

**PASQUOTANK COUNTY, NORTH CAROLINA  
OCTOBER 6, 2014**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, October 6, 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

**OTHERS PRESENT:**

Rodney Bunch, County Manager  
R. Michael Cox, County Attorney  
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Jeff Dixon who welcomed everyone. Commissioner Lloyd Griffin gave the invocation and Vice-Chairman Joe Winslow 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. Vice-Chairman Winslow requested that the agenda be amended to add the following items to the consent agenda: 1) recommendation from the Finance Committee to approve a \$190,000 loan with BB&T to finance the purchase of five vehicles for the Sheriff's Department and a van for College of The Albemarle at an interest rate of 2.02%; 2) and recommendation from the Finance Committee to approve the transfer of \$1,144,000 of the ECPPS 2014-15 current expense appropriation to its capital outlay fund appropriation to be used to fund multiple capital outlay projects.

Motion was made by Cecil Perry, seconded by William Sterritt to approve the two amendments to the agenda as presented. The motion carried.

**2. COMMENTS FROM JOHN WOODARD:**

Chairman Dixon recognized Mr. John Woodard of 117 Pelican Point Drive who stated that he has no doubt that the funds request from the School Board will be approved tonight. He said he would recommend that the Board of Commissioners and the School Board commit a certain number of people from each board to review the bids and review the documents on what is going to be purchased, how it's going to be purchased, what is going to be paid for, and report back to each board so that everything is out in the open. He said if the School Board wants the money and needs the money, they should have the money but the county should not overpay for things that can get done more cheaply.

**3. COMMENTS FROM DALE FOWLER:**

Chairman Dixon recognized Ms. Dale C. Fowler of 1019 Consolidated Road. Ms. Fowler stated that her son had an accident on Consolidated Road where it intersects with Weeksville Road. She said if her grandchildren had been in the car they could have been killed. She said there is a lot of traffic on Consolidated Road due to the businesses that are located there. She stated that a lot of people would like to see a stoplight at this intersection and she has spoken with the Sheriff's Department, the Highway Patrol, and the Department of Transportation. She said the Department of Transportation suggested that she go to the Board of Commissioners to ask for support for the light. Ms. Fowler added that a stoplight needs to be installed before someone gets killed. She presented a petition with 100 signatures requesting the installation of a stoplight.

Commissioner Lloyd Griffin advised Ms. Fowler that a widening project is scheduled for this intersection and there has been discussion about a stoplight in conjunction with the widening project. He noted that he will also follow up with the Airport Manager who is aware of the widening project.

4. **PRESENTATION OF PINS TO EMPLOYEES FOR YEARS OF SERVICE:**  
Chairman Dixon called on the following county employees to receive pins in recognition of their years of service to Pasquotank County.

<b>Employee</b>	<b>Department</b>	<b>Years of Service</b>
Margie Minor	Water Department	30 years
Yvonne Jones	DSS/Sheriff's Department	20 years

Chairman Dixon congratulated and thanked the employees for their service to Pasquotank County.

5. **PRESENTATION OF PROCLAMATION FOR FRIENDS OF THE LIBRARY MONTH:**

Chairman Dixon called on Ms. Rowen Roby, President of Friends of the Library, and Mr. Jim Turdici, Vice-President of Friends of the Library, to accept a proclamation for Friends of the Library Month.

He read the proclamation as follows and then presented it to Ms. Robey and Mr. Turdici.

**PROCLAMATION**

**WHEREAS**, Friends of the Pasquotank County Library raise money that enables our library to move from good to great--providing the resources for additional programming, much needed equipment, support for children's programs and special events throughout the year;

**WHEREAS**, the work of the Friends highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present;

**WHEREAS**, the Friends understand the critical importance of well-funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, outreach and children's services;

**WHEREAS**, the Friends' gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community;

**NOW, THEREFORE**, be it proclaimed by the Pasquotank County Board of Commissioners that October 2014 be observed as

**The Friends of the Pasquotank County Library Month**

Presented this the 6<sup>th</sup> day of October, 2014.

6. **PUBLIC HEARING ON SALE OF PROPERTY IN THE COMMERCE PARK TO GERONIMO, LLC:**

County Attorney Mike Cox explained that the public hearing will be on the proposed sale of 6.2 acres in the Commerce Park to Geronimo, LLC for \$3,800 per acre. He stated that Geronimo is the LLC, but is doing business as Moneysworth. The property will be combined with property currently owned by Geronimo, LLC to expand its business, Moneysworth Linen Service. Geronimo will also construct 820 feet of roadway and relocate an existing sewer manhole in consideration of the reduced purchase price. Mr. Cox said the closing is set for January 5, 2015 and the buyers have a feasibility period to December 8 of this year to determine if the property is feasible for its use. He stated that contingencies include that the buyer must obtain acceptable financing and have approval by all governmental agencies. Geronimo will provide a letter of credit or bond in favor of the county for \$150,000 to ensure that the work is completed. Mr. Cox added that the average hourly wage will be \$8.50.

