

**PASQUOTANK COUNTY, NORTH CAROLINA
AUGUST 20, 2012**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, August 20, 2012 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT:

Lloyd E. Griffin, III, Chairman
Jeff Dixon, Vice-Chairman
Bill Trueblood
Cecil Perry
Dr. William R. Sterritt
Gary G. White
Joseph S. Winslow, Jr.

MEMBERS ABSENT:

None

OTHERS PRESENT:

Randy Keaton, County Manager
Rodney Bunch, Assistant 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 Lloyd Griffin who gave the invocation and led in the Pledge of Allegiance to the American Flag.

1. AMENDMENTS TO THE AGENDA:

Chairman Griffin asked if there were any amendments to the agenda. Vice-Chairman Dixon requested that the following items recommended by the Finance Committee at its meeting today be added to the agenda: 1) Approval of late property tax exemption/exclusion application; and 2) Approval of financing proposal for vehicles and equipment. County Attorney Mike Cox requested that a correction to the one-quarter percent sales tax resolution be added to the agenda.

Motion was made by Jeff Dixon, seconded by Bill Trueblood to amend the agenda to include the items listed above. The motion carried unanimously.

Motion was made by Bill Trueblood, seconded by Gary White to move items #1 and #2 to the consent agenda. The other item will be considered separately. The motion carried.

2 APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

- a. Approval of Minutes of July 30, August 6 and August 13, 2012 Commissioner Meetings
 - b. Approval of Tax Releases and Refunds and Solid Waste Fee Releases and Refunds
- The Finance Committee has recommended approval of the following tax releases and refunds, and solid waste fee releases and refunds:

Releases:

	County	City
1. Martha Bateman	631.96	
2. Sarah Ormond	548.26	
3. Alverta Williams	534.00	
4. Linda Colton Bostillo	491.53	
5. Nyoka Clark Gordon	627.62	
6. Warren E. Horton	322.27	
7. Shirley P. Copeland	388.61	255.18
8. Don R. Yeltman	412.17	273.99
9. Louise R. Raper	581.12	408.87
10. E. Wilson CowerII, Jr. & Annette	14,256.00	
11. Susan G. Spiegel	628.84	

12.	Fred G. Sr. & Sylvia Derfield	101.06	80.69
13	William Randy Jackson	155.74	
14.	James David Pena	200.14	
15.	Roscoe & Linda White	430.30	
16.	John T. Holley	961.78	688.91
17.	Jason Liam Cochrane	121.95	
18.	Patrick Martin Hagan	101.25	
19.	Victor A. II & Amanda J. Parrish	252.34	
20.	Johnnie E. & Betty Mullen	610.67	
21.	Linda F. Speight	801.66	
22.	Albemarle Builders Supply Inc.	868.62	
23.	Lester Arnold Carver	1,101.12	879.12
24.	Robert J. & Elizabeth L. Evanch	380.61	
25.	Frankie & Michelle A. Gregory	1,565.04	
26.	Kyra Nichole Van Echo	152.89	119.67
27.	Harlen David Cafen	111.91	88.93
28.	Heron's Ridge LLC	1,239.54	910.67
29.	Bergman Ent Inc., Motion Sensors, Inc.	311.80	
30.	Victor Allen Parrish	161.20	
31.	Garret T. Raitt	119.04	94.28
32.	Frank W. Hollowell, Jr.	1,056.48	
33.	Chrysler Finance Services, LLC	110.86	88.51
34.	Belk Inc. 108 Burke & Associates	398.29	317.99
35.	Albemarle Health	265.41	199.05
36.	Atlantic Computer DBA Atlantic Wireless	103.08	82.30
37.	Thomas Robert Gruennert	142.48	
38.	Nathaniel D. Jr. & Kay Wharton	557.54	366.17
39.	William Henry Bell	356.66	195.50
40.	William Henry Bell	356.66	205.79
41.	Verlin E. & Cynthia S. Williams	144.00	
42.	ADT Security Services Inc.	128.34	
43.	Brantley H. & Phyllis G. Redding etal	933.88	666.63
44.	Water Street Properties	1,688.26	1,347.89
45.	Albemarle Behavioral Medicine	85.32	68.12

