

**PASQUOTANK COUNTY, NORTH CAROLINA
MAY 16, 2016**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, May 16, 2016 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Joseph S. Winslow, Jr., Chairman
Cecil Perry, Vice-Chairman
Jeff Dixon
Lloyd E. Griffin, III
Dr. William R. Sterritt
Frankie Meads
Bettie J. Parker

MEMBERS ABSENT: None

OTHERS PRESENT: Rodney Bunch, County Manager
R. Michael Cox, County Attorney
Lynn Scott, Clerk to the Board
Patrice Stewart, Tax Administrator

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

1. CONTINUATION OF BOARD OF EQUALIZATION AND REVIEW:

Chairman Winslow reconvened the Board of Equalization and Review which was recessed at the last meeting.

Chairman Winslow recognized Mr. Douglas Smith who appeared before the Board on May 2 appealing for a reduction in the value of his wife's property at 1324 North Road Street. Mr. Smith thanked Tax Administrator Patrice Stewart for researching this matter for him. He said he is not happy with the letter he received, but he knows that she did a lot of work on it.

Mr. Smith stated that the home in question is a 50 year old residential house located between a vacant lot and a business. He feels the assessment is way too high. He explained that the City annexed the property and it is now listed as commercial property. He asked that the Board come to a "happy medium" with him. He said if the Board votes to kill it tonight, he asked that they put it off and let him check with the City on variances and other things. He pointed out that the business beside it is assessed at \$83,000, the old house in question is listed for \$80,100, and the vacant lot on the other side is listed for \$19,000. He feels there is too much difference in the assessments. He thanked the Board for their time.

Attorney Cox asked if Commissioners Griffin and Dixon would like to be recused from the hearing since they were not in attendance at the last meeting. Commissioners Griffin and Dixon asked that the Board recuse them from sitting on the Board of E&R.

Motion was made by Cecil Perry, seconded by Bettie Parker to recuse Commissioners Griffin and Dixon from sitting on the Board of Equalization and Review because they were not present to hear evidence submitted at the previous meeting. The motion carried unanimously.

Commissioner Sterritt asked Tax Administrator Patrice Stewart if the property appraisal was performed by a licensed, State of North Carolina appraiser. Ms. Stewart answered the appraisal was performed by Pearson Appraisal Firm during the County's last revaluation, which was effective January 1, 2014. He asked if Pearson Appraisal is a licensed real estate appraiser. Ms. Stewart answered no. Commissioner Sterritt said he would prefer to delay a decision on this appeal to give Mr. Smith an opportunity to have the property appraised by a licensed real estate appraiser or to decide whether or not he is going to tear the structure down or sale the property. He thinks the Board needs a little more time on this.

Mr. Smith stated that the last appraisal was performed in 2014 and it was not by a local person. He said he was told it was performed by satellite. He said there is no way someone knows what the land is worth if they are sitting in front of a computer. He said the house is listed for \$2,200 and the rest of the lot appraised at seventy-something thousand. Ms. Stewart informed Mr. Smith that the property was not appraised by satellite. She explained that the appraisal is done utilizing intense studies of properties in the area, including comparison sales in 2012-13. She said the homes in that area are assessed correctly. She explained the reason why the values of the homes are low is because the highest and best use of the property is not residential. Mr. Smith presented an aerial photo of the property. He noted that there is an identical lot beside the property that is vacant, which is 72' wide. He was told by some people who work for the City that the property must be 75' wide in order to build on it. He went on to say that the City can make a variance, because it is a very old lot. There are questions about what can be put on the property and he would like to have more time to research. He asked if there a mathematical error has been identified and Ms. Stewart said her staff has checked and there are no mathematical errors. He questioned numbers on the aerial map not matching the 72'. Ms. Stewart informed Mr. Smith that he needs to come to the Tax Office and look at property record cards. The information on the cards comes from the property's deed.

Mr. Smith invited the Board to come out and look at the property. He offered to sell it to them for the tax assessment amount. He said his wife is paying more than \$1,000 per year in taxes because the City made it a commercial property. He said when this house was built, the Ford dealer was not there, the Shell Station was not there, and the Food Lion was not there. He asked for the Board's help.

Commissioner Meads asked what the value of the land would be if the house were torn down. Ms. Stewart answered \$78,400. She stated that the house is valued at \$100, the outbuilding is valued at \$1,600, and the land is the remainder. She contacted the Department of Revenue and was told that is how it is done. When a home is in the General Business Area, most of the value is in the land and the home has very little value. If the house is torn down, the land value does not change, because it reverts from Residential Usage to Commercial Business. She noted that the lot is a little larger than the one Burger King is on just a short distance down the road.

Ms. Stewart said she received a memorandum from the City of Elizabeth City Planning Department stating that Ms. Smith would be allowed to rebuild on the property because it is an established lot.

