

**PASQUOTANK COUNTY, NORTH CAROLINA
NOVEMBER 14, 2007**

The Pasquotank County Board of Commissioners and the Pasquotank County Stormwater Management Committee met today in a joint meeting on Wednesday, November 14, 2007 in Courtroom C in the Pasquotank County Courthouse.

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

MEMBERS ABSENT: Jimmie Harris

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Asst. County Mgr. for Planning & Econ. Dev.
R. Michael Cox, County Attorney
Lynn Scott, Asst. Clerk to the Board
Greg Johnson, Patton Harris Rust & Associates

The meeting was called to order at 3:00 PM by Chairman Cecil Perry. Commissioner Matt Wood gave the invocation. Chairman Perry welcomed everyone present and asked Commissioner Bill Trueblood, Chairman of the Stormwater Management Committee to preside over the meeting.

Commissioner Trueblood said he felt it was extremely important that not only the Stormwater Committee be involved in the presentation of the draft Stormwater Design Manual, but also the full Board. He stated that Mr. Johnson was going to unveil the work that has been ongoing for twelve months or more by himself, his staff, and members of our staff. He said we are taking a giant leap in our county to attempt to address stormwater concerns throughout the county.

1. PRESENTATION ON STORMWATER DESIGN MANUAL BY GREG JOHNSON:

Commissioner Trueblood introduced Mr. Greg Johnson of Patton Harris Rust & Associates. Mr. Johnson provided two documents; a draft drainage manual and an outline, which he referred to as "Cliff Notes". He said his goal today is to gain our permission to gather a committee of local professionals to review and comment on the manual. He stated that it is very important that the area professionals participate in this process to help insure that the manual is reasonable and adequately and fairly guides development in the County. He said he proposes to invite all professionals who have submitted plans within the last year to a meeting. At the meeting, they will request an individual from each representing company to form a working committee to review and comment on the manual. He explained that they will receive the comments and work with the professionals to revise the manual and he would return the manual to us with the recommendations by the professionals. At that time, he would propose to present the manual for full public comment and request our final approval. He said they will also provide a copy of the manual to Dwane Hinson, Pasquotank County Soil & Water Conservation District and Gretchen Byrum, District Engineer, NCDOT and request their input.

Mr. Johnson said they had major contributions with the drainage manual from Dwane Hinson and Mark Powell. He added that Dr. Ellen Colodney, with Coastal Plain Conservation Nursery, Inc. was responsible for the input on plantings. He stated that this is not an original work. He said there are specifications that they wrote, but there are also many sections that came from other places, such as Rocky Mount.

Mr. Johnson presented a Power Point presentation of the major topics in the review outline. He explained that Divisions 1, 2, and 3 are primarily introductions. He noted that Division 4 has two main sections. The first section he said deals with developments of an acre or less of disturbance and the second section deals with large developments that are over an acre.

He said the intent of Division 4A is to ensure that small developments have a finish floor that is above base flood elevation. He stated that there is language in this section which explains how

to calculate the elevations. Division 4B speaks to developments of more than an acre. He explained that this is when they start requiring that developers look at pre versus post runoff conditions. He stated there is an exception when there is a development between one and four acres. He said modified drainage analysis can be utilized, which is called Critical Storm Length. He explained that there are a couple different algorithms that are acceptable. Commissioner Wood asked Mr. Johnson to explain algorithms. Mr. Johnson answered, a calculation set. He explained that short storms tend to have a real intense period to them and a long storm tends to be less intense. Therefore, in a small development he said we try to judge where the critical time is to maximize the volume in a detention pond. This is used to size a detention pond appropriately. If more than four acres is being developed, a full blown 24-hour analysis is required of the catchment. He added that the requirement to retain the post development runoff rate to the pre-development runoff rate may be waived if on-site detention amplifies the downstream stormwater level or if the development drains directly to a major water body. He explained that this outcome is possible in the middle and lower reaches of the County's main creeks.

He said there are other notable items within Division 4. He stated that the ten-year storm water elevation will be no higher than 3" below the edge of pavement. He said they will require two, ten, and one hundred-year storm analyses. He explained that the purpose of the two-year storm analysis is to check erosion downstream. He said existing runoff conditions will have to be considered. Fifteen foot maintenance strips will be required; on both sides if the easement is over 40' wide. This will allow access in the future for maintenance. Also, a 30' buffer will be required adjacent to national water courses and wetlands.

Mr. Johnson said that Division 5 deals with drainage study requirements. He explained that when we start looking at a drainage study in a particular development we must consider the existing runoff base before there is any illegal clearing. He said there are situations that have been found within the County this past year where illegal clearing was performed and left quite a mess. He explained that woods hold on to water much better than a field. He said section 5.12 defines an adequate outfall. Basically, if the outfall is very small when compared to upstream, you would not have to work downstream and also an elevation of anything lower than two (2) would be considered an adequate outfall. He said this is very important when someone starts running drainage calculations. It gives a point to begin so that they do not have to go all the way out to the sound. He said that Section 5.14 is very important because it states that when calculating the one hundred-year storm, subdivision roads cannot be submerged more than 9" during the storm. He explained that 9" was used, because an emergency vehicle will be able to get through.