Solid Waste Fee Releases or Refunds:

Owner's Name	Parcel ID#	Reason for Release or Refund
Mary Anderson	P120A-57	House not livable
Justin M. Bowen	P117-6	Vacant lot
CFB Holdings LLC	P90-33	Vacant over 20 years
Carla W. Dewald	P12A-31	Used for storage
Charles Jr. & Carolyn J. Everett	21-F-10-11A	No longer at residence
William H. Figgs	55-A-46	House vacant
Mary Elizabeth Gibson	P63-4	Not livable
Lucille S. Griffin Heirs c/o Roy McPherson	P80-10	Vacant lot
Larry W. & Bonnie T. Hawn	P132-215	House needs work
Theodore R. & Edna Hudson	79-E-164-165	Not livable
Mildred Cooper Hunt	P98-19	Moved in 2009
Willie S. & Paula M. Keith	P120-215	Vacant, not livable
Rosma S. James & Robert K. Skinner	26-A-6	House needs work
Tony Lewis	58-A-78	Vacant
Tony Lewis	50-L-8	Vacant
Tony Lewis	23-R-27	Vacant
Tony Lewis	12-G-16A	Vacant
Eunice Mitchell Heirs	P123-12	House not livable
Maryland T. Moore Heirs	75-C-17 thru 20	House torn down
Margaret S. Tect & Etal	P112-31	Not livable
Adrian H. & Reva H. Mizelle	P142B-89	Not livable
James E. Pool Heirs	P64-60	Not livable

Janice & Hattie Poole	P95-21	Not livable
Charlie E. & Blanche Price	32-H-12B	Vacant
Harry W. Reed, III	P127-10	Vacant
J. Winton Sawyer Heirs	31-B-9	Not livable
Jordan Thornton Heirs	15992	Vacant
Jean Williams & Corey Shannon	28-F-2	Vacant
Marta Cox Truesdell	P133A-45	Vacant
Norman Warden Jr.	12-G-19	Not livable
Paul R. Williams, Sr.	P132A-16	Vacant lot
Paul R. Williams, Sr.	P132A-17	Vacant lot
Judy White	P110-53B	Not livable
Verlin E. Williams	P80-4A	Vacant

c. Approval of Budget Amendments

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

Schools

Increase	010.0991.4991.00	Fund Balance Appropriated	2,000,795.00
Increase	010.5910.5636.01	Additional Funding	2,000,795.00

Public Health

Increase	010.0991.4991.00	Fund Balance Appropriated	601.00
Increase	010.5110.5490.00	Grant Match	90.00
Increase	010.5110.5620.12	Cash Match ITA Program	511.00

Emergency Mgmt.

Increase	010.0991.4991.00	Fund Balance Appropriated	19,267.00
Increase	010.4330.5636.01	Additional Funding	19,267.00

Coop Ext.

Increase	010.0991.4991.00	Fund Balance Appropriated	8,277.00
Increase	010.4950.5650.00	Local Grant Expenses	8,277.00

d. Adoption of Reimbursement Resolution for Purchase of Cars and Computer Software from the Proceeds of a Tax Exempt Financing

The Board was asked to adopt a proposed reimbursement resolution which would allow the Sheriff's Department to purchase two vehicles and allow the contract for computer software to be signed prior to completion of tax exempt financing.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF PASQUOTANK, NORTH CAROLINA, DECLARING ITS INTENTION TO REIMBURSE SAID COUNTY FROM THE PROCEEDS OF A TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES IN CONNECTION WITH ACQUIRING SHERIFF'S DEPARTMENT CARS AND COMPUTER SOFTWARE