Attorney Cox asked Ms. Stewart if Bob Pearson who did the County's appraisal is certified and she answered yes. He said he wanted to correct that for the Board. Secondly, he asked if he is correct in that if an appraisal is done, it must be performed in 2013. Ms. Stewart said that is correct. Ms. Stewart said they would not be able to honor a new appraisal if it were done. Mr. Smith said they did not question the taxes in 2014 when his mother-in-law passed away and his wife inherited the property. He said his wife paid the taxes just to clear the estate. He said the next year they received a billed that was almost triple the amount.

Attorney Cox said he wants Mr. Smith to understand that he is not making up the rules. He said he is following the statutes. He said it is very restrictive as to when property values can be changed outside of a revaluation. Mr. Smith said he knows how politics are. Attorney Cox stated this is law, not politics.

Ms. Stewart said her staff has had multiple discussions with the North Carolina Department of Revenue and they do not recommend a change. She said the Pasquotank County Tax Department also does not recommend a change. She said the references they used in making the decision were the North Carolina Department of Revenue real estate staff, the North Carolina General Statutes, the Board of Equalization and Revenue Handbook, the Pasquotank County Tax Records and Mapping, and the City of Elizabeth City Planning Department. After significant research and discussion with the North Carolina Department of Revenue staff, she determined that there is no legal, permissible avenue to change the assessment of the parcel at this time in accordance with North Carolina General Statutes 105-287 and the Board of Equalization Handbook. She said the present use of this property is a single family dwelling, but the property is zoned as General Business, therefore the highest and best use of this property is General Business, which allows various commercial offices, services, and relating use. She went on to say if the existing structure was removed or ceased to be used as a single family dwelling for

more than 180 days, the land must conform to its legal permitted use, which is General Business. She added a new building can be constructed on this site provided setback requirements are met (street – 20', sides – 0', and rear – 15'). She said an extensive review was conducted by the Pasquotank County Tax Department Staff on parcels that were in the General Business District within 1,000', with the present use as Single Family Dwelling, to insure the justification and uniformity of the current assessment of this parcel. During this research, she said it was determined that the assessment of this parcel is in line with parcels in the General Business District with the same present use as a Single Family Dwelling.

In conclusion, Ms. Stewart stated that this property would not lose its current market value of \$80,100 whether it is used as a Single Family Dwelling or its zoning use which is General Business. She said in their research they used seven similar properties within 1,000'. The same rate was used for each parcel, which is \$5.60 per sq. ft. All seven of the parcels had dwellings that were assessed the same way. The land values were the greatest part of the assessment for all seven parcels, with the value of the houses ranging from \$200 - \$800. Typically, this is not just done in Pasquotank County, but throughout the State.

Commissioner Meads asked if any of the parcels have been sold in the last five years. Ms. Stewart said she is not prepared to answer that question. Commissioner Meads said values have changed in the last three years. Ms. Stewart noted that the assessment is based on January 1, 2014. If there is no mathematical clerical error, then by law she cannot change any assessments. Commissioner Meads said if the City requires a property owner to have 75' of road frontage and he only has 72' he will need to ask for a variance, which will cost him more money. He said unless he asked for a variance, he cannot do anything with this lot. Ms. Stewart stated that does not reflect our assessments and it would be between the property owner and the City. According to what she was told by the Elizabeth City Planning staff, if Mr. Smith meets the requirements he will be able to build on the property.

Commissioner Sterritt said the comparison should be made by a licensed real estate appraiser because they go into depth to try and get the true value of the property. He said that Ms. Stewart and Attorney Cox mentioned that we employed a licensed real estate appraiser at one time. He said there is a big difference between having it appraised during the year when we are looking at all properties in the County than when a licensed real estate appraiser takes on one piece of property and goes through the process that they have to go through in order to determine the true value. He said that has not happened. Ms. Stewart said even if the taxpayer had an appraisal done at this time, she would not be able to honor the value, because it has to be based on the January 2014 assessment. If he had an appraisal dated 2013 it could be honored. She went on to say with the assessment being in line with all the other homes that are similar to it there would be no justification by law to make a change. Attorney Cox said that is correct. Commissioner Sterritt said the assessment may or may not have been a true value. Ms. Stewart stated that Person Appraisal Firm did an extensive study and they did a very good job of looking at all sales and going through everything.

Attorney Cox said he hopes that Mr. Smith and his wife are able to sale the property if that is what they wish to do. He noted that we have to follow the statutes that are dictated to us. He said it is very tough to change an appraisal in a non-reappraisal year. Commissioner Meads asked why are we having a hearing then. Mr. Cox said he has provided the laws to the Board. Commissioner Winslow said he asked if we could reassess the property to see if there has been an error. He said staff has reassessed the value to see if it is correct. Commissioner Sterritt asked if there is any reason why Pasquotank County cannot employ a licensed real estate appraiser to get a true value on this piece of property. Ms. Stewart said that would be the tax payer's responsibility. Commissioner Sterritt said, "I asked a question of staff as to their experience with this situation". County Manager Bunch stated that the Board can direct staff to hire an appraisal for anything that they wish staff to do as a whole, but what Mr. Cox and Ms. Stewart have said, by law; it still would not be an appraisal of the property in 2013, which is what staff would need to work by. He said this is by law. He said he is not saying that the value has not changed in the last three years, but by law we deal with what it was during the appraisal time. If there was a mathematical error, then changes can be made. He stated the Board cannot go by values changing over the years.

