

**PASQUOTANK COUNTY, NORTH CAROLINA
OCTOBER 19, 2009**

The Pasquotank County Board of Commissioners met today in a special meeting on Monday, October 19, 2009 in the Commissioners Board Room in the Pasquotank County Courthouse.

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

MEMBERS ABSENT: Jeff Dixon (*Due to Illness*)
Jimmie Harris (*Due to Illness*)

OTHERS PRESENT: Randy Keaton, County Manager

The meeting was called to order at 3:00 PM by Chairman Marshall Stevenson. Chairman Stevenson asked for a motion that the Board enter Closed Session to discuss a personnel matter.

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

Upon the end of Closed Session;

Motion was made by Cecil Perry, seconded by Lloyd Griffin that the Board return to Regular Session. The motion carried.

The meeting was adjourned at 4:00 PM.

CHAIRMAN

CLERK

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The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, October 19, 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
Jimmie Harris

MEMBERS ABSENT: Jeff Dixon (*Due to Illness*)

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. Dr. Margerie Coulson-Clark, Associate Pastor of Olive Branch Missionary Church, gave the invocation and Vice-Chairman Lloyd Griffin led in the Pledge of Allegiance to the American Flag.

1. COMMENTS FROM JAMES MORRIS:

Chairman Stevenson recognized Mr. James Morris of 959 Halls Creek Road. Mr. Morris said he would like to inform the Board of an incident that occurred at Albemarle Hospital on October 3, 2009. He explained that he and some family members arrived at the emergency room waiting room around 6:00 PM and there was a woman in the waiting room in a wheelchair who was bent over to where her head was at the arm level of the wheel chair. When they expressed concerns to hospital employees about the woman, they were told various things concerning her situation. Mr. Morris stated that by 11:00 PM she was bent over so far that her head was below her knees. He said they reported this situation to the lady at the desk and stated that they were concerned she could fall out of the wheelchair because she was not restrained and they felt that she was being neglected and someone should be looking after her. Mr. Morris advised that after nothing was done to help this lady, he called 911 to report that there was a person in a wheelchair in the emergency room who needed help and was not getting it from the hospital staff. He said in less than five minutes, the lady at the desk came over and rolled the wheelchair through some doors to another room. Mr. Morris stated that this lady was not treated right and there was nobody to help her, and whatever her situation was did not justify the hospital not looking out for her when she was not capable of looking out for herself. He said he hoped this was an isolated situation and he would urge anyone who has a legitimate complaint about the hospital to report it to the Board of Commissioners.

Chairman Stevenson thanked Mr. Morris for having the courage to speak to the Board regarding this matter. Commissioner Perry agreed to take this information to the Hospital Administrator.

2. UPDATE ON ALBEMARLE COMMISSION SERVICES:

Chairman Stevenson called on Mr. Bert Banks, Executive Director of Albemarle Commission, to present an annual report on the services provided by Albemarle Commission. Mr. Banks reported that Albemarle Commission does a lot of important work in Pasquotank County. The three primary programs provided are the Aging Program, the Nutrition Program, and Workforce Development. Mr. Banks said that 2,518 hours of in-home personal care aid was provided to 15 clients in Pasquotank County; 13,864 congregate meals were provided to 110 clients; 11,896 home delivered meals were delivered over 245 days to 79 clients. He stated that 132 volunteers provided 1,500 hours of their time and drove almost 6,000 miles in their personal vehicles to deliver the meals. The Workforce Development Program is currently serving 129 clients. Another program Albemarle Commission is currently working on is the Single Family Rehabilitation Program in which seven clients have expressed an interest. Mr. Banks advised that Albemarle Commission is interested in administering Child Support Enforcement since the

state has transferred this responsibility down to the county level. He said Albemarle Commission will be preparing a proposal to administer this program for the four-county area.

Mr. Banks stated that Commissioner Griffin is on their Board of Delegates, serves on their Workforce Development Consortium Board and is an active member.

Commissioner Trueblood noted that he would like to commend Mr. Banks and his staff for the response and assistance he received in helping three families in the county with drinking water.