WHEREAS, the County of Pasquotank, North Carolina (the "County"), is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the County will pay, after the date hereof, certain expenditures in connection with acquiring computer software and Sheriff's Department cars of the County (the "Project"); and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined that certain moneys to be advanced after the date hereof by the County to pay such expenditures (the "Expenditures") are available only for a temporary period and it will be necessary to reimburse the County for the Expenditures from the proceeds of an installment financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended (the "Tax-exempt Financing");

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby declares the County's intent to reimburse the County with the proceeds of the Tax-exempt Financing for the Expenditures made after the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Tax-exempt financing.

Section 2. Each expenditure will be (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Tax-exempt Financing, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

Section 3. The maximum principal amount of the Tax-exempt Financing expected to be entered into with respect to the Project is \$175,000.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Tax-exempt Financing to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, certain de minimis amounts, expenditures by small issuers (based on the year of entering into a financing and not the year of expenditure) and expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

ADOPTED the 20th day of August, 2012 by the Pasquotank County Board of Commissioners.

e. Approval of Late Property Tax Exemption/Exclusion Application

The Finance Committee has recommended that the Board approve a late property tax exemption/exclusion application for a disabled veteran that was submitted by Edward L. & Dale C. Fowler after the deadline. The amount of tax to be excluded is \$348.00.

f. Approval of Financing Proposal for Vehicles and Equipment

The Finance Committee has recommended that the Board accept a seven-year proposal submitted by BB&T for financing patrol cars, computer equipment, and a fire truck. The first payment would not be due until August, 2013. The amount of financing would be reduced from \$548,000 to \$500,000 and the \$43,000 that has been budgeted in this year's budget would pay for some of the equipment outright. The Board needs to adopt a resolution approving the terms of the financing.

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

3. CONSIDERATION OF AMENDMENTS TO SOLID WASTE ORDINANCE:

The Board considered amendments to the Solid Waste Ordinance. County Attorney Mike Cox explained that the amendments change the definition of construction and demolition waste to C&D solid waste, and changes the definition of LCID to match the current Administrative Code definitions. He said some language has also been removed related to friable asbestos to match the Administrative Code. County Manager Randy Keaton noted that the current Solid Waste Ordinance only referenced the LCID area and Transfer Station, so language referencing the C&D area has been added to clarify that there are three areas at the landfill, not just two areas.

Chairman Griffin asked if anyone from the public would like to comment regarding the proposed changes and there were no comments.

Motion was made by Bill Trueblood, seconded by Gary White to approve the amendments to the Solid Waste Ordinance as recommended by the County Attorney. The motion carried unanimously and the following Ordinance Amending the Solid Waste Ordinance was adopted.

**AN ORDINANCE AMENDING THE SOLID
WASTE ORDINANCE OF PASQUOTANK COUNTY,
NORTH CAROLINA
ORDINANCE NO: 2012-1**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-136 a county may by ordinance regulate the storage, collection, transportation, use, disposal and other disposition of solid waste; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-275 a county may by ordinance adopt adequate and reasonable rules and regulations to protect and regulate a public enterprise belonging to or operated by it.

NOW, THEREFORE, BE IT ORDAINED by the Pasquotank County Board of Commissioners as follows:

Section 1. Section II of the Solid Waste Ordinance is amended as follows:

~~G. Construction and Demolition Waste: Solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings or other structures but does not include inert debris, land clearing debris or yard debris.~~

G. C&D Solid Waste: Solid waste generated solely from the construction, remodeling, repair, or demotion operations on pavement and buildings or structures. C&D waste does not include municipal and industrial wastes that may be generated by the on-going operations at buildings or structures.

Q. Land Clearing and Inert Debris Landfill: The Pasquotank County facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, used asphalt or used asphalt mixed with dirt, sand, gravel, rock and concrete and yard trash.

