

**PASQUOTANK COUNTY, NORTH CAROLINA  
FEBRUARY 4, 2019**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, February 4, 2019 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Jeff Dixon, Chairman  
Lloyd E. Griffin, III, Vice-Chairman  
Cecil Perry  
Frankie Meads  
Charles H. Jordan  
Sean Lavin  
Barry Overman

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Sparty Hammett, County Manager  
R. Michael Cox, County Attorney  
Lynn Scott, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Dixon. Commissioner Jordan gave the invocation and Commissioner Meads led in the Pledge of Allegiance to the American Flag.

**1. AMENDMENTS TO THE AGENDA:**

Chairman Dixon asked if there were any amendments to the agenda.

Finance Committee Chairman Lloyd Griffin requested that the agenda be amended to add the following items recommended by the Finance Committee today to the Consent Agenda: 1) Approval of grinding contract with EJE Recycling and Disposal, Inc.; 2) Approval of request to reclassify vacant EMS Training Officer position; and 3) Adoption of resolution approving financing terms with Towne Bank.

Vice-Chairman Griffin also requested that the agenda be amended to add the following items to New Business: 4) Recommendations from the Appointments Committee; and 5) Discussion regarding possible changes to regular meeting schedule.

Motion was made by Lloyd Griffin, seconded by Charles Jordan to amend the agenda to add Items 1, 2, and 3 to the Consent Agenda and items 4 and 5 to New Business. The motion carried unanimously.

**2. COMMENTS FROM TRISHA WALTON:**

Chairman Dixon recognized Ms. Trisha Walton of 108 Shadowwood Street who stated that she is the First Vice-President of Elizabeth City Alumni Chapter of Delta Sigma Theta Sorority Incorporated. She said Delta Sigma Theta Sorority is an organization that is focused on bettering communities. Pasquotank County currently has over 100 members. She said on behalf of their president, who could not be there tonight, she would like to extend an invitation and let the Board know their sorority is willing to help our community in any way they can.

**3. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

*a. Approval of Minutes of January 14, 2019 Commissioner Meeting*

*b. Approval of Tax Releases and Refunds*

The Finance Committee has recommended approval of the following tax releases, tax refunds, solid waste fee releases, and solid waste fee refunds:

**Tax Releases**

		County	City
1.	Fannie Taylor Heirs	144.00	
2.	Roy F. & Bobbi P. Heims Bowers	132.56	
3.	John Michael Hewitt	645.67	
4.	S & A Food Corp	66.32	56.42

5.	Church of the Lord Jesus Christ	144.00	
6.	Marsha Allston	117.82	

Tax Refund

		County	City
1.	Sandra Houpe Ward	141.71	

Solid Waste Fee Releases

		Parcel ID #	Reason for Release
1.	Nolan M. Bundy	P6-5	Vacant
2.	C. C. Scaff LLC	24-B-5	Vacant
3.	C. C. Scaff LLC	24-B-4	Vacant
4.	Harold S. & Ann Chambers	P35-36	Vacant
5.	Nancy Cressman	P141-49	Vacant
6.	Melvin R. III & Joan Daniels Etal	P127-10	Vacant
7.	Gladys S. Daniels	P127-4	Vacant
8.	Melvin R. III & Joan B .Daniels	P127-10A	Vacant
9.	First South Bank	P119-275	Vacant
10.	G6 Farms LLC	P90-30	Vacant
11.	G6 Farms LLC	P90-33	Vacant
12.	G6 Farms LLC	P38.24	Vacant
13.	Raymond M. Godfrey Jr.	P33-35	Vacant
14.	Raymond M. Godfrey Jr.	P34-9	Vacant
15.	Raymond M. Godfrey Jr.	P60-26	Vacant
16.	Harrell Griffin Heirs	P48-4	Vacant
17.	Nellie Griffin	P90-8	Vacant
18.	James R. Hurdle Jr.	P8A-47	Vacant
19.	Theodore & Edna Hudson	79-E-164-165	Vacant
20.	Gracie Meads Heirs	P35-59	Vacant
21.	Terry Brent & Teleda L. Meads	P6-21A	Vacant
22.	Georgia Morgan	28-C-6	Vacant
23.	William Alvin Norfleet	P120-179	Vacant
24.	Donald E. & Linda Perry	P119-114	Vacant
25.	Evelyn R. Poole Etal	P98-15	Vacant
26.	Horace Jr. & Marcy B. Pritchard	P89-84	Vacant
27.	Horae C. Pritchard Sr. Etal	P141-24A	Vacant
28.	Horace F. Pritchard	P140-183	Vacant
29.	William & Diane Raper	P89-58	Vacant
30.	Booker t. Walton Lfe Est	P59-10	Vacant

Solid Waste Fee Refunds

		Parcel ID #	Reason for Refund
1.	Nathan Jordan	P132A-146	Vacant
2.	William Francis & Kathy Marie Pugh	P125-2	Vacant

*c. Approval of Budget Amendments*

The Finance Committee has recommended approval of the following budget amendments:

Non-Departmental

Increase	010.4195.5600.14	COA/Hospital Boardwalk	84,000.00
Increase	010.0230.4370.00	State Grants	84,000.00

To appropriate funds for grant proceeds and related expenditures for the COA/Hospital Boardwalk repair/construction.

