

**PASQUOTANK COUNTY, NORTH CAROLINA
NOVEMBER 1, 2021**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, November 1, 2021 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Lloyd E. Griffin, III, Chairman
Charles H. Jordan, Vice-Chairman
Cecil Perry
Sean Lavin
Barry Overman
William “Bill” Sterritt
Jonathan Meads

MEMBERS ABSENT: None

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

The meeting was called to order at 6:00 PM by Chairman Lloyd Griffin. Vice-Chairman Jordan gave the invocation and Commissioner Jonathan Meads led in the Pledge of Allegiance to the American Flag. Chairman Griffin welcomed those in attendance.

1. AMENDMENTS TO THE AGENDA:

Vice-Chairman Jordan requested that the agenda be amended to add the following item recommended by the Finance Committee to the Consent Agenda: 1) Adoption of Resolution to Establish a Policy for the Improvement and Assessment of Public Subdivision Roads; and add the following item to New Business: 2) Consideration of Offer to Purchase County Owned Property at 333 Winfall Boulevard. Commissioner Barry Overman requested that the agenda be amended to add the following item to New Business: 3) Recommendations from Appointments Committee.

Motion was made by Sean Lavin, seconded by Charles Jordan to amend the agenda to add Item #1 to the Consent Agenda and Items #2-3 to New Business. The motion carried unanimously.

2. PUBLIC COMMENTS:

Chairman Griffin recognized Doug Lane, address unknown, to address the Board. Mr. Lane spoke in opposition of hunting with dogs. He feels the County is not protecting landowners’ rights to sole use and quiet enjoyment of their property, and that this hobby puts the public at risk.

3. ADOPTION OF SCHEDULE OF VALUES FOR 2022 REVALUATION:

The Board considered approval of the Schedule of Values for the 2022 Revaluation.

Katherine Lane with Person Appraisal Firm explained that at the October 4, 2021 meeting they presented the Schedule of Values for the countywide reappraisal standards and rules to be used in appraising real property for the 2022 revaluation. On October 18, 2021, a Public Hearing was held. There has been no opposition or questions that she is aware of. The last step in the process is the adoption. She said she is here tonight in case the Board has questions.

Motion was made by Barry Overman, seconded by Charles Jordan to adopt the Schedule of Values for the 2022 Revaluation as proposed. The motion carried unanimously.

4. APPROVAL OF TAX RELEASES AND REFUNDS:

The Finance Committee has recommended approval of the following solid waste fee release and solid waste fee refund:

Solid Waste Fee Release

		Parcel ID #	Reason for Release
1.	Lillie C. & Cecil Perry	24-B-9	Vacant

Solid Waste Fee Refund

		Parcel ID #	Reason for Release
1.	Cecil & Lillie C. Perry	26-H-18	Vacant

Commissioner Perry stated that he needs to be recused from considering this item due a conflict of interest.

Motion was made by Barry Overman, seconded by Sean Lavin to recuse Cecil Perry from considering the solid waste fee release and refund due to a conflict of interest. The motion carried.

The Board then considered the solid waste fee release and refund.

Motion was made by Charles Jordan, seconded by Sean Lavin to approve the solid waste fee release and refund. The motion carried unanimously.

5. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. *Approval of Minutes of October 18, 2021 Commissioner Meeting*

b. *Approval of Tax Releases and Refunds*

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

Tax Releases

		County	City
1.	Bryan Mitchell & Kristen Lee Douglas	19,584.00	
2.	Berea Baptist Church	288.00	
3.	Robert Justine Estus	561.34	
4.	Ella Ernestine Mullen	194.81	
5.	Nationstar REO Sub 1C LLC	1,643.96	1,477.52
6.	Betty D. Banks & C. W. Davis	203.28	
7.	Mujtaba Nizami	686.08	556.96
8.	Rose C. Spence	562.11	
9.	Deborah Jean & Gregory Lowe	888.89	

