**PASQUOTANK COUNTY, NORTH CAROLINA JUNE 21, 2021**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, June 21, 2021in 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

Jonathan Meads

**MEMBERS ABSENT:** William “Bill” Sterritt

**OTHERS PRESENT:** Sparty Hammett, County Manager

R. Michael Cox, County Attorney

Sheri Small, Finance Director

Shelley Cox, Planning Director

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 items recommended by the Finance Committee to the Consent Agenda: 1) Approval of Tax Releases and Refunds; 2) Approval of Budget Amendments; 3) Approval of Request for Funds from Highway 17 Association; 4) Approval of Pasquotank/Camden Emergency Medical Services Contract; 5) Approval of Lobbyist Contract; 6) Approval of Rate Reduction for 2009 Water Bonds; and 7) Approval of Bid for Water Rate Study.

Motion was made by Charles Jordan, seconded by Sean Lavin to amend the agenda to add Items #1-7 to the Consent Agenda. The motion carried unanimously.

Motion was made by Sean Lavin, seconded by Jonathan Meads to table Item 8B – Consideration of Redistricting Resolution – until the Board can receive information on the Redistricting Plan. The motion carried unanimously.

**2. PUBLIC COMMENTS:**

Chairman Griffin recognized Dorsey Harris of 614 Shawboro Road to address the Board. Mr. Harris stated that he is a founding board member of the League of Women Voters of North Eastern North Carolina and is here to fully support the redistricting resolution establishing an open, transparent, and nonpartisan procedure for redistricting.

Chairman Griffin recognized Clifton Balance of 741 Mount Hermon Church Road to address the Board. Mr. Balance stated that he is not in favor of the Board donating the land around the old Elizabeth City Middle School to the City of Elizabeth City. He stated that the City has undermined the County in many ways and they continue to do so. He is also against painting a Black Lives Matters mural on the street, because of what the group stands for. He feels the Confederate statute should not be moved, if the mural is painted. He said it would be considered racist if the Board voted to paint White Lives Matters on Martin Luther Street.

Chairman Griffin recognized June Gibbs of 1918 Providence Road. Ms. Gibbs said it is about time she is able to speak to the Board. She has been walking the streets and fighting for justice since the shooting event occurred. She said some of the members of the Board do not have the intestinal fortitude to stand up for anything. She asked for complete transparency by showing the entire tapes of the incident.

Chairman Griffin recognized Keith Rivers of 104 Grandview Drive to address the Board. Mr. Rivers, President of the Pasquotank County branch of the NAACP, said it is good to finally address the Board. He strongly opposed the Board’s proposed increase in the Sheriff’s budget. He said it should not even be on the table. He stated that the three deputies involved in the shooting clearly violated the deadly force policy.

Chairman Griffin recognized Terri Davis of 639 Shawboro Road to address the Board. Ms. Davis asked the Board to please not give the Sheriff’s Department any more money; if anything give them less. She told the Board they should all be ashamed of themselves.

Chairman Griffin recognized Andrea Rovenski of 1109 Wood Street to address the Board. Ms. Rovenski said she thinks it is a ridiculous concept to postulate increasing the Sheriff’s budget after they kill someone unlawfully. She feels it provides an incentive for them to continue to murder people unlawfully.

Chairman Griffin recognized James Saunders of 711 2nd Street to address the Board. Mr. Saunders said on behalf of the protesters he opposes increasing the Sheriff’s budget.

Chairman Griffin recognized Cheryl Morrison of 710 Harney Street to address the Board. Ms. Morrison stated that it bothers her that she voted for certain people, but has been unable to talk with them. She said all lives cannot matter until black lives matter. She asked the Board what they would do if their child was shot like Andrew. She stated that the family should be allowed to see the whole tape. She reminded the African American members of the Board that they are nothing but black men when they step down from their seats.

Chairman Griffin recognized Mary Whitley, address unknown, to address the Board. Ms. Whitley requested the Board not increase the Sheriff’s budget. At this point, she feels the money would be better served by investing in empathy training and education so that the community can move forward. She thanked the Board for finally agreeing to meet with its citizens. She looks forward to working with the Board to make our town better for everyone by communicating and relating to one another. She said we cannot change what happened in the past, but we can most certainly build a better future.

Chairman Griffin recognized Mr. Michael Sutton, address unknown, to address the Board. He said raising the Sheriff’s Budget right now would not be a good idea, because citizens are not satisfied with their performance.

Chairman Griffin recognized Mr. Linwood Gallop of 604 Cardwell Street to address the Board. Mr. Gallop said government can be in the wrong, and they will violate people’s rights. He has protested for more than 60 days. Andrew Brown was shot in the back, and the District Attorney cherry picked the law to prove his point. He demanded his rights be respected and implemented.

Chairman Griffin recognized Jim Gour, address unknown, to address the Board. Mr. Gour said increasing the Sherriff’s budget at this time seems arrogant, tone deaf, and evil. He is angry and tired.

Chairman Griffin recognized Darlene Pineda of 300 Princess Anne Circle to address the Board. Ms. Pineda spoke against the proposed increase in the Sheriff’s budget. She said it is the most shameful thing she has heard of. Not only should the Board be ashamed for even thinking about it, Sheriff Wooten should be ashamed for asking, because he is a disgrace. He is an accessory to murder, as well as all of the officers involved in the shooting incident, and District Attorney Womble. She said if the Board were decent people, they would be out marching with them.

Chairman Griffin recognized Walter Godfrey of 1954 Nixonton Road to address the Board. Mr. Godfrey said the tears he shares is not because of fear, he cries because so many people are hurting, yet we go on with life as though nothing has happened. He said if it were one of the Board’s loved ones, he would feel just as bad as if it was one of his own. He feels the Board needs to show apathy and concern.

