

**PASQUOTANK COUNTY, NORTH CAROLINA  
APRIL 21, 2008**

The Pasquotank County Board of Commissioners met today in a budget work session on Monday, April 21, 2008 in the Commissioners Board Room in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Cecil Perry, Chairman  
Marshall Stevenson, Vice-Chairman  
Matt Wood  
Bill Trueblood  
Lloyd E. Griffin, III  
Jeff Dixon

**MEMBERS ABSENT:** Jimmie Harris *(Due to Illness)*

**OTHERS PRESENT:** Randy Keaton, County Manager  
Rodney Bunch, Assistant County Manager  
Sheri Small, Finance Officer

The work session was called to order at 1:00 PM. The Board reviewed budget requests from several county departments and College of The Albemarle. The meeting was adjourned at 3:40 PM.

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CHAIRMAN

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CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA  
APRIL 21, 2008**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, April 21, 2008 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Cecil Perry, Chairman  
Marshall Stevenson, Vice-Chairman  
Matt Wood  
Bill Trueblood  
Lloyd E. Griffin III  
Jeff Dixon

**MEMBERS ABSENT:** Jimmie Harris (*Due to Illness*)

**OTHERS PRESENT:** Randy Keaton, County Manager  
Rodney Bunch, Assistant County Manager  
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Cecil Perry. The Rev. Elsie Cole, Pastor of St. James AME Zion Church, gave the invocation and Vice-Chairman Marshall Stevenson led in the Pledge of Allegiance to the American Flag. Chairman Perry welcomed everyone present.

**1. DISCUSSION REGARDING NATIONAL DAY OF PRAYER ACTIVITIES:**

Chairman Perry recognized Mrs. Margaret Twiford who gave a brief history of the National Day of Prayer. She said in 1952 Congress established the National Day of Prayer as an annual event by a joint resolution signed into law by President Truman. In 1988 the law was amended and signed by President Reagan designating the National Day of Prayer as the first Thursday in May. This year will be the 57<sup>th</sup> National Day of Prayer. Mrs. Twiford advised that this year locally the first event will be a prayer breakfast at 6:30 AM at the Wings of Faith Chapel at the US Coast Guard Base. At 12:00 noon a service will be held at the Pasquotank County Courthouse, and then at 6:45 PM a concert will be held at College of The Albemarle Auditorium. Mrs. Twiford extended an invitation to everyone to attend the National Day of Prayer activities.

**2. PUBLIC HEARING ON CLOSEOUT OF COMMUNITY DEVELOPMENT  
BLOCK GRANT/ECONOMIC DEVELOPMENT FOR COMMERCE PARK  
SEWER PROJECT:**

Chairman Perry declared the meeting to be a public hearing on the closeout of the Community Development Block Grant/Economic Development for the Commerce Park Sewer Project. He recognized Mr. Mike Scott with Progressive Resources & Opportunities, Inc., who administered the grant for the county. Mr. Scott explained that the purpose of this public hearing is to provide the citizens of Pasquotank County information on the accomplishments and goals of the recently completed grant project. He said this project was to provide sewer improvements to Pasquotank County's Commerce Park and also to provide sewer infrastructure to the Gateway Bank expansion project in the Commerce Park. A critical component of this project was job creation. Gateway Bank originally committed to create an additional 36 jobs at their Commerce Park facility and they actually created 37 new jobs. They also committed that 60% of these jobs would be filled by persons from low to moderate income households and 22 of these jobs were filled by persons from this category. Mr. Scott stated that Gateway Bank met and slightly

exceeded 100% of their job creation commitment. He said this project included the construction of 4.4 miles of 12-inch sewer force main and 2.4 miles of 16-inch sewer force main. The total project cost at this point is projected to be approximately \$2,221,128. The funds that were involved with this project were:

CDBG-Economic Development - \$432,000  
NC Utility Account - \$500,000  
NC Rural Center - \$360,000 (to be expended)  
Pasquotank County - \$877,741 to date

Mr. Scott said the project has received its final monitoring by the North Carolina Department of Commerce, Commerce Finance Center and it has been determined that the project was in complete compliance with project goals, job creation, labor standards, financial accounting, and program regulations. The project has been cleared for closeout. Mr. Scott stated that this public hearing is a requirement as part of the closeout procedures.

Chairman Perry asked if there were any comments from the public regarding the closeout of this project. There being no comments, the public hearing was closed.

**3. PUBLIC HEARING ON PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN THE HOUSING DEVELOPMENT CATEGORY FOR FIFTY-SIX UNIT APARTMENT COMMUNITY:**

Chairman Perry declared the meeting to be a public hearing on a proposed community development block grant application in the housing development category for a 56 unit apartment community. He recognized Ms. Traci Dusenbury of Douglas Development, LLC who said she is here tonight to discuss a development they are proposing in Elizabeth City and to ask the county's assistance in allowing them to submit a Community Development Block Grant to the North Carolina Division of Community Assistance in the Housing Development Category to help them with infrastructure improvements related to this development.

Ms. Dusenbury said the development they are proposing is a 96 unit planned development on 11.5 acres off Highway 17 behind the Elizabeth Crossing Shopping Center. They are proposing a 56 unit apartment community for moderate income working individuals and families, and a 40 unit apartment community for seniors. They have been working very closely with the City of Elizabeth City on the site planning process. Because of the stormwater issues the county has been faced with, their company has been working with a local engineering firm, Albemarle & Associates. They have also worked with the Oxford Heights community because this was one of the concerns of the City Council. They will be working more closely with the city and with engineer Greg Johnson on their construction drawings. The City Council has approved the site plan contingent upon them getting all of the necessary state permits. The plan exceeds the requirements of the city's stormwater ordinance and they feel it will help some of the existing problems in that area. Ms. Dusenbury presented a copy of the site plan and a color rendering of one of the buildings. She said they have had a lot of local support for this type of high quality housing.

Ms. Dusenbury stated that their development company has constructed about 4,000 apartment communities in the southeast and has had a lot of success. She provided copies of letters of recommendation from the City of Asheville and the City of Charleston where they have done similar projects.

Ms. Dusenbury explained that the benefits to the community are an increased tax base; local jobs for subcontractors, construction workers and local property management staff; and a high quality

rental option for senior citizens and working families. She said this project will be over an \$11 million investment and will be a win-win for everyone. She stated that many locals have said there is a great need for this type of project.