Tax Refunds

		County	City
1.	Michael W. Bland Jr.	130.82	126.28
2.	Karl & Juanita R. Coleman Brandspigel (2017)	481.10	416.65
3.	Karl & Juanita R. Coleman Brandspigel (2018)	481.10	416.65
4.	Karl & Juanita R. Coleman Brandspigel (2019)	481.10	416.65
5.	Karl & Juanita R. Coleman Brandspigel (2020)	481.10	416.65
6.	Thomas Everett Crandall	163.35	138.95
7.	Frank Leto	131.77	112.09
8.	Karen Theresa Starman	229.51	

Solid Waste Fee Releases

		Parcel ID #	Reason for Release
1.	Donald & Patricia Butts	10-A-15	Vacant
2.	Donald & Patricia Butts	10-A-14	Vacant
3.	Nancy Cressman	P141-49	Vacant
4.	Timothy & Carla Dewald	P12A-31	Vacant
5.	Dorothy Gallop Gregory	P111-41	Vacant

6.	James L & Elnora Griffin	56-F-3	Vacant
7.	Poppy Ralph Hassell	P57-8	Vacant
8.	Jacqueline Hill Etal	P122A-136	Vacant
9.	Tony Lewis	50-L-8	Vacant
10.	Kathryn Johnson	P132A-43	Vacant
11.	Tony Lewis	12-G-16A	Vacant
12.	Tony Lewis	23-R-27	Vacant
13.	W. Millard & Beverly S. Meiggs	P87-31	Vacant
14.	Elijah Phillips	22-A-5	Vacant
15.	Luis Miguel Valadez	29-D-35A	Vacant
16.	Mary Perry	P60-66	Vacant

c. Approval of Budget Amendment

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

Utilities

Increase	060.0991.4991.00	Fund Balance Appropriated	\$49,540.00
Increase	060.7130.5440.00	Contracted Services	\$49,540.00

d. Adoption of Resolution to Establish a Policy for the Improvement and Assessment of Public Subdivision Roads

The Finance Committee has recommended adoption of the following resolution to establish a policy for the improvement and assessment of public subdivision roads:

RESOLUTION TO ESTABLISH

A Policy for the Improvement and Assessment of Public Subdivision Streets

WHEREAS, road maintenance and deterioration is a concern that affects the citizens of Pasquotank County neighborhoods and subdivisions; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-205, counties are authorized to assist citizens in addressing the issue of deteriorated subdivision and residential streets; and

WHEREAS, the Board of Commissioners wishes to take an active role in efforts to make road repair assistance available to citizens when other alternatives are not feasible; and

WHEREAS, the following is a statement of policy by the Pasquotank County Board of Commissioners for use in consideration of improving subdivision and residential streets located outside municipal limits:

1. **When funds are available**, Pasquotank County may consider financing and assessing residents per North Carolina General Statutes for the local share of the cost of improvements made under the supervision of the Department of Transportation to subdivision and residential streets located outside municipal limits when the following conditions are met:
 - A. Subdivision roads under consideration were designed and originally constructed according to the NCDOT Minimum Construction Standards for Subdivision Roads.
 - B. Roads shall be publicly dedicated roads as shown on a recorded subdivision plat at the Pasquotank County Register of Deeds. This policy shall not be applicable and financing shall not be made available to improve the condition of privately dedicated subdivision roads.
 - C. It has been determined by both Pasquotank County Planning and Legal Staff that the original subdivider/developer is unable to honor his original commitment to maintain the subdivision roads under consideration, or it is determined by the Board of County Commissioners that pursuing the original subdivider to honor his original commitment would likely be a futile exercise, further delaying the maintenance and adoption of the subdivision roads in question.
- II. **When funds are available**, the Board of County Commissioners will consider, at its sole discretion and on a case-by-case basis, financing and assessing residents for the local costs of improvements to subdivision roads located outside municipal limits, pursuant to NCGS § 153A-205. Specifically, the County must receive a petition for the improvements signed by at

least seventy-five percent (75%) of the owners of property to be assessed, who must represent at least seventy-five percent (75%) of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved. The petition shall state that portion of the cost of the improvement to be assessed in a dollar amount.