Mr. Bunch stated that Mr. Smith's property is not the only property in the County that the value has changed since 2013. In other words, you would be opening the door to doing a revaluation for Pasquotank County.

Commissioner Perry said the situation is unfortunate but we cannot do anything about what is already written in law. He said he sympathizes with Mr. Smith, but based on what he has read there is nothing the Board can do about it.

Commissioner Sterritt stated that a current appraisal will give all parties piece of mind of what is right and what is wrong. Commissioner Perry asked what we will do for the other taxpayers in the County that have the same problem. He asked do we do an appraisal for them also.

Commissioner Parker said since the Board has been given the laws and the statutes they must follow them. She said if Mr. Smith wants an appraisal he would have to pay for it at his expense because the doors are closed as far as the County is concerned. She asked what would be the point of going through the expense of having an appraisal other than piece of mind. She said it would not reflect on what the Board's has before them tonight, which is being aware of the law is and what the statutes are and on the recommendations that they have been given.

Commissioner Meads asked if the taxpayer has the opportunity to go to Raleigh and appeal the Board's decision. Ms. Stewart said yes he can.

Chairman Winslow said the Board has investigated the issue and staff has come back with the conclusion that there is nothing that can be done. He said legal staff has informed them the same thing. He said even if it is re-appraised; it would need to be prior to January 1, 2014. Knowing those facts, he called for a motion.

Motion was made by Cecil Perry, seconded by Bettie Parker to deny Mr. Smith's appeal and to accept the appraised value of \$80,100 derived by Pearson Appraisal for Ms. Smith's property at 1324 North Road Street and not allow any further reduction in value.

Commissioner Meads asked why the Board is sitting as the Board of E&R if they have no rights to make decisions. Chairman Winslow said we do, but it has to be within the guidelines that have been provided. He said the appeal does not match any of the acceptable items that can change the appraisal.

The motion carried by a three to two vote, with Commissioners Sterritt and Meads voting against the motion.

Ms. Stewart stated that Mr. Yuan who presented his appeal at our last meeting is not in attendance to provide further information. She said after extensive review of the submitted appraisal dated June 9, 2015 and other submitted information it was determined that there are no grounds to make a change in the current assessment of \$459,500 in accordance with the North Carolina General Statutes 105-287. She said as stated in the Board of Equalization and Review Handbook, only market data for the time just prior to the revaluation date (January 1, 2014) would be pertinent.

Commissioner Parker said this case is similar to the previous case and the laws and statutes are the same. Ms. Stewart said that is correct.

Motion was made by Bettie Parker, seconded by Cecil Perry to deny Mr. Yuan's appeal and to accept the appraised value of \$459,500 derived by Pearson Appraisal for Mr. Yuan's property at 1935 Rivershore Road and not allow any further reduction in value. The motion carried unanimously.

Motion to adjourn the Board of Equalization and Review for 2016 was made by Cecil Perry, seconded by Frankie Meads. The motion carried unanimously.

2. COMMENTS FROM NANCY MULLER:

Chairman Winslow called on Ms. Nancy Muller who said she is the Chairman of the 50th Anniversary Committee for Museum of the Albemarle. She is requesting the County contribute

\$5,000 to help promote Museum of the Albemarle's 50th Anniversary. She said the committee has been working for about a year getting programs, promotions, and development in order to have a great 50th year. The celebration will begin January 1, 2017 and end December 31, 2017. She said she knows that the County's budget time is drawing near. Since 1979, she said the State has been kind enough to send them money for 15 people's salary, and provide funding for their building, as well as their electricity. Locally, memberships and donations pay for programming. She noted that this benefits the 13 surrounding counties of the Albemarle. She said they are increasing their constituency so much more than they have in the past.

Last year, they hosted a Coast Guard exhibit as the City became a Coast Guard City. Last Friday night, they hosted Elizabeth City State's 125th Anniversary and have a wonderful exhibit that will be on display for six months. She said they visit every school that studies North Carolina history in Pasquotank County. She noted that the museum brings money, tourism, scholars, and a lot of interest to the area.

After discussion;

Motion was made by Jeff Dixon, seconded by Lloyd Griffin to approve an appropriation of \$5,000 to Museum of the Albemarle for their 50th Anniversary Celebration from tourism (occupancy tax) funds. An application for the tourism funds will need to be submitted to the Tourism Development Authority. The motion carried unanimously.

3. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of April 25 and May 2, 2016 Commissioner Meetings

b. Approval of Tax Releases and Refunds

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

Releases:

		County	City
1.	Elizabeth City Ironworks Inc.	109.22	
2.	Taylor Jeremy Ambros	153.13	134.21

Solid Waste Fee Releases:

	Owner's Name	Parcel ID Number	Reason for Release
1.	Geneva Gibbs	25-C-89&90	Uninhabitable

Solid Waste Fee Refunds:

	Owner's Name	Parcel ID Number	Reason for Release
1.	Erskine E. Morgann, II	29-C-5	Uninhabitable

c. Approval to Request from ECPPS to Re-designate Funds

The Finance Committee has recommended approval of a request from the Board of Education to transfer \$22,078 of unused funds remaining after completion of the Sheep Harney Elementary School tuck pointing and sealing project to the Sheep Harney window retrofit project.

d. Approval of Memorandum of Understanding for Temporary Morgue

Staff has recommended approval of a Memorandum of Understanding between Sentara Albemarle Medical Center and Pasquotank County which will allow the County to use the Hospital's morgue in order to meet its obligations under N.C. Gen. Stat. § 130A-381. The Hospital agrees to provide space in its morgue for the County's storage of bodies on a temporary basis pending a decision on death, investigation, examination by the medical examiner, transportation to an autopsy facility, notification of next of kin, or arrangements for final disposal.

Motion was made by Cecil Perry, seconded by Frankie Meads to approve the Consent Agenda. The motion carried unanimously.

4. **ADOPTION OF RESOLUTION AMENDING ELIZABETH CITY-PASQUOTANK COUNTY ECONOMIC DEVELOPMENT COMMISSION BY-LAWS:**

The Board considered the proposed amended by-laws as requested by the Elizabeth City-Pasquotank County Economic Development Commission. The changes have been approved previously by the City Council.

Motion was made by Lloyd Griffin, seconded by Jeff Dixon to adopt the following resolution approving the revised Elizabeth City-Pasquotank County Economic Development By-Laws. The motion carried unanimously.

**RESOLUTION #2016-13
AMENDING THE ARTICLES OF ORGANIZATION AND BY-LAWS OF
THE ELIZABETH CITY-PASQUOTANK COUNTY
ECONOMIC DEVELOPMENT COMMISSION**

WHEREAS, the County of Pasquotank (hereinafter referred to as "County") and the City of Elizabeth City (hereinafter referred to as "City") by identical resolutions adopted May 3, 1976, amended by identical resolutions adopted on March 29, 1989, July 1, 1999, July 1, 2000, July 1, 2001, January 28, 2004, June 22, 2005, September 28, 2005, April 9, 2007, July 22, 2009, September 23, 2009, January 27, 2010, January 25, 2012, and April 29, 2013, created the Elizabeth City-Pasquotank County Industrial Park Commission, subsequently named the Elizabeth City-Pasquotank County Economic Development Commission; subsequently named the Albemarle Economic Development Commission, and now named the Elizabeth City-Pasquotank County Economic Development Commission ("EDC"); and

WHEREAS, to continue cooperative economic development efforts, the County finds it in the public's interest and welfare to amend the EDC Articles of Organization and By-Laws as requested by the EDC Board of Directors.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pasquotank County by the adoption and enactment of this resolution, that the Articles of Organization and By-Laws of the Elizabeth City-Pasquotank County Economic Development Commission shall be amended as indicated by the following "add-delete format" changes:

SECTION I:

ARTICLE I

Name

The name of this organization shall be Elizabeth City-Pasquotank County Economic Development Commission, hereinafter referred to as the Commission.

ARTICLE II

Geographic District

The geographic boundaries include all participating governmental bodies in this Commission.

ARTICLE III

Purpose and Objectives

Section 1. The purpose of this Commission is to assist the County and City served by the Commission.

Section 2. The Commission is to establish a framework for federal, state and local efforts to provide the basic resources needed to develop facilities and programs

essential to promote economic growth. The Commission is to develop, operate, and coordinate these programs and activities to enhance economic growth within the area served by the Commission and to address the special needs incident to each entity.

Section 3. Specific objectives of the Commission are, but not limited to:

- a. The fostering of growth---planned, diversified, and controlled---within the area served by the Commission.
- b. The promotion of activities aimed at providing quality land development, job opportunities, and an ever-increasing tax base throughout the area served by the Commission.
- c. The designing and implementation of programs to stimulate continued growth and prosperity of the existing business and industry community.
- d. The promotion of an improved general economic situation, by whatever means or measures are available, in order to insure the well-being of the area served by the Commission.

ARTICLE IV

Offices

The Commission shall maintain its principal office in Elizabeth City and offices at such other places as the Commission may from time to time determine or the business of the Commission may require.

