

**PASQUOTANK COUNTY, NORTH CAROLINA
MAY 11, 2009**

The Pasquotank County Board of Commissioners held a public forum on Monday, May 11, 2009 to receive input from the general public on whether to request the General Assembly to enact legislation that would make it unlawful to hunt deer with dogs on the land of another without written permission from the land owner. The meeting was held at the College of The Albemarle Community Center Auditorium.

MEMBERS PRESENT: Marshall H. Stevenson, Jr. Chairman
Lloyd E. Griffin, III, Vice-Chairman
Matt Wood
Bill Trueblood
Jimmie Harris

MEMBERS ABSENT: Cecil Perry (*Out of Town*)
Jeff Dixon (*Out of Town*)

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:04 PM by Chairman Marshall Stevenson. Vice-Chairman Lloyd Griffin led in the Pledge of Allegiance to the American Flag and Chairman Stevenson gave the invocation.

Chairman Stevenson explained that this meeting has been called to receive public input regarding hunting in Pasquotank County as it relates to the rights of land owners and hunters. He thanked everyone for taking time to provide input on this important issue. He said the Board is seeking public input relative to requiring hunters through special legislation to obtain written permission from land owners before attempting to hunt or take wild game from the land of another in Pasquotank County. He stated that each speaker will be allowed three minutes and is being asked to be respectful and mindful of others. He said the Board will only receive input tonight and will consider and debate this issue at a later date. He called on those who had signed up to speak.

Mr. Anthony Ambrose of 112 River Haven Drive, Hertford said there are currently so many hunting laws that legislators have given them their own chapter. He stated that there are enough hunting laws and no new laws are needed.

Dr. Robert Powell asked if property owners have the right not to be trespassed upon without permission. He asked if there is a public safety concern regarding shooting rifles on the level in an increasingly populated county. He said the practice of hunting deer with dogs as is traditionally done violates property rights and is unsafe. He stated that many dog hunters practice their sport ethically, but he would maintain that the matter of hunting with rifles is unsafe in the best of hands. He said problems arise when people hunt in places they don't have permission, or when they put their dogs out where they do have permission and the dogs run where they don't have permission. Dr. Powell said the trespass issue, although annoying, is not the biggest issue and the real problem occurs when the deer re-emerges and rifle shots are fired on the level that can kill an innocent bystander, a farm worker, or someone in their home a mile or two away because there is no backstop. He stated that a member of his wife's family was killed in his own backyard by a stray bullet. He said he supports legislation that would require written permission to hunt on someone's property, but it will not solve the safety issue. He added that it is not time to regulate hunting deer with dogs in Pasquotank County, but to outlaw it altogether. He said the majority of North Carolina counties have already done this and many require shooting from an elevated stand. He stated that he would recommend that the county outlaw running deer with dogs, outlaw rifle hunting without written permission, outlaw rifle shooting unless from an elevated stand fixed eight feet high. He said that sanctions should be strong enough to deter offenders, such as loss of hunting license. He asked the Board of Commissioners to do the right thing so as to not have to witness a tragic unnecessary loss of life in the next hunting season.

Mr. John Morse of Chesapeake, Virginia said he is a member of the Southside Hunt Club which leases about 10,000 acres of land in Pasquotank County and Gates County. He stated that there are a couple of issues he believes the Board has not considered. The first issue is public safety of the highways. He said it is a fact that if dog hunting is prohibited or restricted in Pasquotank County, within two years there will be a massive increase in the white tail deer population. If that occurs, there will be deer crashes, there will be people killed, and there will be increases in the cost of car insurance. Mr. Morse said the second issue is an economic factor that has not been discussed. He explained that a study was done in the State of Virginia last year that found that dog-based hunters generate on average \$3,000 per year in revenue for the counties in which they hunt. He said he cannot imagine the Board even considering getting rid of a cash cow that is going to continue to generate income in Pasquotank County and Northeastern North Carolina. He stated that he believes this is a workable situation without any additional laws and is a matter of everyone stepping back and seeing what they can do individually. He said there is no question there are some that are dog hunting who are not doing the right thing. He noted that he believes some of the land owners have approached this issue incorrectly as well and it has created an impasse. He stated he feels this can be dealt with in a positive way without new laws.

Ms. Michelle Aydlett of Oak Stump Road stated that she believes in deer hunting and knows hunting is needed to cull the herd. She said she comes from a family of hunters, and her husband and children all have lifetime hunting and fishing licenses and her husband hunts deer by still hunting. She said due to the development in Pasquotank County there need to be some restrictions regarding hunting with deer dogs. She explained that where she lives on Oak Stump Road on more than one occasion there have been people parked in the triangle in front of her house pointing guns toward her house to shoot the deer they are running through the woods that belong to her family. She said for safety issues, she feels that deer hunting with dogs should be in less populated areas of the county or on large tracts of land that are rented by the hunting clubs. She closed with the following quote from the hunter's code of ethics in the *Hunter's Safety Manual*, "I will consider myself an invited guest of the land owner, seeking his permission, and so conducting myself that I may be welcome in the future".

Mr. Wayne Parker of 797 Esclip Road stated that he came here tonight in favor of the hunters, although he is not a deer hunter. He said he has heard the cattle farmers say they have had problems with dogs running through their land. He stated that one night in March some cattle got out and there were cattle in the road and on adjacent properties. He stated that deer can damage crops, but cattle can too. He stated that over the years his family's crops have been destroyed by deer and he has been in three vehicle accidents involving deer. He advised that the hunters he has seen with the Weeksville Hunting Club have done a good job. He said the dogs are needed to go into the swamps and run out the deer so the population can be controlled.

