

**PASQUOTANK COUNTY, NORTH CAROLINA
APRIL 21, 2014**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, April 21, 2014 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT:

Jeff Dixon, Chairman
Joseph S. Winslow, Jr., Vice-Chairman
Lloyd E. Griffin, III
Cecil Perry
Dr. William R. Sterritt
Frankie Meads

MEMBERS ABSENT:

Gary G. White (*out of town*)

OTHERS PRESENT:

Rodney Bunch, County Manager
R. Michael Cox, County Attorney
Lynn Scott, Assistant Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Jeff Dixon. Commissioner Lloyd Griffin gave the invocation and Vice-Chairman Joe Winslow led in the Pledge of Allegiance to the American Flag. Chairman Dixon welcomed everyone present.

1. COMMENTS FROM JOHN WOODARD:

Chairman Dixon recognized Mr. John Woodard of 117 Pelican Point Drive. Mr. Woodard stated that he is concerned about the estimate and specifications for the Northeastern High School chiller replacement. He had the maintenance staff give him specifications for a chiller; admittedly it was not the exact piece of equipment that they were proposing to put in the high school, but one that had been put in another building of similar size. He noted that he took that information to George Harrell with George and Company. Mr. Harrell determined that the Trane equipment that was specified would cost \$40,000 and although he did not know exactly what the transfer costs were going to be, he allowed \$10,000. He said that is \$50,000 versus the \$80,000 that had been quoted by the maintenance staff. He went on to say that he saw in the paper that the School Board is going to take money out of their fund balance and pay \$1,000,000 of the repair costs at various facilities including the high school. He said if the School Board pays \$550,000 for the section of roof they will just deplete their fund balance and they will come to us eventually wanting us to give them some money for something else. He said spending money frugally is in the interest of the taxpayers and it ought to be in the interest of the School Board. It is disheartening to him to have a disagreement with people of good will when all he is trying to do is get the most he can for the least amount of money.

Mr. Woodward stated that the Federal Reserve is printing money like crazy right now and he does not think that they are going to change that policy until after the presidential election, but when they do the interest rates are going to rise and we are going to see a rise in our interest rates. He thinks it is really important that we try to guard how much money we spend and what we spend it for. He said spending \$550,000 for a roof that should be repairable for about \$139,500 ought to be a no brainer. He said he has been in discussion with various people about what to do in these types of situations. He said he thinks that the County should consider establishing a committee between commissioners, citizens, people in the construction trades, and the stakeholders involved that would review these situations.

Mr. Woodard said he thinks that we need electronic thumbprint controlled timecards for employees in county government so that they can login and logout and their fingerprints will activate the system. He stated that it is very inexpensive. It will cost about \$250 to \$300 per unit and it is battery operated. He said it will cut down on the "I sign out for you today and you sign out for me tomorrow". He stated that we know that is going on and it has to be going on. He noted that there are three drivers in the Solid Waste System that are collecting overtime in very large numbers. He added that we need to get someone who is an efficiency expert to come into the County and look at the various departments and find out where we have things that we could outsource versus keeping them in house.

Commissioner Dixon advised Mr. Woodard that the County has no control over the School Board's fund balance and if he continues to have issues with the roof he would suggest that he go to their board meeting.

2. COMMENTS FROM CHRIS MYATT:

Chairman Dixon recognized Mr. Chris Myatt of 751 Creek Road who stated that he had purchased some property from Eugene and Shirley Sample and when he first started looking into it he realized that the Samples and the estate of Mr. Bill Ward were both paying taxes on it. He said the tax maps cut through the center of the swamp and there are no deed descriptions on file that prove ownership by the Wards. He stated that Attorney Morgan met with the Tax Office and the GIS Office and at that time they involved Attorney Cox. After a few months of not hearing anything about it, he met with Attorney Cox who informed him that it was a civil matter. He asked that the Board help him with this property dispute. Attorney Cox noted that this is very complex. He stated that if someone is taxed on land that they do not own they can go back five years and get a refund. He asked Mr. Myatt what he would like for the County to do to help him out. Mr. Myatt responded that he would like for Mr. Ward to be refunded back taxes for the past five years and to correct the property lines. Attorney Cox noted that the Samples and the Wards have had a very long dispute over this property. Chairman Dixon asked Attorney Cox to follow through on this to the extent that he can.

