

**PASQUOTANK COUNTY, NORTH CAROLINA
JULY 10, 2017**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, July 10, 2017 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Cecil Perry, Chairman
Dr. William R. Sterritt, Vice-Chairman
Joseph S. Winslow, Jr.
Frankie Meads
Bettie J. Parker

MEMBERS ABSENT: Jeff Dixon
Lloyd E. Griffin, III

OTHERS PRESENT: Rodney Bunch, County Manager
R. Michael Cox, County Attorney
Shelley Cox, Planning Director
Hartley Askew, Assistant Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Cecil Perry. Commissioner Frankie Meads gave the invocation and Vice-Chairman Bill Sterritt led in the Pledge of Allegiance to the American Flag. Chairman Perry welcomed everyone present.

1. PUBLIC HEARING ON SUBDIVISION VARIANCE 17-02:

Chairman Perry declared the meeting to be a public hearing on request from Shelly Banks for a variance from Article 3, Section 303 (a)(1), Family Subdivisions. Those planning to testify, Planning Director Shelley Cox and Shelly Banks were sworn in by Assistant Clerk Hartley Askew.

Ms. Cox explained the applicant is requesting a variance from the following requirement for Family Subdivisions - Article 3, Section 303 of the Pasquotank County Subdivision Ordinance:

Lots created by means of a Family Subdivision shall have a minimum of 25' of frontage upon a State-maintained road.

Ms. Banks is proposing to utilize an existing 45' wide access easement that provides access from the property to Commissary Road.

Ms. Cox stated the following known facts:

1. On May 23, 2017 Shelly Banks submitted an application for a subdivision variance from Article 3, Section 303 of the Pasquotank County Subdivision Ordinance. Ms. Banks is requesting the variance to allow her father to create a gift lot for her through the family subdivision process.
2. The property involved is identified by PIN #7996809621 which is located off of North Banks Road and Commissary Road. The property is zoned A-1, Agricultural and has been owned by Garland Banks since 1983.
3. The parcel to be divided contains approximately 10 acres and the applicant wishes to create a 1 acre lot with access to Commissary Road provided through an existing easement. In order to create a family subdivision lot with no state road frontage, a variance from Article 3, Section 303(1) of the Pasquotank County Subdivision Ordinance is required.
4. Family Subdivision requirements from the Pasquotank County Subdivision Ordinance are as follows:

Section 303 Procedure For Family Subdivision Review (Amended 7-9-2007)

- (a) Lots divided as a family subdivision, as defined in Article V, shall be approved under the following conditions:

- 1) Lots created by means of a Family Subdivision shall have a minimum of 25' of frontage upon a State-maintained road.
 - 2) Lots shall be a minimum of 43,000 square feet in area, with at least 140' of lot width at the front minimum building setback.
 - 4) To qualify as a family subdivision, the property owner must provide proof that ownership of the tract to be subdivided has been in continuous ownership for a minimum of 5 years. **(Amended 4-21-08)**
 - 5) Lots created through the Family Subdivision review shall not be eligible for further subdivision for 10 years.
 - 6) Lots shall be approved under the family subdivision provisions as a one-time gift of a single lot to each child, grandchild or parent of the property owner. A gift of any additional lot to the same child or parent shall require compliance with the major subdivision provisions within the County's Subdivision Ordinance.
- (b) Family subdivision plats shall be approved by the Board of Commissioners and submitted in accordance with the following:
- 1) The application and plat indicate that it qualifies as a family subdivision as defined in this Article;
 - 2) The applicant must provide documentation that attests to the linear relationship that qualifies the applicant for the family subdivision;
 - 3) The plat shall state that the lot may not be further subdivided for a period of at least 10 years; and
 - 4) An Improvement Authorization Permit must be provided from the Environmental Health Department regarding the soil suitability for an on-site septic tank disposal system.

Ms. Cox noted On June 22, 2017 the Planning Board reviewed this requested and recommended approval (6-0).

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

Motion was made by Joe Winslow, seconded by Bettie Parker to approve the Subdivision Variance 17-02 based on staff's report, the Planning Board's recommendations and the following findings of fact:

- a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

RECOMMENDED FINDING:

The parcel contains 10.6 acres and the property owner wishes to continue familial ownership of the property by giving his daughter one acre of land while retaining nine acres for himself.

- b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

RECOMMENDED FINDING:

The property is unique in that it access is provided through an established 45' easement to Commissary Road.

- c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

RECOMMENDED FINDING:

This property has belonged to the applicant’s family for over thirty years - prior to the adoption of the Family Subdivision requirements.