Ms. Dusenbury stated that she is requesting tonight that the Board consider applying for the Community Development Block Grant and tonight's public hearing is the first step. The grant would be for \$120,000. The city is at its cap for Community Development Block Grants and City Council voted at its last meeting to allow the county to apply for the grant on the company's behalf if the county is so inclined. The grant requires no county money and no staff time. Her company would submit the application and if awarded, the county would receive a portion of the grant funds for administration of the grant. The remainder would be provided to the company in the form of a low-interest loan or grant.

Discussion followed regarding drainage, the impact on surrounding areas, and the possibility of capturing more than pre to post drainage.

Assistant County Manager Rodney Bunch noted that the grant would come to Pasquotank County, and Pasquotank County would be responsible for monitoring it, ensuring that all of the requirements are met, and responding to the Division of Community Service. The county would in turn pass the funds over to the developer to develop the project for the betterment of the community. He added this grant would count towards the county's cap, but would not prevent the county from applying for other CDBG grants at this time.

Chairman Perry asked if anyone would care to address the Board regarding the proposed Community Development Block Grant application.

Mr. Edward Munden asked if the apartment buildings would be multi-level and whether they would have elevators. Ms. Dusenbury responded that the senior complex is two-story and will have two elevators. The non age-restricted community will be two stories with no elevator. Mr. Munden asked if the buildings will be handicap-accessible. Ms. Dusenbury stated that they will have units for mobility impaired and units for people with audio and visual impairments. She added that their apartments will exceed all federal requirements for handicap access.

At the absence of further comments, the public hearing was closed. Mr. Bunch stated that the Board should give staff direction on how to proceed. He said if the county plans to apply for a grant, a letter of intent needs to be sent to the Division of Community Assistance. A second public hearing would have to be held at the next Commissioner meeting to provide more information prior to submission of the grant application.

Motion was made by Lloyd Griffin, seconded by Jeff Dixon to direct staff to write a letter to the Division of Community Assistance notifying them of the county's intent to apply for a Community Development Block Grant in the Housing Development Category to assist with infrastructure improvements for senior housing units and a multi-family development at the Rivers Edge at Elizabeth Crossing. The motion carried.

**4. PUBLIC HEARING ON SUBDIVISION TEXT AMENDMENT STA 08-01 TO REDUCE THE FAMILY SUBDIVISION OWNERSHIP REQUIREMENT FROM TEN YEARS TO EITHER FIVE YEARS OR THREE YEARS:**

Chairman Perry declared the meeting to be a public hearing on Subdivision Text Amendment STA 08-01 to reduce the family subdivision ownership requirement from ten years to either five years or three years. Planning Director Shelley Cox explained that this is a staff generated text

amendment to the Subdivision Ordinance. The purpose is to reduce the number of years a property owner has to own the property before they can give a family member a lot. Mrs. Cox said when the family subdivision review procedures were initially adopted, it was required that a property owner own the property a minimum of ten years before they could give a gift lot to a child or grandchild. She stated that staff is proposing that this time period be reduced to either five or three years. She said either of these should be sufficient to ensure that people are not buying properties and immediately trying to cut lots out. She advised that the Planning Board reviewed this request and recommended that the language stay as it is at ten years.

Chairman Perry asked if there were any comments from the public. Mrs. Mary Williams stated that she owns some property that has been in her family since 1941. She has owned the property since her mother passed away in 1980. She stated that this family subdivision ordinance has left her in a bind. She said she has a problem with having to gift a lot to one of her children in order for her to do business. She stated that the ordinance takes a lot of control from the owner and she asked the Board to consider the fact that many citizens of the county have lived on their property for a long time. She said she would like to sell an acre to a nephew although this does not fall in the category of a child, and she cannot do it under the current ordinance. She said her parents originally purchased the land for the purpose of leaving it to their children and grandchildren. She asked why the county changed its regulations to increase the requirement for front lot width from 125 feet to 140 feet. She stated that she believes ten years is too long to require someone to own property before they can give a lot to a child or grandchild and she is in favor of the Board reducing that time period.

Assistant County Manager Rodney Bunch explained that the front lot width was 125 feet until the county changed the lot size requirement from 25,000 square feet to 43,000 square feet. At that time the front lot width requirement was changed to 140 feet to prevent the lots from being so deep and narrow.

Vice-Chairman Stevenson said even though Ms. Williams has owned this property for many years she is not able to sell a lot to a relative. He stated that he was against what the county did originally because there are people who have property and they intend to give a lot to a relative or do something else with their property, but because of the county's ordinance they are not able to do what they had planned to do.

Commissioner Jeff Dixon asked why the Planning Board had concerns regarding changing the time period. Mrs. Cox said the general feeling of the Planning Board was that ten years was necessary to insure that people did not buy property with the intent of dividing it and selling lots. They felt if someone wanted a variance from the ten year requirement there is a procedure in place for the variance request. She added that the Planning Board thought ten years was a reasonable amount of time to own property for a family subdivision.

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

Commissioner Matt Wood stated that he has probably been the most difficult of the Board Members in trying to be strict with the rules, however he thinks Ms. Williams' argument with regard to time is persuasive. He said the county has the other elements in place that restrict the transfer of lots and he would support a reduction in the requirement to three years.

Motion was made by Matt Wood, seconded by Jeff Dixon to approve Subdivision Text Amendment STA 08-01 to reduce the family subdivision ownership requirement from ten years to three years.

Vice-Chairman Stevenson asked what staff is recommending. Mrs. Cox stated that staff is recommending a reduction to three years.

Commissioner Jeff Dixon asked if there are further checks and balances on the three year proposal. Mrs. Cox said there are.

Commissioner Trueblood stated that he will vote for three years, however at its retreat the Board settled on five years.

Vice-Chairman Stevenson said if the time is reduced, he would prefer to see it reduced to five years, therefore he would like to offer an amended motion to that effect.

Commissioner Wood withdrew his motion to reduce the requirement to three years.

Motion was made by Marshall Stevenson, seconded by Lloyd Griffin to approve Subdivision Text Amendment STA 08-01 to reduce the family subdivision ownership requirement from ten years to five years. The motion carried.