Mr. Keith Teague stated that when his wife called to tell him there were 15 deer dogs running around their house and she wanted him to do something about it, he realized there was no law on the books to prohibit someone from dumping out dogs on his property. He said he has been facing this for about 20 years and has been asking the hunters to voluntarily not do it and has put up signs that the land is registered with the Wildlife Commission. He has asked the hunters to not hunt on his land and to have enough people when they hunt to keep the dogs off of his property. Mr. Teague said because he has taken a stand, he has had his mailbox torn down numerous times, he has been threatened, and most recently someone put nails in his driveway to try to do damage to his family. He stated that it is time for a change and the new law would have no effect on 90% of the people here tonight. He said the easiest way to regulate this would be to zone dog hunting in the county so it would be allowed in only certain areas. This would protect the still hunters and would also identify for the dog hunters where they can hunt. He said if this is not something the Board wants to do, he would ask that the Board impose laws that require the hunters to keep their dogs only on land where they have permission. He said he is not asking that the Board ban hunting in Pasquotank County, but it has gotten to the point that his family needs the county to protect them in order to keep hunters from continuing to run dogs on their land.

Mr. L.B. White of 1336 Schoolhouse Road explained that he is secretary of the Southside Hunt Club which has approximately 100 members. He said they are opposed to any laws restricting hunting because they don't have any problems in their part of the county. He stated that the club has rules requiring its members to abide by the land owners' wishes, and they try to get along with the farmers and all of the land owners in their area.

Mr. Wade Reid of 1337 Four Forks Road stated that he has a farm on Four Forks Road and Body Road in Pasquotank County. He said he makes his entire living by farming. He advised that he sees many law-abiding hunters here tonight, but there is an element in the hunting community that has caused him a great deal of problems and a great deal of expense. He stated that dogs running through his pastures have caused his cows to run, be chased, and harassed. He said he has had fences torn down repeatedly. He explained that the most troubling element that he has faced in the last eighteen months is that he has had convictions in court of hunters from some of the clubs represented tonight. He stated that he had thousands of roofing nails in his driveway because he spoke at a meeting like this about two years ago. He said those roofing nails cost him over \$2,600 in destroyed tires which was a direct threat against his well-being and his life. He said this was done by a hunter who was later convicted. He stated that during the last hunting season a hunter made threats against his son's life and his life and this hunter was convicted of communicating threats. Mr. Reid said this is the type of intimidation he gets from certain elements of the hunting community. He stated that hunting causes him to waste a lot of time fixing fences and chasing cows. He said he would request that hunters be required to have permission to hunt on someone else's land.

Mr. Adam Brothers of 1049 Simpson Ditch Road said he is speaking on behalf of the Brothers Hunting Club. He said he has always been taught to obey the land owners and obey all of the hunting regulations. He stated that everyone needs to come together and respect one another. He said his club members love to hunt, but do not shoot toward anyone's house and do not hunt from the road. He stated that he believes in being safe and doing what's right.

Ms. Patricia Reid of 1354 Four Forks Road said a hunting license does not give hunters the right to use her private land as their personal playground and prevent her from earning a decent living. She stated that the N.C. Hunter's Educational Manual states that hunters must be in control of their dogs in the field and that hunters must have permission to hunt on private property. She said she is not a hunter, but her sons and her husband are. She explained that she took the Hunter's Safety Course because she was tired of having rude, disrespectful and intimidating hunters on her land ordering her around and scaring her. She stated that hunting is an American right and she is not anti-guns or anti-hunters, but some of the hunters do not respect her rights.

Mr. Grover Sanders, Jr. of 690 Blount Road said he is president of the Weeksville Hunting Club. He stated that the problem with the current recommendation is that in the Weeksville area where they hunt they cannot get written permission to hunt. He said they have been hunting there for more than 50 years and the land owners know them and have no problem with them, however they are scared to sign a paper because of the liability. He explained that the hunting club kills approximately 130 to 150 deer each year from Salem Church to Fletcher's Airstrip. He said if written permission is required it will put the dog hunters out of business and will cause an increase in the deer population.

Mr. Ike Jackson of 812 Baxter Street stated that although he lives in the city, he has farmed in the Weeksville community all of his adult life. He explained that his family has owned property on Dry Ridge Road and Griffin Swamp Road for over one hundred years. He said his purpose tonight is not to encourage a ban on deer hunters because he recognizes the population must be controlled, but to encourage the Board to pass an ordinance banning hunting deer with dogs on another person's property without express written consent of the land owner. He noted that in his remarks to the committee that studied this issue, he enumerated the problems he has had for the last 41 years with dogs chasing deer through his cattle, hunters driving pickup trucks and ATV's across wet fields and farm paths, and the carcasses and trash the hunters leave behind. He said at the January committee meeting, Commissioner Trueblood asked the three men representing the deer hunters what their suggestions might be to alleviate these problems. Their answers were "Nothing" and "I don't have any suggestions". Mr. Jackson said this clearly demonstrates that these hunters have no respect for another's property and do not intend to stop hunting on another's land or to control their dogs. He stated that the land owners have to turn to the Board for legal recourse to protect their rights. He said this has become more than an issue of inconvenience. It has become an issue of property rights and illegal trespass. He asked the Board to pass a law before the next deer hunting season that includes: 1) Hunting on another's property without written permission is illegal and constitutes criminal trespass; 2) Hunting of any kind from a public right of way is illegal; 3) Dog hunters or hunting clubs shall post a bond in the amount of \$100,000 for payment of damages to private lands and agricultural enterprises as a result of hunting activities. All hunt clubs and/or kennels must be registered annually with the Sheriff's Department and the North Carolina Wildlife Commission. All dogs must wear collars with the name, address, and telephone number of the owner attached to the collar; 4) Any

violation of this law will be considered a felony with escalating significant monetary damages being assessed for each additional offense; 5) After a third offense there shall be a mandatory revocation of an individual's hunting license for a year. Mr. Jackson stated that he believes enacting a statute containing these provisions would act as a deterrent to allow those land owners choosing to not allow hunting on their land some recourse to collect damages caused by this ongoing problem. It would also allow hunters to hunt on lands whose owners are willing for them to do so.