EMS

Increase	010.0600.4930.01	Insurance Proceeds-EMS	73,695.00
Increase	010.4370.5261.00	Departmental Supplies	19,676.00
Increase	010.4370.5500.00	Capital Outlay	54,019.00

To appropriate insurance proceeds received for the replacement of equipment and supplies that were lost in fire.

*d. Approval of 2017-18 Audit*

The Finance Committee has recommended approval of the FY 2017-18 Audit prepared by Thompson, Price, Scott, Adams & Co., P.A.

*e. Declaration of Surplus Property for Sale*

The Board has requested to declare a parcel as surplus and allow staff to contact the adjacent property owners to request offers that will start the upset bid process. The parcel is identified as Property Map #76-A-1.

*f. Adoption of Reimbursement Resolution for the Northside Elementary HVAC Project*

Staff has recommended the Board adopt the following reimbursement resolution declaring its intention to reimburse itself from financing proceeds:

Reimbursement Resolution for Public School Capital Projects for 2018-19

WHEREAS, the County of Pasquotank, North Carolina (the "County") intends to undertake a Project (as described below), use its own funds to pay initial Project costs, and then reimburse itself from the financing proceeds for these early expenditures. The County Manager has advised the Board of Commissioners that it should adopt this resolution to document the County's plans for reimbursement, in order to comply with certain federal tax rules relating to reimbursement from financing proceeds.

BE IT RESOLVED by the Board of Commissioners of Pasquotank County, North Carolina as follows:

1. The Project includes HVAC replacement at Northside Elementary.
2. The County intends to advance funds for initial Project costs, and then reimburse itself from financing proceeds. The expected type of financing for the Project (which is subject to change) is installment financing under Section 160A-20. The expected maximum principal amount of the financing to be entered into for the Project is approximately \$1,500,000.
3. Funds for the early Project expenditures may come from the County's General Fund.
4. The County intends for the adoption of this resolution to be a declaration of its official intent to reimburse itself from financing proceeds for Project cost expenditures.

I certify as follows: that the foregoing resolution was properly adopted at a meeting of the Board of Commissioners of Pasquotank County, North Carolina; that this meeting was properly called and held on February 4, 2019; that a quorum was present and acting throughout this meeting; and that this resolution has not been modified or amended, and remains in full effect as of today.

Dated this 4<sup>th</sup> day of February, 2019.

*g. Adoption of Resolution Supporting Local Control of School Calendars*

Staff is recommending approval of the following resolution which supports local control of school calendars:

RESOLUTION IN SUPPORT OF  
LOCAL CONTROL OF SCHOOL CALENDARS

WHEREAS, the North Carolina General Statutes give local boards of education powers of supervision and control of local school systems; and

WHEREAS, local control over establishing school calendars is an integral component of school system supervision and administrative powers with which local boards of education have been vested; and

WHEREAS, in 2004 the North Carolina General Assembly seized control of setting school calendars and imposed a one-size-fits-all mandate on how school calendars are to be set; and

WHEREAS, the current one-size-fits-all school calendar start date is no earlier than the Monday closest to August 26 and the end date is no later than the Friday closest to June 11; and

WHEREAS, the State mandated late August start date means high schools do not complete the first semester until mid to late January; and

WHEREAS, the current law essentially requires high school students to take first semester exams after the winter break, which negatively impacts test scores, according to students and educators; and

WHEREAS, the second semester for high schools starts two to three weeks later than community colleges and universities; and

WHEREAS, superintendents report that the calendar misalignment makes it nearly impossible for high school students or recent winter graduates to take courses at a nearby community college or university during the second semester; and

WHEREAS, exams for Advanced Placement and International Baccalaureate classes are given on the same day nationwide, and the current calendar law shortens the amount of time North Carolina's students have to learn the material before test day; and

WHEREAS, it is well-documented through multiple studies that children will experience a phenomenon known as summer learning loss, which has a disproportionate impact on low-income children; and

WHEREAS, long summer breaks can also negatively impact child nutrition, as low-income children who have access to regular meals at school through the free and reduced priced meal program may not have access to regular meals at home; and

WHEREAS, with little flexibility built in to the calendar, scheduling make-up days is extremely challenging; and

WHEREAS, fall sports and band begin August 1, schedules for extracurriculars have not changed to coincide with the State-mandated school calendar; and

WHEREAS, local boards of education are best equipped to understand the balancing act of meeting the community's needs and maximizing student success.