**5. PUBLIC HEARING ON REZONING REQUEST RR 08-01 TO REZONE PROPERTY ALONG U.S. HIGHWAY 158 FROM A-2 AGRICULTURAL TO A-1 AGRICULTURAL:**

Chairman Perry declared the meeting to be a public hearing on Rezoning Request RR 08-01 to rezone property along U.S. Highway 158 from A-2 Agricultural to A-1 Agricultural. Mrs. Cox explained that this is a staff generated rezoning request to rezone 14 parcels of land on Highway 158 from A-2 Agricultural to A-1 Agricultural. She said last fall the Board approved a text amendment that withdrew residential uses from being permitting in the A-2 zoning district. Most of the A-2 zoning district is located in the Sandy Road area of the county however there was a small area that extended along the Gates County line. In adopting that text amendment several houses along U.S. 158 were rendered nonconforming uses because there were existing single family residences at that location. These parcels are requested to be rezoned to A-1 Agricultural to ensure that those existing residences are conforming to the current zoning ordinance and that if any of these property owners in the future want to give gift lots to their children to put homes on, they would be able to. Mrs. Cox stated that staff feels it is reasonable to rezone this area. She said the Planning Board reviewed this request last month and voted to recommend approval.

Chairman Perry asked if anyone would care to address the Board regarding Rezoning Request RR08-01.

Mrs. Mary Williams said this property is not too far from hers and she asked what kind of zoning is being proposed. Mrs. Cox responded that the property requested for rezoning is zoned A-2 which is more of a conservation agricultural district and they are proposing that it be changed to A-1. She informed Mrs. Williams that her property is already zoned A-1.

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

Motion was made by Bill Trueblood, seconded by Jeff Dixon to approve Rezoning Request 08-01 as proposed. The motion carried.

**6. PUBLIC HEARING ON SUBDIVISION VARIANCE REQUEST SV 08-01 BY CHARLES AND LORI MEADS TO CREATE A GIFT LOT FOR A PARENT THAT DOES NOT MEET THE TEN YEAR CONTINUOUS OWNERSHIP**

**REQUIREMENT:**

Chairman Perry declared the meeting to be a public hearing on Subdivision Variance Request SV 08-01 by Charles and Lori Meads to create a gift lot for a parent that does not meet the ten year continuous ownership requirement. Mrs. Cox stated that this is directly related to a family subdivision request that is on the agenda tonight. She said Charles and Lori Meads are requesting to give a gift lot to a parent. They have owned the property for not quite three years and are requesting a subdivision variance from the ten year ownership requirement. Mrs. Cox said with the Board's previous action tonight, the request for a variance would technically be from the five year rule. The property is located on Halls Creek Road and is zoned A-1 Agricultural. The tract consists of 23.47 acres with 440 feet of road frontage along Halls Creek Road. The proposed lot to be created is 4.13 acres with just under 150 feet of road frontage. The residual parcel will contain 19.34 acres. Mrs. Cox said the Planning Board reviewed this request at its last meeting and voted to recommend approval of the variance. Staff recommends approval as well.

Chairman Perry asked if anyone would care to address the Board regarding this variance request. He recognized Mr. Charles Meads who said he purchased this property approximately three years ago and at that time there was a one lot exemption provision in effect. They purchased the property with the intent of building two houses on the property, one for him and his wife and one for his wife's parents. Mr. Meads stated that he purchased two water meters the following year and in June of last year he applied for two septic tank permits. He said their intention the whole time was to divide this piece of property into two parcels to build two houses. He noted that in July of last year the Board changed the subdivision ordinance to eliminate the one lot exemption, and added the family subdivision provisions. He stated that he meets all of the requirements for a family subdivision except he has not owned the property for ten years. He said it would create a hardship for him to place only one house on the parcel because the intent was to split the costs with his in-laws. Mr. Meads requested that the Board approve the variance so they can move forward with their plans to build two houses on this parcel.

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

Vice-Chairman Stevenson asked why the county's ordinance does not include a one lot exemption. Assistant County Manager Rodney Bunch explained that the county previously had the one lot exemption allowed by the General Assembly, but because there was so much abuse of this exemption and it was actually being used for development, the Board removed this exemption from the subdivision regulations. Vice-Chairman Stevenson said he is looking for a way to legitimately help those who have an issue with family. Commissioner Wood stated that there has been a lot of debate on this over the last few years and he thinks the Board came up with a good compromise. He said for every person with a legitimate situation there are four or five developers or others who have different intentions, so the rules must be made to protect the community.

Motion was made by Matt Wood, seconded by Jeff Dixon to approve Subdivision Variance Request SV 08-01 based on the following Planning Board findings:

*a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of his land.*

- If the ordinance was adhered to without a variance then it would cause a hardship.

b) *That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.*

- The Board agrees this statement is correct.

c) *That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance.*

- The Board agrees this statement is correct.

d) *That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated.*

- The adjacent property owners are in support of the variance.

Discussion followed and Commissioner Griffin asked how it would create a hardship if the ordinance is adhered to because the property could be divided into two ten-acre parcels and there would not be a need for a variance. Ms. Cox said it is correct that the property could be divided into two ten-acre parcels and it would not have to go through the family subdivision procedures. She stated that in order to grant a variance only one of the findings has to be made. Commissioner Wood said it would be reasonable to believe that it would create a hardship if an elderly parent has to mow and maintain a ten-acre lot. He stated that the purpose of the family subdivision is to accommodate the needs of the family.

The motion carried by a five to one margin with Commissioner Griffin voting against approval of the variance request.

**7. APPROVAL OF AMENDMENTS TO THE AGENDA:**

Chairman Perry asked if there were any amendments to the agenda. It was requested that the following items recommended by the Finance Committee be added to the agenda: (1 Approval of bid for River Road Soccer Complex; and 2) Approval of funding to assist with hiring a lobbyist to fight stormwater rules.

Motion was made by Lloyd Griffin, seconded by Matt Wood to amend the agenda to add the two items recommended by the Finance Committee to the consent agenda. The motion carried.