He stated that Section 5.17 states that drainage studies will include development activities which occurred within one year of the proposed development. He gave an example of someone having a large tract of land which had been subdivided into a one lot subdivision and nine months later they came back and developed a one hundred lot subdivision. He stated that the drainage outfall may be located next to the one lot subdivision and therefore we need to make sure that the one lot subdivision is included holistically in the analysis.

There was discussion regarding prior developments. Mr. Johnson stated that the purpose of this manual is to make drainage better in the future with new construction. He said if there is an old subdivision upstream of a new subdivision the new subdivision being downstream will have to convey the waters through it adequately so that there is not an impact on the upstream, existing community. On the other hand, if there is an existing community downstream of a new community, that presents challenges because then the engineer has to go in and analyze the existing system, establish what the hydraulic grade line is, and make sure that he does not increase the flow into that subdivision and yet meets the criteria in the new subdivision. He said what we are asking new development to do is to look upstream and make sure that they convey through their new systems the drainage that is coming to them right now.

Division 6 is about stormwater best management practice design criteria. He stated that Dwane Hinson and Mark Powell were heavy contributors to this part of the manual. It discusses the order of preference for Best Management Practices (BMP's), starting out with a created wet land going through to a dry system. He said it talks about rejections of plans and also it talks about being unlawful to pave without approval from the County. He explained that approval for paving is needed only if more than one acre is disturbed.

Mr. Cox asked Mr. Johnson how far a developer/engineer has to look upstream and downstream. Mr. Johnson answered, 1,000'. He said right now we are perhaps participating in a development that is going to tie to Knobb's Creek and he would advocate that person, even though he may be more than 1,000' away, use the information that we have on Knobb's Creek and make that hydraulic tie.

He stated that Division 7 is probably one of the more significant clauses that we have. It is titled, Floodplain and Floodway Management. He said the drainage manual states that you will not be allowed to fill or otherwise disturb the flow-way. He described the flow-way as the central part of a creek, canal, or river that handles the majority of the flow. He said this is defined in the FEMA studies by analyzing different flow sections and then finding out how much fill a particular section will take to increase the rise by 1'. He said we really need to advocate to protect the flow-way and make sure that the system to get water from upstream to downstream is not in any way restricted.

Commissioner Trueblood stated that he feels strongly that the drainage manual and the drainage districts go hand-and-hand. He said he feels all developers should be familiar with the drainage districts so that they will know where their drainage is going to flow. He noted that most every person in the county is impacted by somebody else's water.

Commissioner Griffin asked if ten acre exempt lots will be addressed in the drainage districts. Rodney Bunch stated that we have no review of the ten acre lots. He said their only requirements are a health department permit for the septic system and a building permit from us for structures. Commissioner Trueblood stated that somewhere along the line somebody at the state level is going to have to think about what was written many years ago regarding ten acre lots.

Mr. Johnson stated that in Section 7.2 it states that developers are required to balance, cut, and fill in the floodplain. He said the floodplain is a very valuable, natural resource that we need to protect. He said it provides storage of the stormwater before it goes downstream; it has a tendency to hold onto the water so that water can recharge the groundwater tables; and it also has a tendency to hold onto the water for water quality purposes. He stated that when you start filling the floodplain some very bad things ultimately can happen. He noted that it is his professional opinion that we need to protect the floodplain to the fullest extent that we can. He said, he acknowledges that a good deal of the county is below or in the base flood elevation and for them to say you cannot do anything in the floodplain is not correct nor is it economically viable. However, because of the circumstances that we find ourselves in downstream and adjacent to, we must take steps that make a logical step to protect the property owner's rights, but also downstream. He said we need to make sure that when we do have development that what is filled in one place is taken away in another, so that there is no change in the immediate area.

Commissioner Perry asked how developers will get this information. Mr. Bunch answered that the design manual will be our design standard for drainage once it is approved. This document will be available to engineers and surveyors that are working for a developer. Commissioner Trueblood stated that in the event someone plans to construct a subdivision they will have to go by the manual in order to make it work and if they cannot, then the project will not work either. Commissioner Perry asked if lay people that live within the county will be involved with the manual. Mr. Johnson answered yes. He stated that the best example he can give is the Knobb's Creek study that is being performed currently. He said when they started looking at how the creek worked they tried to involve the people that they thought knew. He explained that they involved Rodney Johnson who in turn talked to farmers.

Mr. Johnson accredited Dr. Ellen Colodney for writing Division 8, which deals with wetland planting.

Mr. Johnson stated that Division 9 requires that an Erosion & Sedimentation (E&S) plan be submitted and also that an as-built plan of the improvement be presented.

Division 10 discusses maintenance of stormwater improvements. He said they are requiring that a best management practice (BMP) be maintained, because if it is not it will not function properly. He stated that the burden of the maintenance will be on the property owner, whether it be an industrial complex, the individual owner of a lot or parcel, or a home owners association if

it is a subdivision. Commissioner Stevenson asked what if there is not a homeowner's association. Mr. Johnson said that currently the manual does not provide for subdivisions that do not have a homeowner's association. He explained that if there is a large lot, which has a pond on it and the property owner wants to take ownership of the pond and future maintenance of it that would be the property owner's decision.