- d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

RECOMMENDED FINDING:

The property owner’s daughter wishes to build a house on one acre of the parcel while the residual nine acres remains undeveloped, which is consistent with the spirit and intent of the Family Subdivision Ordinance.

The motion carried unanimously.

2. AMENDMENTS TO THE AGENDA:

Chairman Perry asked if there were any amendments to the agenda. Vice-Chairman Bill Sterritt requested that the agenda be amended to add the following items to the Consent Agenda: 1) Approval of One Year Lease Extension for Monarch; 2) Approval of Pay Grade/Step for Paramedic Position Hire; 3) Approval of Annual Service Agreement with Wireless Communications, Inc. for the Patriot 911 phone system in Central Communication; and 4) Approval of Annual Service Agreement with Wireless Communication, Inc. for tower and communications center equipment. He also requested adding Recommendations from the Appointments Committee to New Business. Additionally, he recommended moving Approval of June 19, 2017 Minutes from the Consent Agenda to New Business in order to discuss needed corrections.

Motion was made by Joseph Winslow, seconded by Cecil Perry to approve the amendments to the agenda as presented. The motion carried unanimously.

3. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Tax Releases and Refunds

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

Tax Releases

		County	City
1.	Arthur L. & Lillie Riddick / 2014	253.84	
2.	Arthur L. & Lillie Riddick / 2015	253.84	
3.	Arthur L. & Lillie Riddick / 2016	253.84	

Tax Refunds

		County	City
1.	Arthur L. & Lillie Riddick / 2013	207.90	
2.	Arthur L. & Lillie Riddick / 2012	204.60	

b. Approval of Family Subdivision Request FS 17-10 by Helen Muldrow

Staff recommends approval of Family Subdivision Request FS 17-10 by Helen Muldrow. Mrs. Muldrow is requesting to create a 2.029 acre gift lot for her son, Alfred Muldrow, in accordance with Article 5, Section 303 of the Pasquotank County Subdivision Ordinance. A total of 320.18’ feet of road frontage is provided to the parcel off of US Highway 17 South. Birth certificates have been provided as documentation that the plat qualifies as a family subdivision and an improvement permit has been issued for a septic system. Staff advises that the request meets the minimum requirements for a family subdivision and recommends approval.

c. Approval of One Year Lease Extension with Monarch

The Finance Committee recommended approval of one year lease extension for Monarch – space provided at Edgewood Shopping Center, 1411 Parkview Drive for annual payment of \$22,560.

d. Approval of Pay Grade/Step for Paramedic Position Hire

The Finance Committee recommended approval to hire Michelle Fischer as a full-time paramedic beginning July 16, 2017 at Grade 19 Step 6 rate of \$41,143.

e. Approval of Annual Service Agreement with Wireless Communication, Inc.

The Finance Committee recommended approval of the annual service agreement with Wireless Communications, Inc. for the Patriot 911 phone system in Central Communication for FY 2018 in the amount of \$24,143.

f. Approval of Annual Service Agreement with Wireless Communications, Inc.

The Finance Committee recommended approval of the annual service agreement with Wireless Communications, Inc. for tower and communications center equipment for FY 2018 in the amount of \$50,468.

Motion was made by Joseph Winslow, seconded by Bill Sterritt to approve the Consent Agenda as amended. The motion carried unanimously.

4. APPROVAL OF NEWBEGUN LAND, SECTION J, PRELIMINARY PLAT:

Ms. Cox explained that E.T. Hyman Surveying is requesting Preliminary Plat approval for Newbegun Land Section J consisting of 6 residential lots on approximately 15 acres. The property is zoned R-15 and lot sizes are proposed to range from 1.482 acres to 3.509 acres. Section J is located directly south of the existing Newbegun Land boat ramp. Under the current school districting, students generated from this development would attend J.C. Sawyer Elementary, River Road Middle and Northeastern High School. This area is located in Weeksville Volunteer Fire Department's jurisdiction. A new fire hydrant will be installed to meet state requirements for fire protection. This area is served by the Pasquotank County water system. Existing waterlines that serve previously approved phases of Newbegun Land will be utilized for water service. On-site septic systems are proposed to be utilized at this location. Albemarle Regional Health Services has evaluated the property and determined that sand backfilled trenches at a depth of 4.5 feet will be required.