THEREFORE BE IT RESOLVED, the Pasquotank County Board of Commissioners requests the North Carolina General Assembly to restore local control of school calendars to best meet the calendar preferences of the families, educators, and businesses in our community while allowing for innovative experimental approaches to improve student achievement.”

Adopted by the Pasquotank County Board of Commissioners this 4<sup>th</sup> day of February, 2019.

*h. Approval of Grinding Contract with EJE Recycling and Disposal, Inc.*

The Finance Committee has recommended approval of a contract for grinding approximately 11,000+ tons of concrete/asphalt/brick stored at the Pasquotank County Landfill to EJE Recycling and Disposal, Inc. based on its bid of \$7.50 per ton, with no mobilization fee.

*i. Approval of Request to Reclassify Vacant EMS Training Officer Position*

The Finance Committee has recommended approval to reclassify the vacant EMS Training Officer position (Pay Grade 20, with a salary range of \$38,444 to \$55,562) to an EMS Operations Supervisor (Pay Grade 21, with a salary range of \$39,760 to \$57,464).

*j. Adoption of Resolution Approving Financing Terms with Towne Bank*

The Finance Committee has recommended approval of the following resolution authorizing the County to enter into an agreement with Towne Bank for financing \$435,000 for the purpose of financing vehicles and related equipment for the sheriff's department, an ambulance, and an inspection's department vehicle:

## **Resolution Approving Financing Terms**

**WHEREAS:** The County of Pasquotank (the “County”) has previously determined to undertake a project for the financing of vehicles and related equipment for the sheriff’s department, an ambulance, and an inspections department vehicle. (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

### **BE IT THEREFORE RESOLVED, as follows:**

1. The County hereby determines to finance the Project through Towne Bank, in accordance with the proposal dated January 25, 2019. The amount financed shall not exceed \$435,000, the annual interest rate shall not exceed 2.01%, and the financing term shall not exceed five (5) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as Towne Bank may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.

4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

5. The County intends that the adoption of this resolution will be a declaration of the County’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Towne Bank Financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County’s general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 4<sup>th</sup> day of February, 2019.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to approve the Consent Agenda as amended. The motion carried unanimously.

#### **4. MEADS POOLS LEASE AGREEMENT:**

The Board considered a lease agreement with The Alton E. Meads Recreational Center, Inc. for operation of the Meads Pool. Attorney Mike Cox noted that the only change is the term of the lease, which will be from March 15, 2019 until September 15, 2019. The rent payment to the County will continue to be \$1. He explained that the Board will need to adopt the following resolution approving the lease:

**RESOLUTION APPROVING LEASE WITH THE  
ALTON E. MEADS RECREATIONAL CENTER, INC.**

**WHEREAS**, Pasquotank County (“County”) owns a parcel commonly referred to as the “Meads Pool”;

**WHEREAS**, the Alton E. Meads Recreational Center, Inc., a non-profit corporation, wishes to lease the property for less than a year; and

**WHEREAS**, the County has determined the property will not be needed during the term of the lease; and

**WHEREAS**, the County and the Alton E. Meads Recreational Center, Inc. have agreed to enter into a lease from March 15, 2019 until September 15, 2019; and

**WHEREAS**, in exchange for the promises and covenants contained in the lease, and the sum of One Dollar (\$1.00) from the Alton E. Meads Recreational Center, Inc. to the County, the parties have agreed to the terms of the lease; and

**WHEREAS**, NCGS §160A-272 authorizes the County to enter into leases after following the necessary requirements;

**THEREFORE, THE BOARD OF COMMISSIONERS OF PASQUOTANK COUNTY  
RESOLVES THAT:**

The Board of Commissioners hereby approves the lease of the “Meads Pool” to the Alton E. Meads Recreational Center, Inc. from March 15, 2019 to September 15, 2019 on terms as described in the lease and directs the chairman to execute any instruments necessary to secure the lease.

ADOPTED this 4<sup>th</sup> day of February, 2019.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to adopt the resolution, which approves a lease agreement with The Alton E. Meads Recreational Center, Inc. for operation of the Meads Pool. The motion carried unanimously.

Chairman Dixon thanked Mr. Ralph for the great service he provides our community.

**5. APPROVAL OF APPOINTMENTS TO BOARDS AND COMMITTEES:**

Commissioner Jordan presented the following recommendations from the Appointments Committee:

Newland Water Management & Watershed Improvement Advisory Board – Reappoint Richard Parker to an additional three-year term.

Industrial Facilities Pollution Control Financing Authority – Reappoint Joe Winslow and Debbie Sawyer to additional five-year terms.

Pasquotank County Library Board – Reappoint Joycelyn Robinson to an additional four-year term.