Mr. Cox encouraged the Board to read Section 10 very carefully. He stated the developer must maintain the stormwater improvements until accepted by a property owners association or lot owner, but after that time the developer is no longer responsible. He went on to say that the developer must disclose which party will be responsible for continued maintenance on the record plat and on the stormwater management plan. Commissioner Wood said once we establish the drainage districts we will have an additional tool for assessing these types of problems if there is a dysfunctional homeowner's association. He said he envisions the drainage districts as a key part of the ongoing function of these regulations.

Commissioner Dixon questioned Page 26, Section 11.5, which states that a fund should be established by the property owner's association or lot owner to provide for the costs of long-term maintenance needs. He asked how this fund will be calculated. Mr. Johnson answered that they can make recommendations on what type of funds need to be considered for future maintenance of a particular BMP. Commissioner Dixon asked if this works like a road bond where the developer is required to put up a certain amount of money until the subdivision is built out and then the bond is revoked. Mr. Johnson answered, yes. Commissioner Dixon asked what happens in a situation similar to Queenswood where we made the developer go back and put a culvert under the road. Mr. Johnson said he would consider this a correction issue and not a maintenance issue. Commissioner Wood stated that we should not approve a subdivision that creates a problem for DOT. He said it should be corrected within the subdivision and post development runoff should be equal or less than pre development runoff.

Mr. Johnson warned that developers and consultants both will question what we are doing and to be prepared for it. Commissioner Wood said he is very aware that developers are not going to be happy, but on the other hand he said we have been getting complaints from our community regarding drainage and there is only one way to change it and that is to change the regulations. He said if we do not change the regulations, then the same problems that we have now will exacerbate and will continue to grow.

Dwane Hinson stated that the manual is not going to necessarily improve drainage on other people's property, but what it will do is evaluate the system and take it into consideration in the design of the drainage system. Commissioner Wood explained that if a development is upstream of a number of older developments then there are going to be some fairly serious issues in terms of how the subdivision is designed and he said he feels that is the way it should be. Mr. Hinson stated that several years ago this same type of issue came about and what was found was that the economics of the development were dictated by the restrictions downstream, such as how much fill they would need to have and other drainage consideration. He said if there was inadequate drainage and the cost was excessive it was found to be unfeasible to work the entire drainage system all the way to the outlet.

Commissioner Griffin asked how we were going to deal with DOT. He said he feels they need to buy into this manual also. Mr. Johnson said it is his intent to get with Gretchen Byrum and make her partner in this process and make sure that NCDOT understands the process. Commissioner Griffin added that we need to get the other seven counties in the northeast region onboard in order to get regional support from DOT.

Mr. William Armstrong asked what will happen if his property is already in violation of the manual. Mr. Johnson informed him that he will not have to go back and change anything. He said the manual is intended for new developments from this point forward. Mr. Armstrong said he is concerned of development upstream of his property. Commissioner Trueblood assured him that the purpose of this manual is to make sure that any development upstream of his property will not produce more water than it did preconstruction.

Francis Long, a resident from Oxford Heights stated that she has concerns with new development being approved adjacent to her development when it is a known fact that Oxford Heights already floods. She asked where the additional water will be going. She said that the Trinity Plaza developers have cleared trees from Big Lots almost all the way back to Oxford

Heights. She stated that when the trees are all removed and asphalt is laid the drainage is going to head towards her property. She asked what is going to keep it from going to her property. Commissioner Trueblood asked Councilor Stimatz if he would respond to her statement, since her development is within the City limits. Councilor Stimatz stated that the City already has pre and post requirements in place and in fact required the developers of the commercial property next to Big Lots to meet the twenty-five-year storm requirements. He said the post development runoff can be no greater than predevelopment runoff and hopefully it will be less. He stated that the city council has themselves reviewed the plans that drain into Knobb's Creek, particularly anything from the Southwest corner that goes past Oxford Heights. He said he drives by Big Lots often to make sure the ditch is cleaned out, because maintenance is very important. He said who is responsible for the maintenance is another whole issue in itself. Mrs. Long asked if the developer had authorization to remove the trees. Councilor Stimatz said he will look into this for her.

Another resident from Oxford Heights stated that six weeks ago, after the trees were cut down, he walked all the way back down the embankment at the back of the development. He stated that there were red flags on some of the trees and a sign stating that Stevenson Sand was doing the site work. He said it is his belief that someone is going to be hauling sand in all the way back to the flags. He pointed out that it has been an extremely dry time in Pasquotank County and we cannot see water where water use to be. He said if this property is filled with sand all the way back to where the flags are there is going to be more of a problem than there has been in the past.

Commissioner Dixon asked Mr. Johnson to give us examples of situations that would make us waive the requirement for pre and post development runoff. Mr. Johnson said the requirement for pre and post in certain cases might be waived because holding retention in a particular part of the drainage area can make the flow go up. He explained if there is an existing stormwater pond and the water from the new development comes in that it can timeout and the peak flow out of that detention pond rise in the creek at the same time that the floodway from upstream comes through. From a water quantity standpoint, he said we may want to time the drainage of the development in the pond to go out before the big tidal wave comes through from upstream. He stated that in such cases we want to go ahead and push the drainage out into the streambed before the tidal wave comes through. He said this typically happens in the lower third to the lower quarter of the creek or river.

