

**PASQUOTANK COUNTY, NORTH CAROLINA  
DECEMBER 16, 2013**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, December 16, 2013 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:**

Jeff Dixon, Chairman  
Joseph S. Winslow, Jr., Vice-Chairman  
Cecil Perry  
Dr. William R. Sterritt  
Frankie Meads

**MEMBERS ABSENT:**

Lloyd E. Griffin, III (*Out of Town*)  
Gary G. White (*Due to Illness*)

**OTHERS PRESENT:**

Rodney Bunch, Interim 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 Frankie Meads gave the invocation and Vice-Chairman Joe Winslow led in the Pledge of Allegiance to the American Flag.

**1. DISCUSSION REGARDING THE 4-2-1 PLAN:**

Chairman Dixon recognized Mr. Keith Rivers, President of the Pasquotank County Branch of the NAACP. Mr. Rivers said he would like to discuss the 4-2-1 proposal to restructure the Board. He stated that the Board should revisit and study the plan and he would request that those who voted against the plan sit down and take a look at it. He said under the 4-2-1 plan the new majority minority district would at the most have a 52% minority population which is not a large majority minority district. He stated that one of the main purposes of any restructuring plan is to give minorities the ability to elect candidates of their choice. He said the people elected the Board of Commissioners and the Board voted 4-3 to approve the 4-2-1 plan. He stated that there is no need to ask the Legislature whether it is their opinion as to whether or not the plan needs to go to a referendum. He stated that Pasquotank County is a Tier 1 county and cannot even make a decision to create a 52% district without looking for a scapegoat from the North Carolina House of Representatives to provide an easy way out. He said the Board has spent almost three years on something that is not a very difficult decision. He stated that the 4-2-1 plan will create a healthy political system and will encourage people to become part of the political process. He said passing it is the right thing to do.

Mr. Linwood Gallop stated that suspension of a law is also against the law and technically this is a law. He said the Board has already approved it and it is a law. He stated that now the Board is trying to pull back on what it previously said was okay. He said if the people of this community who oppose the 4-2-1 plan wish to petition for a special election, it is their right to do so, but it is no longer the Board's right to remove an act it has already said is okay for the community without involving the community in the issue. He stated that this is a done deal and a special election on this issue will not be healthy for the community.

Dr. Johnny Houston stated that everyone is going to have to get together to work out their own problems or they will not be able to solve them. He said it was sad at this afternoon's meeting to hear the rhetoric that was of very little positive value. He asked what other issues the Board has to have a unanimous vote on before it can go forward. He also asked if the Board is saying that to have any kind of restructuring of voting districts in Pasquotank County, it would have to have a unanimous vote and also a referendum before anything could go forward. He said if this is the case Commissioners are not needed and the people should decide everything. He asked the Commissioners what they understood from today's meeting that unanimous approval means.

Chairman Dixon explained that the Board is following the law and is not just doing something because they want to do it. He said they get direction from the County Attorney based on the 1985 consent order which governs how the Board can change its districts. He stated if the Board does not follow this order the Department of Justice will come down hard on the county.

County Attorney Mike Cox explained that the general rule when the Board of Commissioners wants to change its structure is that it has to fit the parameters in the statute and a referendum is held. He said that is the "Home Rule". He stated that prior to then, counties did not have that option and all changes had to go through the General Assembly. He said the general rule is to fit the statutory structure and have a referendum. The exception to that rule is to go to Raleigh and ask for help. He said the Senator and Representatives explained today that to be non-controversial a proposal must receive a unanimous vote of the Board for them to present it. He stated that these are their rules and etiquette as told to the Board.

Dr. Houston said he understands that the majority rules. He stated that the majority made a decision and then all of the undercurrent came about to disavow that decision which is amending a rule in an illegal way after it has been made. He said he thought it was the opinion of the Commissioners to help to find a way to change the minority vote, and he has seen no proposal except the two presented by Commissioner Perry and Mr. Rivers. He stated that no one made any other proposals, but they are against what comes up. He asked how unity can be accomplished in order to get something done without having a lawsuit.

Chairman Dixon said any change will create super districts and this would put the county under the microscope of the Department of Justice. He stated that everyone heard our representatives and senator today say they will not pursue controversial issues. He said controversial to them is a 4-3 vote of the Board and the legislators said they will not move it forward. He asked how the county can get past that. He stated that the legislators could either move it forward without a referendum or could move it forward with a referendum, but they are not going to do either one because there is not a 7-0 vote on the Board of Commissioners. He said the only way would be for the three Commissioners who voted against the plan to vote for it. He stated that the Board needs to re-group and determine how to move forward.

