

**PASQUOTANK COUNTY, NORTH CAROLINA**  
**AUGUST 4, 2014**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, August 4, 2014 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:**

Jeff Dixon, Chairman  
Lloyd E. Griffin, III  
Cecil Perry  
Dr. William R. Sterritt  
Gary G. White  
Frankie Meads

**MEMBERS ABSENT:**

Joseph S. Winslow, Jr., Vice-Chairman (*Out of Town*)

**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. Commissioner Lloyd Griffin gave the invocation and commented that today is the 224<sup>th</sup> anniversary of the Coast Guard. He suggested that everyone thank those men in blue for their work to protect the mariners and the residents of the coastal areas every day. Commissioner Frankie Meads led in the Pledge of Allegiance to the American Flag. Chairman Dixon welcomed everyone present.

**1. COMMENTS REGARDING TRACI DRIVE:**

Chairman Dixon recognized several residents from Providence Acres Subdivision to address the Board. Marina Rosenhagen of 1091 Lynn Drive stated that the condition of Traci Drive in Providence Acres is extremely dangerous and the roads are so bad that the fire departments, EMS, and the Sheriff's Department have all filed complaints. She said the development was done by Horace Pritchard and when she purchased property in the subdivision she was told that the roads would be brought up to state standards and turned over to the state, but that has never been done. She pointed out that in 21 years Mr. Pritchard has only brought in one load of gravel. She said today her daughter could not even get down the road and a truck had to be sent to pick her up. She stated that because a school bus almost turned over last year, there are concerns that school buses might no longer pick up students who live on the road. She explained that right now the road is flooded, and it is impossible to walk on the road because there are holes two feet deep all the way across the road. Ms. Rosenhagen asked that the county assist the residents by getting Mr. Pritchard to do what he promised to do.

Ms. Anita Worsley of 1090 Lynn Drive stated that she moved from Virginia after living there for over 40 years. She said she thought Providence Acres would be a nice neighborhood for her and her husband to retire in, but they cannot go for walks on the road. She stated that the road is currently flooded and full of potholes. She said the police department and fire department say the road is dangerous. She added that the residents are really in a bad situation.

Ms. Carethia Brown of 1088 Lynn Drive stated that they cannot ride bikes or walk their dogs on the road and she fell in one of the deep holes while riding her bike. She said she is also afraid to drive her van or car through the water for fear of damaging them. She stated that they need help.

Ms. Theresa Stanwick of 1042 Traci Drive explained that she has written to every government official pleading for help with Traci Drive. She said she moved to Providence Acres three years ago and was never told that Traci Drive was not a state maintained road. She stated she is here today because the condition of the road is a public safety issue. She said her daughter has to be picked up by a school bus because she has no other way of getting to the end of the road. She said there are huge snapping turtles and snakes due to the water standing. She explained that portions of the road are completely gone and she has to use a four-wheel drive vehicle to get out. She stated that she has watched many vehicles bottom out on the road. She said she was late for tonight's meeting because her babysitter could not get in and she had to go and get her. She said if the school buses stop coming down the road she does not know how the children will get to school safely. Ms. Stanwick stated that they pay their taxes and try to keep their homes and Mr. Pritchard will not do anything for them. She said every letter she gets from the state tells her this

is a county developer problem. She stated that the road just needs to be fixed. She said the property owners don't own the road and the ditches because Mr. Pritchard does and he needs to maintain them. She stated that she has documentation that Mr. Pritchard is responsible for the road.

Chairman Dixon asked County Attorney Mike Cox to give a history of this road. Mr. Cox explained that in the 1980's Mr. Pritchard and his father developed this section of Providence Acres that includes Traci Drive. He said there was a class action lawsuit against Mr. Pritchard and his understanding is that under the settlement Mr. Pritchard had to take the first step which was surveying the property. The second step was for the property owners to do the drainage work, and once the drainage work was completed Mr. Pritchard would be responsible for paving the road. Mr. Cox said to the best of his knowledge that agreement is still binding upon Mr. Pritchard, so if the drainage work is done, Mr. Pritchard would have to pave the road. He noted that there is a General Statute that provides if 75% of the property owners petition the Board of Commissioners to do the drainage and road work, a special assessment would be assessed on each property to pay for the work over a period of time. Chairman Dixon stated that the county used this option once several years ago to address a drainage issue.