Chairman Griffin recognized Lucille Mallory, address unknown, to address the Board. Ms. Mallory said on Christ the solid rock she stands, all other grounds are seeking sands. She stands before the Board as a black woman and citizens of Elizabeth City, because there is no justice for black people in this city. When wrong is done it must be corrected. She said black people have been treated wrong for too long in every situation.

Chairman Griffin recognized Julia Allen, address unknown, to address the Board. Ms. Allen said she is a supporter of Black Lives Matter and Justice for Andrew Brown. She asked why increasing the Sheriff’s budget is even in question, because they are responsible for executing an unarmed black man because he was scared and trying to get away.

Chairman Griffin recognized Molly Penrod, address unknown, to address the Board. Ms. Penrod said everyone knows that all lives matter, but all lives can’t matter until black lives matter. White lives have never been under systematic attack the way that black lives have. A Black Lives Matter mural is a message of equality. A White Lives Mater mural would be a message of supremacy, which we have enough of. She is in opposition of increasing the Sheriff’s budget. She is appalled the Sheriff would put the “assassins” back on the force.

Chairman Griffin recognized Angela Brothers-Proctor of 533 Weight Station Road, Hertford to address the Board. Ms. Brothers-Proctor quoted Dr. Martin Luther King – What happens in the dark will come out in the light. She called for release of the video. She said the extra money for the Sheriff’s Office could be put towards better things.

Chairman Griffin recognized Kirk Rivers of 101 Fairlead Dr. to address the Board. Mr. Rivers stated that for 61 days there have been peaceful protests in Elizabeth City. From the beginning of the incident, they have had questions for the Sheriff’s Office and elected county officials, but no one would respond to them other than a letter put out by the Chairman. He is upset that the County Manager criticized the City Council, because they were the only ones that had “balls” to talk to them.

**3. PUBLIC HEARING ON PROPOSED 2021-22 COUNTY BUDGET:**

Chairman Griffin declared the meeting to be a public hearing on the proposed 2021-22 county budget. He asked if anyone would like to address the Board regarding the budget.

Chairman Griffin called on June Gibbs of 1918 Providence Road to address the Board. Ms. Gibbs said progression is always good, but in a time like this, when there is no transparency with everyone, the Sheriff’s Department should not get raises. They have already had paid vacations. To her it looks like the Board is willing to pay the deputies for what they have done.

Chairman Griffin acknowledged Clifford Balance of 741 Mount Hermon Church Road to address the Board. Mr. Balance said he believes the budget should be passed, because the County residents need protection as well. He needs to see a deputy come by his house regularly. If we start cutting law enforcement, then we will increase crime. The entire Sheriff’s Department should not be punished for what a few may or may not have done. Additionally, the Board of Commissioners cannot be blamed for what happens on the streets.

Chairman Griffin acknowledged Christina Williams of 3611 Union Street to address the Board. Ms. Williams said since the Commissioners have had to set here and be berated for the last hour, she would like to let them know that she appreciates their strong leadership during the last couple of months. She does not want to see our police defunded. She believed Sheriff Wooten is not to blame for the events. He needs the money in his budget to correct these problems.

Chairman Griffin called on Kirk Rivers of 101 Fairlead Dr. to address the Board. Mr. Rivers asked for a breakdown of the requested increases in the Sheriff’s budget since citizens were unable to attend the last two meetings physically.

At the absence of further comments, the public hearing was closed

Finance Director Sheri Small noted that the Sheriff’s budget includes: two new positions for Courthouse security; increase in separation allowances (mandated by state statute); 2% COLA for all County employees; increased health insurance costs, and increased health insurance for retirees. She noted that the Sheriff’s Office Capital Expense budget was cut by $50,000.

Motion was made by Sean Lavin, seconded by Jonathan Meads to approve the FY 2021-22 County Budget as proposed. The motion carried unanimously and the following budget ordinance was adopted.

**BUDGET ORDINANCE**

**FISCAL YEAR 2021-22**

**BE IT ORDAINED THIS 21st DAY OF JUNE, 2021 BY THE BOARD OF COMMISSIONERS OF PASQUOTANK COUNTY, NORTH CAROLINA**:

**I. GENERAL FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the General Fund for the operation of county government and its activities for the fiscal year beginning July 1, 2021 and ending June 30, 2022, in accordance with the chart of accounts heretofore established for this county:

Governing Board $ 96,695

County Manager 399,684

Personnel/Payroll 165,290

Finance Department 438,600

Data Processing 489,745

Tax Administration 742,715

County Attorney 226,625

Court Facilities 50,000

Elections Board 383,100

Register of Deeds 283,015

Public Buildings 1,414,295

Health & Social Services Building 361,605

Non-Departmental 674,600

Sheriff’s Department 4,631,250

School Resource Officers 513,360

Jail 2,149,632

Central Communications 1,577,363

Emergency Management 185,555

Central Fire Department 2,157,959

Intercounty Fire Department 67,850

Newland Fire Department 75,200

Weeksville Fire Department 68,150

Providence Fire Department 92,700

Nixonton Fire Department 69,900

Building Inspector 249,035

Emergency Medical Services 5,725,867

Animal Control 289,365

Planning Department 248,664

Geographic Information Systems 149,495

Economic Development 1,039,400

Cooperative Extension Service 271,150

Soil & Water Conservation 188,178

Public Health 255,233

Public Schools 12,846,677

College of The Albemarle 2,435,000

Parks & Recreation & Senior Center 1,445,998

Special Appropriations:

-Miscellaneous 1,051,392

-Contribution to:

Public Assistance Fund 3,700,387

Pasquotank Library Fund 760,323

Reappraisal Reserve 110,000

Contingency 499,300

Debt Retirement \_\_3,145,549

TOTAL GENERAL FUND $ 51,725,901

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Ad Valorem Taxes $25,865,500

Sales Taxes 11,015,900

Rent, Fees & Charges 10,275,191

Land Transfer Tax 1,200,000

Lottery Fund 400,000

Loan Proceeds 2,172,510

Fund Balance Appropriated \_\_\_ 796,800

TOTAL GENERAL FUND $ 51,725,901

**II. SOCIAL SERVICES FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Social Services Fund for administration of and payments to recipients of public assistance for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Administration $ 7,670,797