The Board thanked Mr. Banks for his report and for the hard work and efforts of the Albemarle Commission.

3. PUBLIC HEARING ON CONDITIONAL USE PERMIT CUP 09-04 TO ALLOW AUTOMOBILE REPAIR BUSINESS IN THE C-1 DISTRICT:

Chairman Stevenson declared the meeting to be a public hearing on Conditional Use Permit CUP 09-04. Planning Director Shelley Cox explained that this request is from Miguel Velasco for a conditional use permit at 775 Simpson Ditch Road for the purpose of operating an automobile repair business within the C-1 zoning district. She said Mr. Velasco is proposing to use an existing building that was formerly used by River City Pressure Washing. The building has three existing garage bays on the site and there is an existing six foot wooden fence located at the rear of the building that could be used for screening of inoperable vehicles. The total site area is a little over one acre and access is provided via Simpson Ditch Road. Ms. Cox explained that several conditions are required for this type of use within the C-1 Commercial district. Among those requirements are that all storage of wrecked or inoperable vehicles must be enclosed by a six foot high fence to be shielded from view of the right of way, and no wrecked or inoperable vehicles may be stored for more than 120 days from the date the vehicle is accepted. In granting the permit the Board may impose additional conditions it deems reasonable and appropriate. Ms. Cox advised that all adjoining property owners have been notified of this request, an advertisement was published in the local newspaper and the site was posted with a public hearing sign. She said no comments have been received as a result of these notifications. She noted that the Board must make four findings in issuing a conditional use permit and she provided recommended responses to the findings for the Board to consider.

Chairman Stevenson asked if anyone would care to comment on Conditional Use Permit Request CUP 09-04. At the absence of comments, the public hearing was closed.

Motion was made by Jimmie Harris, seconded by Cecil Perry to approve Conditional Use Permit 09-04 as requested based on the following findings of fact:

a. That the use will not materially endanger the public health or safety if located where proposed and approved;

A minimal amount of commercial traffic is anticipated to be generated from this use. In addition, the site is located near a major thoroughfare (Highway 17).

b. That the use meets all required conditions and specifications;

Automobile repair facilities are permitted in the C-1 Zoning District. The site currently meets the conditions and specifications required within the Ordinance and will be monitored on an on-going basis for compliance.

c. That the use will not substantially inure the value of adjoining or abutting property, or that the use is a public necessity;

The use is consistent with other uses within the commercial zoning district and there are similar uses within the immediate vicinity.

d. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for Pasquotank County.

The use is consistent with other uses within the commercial zoning district and there are similar uses within the immediate vicinity.

The motion carried.

4. APPEAL OF DISCOVERY ON THE VALUE CORRECTION FOR THREE LOTS IN PELICAN POINTE SUBDIVISION:

Chairman Stevenson recognized Mr. Russell Twiford of 2129 Rivershore Road. Mr. Twiford stated that his corporation, Dandare Inc., owns three lots in Pelican Pointe Subdivision. He explained that in December, 2005, he met with representatives of Pearson Appraisal Service and reviewed all tracts of land he owns including the lots in Pelican Pointe. He stated that in June 2004 they purchased the lots for \$85,000 each. When the lots were reappraised at a total value of \$397,900, this was an increase of 56% over the purchase price. He said they felt the original assessment was fair and they have been paying the taxes on the lots ever since. Similar lots in Pelican Pointe have sold for as much as \$180,000 and as little as \$125,000. He stated that they have offered their lots for sale for \$130,000 each, which is below the valuation of the lots, without any takers. Mr. Twiford said an objection was filed last month with the Tax Administrator as to the valuation of their three lots. The person who filed the objection insisted that the tax valuation be increased retroactive to the 2006 revaluation. As a result, the Tax Office notified him of the increased valuation of the lots and the increase in taxes. Mr. Twiford stated that the amount they have now been billed for this year's ad valorem taxes is \$10,438.07 which he does not feel is fair and equitable under the circumstances. He requested the Board's favorable consideration of these facts and stated that he has never tried to evade or avoid any taxes and has always paid his taxes on time. He quoted G.S. §105-287 which he said states that, "In a year in which a general reappraisal of real property is not made, the county assessor may not increase or decrease the appraised value of the real property, as determined under G.S. 105-286, to recognize a change in value except under certain circumstances. An increase or decrease in the appraised value of real property shall be made in accordance with the schedules, standards, and rules used in the county's most recent general reappraisal. An increase or decrease in appraised value is effective January 1 of the year in which it is made and is not retroactive." Mr. Twiford said he does not know why someone would seek out their tax records and file an objection. He stated that he has no objection to anyone looking at his taxes. He said given this information, they do not feel it is equitable or fair to make this assessment. Mr. Twiford stated that the fair market value of property is what a willing seller will sell for and what a willing buyer will buy. He said he has offered to sell the lots for \$130,000 which is considerably less than the valuation. He stated that he does not feel to charge these additional taxes is fair and he said he would respectfully request that the additional taxes that have been assessed be abated.