**8. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

a. Approval of Minutes of April 7, 2008 Commissioner Meeting

b. Approval of Tax Releases and Refunds

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

Releases:

		County	City
1.	Michael R. Lassiter	120.00	
2.	April Whiddon Matthews	103.00	89.46
3.	Daniel L. & Katherine Ford	765.00	
4.	Albert A. Santora	146.33	

5.	Albert A. Santora	178.05	
6.	George Crutch	188.00	
7.	George Crutch	137.83	
8.	Par 4 Properties LLC	240.00	

Refunds:

1.	Russell E. Twiford	706.50	
2.	Scouts LLC	112.36	
3.	Scouts LLC	107.87	
4.	Scouts LLC	678.15	
5.	Scouts LLC	627.26	
6.	Daniel L. & Katherine Ford	734.40	
7.	Layden Enterprises LLC	685.00	
8.	Layden Enterprises LLC	657.60	
9.	Victor Leroy Dies, Jr.	131.47	

*c. Approval of Budget Amendments*

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

Sheriff

Increase	010.0600.4930.00	Insurance Proceeds	11,075.00
Increase	010.4310.5500.00	Capital Outlay	11,075.00

Ag Ext

Increase	010.0110.4111.07	Ad Valorem Taxes '07	24,590.00
Increase	010.4950.5121.00	Salaries & Wages	24,590.00

*d. Approval of Appropriation to Community Relations Commission for Building Bridges Conference*

The Finance Committee has recommended approval of a \$1,500 contribution to the Community Relations Commission for the Building Bridges Conference.

*e. Approval of Use of Old Middle School Building for Fraternal Order of Police's Haunted House for 2008 Season*

The Finance Committee has recommended approval of the use of the old middle school building for the Haunted House for the 2008 season. The use of the facility would be revisited after this year's event.

*f. Approval of Reorganization Plan for Sheriff's Department*

The Finance Committee has recommended approval of a request from Sheriff Cartwright to create additional supervisory positions in the Sheriff's Department to include lieutenants, sergeants, and deputy III's. The total increase in cost for personnel based on the proposed pay grades is \$83,709 per year.

*g. Approval of Appointments to Boards and Commissions*

The Board Appointments Committee has recommended that Charles Knauss be appointed to the Workforce Development Board to replace Darryl Stallings, and that Tommy Tilley be appointed to the ABC Board to replace Una Green.

*h. Approval of Bid for River Road Soccer Complex*

The Finance Committee has recommended that the Board award a contract to Barnhill Contracting for construction of the River Road Soccer Complex at a not to exceed price of \$650,000.

*i. Approval of Funding for Lobbyist to Fight Stormwater Rules*

The Finance Committee has recommended approval of funding in the amount of \$8,386 as Pasquotank County's share for the cost of joining with other northeastern CAMA counties to oppose the implementation of new stormwater rules scheduled to go into effect August 1st.

Motion was made by Bill Trueblood, seconded by Lloyd Griffin to approve the consent agenda as amended. The motion carried.

The following tax releases and refunds have been approved by the Finance Officer:

Releases:

		County	City
1.	George Crutch	19.50	
2.	Jennifer Rogerson	25.92	
3.	Jennifer Rogerson	26.07	
4.	Erica Lisette Johnson	8.05	6.60
5.	Stephen Troy Underwood	35.04	34.20
6.	Stephen Troy Underwood	68.55	61.21
7.	Frank Joseph Caruso, Jr.	39.20	37.14
8.	Melvin William Raasio	5.78	
9.	Joshua Craig Brothers	61.28	
10.	Eric Trevor Forslund	21.85	
11.	Eric Trevor Forslund	30.20	
12.	Danielle Johnson Wills	92.95	
13.	Marlene Angela Dacosta	16.00	18.12
14.	Timothy Jon Kurper	63.70	57.23
15.	Mary Elizabeth Mills	42.58	34.92
16.	Marcos Antonio Colon	91.65	
17.	Braulio Venancio Dominguez	3.70	3.04
18.	Braulio Venancio Dominguez	3.55	2.90
19.	Juan Tomas Santiago	3.80	8.12
20.	Derrick Eugene White	24.90	25.42
21.	Steve Antron White	16.48	13.51
22.	Dawn Marie White	6.35	5.21
23.	Dawn Marie White	5.09	4.24
24.	Sylvia Tammy Archibald	18.15	14.89
25.	Star Services, Inc.	10.40	13.53
26.	Winston Lee Coffield	21.80	
27.	Linda Whidbee Frost	9.22	
28.	Ian Shane Maclure	98.85	91.06
29.	Marcial Carter Matamoros	1.43	
30.	Kelly Elizabeth Cameron	9.30	7.63
31.	Delkar, Inc.	18.63	
32.	Mason Scott Ferril	85.10	74.78
33.	Jonathan J. Anderson	52.30	47.89
34.	Phan Van Pham	87.67	
35.	Delores Ann Belvin	39.05	
36.	Delores Ann Belvin	39.83	
37.	Max Wendell McKenzie	18.53	
38.	John Clinton Ashcraft	33.15	32.18
39.	Timothy John Monahan	2.93	7.44
40.	Amanda Perry Godfrey	24.65	
41.	John Andrew Krider, Jr.	5.45	9.47

Refunds:

1.	Gilbert R. & Patricia Lee	78.72	
2.	Gilbert R. & Patricia Lee	82.00	
3.	Mark Thomas & Carla Gray Scheid	13.76	
4.	Mark Thomas & Carla Gray Scheid	26.40	
5.	Mark Thomas & Carla Gray Scheid	13.76	
6.	Mark Thomas & Carla Gray Scheid	13.44	
7.	Carla Gray Scheid	27.50	
8.	Eric R. Suder	76.66	68.88

The following requests for release or refund of the solid waste availability fee have been approved by the Tax Administrator:

OWNER'S NAME	PARCEL ID NUMBER	REASON FOR RELEASE
Johnnie Booker Walton	58-D-119B & 120B	Unoccupied for over ten years

**9. APPROVAL OF FAMILY SUBDIVISION REQUEST FS 08-01 BY WILLIAM MOORE FOR APPROVAL OF A ONE LOT FAMILY SUBDIVISION OFF OF LOOP ROAD IN NEWLAND TOWNSHIP:**

The Board considered Family Subdivision Request FS 08-01. Mrs. Shelley Cox explained that this request is to create a gift lot for a child in accordance with the family subdivision provisions. She said the proposed parcel has 137.45 feet of road frontage on Loop Road however the lot does widen to accommodate the 140 foot lot width at the front setback. They are proposing a gift lot of 1.12 acres and the residual tract will be three acres with 25 feet of road frontage. The property owner has provided documentation through deeds to show that the property has been in continuous ownership for over ten years and has also provided documentation in the form of a birth certificate that this qualifies as a family subdivision. They have also provided documentation from Albemarle Regional Health Services that the lot that will be created is suitable for septic systems with modifications. A house that is shown on the aerial photograph has since been removed. Mrs. Cox stated that this application meets the minimum requirements for the family subdivision and staff recommends approval of the request.