Services \_1,128,956

TOTAL SOCIAL SERVICES FUND $ 8,799,753

SECTION 2 – REVENUES: It is estimated that the following revenues will be available to the Social Services Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Federal and State Grants & Other Sources $ 5,099,366

Contribution from General Fund \_3,700,387

TOTAL SOCIAL SERVICES FUND $ 8,799,753

**III. LIBRARY FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Library Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Operating Expenses $ 773,773

TOTAL LIBRARY FUND $ 773,773

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Library Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Fees & Fines $ 7,500

Copies 5,000

Miscellaneous Revenue 950

Contribution from Pasquotank County General Fund \_760,323

TOTAL LIBRARY FUND $ 773,773

**IV. CAPITAL RESERVE FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in

the Capital Reserve Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Capital Reserve $ 751,375

Medical Services 8,137,075

Reserve – Commerce Park 21,638

Reserve – Landfill 715,820

Reserve – Rec Fees…………………………… 159,860

Reserve – Schools…………………………… \_\_\_500,000

TOTAL CAPITAL RESERVE FUND $10,285,768

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Interest Earned $ 5,000

Fund Balance Appropriated 9,677,168

Transfer from Solid Waste 100,000

Miscellaneous Revenue………………………………………………… 3,600

General Fund Transfer………………………………………………… 500,000

TOTAL CAPITAL RESERVE FUND $ 10,285,768

**V. EMERGENCY TELEPHONE FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Emergency Telephone Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Operating Expenses $ 375,957

TOTAL EMERGENCY TELEPHONE FUND $ 375,957

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Emergency Telephone Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

NC 911 PSAP $ 124,957

Interest Earned 1,000

Fund Balance Appropriated …………………………………………… 250,000

TOTAL EMERGENCY TELEPHONE FUND $ 375,957

**VI. REAPPRAISAL RESERVE FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Reappraisal Reserve Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Reappraisal $ 233,375

TOTAL REAPPRAISAL RESERVE FUND $ 233,375

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Reappraisal Reserve Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Transfer from General Fund $ 110,000

Interest Earned $ 200

Fund Balance Appropriated $ 123,175

TOTAL REAPPRAISAL RESERVE FUND $ 233,375

**VII. DRAINAGE DISTRICT FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Drainage District Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Maintenance $ 5,400

TOTAL DRAINAGE DISTRICT FUND $ 5,400

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Drainage District Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Revenue from Assessments $ 5,300

Interest Earned $ 100

TOTAL DRAINAGE DISTRICT FUND $ 5,400

**VIII. OCCUPANCY TAX FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Occupancy Tax Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Tourism Board $ 675,000

TOTAL OCCUPANCY TAX FUND $ 675,000

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Occupancy Tax Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Occupancy Tax Revenue $ 675,000

TOTAL OCCUPANCY TAX FUND $ 675,000

**IX REPRESENTATIVE PAYEE**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Representative Payee Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Administration $ 14,000

TOTAL REPRESENTATIVE PAYEE FUND $ 14,000

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Representative Payee Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Social Security Benefits $ 14,000

TOTAL REPRESENTATIVE PAYEE FUND $ 14,000

**X. DEED OF TRUST FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Deed of Trust Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Payment to State Treasurer $ 25,000

TOTAL DEED OF TRUST FUND $ 25,000

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Deed of Trust Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Recording Fees $ 25,000

TOTAL DEED OF TRUST FUND $ 25,000

**XI. FINES AND FORFEITURES FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Fines and Forfeitures Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Payment to ECPPS $ 135,000

TOTAL FINES AND FORFEITURES FUND $ 135,000

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Fines and Forfeitures Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Fines & Forfeitures $ 135,000

TOTAL FINES AND FORFEITURES FUND $ 135,000

**XII. UTILITIES FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Utilities Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Operating Expenses $ 2,123,826

Capital Outlay 1,526,000

Water Purchase 1,500,000

Operating Expenses – Waste Water 309,988

Capital Outlay 185,000

Transfer to RO $ 2,840,777

TOTAL WATER SYSTEM FUND $ 8,485,591

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Utilities Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Sale of Water $ 3,635,000

Sewer Revenue 400,000

Penalties & Fees 253,500

Fund Balance Appropriated 4,197,091

TOTAL WATER SYSTEM FUND $ 8,485,591

**XIII. REVERSE OSMOSIS PLANT FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Reverse Osmosis Plant Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Operating Expenses $ 798,275

Capital Outlay 2,900,777

Debt Retirement \_1,134,147

TOTAL REVERSE OSMOSIS PLANT FUND $ 4,833,199

SECTION 2 – REVENUES: It is estimated that the following revenues will be available to the Reverse Osmosis Plant Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Sale of Water $ 1,784,839

Elizabeth City - 24” Line 122,583

Interest Earned 10,000

Transfer from Water/Sewer Capital Reserve Fund 75,000

Transfer from Utilities System \_\_2,840,777

TOTAL REVERSE OSMOSIS PLANT FUND $ 4,833,199

**XIV. LANDFILL FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Landfill Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Operating Expenses – Landfill $ 2,825,764

Operating Expenses – Convenience Sites 3,101,004

Operating Expenses - Transfer Station 237,732

TOTAL LANDFILL FUND $ 6,164,500

SECTION 2 – REVENUES: It is estimated that the following revenues will be available to the Landfill Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Tipping Fees $ 2,850,000

Solid Waste Fees 2,467,500

Tire Disposal Fees 55,000

Fund Balance Appropriated 490,000

Miscellaneous 137,000

Loan Proceeds \_ 165,000

TOTAL LANDFILL FUND $ 6,164,500

**XV. WATER/SEWER CAPITAL RESERVE FUND**

SECTION 1 – APPROPRIATIONS: The following amounts are hereby appropriated in the Water/Sewer Capital Reserve Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Reserve Debt $ 75,000

Capital Reserve 105,300

TOTAL WATER/SEWER CAPITAL RESERVE FUND $ 180,300

SECTION 2 – REVENUES: It is estimated that the following revenues will be available in the Water/Sewer Capital Reserve Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

System Development Fees $ 80,000

Interest Earned 300

Fund Balance Appropriated 100,000

TOTAL WATER/SEWER CAPITAL RESERVE FUND $180,300

**XVI. SCHOOL APPROPRIATIONS**

SECTION 1: The appropriation to the Board of Education first shall be made from any such funds which are dedicated to the use of the schools and secondly shall be made from general county fund revenues to the extent necessary to meet approved appropriations.