Commissioner Frankie Meads asked if water is standing on the road today. The residents replied that water is standing on the road. He said apparently water stands on the road often and the asphalt is cracking because of the standing water. He said it appears to him that drainage is certainly the key to the problem.

Ms. Stanwick explained that three years ago when the class action suit was started, it was started by a neighbor, Norman Jones, who signed documents agreeing to the consent judgment that said the homeowners would be responsible for any defects found on the as-built survey that do not pertain to the road. He said there was also a letter from the judge that was to be given to all of the homeowners who would have 21 days to review the consent judgment and agree to it or contest it, however the letter was never given to 99% of the homeowners. She said this past March she was able to finally find out why the road was never being taken care of when she was able to obtain a copy of the consent judgment from the attorney who represented Providence Acres. She stated that Mr. Jones went before the attorneys, signed the document, took responsibility, and never told anybody. Ms. Stanwick advised that Mr. Pritchard has told the property owners that he does not own the right of way. She said she has studied the subdivision regulations and knows that there are requirements for construction of ditches and culverts. She stated that Mr. Pritchard was the developer and he sat on the Board of Commissioners and is now making the property owners look bad. She said the residents paid good money for their homes and their values have dropped substantially because of the road. She stated that they should not have to move because the developer does not want to maintain the road. She said it is not her fault that the ordinances were not in place when this subdivision was constructed and there should have been inspections done by the county.

Chairman Dixon said although it is probably not a popular option, it seems to him based on what the County Attorney has said that the ball is back in the property owners' court to do the drainage work. Once that is done it will be up to Mr. Pritchard to pave the roads. He suggested that the property owners consider the special assessment option which was mentioned earlier by the County Attorney.

Another property owner from 1041 Lynn Drive said it seems to him that three things have to be fixed to correct the drainage: a tree in the right of way must be removed; a drainage problem must be corrected; and decorative pylons along a wall in his yard to keep the water out of the yard must be removed. He said once these things are done, it appears to him that this can be thrown back to Mr. Pritchard to repair the road.

Commissioner Lloyd Griffin asked if there is a timeline in which the road must be paved after the drainage way is cleared. County Attorney Mike Cox said he will look into this file again. He noted that the county is not a party, a plaintiff, nor a defendant in this case.

County Manager Rodney Bunch cautioned the Board that he is not sure this plan would correct the drainage problem and result in a road that meets state standards. He said the county has not been involved at all and he would not want to see this person do the three things he mentioned - thinking it would get to the point that the road would be paved. He noted that the county does not have the authority to say what needs to be done. Mr. Cox added that his understanding is that it will be expensive to do this drainage work. Mr. Bunch advised that the lots in Providence

Acres appear to be higher than the road and the road is almost at the elevation of the bottom of the ditches so there will be water there all the time. He said in addition to water standing in the ditches there is probably bad subgrade under the pavement. He added that it will be a major undertaking to get these problems corrected.

Commissioner Griffin said although the county has not been involved as has been mentioned, the county would become involved if special assessments were used. Mr. Bunch said if the county gets involved, it would be his recommendation to not go by anything that has been done in the court system, but to start from the very beginning with professionals to survey and design the improvements that have to be done. He stated that then the project would have to be put out for bids to determine a cost, the work would be done, and the total bill for design and construction would be divided among the property owners according to state statute.

Chairman Dixon suggested that a couple of spokespersons from the Providence Acres Subdivision meet with him, the County Manager, and the Attorney to regroup and discuss the options. He stated that the Board understands their concerns.

Ms. Stanwick added that the people who live in Providence Acres are all on fixed incomes, so when they are asked for additional money to pay for the repairs, it would be taking food from their tables.

**2. AMENDMENTS TO THE AGENDA:**

Chairman Dixon asked if there were any amendments to the agenda. Commissioner Gary White requested that the agenda be amended to add the following recommendations from the Finance Committee to the consent agenda: 1) Declare a 2006 Ford Ranger as surplus to be sold on GovDeals.com; 2) Approval of boardwalk and bulkhead repairs at Sawmill Park; and 3) Adoption of resolution authorizing the County Manager to dispose of a 2008 Chevrolet C4500 ambulance chassis by private sale at a negotiated price.

Motion was made by Gary White, seconded by Cecil Perry to amend the agenda to add the three items recommended above to the consent agenda. The motion carried.