Ms. Henri McCleave stated that she represents the North Carolina Sporting Dog Association of which Albemarle Houndsmen is one of the founding members. She said the association was formed to protect the sport of hunting with dogs. She stated that she understands there have been some very bad circumstances in a few situations which have inflamed passions, created a bad situation for everyone, and created enough pressure that the Board of Commissioners feels it is necessary to have this public forum. She said she does not believe that more laws are needed and that creating and passing ordinances or laws on the local level aimed at the worst offenders is a way to solve some of these ongoing issues. She explained that the vast majority of the hunters agree with Mr. Brothers that people should get along and they are appalled when nails are put in a driveway, or when people are threatened or intimidated. She said there is no excuse for conduct of this nature and she understands that these things need to be addressed. She asked the Board to consider a moratorium on any action in terms of an ordinance and she suggested that the hunters be given an opportunity to form a sort of mediation board of their own on the local level to address specific situations.

Mr. Doug Lane of 625 Okisko Road provided members of the Board with a photograph showing a sample of his art work. He said this is one of the reasons he bought his property, but another reason he bought the property was to have a quiet place to live. He explained that his work, his lifestyle and his property are not compatible with someone else's sport that trespasses onto his property. He said half of the counties in North Carolina totally ban this sport, Chowan County controlled it in 2005, and other counties are in the process of controlling trespass by deer dogs. He stated that he bought his property, pays the taxes on the property and lives on his property. He said he would respectfully request the Board to pass an ordinance that requires all hunters to get permission to hunt and to attempt to hunt.

Mr. Bobby Harris of 291 Belcross Road, Camden said he is president of the Albemarle Houndsmen Association. He stated that written permission takes the right of a land owner to let a neighbor hunt without putting any undue stress on him as far as being sued. He said every hunter should have verbal permission and 95% to 98% of hunters try to stay off of other people's land where they don't have permission, however occasionally dogs do run on other land if that is where the game is running. He stated that requiring written permission puts a liability on the property owners. He said anyone who does not want hunters on their land should post their land and the Wildlife Resources Commission or the Sheriff's Department can arrest them. He advised that the vast majority of the land owners do not have a problem with the hunters and it is only a small number that do have problems. He said everyone needs to work together.

Mr. Matthew Reid of 1209 Shelley Drive explained that he likes to hunt as much as anyone else, but does not feel that his privilege to hunt is any more important than anyone else's. He said there was a time when they hunted with dogs safely on the Reid Farm, caught the dogs before they went where they weren't supposed to be and had a good time. He said he sympathizes with anyone who is afraid that any new law would unfairly punish them for somebody else's wrong. He asked everyone to understand that there are some who do not hunt in a courteous manner and when they don't, there is no recourse under the current laws. He stated that this is a problem in Pasquotank County and should be decided by the citizens of Pasquotank County and not by citizens of Virginia or Hertford or any other county. He said regardless of everything that can be said about dog hunting, what it costs or how much damage it does, the purpose of tonight's meeting is to express whether or not a person should have the right to decide how their land is used or not used. He stated that he does not prefer to hunt with dogs anymore and now likes to still hunt. When he still hunts, if someone else hunts with dogs on the same land that he is hunting on, his hunt is ruined because he does not have an opportunity to shoot any deer. If it is public land that he merely holds permission on, he does not feel that he has more rights than anyone else, but if it is land that he or his family own or that he leases the hunting rights to, he should be able to hunt as he pleases and should be able to decide how the land will be used. He said everyone is here tonight not to discuss whether they like dog hunting or not, but to

discuss whether or not they have the right to use their land as they see fit. He added that with dog hunting as it is now, they don't have the option of telling someone they can't hunt there if they hunt with dogs.

Mr. Doug Temple of 1273 Lynch's Corner Road explained that he is a lifetime resident of Pasquotank County and his grandfather and father were lifetime residents, and they all hunted deer with dogs. He said he is against any kind of law that might stop hunting with dogs. He stated that he does not see an occasional dog on someone else's land as a problem. He said he sees crime, high taxes, the economy, and plastic bags as more of a problem than dog hunting. He stated that the Sheriff's Department needs to be trying to stop break-ins and other crimes instead of spending their time trying to catch criminals running dogs after deer. He said property owners do have rights, but he requested that his right to hunt deer with dogs not be taken away. He stated that he owns land but cannot keep his dogs on his property all of the time. He said he wanted to sell two lots and give his children the money to build houses, but was told he could not sell the lots in his portion of the county because of a law passed by the county. He asked where his rights are as a land owner. He said someone did not mind taking his rights away, so he asked the Board to not take any more of his rights away.

Ms. Wendy Henwood of 203 Poplar Drive said she lives in one of the unpopulated areas of Weeksville. She stated that a small percentage of hunters do not follow the laws and they gather along the roadsides and shoot toward her house and it is scary. She noted it is also scary being here tonight knowing how outnumbered the supporters are. She explained that the people she works with and socializes with have expressed the same concerns and are afraid to speak up. She said they were afraid to come to the meeting tonight and are afraid to say anything directly to the hunters because they have been threatened before. She said she thinks hunting with dogs should be eliminated altogether in Pasquotank County, but if it cannot be banned like in most of the country and most of the world, she asked that the Board pass an ordinance that puts some limits in place to protect the property owners and give them some peace of mind.