Mark Powell stated that the Albemarle RD&C would like to use the manual as a template for other counties in the northeast region to adopt, so that all the counties are working under the same stormwater ordinance.

Paul Fredette stated that he would like to address a couple of things regarding the manual. He pointed out some definitions that he feels should be reworded. He said he feels it will be difficult to enforce maintenance by homeowner's associations. He suggested we consider creating a stormwater utility fee. He asked who owns the model and how it will be updated in the future.

Councilor Stimatz stated that he has a couple of comments. He said when reading the manual a couple acronyms are used early on, which are not defined. He suggested we include a glossary. He stated we need true flow rates for Knobb's Creek.

Commissioner Dixon asked, given the current drought conditions, if retention ponds can be utilized for irrigation. Mr. Johnson stated that this document addresses water quantity and not so much quality. He said he would encourage recycling.

Chairman Perry asked if there was any further business to come before the Board in regular session. At the absence of further business, he asked for a motion that the Board reconvene downstairs to enter into Closed Session in the Commissioner Board Room for the purpose of performing an annual evaluation for the County Attorney, R. Michael Cox.

Motion was made by Bill Trueblood, seconded by Lloyd Griffin to reconvene in the Commissioner Board Room to perform an annual evaluation for the County Attorney, R. Michael Cox, in Closed Session. The motion carried.

Upon the end of Closed Session;

Motion was made by Lloyd Griffin, seconded by Matt Wood that the Board return to Regular Session. The motion carried unanimously.

Chairman Perry asked for a motion to adjourn the meeting.

Motion was made by Bill Trueblood, seconded by Jeff Dixon to adjourn the meeting. The motion carried and the meeting was adjourned at 5:50 PM.

CHAIRMAN

ASSISTANT CLERK TO THE BOARD

**PASQUOTANK COUNTY, NORTH CAROLINA
NOVEMBER 19, 2007**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, November 19, 2007 in Courtroom C in the Pasquotank County Courthouse.

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

MEMBERS ABSENT: Jeff Dixon

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Asst. Manager for Planning & Economic Dev.
R. Michael Cox, County Attorney
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Cecil Perry. The Rev. Jimmie Sutton, Pastor of Mary Holly Grove AME Zion Church, gave the invocation and Vice-Chairman Lloyd Griffin led in the Pledge of Allegiance to the American Flag. Chairman Perry welcomed everyone present. He noted that this will be his last meeting as Chairman and he would like to thank all of the Commissioners as well as the public for their support and cooperation during the past two years.

1. COMMENTS FROM PAM HALL:

Chairman Perry recognized Mrs. Pam Hall who said she hopes this will be the last time she comes before the Board. She said she would like to thank Chancellor Gilchrist for his work to resolve the issue of the airport expansion and the 100 foot strip of land owned by her family. She also thanked Commissioner Marshall Stevenson, Chairman Perry, and Commissioner Harris for their assistance and support. She said although this is resolved for the current time, she also knows that phase two will be coming, so they may be back. She stated that phase two involves the farmland behind their house and she and her husband still do not want to sell their farm. She asked that this be taken into consideration during phase two and that alternate sites be considered. Ms. Hall added that the 500 additional jobs that will be created with this project will increase traffic on the road, will overcrowd the schools, will burden EMS, fire departments and law enforcement, and will affect the entire Bayside community. She suggested that these issues be solved before they become problems.

2. COMMENTS FROM CARL ESTUS:

Chairman Perry recognized Mr. Carl Estus, President of the SPCA. Mr. Estus said he has provided the County Manager with a letter requesting changes to the Animal Control Ordinance regarding the length of time the Animal Shelter is required to hold stray animals. He stated that the shelter does not have the space to hold some of the animals that are wild. He said they do not intend to use this provision to reduce the population in the shelter and not provide some animals for adoption, for animal rescue and for reclaim. He stated that this is an urgent matter because 60% of the cats currently at the shelter are on hold due to the five-day requirement. He asked the Board's assistance with this ordinance change.

3. PUBLIC HEARING ON PURCHASE OF LOT 1 IN SECTION C OF THE PASQUOTANK COUNTY COMMERCE PARK:

Chairman Perry declared the meeting to be a public hearing on the purchase of Lot 1 in Section C of the Pasquotank County Commerce Park consisting of approximately 9.8 acres for \$18,571.43 per acre. County Attorney Mike Cox explained that the county sold this lot to R&M Properties of North Carolina, LLC in 2003 and there have been some differences among the parties and the county is now buying this property back. He noted that the county is now selling property in the Commerce Park for about \$30,000 per acre, therefore the county will be able to recover its costs.

Chairman Perry asked if anyone would care to address the Board regarding the purchase of Lot 1 in the Commerce Park. At the absence of comments, the public hearing was closed.

Motion was made by Bill Trueblood, seconded by Matt Wood to approve the purchase of Lot 1 in Section C of the Pasquotank County Commerce Park consisting of 9.8 acres for \$18,571.43 per acre. The motion carried.