SECTION 2: The total appropriation for Current Expense from General Fund is $11,364,000.

SECTION 3: The total appropriation for Capital Outlay from General Fund is $1,482,677.

**XVII. OTHER PROVISIONS**

SECTION 1: The County Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

a) He may transfer amounts between objects of expenditure within a department except salary amounts without limitation.

b) He may not transfer any amounts between departments or funds from any contingency appropriation within any fund.

SECTION 2: No expenditure may be made in any line item that exceeds the amount set forth in the chart of accounts without prior authorization by the County Manager or Board of Commissioners.

SECTION 3: The County Manager and Clerk to the Board are hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance for the following purposes: (1) Form grant agreements to public and non-profit organizations; (2) Purchases of apparatus, supplies and materials, and equipment which are within budgeted departmental appropriations; (3) Leases of real property which are of a duration of one year or less; (4) Services and service contracts which are within budgeted departmental appropriations; (5) Agreements for acceptance of State, Federal, public, and non-profit organization grant funds, and funds from other governmental units for services to be rendered; (6) Construction or repair work where formal bids are not required by law; and (7) Liability, health, life, disability, casualty, property or other insurance or retention and faithful performance bonds (other than for the Sheriff and Register of Deeds). Other appropriate county officials are also authorized to execute or approve such insurance and bond undertakings as provided by law.

**XVIII. FEES**

SECTION 1: There is hereby established a fee of $69 per ton for residential garbage and $72 per ton for commercial garbage disposed of at the Pasquotank County Transfer Station for the purpose of raising the revenue listed in the Landfill Fund – Part XI, Section 2 of this ordinance.

SECTION 2: There is hereby established a fee of $53 per ton for land clearing and inert debris disposed of at the Pasquotank County LCID Landfill for the purpose of raising the revenue listed in the Landfill Fund - Part XI, Section 2 of this ordinance.

SECTION 3: There is hereby established a fee of $53 per ton for construction and demolition material disposed of at the Pasquotank County C&D Landfill for the purpose of raising the revenue listed in the Landfill Fund-Part XI, Section 2 of this ordinance.

SECTION 4: There is hereby established a solid waste availability fee of $144 per household for the purpose of raising the revenue listed in the Landfill Fund-Part XI, Section 2 of this ordinance. The solid waste availability fee will remain at $75 for low-income senior citizens who qualify for the property tax reduction.

SECTION 5: There is hereby established a Pasquotank County Water and Sewer System Development Fees Schedule as follows:

|  |  |
| --- | --- |
| Meter Size | Tap Fee |
| ¾ inch | $2,500 |
| 2 inch | $5,000 |
| 3 inch | $9,000 |
| 4 inch | $10,500 |
| 6 inch | $16,000 |
| 8 inch | $21,000 |

**XIX. TAX LEVY**

SECTION 1: There is hereby levied a tax at the rate of seventy-seven cents (77¢) per One Hundred Dollar ($100.00) valuation of property listed for taxes as of January 1, 2019 for the purpose of raising the revenue listed in the General Fund - Part I, Section 2 of this ordinance.

SECTION 2: This rate of tax is based on a total valuation of property for the purpose of taxation of $3,367,814,115 and an estimated rate of collection of 96.7%.

SECTION 3: There is hereby levied an assessment of twenty-seven cents (27¢) per acre for the Drainage District Fund for the purpose of raising the revenue to maintain the drainage in the Newland service district.

Approved on June 21, 2021 by the following vote of the members of the Pasquotank County Board of Commissioners: \_\_\_6\_\_\_ in favor; \_\_\_0\_\_\_ opposed.

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Lloyd E. Griffin, III, Chairman

Pasquotank County Board of Commissioners

Attest:

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Lynn B. Scott

Clerk to the Board

**4. PUBLIC HEARING ON ZTA #21-01:**

Chairman Griffin declared the meeting to be a public hearing on Text Amendment ZTA #21-01 and asked if anyone would care to address the Board regarding the proposed text amendment.

Planning Director Shelley Cox explained that Chapter 160D of the N.C. General Statutes was adopted by the Legislature to combine the enabling legislation for Planning & Inspections for both Cities and Counties into one section. Most of the proposed changes to our Ordinances are required within Chapter 160D. The changes that are required by Statute are highlighted in red text. Changes that are not required by Statute, but are recommended by staff are in blue text.

The Statute does not allow for the use of Conditional Use Permits, only Special Uses. Staff proposes to re-classify CUPs into Major Special Use Permits. These permits will   
still require a public hearing and approval by the Board of Commissioners. Staff also proposes that standard Special Use Permits are approved by the Planning Board. These permits were previously approved by the Board of Adjustment. Additionally, staff recommends that the stand alone Board of Adjustment be dissolved and the Planning Board assume the duties of that Board which are to review Special Use Permits, Variances, and Appeals. The Board of Adjustment has only been meeting on average once or twice a year in recent years, and most of the applications that they review are Special Use Permits. Thirty years ago, it was common for communities to have separate Planning Boards and Boards of Adjustment, since Planning Boards used a primarily legislative process and Board of Adjustments held quasi-judicial proceedings. However, with the changes to the State Statutes in recent years requiring more findings of fact and procedure requirements, many communities are choosing to combine the Boards into one. Our current BOA has several members that have been on the Board for a long time and they have indicated they are ready to retire. The long serving Chair of the BOA, Ricky Williams, retired last year and has not been replaced.