Vice-Chairman Winslow said he agrees that there needs to be greater communication so this issue can be worked through, but he has been confused because he thought the 4-2-1 plan would not fit within the parameters of the law. Mr. Cox stated that the School of Government expressed concern that the 4-2-1 plan would not comply with the statutes because there would be unequal districts and they advised not moving forward without a local act. He added that what he heard today from legislators is that they would not support the plan in the upcoming General Assembly session with or without a referendum with anything less than a unanimous vote of the Board to move the plan forward.

Chairman Dixon said he is not in favor of a referendum, but there is at least a 50% chance of seeing if it will pass with a referendum. He stated if it doesn't pass, they could go back to the drawing board and try again. He added that from what he understands the plan cannot even get to a referendum because the Board cannot agree. He said the legislators are blocking it now and the Board has gone as far as it can unless all seven can agree to accept the 4-2-1 plan.

Commissioner Cecil Perry stated that he never thought three people would be against trying to restructure the Board. He said he felt that the lawsuit in the 1980's was to get everyone to learn how to live and work with one another so they would know each other well enough to make a decision that would not be based on race. He stated that he has found that when minorities try to win in districts where there are 7,000 whites and 3,000 blacks, they have lost every time. He said the only places blacks have won in this county were in the minority district that was created. He noted that in 100 years there would be basically the same results. Commissioner Perry stated that it is wrong for men who are supposed to represent everyone in the county to look for scenarios to make something not work. He said the Board should be able to talk with one another and come up with a plan to give better representation to minorities in this county.

Commissioner William Sterritt stated that he is still in a state of shock from the meeting this afternoon. He said 7-0 amounts to a blackball system and 4-3 should be enough if that is the wish of the majority of the Board. He stated that someone said to him after the meeting that today was round one and he hopes it does not become a fifteen round event.

## **2. AMENDMENTS TO THE AGENDA:**

Chairman Dixon asked if there were any amendments to the agenda. Vice-Chairman Joe Winslow requested that the agenda be amended to add the following items recommended by the Finance Committee at its meeting today to the consent agenda: 1) Approval of tax releases, refunds, and solid waste fee releases; 2) Approval of bid to farm +/-126 acres in the Commerce Park; 3) Approval to reorganize some supervisory duties at the Department of Social Services; 4)

Approval of salary for Water Superintendent; and 5) Rejection of mowing bids for the Commerce Park.

Motion was made by Joe Winslow, seconded by Frankie Meads to amend the agenda to add the five items recommended by the Finance Committee to the consent agenda. The motion carried unanimously.

**3. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

- a. Approval of Minutes of December 2, 2013 Commissioner Meetings
- b. Approval of Tax Releases, Refunds, and Solid Waste Fee Releases

Releases:

	County	City
1. Mike Taylor	625.77	
2. Cade Whitman Moses	156.86	130.24
3. Sarah C. Ormond	144.00	
4. Junior Lavone Hall	140.86	117.46
5. Robbin M. Binkiewicz	203.74	160.08
6. Thomas Michael Elmore	120.96	100.04
7. Matthew Eric Henderson	145.15	
8. Thomas Michael Elmore	119.13	98.60
9. Bryan Alden Manning	100.75	85.44
10. Calvin Eugene Sr. & Shirley Roberts Sample	905.94	
11. Southern Bank Leasing Dept.	224.59	176.47
12. Tyler Robert Jennings	155.67	
13. Christopher Carroll Lawson	130.88	109.49
14. Delton Wayne Stuck	193.60	
15. Sampson & Co. Inc.	460.46	
16. Sheline Matthew Craig	114.91	
17. Billy Matthew Gilbert	114.64	96.53

Refunds:

1. Thomas Michael Elmore	125.65	105.33
2. Thomas Michael Elmore	140.64	117.29
3. Dora Bateman White	161.07	

Solid Waste Fee Releases:

Owner's Name	Parcel ID Number	Reason for Release
Larry Hughes	P119-37	House vacant since 2009
Isaiah F. Jackson	P15-8	Vacant 20+ years
Willard G. & Ann Simpson	P89-94, 104	Vacant since 2011

c. Approval of Budget Amendments

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

**Public Buildings**

Increase	010.0700.4920.00	Other Financing Sources	142,226.00
Increase	010.0110.4113.00	Pick up Taxes	7,774.00
Increase	010.4950.5600.34	Repair & Maintenance - Old ECMS	150,000.00

**EMS**

Increase	010.0991.4991.00	Fund Balance Appropriated	35,829.00
Increase	010.4370.5500.00	Capital Outlay	35,829.00

**EMS**

Increase	010.0700.4970.00	Loan Proceeds	200,000.00
Increase	010.4370.5500.00	Capital Outlay	200,000.00

- d. Approval of Bid to Farm +/-126 Acres in the Commerce Park  
The Finance Committee has recommended that the Board accept a bid from John Bulman, Jr. in the amount of \$161.99 per acre to farm +/- 126 acres in the Pasquotank County Commerce Park.