3. AMENDMENTS TO THE AGENDA:

Chairman Dixon asked if there were any amendments to the agenda. It was requested that the following items recommended by the Finance Committee be added to the agenda: 1) Approval to allocate \$1,000 from tourism funds to the Highway 17 Association; 2) Approval to allocate \$2,500 from tourism funds for the 4th of July Fireworks at Waterfront Park; and 3) Approval of request from DSS to reclassify the position held by Mr. Devon Mayfield from Foreign Language Interpreter II to Staff Development Specialist III, Grade 17, Step I with a starting salary of \$31,852.

Commissioner Lloyd Griffin requested that he be recused from considering Item #2 due to a conflict of interest.

Motion was made by Joe Winslow and seconded by Cecil Perry to amend the agenda to add the three additional items recommended by the Finance Committee to the consent agenda. The motion carried unanimously.

Motion was made by Cecil Perry and seconded by Joe Winslow to move Item d, approval of third amendment to interlocal agreement for Parks and Recreation services to New Business for discussion and to add approval of agreement with A.C. Schultes to New Business. The motion carried unanimously.

Motion was made by Joe Winslow, seconded by Frankie Meads to recuse Commissioner Griffin from considering Item #2 due to a conflict of interest. The motion carried unanimously.

4. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of April 7, 2014 Commissioner Meetings

b. Approval of Tax Releases and Refunds

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

Releases:

	County	City
1. Jason Allen Risser	108.19	
2. Michael Erwin Molnar	136.40	
3. Keith Evan Woods	113.34	94.05

Refunds:

1.	Cindy W. Secret	2009	146.25	112.25
2.	Cindy W. Secret	2010	151.25	116.25
3.	Cindy W. Secret	2011	155.00	123.75
4.	Cindy W. Secret	2012	155.00	123.75
5.	Cindy W. Secret	2013	157.50	123.75

Solid Waste Fee Releases:

	Owner's Name	Parcel ID Number	Reason for Release
1.	Samuel Poole	50-N-31	Uninhabitable 5+years
2.	Velma R. & H.L. Riddick	P118-2	Vacant 10 years

Solid Waste Fee Refunds:

1.	Shawn Etheridge Etal	P59-31	Uninhabitable since 2006
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c. Approval of Family Subdivision Request FS 14-01 by Roy Pike, Sr.

Staff recommends approval of Family Subdivision Request FS 14-01 by Roy Pike, Sr. Mr. Pike is requesting to create a 1.18 acre gift lot for his daughter, Kimberly Simpson, in accordance with Article 5, Section 303 of the Pasquotank County Subdivision Ordinance. A total of 25.01 feet of road frontage is provided to the parcel off of Halls Creek Road. Birth certificates have been provided as documentation that the plat qualifies as a family subdivision. Staff advises that the request meets the minimum requirements for a family subdivision and recommends approval.

d. Approval of First Amendment to Lease Agreement with CenturyLink

The Finance Committee has recommended that the Board approve an amendment to the lease agreement with Century Link for a 6,400 square foot parcel of property in the Commerce Park. The current 20-year lease will expire on June 30, 2014 and there are no options for renewal. The amendment would extend the lease for five years at \$2,400 per year with an automatic renewal for an additional four years at \$2,700 annually for the duration of the renewal term.

e. Approval to Allocate \$1,000 to the Highway 17 Association

The Finance Committee has recommended that the Board approve the allocation of \$1,000 from tourism funds to the Highway 17 Association.

f. Approval of Allocation of \$2,500 to the 4th of July Fireworks

The Finance Committee has recommended that the Board approve the allocation of \$2,500 from tourism funds for the 4th of July Fireworks at Waterfront Park.

g. Approval of Request from DSS to Reclassify Position

The Finance Committee has recommended approval of a request from DSS to reclassify the position held by Mr. Devon Mayfield from Foreign Language Interpreter II to Staff Development Specialist III, Grade 17, Step I with a starting salary of \$31,852.

Motion was made by Joe Winslow, seconded by Frankie Meads to approve the Consent Agenda as amended. The motion carried.