The area requested for Preliminary Plat approval is primarily located within AE (100 year) Flood Zone according to FEMA Map 3720894000J effective October 5, 2004. Residences that are constructed on the proposed lots will be required to establish a finished floor at or above the 5.4' Base Flood Elevation. The County's stormwater engineering consultant, Greg Johnson, has reviewed the Preliminary Plat. Given the size of the lots and their proximity to the outlet (Pasquotank River) he has no comments or concerns regarding the stormwater design for this development. NC Division of Coastal Management staff has reviewed the Preliminary Plat for this development. The five lots that are located adjacent to the Pasquotank River will be required to observe a 30' CAMA buffer. A 75' CAMA AEC (Area of Environmental Concern) has been noted on the rear portion of these lots and any development within this area will require CAMA approval. No Army Corps of Engineers Section 404 wetlands have been delineated at this location.

Ms. Cox stated that the Technical Review Committee met on June 7, 2017 to review this proposal. No major concerns regarding the proposal were noted. She said this Preliminary Plat meets all of the minimum requirements within the Pasquotank County Subdivision Ordinance. Therefore, staff recommends approval of the plan as proposed.

Motion was made by Frankie Meads, seconded by Joseph Winslow to approve the Newbegun Land, Section J, Preliminary Plat. The motion carried unanimously.

5. APPROVAL OF OAK RIDGE, PHASE II, PRELIMINARY PLAT:

Ms. Cox explained that Eastern Carolina Engineering, PC is requesting Preliminary Plat approval for Oak Ridge Subdivision, Phase II consisting of 51 single family residential lots on 74.67 acres. The property is zoned R-25A (Residential) and lot sizes are proposed to range from 43,000 square feet to 76,815 square feet. The project is proposed to be recorded in three phases with 22 lots in Phase A, 12 lots in Phase B, and 17 lots in Phase C. Linwood Williams is the owner and developer of the project. Under the current school districting, students generated from this development would attend Northside Elementary, Elizabeth City Middle and Pasquotank County High School. This development will be under Newland Volunteer Fire Department's jurisdiction. In July 2016, the Board of Commissioners granted a variance from the Subdivision Ordinance's fire hydrant requirements for this development due to the inability

of South Mills Water Association to provide adequate water pressure in this area. Fire protection will be accommodated through the use of Newland Volunteer Fire Department's tanker trucks. This area is served by the South Mills water system. Full size hydrants will be installed to provide flushing for drinking water at an estimated 30 psi. The South Mills Water Association and NC Public Water Supply have reviewed and approved the proposed development. On-site septic systems are proposed to be utilized at this location. Albemarle Regional Health Services has evaluated the proposed lots and groundwater lowering devices along with 3'sand backfill trenches will be required for final septic approval.

The area requested for Preliminary Plat approval is located within Flood Zone X (not within the 100 year floodplain) according to FEMA Map 3720796600J effective October 5, 2004. The NC Department of Environmental Quality has issued a Low Density Stormwater Permit and an Erosion and Sedimentation Control Permit for this development. Greg Johnson has reviewed the stormwater plans and drainage calculations and determined that the proposed development is in compliance with the County's Stormwater Design Manual. NC Division of Coastal Management staff reviewed the Preliminary Plat and had no comments. No Army Corps of Engineers Section 404 wetlands have been delineated at this location. The Postal Service has recently adopted a policy that requires all new subdivisions to provide community mailboxes to accommodate mail delivery. The developer intends to provide the required community mailbox in an open space area near the entrance of the subdivision and adjacent to lot 39.

Ms. Cox said the Technical Review Committee met on May 3, 2017 to review this proposal. The Preliminary Plat has been revised in response to concerns noted during Technical Review. The proposed subdivision will have one entrance directly onto Mill Pond Road. Interconnectivity with Oak Ridge, Phase I is provided that will allow an alternative entrance into the subdivision. There is also a proposed stub out for a future street that could provide access to adjoining property on the northwest side of the subdivision. A 75' landscape buffer between the proposed development and an adjacent agricultural use is included in the subdivision design as required by Article IV of the Subdivision Ordinance. Ms. Cox stated that the Oak Ridge Phase II Preliminary Plat has been revised to address concerns noted during the review process in order to ensure compliance with the Pasquotank County Subdivision Ordinance and the County's Stormwater Design Manual. Staff recommends approval of this project as presented tonight.

Ms. Cox added that on Thursday, June 22, 2017 the Planning Board reviewed this request and recommended approval (6-0).

Motion was made by Bill Sterritt, seconded by Bettie Parker to approve the Oak Ridge, Phase II, Preliminary Plat. The motion carried unanimously.

