

**PASQUOTANK COUNTY, NORTH CAROLINA**  
**MAY 5, 2014**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, May 5, 2014 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:**

Jeff Dixon, Chairman  
Joseph S. Winslow, Jr., Vice-Chairman  
Lloyd E. Griffin, III  
Cecil Perry  
Dr. William R. Sterritt  
Gary G. White  
Frankie Meads

**MEMBERS ABSENT:**

None

**OTHERS PRESENT:**

Rodney Bunch, 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 Jeff Dixon. Commissioner Lloyd Griffin gave the invocation and Vice-Chairman Joe Winslow led in the Pledge of Allegiance to the American Flag. Chairman Dixon welcomed everyone present.

**1. COMMENTS FROM SAM PATEL:**

Chairman Dixon recognized Mr. Sam Patel of 510 South Hughes Boulevard. Mr. Patel stated that he would like to appeal his tax valuation. Tax Administrator Patrice Stewart explained that a letter was sent to Mr. Patel outlining the procedure for having his appeal heard by the Board of Equalization and Review tonight. He was supposed to have responded to the Tax Office by a certain date and he did not. Chairman Dixon explained to Mr. Patel that the Tax Office and Pearson Appraisal have not prepared any supporting information for the Board regarding his appeal since staff was not informed of it ahead of time. He advised Mr. Patel that the Board will consider his request at the next meeting.

**2. COMMENTS FROM JOHN WOODARD:**

Chairman Dixon recognized Mr. John Woodard of 117 Pelican Point Drive. Mr. Woodard said it has been reported in the newspaper that a substantial property tax increase is about to be voted on by the Board. He stated that there has been discussion that this is a revenue neutral increase due to the loss of property value in the county. He said if there were more to it than that, he thinks everybody could live with a short-term increase if there was an effort to try to find ways to reduce spending within the county. He stated that he has not seen any of those efforts and he does not see anybody trying to do anything about reducing spending. He asked if once this new rate goes into effect and property values eventually increase whether the Board will be in a position to reduce the tax rate. He added that the growth of government is going to be dragging the economy down in the next year or two when the Federal Reserve stops printing money and interest rates go up. He said the money that would be spent for useful and worthwhile projects will instead be spent to pay interest. He stated that fiscal discipline is extremely important.

**3. UPDATE ON TORNADO RECOVERY:**

Chairman Dixon called on Emergency Management Director Christy Saunders to brief the Board on the recovery operations from the tornadoes that recently struck areas of Pasquotank County.

Mrs. Saunders explained that the National Weather Service has confirmed that there were three distinct tornadoes that affected Pasquotank County on Friday, April 25. She pointed out that there were actually nine tornadoes that same day in North Carolina. She stated that seventeen counties were affected in addition to Pasquotank County. She reported that the tornado that struck Meadowlands Mobile Home Park was an EF-2 tornado that began in South Chowan County and weakened to an EF-1 as it crossed into Elizabeth City near Peartree Road. That tornado was 40 miles in length, was one-quarter of a mile wide with a maximum wind speed of 125 mph. The tornado that affected the Mount Hermon area was an EF-2 which tracked from the Macedonia area in Chowan County just northeast of Elizabeth City in the Mount Hermon area. It was 32 miles in length, was one-quarter of a mile wide and had a maximum wind speed of 125

mph. The tornado that affected the Nixonton area was considered to be consistent with an EF-1 tornado and was just south of the one that affected the Mount Hermon area. It was nine miles in length, one-quarter of a mile wide with maximum wind speeds of 110 mph. Mrs. Saunders advised that five people from Pasquotank County were transported to Albemarle Hospital, one with fairly significant injuries, while the other injuries were considered minor. She said thirteen people from all of the local counties were actually seen at Albemarle Hospital.

Mrs. Saunders explained that the first calls about the tornadoes were received around 8:00 PM and the Emergency Operations Center was activated around 9:00 PM. She stated that Chairman Dixon signed the State of Emergency Declaration on Saturday, April 26, and it was effective until Thursday, May 1. Damage assessment teams were sent out on Saturday and they reported 22 homes destroyed and 25 more with major damage. Minor damage was not reported at that time. North Carolina Dominion Power and the Elizabeth City Electric Department had significant power outages, and there were approximately 3,000 customers in the city without electricity and about 2,500 in the county. Power was restored in most of the county by midnight on Saturday, and on Monday about 500 citizens in the city were still without power. Most of those had their power back on by Tuesday with the exception of a few that had their meters disconnected from their houses. Mrs. Saunders said during the power outage state troopers came in and helped with traffic control at some of the major intersections. Generators were taken to a traffic light at the intersection of Weeksville Road and Herrington Road and also to the Elections Office.