III. **If the above conditions are met**, further consideration may be given to the following criteria by the Pasquotank County Board of Commissioners before a funding decision is made:

- A. Cost of proposed road improvements,
- B. Other pending requests or petitions,
- C. Impact of the road improvement on the local road network,
- D. NCDOT input:
 - 1. Capability to assist with project management.
 - 2. Agreement to maintain and accept the roads onto the state system after project completion.
- E. Implications of Board inaction regarding:
 - 1. Traffic safety.
 - 2. Declining property values due to lack of neighborhood road maintenance.
- F. Any other factors which may impact the viability of the project.

IV. **If Pasquotank County provides funding for financing subdivision road improvements**, it shall assess all affected property owners to recover the costs of the improvements. The Board may include associated administrative expenses and interest charged for projects financed through a bank loan. The assessment will be based on an equal share of the cost, per lot, unless the petitioners provide compelling reasons of why another allowable assessment method should be utilized. The terms of the assessment shall be based on the overall ability of all affected landowners to pay the assessment. The Board of County Commissioners shall seek to minimize the burden on affected landowners and, when possible, will attempt to assess an amount no more than 100% of the annual County taxes due for the affected property. In all cases, any assessment for any road repair financed by the County shall be in accordance with NCGS § 153A Article 9.

NOW, THEREFORE, BE IT RESOLVED, Pasquotank County may provide funding, subject to appropriation by the currently sitting Board of Commissioners, for the purpose of financing subdivision road improvements in accordance with NCGS § 153A Article 9.

ADOPTED this day, the 1st of November, 2021.

Motion was made by Sean Lavin, seconded by Barry Overman to approve the Consent Agenda, as amended. The motion carried unanimously.

6. CONSIDERATION OF RESOLUTION AND MEMORANDUM OF AGREEMENT RELATING TO THE SETTLEMENT OF OPIOID LITIGATION:

The Board considered adoption of a resolution approving the memorandum of agreement between the state of North Carolina and local governments on proceeds relating to the settlement of the opioid litigation.

County Attorney Mike Cox explained the opioid litigation has been going on for quite some time. He said what he is asking the Board to consider tonight is something that 82 other counties have approved. It is estimated that Pasquotank County will receive approximately \$2.4 million (approximately \$134,000 per year, over 18 years). The agreement was crafted between the Department of Justice and the North Carolina Association of County Commissioners to provide for the equitable distribution of any proceeds from a settlement of national opioid litigation to the State of North Carolina and to individual local governments. As much as \$850,000,000 could flow to North Carolina over an 18 year period. This agreement would direct where the funds go. Fifteen percent would go to the State. The General Assembly would appropriate how to address the epidemic. Eighty percent would go to local governments, including all 100 counties and 17 municipalities. Five percent would go to an incentive fund to encourage counties and large to medium size municipalities who sign onto the agreement.

Mr. Cox noted that the state has already approved the agreement, which makes North Carolina local governments eligible to participate. It is requested that we do so by January 1, 2022. The funds will be available starting 2022 to support treatment, recovery, harm reduction, and other lifesaving programs. He noted that this is not actually settling the lawsuits, but explaining how the funds will work.

Motion was made by Sean Lavin, seconded by Charles Jordan to approve the following resolution and the memorandum of agreement relating to the settlement of the opioid litigation: The motion carried unanimously.