4. PUBLIC HEARING ON ZONING TEXT AMENDMENT ZTA 07-06 TO CLARIFY LANDSCAPE BUFFER REQUIREMENTS FOR MULTI-FAMILY AND NON-RESIDENTIAL USES LOCATED ADJACENT TO AGRICULTURAL ZONING DISTRICTS:

Chairman Perry declared the meeting to be a public hearing on Zoning Text Amendment ZTA 07-06. Planning Director Shelley Cox explained that staff has proposed this amendment to clarify the zoning text regarding property line buffers. She said Section 10.06 was written with the intent to require multi-family and non-residential developments to have a 30 foot buffer between themselves and the agricultural zoning district. The first paragraph under Section 10.06 includes agricultural uses in the landscape buffer requirement, however it was inadvertently left out of section 1 which discusses the 30 foot minimum width. Ms. Cox stated that they are requesting that the Board approve this text amendment to clarify the ordinance. She said the Planning Board voted to recommend approval of the zoning text amendment during its October 25th meeting. The proposed amendment is as follows:

SECTION 10.06 Property Line Buffers

Multi-family and nonresidential uses located adjacent to a residential use, residential zoning district or agricultural zoning district shall provide the following buffer yard:

1. A minimum 30 foot perpetually maintained natural or planted buffer yard along all property lines directly abutting a residential use, residential zoning district or agricultural zoning district.
2. The buffer yard shall contain 3 canopy trees, 5 understory trees and 25 shrubs per 100 linear feet of buffer yard.
3. All portions of the buffer yard not planted with trees and shrubs or covered by a wall or other barrier shall be planted with grass, groundcover, or natural mulch of a minimum depth of 3 inches.

Chairman Perry asked if anyone would care to comment on the proposed amendment.

Ms. Jan Berry asked if the buffer should not be 75 feet rather than 30 feet. Ms. Cox explained that the 75 foot buffer comes into play when a residential subdivision abuts an agricultural use, however for a commercial site or a multi-family site, the requirement is for a 30 foot buffer.

There being no further public comments, the public hearing was closed.

Vice-Chairman Griffin asked what would happen to the buffer and if it could be removed when the adjacent piece of property becomes residential. Ms. Cox said the first person to come in adjacent to an agricultural zoning district would have to install buffers which would be perpetually maintained.

Motion was made by Matt Wood, seconded by Bill Trueblood to approve Zoning Text Amendment ZTA 07-06 as presented. The motion carried by a five to one margin with Vice-Chairman Griffin voting against the motion.

5. PUBLIC HEARING ON REZONING REQUEST RR 07-05 TO REZONE FIVE ACRES OUT OF A 32-ACRE TRACT LOCATED ON U.S. 17 SOUTH IN MOUNT HERMON TOWNSHIP FROM A-1 TO C-1:

Chairman Perry declared the meeting to be a public hearing on Rezoning Request RR 07-05. Ms. Cox stated that this request is to rezone five acres out of a 32-acre tract on the south side of Old U.S. Highway 17 from A-1 to C-1. Surrounding land uses include Highway 17 South, undeveloped and agricultural land (A-1), agricultural land under cultivation (A-1), a store, Waste Industries and residential (C-1). The 1996 Land Use Plan classifies the area as "Limited Transitional" which is an area distinguished in the limited services that are provided to

development. The 2004 Draft Land Use Plan classifies the area as “Commercial” which is intended to delineate lands that can accommodate a wide range of retail, wholesale, office, business services, and personal services. The C-1 commercial district which is proposed is defined as areas to accommodate retail or service establishments customarily patronized by transient traffic as well as non-transient traffic. The area is not within a flood zone. Ms. Cox stated that the current use of the property is agricultural under cultivation and the minimum lot size in the proposed zoning district is 43,000 square feet. The Inter-County Volunteer Fire Department provides fire protection for this area. The applicant has indicated that he intends to use the site for mini-storage warehouses. Ms. Cox explained that in order to develop this site as the applicant has indicated he wishes to, the area requested for rezoning will have to be divided out from the remaining 32± acres. She said this can be accomplished either through a 10 acre split or through a family subdivision. In addition, a 30 foot landscape buffer will be required adjacent to the remaining A-1 zoning district. Ms. Cox stated that the Planning Board reviewed this rezoning request at its October meeting and voted to recommend approval. In addition, staff recommends approval of the rezoning in consideration that the site is consistent with the commercial classification of the Draft Land Use Plan, and in addition there is an existing commercial use and commercial zoning district adjacent to this site.

Chairman Perry asked if anyone would care to comment on the rezoning request. At the absence of comments, the public hearing was closed.

Motion was made by Matt Wood, seconded by Jimmie Harris to approve Rezoning Request RR 07-05 as presented because it is consistent with the 1996 Land Use Plan, it is in harmony with the surrounding uses, and is not detrimental to the surrounding area. The motion carried.

6. APPROVAL OF AMENDMENTS TO THE AGENDA:

Chairman Perry asked if there were any amendments to the agenda. It was requested that the agenda be amended to add the following recommendations from the Finance Committee to the consent agenda: 1) Approval of bid submitted by Parks Land Development for installation of the drainage system around the Health & Social Services Building; 2) Approval to request the AEDC Board to consider making a proposal relative to the development of a downtown hotel in Elizabeth City; and 3) Approval of proposal submitted by Carolyn Morris for administration of CDBG Scattered Site Project.