Mr. David L. White, Jr. of 1345 Millpond Road said he is president of the Newland Hunting Club. He said he sympathizes with the land owners who have to deal with rogue hunters and he apologizes for those that are rebels. He stated that young black men need other recreation besides basketball and selling crack. He said young guys are in their club and they hunt and have a good time. He said if they can keep them in the woods, they can keep them out of jail. He stated that he personally believes that hunters who violate the law should be prosecuted. He said as president of the hunting club, his responsibility is to see that all the hunters abide by the laws. He explained that hunters with dogs are doing a service for the farmers as well as the businessmen and a lot of revenue comes in because of dogs. Mr. White said if hunters have to stop running deer dogs, there will be an overpopulation of deer and the diseases that are prevalent among deer would increase. He stated that he believes everyone can work this issue out together.

Mr. Paul Stallings of 559 Highway 158 explained that he owns land in the Newland area, but does not hunt and has never hunted. He said if dog hunting is eliminated, it will affect his business greatly because he is a farmer and the deer hunters do him a service by keeping down the deer population. He said he tends some land on Commissary Road that cannot be hunted due to the number of houses, and he has had to plant that crop at least twice every year due to the deer destroying it. He stated that he has owned cows for years and has never had any problems with dogs chasing cows, and most of the time the cows chase the dogs out of the field. He said if one land owner gives permission for dog hunting, but an adjacent land owner does not, it would cause a problem because the dogs won't know where to stop. Mr. Stallings added that he knows a land owner who will not allow hunting on his land and he had to slaughter 25 or 30 deer in his field last year. He said he would much rather see a deer hunter get some meat out of it than for the farmers to just slaughter the deer.

Mr. John Hudson of South Mills stated that he hunts in Pasquotank County with the Southside Hunt Club. He said he opposes any changes in the laws because he feels there are plenty of laws that are apparently working. He asked those in opposition and in favor of the proposed law to stand. He stated that he hopes the Board would not consider outlawing hunting altogether. He said that trespassing laws are already in effect, and dog owners are required to have their names, addresses and phone numbers on the dog collars. He noted that the hunters cannot always catch all of their dogs. He said if they are going to run across someone's property, it will occur very quickly. He stated that other rules are in place as well. He said it should not be a felony if a dog were to cross a person's land because the hunters are not criminals. He asked if a law will be put

into effect to make it a felony if a farmer's cattle get out and are on the highway. He said this is the same type of scenario.

Mr. Paul Champion of Newland said his grandfather took him hunting when he was a child and they hunted with dogs. He stated that he has respect for others and stays off of their property if they do not want him there. He said his grandfather hunted for almost 70 years and he takes his eight-year old hunting in the family tradition. He said to impose additional laws on hunting would take away his rights as an American.

Mr. Dustin Wilson of 1912 Evergreen Drive stated that he belongs to a small hunt club and feels that sufficient rules and regulations are already in effect and that there should not be any additional laws against dog hunting. He said property owners who have problems with dog hunters should put up a fence and no trespassing signs.

Dr. Jesse Morris explained that he is a land owner in the Weeksville area and has a real problem with deer. He said due to the prolific growth of deer, it is hard for him to go home at night for fear of one or more deer crossing the path of his automobile. He stated that something has to be done to stop the growth of the deer population. He said if the hunters are curtailed it will cut off the bloodline of survival from a farming standpoint. He stated that he is grateful for the hunters and welcomes them to kill every doe they can. Dr. Morris said he has never been deer hunting, but recognizes a need for deer hunters.

Mr. Theodore Roper of 122 Danielle Drive said he does not care who hunts with or without dogs. He stated that the U.S. Constitution teaches that a man's property is his home and no one has the right to invade that home. He said if he wants to hunt he does not need a dog to chase the deer to him. He asked the Board to think of the rights of the property owners.

Chairman Stevenson said he would allow one person from each side to speak and summarize their position.

Ms. Henri McCleave, representing the dog hunters, stated that they do not want a change in rules, and do not want more laws, but they do apologize on behalf of the small minority of rogue hunters who have done things to offend, or have done things that are clearly wrong. She said they encourage prosecution of people who violate the laws and in no way do they want any law on the books now to not be enforced. She stated that they know there are ample laws to deal with criminals, but they also know that in an attempt to address singular problems by a few, it is very easy for lawmakers to paint with a broad brush and pass a law that has unintended consequences. She said many of the speakers tonight have tried to bring before the Board some of those unintended consequences. She stated that the county needs deer hunters because they pay to hunt the deer by buying dogs and dog food. She noted that the largest dog food market in the United States is east of I-95 in North Carolina. She said the Board has heard the issues tonight including property rights and the need to control a deer population that is destructive. She added that it would be hard to put a monetary value on the destruction of personal property that is done by deer without any curtailment by hunters. She stated that she would like to offer on behalf of the hunters more efforts in terms of a mediation board. She said she would be glad to provide an outline of what that board might look like and who might be involved in order to have some kind of a dispute resolution so that it does not end up before the Board of Commissioners year after year. She suggested that more laws will not end the problems, but will create more. She said the hunters are very willing and want to be part of the solution.