**3. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

a. Approval of Minutes of July 14, 2014 Commissioner Meetings

b. Approval of Tax Releases and Refunds

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

Releases:

	County	City
1. Tammie Sutton Spence	10.14	7.97
2. Fed Nat'l Mortgage Assoc.	633.15	497.48
3. Harvey L. Beasley, Sr.	411.00	276.75
4. Angie Reyes Figueroa	119.23	94.42

Refunds:

	County	City
1. Ryan Alfred Garron	134.88	
2. Kenyon Bailey Supply, Inc.	117.93	

Solid Waste Releases:

Owner's Name	Parcel ID Number	Reason for Release
Rosma S. James & Robert K. Skinner	26-A-6	House is not livable
Julius Johnson Estate	55-F-23-24	House torn down in 2011
William David Reid	P35-9	House is not livable

c. Approval of Contribution for Albemarle Senior Games

The Finance Committee has recommended that the Board approve a contribution of \$250 to help defray operational costs of the Albemarle Senior Games as has been done in previous years.

d. Approval to Declare Vehicle as Surplus  
The Finance Committee has recommended that the Board declare a 2006 Ford Ranger, VIN# 1FTYR44U26PA63680, with a blown engine as surplus so that it can be sold on GovDeals.com. The truck has previously been used by the Inspections Department.

e. Approval of Repairs to Sawmill Park Boardwalk and Bulkhead  
The Finance Committee has recommended that the Board approve repairs to the boardwalk and bulkhead at Sawmill Park based on the following budget:

\$19,750	Earth Shakers Marine proposal to replace boardwalks and construct wooden bulkhead
3,500	Contingency
<u>6,850</u>	Engineering/Administration
\$30,150	Subtotal
<u>5,600</u>	Prior payment to McDowell & Associates
\$24,500	Balance to complete project

f. Adoption of Resolution Authorizing the County Manager to Dispose of a 2008 Chevrolet C4500 Ambulance Chassis by Private Sale at a Negotiated Price

The Finance Committee has recommended that the Board approve the sale of a 2008 Chevrolet C4500 ambulance chassis to Northwestern Emergency Vehicles by private sale at a negotiated price of \$8,000 plus the cost of advertising. The following resolution would authorize the sale of the ambulance chassis following the required advertisement:

**RESOLUTION AUTHORIZING THE DISPOSITION  
OF CERTAIN SURPLUS COUNTY PROPERTY  
BY PRIVATE SALE**

**WHEREAS**, the Board of Commissioners of the County of Pasquotank desires to dispose of certain surplus property of the County:

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners that:

- (1) The following described property is hereby declared to be surplus:  
One 2008 Chevrolet C4500 Ambulance Chassis VIN#1GBE4V1998F404528
- (2) The County Manager is authorized to dispose of the described property by private sale at a negotiated price:
- (3) The Clerk to the Board shall cause this Resolution to be published in accordance with G.S. 160A-267.
- (4) The sale may be consummated not earlier than 10 days from the date of publication.

Adopted this the 4th day of August, 2014.

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

**4. APPROVAL OF AGREEMENT BETWEEN THE COUNTY, THE POLICE ATHLETIC LEAGUE, AND THE BOYS & GIRLS CLUB FOR THE LEASE OF THE OLD ELIZABETH CITY MIDDLE SCHOOL:**

Chairman Dixon stated that he will need to recuse himself from considering this issue since he is president of the Boys & Girls Club. He also said since Vice-Chairman Winslow is not present tonight another Commissioner will need to be appointed to preside over this one item.

Motion was made by Gary White, seconded by William Sterritt to appoint Commissioner Lloyd Griffin to preside over the agenda item concerning the agreement with the Police Athletic League and the Boys & Girls Club for the lease of the old Elizabeth City Middle School. The motion carried.

Motion was made by Cecil Perry, seconded by Gary White to recuse Chairman Dixon from considering the lease agreement with the Police Athletic League and the Boys & Girls Club. The motion carried.

Commissioner Griffin called on Philip Hornthal and Brock Mitchell, representing the Elizabeth City Boys & Girls Club. Mr. Hornthal said he does not have a presentation and is just here to answer any questions the Board may have. He stated that the County Attorney and Mr. Mitchell have been working diligently with the Police Athletic League on the lease agreement.