e. Approval to Reorganize Some Supervisory Duties at the Department of Social Services  
The Finance Committee has recommended approval for the Social Services Department to reorganize supervisory duties and assign additional duties to two employees. The Finance Committee has recommended approval of additional pay for the two individuals as follows:

- Kathy Ford, Program Administrator, will be reclassified from pay grade 26, step 9 to pay grade 26, step 13.
- Deidre Moore, Processing Assistant IV, will be reclassified to an Administrative Assistant 1, pay grade 13, step 8.

f. Approval of Salary for Water Superintendent  
The Finance Committee has recommended approval to hire David Smithson for Water Superintendent above the hiring rate at Grade 31, Step 8.

g. Rejection of Mowing Bids for Commerce Park  
The Finance Committee has recommended that the Board reject the bids that were received for grass-mowing in the Commerce Park.

Motion was made by Cecil Perry, seconded by Joe Winslow to approve the Consent Agenda as amended. The motion carried unanimously.

#### **4. ADOPTION OF RESOLUTION SUPPORTING COOPERATIVE EXTENSION SERVICE:**

Interim County Manager Rodney Bunch explained that all of the counties in the region have been asked to adopt a resolution in support of the North Carolina Cooperative Extension Service and the work it does. The resolution also requests that North Carolina State University and North Carolina A&T State University fill four vacant agricultural agent positions in Northeastern North Carolina.

Motion was made by Cecil Perry, seconded by Frankie Meads to adopt the following resolution in support of the Cooperative Extension Service. The motion carried unanimously.

#### **RESOLUTION OF SUPPORT**

**WHEREAS**, North Carolina Cooperative Extension Service serves all 100 counties in North Carolina including Pasquotank County, and

**WHEREAS**, the mission of the North Carolina Cooperative Extension Service is to empower people and provide solutions including Agricultural Services, and

**WHEREAS**, Agriculture provides an estimated financial impact of \$45,717,573 in Pasquotank County, and

**WHEREAS**, Agriculture in Northeast North Carolina has an economic impact that exceeds \$1.5 billion annually, and

**WHEREAS**, North Carolina Cooperative Extension Service Agricultural Extension Agents provide unbiased and research-based pesticide and variety information to area farmers, and

**WHEREAS**, area Agricultural Extension Agents provide farm demonstrations including the Northeast Ag Expo and Blacklands Tour, and

**WHEREAS**, North Carolina Cooperative Extension Service has a total of four (4) Agricultural Agent vacancies in Northeastern North Carolina, and

**BE IT RESOLVED** that the Pasquotank County Board of Commissioners fully supports North Carolina Cooperative Extension Service and the work this organization does to make our communities better places in which to live and work, and

**BE IT FURTHER RESOLVED** that this resolution be forwarded to other Counties in the Northeast to request that North Carolina State University and the North Carolina A&T State University fill vacant Agent positions with Ag Agents.

**5. DISCUSSION REGARDING TAX AGREEMENT WITH THE CITY:**

Chairman Dixon stated that the city and the county are in a disagreement as to how to handle tax foreclosures within the city limits. As a result no tax foreclosures are currently being done for properties in the city limits. County Attorney Mike Cox explained the city and county signed an agreement in 1989 for the county to collect taxes on behalf of the city. He said through the years when there were properties within the city limits to be foreclosed on the Tax Administrator would contact the city and the city would bid on the property. He stated that this was not in the formal agreement, but was the practice and it has now stopped. He said he has proposed if there is a property to be foreclosed in the city, the city would be notified, and the city and county would jointly bid the amount of taxes owed. He stated that he is proposing if this happens that the property would be titled in the city's name and the city would maintain the property. When the city sells the property, the county would get its money back. If the property is not sold within three years, the city would cut a check to the county for its taxes and expenses. Mr. Cox said the City Council would still need to consider this proposal. He said if the agreement is worked out, it will have to come back to the Board for formal approval. He added that this ongoing issue needs to be resolved.

Motion was made by Cecil Perry, seconded by Frankie Meads to allow the County Attorney to move forward with the proposed tax agreement with the city to address foreclosures in the city limits. The motion carried unanimously.

**6. REPORTS FROM COUNTY MANAGER:**

Interim County Manager Rodney Bunch reported that he and the County Attorney will be meeting tomorrow with Attorney John Leidy regarding the draft County Personnel Policy. He said Mr. Leidy will provide a proposal for reviewing the policy and making recommendations.

Mr. Bunch reported that a pre-construction meeting was held this morning for the renovation project at the old Elizabeth City Middle School. He stated that the notice to proceed for the mold abatement contractor will be effective January 6, and the notice to proceed for the renovation contractor will be effective February 3.