5. APPROVAL OF APPOINTMENT TO ELIZABETH CITY BOARD OF ADJUSTMENT:

At the last meeting the Appointments Committee recommended the appointment of Thomas Ward to the Elizabeth City Board of Adjustment. Chairman Dixon opened the floor for additional nominations. There being none;

Motion was made by Cecil Perry, seconded by Joe Winslow to approve the appointment of Mr. Thomas Ward to the Elizabeth City Board of Adjustment. The motion carried.

6. CONSIDERATION OF ZONING TEXT AMENDMENT ZTA 14-01:

The Board considered approval of Zoning Text Amendment ZTA 14-01. Chairman Dixon thanked Planning Director Shelley Cox and Attorney Cox for their educational/legal presentation on zoning laws and issuance of conditional use permits at today's Work Session. He stated that a

public hearing was held at our last Board meeting and without further questions he entertained a motion for approval.

Motion was made by Frankie Meads, seconded by Cecil Perry to approve zoning text amendment ZTA 14-01 and to require a Conditional Use Permit for solar farms in the C-1, Commercial zoning district based on the following consistency statement: This text amendment is consistent with the Commercial Land Use Classification and the Land Use and Development Goals within the Pasquotank County-Elizabeth City Advanced Core Land Use Plan (adopted January 9, 2012). The text amendment is reasonable and the benefits of the amendment outweigh any potential inconvenience or harm to the community. Utility related structures including cell towers and electrical substations are currently permitted within the C-1, Commercial Zoning District. By requiring a Conditional Use Permit, the Board of Commissioners may ensure that any potential problems or concerns with an application can be mitigated through site specific development standards. The motion carried.

Commissioner Griffin stated that he still does not feel that their language is where it should be in our ordinance because of safety factors. He asked if these concerns would come back in the form of a conditional use permit. Planning Director Shelley Cox stated that if this is approved tonight it would allow SunEnergy1, LLC to go forward with their conditional use permit application that includes three parcels, one of which is in the C-1 district and two of which are in the A-1 district. Commissioner Griffin asked if inspection fees have been determined. Mrs. Cox said that she has requested that information from our Chief Building Inspector. She added that the text amendment tonight is just to amend the zoning ordinance and the conditional use permit will have to go through the Planning Board and Board of Commissioners at a later date.

7. CONSIDERATION OF AGREEMENT WITH THE CITY FOR COLLECTION OF TAXES:

Attorney Cox explained that the interlocal agreement between the City and County for tax collections in essence is the same as the agreement at its core that we have had since 1989, although it will address two additional issues: 1) tax foreclosures within the City limits which has been a recurring problem; and 2) the collection of motor vehicle taxes by NCDMV. He said staff believes this agreement may solve the continuing issues we have had in foreclosing of property within the city limits. With regards to the collection of motor vehicle taxes the agreement provides that the County will forward the City's motor vehicle taxes to the City and forego the 1.5% fee it used to collect since NCDMV is now collecting the tax. He stated that City Council has approved the interlocal agreement and staff is recommending approval.

Motion was made by Cecil Perry, seconded by Joe Winslow to approve the new interlocal agreement with the City for collection of taxes. The motion carried.

8. CONSIDERATION OF RESOLUTION AUTHORIZING BOARD OF EQUALIZATION AND REVIEW TO HEAR CERTAIN MATTERS:

Attorney Cox explained that the Board of Equalization and Review annually hears appeals of property valuations and the General Statute provides that the Board of Commissioners can authorize the Board of Equalization and Review to hear these appeals by adoption of a resolution. He said he believes such a resolution may have been adopted many years ago, but we cannot find any record of a resolution.

Motion was made by Frankie Meads, seconded by Cecil Perry to adopt the following resolution authorizing the Board of Equalization and Review to hear certain matters. The motion carried.

RESOLUTION DELEGATING CERTAIN DUTIES TO THE BOARD OF EQUALIZATION AND REVIEW

WHEREAS, the Pasquotank County Board of Commissioners may, by resolution, delegate certain authority granted to it under NCGS §105 (“the Machinery Act”), including but not limited to G.S. §105-312 and G.S. §105-322, to the Pasquotank County Board of Equalization and Review to review and carry out various duties under NCGS §105;

WHEREAS, pursuant to NCGS §105-322(a), unless otherwise provided, the Board of Equalization and Review of Pasquotank County shall be composed of the members of the Pasquotank County Board of County Commissioners.