Mr. Bill Jennings, Appraiser for the Tax Office, explained that G.S. §105-287 provides that in a non-revaluation year clerical or mathematical errors have to be corrected if they are brought to the attention of the Tax Department. The statute also provides that in a non-revaluation year they cannot lower or increase assessments due to market value. If a discovery is done the Tax Office has to go back and collect the back taxes from when the error was made. Mr. Jennings stated that Pearson Appraisal did place a -29% location factor on the land which lowered the value. He explained that out of about 18 lots, Mr. Twiford's lots were the only three that were assessed in the \$130,000 range. All of the other lots in this same vicinity were assessed at about \$185,000 or \$186,000. Mr. Jennings said the Tax Office feels the location factor should never have been put on the lots and that Pearson Appraisal made a mistake. They found the mistake and tried to correct it by bringing the lots up to equal value with the other lots which is why Mr. Twiford received a discovery notice. When questioned, Mr. Jennings said these three lots are no different from any of the adjacent lots that were assessed at a higher value. He stated that he has provided comparables from 2005 and 2006 sales showing that the lots were selling for around \$185,000 or \$186,000 at the time the revaluation was done, so the lots were assessed at the fair market value as of January 1, 2006. Mr. Jennings said there are instances when a location factor can be applied, but none of those instances apply in this case because all of the lots are the same.

County Manager Randy Keaton noted that G.S. §105-287 allows the county to correct an appraisal error resulting from a misapplication of the schedules, standards, and rules used in the county's most recent general reappraisal.

The Tax Office has made the following changes in valuation retroactive to January 1, 2006 which Mr. Twiford is appealing. No interest or penalties will be charged Mr. Twiford on the back taxes.

Property Address	Original Valuation	Increased Valuation
149 Pelican Pointe Drive	\$132,100	\$186,100
153 Pelican Pointe Drive	\$133,000	\$187,300
159 Pelican Pointe Drive	\$132,800	\$187,100

Motion was made by Matt Wood, seconded by Jimmie Harris to uphold the action of the Tax Office to increase the assessment of the three lots on Pelican Pointe Drive owned by Dandare, Inc. The motion carried by a five to one margin with Chairman Stevenson voting against the motion.

Mr. Twiford thanked the Board for its consideration. He said he would like to note that he will be appealing the Board's decision to the State Property Tax Commission.

5. 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 to the consent agenda the following items recommended by the Finance Committee today: 1) Approval of request from Social Services Department to fill a vacant Accounting Technician II position; and 2) Award of contract for operation of C&D, LCID, and transfer station at the landfill to Albemarle Equipment Service, Inc.

Motion was made by Matt Wood, seconded by Cecil Perry to amend the agenda to add the two items recommended by the Finance Committee to the consent agenda. The motion carried unanimously.

6. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of October 5, 2009 Commissioner Meetings

b. Approval of Tax Releases

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

Releases:

		County	City
1.	Sandra A. Garza	121.94	
2.	Penesia Lynn Spence	140.03	
3.	Ryan Alfred Garron	190.03	
4.	Douglas C. Conner	125.19	
5.	Joel Robert Allan	157.86	
6.	Allen Ray Perry	201.74	
7.	Continuum Care Corporation	3,222.02	2,510.24
8.	Kyle James Lamb	129.64	
9.	Continuum Care Corporation	687.92	497.96
10.	Continuum Care Corporation	25,965.52	20,154.94
11.	Marvin David Rossi	173.53	141.98
12.	Ray Lamar Stokes	134.75	

c. Approval of Family Subdivision Request FS 09-12 for a One-Lot Family Subdivision on Old Hertford Highway in Mount Hermon Township

Staff has recommended approval of Family Subdivision Request FS 09-12 by Helen F. Perry to create a gift lot for a grandchild in accordance with Article 3, Section 303 of the Pasquotank County Subdivision Ordinance. A total of 280.03 feet of road frontage for the proposed parcel is provided onto Old Hertford Highway. The total lot area proposed is 2.00 acres for the gift lot and 25± acres for the residual tract. The grantor is requesting to give a lot to her granddaughter, Tonya Knight. She has provided documentation to show that the property has been in continuous ownership for a period of over five years. Documentation has been provided that the plat qualifies as a family subdivision and Albemarle Regional Health Services has evaluated the site and determined that it is suitable for a septic system. Staff has advised that the application meets the minimum requirements for a family subdivision.

d. Approval of Revised Bylaws for Albemarle Economic Development Commission

The AEDC Board has approved a revision to its bylaws that would add the director of the Elizabeth City Area Convention and Visitors Bureau as a non-voting member of the AEDC Board. The Board of Commissioners as well as the City Council must also approve the change.

e. Approval of Request from Soil Conservation Supervisors

The Finance Committee has recommended approval of a request from the Soil Conservation Supervisors to use Pasquotank County’s share of funds in the amount of \$10,300 for the vacant Soil Conservation Technician position to hire a part-time secretary until the decision is made on whether to fill the technician position. No additional county funds are required for this change.

f. Approval to Fill Vacant Social Services Position

The Finance Committee has recommended that the Board approve filling a vacant Accounting Technician II position in the Department of Social Services.

g. Approval of Contract with Albemarle Equipment Service, Inc. for Operation of C&D, LCID, and Transfer Station at the Landfill

The Finance Committee has recommended that the Board approve a contract with Albemarle Equipment Service, Inc. to operate the C&D, LCID, and Transfer Station at the Landfill for a three year period effective November 16.

Motion was made by Bill Trueblood, seconded by Cecil Perry to approve the consent agenda as amended. The motion carried.

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

Refunds:

		County	City
1.	Clifford J. Sr. & Norma Morgan	91.26	
2.	Clifford J. Sr. & Norma Morgan	85.80	
3.	Clifford J. Sr. & Norma Morgan	78.00	
4.	Clifford J. Sr. & Norma Morgan	74.88	
5.	Clifford J. Sr. & Norma Morgan	98.28	

7. APPROVAL OF TRANSFER OF RURAL OPERATING ASSISTANCE PROGRAM FUNDS:

County Manager Randy Keaton explained that Inter-County Public Transportation Authority is requesting that Pasquotank County transfer Rural Operating Assistance Program funds as follows: Transfer \$6,489.18 in EMP funds to RGP; and transfer \$7,868.00 in Supplemental EMP funds to Supplemental RGP. In addition, Pasquotank County is requested to accept \$36,667.55 in Formula ROAP funds and \$52,536.24 in Supplemental ROAP funds from Camden, Chowan, Perquimans, and Currituck Counties.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to approve the transfer of \$6,489.18 in EMP funds to RGP and the transfer of \$7,868.00 in Supplemental EMP funds to Supplemental RGP; also to accept \$36,667.55 in Formula ROAP funds and \$52,536.24 in Supplemental ROAP funds from Camden, Chowan, Perquimans, and Currituck Counties. The motion carried.