Motion was made by Matt Wood, seconded by Marshall Stevenson to approve Family Subdivision Request FS 08-01 as presented. The motion carried.

**10. APPROVAL OF FAMILY SUBDIVISION REQUEST FS 08-05 BY CHARLES AND LORI MEADS FOR APPROVAL OF A ONE LOT FAMILY SUBDIVISION OFF OF HALLS CREEK ROAD IN MOUNT HERMON TOWNSHIP:**

The Board considered Family Subdivision Request FS 08-05. The applicant is requesting to create a gift lot for a parent in accordance with Article 3, Section 303 of the Pasquotank County Subdivision Ordinance. The Board earlier tonight approved a variance from the ten year continuous ownership requirement. The total lot area proposed is 4.13 acres for the gift lot and 20± acres for the residual tract. 149.90 feet of road frontage for the proposed parcel is provided onto Halls Creek Road. Documentation has been provided that the plat qualifies as a family subdivision and Albemarle Regional Health Services has evaluated the site and determined that it is suitable for septic systems with modification. Staff had recommended approval of the request on the condition that the variance from the ten year continuous ownership requirement is approved.

Motion was made by Matt Wood, seconded by Marshall Stevenson to approve Family Subdivision Request FS 08-05 as presented. The motion carried by a

five to one margin with Commissioner Griffin voting against approval.

**11. APPROVAL OF FAMILY SUBDIVISION REQUEST FS 08-06 BY IDA FLETCHER MARKHAM FOR APPROVAL OF A ONE LOT FAMILY SUBDIVISION ON ESCLIP ROAD IN SALEM TOWNSHIP:**

The Board considered Family Subdivision Request FS 08-06. Mrs. Cox explained that Ida Fletcher Markham is requesting to create a gift lot for a grandchild in accordance with the family subdivision ordinance. They are proposing 140 feet of road frontage for the proposed parcel and the total lot area is 1.22 acres for the gift lot and approximately 13 acres for the residual tract. Mrs. Markham is requesting to give a lot to her grandson, Clifton Glenn Markham, and has provided documentation through deeds to show the property has been in continuous ownership for over ten years. She has also provided documentation in the form of birth certificates that this qualifies as a family subdivision and documentation from Albemarle Regional Health Services that shows this site is suitable for septic systems with modifications. This application also meets the minimum requirements for a family subdivision and staff recommends approval of the request.

Motion was made by Bill Trueblood, seconded by Marshall Stevenson to approve Family Subdivision Request FS 08-65 as presented. The motion carried.

**12. APPROVAL OF FAMILY SUBDIVISION REQUEST FS 08-07 BY DALLAS JAMES LANE FOR APPROVAL OF A ONE LOT FAMILY SUBDIVISION OFF OF HAM OVERMAN ROAD IN NIXONTON TOWNSHIP:**

The Board considered Family Subdivision Request FS 08-07. Mrs. Cox explained that Dallas Lane has requested to create a gift lot for a child in accordance with the family subdivision ordinance. She said that 140± feet of road frontage for the proposed parcel is provided onto Ham Overman Road. The total lot area proposed is 1.13 acres for the gift lot and 3.37± acres for the residual tract. Mrs. Lane has owned this property since 1984 and has provided documentation that Charles Thomas Lane, Jr. is her son. She has also provided documentation from Albemarle Regional Health Services that the existing septic system on this property is adequate to support a singlewide mobile home. This application also meets the requirements for a family subdivision and staff is recommending approval.

Motion was made by Bill Trueblood, seconded by Jeff Dixon to approve Family Subdivision Request FS 08-07 as presented. The motion carried.

**13. APPROVAL OF FAMILY SUBDIVISION REQUEST FS 08-10 BY WILLIAM A. GREGORY FOR APPROVAL OF A ONE LOT FAMILY SUBDIVISION OFF OF FIRETOWER ROAD IN NEWLAND TOWNSHIP:**

The Board considered Family Subdivision Request FS 08-10. Mrs. Cox stated that Mr. Gregory is requesting to create a lot for his son through the family subdivision procedures. He is proposing 168.32 feet of road frontage for the newly created parcel on Firetower Road and the lot area will be one acre for the gift lot and 63.2 acres for the residual tract. The property has been in continuous family ownership for more than ten years and Mr. Gregory is requesting to give a lot to his son, William A. Gregory, Jr. Documentation has been provided in the form of a birth certificate that this qualifies as a family subdivision and Albemarle Regional Health Services has evaluated this site and determined that the soils are provisionally suitable for a septic system with the installation of sand backfill trenches. Mrs. Cox said this application meets the minimum requirements for a family subdivision and staff recommends approval of the request.

Motion was made by Jeff Dixon, seconded by Marshall Stevenson to approve Family Subdivision Request FS 08-10 as presented. The motion carried.

**14. APPROVAL OF FAMILY SUBDIVISION REQUEST FS 08-11 BY GLORIA GARNER FOR APPROVAL OF A ONE LOT FAMILY SUBDIVISION OFF OF FOREMAN BUNDY ROAD IN MOUNT HERMON TOWNSHIP:**

The Board considered Family Subdivision Request FS 08-11. Mrs. Cox explained that Mrs. Garner is requesting to create a gift lot for a child in accordance with the family subdivision procedures. She has shown 179 feet of road frontage for the proposed parcel onto Foreman Bundy Road and the total lot area proposed is 1.01 acres for the gift lot and 102.5 acres for the residual tract. Mrs. Garner has owned this property since 1988 and is requesting to give a lot to her son, Andre Garner. She has provided documentation in the form of a birth certificate that this plat qualifies as a family subdivision and Albemarle Regional Health Services has evaluated the site and determined that the soils are suitable for an onsite system. Mrs. Cox said this application meets the minimum requirements for a family subdivision and staff recommends approval of the request.