ARTICLE V

Membership

Section 1. The Commission membership shall be comprised of no more than twenty (20) members. Of the Commission, there will be nine (9) voting members and no more than eleven (11) non-voting members.

Of the nine (9) voting members of the Commission, three (3) members shall be appointed by resolution from the members of the Board of Commissioners of Pasquotank County; three (3) members shall be appointed by resolution from members of the municipality of Elizabeth City; and three (3) shall be non-elected members from the general population of Elizabeth City/Pasquotank County.

Of the three members from the general population, one (1) shall be Chairman of the ~~Albemarle~~ **Elizabeth City** Area Committee of 100, and two (2) shall be nominated by a committee appointed by the Chairman and comprised of one (1) City Councilor, one (1) County Commissioner, and one (1) board member representing the general population. At least one of the committee's nominees shall be the owner or senior executive of an organization ranked among the area's top non-retail employers. **The terms shall be for one (1) year and may be reappointed for three (3) consecutive terms.** The committee's nominations shall be subject to the approval of the full Elizabeth City-Pasquotank Economic Development Commission board.

Of the eleven (11) non-voting Ex-Officio members, one (1) shall be President, Elizabeth City Area Chamber of Commerce; ~~two (2) shall be Commanding Officers, U.S. Coast Guard Base in Elizabeth City;~~ **one shall be Commanding Officer, U.S. Coast Guard Base Elizabeth City; one (1) shall be Commanding Officer, U.S. Coast Guard Aviation Logistics Center;** one (1) shall be Mayor, City of Elizabeth City, if not already appointed to a term on the Board as a voting member; one (1) shall be Chairman, Pasquotank County Board of Commissioners, if not already appointed to a term on the Board as a voting member; one (1) shall be ~~a representative on the North Carolina's Northeast Partnership Board of Directors~~ **President, Sentara Albemarle Medical Center;** one (1) shall be President, College of The Albemarle; one (1) shall be

Chancellor, Elizabeth City State University; one (1) shall be Executive Director, Elizabeth City Downtown, Inc.; one (1) shall be Director, Elizabeth City Area Convention & Visitors Bureau, and one shall be Superintendent, Elizabeth City-Pasquotank County Public School System.

Section 2. The six (6) voting members of the Commission appointed by Pasquotank County and Elizabeth City shall be appointed by appropriate separate resolutions of each governing board.

Members so appointed shall be designated for a term of two (2) years to serve at the pleasure of the current Boards of County Commissioners or City Council. In no event shall a Commission member serve beyond their term of office as County Commissioner, member of Council, or Mayor in the event the Commission member ceases to hold one (1) of those elected positions.

Section 3. The term of the elected Commission members shall be insofar as practicable on an alternating basis, between City and County, insuring an appointment or reappointment each year. Such appointment shall be made known prior to the annual meeting held in January, and the members shall assume office at this meeting.

Section 4. The Elizabeth City-Pasquotank County Economic Development Commission shall have available a roster of the current qualified Commission members, as well as their terms of office and who they represent.

ARTICLE VI

The Commission and the Commission Officers

Section 1. The Officers of the Commission shall consist of a Chairman, Vice Chairman, and Secretary-Treasurer, all of whom shall be elected by the voting members of the Commission. The Commission Chairman and Vice-Chairman shall be chosen from the elected members appointed by the County of Pasquotank and the City of Elizabeth City to the Commission.

Section 2. The officers shall be elected at the regular meeting of the Commission in January of each year, which meeting shall also be the annual meeting of the Commission.

Section 3. All officers shall be elected for a one (1) year term and assume office at the annual meeting. Officers may be elected to succeed themselves or be elected to any other office, but may not exceed two (2) consecutive terms in any position. The offices of

Chairman and Vice Chairman shall alternate every two (2) years between the elected members representing the City of Elizabeth City and County of Pasquotank. The two (2) year alternate cycle shall begin January 2004 whereby the office of Chairman shall be held by the County and the office of Vice-Chairman shall be held by the City.

Section 4. Vacancies in any office, vacancies of any member, or vacancies arising from any cause, may be filled by the voting members of the Commission at any regular or special meeting.

Section 5. In addition to the Commission officers above named, an Economic Developer (Developer) may be employed upon the affirmative vote of six voting Commission members. The Economic Developer shall conduct the business and activities of the Commission in strict compliance with the rules and policies adopted by the said Commission. In the absence of a Developer, the Chairman shall assume such duties.

Section 6. The Commission members shall be responsible for establishing the number of members on the staff and employees and their identity in accordance with the general and specific terms and conditions of any grants received as well as any

policies established by the Commission. All employees of the EC-PCEDC shall be at-will employees.

Section 7. The voting members of the Commission membership shall serve as a personnel committee. The committee shall be responsible for formulation of personnel policies.