Mrs. Saunders advised that Governor McCrory declared a State of Emergency for Pasquotank, Chowan, Perquimans, and Beaufort Counties on Monday morning, and damage assessment teams from FEMA, North Carolina Emergency Management, and the Small Business Administration were in the area on Tuesday. They were escorted through the area by Water Superintendent John Gregory and did their damage assessment and determined that 140 homes had minor damage, eight homes had major damage, 14 homes were destroyed, and another 127 homes were affected in some way. Since that initial assessment other homes have been identified. Mrs. Saunders explained that the Red Cross has been concentrating its efforts on the homes that were a total loss. They have sheltered people, have been providing heater meals, water, tarps, cleanup kits, comfort kits, debit cards, and are now starting to work with those that had minor damages.

Mrs. Saunders stated that the Baptist Men have been working in the area and to date they have done 57 work cases in Pasquotank County. Initially they were removing trees from roofs, putting tarps on roofs, and are now helping with tree removal and yard cleanup. There are also Methodist Men in the area who do long-term recovery helping people who have lost their homes with rebuilding. Albemarle Regional Health Services has been out in the affected communities offering tetanus shots to volunteers and to the tornado victims. The Department of Social Services has been working with citizens for replacement food stamps. Donations are being managed by the Salvation Army which provides vouchers to citizens who can then purchase items through their Thrift Store. Dominion Power has been provided the addresses of the homes that have been destroyed or that suffered major damage and has agreed to waive the connection fees for those homes. North Carolina Emergency Management was here on Thursday to do a public assistance briefing and the county is working to gather information to try to get some assistance with the cost of debris and emergency protective measures. Last Friday the Governor asked the President for a Presidential Declaration and they are awaiting a response.

Commissioner Lloyd Griffin asked if it has been determined in what order the tornadoes occurred. Mrs. Saunders said the first call received was from the Hall's Creek/Nixonton area, the second was from Mount Hermon, and the third one was from Meadowlands Mobile Home Park. Commissioner Griffin asked if Emergency Management was prepared for this storm. Mrs. Saunders responded that they were prepared. She stated that a tornado exercise was just held on the Tuesday before the storm hit. She said the scenario was very similar to what actually happened on April 25.

Commissioner Cecil Perry asked if any emergency shelters were opened. Mrs. Saunders said the Red Cross sheltered ten people from Pasquotank County and because of the limited number of people who needed shelter, the Red Cross determined that the easiest way to handle this was to shelter the people in hotels on a case by case basis. She added that a shelter was opened in Perquimans County, but no one went to the shelter.

Commissioner Griffin said that Pasquotank County is in the coastal 20 counties and pays flood insurance. He asked how many of these 20 counties and how many outside of them have been under a flood warning or flood watch over the past eight days. He said it seems that the coastal 20 counties are having to pay higher flood insurance rates while other counties do not participate in the same flood insurance program, but are sometimes more impacted by flooding.

Chairman Dixon asked if Pasquotank County has reverse 911. Mrs. Saunders stated that the county does have reverse 911 which is called Code Red. Citizens can sign up for Code Red by going to Pasquotank County's web site and the Emergency Management web site. Those who have land lines do not need to register, but those who want to be notified by cell phone will have to register. She said reverse 911 would not be beneficial for something like the tornadoes because there was no lead time. She stated that it will be used to notify citizens of hurricane evacuations and events for which there is a lead time.

Chairman Dixon stated that the Board appreciates all of the hard work done by Emergency Management, EMS, Central Communications, Sheriff's Department, Solid Waste Department, volunteer fire departments, and all county departments and staff who had a part in the response after the tornadoes. He said this caught a lot of people off guard.

#### **4. TOURISM UPDATE:**

Chairman Dixon stated that this week is Tourism Week and he felt it would be appropriate to invite Tourism Director Charlotte Underwood to provide an update on what is happening in Elizabeth City and Pasquotank County related to tourism.

