keith Francis Vecchiarelli	6.33	10.18
16.	Yvette Jenise Lee	92.02	
17.	Blanche Martin Brown		37.29

18.	Peter McClintock Curtice	15.95	13.05
19.	Frederick Earl Melton	18.29	14.97
20.	Douglas Wayne Siedenbug	40.59	
21.	Andrew Kenneth Light	11.39	
22.	John Robert Adkins	39.71	
23.	William James Torr	59.75	54.00
24.	Barry Eugene Reid, Jr.	3.80	3.12
25.	Christopher Mathew Falenski	6.60	
26.	Teresa Lynn White	9.63	
27.	Francisco Vincente Morales	4.73	3.87
28.	William Villar Mitchell	10.00	
29.	Earl Delbert Johns, Jr.	89.10	
30.	Marietta Sawyer Downing	3.35	2.75
31.	Robert Earl Watson	24.53	20.07
32.	Paul Harvey Brown	42.46	
33.	Philip Anthony Detore	75.68	
34.	Thomas Alan Taylor	28.93	
35.	Wanda Mae Williams	61.55	
36.	Carolyn Sue Whitney	6.00	
37.	John Jay Woodard III	66.55	59.45
38.	Brett Eban York Beread	40.50	
39.	Aaron Frank Brosneck	20.35	21.65
40.	Kevin Neil Davey	34.76	
41.	Kevin Neil Davey	34.21	
42.	Earnest Eugene Balance	21.01	
43.	Adrian Lee Blachuta	55.60	50.59
44.	Corey K. Beidler	85.75	75.16
45.	Chabra Cleophus Mercer, Jr.	22.36	18.30

Refunds:

1.	James Edwin Davis	10.92	
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**8. PROPOSED CREATION OF KNOBBS CREEK SERVICE DISTRICT:**

The Board discussed the proposed creation of the Knobbs Creek Service District. In order to establish a service district, the Board needs to consider six standards.

Motion was made by Matt Wood, seconded by Lloyd Griffin to approve the following six standards for creation of the Knobbs Creek Service District; to call for a public hearing at the June 15, 2009 Commissioner meeting on the creation of the service district; to designate the Assistant Clerk to the Board to send out notices to all property owners within the district; to send a letter to the city requesting assistance for one-half of the cost of the drainage study; and to request the Chairman to communicate with the Mayor on the Board's action.

- 1) The resident population and population density of the proposed district.  
*Resident population = 5,820 based on 2000 census*  
*Population density = 0.3 persons per acre (5,820/19,029 acres)*
- 2) The appraised value of property subject to taxation in the proposed district.  
*\$486,772,100 (this figure is reduced by \$61,906,300 for farm use discount)*
- 3) The present tax rates of the county and any cities or special districts in which the district or any portion thereof is located.  
*\$0.55 per \$100 assessed valuation*
- 4) The ability of the proposed district to sustain the additional taxes necessary to provide the services planned for the district.  
*The proposed district can sustain the additional taxes necessary to provide the proposed service(s).*
- 5) If it is proposed to furnish water, sewer, or solid waste collection services in the district, the probable net revenues of the projects to be financed and the extent to which the services will be self-supporting.  
*Not applicable.*
- 6) Any other matters the commissioners believe to have a bearing on whether the district should be established.

*Property owners in the Knobbs Creek drainage basin are experiencing severe flooding during extended heavy rainfall events. The study needs to be completed to determine problem areas in the creek so that permits from the appropriate agencies might be obtained to make needed improvements.*

The motion carried unanimously.

**9. APPROVAL TO ISSUE BADGES AND SERVICE SIDE ARMS TO TWO RETIRING SHERIFF'S DEPARTMENT EMPLOYEES:**

County Manager Randy Keaton stated that he has been given two letters from the Sheriff advising that two deputies have recently retired with 20 years of service, Rosetta Poyner and Randy Smithson, and he would like to present them with their badges and service weapon. Mr. Keaton said the Sheriff has a policy that provides upon the retirement of sworn law enforcement officers they can receive their badges at no cost to them. The Board of Commissioners, in its discretion, can also award upon request the service side arm of a retiring law enforcement officer at different price schedules. At twenty years of service and over, there is no cost to the retiring employee.

Motion was made by Cecil Perry, seconded by Jeff Dixon to authorize the Sheriff to present Rosetta Poyner and Randy Smithson with their badges and service side arms due to their retirement with 20 years service. The motion carried unanimously.

**10. DISCUSSION REGARDING PUBLIC FORUM ON DEER HUNTING WITH DOGS:**

Chairman Stevenson discussed the format for the public forum on deer hunting with dogs to be held next Monday, May 11<sup>th</sup>. He said he plans for the meeting to be no more than two hours and he will try to alternate between those in favor of changes in hunting regulations and those not in favor so that each side will have equal time. The speakers will be limited to two minutes each, which he estimates will be 20 speakers per hour. Chairman Stevenson stated that he intends to control the meeting and requests that the Sheriff's Department be there for security. He said he does not intend to debate the issue or have a vote that night, but wants the Board to consider the comments and take a vote at a later meeting.

**11. REPORTS FROM COMMISSIONERS:**

Commissioner Dixon reported that he has been contacted by several individuals including Retired Sheriff Sawyer and Judge Cole regarding an incident that occurred in the Courthouse several weeks ago. He asked if it would be possible to reinstate security in the Courthouse. Mr. Keaton advised that there is security in the Courthouse and a deputy patrols the building unless he has to be in court. When court is in session there are more deputies on duty because there are bailiffs in the courtrooms.

**12. CLOSED SESSION TO DISCUSS A PERSONNEL MATTER:**

Chairman Stevenson asked if there was any further business to come before the Board in Regular Session. There being no further business, he asked for a motion that the Board enter Closed Session to discuss a personnel matter.

Motion was made by Bill Trueblood, seconded by Cecil Perry that the Board enter Closed Session to discuss a personnel matter. The motion carried unanimously.

Upon the end of Closed Session;

Motion was made by Matt Wood, seconded by Bill Trueblood that the Board return to Regular Session. The motion carried.

**13. APPROVAL TO HIRE PARAMEDIC ABOVE THE HIRING GRADE:**

Motion was made by Matt Wood, seconded by Bill Trueblood to accept the recommendation of the EMS Director to hire a Paramedic at Grade 19, Step 6, based on years of experience. The motion carried unanimously.

At the absence of further business;

Motion was made by Jimmie Harris, seconded by Bill Trueblood to adjourn the meeting. The motion carried and the meeting was adjourned at 8:21 PM.

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CHAIRMAN

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CLERK