Section 2. Section III, Paragraph L. of the Solid Waste Ordinance is amended as follows:

L. Disposal of nonfriable asbestos at the Transfer Station must be arranged through the Solid Waste Director no less than two working days prior to removing it from its original location, ~~except for friable asbestos which the person in possession of the friable asbestos must dispose of or cause to be disposed of at the facility to which solid waste from the Transfer Station is removed for disposal.~~

Section 3. Section IV, paragraph C. 1. of the Solid Waste Ordinance is amended as follows:

1. All fees shall be paid at the time solid waste or construction and demolition waste is delivered to the ~~Transfer Station~~ or land clearing waste, inert debris or yard waste is delivered to the ~~land clearing and inert debris landfill~~ appropriate location at the Pasquotank County Landfill unless prior arrangements have been made with the Pasquotank County Solid Waste Department.

Section 4. Section VI, paragraph 2 of the Solid Waste Ordinance is amended as follows:

2. No persons shall be allowed to go upon the premises of the land clearing and inert debris ~~landfill~~ area, construction and demolition landfill or Transfer Station for any reason except as permitted by this ordinance or as approved by the Solid Waste Director or County Manager.

Section 5. This ordinance is effective upon its adoption.

ADOPTED this 20th day of August, 2012.

4. APPROVAL OF CONTRACT FOR OPERATION OF THE LANDFILL:

The County Attorney explained that the Board has previously approved awarding a contract to Stevenson Sand and R&D Excavating for operation of the LCID and C&D areas at the landfill. He asked the Board to consider the formal contract with Stevenson Sand and R&D Excavating.

Motion was made by Bill Trueblood, seconded by Jeff Dixon to approve the proposed contract with Stevenson Sand and R&D Excavating for operation of the LCID and C&D areas at the landfill to be effective December 1, 2012 until June 30, 2015. The motion carried unanimously.

5. REPORTS FROM COUNTY MANAGER:

County Manager Randy Keaton reported to the Board that each August the sales tax percentage changes based on the previous ad valorem ratio. He said this year it increased by .54% over last year and the county is now receiving 76.65% of the total sales tax compared to 76.13% last year. He stated that this month there was a huge increase in sales tax of about 14% over the same month last year which was the result of a lot of refunds last year. He said he does not expect this to necessarily continue, but it is a good sign.

Mr. Keaton stated that the city has advised that due to a League of Municipalities meeting, the City Council plans to move its regular meeting to October 29 which is the fifth Monday in October. The City Council has asked if the Board of Commissioners would like to move the joint city county meeting which would normally be held on the fifth Monday to Tuesday, October 30. It would be the county's turn to host the joint meeting. The Board was agreeable with holding the joint meeting on Tuesday, October 30.

Mr. Keaton advised that he attended a meeting today with Camden County officials to discuss the Library. He said the current status was summarized along with the available options going forward. He stated that Camden County is basically looking for a contract for the services for the rest of this fiscal year through June 30 and is looking to start its own library effective July 1. He advised that they discussed several options including the creation of a regional library with Camden County. He said it is not known at this time how this will impact the budget. He stated that the County Attorney will be drafting a contract to carry forward until June 30.

Mr. Keaton stated that the Jail Commission met with representatives from Chowan County today. He asked Commissioner Cecil Perry to report on the meeting. Commissioner Perry reported that the meeting today was a good meeting and another meeting has been scheduled and it is hoped a decision can be made at that meeting as to whether Chowan County will join the Albemarle District Jail. He said if a decision can be made in January, this can be forwarded to the General Assembly for approval in the 2013 Session. Mr. Keaton said this arrangement will result in some savings for the existing counties and will cost Chowan County about the same as it is currently paying to operate its own jail.

Mr. Keaton requested that the Board discuss a personnel matter related to the Board of Elections in Closed Session.