Ms. Underwood stated that the main purpose of the Elizabeth City-Pasquotank County Convention & Visitors Bureau is to increase travel to Elizabeth City, generate revenues, and improve the county economy. She said she feels that tourism is economic development and she works hand in hand with the Economic Developer. She stated that they are always looking for "heads in beds". She said they have an aggressive marketing campaign with Cahoon & Cross, and are currently offering a co-op plan to all businesses in Elizabeth City whereby they can contribute \$700 and the Convention & Visitors Bureau will match the \$700 and the business can get an ad in "Our State" magazine and "Hampton Roads" magazine. She stated that these ads will bring so much to Elizabeth City. Ms. Underwood said they also have 10,000 rack cards that outline the events that will be going on in the Elizabeth City area. She stated that these rack cards are distributed in visitor centers on I-95 and I-40 and are also given to those who participate in the co-op program. She said they also try to do some news releases and other promotions and as a result of this co-op program, they have been able to get some wonderful articles in "Our State" magazine and "Hampton Roads" magazine. She explained that her office sends out an e-newsletter and another newsletter entitled "Harbor Notes" to highlight past events and upcoming events. She stated that last year they partnered with the Committee of 100 and the city for a TV campaign and did a program entitled "Today in America" that aired 19 times on CNN Headline News and once on FOX Business. She played the program for the Board. She stated that UNC Public Television filmed a segment during First Friday ArtWalk that aired on April 25 and 26. She said the Convention & Visitors Bureau also tries as often as possible to promote local events on WVEC and WRAL television and has been very fortunate with the Norfolk stations to talk about the Potato Festival and the Ghost Walk. She stated they have put displays in Norfolk International Airport, the I-95 Visitor Center, and the State Tourism Office. She provided the Board with samples of the brochures they give to visitors who come into the office.

Ms. Underwood said their main thing when people come in is to talk about the history of the area, the Museum of the Albemarle, the Arts Center, Port Discover, the partnership with the Coast Guard, and The Pines championship golf course. She stated that depending on the time of year, they make their visitors aware of the Farmers Market, the free movies at Mariners Wharf Park, Music on the Green, the Potato Festival, the Truck and Tractor Pulls, the July 4<sup>th</sup> Celebration, and the Holiday Celebration. She said they still carry on the Rose Buddy tradition. They also have loaner bikes that were donated by Wal-Mart for visitors and boaters to use while in the area. They are excited to be able to tell the boaters and visitors that there are now showers and public restrooms available for their use.

Ms. Underwood stated that the Tourism Office is staffed by her, Leeza Franco, and Susan Hartley. She asked that they be contacted anytime they can provide assistance. She said they are in the process of launching a new web site and she asked that everyone check it out. She invited

the Commissioners to come by the Tourism Office tomorrow between 9:30 and 11:30 AM for Tourism Day to see the materials they have available for visitors.

#### **5. BOARD OF EQUALIZATION AND REVIEW:**

The Clerk swore in the members of the Board of Commissioners to serve as the Board of Equalization and Review for 2014. Chairman Dixon convened the Board of Equalization and Review and called on Tax Administrator Patrice Stewart. Mrs. Stewart stated that there is no one present at tonight's meeting to represent D.L. Rogers Corporation (Sonic Drive-In) however they sent their appeal in the form of a letter. She asked Katherine Lane with Pearson Appraisal to explain how the property was assessed. After being sworn, Ms. Lane explained that D.L. Rogers with Southwest Property Tax originally submitted paperwork stating that the Sonic at 307 West Ehringhaus Street was closed and had been closed for a number of weeks and that they wished to appeal the value. She stated that the Sonic is in fact very much operational and the new Sonic has been under construction for some time. The total assessed value of the property is \$412,100. Mr. Russell Eichler, Sonic's tax representative, has mentioned that he felt comfortable with the land price of \$305,100 because it is consistent with land prices for that neighborhood, but he wanted to debate the value of the building. Ms. Lane stated that Mr. Eichler considered the building to have some functional obsolescence due to the fact that it was going to be closing soon and he asked that the value be reduced. She explained that she, the Tax Administrator, and the Property Tax Appraiser agreed that no change was justified. She said the 1977 structure and the asphalt parking are currently listed at \$107,000. She stated that the value as of January 1, 2014 is what is considered in establishing the new valuation, and as of January 1 this was a business in operation and was not suffering from any functional obsolescence or market strains and the value of the building was reasonable. She said if the business had been closed on January 1, functional obsolescence would have been considered from a market standpoint because the building would have had limited use. Ms. Lane referred to comparable sales of similar commercial structures. She said in comparison she feels the \$85.96 per square foot value assessed for the subject structure is conservative in comparison to the other structures. She stated that she sees no reason to discount the Sonic building because she feels the assessment is appropriate.