Motion was made by Charles Jordan, seconded by Cecil Perry to approve the reappointments to boards and committees as recommended by the Appointments Committee. The motion carried unanimously.

Commissioner Jordan presented an application he received from Dennis Herring, Sr. indicating his interest in serving on the Solid Waste/Landfill Committee. He noted that this appointment is to be made by the Chairman. Chairman Dixon considered and appointed Mr. Herring to the Solid Waste/Landfill Committee.

**6. DISCUSSION REGARDING CHANGES TO MEETING SCHEDULE:**

The Board considered changing the starting times for their Finance Committee and Board of Commissioners meetings.

Motion was made by Lloyd Griffin, seconded by Charles Jordan for the Finance Committee meeting to remain at 4:00 PM and move the Board of Commissioners meeting to 6:00 PM.

Commissioner Perry believes more people attend the Board of Commissioner meeting than the Finance Committee meeting. Therefore, he feels the Finance Committee meeting should start at 5:00 PM and not change the Commissioner meeting. Commissioner Griffin said the Finance Committee meets at 4:00 PM because it is a procedural meeting, which often requires department heads and staff to attend. Commissioner Meads agreed with Commissioner Perry, noting that the Board can roll from one meeting to the next.

Commissioner Jordan asked staff their opinion on changing meeting times. Manager Hammett stated that staff can make either time work; although from a staff perspective, 4:00 PM and 6:00 PM would be better.

Commissioners Lavin and Overman both agreed that either would work for them, and that community comes first, followed by staff. They both would like to see more participation from the public. Commissioner Lavin suggested allowing for public comments at our next meeting in order to receive the public's opinion.

The clerk noted that per North Carolina General Statute, if a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed with the clerk to the board of county commissioners at least seven calendar days before the day of the first meeting held pursuant to the revised schedule. Ms. Scott said if the revised schedule is approved at the next meeting, it can take affect the following meeting.

Discussion followed regarding the pros and cons of changing the meeting times.

The motion carried, 4 to 3, with Commissioners Griffin, Jordan, Overman, and Lavin voting in favor, and Commissioners Dixon, Perry, and Meads voting against the motion.

## **7. REPORTS FROM COMMISSIONERS:**

Commissioner Jordan attended the Martin Luther King, Jr. Boardwalk ribbon cutting. He reported that the jail administrator has requested a meeting with Trillium to discuss mental health issues at the jail, and he is in the process of setting the meeting.

Vice-Chairman Griffin said he received a report from the Rural Planning Organization stating that I-87 did not make the STI plan. He explained that it is very hard to compete against metropolitan areas such as Raleigh, Charlotte, and Winston Salem. He reported on recent activities at Workforce Development, Economic Development Commission, and the Airport.

Commissioner Lavin attended the Essentials of County Government Training in Greenville, along with Commissioners Perry and Jordan, and County Manager Hammett. He said it was very worthwhile, and he was impressed with the content, and how the material was presented. He enjoyed the comradery amongst fellow commissioners and the knowledge he gained from the more seasoned commissioners. He is very appreciative of the opportunity.

Commissioner Meads attended the Code Council. He said new laws have been passed regarding insulation, which will cost homeowners a lot of money. He noted that the majority of the board members are not in favor of it, and they are trying to get the General Assembly to reverse these changes.

Commissioner Perry thanked Commissioner Jordan for setting up a meeting with the jail and mental health officials to discuss mental health issues at the jail. He has been trying to do this for years, and he is glad people are now listening. He reported that the Jail Board made changes to its bylaws at their last meeting. Chairmanship will now rotate amongst counties, which will give everyone the opportunity to have a leadership role.

Commissioner Perry echoed Commissioners Lavin's remarks about the Essentials of County Government Seminar. He attended the one-day class for Ethics Training. In addition, he attended the Martin Luther King Breakfast and commended Chairman Dixon on representing Pasquotank County well.

Chairman Dixon said he appreciated the opportunity to give the welcome for the County at the Martin Luther King Breakfast. He attended the Annual Chamber of Commerce Banquet with Vice-Chairman Griffin and Commissioner Perry. He enjoyed networking with surrounding counties. He reported that Tourism and Economic Development are both working on new strategic plans. He and County Manager Hammett attended an NCCConnect Meeting. He reminded the Board of the COA Boardwalk Dedication scheduled for tomorrow.

Chairman Dixon thanked Ms. Walton and other members of the Delta Sigma Theta Sorority for attending tonight's meeting and for their willingness to serve the community. He said if any of them are interested in serving on a local board or committee to contact the clerk and she will provide them more information.

Chairman Dixon asked if there was any further business to come before the Board. There being no further business;

Motion was made by Lloyd Griffin, seconded by Charles Jordan to adjourn the meeting. The motion carried and the meeting was adjourned at 7:39 PM.

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CHAIRMAN

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CLERK TO THE BOARD