Motion was made by Matt Wood, seconded by Lloyd Griffin to amend the agenda to add the three additional items to the consent agenda. Motion carried.

7. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

- a. Approval of Minutes of November 5, 2007 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.	Linda Lane White	122.00	100.04
2.	Brady Pates Meyer	100.13	
3.	Eric James Kramer	104.26	
4.	Charles Davis Gould	135.03	
5.	Stephen Jon Goyette	109.44	
6.	Ervin Rodriguez	114.91	100.76
7.	Kevin Randy Jenkins	142.80	
8.	Vic Triburcio Galvez Cosbilo	100.80	

Refunds:

1.	JOG Development LLC	194.04	
2.	New Life Family Center	120.00	36.00
3.	New Life Family Center	120.00	36.00
4.	New Life Family Center	120.00	
5.	Sylvia Gibson Johnson	162.05	140.04
6.	Main St. Ext. Dev., LLC	999.90	

c. Approval of Budget Amendments

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

Nixonton VFD

Increase	010.0991.4991.00	Fund Balance Appropriated	1,955.25
Increase	010.4347.5261.00	Dept Supplies	1,955.25

Sheriff

Increase	010.0600.4930.00	Insurance Proceeds	10,555.00
Increase	010.4310.5353.00	Maintenance Vehicles	10,555.00

d. Approval of Bid for Grass-Mowing in the Commerce Park

The Finance Committee has recommended approval of the bid submitted by L.B. Jackson for the grass-mowing contract for the Commerce Park. His low bid was \$11,250 per year.

e. Approval of Donation for 4th of July Fireworks

The Finance Committee has recommended approval of an application to the Tourism Development Authority for \$5,000 from Pasquotank County's share of the occupancy tax funds for the 4th of July fireworks show.

f. Approval of Purchase of 35-foot Ladders for Volunteer Fire Departments

The Finance Committee has recommended approval of the purchase of 35-foot ladders for Weeksville, Soundneck, and Newland volunteer fire departments. The cost of the three ladders based on the low bid would be approximately \$2,787.

g. Approval of Bid from Parks Land Development, Inc. for Health & Social Services Building Drainage Project

The Finance Committee has recommended that the Board accept the low bid submitted by Parks Land Development, Inc. in the amount of \$31,690.91 for the installation of a drainage system around the Health & Social Services Building to eliminate the moisture problem with the building slab which also creates problems for the floor tile.

h. Proposal for Albemarle Economic Development Commission

The Finance Committee had reviewed a request from the Tourism Development Authority that the county designate \$10,000 from its tourism reserve fund to help pay the part-time salary for a project manager to oversee the proposed hotel/conference center project. After review, the Finance Committee recommended that the AEDC Board be asked to consider making a proposal relative to the development of a downtown hotel in Elizabeth City.

i. Acceptance of Proposal from Carolyn Morris for Administration of CDBG Scattered Site Housing Project

The Finance Committee has recommended that the Board accept a proposal submitted by Carolyn Morris to administer the 2007 Scattered Site Housing Project for Pasquotank County for \$50,635.

Motion was made by Matt Wood, seconded by Lloyd Griffin to approve the consent agenda as amended. The motion carried unanimously.

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
Dr. C. Fletcher Bailey	P90-33	Unoccupied for 20 years
Barbara Smith	P111-5	Unoccupied for 19 years
L.M. & Loyce Twiford	43C-533A-533B	Unoccupied since 2002
L.M. & Loyce Twiford	48-C-12	Unoccupied since 2002

8. CONSIDERATION OF SKETCH PLAN AND PRELIMINARY PLAT FOR FERRY POINTE SUBDIVISION, PHASE 7, CONSISTING OF EIGHT RESIDENTIAL LOTS:

The Board considered the sketch plan and the preliminary plat for Ferry Pointe Subdivision, Phase 7, consisting of eight residential lots. Planning Director Shelley Cox explained that Ferry Pointe, Phase 7, is located on the left side of Ferry Road in Providence Township and Albemarle Associates is requesting sketch plan and preliminary plat approval for these eight residential lots.