Mr. Doug Lane of Okisko Road said this issue has been with him for over 20 years. He stated that land owners currently do not have the legal recourse to stop someone from trespassing with deer dogs on their property. He said it has been mentioned that there will be a massive increase in deer if dog hunting is banned. He stated that Chowan County in 2005 passed the legislation he is requesting and he has not heard about such an increase in deer in Chowan County. He said it is difficult to summarize 20 years of harassment by the hunters, and while the hunters say it is a small group that does this, he does not think so. He stated that he is not asking the county to ban deer hunting with dogs, but is asking that hunters be required to get permission from property owners before hunting on their land. Mr. Lane stated that he and every other land owner should be able to have the sole use of their property.

Chairman Stevenson thanked everyone for being at the forum tonight and sharing their comments. He said the Board will be addressing this issue at a later date and debating it amongst its members.

The meeting was adjourned at 8:15 PM.

CHAIRMAN

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA
MAY 18, 2009**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, May 18, 2009 in Courtroom C in the Pasquotank County Courthouse.

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

MEMBERS ABSENT: Matt Wood

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Marshall Stevenson. Commissioner Cecil Perry gave the invocation and Vice-Chairman Lloyd Griffin led in the Pledge of Allegiance to the American Flag.

**1. PUBLIC HEARING ON ZONING TEXT AMENDMENT TO DELETE
SWIMMING POOL FENCING REQUIREMENTS FROM THE ZONING
ORDINANCE:**

Chairman Stevenson declared the meeting to be a public hearing on Zoning Text Amendment ZTA 09-03 to eliminate swimming pool fencing requirements from the Zoning Ordinance. Planning Director Shelley Cox explained that staff is proposing this change to the Zoning Ordinance because in the past the State Building Code addressed swimming pools as an appendix that was optional. The county had not in the past adopted that optional appendix as regulating swimming pools within Pasquotank County and instead adopted zoning regulations that addressed fencing of swimming pools. Ms. Cox stated that this year there was a change to the State Building Code and now instead of that appendix being optional, it is mandatory. She said when looking at the State Building Code she found that there were some discrepancies between what the county was requiring in the Zoning Ordinance and what the state was requiring in the Building Code. In order to alleviate the potential for any future discrepancies and to make sure that everyone is following the same regulations, staff is proposing eliminating all of the swimming pool fence requirements from the Zoning Ordinance and to defer strictly to the Building Code. The Building Inspectors will be responsible for enforcing these regulations.

Chairman Stevenson asked if anyone from the public would like to address this issue. At the absence of comments, the public hearing was closed.

Motion was made by Bill Trueblood, seconded by Jimmie Harris to approve Zoning Text Amendment ZTA 09-03 as proposed.

Discussion followed and Commissioner Jeff Dixon asked if existing swimming pool fencing would be grandfathered. Ms. Cox responded that existing fences would be grandfathered.

The motion carried unanimously.

**2. PRESENTATION OF PETITION AGAINST NEW HUNTING REGULATIONS
IN PASQUOTANK COUNTY:**

Chairman Stevenson recognized Mr. Randy Meads, President of the Dryridge Hunt Club. Mr. Meads said he appreciates the Board holding a public forum on the dog hunting issue last Monday. He stated that the editorial in the newspaper Sunday indicated that the hunters were trying to intimidate the County Commissioners. He said the public was invited to comment and those who were interested in the dog hunting issue were there. He stated that approximately 333 hunters were there and they were not trying to intimidate anyone, but were showing that they

care about this issue deeply. He said some good issues were raised on both sides. He noted that he didn't understand why there were so many deputies there because hunters are not a mob of angry people. He stated that the dogs are not blood-thirsty hounds and killers. Mr. Meads stated that some of the members of the Dry Ridge Hunt Club started a small petition that he would like to present to the Board. He said they did not go door to door all over the county and did not take it to the country store. He stated that the petition was signed by 44 landowners of more than ten acres of land and by 94 county residents and taxpayers who would like to keep the county as rural as possible and who do not see the need for additional hunting regulations. Mr. Meads said everyone has referred to Chowan County's hunting regulations in proposing regulations for Pasquotank County that would require written permission in order to hunt on someone's land. He stated that Chowan County does not have anything on the books concerning getting permission to run a dog on their property. He said they have a total ban of deer dogs in the southern part of Chowan County, and in the other part of the county written permission from the land owners is required to hunt. Mr. Meads asked what his rights are as a land owner. He said he cannot build what he wants to build on his property and cannot do what he wants to on his property. He said as a dog hunter he is not trying to and does not want to infringe on anyone's rights. He suggested if a law is wanted that it be to not turn a dog out within 1,000 feet of posted property. He said this might not solve Mr. Lane's problem, but it should solve a lot of other people's problems. He said unless wildlife can be controlled, where a dog is going to run cannot be controlled.

Chairman Stevenson thanked Mr. Meads for his comments and said the Board plans to schedule a work session on this topic to discuss where to go from here.

3. AMENDMENTS TO THE AGENDA:

Chairman Stevenson asked if there were any amendments to the agenda. Vice-Chairman Griffin requested that the agenda be amended to add the following items recommended by the Finance Committee today: 1) Approval of contribution of \$1,000 from county's tourism fund to assist with the International Cup Regatta; and 2) Approval of change orders for Jail project.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to amend the agenda to add the two items listed above to the Consent Agenda. The motion carried.

4. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda.