Commissioner Gary White asked if Sonic ceases to exist at its current location and the structure is demolished whether it would be subject to a reduction in value. Ms. Stewart responded that the valuation could be adjusted next January 1.

Commissioner Frankie Meads asked when determining the value of the building if other commercial uses of the building were considered. Ms. Lane stated that there would be very limited use of the building because it is a specialty building and even another fast food chain would be limited with that structure. She said this was considered during revaluation.

Chairman Dixon said it mystifies him that the company hired by Sonic to review the valuation thought the business was closed. He stated that the large chains hire companies such as this to review their assessments for a fee and if they can save any money for the property owner, they receive a percentage of it. He said it appears this is the case with Southwest Property Tax.

Mrs. Stewart stated that the recommendation is to assess the property at the value derived by Pearson Appraisal which is \$412,100.

Motion was made by Gary White, seconded by Cecil Perry to deny the appeal by D.L. Rogers and to accept the assessment of \$412,100 derived by Pearson Appraisal for the Sonic Drive-In property located at 307 West Ehringhaus Street. The motion carried unanimously.

Mrs. Stewart explained that the next appeal is from Alice Redding concerning the assessment of her property located at 914 Riverside Avenue. Ms. Redding was sworn in by the Clerk. She explained that she is here to have the assessed value of her residence at 914 Riverside Avenue reduced to a realistic market value. She said that value would be only the value of the land which is \$260,000. She stated that in a recent detailed professional appraisal, the property was valued at less than that number. She said in any case the value should be reduced significantly from its current assessed value, and if an agreement cannot be reached locally she will continue to pursue a reduction using whatever means may be necessary. Ms. Redding explained that in discussions with Ms. Lane with Pearson Appraisal she was unable to supply her with adequate information for her to adjust the valuation of her property to the point that she felt accurately reflects her current market value.

Ms. Redding advised that she has owned the property in question for about 30 years. She stated that the property at 914 Riverside Avenue originally consisted of one parcel with two structures, the main house and a smaller dwelling at the rear. She said in September of 1999 both structures were severely damaged due to flooding from Hurricane Floyd. When the flood repairs were done on the small house, the house was enlarged and elevated to comply with the current flood regulations. The larger house was renovated as well, however because of the old piling structure, there was no way the house could be raised above its original ground level. Ms. Redding said in September of 2003 the larger house was again flooded during Hurricane Isabel necessitating huge costly repairs.

Ms. Redding stated that the property was subdivided into two parcels in 2003 and in 2004 the larger house was assessed at \$389,100 and the smaller house at \$166,500. She explained that during the 2006 county revaluation the larger house was assessed at \$973,600 and the smaller house was assessed at \$477,800. She said in hindsight she realizes that even with the real estate bubble that occurred in 2006 and 2007 the values that were assessed were in her opinion disproportionately much higher than the surrounding properties. She stated that with the current depressed real estate market she is seeking to get these properties more accurately assessed, particularly the larger home at 914 Riverside Avenue.

Ms. Redding explained that the house was constructed in 1927 and the main structure is built on pilings on a filled lot. She said the front and rear portions of the house were built at ground level and the smaller middle portion was constructed over a cellar. Ms. Redding stated that there is no question that the adjacent Pasquotank River has risen, making it necessary to raise the bulkhead in order to keep the ground level above the water line. She said this resulted in the house sitting at a lower elevation than the land surrounding the property which caused the structure to suffer tremendously from flooding from the two hurricanes in 1999 and 2003. She explained that the flooding caused many problems structurally and much of the damage was repaired at very high costs. She said there were many residual problems that could not be repaired. With the washing out of the soil underneath, the brick exterior and the surrounding concrete patio settled with many resulting cracks and breaks in the brick walls and concrete porches. This also caused many interior problems associated with the settling, such as damage to the plaster and sheetrock on the walls and ceilings. Ms. Redding stated that there is nothing that can be done about this settling issue and she has consulted with experts who told her there is nothing that can be done to elevate the house and correct the problems. She said to further complicate the problem, many roots from the cypress trees surrounding the house have grown under and around the house, further causing foundation issues.