Motion was made by Matt Wood, seconded by Jeff Dixon to approve Family Subdivision Request FS 08-11 as presented. The motion carried.

**15. CONSIDERATION OF REVISED PRELIMINARY PLAT FOR STRAWBERRY ACRES SUBDIVISION:**

The Board reviewed the revised preliminary plat for Strawberry Acres Subdivision. Mrs. Cox explained that last month the Board approved the preliminary plat and at that time there were conditions for the approval of the plat. The first condition was that the landscape design layout be shown on the preliminary plat reflecting how the landscape buffer would be planted. The second condition of the approval was regarding drainage and it was requested that revised drainage plans be submitted to reflect that the right of way along Main Street Extended be expanded by 20 feet to accommodate the roadside drainage for Mrs. Shanton's property and that the ditch not be re-routed around the property and instead remain in the right of way along Main Street Extended and be piped. Since that time Jason Mizelle with the engineering firm Albemarle & Associates has advised that the developer wishes to proceed with the re-routing of the ditch and not to expand the right of way and pipe in the roadside ditch. She referred to a map showing Mrs. Shanton's property in the middle of where these lots would be created. There is an existing roadside ditch along Main Street Extended in front of Mrs. Shanton's property. With the installation of the turn lane that DOT is requiring, the turn lanes will go further into the right of way which necessitates either the re-routing of the ditch or the piping of the ditch. Mrs. Cox advised that Mrs. Shanton has met with staff and she prefers that the drainage remain along the Main Street Extended right of way and she is willing to give up at no cost twenty feet of her frontage along Main Street Extended for additional right of way as long as that drainage is piped. She stated that the request tonight however is to allow the re-routing of the water around her property. Mrs. Cox said staff has discussed this at length with DOT and Greg Johnson and it is staff's opinion that the re-routing of the water around Mrs. Shanton's property could potentially negatively affect her property. If the ditch is re-routed, the water flowing in the ditch would have to make four ninety degree turns in order to get to the outfall further down Main Street Extended. Mrs. Cox said they feel there could be some problems with erosion of Mrs. Shanton's property in the future and there could be some maintenance issues as well. She stated they would prefer to see the ditch remain in the right of way and for it to be piped. She said staff's recommendation is that this request be denied or that the Board let its previous decision stand which was that the ditch be piped and remain in the right of way.

Mr. Athur Bergman said he is one of the owners of the property along with his daughter Marcy. Mr. Bergman provided a timeline on this project. He explained that in February before the Planning Board meeting there were discussions and reviews by both the county Planning Department and DOT. He said both gave tentative approval that the drainage ditch could go around Mrs. Shanton's property, provided that the area that went around her property could be maintained by either the developers or later on by the homeowners association for the subdivision. The Planning Department then met with Mrs. Shanton and asked if she would be willing to give up 20 feet of her property so that the road drainage could run along the front of her property. At the Planning Board meeting on February 28, the Planning Department indicated that Mrs. Shanton agreed to give up the 20 feet and they were therefore recommending that the ditch run in front of her property rather than around her property. Mr. Bergman said they indicated if she was willing to give up that additional 20 feet they had no objections. He stated the Planning Board approved their plan on the basis there would be a ditch in front, not a buried pipe. He said on March 8, two days before the Commissioner meeting last month when preliminary approval was given for the project, the county's engineer, Greg Johnson, sent an email to his engineer indicating that there was now a requirement for a buried pipe to run across the entire 140 foot width of Mrs. Shanton's property. Mr. Bergman stated that the turn lane is not the full width of Mrs. Shanton's property and his engineer responded to Mr. Johnson advising that they were proposing a pipe with a length adequate to accommodate the driveway. The remainder of the ditch would be ditched to NCDOT specifications which is the reason for the additional right of way. Mr. Bergman said the buried pipe could actually be under the right of way of the highway and Mrs. Shanton wouldn't need to give up any additional property if it was just going to be a buried pipe. He stated that the Planning Board obviously understood that the additional property Mrs. Shanton was giving up was to be a ditch. Mr. Bergman said he certainly would have objected to the installation of a buried pipe. He stated that the Board of Commissioners approved the preliminary plat with the new recommendations from the Planning Department for a buried pipe across the front of the Shanton property. He added that his engineer has indicated that in all probability the Department of Transportation would not accept responsibility for a 140 foot long pipe and that probably this issue would become a non-issue and be re-addressed to either be a ditch in front of Mrs. Shanton's property or a ditch to go around the property as originally proposed. Mr. Bergman said on April 2 the Department of Transportation did in fact respond and did indicate they would not accept responsibility for a buried pipe, and if it became clogged, it was either the property owner's responsibility to repair it or they would tear it out and replace it with an open ditch. He stated that there was an informal discussion between his engineer and the Planning Department that if DOT did not accept the buried pipe it would cease to be a requirement and would then either be an open ditch or the ditch would be routed around Mrs. Shanton's property.

Mr. Bergman said to summarize there are more than two adequate options for handling the stormwater runoff along Main Street Extended. One would be as originally proposed to run a ditch around Mrs. Shanton's property. The second would be a ditch in front of her property as approved by the Planning Board with the understanding that she was giving up 20 feet. Mr. Bergman stated that regardless of whether there is a ditch running in front of her property or a buried pipe, there still will be swales running around her property. He added that Mrs. Shanton would not have to give up any property in front of her house if the ditch were to run around her property. He said just before the County Commissioner meeting the Planning Department changed the requirement to a buried pipe, and this was not discussed with him beforehand nor was it approved by the Planning Board. He noted this was not something he would have agreed to. He said in any case his responsibility is not for the entire width of the Shanton property and the turn lane would only require 75 to 80 feet in front of her property, not 140 feet. He stated that having a buried pipe versus a ditch means that there would be no place for runoff from a heavy rain. He said Mrs. Shanton has indicated she currently has problems with puddling when

there is a heavy rain. Mr. Bergman added that the requirement for a buried pipe is unreasonable, unnecessary, and places an undue cost burden on the developers. He said his estimates indicate that it will cost about \$20,000 in order to pipe in the entire front ditch. He said they are making the request that the approval of the preliminary plat for Strawberry Acres Subdivision be amended to remove the requirement for the buried pipe and that it be replaced with a requirement for either a ditch around or in front of Mrs. Shanton's property. He stated that the Planning Department indicated they have concerns about erosion that might affect Mrs. Shanton's property. He said if the ditches are properly maintained there should not be any erosion at all.