Ms. Cox said staff proposes that the Table of Permitted Uses be expanded and updated to include   
uses that were previously not listed. In addition, we have added Standard   
Industrialization Code numbers to each use to assist with interpretations in the future   
for similar uses. Development standards for specific uses are proposed including standards for Accessory Dwelling units, Private Airstrips and Temporary Family Health Care structures. Right now the ordinance only allows for an accessory dwelling unit such as a garage apartment to be used only for domestic employees. She said she would rather see the County have standards for when they can be allowed (such as minimum lot size, parking, setbacks, etc.), and not who can live in them.

The Planning Board reviewed this request on June 10, 2021 and recommended approval, with the following consistency statement: This amendment is consistent with the Pasquotank County – Elizabeth City 2004 Advanced Care Land Use Plan, and the amendment is reasonable and in the public interest because the text will bring the county’s Zoning Ordinance into compliance with the current N.C. General Statutes.

County Attorney Mike Cox stated that this is probably the biggest change in our zoning laws in fifty or sixty years. He said it has been in the works for years. He noted that Ms. Cox has spent a tremendous amount of time on it.

There being no public comments, Chairman Griffin closed the public hearing.

Motion was made by Barry Overman, seconded by Sean Lavin to adopt the following consistency statement regarding Zoning Text Amendment ZTA #21-01:

This amendment is consistent with the Pasquotank County – Elizabeth City 2004 Advanced Care Land Use Plan, and the amendment is reasonable and in the public interest because the text will bring the county’s Zoning Ordinance into compliance with the current N.C. General Statutes.

and to approve the attached text amendment as presented by staff. The motion carried unanimously.

**5. PUBLIC HEARING ON STA #21-01:**

Chairman Griffin declared the meeting to be a public hearing on Text Amendment STA #21-01 and asked if anyone would care to address the Board regarding the proposed text amendment.

Planning Director Shelley Cox explained that STA #21-01 is a proposed Text Amendment to the Pasquotank County Subdivision Ordinance for the purpose of bringing the ordinance into compliance with Chapter 160D of the N.C. State Statutes. She noted that the only proposed changes at this point in time are the Chapter 160D references. Everything else will stay the same, and no rules will be changed.

The Planning Board reviewed this request on June 10, 2021 and recommended approval, with the following consistency statement: This amendment is consistent with the Pasquotank County – Elizabeth City 2004 Advanced Care Land Use Plan. In addition, the amendment is reasonable and in the public interest because the text will bring the county’s Subdivision Ordinance into compliance with the current N.C. General Statutes.

There being no public comments, Chairman Griffin closed the public hearing.

Motion was made by Sean Lavin, seconded by Cecil Perry to adopt the following consistency statement regarding Subdivision Text Amendment STA #21-01:

This amendment is consistent with the Pasquotank County – Elizabeth City 2004 Advanced Care Land Use Plan, and the amendment is reasonable and in the public interest because the text will bring the county’s Subdivision Ordinance into compliance with the current N.C. General Statutes.

and to approve the following text amendment as presented by staff. The motion carried unanimously.

**AMENDMENT TO THE PASQUOTANK COUNTY SUBDIVISION ORDINANCE  
TO COMPLY WITH N.C.G.S. §160D AND OTHER CHANGES TO   
MODERNIZE THE SUBDIVISION ORDINANCE AS PROPOSED BY STA 21-01**

**WHEREAS,** the Pasquotank County Subdivision Ordinance provides for the orderly growth and development of Pasquotank County; and

**WHEREAS**, N.C.G.S. §160D is the most significant overhaul of planning ordinances in decades; and

**WHEREAS,** N.C.G.S. §160D combines the enabling planning legislation for cities (Chapter 160) and counties (Chapter 153A) into a single chapter; and

**WHEREAS,** the Planning Staff recommends approval of the proposed amendment; and

**WHEREAS**, on June 10, 2021, the Pasquotank County Planning Board reviewed the proposed amendment and recommended that the Board of Commissioners approve the amendment as proposed; and

**WHEREAS**, the Pasquotank County Board of Commissioners held a duly-noticed public hearing on June 21, 2021 to consider amending the Subdivision Ordinance;

**NOW, THEREFORE, IT BE ORDAINED BY THE PASQUOTANK COUNTY BOARD OF COMMISSIONERS THAT:**

Section 1. Article I, Sections 103, 104 & 203 of the Pasquotank County Subdivision Ordinance are amended as follows:

|  |
| --- |
| ***Proposed Ordinance Text***  *Additions and/or changes to the existing regulations are in* ***red*** *text. Deletions are noted by ~~strikethrough~~.* |

**Section 103 Authority**

The Ordinance is adopted under the authority of Chapter 160D ~~153A, Part 2~~ of the General Statutes of North Carolina.

**Section 104 Jurisdiction**

On and after April 17, 1989 these regulations shall govern each and every subdivision of land within Pasquotank County as provided in G.S. Chapter 160D ~~153a, Article 18,~~ except those lands lying within the subdivision regulation jurisdiction of any municipality, unless such municipality shall have by resolution formally requested the County to enforce these regulations within the city's area of jurisdiction.

**Section 203 Effect of Plat Approval on Dedications**

Pursuant to G.S. Chapter 160D ~~153A-333~~, the approval of a plat does not constitute or effect the acceptance by the county or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

Section 2. This ordinance amendment is effective upon adoption.

**ADOPTED** this 21st day of June, 2021.

**6. PUBLIC HEARING ON FDOA #21-01:**

Chairman Griffin declared the meeting to be a public hearing on Text Amendment FDOA #21-01 and asked if anyone would care to address the Board regarding the proposed text amendment.