Ms. Redding stated that there are numerous other issues with the property. She said a main portion of the roof is still covered with the original slate shingles, the material under the shingles has deteriorated over the years, and this roof and the other roofs need to be replaced and the costs to do this is extremely high. She explained there are other issues that greatly negatively affect the value of the house: the house has the original 1927 electrical wiring in all of the original structure; last year a large area of structural termite damage was found as a result of an unknown leak in the brick exterior, and this has only been partially repaired. Ms. Redding advised that in January of this year a thorough appraisal was done by a mortgage company and the resulting value gave supporting documentation of the greatly decreased value of the property. She said as a result of the appraisal, which considered the most recent sales comparison, as well as the huge costs involved to repair all of the structural problems, most of the value of the +property was in the land versus the structure. She stated that she is attempting to get a copy of this appraisal, but as yet the mortgage company has not released it to her.

Ms. Redding explained that there is one other issue that should be considered, the increasing cost of flood insurance. She pointed out that the government passed laws last year that have greatly reduced the amount of money that the federal government is going to subsidize the flood insurance for waterfront properties. Even more significant is that her home, due to flooding from two hurricanes, is on the SRF list, which is a list of homes that have sustained severe repetitive loss. These homes will have huge increasing costs of flood insurance which will increase dramatically every year. Ms. Redding stated that this greatly affects the current value as well as the future re-sale value. She said what she has is a structure built many years ago that is very beautiful and unique in many aspects, but one that has significant defects in structure due to aging and flooding issues. She stated that many would say that the structure should just be demolished and a new home built that complies with current flood elevation levels and building codes, however until that is done or until some of the repairs are made, she believes the tax value

should be greatly reduced. Ms. Redding asked that the Board consider her findings and agree with her that this property warrants a reduced value that is consistent with its current fair market value.

Commissioner Frankie Meads asked Ms. Redding if she has any pictures of the flood damage that was done to the property. Ms. Redding responded that she has many pictures and the appraiser has all of those and she is trying to get them and hopes to have them within the next two weeks.

Commissioner William Sterritt noted that the property was valued at \$973,600 in 2006 and now Ms. Redding is asking for it to be valued at \$260,000. Ms. Redding stated that the appraiser came up with a number less than that. She added that most people would say the house should be torn down and rebuilt in order to be structurally sound. She advised that she has spoken with expert house movers, even the ones who moved the Cape Hatteras Lighthouse, and they all informed her that the house could not be moved. Commissioner Sterritt asked Ms. Redding if she would sell the house for \$260,000. Ms. Redding stated that she would not because it is where she lives and she hopes to stay in it and possibly make some repairs. Commissioner Sterritt commented that he is not opposed to a compromise on this, but to him it is a little extreme to go from \$973,000 to \$260,000.

Commissioner Meads said if an expert mover could not move the house, nobody could move the house. He noted with a house built in 1927 with structural damage and water splashing under it for a number of years, there is nothing that could be put there without a foundation. He said if the bank appraisal and the pictures were available, it would help the Board make a decision.

Ms. Lane reported that at the initial informal appeal with Ms. Redding in January, there were no photos provided to document any damage, or to give them any more leeway to further reduce the value. She said the appraisal company, based on the issues mentioned by Ms. Redding, made an adjustment of the value down to \$715,000. She stated that she and Mrs. Stewart visited the house last week and Ms. Redding was not at home so they were not able to go inside the house. She said they observed the exterior of the house, and the only foundation cracks they saw were in the front porch, and they also saw some slight settling, but nothing that would put the rest of the house in jeopardy. They also saw some cracks in the concrete patio, but none that extended to any portion of the house such that they would compromise the structure. Ms. Lane said an additional market obsolescence adjustment was made for the dwelling due to the fact it had been flooded twice, that it had an older roof, and it had older sections that had been added on throughout the years making it an irregularly shaped/atypical house. The new valuation is at \$260,300 for the land; \$363,500 for the dwelling, and \$300 for the frame storage and gazebo for a total of \$624,100. She said this was down from the prior assessment of \$973,600 and from the 2014 reassessment of \$829,600. Ms. Lane stated that much consideration was given to this appeal and the property received a large adjustment. She said any pictures, supporting documentation, or additional information that can be provided would be welcomed.

Commissioner Meads asked Ms. Lane if she would buy the house for the price at which she has it appraised. Ms. Lane responded that she would and she feels the \$624,100 is an appropriate number based on what she has seen, and she has not seen anything to substantiate any additional adjustment in value.