Mr. Bunch advised that Dion J. Viventi has accepted the position of Airport Manager and will begin working on January 6. Mr. Viventi is a licensed professional engineer in North Carolina and is currently the primary contact person for airport improvement programs and state funded airport projects through the North Carolina Department of Transportation. Mr. Bunch said Mr. Viventi will be bringing a lot of experience to the airport and he believes it will be a very good transition.

**7. REPORT FROM COUNTY ATTORNEY:**

County Attorney Mike Cox reported that the hospital lease process with Sentara is still moving forward. He said it is now anticipated that closing will be held by the end of January. He explained that the county's attorneys have made some revisions to the lease agreement and it is hoped to get that to Sentara by the end of this week. He stated that hospital and county representatives are still having their Monday morning conference calls. He added that all of the attorneys are also having at least one conference call each week.

Commissioner Frankie Meads asked Mr. Cox to explain what the county has to do with the NCDC property in Camden. Mr. Cox responded that the county has a reversionary clause and the county, the Hospital, Albemarle Mental Health Center, and Camden County conveyed that parcel to NCDC for roughly \$19,000 back in 2001 or 2002. It was NCDC's property so long as the property was used by the corporation as a daycare center. He noted that the daycare center has now shut down and he has sent the information to the attorneys for each of the parties. He said he does not believe there is any equity in the property at the current time, particularly with the IRS liens, the Department of Revenue liens, and the deed of trust. He stated this is a complex issue and will take some time to resolve. Commissioner Meads asked about the other building in Camden. Mr. Cox stated that this is the property that involved a local act of the General Assembly and he is in the final stages of getting the title issues resolved.

Commissioner Meads asked for any updates on possible leases of other county properties. Mr. Bunch stated that there is nothing new to report at this time. He noted that both of the spaces at Edgewood Center are currently under lease to ECBH and they would have to be released from the lease before the county could lease the spaces to other agencies.

**8. CALENDAR:**

The Clerk reviewed the calendar of upcoming meetings and events. She noted that county offices will be closed on December 24, 25 & 26.

**9. RECOMMENDATION FROM APPOINTMENTS COMMITTEE:**

Commissioner Cecil Perry stated that the Appointments Committee would like to nominate Joda Ann Bollard for the Elizabeth City Board of Adjustment. He said she lives in the city's ETJ as required. Final approval of the appointment would be included on the next agenda.

Motion was made by Cecil Perry, seconded by Joe Winslow to nominate Joda Ann Bollard for appointment to the Elizabeth City Board of Adjustment. The motion carried unanimously.

**10. REPORTS FROM COMMISSIONERS:**

Vice-Chairman Joe Winslow reported that he and Commissioner Perry met with the Jail Commission last week and everything appears to be going well at the jail. He said there are currently 34 federal inmates at the jail and there have been no major repairs needed recently.

Commissioner Perry said he would like to express to the Board how important it is for members of the Board to participate in meetings with different groups in the community. He stated that today's school tour with the Board of Education went well, however there were only two Commissioners present. He said the Commissioners need to step up and be a part of activities such as this. He reported that the schools were very clean and the people were very professional.

Chairman Dixon said he also attended the school tour today and he agrees it is better to see the schools firsthand and get a better understanding of their needs rather than waiting for the Board of Education to come to the Board of Commissioners during the budget process each year. He stated that one of the buildings they toured was Pasquotank Elementary School. He said this building was built in 1950 and is very structurally sound and is in great shape. He added that he was impressed with the cleanliness of that building. He stated that they also visited Pasquotank County High School which he believes is one of the most attractive schools in the area. He said today's program was about the CTE program which was formerly the old vocational programs. He stated that the CTE program is now much more than agriculture and shop courses. He said it now includes such subjects as fashion, merchandising and business. Chairman Dixon added that this tour also provided an opportunity to meet with school board members to discuss infrastructure needs of the schools.

Chairman Dixon stated that Saturday night he was fortunate to be part of a wonderful program sponsored by Librarian Jackie King and her staff at the Library. He said it was entitled "All American Military Night" and honored the military from Pasquotank County. He said this was a wonderful occasion and was a testament to the library staff.

Interim County Manager Rodney Bunch stated that today the Board approved promoting David Smithson to Water Superintendent effective in January. He noted that Mr. Smithson was going to serve as the project inspector for the ECMS renovation project and will no longer be able to do that. He said half of his salary has been paid from the general fund, so that money will be available to pay someone else to serve as inspector since Mr. Smithson's salary will now all be paid from the Water Department budget. He said he has asked Sean Robey, engineer for the project to give him a proposal for project inspections. He said once he receives this information he will forward it to the Board to determine how to move forward.

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 Frankie Meads, seconded by Joe Winslow to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 8:10 PM.

  
CHAIRMAN

  
CLERK TO THE BOARD