Commissioner Frankie Meads asked if the Boys & Girls Club is a strong organization. Mr. Hornthal said the Boys & Girls Club is a strong organization and is one of the largest social organizations in the country. He said the local organization is also strong and is in fact beyond its limitations of kids it can take on. He stated this is one of the things that is intriguing about relocating to the old middle school because they will have more space where they can serve more kids. He said he would estimate that they are currently serving approximately 120 kids and the fire code prevents them from serving more at their current location. He noted that the Police Athletic League currently leases part of the middle school for \$1 per year from the county and the Boys & Girls Club leases the Hugh Cale Building from the city for \$1 per year. He said both of these organizations essentially serve a large cross-section of the same children. He explained that when the Boys & Girls Club agreed to sell its building, it was to get out of the building ownership business. He said the building served the community well for many years and was a fine building in its day, but the upkeep had gotten to the point where they could not maintain the building. He noted that the mission of the Boys & Girls Club has changed from providing sports activities to doing more character development and afterschool homework assistance. He pointed out that the Parks & Recreation has stepped in to fill the void on sports activities. Mr. Hornthal said when the Boys & Girls Club sold their property, their vision was to put that money in a trust and invest it. He stated that they were approached by the city when the city needed \$150,000 to finish the renovation project at the old middle school and their board agreed to a contribution of \$150,000 with the understanding the Boys & Girls Club would have a long-term right to the building. He said they asked for a 20 year lease, but due to concerns voiced by the County Attorney it was reduced to 10 years with renewal options thereafter. Mr. Hornthal added that with the right security afforded under this lease he believes the Boys & Girls Club will approve it. He and Mr. Mitchell clarified that although the \$150,000 is designated as rent in the lease, it is a one-time gift to help with completion of the project and the Boys & Girls Club would make no further payments. It was noted that the landlord, which is Pasquotank County, would have the ultimate authority to mediate any disputes that might arise between the parties. It was also noted that the Police Athletic League has requested an amendment to the lease prohibiting the storage of hazardous, flammable, or toxic materials on the premises. This will be included in Article 6 of the lease agreement.

Commissioner Perry asked if there is an age limit to participate in the Boys & Girls Club. Mr. Hornthal responded that the club currently serves children from kindergarten age through high school however there are not a lot of high school kids who participate, but there are quite a few who volunteer.

Commissioner Meads asked if the Boys & Girls Club charges a fee to those who participate. Mr. Hornthal said there is a small fee. Commissioner Meads said in a previous contract with the Police Athletic League there was a clause that prohibited use by a religious organization but he does not see that clause in this contract. He said it would be illegal if it were in the contract. The County Attorney noted that would only be a question if the building were still used as a school. He added that he does not recall this wording being in the original agreement with the Police Athletic League, and that agreement will be terminated with approval of the new lease agreement.

Commissioner Sterritt stated that the Board had an opportunity to tour the building today and he believes it will be a great thing. He pointed out that there will be some additional issues that will have to be addressed because it appeared that each room only had one electrical outlet. He said it was mentioned that one room may be used for a computer lab, however it cannot happen with the limited number of outlets.

Commissioner Griffin asked for the Board's decision regarding the lease.

Motion was made by Cecil Perry, seconded by William Sterritt to terminate the existing lease with the Police Athletic League for the old middle school and to authorize the signing of the lease as amended between Pasquotank County, the Police Athletic League and the Elizabeth City Boys & Girls Club; either the vice-chair or acting chair will be allowed to execute the document after the County

Attorney has consulted the School of Government on this issue. The motion carried 5-0.

The meeting was turned back over to Chairman Dixon.

**5. APPROVAL OF REQUEST FROM THE LIBRARY BOARD:**

County Attorney Mike Cox explained that last year the Board approved a new set of bylaws for the Library Board of Trustees. He said the Library Board is a ten member advisory board that consists of ten members. He stated that typically a quorum is considered a majority which in the case of the Library Board would be six members. He advised that the Library Board has asked the Board of Commissioners to reduce the number required for a quorum from six members to five members because there are times when they do not have a quorum. Mr. Cox stated that he has researched and found that a quorum can be less than a majority. He said he would recommend approval of the Library Board's request.

Motion was made by Cecil Perry, seconded by Lloyd Griffin to approve the request from the Library Board to amend the bylaws for the Library Board of Trustees to reduce the number required for a quorum from six members to five members.