Commissioner Sterritt asked if there are any water marks on the inside of the house showing the level of the flood waters from the hurricanes. Ms. Redding responded that there are no water marks because all of the plaster had to be torn out and repaired.

Commissioner Lloyd Griffin noted that the value of \$260,300 is comparable with similar land sales in the area. Ms. Lane stated that a reduction in the value of the land was given because of the large size of the lot. The parcel is valued at \$6.09 per square foot, while the average sale price for land in that area is \$11.66 per square foot.

Chairman Dixon stated that members of the Board are asking for more information and he suggested that the Board of Equalization and Review be continued until the next meeting in order for Ms. Redding to present more evidence to back up her appeal.

Motion was made by Joe Winslow, seconded by Cecil Perry to delay action on the appeal by Alice Redding until the next meeting. The motion carried unanimously.



Commissioner Sterritt commented that he had experience on Riverside Avenue when he worked for College of The Albemarle and he knows Ms. Redding's house will flood again and have mud in it again.

County Attorney Mike Cox stated that the gentleman who came in earlier tonight, Mr. Patel, was given a deadline of April 25 to note an appeal. He said he will have to look at the regulations to determine whether the Board of Equalization and Review can hear Mr. Patel's appeal.

Motion was made by Joe Winslow, seconded by Cecil Perry to recess the Board of Equalization and Review until the next regular meeting on May 19, 2014. The motion carried unanimously.

#### **6. PUBLIC HEARING ON REZONING REQUEST RR 14-01:**

Chairman Dixon declared the meeting to be a public hearing on Rezoning Request RR 14-01. Planning Director Shelley Cox outlined the request. She explained that this rezoning has been requested by Kay Weeks for property she owns at 992 US Highway 158 in Newland Township. She said the current zoning of the property is A-1, agricultural, and Mrs. Weeks is requesting to rezone approximately ten acres of road frontage from A-1, agricultural, to C-1 commercial. She pointed out that in the surrounding area there is A-1 zoning and C-1 zoning. The uses include agricultural, residential, and commercial. The 2004 Advanced Core Land Use Plan classifies the frontage of this property as commercial and this request is consistent with the Land Use Plan classification. The property includes an existing septic system and water is provided by the South Mills Water System. Ms. Cox stated that all adjoining property owners have been notified of this request and a legal ad has been published as required by State Statute. She said the total site area for this parcel is 94.4 acres, and according to the tax card, approximately 62 acres is currently used for agricultural purposes. The area requested for rezoning is approximately 10 acres and abuts U.S. 158. Ms. Cox stated that there are three buildings currently located on the property and one building has historically been used for commercial purposes. She noted that currently a special use permit is in place to allow the operation of a consignment shop at this location, however if the commercial zoning is approved for the site, it will open up a lot more commercial uses for the property. The other buildings on the property have been used for residential uses and for storage. Ms. Cox advised that access for this property is provided by an existing driveway onto U.S. 158, and if this is approved all of the uses permitted in the C-1 commercial district would be allowed at this location, subject to any conditions required by the Zoning Ordinance. She stated that the rezoning is reasonable and in the public interest because the property has previously been utilized for commercial use and is adjacent to existing commercial uses. She explained that the Planning Board reviewed this request on April 24 and voted to recommend approval of the staff recommended consistency statement and the rezoning application.

Commissioner Griffin noted that this parcel backs up to residential property on two sides. He asked how these adjacent owners would be safeguarded from some form of junkyard or other commercial use that may not be appropriate near residential property. Ms. Cox responded that something like a junkyard would require a conditional use permit that would require Board approval. She said the existing building on the site could continue to be used for commercial purposes, but if someone wanted to clear the site and build something new, buffers would be required between residential zones and commercial zones that provide some safeguards.

Chairman Dixon asked if the Board approves the rezoning to commercial whether any other commercial use besides what is on the property now would have to come to the Board for a conditional use permit. Ms. Cox stated that it would depend on the use. She said the more intrusive uses require conditional use permits or special use permits. If the building were torn down and rebuilt, buffers would be required between commercial uses and residential uses.

Chairman Dixon declared the meeting to be a public hearing on Rezoning Request RR 14-01 and he asked if anyone would care to address the Board. There being no comments, the public hearing was closed.