Chairman Dixon declared the meeting to be a public hearing for the purpose of receiving comments regarding the sale of the property. He asked if anyone would care to address the Board. There being no comments, the public hearing was closed.

Motion was made by Joe Winslow, seconded by Cecil Perry to approve the sale of 6.2 acres in the Pasquotank County Commerce Park to Geronimo, LLC for \$3,800 per acre. The motion carried.

**7. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

- a. Approval of Minutes of September 15, 2014 Commissioner Meeting*
- b. Approval of Tax Releases, Refunds, and Solid Waste Fee Releases*
- The Finance Committee has recommended approval of the following tax releases, refunds and solid waste fee releases:

Releases:	County	City
1. R. Weston McPherson	771.40	624.23
2. R. Weston McPherson	545.68	441.57
3. Cyndi's Pampered Pets	109.36	88.50
4. John Joseph Jezard	122.36	

**Refunds:**

1. Michael S. Clifford, Jr.	223.59	
2. Cyndi's Pampered Pets	106.41	83.61

**Solid Waste Releases:**

Owner's Name	Parcel ID Number	Reason for Release
Eudora B. Harvey	26-A-4	House vacant since 2008
Eudora B. Harvey	P122A-68	House vacant since 2008
Floyd E. Simpson, Jr.	P58-15	House vacant since 1989
Domestic & Overseas Investing	57-A-201	Vacant since 2009
Domestic & Overseas Investing	11-G-19	Vacant since 2009
H.T. Mullen	P139-11	Vacant since May 2013
Aaron Vincent Clifton	P33-27	Vacant for 9 years
Sterling & Shirley Griffin	P80-84A	Vacant since 2008
Eunice Mitchell Heirs	P123-12	Vacant since 1998
Elizabeth Overton Heirs	P98-16	Vacant since 2009
James Lee Fagans	50-B-8	Vacant since 2010
Zelda F. Gregory	50-F-208	Vacant since November 2010

*c. Approval of Budget Amendments*

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

Friends of the Library		
Increase	024.0500.4831.00	Interest Earned
Increase	024.0600.4611.03	Book Sales
Increase	024.0600.4611.04	Membership Dues
Increase	024.0600.4611.05	Fundraisers
Increase	024.0600.4833.00	Donations
Increase	024.0991.4991.00	Fund Balance Appropriated
Increase	024.6110.5191.00	Audit
Increase	024.6110.5231.00	Promotional Materials
Increase	024.6110.5232.00	Library Materials
Increase	024.6110.5261.00	Departmental Supplies
Increase	024.6110.5272.00	Fundraiser Expenses
Increase	024.6110.5325.00	Postage
Increase	024.6110.5499.00	Miscellaneous Expense
Increase	024.6110.5500.00	Capital Outlay
		10.00
		900.00
		600.00
		250.00
		100.00
		6,036.00
		100.00
		850.00
		1,000.00
		700.00
		150.00
		50.00
		50.00
		4,996.00

*d. Approval of \$190,000 Loan with BB&T for Purchase of Vehicles*

The Finance Committee has recommended approval of a \$190,000 loan with BB&T to purchase five Sheriff's Department cars and one van for College of The Albemarle at an interest rate of 2.02%. The Board will need to adopt the following resolution approving the financing terms:

Resolution Approving Financing Terms

**WHEREAS:** The County of Pasquotank (the “County”) has previously determined to undertake a project for the purchase of vehicles and equipment, (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 Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated October 1, 2014. The amount financed shall not exceed \$190,000.00, the annual interest rate shall not exceed 2.02%, 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 BB&T 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 BB&T 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 6<sup>th</sup> day of October, 2014.
- e. Approval for Schools to Transfer Funds from Current Expense to Capital Outlay  
The Finance Committee has recommended that the Board approve the transfer of \$1,144,000 of the Elizabeth City-Pasquotank Public Schools 2014-15 current expense appropriation to its 2014-15 capital outlay fund appropriation to be used for multiple capital outlay projects including \$77,000 for the second lease payment for five activity buses.

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

**8. APPROVAL OF TRUSTEES FOR NIXONTON VOLUNTEER FIRE DEPARTMENT FIREMEN’S RELIEF FUND BOARD:**

The Board considered a request from the Nixonton Volunteer Fire Department to replace two trustees for the department’s Firemen’s Relief Fund Board because they are no longer involved in the fire department. The department has requested that Steven Fachko and Ben McPherson be appointed to replace Bobby Fletcher and Terry Gilbird.