ARTICLE VII

The Duties of Officers

Section 1. The duties of the Chairman of the Commission are as follows:

- a. To appoint such committees as may be appropriate in the discharge of the Commission's functions. The Bylaws, Personnel, Finance, Legislative and Marketing Committees shall contain representation from the Counties and Cities. Other Committees as may be appropriate in the discharge of the Commission's functions shall be chaired by a voting member of the Commission.
- b. To promulgate and publish such orders and directives as will promote the purposes of the Commission, providing the same are first approved by the voting members of the Commission.
- c. To authorize the disbursement of funds in conformance with established policies of the Commission and in compliance with the general and special terms and conditions of any grant offers and such other agreements as may be entered into. To perform such other duties as the Commission has approved and that will promote the purposes of the Commission of which are required by the Commission.
- d. To preside at all meetings of the Commission.
- e. The Commission Chairman shall be the chief officer of the Commission. The Chairman shall function directly under the overall supervision of the full Commission.

Section 2. The Vice-Chairman of the Commission shall perform the duties of the Chairman in his/her absence.

Section 3. The Secretary-Treasurer shall perform as follows:

- a. To verify and authenticate the records of meetings of the Commission.
- b. To function as the accountable officer for all property and equipment owned or leased or contracted for by the Commission.
- c. To act as custodian of all funds of the Commission and function as the Commission Treasurer.
- d. To authorize the disbursement of funds in conformity with the budget and establish policies of the Commission and in compliance with the general and special terms and conditions of any grant offer and in compliance with the general and special terms and conditions of any Commission policies and such other agreements as may be entered into.
- e. To perform such other duties as shall be assigned by the Commission.

Section 4. The Economic Developer shall function at the direction of the EC-PCEDC Board. He/She shall be directly responsible for the following:

- a. The implementation of administrative policies and procedures concerning the staff and staff functions as established by the Commission. Maintain the necessary records to satisfy the Commission requirements, and those of such other agencies as may be involved.
- b. Appropriate records shall be maintained of all property and equipment purchased as authorized by the Commission.
- c. The discharge of functional and operational requirements as set forth by the Commission.
- d. The establishment of liaisons with the agencies of the local, state and federal governments and allies. This will include the necessary reports, requests, and studies which may be required in the normal conduct of business.
- e. Maintain appropriate fiscal and financial records as required by the Commission and other authorities for a period as designated in the general and special terms and conditions of the grant and in accordance with the laws of the State of North Carolina.

Section 5. Each officer who shall have authority to receive or disburse the funds of the Commission shall be bonded in an amount which will satisfy the requirements of the granting agency or agencies and comply with the laws of the State of North Carolina.

Section 6. The Commission shall carry out such functions as the Commission may be authorized or directed to perform by the participating Counties and Cities.

ARTICLE VIII

Compensation

The Commission shall establish the pay scale for all staff employees. The actual compensation of all staff members together with all expenditures of funds shall be itemized and presented to the Commission monthly and all expenditures shall be in conformity with an approved budget allocation and all checks countersigned by an approved officer of the Commission.

ARTICLE IX

Conflict of Interest

The Board members understand and acknowledge that the Elizabeth City-Pasquotank County Economic Development Commission reviews highly sensitive case information regarding the economic development of Pasquotank County and the City of Elizabeth City and the means to encourage location of business and industry within the County and City. Members bring their diversity of background and expertise to the Economic Development Commission to develop means to achieve appropriate industrial plants and facilities and development and operation of programs to further and improve industrial sites, parks or facilities.

The Board members acknowledge and agree that the giving of this service, because of the varied interest and backgrounds of the governing commission members, may result in situations involving a dual interest that might be interpreted as conflict of interest. This agreement specifically includes that:

1. Any duality of interest or possible conflict of interest on the part of any governing Commission member should be disclosed to the other members of the Commission and made a matter of record when the interest becomes a matter of Commission action.

2. Any governing Commission member having a duality of interest or possible conflict of interest on any matter should not vote or use his personal influence on the matter. The Minutes of the meeting should reflect that a disclosure was made and the abstention from voting.
3. The foregoing requirements should not be construed as preventing the governing Commission member from answering pertinent questions of other Commission members since his knowledge may be of assistance.

ARTICLE X

Confidentiality Agreement

The EC-PCEDC Board members understand and acknowledge that the members of the economic development team assembled to do the work of the Elizabeth City-Pasquotank County Economic Development Commission review sensitive case information regarding the economic development of Pasquotank County and the City of Elizabeth City and the means to encourage location of business and industry within the City and County. Members bring their diversity of background and expertise to the Economic Development Commission to develop means to achieve appropriate industrial plans and facilities and development and operation of programs to further and improve industrial sites, parks or facilities.