**A RESOLUTION BY THE COUNTY OF PASQUOTANK
APPROVING THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE
STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS
RELATING TO THE SETTLEMENT OF OPIOID LITIGATION**

WHEREAS, as of 2019, the opioid epidemic had taken the lives of more than 16,500 North Carolinians, torn families apart, and ravaged communities from the mountains to the coast; and

WHEREAS, the COVID-19 pandemic has compounded the opioid crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total "economic burden" of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, Pasquotank County experienced 39 opiate-related deaths from 1999 through 2016, with 15 of those deaths occurring in the period from 2013 through 2016; and

WHEREAS, the Centers for Disease Control estimated that in Pasquotank County approximately 130.8 opioid prescriptions were dispensed per 100 people in 2016. This was nearly twice the national average for 2016 (66.5). In the years leading up to 2016, Pasquotank County's opioid prescription rate remained particularly high with 136.6 prescriptions dispensed per 100 people in 2015, 141.5 in 2014, and 149.3 in 2013, compared to national averages of 70.6 prescriptions per 100 people in 2015, 75.6 in 2014, and 78.1 in 2013; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuit against opioid manufacturers and pharmaceutical distribution companies and hold those companies accountable for their misconduct; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Memorandum of Agreement (MOA) to provide for the equitable distribution of any proceeds from a settlement of national opioid litigation to the State of North Carolina and to individual local governments; and

WHEREAS, Local Governments and the State of North Carolina anticipate a settlement in the national opioid litigation to be forthcoming; and

WHEREAS, by signing onto the MOA, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, once a negotiation is finalized, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Pasquotank County and its citizens, to sign onto the MOA and demonstrate solidarity in response to the opioid epidemic, and to maximize the share of opioid settlement funds received both in the state and this county to help abate the harm; and

WHEREAS, the MOA directs substantial resources over multiple years to local governments on the front lines of the opioid epidemic while ensuring that these resources are used in an effective way to address the crisis.

NOW, THEREFORE BE IT RESOLVED, Pasquotank County hereby approves the Memorandum of Agreement between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, and any subsequent settlement funds that may come into North Carolina as a result of the opioid crisis. Furthermore, Pasquotank County authorizes the County Manager take such measures as necessary to comply with the terms of the MOA and receive any settlement funds, including executing any documents related to the allocation of opioid settlement funds and settlement of lawsuits related to this matter. Be it further resolved copies of this resolution and the signed MOA be sent to opioiddocs@ncdoj.gov as well as forwarded to the North Carolina Association of County Commissioners at communications@ncacc.org.

Adopted this the 1st day of November, 2021.

7. CONSIDERATION OF OFFER TO PURCHASE COUNTY OWNED PROPERTY AT 333 WINFALL BOULEVARD:

Chairman Griffin noted that Finance Committee has recommended accepting an offer of \$139,555 from Holly M. McFaul for County owned property at 333 Winfall Boulevard and adopting the following resolution to start the upset bid process:

**RESOLUTION AUTHORIZING UPSET BID PROCESS
FOR PROPERTY LOCATED AT
333 WINFALL BOULEVARD, WINFALL, NORTH CAROLINA**

WHEREAS, the County of Pasquotank owns certain properties more particularly described as follows:

1. PIN # 7940-82-4604 (1 acre more or less); acquired in Deed Book 211, Page 370, Perquimans County Register of Deeds.

WHEREAS, the 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 \$139,555, submitted by Holly M. McFaul; and

WHEREAS, Holly M. McFaul has paid the required five percent (5%) offer on her offer upon;

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 as hereinabove described; 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

8. Title will be transferred by warranty deed.

9. 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 1st day of November, 2021.

Motion was made by Jonathan Meads, seconded by Sean Lavin to accept the offer of \$139,555 from Holly M. McFaul for County owned property at 333 Winfall Boulevard and to adopt the associated resolution to start the upset bid process. The motion carried unanimously.