Motion was made by Lloyd Griffin, seconded by William Sterritt to approve the appointments of Steven Fachko and Ben McPherson to the Nixonton Fire Department’s Firemen’s Relief Fund Board to replace Bobby Fletcher and Terry Gilbird. The motion carried.

**9. APPROVAL OF REQUEST TO FILE AMICUS CURIE BRIEF:**

County Attorney Mike Cox explained that the Board has been requested to file an amicus curie brief with the North Carolina Supreme Court in support of a Wayne County Deputy who was in an accident. He stated that the Court of Appeals held that governmental immunity was not applicable to that case. Mr. Cox said that Pasquotank County has in recent years had support for some of its appellate cases and has been asked to support Wayne County on this particular issue. He pointed out that several other counties and municipalities have already agreed to file an amicus brief. Mr. Cox noted that this will involve little time on his part.

Motion was made by Lloyd Griffin, seconded by Joe Winslow to file an Amicus Curie Brief with the North Carolina Supreme Court in support of a Wayne County case regarding governmental immunity. The motion carried.

**10. APPROVAL OF AGREEMENT BETWEEN THE CITY AND COUNTY FOR COLLECTION OF SOLID WASTE USER FEES FROM THE RESIDENTS OF ELIZABETH CITY WHO LIVE IN CAMDEN COUNTY:**

The Board considered extension of an agreement with the city for collection of the county's solid waste availability fee from the residents of the city who reside on the Camden Causeway. Under the agreement the city collects the fee from the residents and then remits it to Pasquotank County. The current interlocal agreement expired in 2010 and the city has continued to collect the fee and remit it to the county. At the time the original agreement was signed in 2005 it included a solid waste fee of \$95. The fee has now increased to \$144 per year. The revised agreement includes the increased fee of \$144, but also adds Section 6 which allows for modification of the fee.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to approve the proposed agreement with the city for collection of the solid waste availability fee from the residents of Elizabeth City who live in Camden County. The motion carried.

**11. APPROVAL OF SUPPLEMENTAL OPTICOM AGREEMENT WITH THE CITY OF ELIZABETH CITY:**

County Manager Rodney Bunch explained that the Opticom agreement with the city has been in place for ten years and expired in September. The Opticom Traffic Control System had been purchased by the county for use by the EMS Department for several major intersections throughout the city and county. The devices are triggered by an emitter that is mounted on the ambulance lightbar which changes a red light to green so that traffic can proceed through the intersection and the ambulance does not get caught up behind stopped vehicles. The 2004 agreement enabled the city fire department to also use the Opticom System, however the city was responsible for purchasing emitters for its fire trucks at a cost of approximately \$1,100 each. Under the agreement, in addition to purchasing emitters, the city was also responsible for paying 18% of the cost of any expansions of the Opticom System.

The Board reviewed a Supplemental Opticom Agreement that will extend the terms of the original agreement for an additional ten years ending in September, 2024. All terms and conditions of the original agreement would remain the same.

After brief discussion;

Motion was made by Lloyd Griffin, seconded by Joe Winslow to approve the Supplemental Opticom Agreement with the city as presented. The motion carried.

**12. APPROVAL OF ASSIGNMENT OF INTEREST IN BUSINESS INVESTMENT PROGRAM GRANT AGREEMENT:**

County Attorney Mike Cox explained that Thompson Thrift Development has asked the county and city to consent to an assignment of the Business Investment Program Grant Agreement that the county and city approved last December with Thompson Thrift Development, Inc. to Tanglewood Parkway Elizabeth City, LLC. Mr. Cox advised that Thompson Thrift does not actually have to ask for the county's permission to assign the agreement because the agreement specifically provides for assignment.

Commissioner Cecil Perry asked if there was any discussion regarding wages when the agreement was first approved. Mr. Cox responded that this agreement is not tied to wages like

the sale of property in the Commerce Park is. He said one thing the Board should feel comfortable with is that whatever company is there will not get the grant until the taxes are paid each year. He added that this is the county's security.

Commissioner Frankie Meads asked why the project is being turned over to Tanglewood Parkway Elizabeth City, LLC. Mr. Cox stated that it was probably for some tax reason or liability reason. Chairman Dixon noted that the same person is President of Thompson Thrift Development, Inc. and Manager of Tanglewood Parkway Elizabeth City, LLC. Vice-Chairman Joe Winslow stated that one company may be the construction entity and the other may be the entity that leases the property after construction. He said a lot of rental property is now owned by an LLC because of the tax advantages. Mr. Cox noted that he believes this is fairly common in the construction and development industry.