Through their signatures, the undersigned acknowledge and agree that the privacy of businesses or industries assisted by the Elizabeth City-Pasquotank County Economic Development Commission should be strictly maintained. This agreement specifically includes that:

1. Information learned through the Economic Development Commission meeting and/or by doing business for the County and City the EC-PCEDC represents is confidential, and may not be shared outside the meeting, except as specified by the Economic Development Commission or its Executive Director;
2. Information may only be shared by an Economic Development Commission member with the member's appointing entity on a need-to-know basis regarding a current client or activities to recruit the location or expansion of business and industry in the city and county;
3. If Economic Development Commission members keep personal notes or files which contain confidential information, such notes are protected by confidentiality rules and must be safeguarded.

ARTICLE XI

Meetings

Section 1. The annual meeting of the Commission shall be held in such places designated by the Commission.

Section 2. Regular meetings of the Commission shall be held monthly or as otherwise directed by the Chair.

Section 3. Special meetings may be called by the Chairman or by any two (2) voting Commission members at any time or place, provided that notice is given in accordance with North Carolina's Open Meeting laws.

Section 4. A Commission quorum shall consist of five (5) voting members present.

Section 5. At Commission meetings, each of the voting Commission members present shall have one (1) vote and all Commission actions shall be by majority vote, except any actions dealing with the sale, acquisition, leasing or auctioning of real estate,

or the expenditure of funds in excess of \$5,000.00, shall require an affirmative vote of six (6) voting members present.

Section 6. Any vacancy shall be filled by the same authority that appointed the person initially, and all vacancies shall be filled within thirty (30) days after they occur.

Section 7. Upon a Commission member reaching three absences, the Commission will notify the appointing Governmental Authority.

ARTICLE XII

Budgets

Section 1. The Commission shall prepare an annual budget for presentation to the County of Pasquotank and the City of Elizabeth City for approval, and then submitted to such other organizations as may be appropriate. Any appropriation by or requests to the County of Pasquotank and the City of Elizabeth City shall be in amounts proportioned among them on an equal basis. This is to say that the County of Pasquotank and City of Elizabeth City shall each contribute equal funds to the Commission and shall own all assets and be liable for all liabilities on the same ratio. It is specifically understood that if either the County of Pasquotank or City of Elizabeth City, in its own separate name, shall receive a grant, bequeath, or gift, for the purpose set forth in these articles and such sum is turned over to the Commission, then the ownership of such fund thereafter shall be on the same equal basis if allowable by the granting agency.

Section 2. The annual budget shall show proposed cash outlays for all operating expenses and capital equipment and improvements. Each item of expenditure shall be justified and explained in appropriate detail. Such budget shall also show any equipment and facilities provided in kind. A breakdown of the source of funds shall indicate amounts to be appropriated by the Counties and City, amount to be provided in kind and the amount to be obtained from Federal or State grants.

Section 3. The beginning fiscal year for this Commission shall be July 1st of each year.

ARTICLE XIII

Funding of Commission Activities

If at any time the Commission shall receive funds derived from the sale, lease or optioning of any parcel or parcels of real estate purchased by the County of Pasquotank and City of Elizabeth City for or on behalf of the Commission then the said funds so received, after deducting the expenses of sale, shall be returned on an equal basis to the County of Pasquotank and to the City of Elizabeth City until such time as all funds which have been contributed by the said County of Pasquotank or City of Elizabeth City are returned to them and the Commission is operating on its own funds or funds derived from the sale, lease or optioning of real estate, or on State or Federal grants which the Commission has received in its own right.

ARTICLE XIV

These By-Laws may be amended only by the participating Counties and Cities of which are presently the following: Board of County Commissioners of the County of Pasquotank, and the City Council of the City of Elizabeth City by joint or separate identical resolution.

ARTICLE XV

This resolution becomes effective on May 16, 2016. The City Council of Elizabeth City adopted an identical resolution on May 9, 2016.

ARTICLE XVI

These By-Laws are adopted pursuant to Chapter 158 of the North Carolina General Statutes and the said Commission derived its authority from the said Chapter 158 and all things inconsistent therewith are deemed stricken and modified herein.

Section 2. If at any time the Commission shall receive funds derived from the sale, lease or optioning of any parcel or parcels of real estate purchased after July 1, 1999 by the County of Pasquotank and City for or on behalf of the Commission then the funds so received after deducting the expense of sale, shall be returned to the County of Pasquotank and City in the following proportion: County of Pasquotank – 66.67% - 33.33%.

SECTION II: Be it further resolved that Chairman Joseph S. Winslow, Jr. is authorized by the Board of Commissioners to execute the amended EDC By-laws in triplicate originals on behalf of the Pasquotank County Board of Commissioners.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the Pasquotank County Board of Commissioners, during which a quorum was present, held on the 16th day of May, 2016.

5. CONSIDERATION OF BID FOR PROPERTY ON MILL POND ROAD:

Staff has recommended that the Board adopt the following resolution which proposes to accept a bid from Jacinta Baker in the amount of \$10,000 for 1.5 acres off of Mill Pond Road in Newland Township that the County acquired as a result of a tax foreclosure sale. Once the Board proposes to accept the bid, it would be advertised for upset bids.