Mr. Mizelle and Mr. Bergman pointed out how the drainage would flow through the subdivision in relation to the road and to the Shanton property.

Mrs. Cox referred to an email received from Gretchen Byrum, DOT District Engineer, on February 14 before the Planning Board met stating that in lieu of rerouting the roadside ditch around the Shanton property, she would suggest piping the frontage of this property, provided there is an adequate 30 foot desirable recovery area free of hazards. She went on to say that the current proposal does not allow the department to maintain the drainage along this existing state-maintained route, therefore it would be necessary to provide a statement that reads, "At the point which the roadside ditch leaves the right of way of state road 1333, the maintenance of said ditch shall be the responsibility of the developer or property owners association until the point at which it connects to the ditch within the public right of way of state road 1333". Mrs. Cox said several days before the Planning Board meeting staff prepared an analysis and emailed it to Mr. Mizelle. The analysis stated that the rerouting of the roadside ditch around the Shanton property may negatively affect the existing property owner if the ditch is not properly maintained and erosion occurs. It also stated that both DOT and engineer Greg Johnson have recommended that the right of way be expanded to accommodate the road widening and drainage improvements and for drainage to remain routed within the right of way. The analysis further advised that the adjoining property owner had informed staff that she was willing to give up land area in her front yard to accommodate the right of way expansion that would be needed to pipe the ditch along the roadside. Mrs. Cox stated that it has always been staff's position since before the Planning Board meeting that this ditch remain in the right of way and that the right of way be expanded and also be piped. She said this is also Mrs. Shanton's position as she feels if she is willing to give up the additional right of way because of maintenance issues she would rather see the ditch piped.

Chairman Perry asked if Mrs. Shanton would like to express her views. Vice-Chairman Marshall Stevenson commented that he views Mrs. Shanton as a victim of development and his opinion is that the developer should be trying to satisfy her. He said she was living in peace and harmony and all of a sudden she could have 57 houses around her and he can understand how she must feel. Vice-Chairman Stevenson said he feels that the developer should do everything he can to satisfy Mrs. Shanton.

Mr. Mark Walton, Mrs. Shanton's brother, said that his sister feels ripped off. He said anyone should be able to look at the plat and know that all of the water is going to run onto his sister's property. He stated that right now her property is wet and the ditch is completely full and it is absurd to think that all of the water is going to magically go away. He said with the plan to elevate the property where the subdivision is proposed, the water will have nowhere to go but onto his sister's property. Mr. Walton stated that he agrees the developer should take care of all of the drainage issues as well as maintain the drainage after the houses are built.

Mrs. Wendy Shanton said if the developer wants to build her a big castle with a drawbridge, it would be okay to put a moat around her house. She stated that she feels ripped off because she

came from another state and bought this property. She said she did not know that all of this building would be going on around her, and she did not know there would be issues with ditches and drainage. She stated that the person who sold her the house did not tell her there was a plan to develop the property around her. Mrs. Shanton said she is a single parent and just wants to take care of her family. She stated that she does not want to spend her time dealing with issues such as this. She said she has only owned her home for less than three years and feels it is unfair for her to have to give up part of the property. She stated she would not have a problem with the houses around her, but her problem is that she is being asked to give part of her property back so this development can go forward. She said she does not feel she has gotten what she paid for. She added that she will lose part of her front yard regardless of whether or not the water is rerouted. Mrs. Shanton said she is very frustrated at having to come to these meetings because it is not what she bargained for. She just wanted to buy property for her family to live on and she does not think it is fair that part of it should be taken away. She said if the developer wants to move the ditch over on her front yard in order to put in the turn lane, she should be compensated.

Mr. Greg Johnson pointed out the drainage patterns on the property. He stated that the essence of the problem is that there is not enough room for the ditch and the turn lane because there was not sufficient right of way, therefore the developer's engineers felt the water needed be rerouted around the lot in order to have the turn lane. He said with their calculations they eliminated the water going parallel to the road and hydraulically this works with the ninety degree bends. Mr. Johnson said he has no problem with long culverts. He stated that it has been noted that NCDOT will not take responsibility for the culvert, however they are not going to take responsibility for the ditch around the property either.

Commissioner Wood stated that there appear to be some issues that still need to be resolved and he would like for the parties to continue to negotiate.

Motion was made by Matt Wood, seconded by Marshall Stevenson to lay on the table as originally approved the preliminary plat for Strawberry Acres subdivision until the parties come back with some other proposal which should first be reviewed by staff. The motion carried.

Commissioner Matt Wood stated that he read many pages of emails that went back and forth among Mr. Johnson, Mrs. Cox, and DOT, and he has some concerns about the billing. He said he has a concern with the way the county is doing these reviews without the developer having guidelines ahead of time. He stated that the design manual is not yet available for the developers to use as a guide and he asked if there should be some different set of rules since those guidelines are not yet in place. He said he does not believe it is quite fair to ask the developer to put up another \$6,000 when the balance in the escrow account gets down to \$300 as it has in Mr. Bergman's case. He asked if there could be some interim rule such as a "pay as you go" system until the new guidelines are in place. Commissioner Wood made a motion to approve an interim rule to implement a "pay as you go" system for drainage reviews of projects by the county's engineer until the drainage manual is in place. The motion however died for the lack of a second.