Planning Director Shelley Cox explained that FDOA #21-01 is a proposed Text Amendment to the Pasquotank County Flood Damage Prevention Ordinance for the purpose of bringing the ordinance into compliance with Chapter 160D of the N.C. State Statutes. She noted that the only proposed changes at this point in time are the Chapter 160D references. Everything else will stay the same, and no rules will be changed.

The Planning Board reviewed this request on June 10, 2021 and recommended approval, with the following consistency statement: This amendment is consistent with the Pasquotank County – Elizabeth City 2004 Advanced Care Land Use Plan. In addition, the amendment is reasonable and in the public interest because the text will bring the county’s Flood Damage Prevention Ordinance into compliance with the current N.C. General Statutes.

There being no public comments, Chairman Griffin closed the public hearing.

Motion was made by Barry Overman, seconded by Charles Jordan to adopt the following consistency statement regarding Flood Damage Ordinance Amendment FDOA #21-01:

This amendment is consistent with the Pasquotank County – Elizabeth City 2004 Advanced Care Land Use Plan, and the amendment is reasonable and in the public interest because the text will bring the county’s Flood Damage Prevention Ordinance into compliance with the current N.C. General Statutes.

and to approve the following text amendment as presented by staff. The motion carried unanimously.

**AMENDMENT TO THE PASQUOTANK COUNTY FLOOD   
DAMAGE PREVENTION ORDINANCE TO COMPLY WITH  
N.C.G.S. §160D AND OTHER CHANGES TO MODERNIZE THE  
FLOOD DAMAGE PREVENTION ORDINANCE AS PROPOSED BY FDOA 21-01**

**WHEREAS,** the Pasquotank County Flood Damage Prevention Ordinance provides for the orderly growth and development of Pasquotank County; and

**WHEREAS**, N.C.G.S. §160D is the most significant overhaul of planning ordinances in decades; and

**WHEREAS,** N.C.G.S. §160D combines the enabling planning legislation for cities (Chapter 160) and counties (Chapter 153A) into a single chapter; and

**WHEREAS,** the Planning Staff recommends approval of the proposed amendment; and

**WHEREAS**, on June 10, 2021, the Pasquotank County Planning Board reviewed the proposed amendment and recommended that the Board of Commissioners approve the amendment as proposed; and

**WHEREAS**, the Pasquotank County Board of Commissioners held a duly-noticed public hearing on June 21, 2021 to consider amending the Flood Damage Prevention Ordinance;

**NOW, THEREFORE, IT BE ORDAINED BY THE PASQUOTANK COUNTY BOARD OF COMMISSIONERS THAT:**

Section 1. Article 1, Section A of the Pasquotank County Flood Damage Prevention Ordinance is amended as follows:

|  |
| --- |
| ***Proposed Ordinance Text***  *Additions and/or changes to the existing regulations are in* ***red*** *text. Deletions are noted by ~~strikethrough~~.* |

**ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

**SECTION A. STATUTORY AUTHORIZATION.**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; ~~Article 6 of Chapter 153A; Article 8 of Chapter 160A~~; and Article 7, 9, and 11 of Chapter 160D (Effective July 1, 2021) of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Section 2. This ordinance amendment is effective upon adoption.

**ADOPTED** this 21st day of June, 2021.

**7. APPROVAL OF APPOINTMENT TO BOARDS AND COMMITTEES:**

The Board considered the following recommendation made by the Appointments Committee at the last meeting.

* Appoint Rowena Arroza to the Tourism Development Authority

Commissioner Overman, Chairman of the Appointments Committee noted that no further applications have been received.

Motion was made by Barry Overman, seconded by Cecil Perry to approve the appointment to the Tourism Development Authority as recommended. The motion carried unanimously.

**8. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

*a. Approval of Minutes of June 7, 2021 Commissioner Meeting*

*b. Approval of Order Directing the Tax Administrator to Collect Taxes for the 2021-22 Fiscal Year*

The Board is required to adopt an order each year authorizing and directing the Tax Administrator to collect the taxes. Below is a copy of the 2021 order the Board must adopt.

ORDER OF THE BOARD OF COMMISSIONERS

IN ACCORDANCE WITH G.S. 105-321

FOR THE COLLECTION OF

2021 TAXES

TO: THE TAX ADMINISTRATOR OF PASQUOTANK COUNTY

You are hereby authorized, empowered and commanded to collect the taxes set forth in the 2021 tax records filed in the office of the Pasquotank County Tax Administrator, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered and commanded to collect the 2021 taxes charged and assessed as provided by law for adjustments, changes and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Pasquotank County, and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

*c. Approval Tax Releases and Refunds*

The Finance Committee has recommended approval of the following tax release and refunds:

Tax Release

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | County | City |
| 1. | Leslie Armstrong Boyce & Frank Wood Boyce Jr. | 100.10 | 85.15 |

Tax Refunds

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | County | City |
| 1. | Bernard Jamal Cofield & Angela White Dance |  | 108.67 |
| 2. | Bernard Jamal Cofield & Angela White Dance |  | 113.21 |
| 3. | Don A. & Peggy B. Bunch | 231.80 | 195.20 |
| 4. | Don A. & Peggy B. Bunch | 234.85 | 199.78 |
| 5. | Don A. & Peggy B. Bunch | 234.85 | 199.78 |
| 6. | Don A. & Peggy B. Bunch | 234.85 | 199.78 |
| 7. | Don A. & Peggy B. Bunch | 234.78 | 199.78 |

*d. Approval of Budget Amendments*

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

Sales Tax/Loan Proceeds

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 010.0150.4231.00 | Sales Tax-Article 39 (1%) | 700,000.00 |
| Increase | 010.0150.4232.00 | Sales Tax-Article 40 (1/2%) | 350,000.00 |
| Increase | 010.0150.4233.00 | Sales Tax-Article 42 (1/2%) | 190,000.00 |
| Decrease | 010.0700.4970.00 | Loan Proceeds | 1,240,000.00 |