Motion was made by Cecil Perry, seconded by Jeff Dixon to adopt the following resolution proposing to accept a \$10,000 bid for property on Mill Pond Road and advertise of for upset bids. The motion carried unanimously.

**RESOLUTION AUTHORIZING UPSET BID PROCESS
FOR PROPERTY LOCATED AT
1565 MILLPOND ROAD
2016-14**

WHEREAS, the County of Pasquotank owns certain property located at 1565 Mill Pond Road and more particularly described in Deed Book 1246, Page 708; and

WHEREAS, North Carolina General Statutes §160A-269 permits the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$10,000, submitted by Jacinta Baker; and

WHEREAS, Jacinta Baker has paid the required five percent (5%) deposit on her offer;

THEREFORE, THE PASQUOTANK COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners authorizes the sale of the property described above through the upset bid procedure of North Carolina General Statute §160A-269.
2. The County clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Any person may submit an upset bid to the office of the County clerk within ten (10) days after the notice of sale is published. Once a qualifying high bid has been received, that bid will become the new offer.
4. If a qualifying higher bid is received, the County clerk shall cause a new notice of

upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check or certified check. The County will return the deposit of any bid not accepted, and will return the deposit on an offer subject to an upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing unless the bidder requests the amount be credited towards the purchase price. In the event the high bid is accepted by the County and the high bidder refuses to close on the property for any reason the bid will be retained by the County.

7. The terms of the final sale are that

- the Board of Commissioners must approve the final high offer before the sale is closed, which it will endeavor to do within thirty (30) days after the final upset bid period has passed, and
- the buyer must pay with cash, cashier's check or certified check at the time of closing, and
- title will be transferred by a non-warranty deed.

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Adopted this 16th day of May, 2016.

6. REPORTS FROM COUNTY MANAGER:

Mr. Bunch asked for volunteers for the Potato Peeling Contest at the Potato Festival this weekend.

Mr. Bunch reported that three bids have been received on the Crooked Run Road property, with the highest bid being \$6,938. He stated that staff will re-advertise the property.

7. REPORTS FROM COMMISSIONERS:

Commissioner Sterritt reported that the State Department of Social Services will be sending a team of individuals to the Pasquotank County Department of Social Services to perform additional training on NC Fast.

Commissioner Meads reported that the RC&D met recently, but he was unable to attend. He said there are prospective grants available that they will look into.

Commissioner Parker toured the wind turbine site on May 9th. She attended the Northern Regional Advisory Board meeting. She provided two handouts; the 2015 Needs and Gaps Assessment for Trillium Health Resources and the Northern Region Dashboard. She participated in a fund raiser, along with Commissioner Sterritt for the new SPCA.

Commissioner Griffin attended an Albemarle Commission meeting. He said one of the things that Workforce Development has been working on is a program called Work Ready, which means if an industry comes into town, there will be a ready and willing workforce available.

Commissioner Perry attended the wind farm tour and the VFW meeting. He said the Jail Commission did not meet this month because there was not a quorum.

Commissioner Meads said he would like for Skill's Inc. to come before our Board and inform us of what they do. He mentioned that they have a very large fund balance. Mr. Bunch stated that we do receive reports from them on a regular basis. Ms. Scott said her son went through their program to gain employment and they served him very well. Chairman Winslow said he served on their Board for many years and they have changed many peoples' lives. He said they offer a

great service to this community and he is a big advocate for what they do. Staff was instructed to have the president of Skills Inc. present at a future meeting.

Chairman Winslow attended the COA commencement ceremony. He said 297 students graduated. Several of the graduates were 17 year olds or less and had not received their high school diplomas yet. He noted that they already have two years of college behind them, which saved their families a significant amount of money. He said the majority of the graduates went to the Chowan or Currituck campuses. Pasquotank is starting to offer these types of programs as well.

Chairman Winslow stated that the Albemarle Hospital Governance Committee will meet Thursday.

Chairman Winslow has concerns about the safety of motorist pulling on the side of the road to view the windmills as they are being erected. He asked if this has been planned for. Commissioner Dixon said the closest windmill will be almost a mile from US 17. He said the motorist may go to Sandy Road to observe. Commissioner Perry asked if there is proper signage at the Foreman Bunch Road Intersection. He said there was a fatality there this week, when a vehicle turned left and was traveling in the wrong direction.

8. REPORTS FROM COUNTY ATTORNEY:

Attorney Cox reported that a group of UNC students are coming May 24th to hear a presentation on how solar energy affects the County and its tax base.

Chairman Winslow asked for a motion to adjourn the meeting.

Motion was made by Cecil Perry, seconded by Frankie Meads to adjourn the meeting. The motion carried and the meeting was adjourned at 8:35 PM.

CHAIRMAN

CLERK TO THE BOARD