8. RECOMMENDATIONS FROM THE APPOINTMENTS COMMITTEE:

Commissioner Barry Overman reported that the Appointments Committee met today and has made the following recommendations:

- a) Health Board – Reappoint Cecil Perry to an additional term.
- b) Intercounty Transit Authority – Reappoint Cecil Perry to an additional term.
- c) Jury Commission – Nominate Dorian Spence to replace Rwanda Farrer. This appointment must lie over until the next meeting.
- d) Tourism Development Authority – Nominate Ashley Camaio to replace Rowena Arroza. This appointment must lie over until the next meeting.

Motion was made by Barry Overman, seconded by Charles Jordan to accept the recommendations from the Appointments Committee to approve the reappointments as presented, with the new appointments to lie over until the next meeting. The motion carried unanimously.

9. COMMENTS FROM COUNTY ATTORNEY:

County Attorney Mike Cox stated that he placed a memorandum regarding the one-quarter cent (1/4¢) sales tax referendum that passed in 2018. He said he is open to any questions the Board may have regarding the memorandum. He noted that the referendum had a five-year sunset clause, which is due to expire. After talking with staff, it was determined that the Board needs to decide by December if it will be put back on the ballot, either at the Primary in March 2022 or the General in November 2022.

Attorney Cox explained that there is a bill pending (HB704) that would allow the county to include specific language on the ballot regarding how the funds would be used, however, the bill is not law. If the bill passes, he believes specific language could be used on the ballot for the November 2022 General Election, but not for the March 2022 Primary.

Attorney Cox said the County will need to hold the referendum in March or November of 2022

in order to avoid a potential revenue loss. As a result of the 2019 amendment to the sales tax law, should the referendum fail, the County would be prohibited from placing the referendum on the ballot for at least another year. The one-quarter cent sales tax now generates approximately \$1.4 million per year (about 4 ½ cents on the tax rate; one penny generates approximately \$320,000 per year).

10. REPORTS FROM COMMISSIONERS:

Commissioner Lavin reported that the Economic Development Commission hired a new Director, Mr. Jeff Berry. He stated that T-Com is celebrating its 50th Anniversary on Thursday.

Commissioner Sterritt reported that there is new leadership on the Community Relations Commission. Sheila Simpson is the new Co-Chairman. He believes she will do a nice job. He said a date has been set for the presentation of the Witherspoon Harris Award, and noted that nominations are now open for the award. He encouraged the Board to attend the upcoming Veterans Day Ceremony.

Commissioner Meads attended the monthly EMS Board meeting. They discussed training and the future EMS facility.

Vice-Chairman Jordan attended the local and regional Library Board meetings. The regional Library Board is waiting to see what is going to happen with the state budget, and what their allocation will be. He attended the Trillium Regional Governing Board for Mental Health. The CEO is retiring as of February 1st. The new CEO will be her assistant. Additionally, he attended the Economic Development Commission meeting and the Drainage Committee meeting. He is encouraged with the progress being made in drainage.

Commissioner Perry attended the Health Board and Jail Board meetings.

Commissioner Perry asked his fellow Board members if they have read the book Responsibilities of Commissioners. He said he often talks about relationships and how we can improve the County. He thinks the Board should read the book. He feels the Board has let the Manager do all of the work that needs to be done. He said the Board has the responsibility to do somethings themselves. Many times when he suggests things or ask things, it might be that some of the new people need to research and find out why. He asked about restructuring the County and he feels that he gets critiqued. He feels bad when people don't research and try to find answers as to why it should be done. He means no harm. He was promised in the past that the Board would look into restructuring. He stated that race relations are very important. We don't need to walk or skip around it. There are many things the Board can do if they meet and talk. Citizens who make remarks need to have all their information accurate. He said the Board needs to work together and make this a better place for us to live.

Chairman Griffin said his meetings start later in the week.

There being nothing further to come before the Board;

Motion was made by Jonathan Meads, seconded by Sean Lavin to adjourn the meeting. The motion carried and the meeting was adjourned at 6:32 PM.

CHAIRMAN

CLERK TO THE BOARD