Doc Stamps/Interest Earned

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 010.0180.4240.00 | Documentary Stamps | 90,000.00 |
| Decrease | 010.0500.4831.00 | Interest Earned | 90,000.00 |

Commerce Park

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 010.0150.4234.01 | Sales Tax-Article44-524 | 2,830.00 |
| Increase | 010.4920.5331.01 | Utilities – Commerce Park | 300.00 |
| Increase | 010.4920.5359.00 | Maintenance – Grounds | 1,000.00 |
| Increase | 010.4920.5440.00 | Contracted Services | 1,000.00 |
| Increase | 010.4920.5450.00 | Insurance – General Liability | 530.00 |

Public Health/Medical Examiner

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 010.0180.4290.00 | Gross Receipts Tax | 14,000.00 |
| Increase | 010.5110.5620.13 | Medical Examiner | 14,000.00 |

County Attorney

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 010.0110.4111.17 | Ad Valorem Taxes – ‘17 | 20,000.00 |
| Increase | 010.0110.4120.00 | Loss of Present-use exemption | 6,000.00 |
| Increase | 010.0300.4418.03 | Recording Fees | 37,000.00 |
| Increase | 010.4150.5192.00 | Legal Fees | 63,000.00 |

Capital Reserve

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 021.0550.4835.00 | Sale of Assets | 138,000.00 |
| Decrease | 021.0500.4831.00 | Interest Earned | 27,000.00 |
| Increase | 021.8200.5960.01 | Capital Reserve - Unallocated | 111,000.00 |

Utilities Department

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 060.0991.4991.00 | Fund Balance Appropriated | 600,000.00 |
| Increase | 060.7130.5980.63 | Transfer to RO | 600,000.00 |
| Increase | 063.0700.4981.60 | Transfer from W/S | 600,000.00 |
| Increase | 063.7135.5500.00 | Capital Outlay | 600,000.00 |

Landfill-Operations

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 065.0230.4320.00 | White Goods Disposal Tax | 6,000.00 |
| Increase | 065.0350.4742.00 | Tipping Fees - Charge | 100,000.00 |
| Increase | 065.0350.4742.01 | Tipping Fees - Cash | 17,600.00 |
| Increase | 065.0375.4741.00 | Sale of Scrap | 14,000.00 |
| Increase | 065.7420.5381.00 | Tire Disposal Fees | 28,000.00 |
| Increase | 065.7420.5396.00 | Lab Fees | 15,000.00 |
| Increase | 065.7420.5440.03 | Contracted Services – Transfer Station | 94,600.00 |

Landfill-Sites

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 065.0375.4745.18 | Solid Waste Fees-18’ | 7,600.00 |
| Increase | 065.0375.4745.19 | Solid Waste Fees-19’ | 10,000.00 |
| Increase | 065.7425.5186.00 | Workers’ Compensation | 17,600.00 |

Landfill-Revenues

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 065.0375.4745.15 | Solid Waste Fees-15’ | 6,000.00 |
| Increase | 065.0375.4745.16 | Solid Waste Fees-16’ | 11,000.00 |
| Decrease | 065.0500.4831.00 | Interest Earned | 17,000.00 |

Non-Departmental

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 010.0230.4370.00 | State Grants | 83,250.00 |
| Increase | 010.4195.5600.14 | COA/Hospital Boardwalk | 83,250.00 |

Grants Fund

|  |  |  |  |
| --- | --- | --- | --- |
| Increase | 026.0240.4380.27 | American Rescue Plan | 3,867,673.00 |
| Increase | 026.4920.5635.00 | Unallocated | 3,867,673.00 |

*e. Approval to Allocate $1,000 to the Highway 17 Association*

The Finance Committee has recommended that the Board approve the allocation of $1,000 from tourism funds to the Highway 17 Association for Fiscal Year 2021-22.

*f. Approval of Pasquotank/Camden Emergency Medical Services Contract*

The County’s Emergency Medical Services with Camden County expires on June 30, 2021. The contract continues the EMS services provided to Camden County for a period of three additional years at an annual increase of 3%. The contract includes funding for one-half of the total cost to add an additional Community Paramedic for the Community Partnership Program. The Finance Committee has recommended approval of the contract with Camden County for EMS services.

*g. Approval of Lobbyist Contract*

The County’s Lobbyist contract with McClees Consulting expires on June 30, 2021. Jackson Stancil has served as the primary consultant for McClees Consulting during the past 6-months. Both Joe and Henri McClees have retired. The Finance Committee has recommended approval of a 2-year contract for Lobbyist Services with Jones Street Consulting, LLC at a cost of $30,000 annually.

*h. Adoption of Resolution Approving a Modification Agreement and Approving and Authorizing Certain Actions in Connection with Changing the Terms of the Water and Sewer System Bond*

The Finance Committee has recommended adopting the following resolution to modify and amend the Water and Sewer System Revenue Bond in order to change the rate of interest on the Bond, change the redemption provisions with respect to the Bond and to make certain other changes with respect to the Bond. This Third Modification with Truist Bank and the North Carolina Local Government Commission modifies and amends a $16,500,000 Water and Sewer System Revenue Bond, Series 2009. The loan would be modified to reduce the interest rate from 2.99% to 2.02% and would result in a savings of about $390,000 over the remaining life of the loan.

RESOLUTION APPROVING A MODIFICATION AGREEMENT AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH CHANGING THE TERMS OF A REVENUE BOND OF THE COUNTY OF PASQUOTANK, NORTH CAROLINA.