#### **16. REPORT FROM COUNTY MANAGER:**

County Manager Randy Keaton reported that the Pasquotank County Cooperative Extension Service has been asked to apply for a grant for the Pasquotank 4-H to administer the Governor's One on One Program. He said Mr. Glenn Hassell has administered this program for many years and he will be retiring. There was no one interested in stepping forward to apply for this program and apparently in some other counties the Cooperative Extension Service runs the program. The Governor's Office contacted Extension Director Travis Burke to ask if the

Extension Service would be interested in administering this program through 4-H. The amount of the grant is \$33,000 and the program also receives some funding from the Elizabeth City Foundation and some other local funding. Mr. Keaton said the mission of the Governor's One on One Program is similar to the mission of the 4-H program in working with youth and helping youth. He stated that Dr. Burke has prepared the grant application to be submitted to the Governor's Office and he asked if the Board has any thoughts on this before the application is submitted. Chairman Perry said he is somewhat familiar with this program because he knows the person who runs the program in Hertford. He stated that the program will benefit many young people who have problems.

Motion was made by Cecil Perry, seconded by Marshall Stevenson to support the grant application for the Governor's One on One Program to be administered by the Pasquotank County Cooperative Extension Service through the 4-H Program. The motion carried.

#### **17. REPORTS FROM COMMISSIONERS:**

Commissioner Lloyd Griffin reported that Mr. Ben Hobbs has been selected as the new Albemarle Commission Chairman.

Commissioner Bill Trueblood reported that an outstanding meeting of the Stormwater Management Committee was held last week and a lot of good information was provided to the members and to the public in attendance.

Vice-Chairman Marshall Stevenson advised that the Albemarle RC&D Council will be having its annual dinner meeting on May 13. He urged those Commissioners who are available to attend. He added that Dr. Travis Burke has agreed to serve on the Albemarle RC&D Council as an at-large member. He will be the third representative from Pasquotank County and will be introduced at the meeting on May 13.

Chairman Perry reported that he attended the Building Bridges Conference sponsored by the Human Relations Commission this past Saturday. He said the funds Pasquotank County provided to assist with this event were well-spent.

#### **18. RECOMMENDATIONS FROM APPOINTMENTS COMMITTEE:**

Vice-Chairman Stevenson presented the following recommendations from the Appointments Committee:

ABC Board – Reappoint Roy Daniels to an additional term.

Planning Board – Reappoint Richard Parker, James Fletcher, and Dr. Hermon Brown to additional terms.

Tourism Development Authority – Reappoint Thomas Spagnol and Maureen Donnelly to additional terms.

Motion was made by Marshall Stevenson, seconded by Matt Wood to make the reappointments as recommended by the Appointments Committee. The motion carried.

Vice-Chairman Stevenson stated that the Appointments Committee has also recommended the following new appointments:

Social Services Board – Appoint Alice Stallings to replace Helen Caldwell who is not eligible for reappointment.

Tourism Development Authority – Appoint Andy Montero to replace Mollie Beasley whose term will expire June 30.

These new appointments will be on the agenda for the next Commissioner meeting for final approval.

**19. REPORT FROM ASSISTANT COUNTY MANAGER:**

Assistant County Manager Rodney Bunch reported that he received an email from John Sutherland with the Division of Water Resources confirming that the grant application for the Riverview Acres Dredging Project was denied. Mr. Sutherland informed him that projects more than \$400,000 will no longer be approved by staff and will have to be approved by the General Assembly and the Governor. He also informed him that he will send the project forward to the Governor's Office to see if it could be included in the next session or the following session. Mr. Bunch said Mr. Sutherland also indicated that grants less than \$400,000 can be considered by his staff. He noted that this would however greatly increase the cost to the property owners. He said he will be sending a letter to the property owners advising them the project appears to be at a standstill.

There being no further business;

Motion was made by Lloyd Griffin, seconded by Matt Wood to adjourn the meeting. The motion carried and the meeting was adjourned at 9:37 PM.

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CHAIRMAN

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CLERK

The Pasquotank County Board of Commissioners met today in a special joint meeting with the Elizabeth City-Pasquotank Board of Education on Tuesday, April 22, 2008 in Building E, Room 121A on the Campus of College of The Albemarle, North Road Street, Elizabeth City, NC.

**MEMBERS PRESENT:** Cecil Perry, Chairman  
Marshall H. Stevenson, Jr., Vice-Chairman  
Matt Wood  
Bill Trueblood  
Lloyd E. Griffin III  
Jeff Dixon

**MEMBERS ABSENT:** Jimmie Harris (*Due to Illness*)

**OTHERS PRESENT:** Randy Keaton, County Manager  
Rodney Bunch, Asst. County Mgr. for Planning & Econ Dev.  
Sheri S. Small, Finance Officer  
Karen S. Jennings, Clerk to the Board

Also present were members of the Board of Education and School Superintendent Dr. Tony Stewart. The meeting was called to order at 5:02 PM by Chairman Cecil Perry.

The Board of Commissioners and the Board of Education discussed various issues including enrollment numbers and student performance. The two boards discussed possible ways to improve performance at Sheep-Harney Elementary School. Sheep-Harney has lost students to other schools due to parents being able to choose to send their children to other schools because Sheep failed to meet AYP standards for two consecutive years. As a result there is empty classroom space at Sheep-Harney while other schools are very overcrowded. There have been discussions about the need to build a new elementary school, yet there is empty space at Sheep-Harney. The Commissioners asked what the Board of Education is doing to try to bring the students back to Sheep-Harney School. Dr. Stewart explained that some options that have been considered by the Board of Education are to make Sheep a magnet school or to have year round school at Sheep. Board of Education Chairman Frank Jennings advised that a personnel change has been made and there is a new principal at Sheep-Harney. Members of the Board of Education commented that they expect to see vast improvements because of the new principal.

The Boards discussed the possible purchase of land for a new school. It was noted that the site chosen needs to have sewer available. The Board of Education suggested that if the county has the opportunity to purchase land, it should do so, even though there may not be any immediate plans to build a school.

Dr. Stewart reported that the proposed 2008-09 budget will be presented to the Board of Education at its meeting next week. He said it appears the current expense budget request to the county will include about an 8% increase over last year and the capital outlay budget will include the same increase as last year. He stated that most of the increase can be attributed to increases in the cost of diesel fuel, electricity, fuel oil, and personnel.

Other issues discussed were dress codes and possible uniforms, apprenticeships for the proposed Aviation Park, mobile classrooms, and the use of school athletic facilities by other groups.

There being no further business;

Motion was made by Lloyd Griffin, seconded by Matt Wood to adjourn the

meeting. The motion carried and the meeting was adjourned at 7:42 PM.

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CHAIRMAN

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CLERK