NOW, THEREFORE BE IT RESOLVED, that:

1. The Pasquotank County Board of Commissioners hereby delegates the Pasquotank County Board of Equalization and Review the authority to review and carry out various duties imposed under NCGS §105.
2. The Pasquotank County Board of Equalization and Review shall consist of members of the Pasquotank County Board of Commissioners.

ADOPTED the 21st day of April, 2014.

Commissioner Griffin said he believes a resolution was adopted about twelve years ago when Southgate Mall appeared before the Board of Equalization and Review. Attorney Cox said that may be the case, but a resolution cannot be found. Commissioner Dixon asked if the Board of E&R would be responsible for hearing appeals from the recent revaluation. Attorney Cox answered yes, if we are still in session.

9. AGREEMENT WITH A.C. SCHULTES:

Attorney Cox summarized the lawsuit with A.C. Schultes. He said A.C. Schultes filed a lawsuit against the County in the fall of 2012. He stated that they were claiming just over \$70,000 that was not paid on the contract. He noted that the County did withhold the money. After mediation, the County agreed that A.C. Schultes will pay the County \$125,000 within ten days of all parties signing the agreement and A.C. Schultes will waive the \$70,000 that Pasquotank owed them. He stated that the County will net \$200,000 before attorney fees.

Motion was made by Frankie Meads, seconded by Joe Winslow to accept the agreement with A.C. Schultes as proposed. The motion carried.

10. APPROVAL OF THIRD AMENDMENT TO INTERLOCAL AGREEMENT FOR PARKS AND RECREATION SERVICES:

County Manager Rodney Bunch explained that during budget preparations staff noticed that the existing agreement required the County to pay the City based on its percentage of the approved budget. He said he met with the City Manager and agreed this should be changed to read the County would pay based on operating expenses. The previous agreement required the County to remit its portion of the approved budget, which is 55%, quarterly to the City. The new agreement provides that the County will be billed for its portion of the operating expenses (55%) on a quarterly basis. Mr. Bunch said he feels this will be a savings to the county in the long run. The amendment will include a five-year extension. He reported that Saw Mill Park needs to be repaired immediately. Discussion followed regarding quarterly expense reports.

Motion was made by Frankie Meads, seconded by Lloyd Griffin to approve the Third Amendment to Interlocal Agreement for Parks and Recreation Services, with language added requiring the City to provide a quarterly expense report along with their invoices. The motion carried.

11. REPORT FROM COUNTY MANAGER:

County Manager Rodney Bunch reminded the Board and staff of the scheduled Work Session on Wednesday.

12. REPORTS FROM COUNTY COMMISSIONERS:

Commissioner Sterritt stated that the 2020 Championing Diversity Action Team has recommended that the Community Relations Commission be the body that oversees and ensures the recommendations of the team are reviewed and acted upon. He stated that the Board will be asked to help develop the Community Relations Commission.

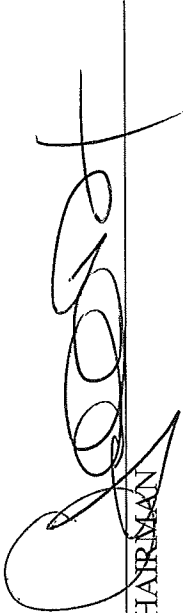
Commissioner Meads reported that the EMS Department is approximately \$300,000 over budget for the year. He stated that he would like a report of revenues and expenses at least once a

quarter from the EMS Department, as well as the Water Department so that we will not have surprises come up.

Commissioner Dixon reported that he was selected to be on the chancellor search committee for ECSU and through Friday they have received over forty applications and there are two more weeks that applications can be submitted.

Chairman Dixon asked for a motion to adjourn the meeting.

Motion was made by Lloyd Griffin, seconded by William Sterritt to adjourn the meeting. The motion carried and the meeting was adjourned at 8:00 PM.


CHAIRMAN


ASSISTANT CLERK