WHEREAS, the Board of Commissioners for the County of Pasquotank, North Carolina (the “County”) on April 13, 1994 adopted a bond order authorizing and securing Water and Sewer System Revenue Bonds of the County and on September 11, 2009 adopted an order supplementing such bond order (such bond order, as supplemented, being hereinafter referred to as the “Order”); and

WHEREAS, pursuant to Section 210 of the Order and a series resolution passed by the Board of Commissioners for the County (the “Board”) on September 11, 2009, the County sold and issued a $16,500,000 Water and Sewer System Revenue Bond, Series 2009 of the County (as amended and modified from time to time, the “Bond”) to Branch Banking and Trust Company, the successor to which is Truist Bank (the “Bank”) as the purchaser thereof; and

WHEREAS, the Bond was modified and amended by a Modification Agreement, dated as of December 28, 2010, by and among the County, Branch Banking and Trust Company, succeeded by the Bank and the North Carolina Local Government Commission (the “Commission”) and by a Second Modification Agreement, dated as of June 30, 2016, by and among the County, Branch Banking and Trust Company, succeeded by the Bank and the Commission; and

WHEREAS, the County and the Bank now desire to further modify and amend the Bond in order to change the rate of interest on the Bond, change the redemption provisions with respect to the Bond and to make certain other changes with respect to the Bond; and

WHEREAS, it is now necessary or advisable for the Board to approve a modification agreement and to approve and authorize certain actions in connection with making such changes with respect to the Bond; and

WHEREAS, there has been presented for consideration by the Board a copy of a draft of a Third Modification Agreement, dated June 25, 2021 (the “Modification Agreement”), by and among the County, the Bank and the Commission, which would make such changes with respect to the Bond;

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

The Board hereby finds and determines that it is in the best interest of the County to enter into the Modification Agreement in order to effectuate the changes with respect to the Bond as described above and in the Modification Agreement.

The form and content of the Modification Agreement, which will be a valid, legal and binding obligation of the County in accordance with its terms, are hereby approved in all respects and the Chairman of the Board, the County Manager of the County, the Finance Officer of the County and the Clerk to the Board or their designees are hereby authorized and directed to execute and deliver the Modification Agreement, as may be applicable, in substantially the form presented to the Board, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County; provided, however, that the rate of interest on the Bond does not exceed 2.5% per annum.

The Board hereby approves, ratifies and confirms the actions of the County Manager, the Finance Officer and the County Attorney of the County in connection with this matter.

The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the changes contemplated by the Modification Agreement.

The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the “Code”), as applicable to the Bond, as changed by the Modification Agreement, except to the extent that the County obtains an opinion of nationally-recognized bond counsel to the effect that noncompliance would not result in the interest on the Bond, as changed by the Modification Agreement, being includable in the gross income of the recipient thereof under Section 103 of the Code, as more specifically provided therein.

The County hereby finds, declares and represents that (a) it reasonably expects that it, all entities subordinate to the County and all entities which issue obligations on behalf of the County (all within the meaning of Section 265(b)(3)(E) of the Code) will not issue in the aggregate more than $10,000,000 of tax-exempt obligations (not counting private-activity bonds and certain refunding bonds as provided in Section 265(b)(3)(C)(ii) of the Code) during calendar year 2010 and (b) no entity has been or will be formed or availed of to avoid the limits described above. In addition, the County hereby designates the Bond, as changed by the Modification Agreement, as a “qualified tax-exempt obligation” for the purposes of Section 265(b)(3) of the Code.

This resolution shall take effect immediately upon its passage.

Upon motion duly made and seconded, the foregoing resolution was passed by the following vote:

Ayes: Lloyd E. Griffin III, Charles Jordan, Cecil Perry, Barry Overman, Sean Lavin, and Jonathan Meads.

Noes: None.

Date: June 21, 2021.

*i. Approval of Proposal from McGill Associates for Water Rate Study*

The Finance Committee has recommended hiring McGill Associates to perform a water rate study for the Utilities Department at a cost of $49,540.

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

**9. DESIGNATION OF VOTING DELEGATE FOR NCACC ANNUAL CONFERENCE:**

The Board considered the designation of a voting delegate for the NCACC Annual Conference which will be held in New Hanover County August 12-14.

Motion was made by Jonathan Meads, seconded by Cecil Perry to designate Vice-Chairman Charles Jordan as the voting delegate and Commissioner Sean Lavin as the alternate voting delegate for the NCACC Annual Conference. The motion carried unanimously.

**10. REPORTS FROM COMMISSIONERS:**

Commissioner Meads reported that he attended the monthly Utilities Committee meeting. He is looking forward to seeing the results of the Water Rate Study.

Commissioner Overman stated that he attended the Annual Chamber Banquet, along with many other Board members. Additionally, he attended the Tourism Development Authority Finance Committee meeting.

Commissioner Lavin reported that he attended the Executive Committee meeting of the Chamber of Commerce. They were putting together the final plans for the awards at the annual banquet. He said he has met with some community members and some city council members about trying to begin talks to get the city and county speaking together openly. He said we have some things to work through, but he will continue to push for that to actually happen.

Commissioner Perry said thought without speech is vane, and speech without thought is dangerous. He said the Board will elaborate at the right time. He thinks everyone needs to understand “the other side”. He attended the Jail Board meeting, as well as the Annual Chamber Event. He said the Health Board Director, Battle Betts was recognized for his work during the pandemic.

Vice-Chairman Jordan attended the Economic Development Commission meeting, the Regional Library Board meeting, the Jail Board meeting, and the Annual Chamber of Commerce Banquet. Mr. Jordan stated that people have a right to protest, which he thinks is fine, but as Commissioners they have to meet their responsibilities of what they need to do. He said everyone has opinions about how things should work, but we all need to understand each other and understand the responsibilities of each other. He stated that we all need to “love more” and we need to be willing to understand each other.

Chairman Griffin attended the Economic Development Commission meeting, Albemarle Commission meeting, Airport Authority, and Utilities Committee meeting. He noted that the Meals on Wheels program received COVID relief funds, which have been used to grow the program. He stated that I-87 efforts are moving forward.

There being nothing further to come before the Board;

Motion was made by Sean Lavin, seconded by Jonathan Meads to adjourn the meeting. The motion carried and the meeting was adjourned at 7:35 PM.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CHAIRMAN

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CLERK TO THE BOARD