Motion was made by Joe Winslow, seconded by Lloyd Griffin to approve the proposed Assignment of Interest in Business Investment Program Grant Agreement from Thompson Thrift Development, Inc. to Tanglewood Parkway Elizabeth City, LLC.

Discussion followed and Commissioner Meads stated that he opposed this before and he will oppose it again because he thinks too much of the county taxpayers' money is being used on a venture for a business that is going to make a profit.

The motion carried by a five to one margin with Commissioner Meads voting against the motion.

### **13. CALENDAR:**

The Clerk reviewed the calendar of upcoming meetings and events.

### **14. REPORTS FROM COMMISSIONERS:**

Commissioner Cecil Perry reported that he will be attending a meeting of the State Education Committee tomorrow and one of the concerns that will be discussed is lottery funding. He asked anyone with other concerns related to education that they would like to have discussed at the meeting to give him a call.

Commissioner Frankie Meads stated that the Board had a good discussion at today's Finance Committee meeting about the schools. He said although he didn't get everything he wanted, he thought progress was made on how the county is going to fund schools in the future.

Commissioner Lloyd Griffin reported that there is a lot of regional movement with regard to transportation projects. He stated that Secretary of Transportation Tony Tata was in Edenton last week and discussed how the 25 year plan was divided into regions. He said the ten counties represented by the Albemarle RPO will receive funding for all components of transportation. He stated that there is currently a lot of discussion regarding expanding Highway 17 into the Hampton Roads Area and it is in the Governor's 25 year plan. He said the proposal is to borrow \$1 billion which would fund 22 or 23 projects across the state on a competitive basis and based on how close they are to being shovel ready. He stated that he believes the Governor and the Secretary of Transportation have a good understanding of the transportation infrastructure needs of the area over the next 25 years. He said there has been discussion regarding Oregon Inlet, the preservation of Highway 12, and ferries. Commissioner Griffin stated that funding for ferries is included with local projects and there is an initiative to get ferries on the national transportation system so as to not deplete local transportation funding if a ferry has to be replaced.

Vice-Chairman Joe Winslow asked Commissioner Griffin if Congressman Butterfield has been involved in the move to connect North Carolina to the Hampton Roads area through an interstate highway. Commissioner Griffin said the first phase is to link the military complexes between Goldsboro and the southern part of the state. He said all twelve of North Carolina's Congressional delegates are in support of connecting Raleigh to the Norfolk port. Chairman Dixon added that the new head of the Hampton Roads Chamber of Commerce is very interested in working with North Carolina. Vice-Chairman Winslow stated that Pasquotank County needs to be proactive to make sure it does not miss any opportunity.

The County Manager said Pasquotank County has been contacted in regard to a land use study the Department of Commerce is supporting for the counties along the Virginia border. He stated

that Pasquotank County needs to stay on top of it and be aware of what is going on because it can have a lot of effect on Pasquotank County's growth. Chairman Dixon said the Department of Defense has suggested that five area counties bordering Virginia consisting of Currituck, Camden, Pasquotank, Perquimans, and Gates, who are in the way of the Northwest Naval Station radar vector come together with Chesapeake for a joint land use study. He said Currituck and Camden Counties have already opted out because of the effect on potential economic development. Mr. Bunch noted that the area of influence is currently five miles and the Navy wants to expand it to 25 miles. Chairman Dixon added that this study is something the Board will soon have to address.

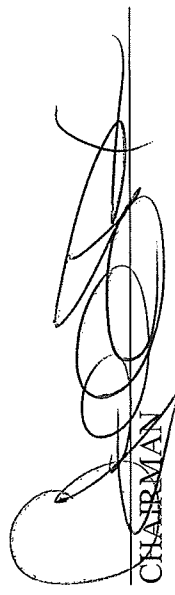
Chairman Dixon reported that he has been asked to participate in a forum for the Coastal Resources Commission in late October to discuss issues with regard to coastal communities.

Chairman Dixon stated that several items are still pending from this afternoon's Finance Committee meeting on which the Board needs to give staff direction. He asked if the Board wants to proceed with a salary study due to the turnover at the Department of Social Services. After discussion, it was suggested that this should be a topic for a future work session.

County Attorney Mike Cox advised that the Animal Control Ordinance needs attention because it is not working right now because it has too much regulation. He requested that the Board hold a future work session on the ordinance.

Chairman Dixon asked if there was any further business to come before the Board. There being no further business, he asked for a motion to adjourn the meeting.

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

  
CHAIRMAN

  
CLERK TO THE BOARD