Motion was made by Gary White, seconded by Joe Winslow to approve the following consistency statement and to approve Rezoning Request RR 14-01:

*RR 14-01 is a request to rezone approximately ten acres from A-1, agricultural, to C-1, commercial. This request is consistent with the commercial classification of this property as shown on the Future Land Use Classification map within the*

*Pasquotank County-Elizabeth City Advanced Core Land Use Plan (adopted January 9, 2012).*

*The rezoning request is reasonable and in the public interest because the property has previously been utilized for a commercial use and is located adjacent to existing commercial property.*

The motion carried unanimously.

Commissioner Perry stated that he remembers some years ago that someone wanted a rezoning approved for a company to build concrete traffic barriers in an agricultural district in the Newland area. The County Manager recalled that a rezoning application was made for that purpose and it was denied because of the size of the tract and it was not consistent with the Land Use Plan. He said the Land Use Plan shows the area being considered tonight as commercial. He stated that the site Mr. Perry mentioned was on a secondary road and the Land Use Plan showed no commercial development on the secondary roads in the county. The County Attorney noted he believes that particular request was to rezone the property from agricultural to industrial. Commissioner Perry stated that the Board needs to be consistent with what it does.

**7. PUBLIC HEARING ON SUBDIVISION VARIANCE REQUEST 14-01:**

Subdivision Variance Request 14-01 is a request for a variance from the family subdivision requirements by Williams Meads. Mr. Meads and Ms. Cox were sworn in by the Clerk. Ms. Cox explained that this is a request to create a gift lot for Mr. Meads' son at 764 Dryridge Road that would not have 25 feet of state road frontage as required by Article 3, Section 303 of the Subdivision Ordinance. She said the property is zoned A-1, agricultural, and is located in Salem Township. She stated that Mr. Meads is requesting to create a 5.42 acre gift lot with no state road frontage. The existing tract is approximately 19.2 acres and has approximately 20 feet of road frontage as it now exists. Mr. Meads' son would have to use the existing 20 foot driveway that currently serves the property for access onto Dryridge Road. Ms. Cox stated that staff is recommending approval of the request with the requirement that a permanent easement is provided along the existing driveway to allow access from the 5.42 acre gift lot to Dryridge Road. She said the Planning Board reviewed this request on April 24 and recommended approval. She stated that the Board needs to make four findings before deciding whether to grant a variance and she provided the recommended findings from staff and the Planning Board.

Commissioner Griffin asked questions regarding the easement that will be provided to the proposed lot. He said it appears the 20 foot easement runs all the way to the back of the piece of property and he asked how it would be conveyed. Ms. Cox stated that the driveway would remain part of the larger 19.2 acre tract and the lot that is created would use the existing driveway with an easement over the larger tract. Commissioner Griffin noted that there is an opportunity to use that path to access three other parcels that could be created. Ms. Cox stated that any further lots would have to go through the subdivision variance process. If the lot was ever sold, the permanent easement would go with the land.

Chairman Dixon declared the meeting to be a public hearing on Subdivision Variance SV 14-01 and he asked if there were any comments. At the absence of comments, the public hearing was closed.

Motion was made by Gary White, seconded by Frankie Meads and to make the following findings and to grant Subdivision Variance Request SV 14-01, subject to Mr. Meads providing a permanent easement along the existing driveway to allow access from Dryridge Road:

1. That special conditions or circumstances affecting said property such that the strict application of the provisions of the Pasquotank County Subdivision Ordinance would deprive the applicant of reasonable use of his land.

**Response:** *Mr. Meads' property is 19.2 acres and only has approximately 20 feet of road frontage. The property does not physically have the frontage required to create a family subdivision lot that contains 25 feet of road frontage as required by the Subdivision Ordinance.*



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

**Response:** *This variance is required in order for the property owner to give a lot to his son.*

3. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.

**Response:** *The parcel is unusual given its large size and minimum amount of road frontage.*

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

**Response:** *The existing driveway has been in continuous use for 45 years and does not appear to have had a detrimental effect on the surrounding area.*

The motion carried unanimously.

**8. AMENDMENTS TO THE AGENDA:**

Chairman Dixon asked if there were any amendments to the agenda. Vice-Chairman Joe Winslow requested that the agenda be amended to add a recommendation from the Finance Committee to exempt tipping fees for LCID materials resulting from the recent tornadoes for county residents cleaning their property, for LCID materials NCDOT clears from Pasquotank County roads, and for charitable organizations such as the Baptist Men who assist county residents clean up their property.