- a. Approval of Minutes of May 4, 2009 Commissioner Meetings
- b. Approval of Tax Releases and Refunds

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

Releases:

		County	City
1.	Sean Patrick Priest	128.98	
2.	William James Torr	115.56	
3.	Scott Elliott Dyer	141.96	
4.	Greg Anderson Stewart	129.47	110.93
5.	Michelle Norine Tanner-Hextel	133.87	

c. Approval of Budget Amendments

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

CAPITAL RESERVE

Decrease	021.8200.5960.01	Capital Reserve-Unallocated	213,655.00
Increase	021.8200.5625.10	Commerce Park Reserve	213,655.00

GENERAL FUND

Increase	010.0700.4981.21	Transfer from Capital Reserve	213,655.00
Decrease	010.0700.4981.50	Transfer from Commerce Park Reserve	213,655.00

CAPITAL RESERVE

Decrease	021.8200.5960.01	Capital Reserve-Unallocated	700,000.00
Increase	021.8200.5980.10	Transfer to General Fund	700,000.00

GENERAL FUND

Increase	010.0700.4981.21	Transfer from Capital Reserve	700,000.00
Decrease	010.0700.4981.60	Transfer from Water System	700,000.00

CAPITAL RESERVE

Increase	021.0230.4328.01	NC Education Lottery	178,800.00
Increase	021.0700.4981.00	Transfer from General Fund	89,186.00
Increase	021.0700.4981.64	Transfer from Solid Waste	33,781.00
Increase	021.8200.5960.01	Capital Reserve-Unallocated	301,767.00

SOLID WASTE

Decrease	065.7425.5700.19	Debt Service	33,781.00
Increase	065.7425.5980.21	Transfer to Capital Reserve	33,781.00

d. Approval of Family Subdivision Request 09-04 Consisting of One Lot on Cherry Glade Road

Staff has recommended approval of Family Subdivision Request 09-04 by Samuel L. Ownley, Sr. to create a gift lot for a grandchild in accordance with Article 3, Section 303 of the Pasquotank County Subdivision Ordinance. A total of 26.85 feet of road frontage for the proposed parcel is provided onto Cherry Glade Road. The total lot area proposed is 1.36 acres for the gift lot and 122.91± acres for the residual tract. Mr. Ownley is requesting to give a lot to his grandson, Edward Ownley, Jr., and has provided documentation to show the property has been in continuous ownership for a period of over five years. Documentation has been provided that the plat qualifies as a family subdivision and Albemarle Regional Health Services has evaluated this site and determined that it is suitable for a septic system. Staff has advised that the application meets the minimum requirements for a family subdivision.

e. Approval of Family Subdivision Request 09-05 for the Creation of One Lot on Mill Pond Road

Staff has recommended approval of Family Subdivision Request 09-05 by Donnie Stokes to create a gift lot for a child in accordance with Article 3, Section 303 of the Pasquotank County Subdivision Ordinance. A total of 222.42 feet of road frontage for the proposed parcel is provided onto Mill Pond Road. The total lot area proposed is 6.04 acres for the gift lot and 1.06 acres for the residual tract. Mr. Stokes is requesting to give a lot to his daughter, Crystal Leigh Stokes, and has provided documentation to show the property has been in continuous ownership for a period of over five years. 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 a septic system. Staff has advised that the application meets the minimum requirements for a family subdivision.

f. Approval of Family Subdivision Request 09-06 Consisting of One Lot on Glade Road

Staff has recommended approval of Family Subdivision Request 09-06 by Caleb Harris to create a gift lot for a child in accordance with Article 3, Section 303 of the Pasquotank County Subdivision Ordinance. A total of 150.12 feet of road frontage for the proposed parcel is provided onto Glade Road. The total lot area proposed is 1.65 acres for the gift lot and 2.35 acres for the residual tract. Mr. Harris is requesting to give a lot to his daughter, Darlene Wharton, and has provided documentation to show the property has been in continuous ownership for a period of over five years. Documentation has been provided that the plat qualifies as a family subdivision and Albemarle Regional Health Services has evaluated this site and determined that it is suitable for a septic system. Staff has advised that the application meets the minimum requirements for a family subdivision.

g. Adoption of Resolution Approving Articles of Association and Agreement for the Albemarle Commission Workforce Investment Consortium

The Board needs to adopt the following resolution designating Lloyd Griffin III as the chief elected official for the purpose of executing agreements on behalf of the Workforce Investment Consortium.

**RESOLUTION APPROVING ARTICLES OF ASSOCIATION
AND AGREEMENT FOR THE ALBEMARLE COMMISSION
WORKFORCE INVESTMENT CONSORTIUM**

WHEREAS, the counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington, being independent and contiguous units of local county government, wish to agree to establish a workforce investment consortium (“Consortium”) to act jointly as a Service Delivery Area (“SDA”) under the Job Training Partnership Act of 1982 (“JTPA”), as amended, and as a local workforce investment area under the Workforce Investment Act of 1998 (WIA), Public Law 105-220-August 7, 1998 as authorized by North Carolina General Statutes, Section 160A-460 et seq.; and

WHEREAS, in addition to specific authority to enter into the agreement attached hereto, a “Chief Elected Official” for Workforce Investment Act (WIA), JTPA, as amended, Employment and Training Grant Program (“ETGP”), and Welfare to Work (“WtW”) purposes upon whose representations the State of North Carolina, the Albemarle Commission Workforce Development Board, (synonymous with Workforce Investment Board), the Albemarle Commission (as SDA Administrative Entity) and the other Counties may rely, must be designated and authorized to execute the attached agreement and such other agreements as are necessary for purposes of WIA, JTPA, ETGP, and the WtW Grant provisions of Title IV, Part A of the Social Security Act (P.L. 74-271), as amended and who shall sit on the Consortium Board.

BE IT RESOLVED, that Lloyd Griffin III is hereby designated the “Chief Elected Official” for the foregoing purposes and as such he/she is fully authorized to execute the attached agreement and such other and further agreements on behalf of this County as are necessary for these purposes.