The property is zoned R-25 residential and lot sizes are proposed to range from 25,000 square feet to 33,236 square feet. Under the current school districting, students from this development would attend Sheep Harney Elementary, Elizabeth City Middle and Pasquotank High School. Providence Volunteer Fire Department provides fire protection for this area and the area is served by the Pasquotank County Water System. On-site septic systems are proposed to be utilized at this location and the Health Department has issued tentative approval of these lots. Ms. Cox advised that the original sketch plan for Ferry Pointe Subdivision, Phases 1-7 was originally approved in November, 2001. In August, 2003, a preliminary plat for Phases 1-6 was approved which then also received final approval between 2003 and 2005. Phase 7 of Ferry Pointe never actually received preliminary approval. A preliminary plat application was submitted for Phase 7 in September, 2007. After reviewing it, staff realized that the sketch plan had expired since the preliminary plat had not been approved within 24 months after sketch plan approval. The applicant was advised that the sketch plan had expired and would have to be re-submitted in accordance with the current subdivision ordinance. Ms. Cox stated that Albemarle Regional Health Services had previously approved the 25,000 square foot lots and there is a provision in the ordinance that does allow for lots approved prior to the 43,000 square foot lot requirement to be grandfathered if there was Health Department approval. She said because the lots do have Health Department approval, the sketch plan will not have to be revised to meet the 43,000 square foot lot size. She stated that the other item of concern to staff was the buffer requirement between residential subdivisions and existing agricultural uses that was adopted in 2005. She said there is an 18.5 acre parcel located adjacent to the southern property boundary of this site that is currently under cultivation, however it also has a single-family dwelling located on it. The area immediately adjacent to this site has a driveway that the residents utilize. She referred to a picture which shows the site, the area where the soybeans have been planted, and the location of the residence and driveway. Ms. Cox explained that staff would like to defer to the Board of Commissioners to determine in this situation whether a variance from the agricultural buffer requirement is needed.

Vice-Chairman Griffin asked why there would be a buffer requirement if the area where the soybeans are planted is zoned residential. Ms. Cox responded that the ordinance requires that residential subdivisions provide a 75 foot perpetually maintained vegetative buffer along all property lines that are located adjacent to existing agricultural uses. She said what is addressed is the use, not the zoning district. She noted that the intent behind the 75 foot buffer requirement was because of the aerial application of pesticide. In this situation there is only 200 feet of planted area sandwiched in between residential uses, so realistically there would be no aerial application of pesticide here.

Ms. Cox stated that it would be up to the Board to determine whether it believes a variance is needed. She said the Planning Board recommended approval of the plan without a variance because of the residential use existing on the adjacent property along with the agricultural use. If the Board determines that a variance is not needed, it should approve the plat as presented.

After discussion, the Board determined that a 75 foot buffer would not be required and that a variance will not be needed since the 200 foot strip of soybeans is only an incidental agricultural use.

Motion was made by Matt Wood, seconded by Jimmie Harris to approve the sketch plan for Ferry Pointe, Phase 7 as presented without a requirement for a 75 foot buffer due to the fact that the analysis of the site is that the surrounding uses are residential with some incidental agricultural activity. The motion carried.

Motion was made by Matt Wood, seconded by Jimmie Harris to approve the preliminary plat for Ferry Pointe, Phase 7 as presented without a requirement for a 75 foot buffer due to the fact that the analysis of the site is that the surrounding uses are residential with some incidental agricultural activity. The motion carried.

9. CONSIDERATION OF FINAL PLAT FOR CREEKSIDE FARMS, PHASE 1:

The Board considered the final plat for Creekside Farms, Phase 1, consisting of 38 residential lots. Ms. Cox stated that Creekside Farms is located east of the intersection of Creek Road and Chicken Corner Road in Providence Township. Main Street Extended Development, LLC is requesting final plat approval for Phase 1. The property is zoned R-15 residential and lot sizes range from 43,000 square feet to 68,397 square feet. Ms. Cox advised that a letter of credit in

the amount of \$83,565 has been submitted to ensure street maintenance and the streets have already been paved in Phase 1 so an installation bond will not be required. Water tap and street sign fees have been paid and tentative approval of the project has been received from Albemarle Regional Health Services pending individual final site improvement permits. Ms. Cox explained that staff walked this site extensively several weeks ago and looked at all of the drainage improvements. A few concerns were noted that have now been addressed.

Vice-Chairman Griffin asked Ms. Cox whether she had been contacted by a property owner on Vine Street regarding the drainage work, and if so, whether there has been corrective action to address this individual's concerns. Ms. Cox said when she and Mr. Bunch walked the site, they found that the improvements which were made to the site were consistent with the preliminary plat drainage plan. She stated that the property owner's concern was that an existing farm ditch was being filled in and that water is actually being re-routed. Mr. Bunch advised that the new work has not blocked the flow of water and the natural flow is actually in the other direction.

Vice-Chairman Griffin asked if this subdivision was reviewed by Mr. Greg Johnson. Mr. Bunch said that Mr. Johnson was not involved in this project at all because the Board reviewed the preliminary plat before the county hired Mr. Johnson. He said the project however was reviewed by Mr. Dwane Hinson.

Commissioner Stevenson asked Mr. Robey if he could address pre and post development drainage. Mr. Robey stated that he did not have that information with him tonight as this was addressed during the preliminary stage. He noted that this subdivision followed the normal design process that was used for every subdivision prior to Mr. Johnson coming onboard. He said the drainage design provides protection from a 10-year storm. He added that they replaced the culverts under Creek Road at Lover's Lane because during Mr. Hinson's review it was determined that the culverts at this intersection were too small. He said they did some other ditch work as a result of Mr. Hinson's review. It was requested that Mr. Robey meet with the property owner on Vine Street who has concerns.

After further discussion;

Motion was made by Matt Wood, seconded by Bill Trueblood to approve the final plat for Creekside Farms, Phase 1 as presented. The motion carried.