Commissioner Sterritt commented that it might be easier to reduce the number of members from ten to nine. He noted that the quorum would then be five.

The motion carried.

**6. REPORT FROM COUNTY ATTORNEY:**

Mr. Cox reported that he was contacted by the State Board of Elections and asked to make a presentation at their statewide training on election protests and challenges. He said he will be going to Cary this Wednesday to make his presentation.

**7. CALENDAR:**

The Clerk reviewed the calendar of upcoming meetings and events.

**8. RECOMMENDATIONS FROM THE APPOINTMENTS COMMITTEE:**

Commissioner Cecil Perry presented the following recommendations from the Appointments Committee:

Airport Authority - Nominate Steve Saunders for a two-year term to replace Joe Forbes. Since this is a new appointment it will be on the August 18 agenda for final approval.

Albemarle Commission - Appoint Lloyd Griffin to fill the unexpired term of Gary White which expires December 31, 2015.

Planning Board - Nominate Vick Roach to fill the unexpired term of Jane Geraghty who has resigned. This appointment will also be on the August 18 agenda for final approval.

Aging Advisory Council - Reappoint Jean Allen to an additional two-year term.

Senior Citizens Advisory Committee - Reappoint Rachel Reddick for an additional three-year term.

East Albemarle Regional Library Board - Reappoint Charles Jordan and Nelia Fernandez to additional four-year terms.

Board of Zoning Adjustment - Nominate Dion Viventi to replace James Pike whose term has expired, and reappoint Maurice Berry, Clayton Griffin, Dr. Johnny Houston, and Elwood Harrell to additional three-year terms. Final approval of the appointment of Dion Viventi will be on the August 18 agenda.

Motion was made by Cecil Perry, seconded by Gary White to approve the nominations and appointments to boards and committees as presented by the Appointments Committee. The motion carried.

Commissioner Griffin added that one of the challenges the Appointments Committee is facing with regard to appointments to the Elizabeth City Planning Board and Elizabeth City Board of Adjustment is the fact that the county's appointees have to live in the city's extraterritorial jurisdiction (ETJ). He said the ETJ is shrinking and in turn the population from which to select county appointees is shrinking, making it harder to find people to serve on these boards. He suggested that the Chairman Dixon discuss in his next meeting with the Mayor how this might be addressed. Chairman Dixon commented that many people do not have the time to volunteer for boards, committees, and other organizations.

**9. REPORTS FROM COMMISSIONERS:**

Commissioner Sterritt reported that at the last two meetings of the Recreation Advisory Committee they could not conduct business due to the lack of a quorum. Commissioner Meads informed Commissioner Sterritt that he would like to find out the schedule for South Park for this summer. He said he passes by South Park every day and looks for something going on and very seldom sees much happening. Commissioner Sterritt suggested that Recreation Director Bobbi White be contacted for that information. Commissioner Gary White noted that a couple of Saturdays ago he went to South Park and it was packed, all fields were being used, and there were no parking places available.

Commissioner Frankie Meads referred to an article that appeared in *The Daily Advance* on November 26, 2011 regarding the county's debt over the previous decade. He said that the article stated that by 2011 the per capita county debt had nearly tripled since 2002 from \$655 to \$1,826 after peaking at \$1,857 in 2010. He stated that the county is working on reducing its debt and needs to continue to do so because it is spending a lot of money on debt service.


Chairman Dixon stated that he would like to thank the Board for approving the lease with the Boys & Girls Club. He said he believes this will be a good thing for the community going forward.

Chairman Dixon stated that so far no one has come forward to attend the NCAACC Annual Conference and serve as the county's delegate. He said if anyone would like to attend to let the Clerk know.

Chairman Dixon reported that everyone has probably read in the newspaper that Elizabeth City is officially being designated as a Coast Guard City. He stated that it will be held over for 90 days pending approval of Congress. He said the Tourism Authority is taking the lead on a big celebration to be held sometime this fall and he expects the county will be part of it. He added that it has taken 20 years to obtain this designation.

Chairman Dixon asked if there was any further business to come before the Board. There being none, he asked for a motion to adjourn the meeting.

Motion was made by Gary White, seconded by Cecil Perry to adjourn the meeting. The motion carried and the meeting was adjourned at 8:15 PM.

  
CHAIRMAN

  
CLERK TO THE BOARD