8. REPORTS FROM COUNTY MANAGER:

The County Manager presented a PowerPoint prepared by the engineers on the progress of the reverse osmosis water plant project. The projected completion date for Contract I, the water treatment plant, is December 24, 2010; Contract II, the wells, is June 29, 2010; Contract III, the 24” force main, is July 22, 2010; Contract IV, the 12” force main, is June 22, 2010; Contract V, the discharge line, is March 24, 2010. Mr. Keaton said the entire project is scheduled for completion throughout 2010 and by the end of year the plant should be able to begin producing water if the schedule holds true. He provided pictures of the production wells in progress, the discharge line, the force main, and translucent panels that will be used at the plant rather than roll-up doors. He stated that the ground-breaking was held today for the RO plant and the attendance was good. He said the project is officially underway and staff will provide regular updates.

Mr. Keaton reported that the East Carolina University School of Dentistry has selected Elizabeth City as the location of one of three service learning centers. These centers will be learning centers for students in their final year of dentistry school. The students will work at the center about eight weeks under the guidance of a teacher/dentist much like interns go into hospitals to do their rotations. The facility will be a fully functioning dentist office except students will be working there. One of the facility’s goals will be to provide dentistry services to people who couldn’t otherwise afford them. The other service learning centers will be located in Ahoskie and Sylva. ECU is still looking for possible sites to locate the center in Elizabeth City.

9. REPORTS FROM COMMISSIONERS:

Vice-Chairman Lloyd Griffin stated that two weeks ago he had a five hour experience at the Albemarle Hospital Emergency Room with his mother. He said his mother checked in at 8:00 with a broken ankle and she checked out at 1:00. He stated that after taking x-rays at 9:30, the doctor instructed the nurse to set the ankle at 10:30, however at 11:45 the doctor advised that the ankle had been improperly set and it had to be set again. Vice-Chairman Griffin noted that there continue to be issues pertaining to the hospital and its emergency care. He said it appears that those who have to go to the emergency room need to be prepared to stay five to eight hours for a simple procedure compared to about two hours previously. He stated that the quality of care the hospital provides to the community has been entrusted to members of the Hospital Board of Trustees and to University Health Systems. He added that the Hospital Board needs to look at the quality of care it gives to the citizens of Pasquotank County and the region.

Chairman Stevenson stated that he has also received a complaint from an individual on behalf of a terminally ill cancer patient. He said the patient went to the hospital at 9:30 AM for a 30 minute ambulatory surgery procedure and was released at 5:00 PM. Chairman Stevenson stated that he spoke with the Hospital Administrator who advised that there was a problem with the schedule of the surgical doctor which is the reason she was held over. He said to him this was not an excuse and in the case of a terminally ill patient the surgery should have been rescheduled and she should have been sent home. He added that he also had a personal issue with the emergency room last year. He said these issues need to be brought to the attention of the people who are in charge and with the Hospital Administrator so they might be addressed.

Commissioner Matt Wood noted that unfortunately the catchall for the healthcare system we have now is community hospital emergency rooms. He said that is where the uninsured, neglected and forgotten end up. He stated that although it is dysfunctional, this is the healthcare system that we currently have.

Commissioner Cecil Perry stated that he plans to meet with the Hospital Administrator about these issues tomorrow morning to make sure she is familiar with them and can try to take steps to make improvements.

Commissioner Wood stated that the type of situation Mr. Morris brought up earlier tonight should not happen. He said unfortunately this is what goes on around the country, but the good thing is that we have a local board that is concerned and doing their best, however this is an overwhelming problem because there are a lot of people who have nowhere to go and end up in the emergency room. He said when all is said and done, hopefully a better system can be implemented. He added that a lot of good people are doing the best they can, but there are still a lot of problems that need to be corrected.

There being no further business;

Motion was made by Lloyd Griffin, seconded by Jimmie Harris to adjourn the meeting. The motion carried and the meeting was adjourned at 8:12 PM.

CHAIRMAN

CLERK