10. CONSIDERATION OF SOLE SOURCE PURCHASE OF AMBULANCE FOR EMERGENCY MEDICAL SERVICE:

The Board reviewed a memorandum from the EMS Director requesting approval for the sole source purchase of an American Emergency Vehicles ambulance from Northwestern Emergency Vehicles. Mr. Keaton explained that this comes as a recommendation from the EMS Board. He said the county has been conducting a sole source purchase of ambulances for the last several years from Northwestern Emergency Vehicles and this is a continuation of what has been done in the past. He said that retaining Northwestern Emergency Vehicles would continue to ensure standardization and compatibility with the remainder of the ambulance fleet. He added that Northwestern Emergency Vehicles is a North Carolina vendor and has provided excellent service over the years.

Motion was made by Matt Wood, seconded by Lloyd Griffin to approve the sole source purchase of an AEV ambulance from Northwestern Emergency Vehicles. The motion carried.

11. CONSIDERATION OF RECOMMENDATION FOR FAMILY SUBDIVISION REVIEWS:

The Board considered a recommendation from the Assistant County Manager to implement a policy that family subdivisions will be considered by the Board of Commissioners once a month at the second meeting in the month.

Motion was made by Marshall Stevenson, seconded by Lloyd Griffin to adopt a policy providing that family subdivisions will be considered by the Board once a month during the second meeting in the month. The motion carried.

12. DISCUSSION REGARDING JANUARY MEETING SCHEDULE:

The Board discussed the January meeting schedule due to the fact the second meeting in January falls on Monday, January 21, Martin Luther King, Jr.'s Birthday. If the meeting were moved to Tuesday, January 22, it would conflict with the Hospital Board's meeting night which involves two Commissioners. The Board agreed to cancel the second meeting in January.

Motion was made by Matt Wood, seconded by Lloyd Griffin to hold only one regular Commissioner meeting in January, 2008 on Monday, January 7, and to cancel the January 21 Commissioner meeting due to the holiday. The motion carried.

13. REPORT FROM ASSISTANT COUNTY MANAGER REGARDING AIRPORT PARK:

Assistant County Manager Rodney Bunch presented for the Board's review a proposed new layout of the airport park project in light of the news that the city will not be condemning the 100 foot strip of property because Elizabeth City State University has agreed to accept less acreage for their portion of the project. He said the new layout shows that the project has shifted to be within the 62+/- acres that have been purchased for the project. He stated that what has been reduced is the side of the property closest to Crosswinds Subdivision which would limit the width of the property that will be used by Elizabeth City State University. He said the Technical Review Committee will review the preliminary design of this project which would allow construction to begin. He stated in order for the engineer to move forward he would like for the Board to review the plat and note any major concerns. He said if there are no major comments, the engineer will move forward with the project.

Commissioner Stevenson stated that he is concerned with the sewer force main being located on the opposite side of the taxiway and going under the taxiway. He asked why it would be an advantage to locate it there since the Hall family has stated they are not willing to sell their property. Mr. Bunch responded that he believes it is being designed for the ultimate project. Vice-Chairman Griffin noted that some members of the Hall family have indicated they are willing to sell their property which might afford future expansion of the project. Engineer Sean Robey stated if there is the potential for future impact to go under the taxiway it should be done before the taxiway is constructed in order to get the compaction needed. He added that it makes sense to locate the sewer force main in a position so as to take advantage of any possible future expansion.

14. APPOINTMENTS TO BOARDS AND COMMITTEES:

Commissioner Stevenson reported that the Appointments Committee met today and voted to recommend the following:

Albemarle Hospital Authority Board of Commissioners – Reappoint Terri Riddick for an additional term.

Newland Water Management & Watershed Improvement Advisory Board – Reappoint David Oldham and John Spence for additional terms.

Motion was made by Marshall Stevenson, seconded by Lloyd Griffin to approve the reappointments as recommended by the Appointments Committee. The motion carried.

15. REPORTS FROM COUNTY COMMISSIONERS:

Commissioner Trueblood reported that the Stormwater Management Committee had a very good meeting last week. He said engineer Greg Johnson will soon be holding meetings with local developers and engineers over the next few weeks to review the draft stormwater manual. He said this manual will allow the county to address stormwater concerns throughout the county.

Vice-Chairman Griffin reported that the Airport Authority will be hosting the North Carolina Aeronautics Council meeting tomorrow at DRS at 10:30 AM. He stated that Chairman Perry as well as some members of the Airport Authority will be attending the meeting. He said the discussion will include aviation in general in North Carolina as well as the aviation park.

Vice-Chairman Griffin reported that the Albemarle Commission has scheduled a meeting with Representative Bill Owens on December 4 to discuss Tier 1 and Tier 2 counties' planning efforts.

Chairman Perry reported that he attended the following meetings and events recently: Ribbon-cutting at Dr. Jackson's office; Hospital Board meeting; State of Education Program in Raleigh during which differences between school boards and boards of commissioners regarding funding of schools was discussed; Stormwater Management Committee meeting; Elizabeth City Downtown meeting; and other meetings and ribbon-cuttings.

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

Motion was made by Bill Trueblood, seconded by Jimmie Harris to adjourn the meeting. The motion carried and the meeting was adjourned at 8:15 PM.

CHAIRMAN

CLERK