Motion was made by Gary White, seconded by Cecil Perry to amend the agenda to add to the consent agenda the recommendation from the Finance Committee to exempt LCID tipping fees as outlined. The motion carried unanimously.

**9. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

- a. Approval of Minutes of April 21 and April 23, 2014 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.	Husa Chn Powers	139.61	
2.	Beverly C. White	693.00	
3.	Jerry Ike Wooten, Jr. & Elizabeth Ann Allen	827.55	
4.	Five C's Inc.	965.69	
5.	Jolee Stephen Goldsmith	161.26	
6.	Christopher Matthew Terrell	170.25	
7.	Doris J. & John Wesley Trueblood	144.00	
8.	Calen Dwayne Hudson	118.63	
9.	Sukhwant Singh Kanwar	305.85	
10.	Shayna Nicole Etheridge	111.29	93.85
11.	Jennifer Hunter Covington	111.23	
12.	Leroy Bowe	104.28	83.26
13.	Robert Thomas Giehls	108.93	
14.	Joseph Michael Scott	118.23	

Solid Waste Fee Releases:

Owner's Name	Parcel ID Number	Reason for Release
1. Jeff Overton Heirs	P67-44	Vacant since 1994

- c. Approval of Budget Amendment  
The Finance Committee has recommended approval of the following budget amendment:

**EMS**

Decrease	010.4370.5700.16	Debt Service	43,000.00
Decrease	010.4370.5351.00	Maintenance-Building	10,000.00
Increase	010.0991.4991.00	Fund Balance Appropriated	74,000.00
Increase	010.4370.5500.00	Capital Outlay	127,000.00

- d. Approval of Tipping Fee Exemption for LCID Material Related to Tornado Debris Cleanup

The Finance Committee has recommended that the Board approve a landfill tipping fee exemption for LCID materials for county residents cleaning their property from the recent tornadoes, for LCID materials NCDOT clears from Pasquotank County roads, and for LCID materials that charitable organizations such as the Baptist Men and Methodist Men helping county residents clean up their property take to the landfill. The exemption would be extended through June 30, 2014.

Motion was made by Cecil Perry, seconded by Gary White to approve the Consent Agenda as amended. The motion carried unanimously.

**10. APPROVAL OF FORMAL OPERATIONS AGREEMENT FOR HEALTH INSURANCE POOL:**

The Board considered a Formal Operations Agreement for the health insurance pool. The agreement has been approved by the Board of Directors for the insurance pool and now needs to be approved by Pasquotank County, Perquimans County, and the Health Department.

Motion was made by Lloyd Griffin, seconded by Joe Winslow to approve the proposed Formal Operations Agreement for the Northeast Albemarle Group Health Insurance Pool. The motion carried unanimously.

**11. CALENDAR:**

The Clerk reviewed the calendar of upcoming meetings and events.

**12. REPORTS FROM COMMISSIONERS:**

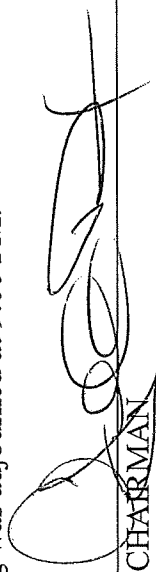
Commissioner Gary White reported that the Building and Grounds Committee met today and reviewed several maintenance projects and the proposed Maintenance Department budget. Commissioner Lloyd Griffin added that the committee recommended that several projects be moved forward related to courthouse facilities.

Vice-Chairman Joe Winslow stated that he would like to commend staff and those involved in the cleanup after the tornadoes last week. He said he has heard many positive comments.

Chairman Dixon stated that he would like to thank the Cooperative Extension Service for providing lunch for the Commissioners today. He reported that he attended on behalf of the Board the ribbon-cutting for the Charles Creek Pavilion last week. He added that Mayor Peel mentioned the county several times in his speech and also mentioned that things could not be moving forward without the help of the county. He also praised the joint relationship between the city and county for Parks and Recreation. He reported that he and Commissioner Perry attended the ribbon-cutting/groundbreaking for the Renaissance Center that River City CDC is developing on McMorrine Street. He said this will be a very nice complex.

Chairman Dixon asked for a motion to adjourn the meeting.

Motion was made by Gary White, seconded by Lloyd Griffin to adjourn the meeting. The motion carried and the meeting was adjourned at 9:00 PM.

  
CHAIRMAN

  
CLERK TO THE BOARD