The foregoing Resolution was adopted by the Pasquotank County Board of Commissioners on this 18th day of May, 2009.

h. Approval of Communications Upgrade Proposal, Phase I

The Finance Committee has recommended approval of the release of \$92,000 from the Public Safety Reserve Fund for Phase I of a communications upgrade project to benefit the city and county fire departments and EMS. The Finance Committee also approved the second phase of the project contingent upon legislation allowing additional uses for 911 funds.

i. Adoption of Resolution Opposing House Bill 1130 (Senior Prop 13 Property Tax Relief)

The Board has been requested to adopt the following resolution which would oppose House Bill 1130 that has been introduced by Representative Annie Mobley. One of the provisions of this bill freezes property valuations for all citizens over the age of 70. This age based provision is not means tested and will create an undue tax burden on working families, as they pick up the lost revenue caused by this bill. The resolution once adopted will be sent to Representative Mobley and our local legislators.

**RESOLUTION
AGAINST HOUSE BILL 1130 (SENIOR PROP 13 PROPERTY TAX RELIEF)**

WHEREAS, the North Carolina Constitution requires that all real property be taxed uniformly across the state and at “fair market value”;

WHEREAS, the State of North Carolina already recognizes the contributions made by our elderly citizens and long-time residents and offers a generous Homestead Exemption for seniors of up to 50 percent or \$25,000 of the property’s value, whichever is greater;

WHEREAS, House Bill 1130 (Senior Prop 13 Property Tax Relief) would provide a significant property tax break for elderly homeowners and for homeowners whose property increases in value more than other homeowners;

WHEREAS, providing this tax break would result in a significant reduction of property tax revenues for all counties and citizens in North Carolina;

WHEREAS, providing greater tax exemptions for certain segments of society does nothing to reduce the need for services provided by local governments, which therefore increases the burden to fund these services on those who do not qualify for the exemption;

WHEREAS, the General Assembly can opt to fund this tax break by granting eligible citizens a credit on their state income tax return, instead of requiring cities and counties to fund a state tax break over which they had no input;

NOW THEREFORE, BE IT RESOLVED that the Pasquotank County Board of Commissioners urges the North Carolina General Assembly not to enact House Bill 1130;

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly representing Pasquotank County and to all 100 counties in North Carolina.

ADOPTED this the 18th day of May, 2009.

j. Approval of Contribution for International Cup Regatta

The Finance Committee has recommended that the Board approve a contribution of \$1,000 from the county's tourism fund to assist with the International Cup Regatta.

k. Approval of Change Orders for Jail Project

The Finance Committee has recommended approval of three change orders for the jail project. The first change order is in the amount of \$42,225; the second change order is in the amount of \$28,447; and the third change order is a credit in the amount of \$39,189.

Motion was made by Cecil Perry, seconded by Jimmie Harris to approve the consent agenda as amended. The motion carried.

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

Refunds:

		County	City
1.	Kenneth Wilson	7.90	11.48

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
Erskin Griffin Etal	P78-53	Unoccupied 2005-2007

5. APPROVAL OF PRELIMINARY PLAT FOR CAROLINA DUNES-BEVERLY DRIVE SECTION:

The Board considered the preliminary plat for Carolina Dunes-Beverly Drive Section consisting of three residential lots adjacent to Beverly Drive. Planning Director Shelley Cox explained that the property is zoned R-15 Residential and proposed lot sizes range from 1.26 acres to 3.61 acres. Under the current school districting, students from this development would attend J.C. Sawyer Elementary School, River Road Middle School and Northeastern High School. Weeksville Volunteer Fire Department provides fire protection for the area and it is served by the Pasquotank County Water System. Because this subdivision is less than ten acres and is not waterfront property, a sketch plan review was not required. On-site septic systems will be installed to dispose of wastewater and Albemarle Regional Health Services has issued tentative approval of the three lots, with a requirement for the installation of sand backfill trenches. Access to the three lots will be limited to Beverly Drive and they are providing a non-access egress easement. Ms. Cox advised that the Technical Review Committee met on April 1 and reviewed this proposal. The only significant concern at that time was related to the stormwater drainage calculations. Since that time the drainage calculations have been provided and reviewed by Mr. Greg Johnson who has issued a recommendation of approval for the drainage at this location. On April 23 the Planning Board reviewed and recommended approval of this request.

Vice-Chairman Griffin asked questions regarding drainage and flood elevations and Chairman Stevenson asked if Beverly Drive will be required to meet state standards. Ms. Cox said the road will be required to be constructed to state standards. Mr. Tom LeBeau, engineer for the developer, reviewed the drainage plans. Commissioner Griffin suggested in the future that staff provide a site plan that encompasses a larger area in order for the Board to better understand the properties that will be affected downstream. Commissioner Trueblood said he would agree with Commissioner Griffin that the Board needs to see the outfall.

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to approve the preliminary plat for Carolina Dunes-Beverly Drive Section as presented. The motion carried.

6. CONSIDERATION OF AGREEMENT BETWEEN CITY AND COUNTY TO PROVIDE WATER SERVICE TO RIVER'S EDGE APARTMENT COMPLEX:

The Board reviewed a proposed interlocal agreement between the city and county to provide water to the city to allow River's Edge apartment complex to proceed with its development. County Attorney Mike Cox explained that this was a recommendation from the Water Committee. He explained that it is his understanding that the city is under a moratorium to provide new water taps therefore the developer of River's Edge, Halcon Properties and Consulting, LLC/Halcon Development, LLC needs a commitment for water service and is coming to the county to request water service. They are scheduled to close on the property in June and their investors want a commitment for water before they move forward. Mr. Cox advised that all of the issues have not been negotiated between the city and the county and the agreement provides that the city will allow the county to provide water to River's Edge provided all necessary issues are resolved. Until such issues are resolved the county is under no legal obligation to provide water service. In the event the city and county are unable to negotiate the terms, the city would agree to allow the county to provide water to River's Edge for a period of ten years and the residents would be county water customers during that period.