6. ADOPTION OF AMENDED SALES TAX RESOLUTION:

County Attorney Mike Cox reported to the Board that the State Board of Elections has advised that the resolution adopted on July 30 calling a referendum on levying a one-quarter cent county sales and use tax needs to be amended to change the word "cent" to "percent".

Motion was made by Gary White, seconded by Jeff Dixon to adopt the Amended Resolution Calling a Special Advisory Referendum on the Issue of Levying a One-Quarter Percent (0.25%) County Sales and Use Tax. The motion carried unanimously and the following resolution was adopted.

AMENDED RESOLUTION CALLING A SPECIAL ADVISORY REFERENDUM ON THE ISSUE OF LEVYING A ONE-QUARTER PERCENT (0.25%) COUNTY SALES AND USE TAX

WHEREAS, the North Carolina General Assembly has enacted the "One-Quarter Percent (0.25%) County Sales and Use Tax Act" Article 46 of Chapter 105 of the North Carolina General Statutes (Session Law 2007-323), which authorizes counties to levy a local sales and use tax; and

WHEREAS, in order to levy the local sales and use tax, the County of Pasquotank must conduct an advisory referendum on the question of whether to levy a local sales and use tax and the election shall be held in accordance with the provisions of N.C.G.S. sec. 163-287;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Pasquotank:

Section 1. A referendum is hereby called during the normal time the polls are open, on Tuesday, November 6, 2012, at which there shall be submitted to the qualified voters of the County of Pasquotank the question stated in Section 3 of this resolution.

Section 2. The said referendum shall be held in accordance with the procedures of G.S. § 163-287. The Pasquotank County Board of Elections is hereby requested to conduct said referendum and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The form of the question to appear in the ballots and in the instructions to voters for said referendum shall be substantially as follows:

FOR AGAINST

Local sales and use tax at the rate of one-quarter percent (0.25%) in addition to all other State and local sales and use taxes.

Section 4. The Clerk to the Board of Commissioners is hereby authorized and directed to mail or deliver a certified copy of this Resolution to the Pasquotank County Board of Elections within three business days after the passage hereof.

Section 5. This resolution shall take effect upon its passage.

Adopted by the Pasquotank County Board of Commissioners this 20th day of August, 2012.

7. CLOSED SESSION TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE, TO DISCUSS NO. CAR. INTERNET MANAGEMENT LLC V. PASQUOTANK COUNTY, TO APPROVED CLOSED SESSION MINUTES, AND TO DISCUSS A PERSONNEL MATTER:

Chairman Griffin asked for a motion that the Board enter Closed Session to preserve the attorney-client privilege, to discuss No. Car. Internet Management LLC v. Pasquotank County, to approve closed session minutes, and to discuss a personnel matter.

Motion was made by Gary White, seconded by Bill Trueblood that the Board enter Closed Session to preserve the attorney-client privilege, to discuss No. Car. Internet Management LLC v. Pasquotank County, to approve closed session minutes, and to discuss a personnel matter. The motion carried unanimously.

Upon the end of Closed Session;

Motion was made by Jeff Dixon, seconded by Gary White that the Board return to Regular Session. The motion carried unanimously.

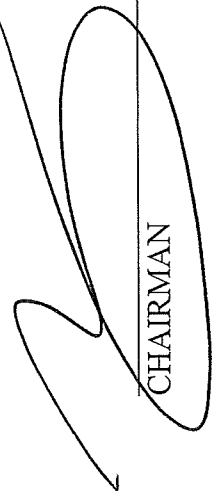
8. APPROVAL OF SALARY FOR ELECTIONS DIRECTOR:

Motion was made by Jeff Dixon, seconded by Bill Trueblood to approve a starting salary of \$45,600 for an experienced Director of Elections and to authorize the payment of \$500 of her moving expenses. The motion carried unanimously.

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

Motion was made by Jeff Dixon, seconded by Gary White to adjourn the meeting. The motion carried and the meeting was adjourned at 8:30 PM.


CLERK TO THE BOARD


CHAIRMAN