6. DESIGNATION OF VOTING DELEGATE FOR NCACC ANNUAL CONFERENCE:

The Board considered the designation of a voting delegate for the North Carolina Association of County Commissioners Annual Conference that will be held in Durham August 10-12.

Motion was made by Joseph Winslow, seconded by Frankie Meads to designate Chairman Cecil Perry as the voting delegate for the NCACC Annual Conference. The motion carried unanimously.

7. APPOINTMENTS TO BOARDS & COMMITTEES:

Commissioner Bettie Parker presented the following recommendations from the Appointments Committee:

Elizabeth City Board of Adjustment – Reappoint Thomas Ward to an additional three year term.

Pasquotank Child Fatality Prevention Team – Appoint Latrea Reid. The appointment will need to lie over for two weeks.

Community Child Protection Team – Appoint Latrea Reid. The appointment will need to lie over for two weeks.

Community Child Protection Team – Appoint Carla Godwin to replace Jerry Newell. The appointment will need to lie over for two weeks.

Motion was made by Bettie Parker, seconded by Frankie meads to approve the appointments and reappointments to boards and committees as recommended above.

After lengthy discussion, the Board decided to wait on appointing individuals to the Community Relations Commission to allow time to review the bylaws.

The motion carried unanimously.

8. CORRECTION TO JUNE 19-2017 COMMISSIONER MEETING MINUTES:

Commissioner Sterritt requested that section 2, paragraph 9 of the June 19th minutes be changed to clarify that President Sylvester McKay and Dr. Sterritt went to a meeting at the Elizabeth City Foundation. They were told by Ray Jones who was the director of the EC Foundation that there was no money available. They were determined to make a presentation. Fred Riley was the chairman of the group of 3 who made decisions about who was to be given grants. Fred convinced the individuals of the Elizabeth City Foundation to donate \$20,000.

Motion was made by Joseph Winslow, seconded by Frankie Meads to approve the June 19th Commissioner Meeting minutes with the said changes. The motion carried unanimously.

9. REPORTS FROM THE COUNTY ATTORNEY:

County Attorney Mike Cox reported he will be attending the 2017 Annual Attorney's Conference July 14th - 15th in Wrightsville Beach.

10. REPORTS FROM THE COUNTY MANAGER:

County Manager Rodney Bunch provided the following report:

I attended the Change of Command Ceremony where Commander Bruce Brown was relieved by Commander Randy Meador at the US Coast Guard Base Friday, June 23rd. Commander Brown was very active in our community during his tenure. He was a supporter of the Elizabeth City Regional Airport. He participated and provided a venue for meetings to prepare a long range plan for the airport. Commander Meador attended the June 28 Airport Authority meeting.

Pasquotank-Camden Emergency Medical Services accepted delivery of a new 2017 Ford E-450 Type III AEV Ambulance from Northwest Emergency Vehicles June 28th. The ambulance has been put into service.

The Elizabeth City Regional Airport Authority, during their June 28 meeting, approved the following list of prioritized planning projects for the 2017 TIP:

1. T-Hanger Taxilane Drainage Rehabilitation	\$ 205,900
2. Rehabilitate Runway 1-19 – Phase 1	\$ 890,000
3. Rehabilitate Runway 1-19 – Phase 2	\$ 5,314,000
4. Hanger Addition (1,500 square feet)	\$ 177,500
5. Community Hanger	\$ 3,952,000
6. Construct Taxiway for New Corp. Hangers	\$ 250,000
7. Corporate Box Hangers (6-units)	\$ 1,983,200

11. REPORTS FROM COMMISSIONERS:

Commissioner Parker reported she met with the Special Projects Committee to discuss how the County can organize a County Leadership Forum on Opioid Abuse. They will meet again on Thursday, July 13th to further discuss how the Pasquotank County Board of Commissioners can convene a leadership forum with all the local elected officials in our county for an informed discussion about the effect of the opioid problem on our county's citizens. She said they hope to develop ideas that can be implemented to help reverse the trends of this epidemic. Commissioner Parker also reported that she will be attending the Northern Regional Advisory Board meeting in Ahoskie, NC on Tuesday, July 11th, and will be meeting with Ron Lowe, the newly elected chairman of the Trillium Consumer Family Advisory Committee on Tuesday, July 18th. He is also the representative for substance abuse in Pasquotank County.

There being no further business;

Motion was made by Frankie Meads, seconded by Bill Sterritt to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 8:00 PM.

CHAIRMAN

ASSISTANT CLERK TO THE BOARD