Assistant County Manager Rodney Bunch explained that this request came about approximately three weeks ago when the developers contacted him when they found out the city could not provide the water they need. The county is working with them on a CDBG grant for the project. He said a meeting was held with the contractor, the City Manager, the Water Superintendent, and himself to discuss this issue and the interlocal agreement was drafted by the County Attorney based on that meeting. Mr. Bunch said the city hopes the moratorium will be lifted before construction of the water main begins, in which case the interlocal agreement would mean nothing. He added without this agreement, the project will probably stop because there will not be a guarantee of water.

Motion was made by Bill Trueblood, seconded by Cecil Perry to approve the proposed interlocal agreement with the city for the county to provide water service to River's Edge apartment complex and to forward the agreement to the city for approval. The motion carried.

7. REPORTS FROM COUNTY MANAGER:

County Manager Randy Keaton reported that he has received a letter from the Department of Juvenile Justice regarding cuts in the Juvenile Crime Prevention Council budget. Originally the state had taken 7% of the April disbursement and has now taken a 3½% total annual reduction. The original cut totaled \$817 for Pasquotank County and the latest cut was an additional \$4,899 for a total of \$5,716 that has been cut from the Juvenile Crime Prevention Council funds. Mr. Keaton explained that the largest recipients of these funds are the school system to provide counseling services for kids who have been put on probation or parole, and the Housing Authority to provide structured activities for kids who have been suspended from school. The third program cut that will impact the county directly pays for psychological testing if a judge orders that testing be done on a juvenile. The latest budget cut eliminated those funds so any future psychological testing ordered by a judge between now and July 1 will have to be paid for directly by the county.

Mr. Keaton reported that he received an email from the Emergency Management Coordinator late today advising that there is an area of disturbed weather over eastern Cuba, the southeastern Bahamas and adjacent waters. He said currently there is only about a 30% chance of it turning into a tropical cyclone. He added that it appears hurricane season is starting early this year.

Mr. Keaton stated that members of the Board have been provided copies of two letters from Representative Bill Owens in response to two resolutions the Board adopted that were sent to him.

Mr. Keaton reported that the Request for Proposals was sent out today for financing the RO plant. Proposals will be opened next Friday, May 29.

Mr. Keaton reminded the Board to recess tonight's meeting until this Wednesday, May 20 at 5:00 PM for a budget work session.

Chairman Stevenson asked the status of the bids for landfill contractors. Mr. Keaton said the Solid Waste Director sent a notice to the previous bidders to let them know that another pre-bid conference will be held and the process will start over again.

8. REPORT FROM CLERK:

The Clerk reminded the Board of the retirement party for Register of Deeds Dollie Summerour that will be held next Friday, May 29 at 6:00 PM at the Extension Service. She also advised the Board that the county will be sponsoring the Red Cross Bloodmobile next Wednesday, May 27 at the Courthouse from 9:00 AM until 3:00 PM.

9. RECOMMENDATIONS FROM APPOINTMENTS COMMITTEE:

Commissioner Trueblood stated that the Appointments Committee would like to make the following recommendations:

Senior Citizens Advisory Board – Appoint Jo Ann Kitchen to replace Joe Lamb, Jr., pending receipt of her application for review.

Elizabeth City Board of Adjustment – Reappoint Claudie Mackey for an additional three-year term.

Motion was made by Bill Trueblood, seconded by Cecil Perry to reappoint Claudie Mackey to the Elizabeth City Board of Adjustment. The motion carried.

10. REPORTS FROM COUNTY COMMISSIONERS:

Commissioner Trueblood provided Board Members with a copy of a report regarding unique technology to work with stormwater runoff. He asked that everyone review this information.

Commissioner Cecil Perry stated that the Potato Festival this past weekend was very enjoyable. He said it was well-attended and the community benefitted from it.

Chairman Stevenson noted that the Board held a public input meeting last Monday on the issue of hunting with deer dogs. He said there needs to be some closure on this and the Board needs to have a working meeting at some point to finalize what, if anything, it will do concerning this matter. He suggested that the meeting possibly be scheduled in conjunction with an upcoming budget work session.

Chairman Stevenson asked if there was any further business to come before the Board. There being no further business, he asked for a motion to recess the meeting.

Motion was made by Bill Trueblood, seconded by Cecil Perry to recess the meeting until Wednesday, May 20, 2009 at 5:00 PM. The motion carried and the meeting was recessed at 7:50 PM.

CHAIRMAN

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA
MAY 20, 2009**

The Pasquotank County Board of Commissioners met on May 20, 2009 in a continuation of the May 18 regular meeting which was recessed. The meeting was held in the Commissioners Board Room in the Pasquotank County Courthouse.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Sheri Small, Finance Officer

The work session was called to order at 5:00 PM. County Manager Randy Keaton presented revenue projections for the 2009-10 fiscal year. The Board discussed ways to make up the revenue shortfall including possible salary cuts and furloughs for county employees and a possible tax increase.

Motion was made by Bill Trueblood, seconded by Marshall Stevenson to recess today's meeting until Tuesday, May 26 at 11:00 PM. The motion carried and the meeting was recessed at 7:00 PM.

CHAIRMAN

CLERK