

**PASQUOTANK COUNTY, NORTH CAROLINA
OCTOBER 4, 2021**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, October 4, 2021 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Lloyd E. Griffin, III, Chairman
Charles H. Jordan, Vice-Chairman
Cecil Perry
Sean Lavin
William “Bill” Sterritt
Jonathan Meads

MEMBERS ABSENT: Barry Overman

OTHERS PRESENT: Sparty Hammett, County Manager
R. Michael Cox, County Attorney
Shelley Cox, Planning Director
Lynn Scott, Clerk to the Board

The meeting was called to order at 6:00 PM by Chairman Lloyd Griffin. Vice-Chairman Jordan gave the invocation and Commissioner Sean Lavin led in the Pledge of Allegiance to the American Flag. Chairman Griffin welcomed those in attendance.

1. AMENDMENTS TO THE AGENDA:

Vice-Chairman Jordan requested that the agenda be amended to add the following items recommended by the Finance Committee to the Consent Agenda: 1) Approval to Sell Surplus Property on 5133 Putter Lane; and 2) Approval of Extension of Listing Agreement and Reduction in Listing Price for Property on 133 Winfall Boulevard.

Motion was made by Charles Jordan, seconded by Sean Lavin to amend the agenda to add Items #1-2 to the Consent Agenda. The motion carried unanimously.

2. PUBLIC HEARING ON ZONING TEXT AMENDMENT 21-02:

Chairman Griffin called on Planning Director Shelley Cox to outline Zoning Text Amendment ZTA 21-02.

Ms. Cox explained the request as follows:

Application Overview:

The attached text amendment has been requested by Scott Gurganus. Mr. Gurganus is interested in operating a moving service in Pasquotank County. The location that he wishes to locate is 2450 Peartree Road, which is the site of the former Luther’s Greenhouses garden shop. This site is currently zoned A-1, Agricultural.

Staff Commentary:

The County’s Land Use Plan states that manufacturing and high intensity commercial uses are generally incompatible in areas identified on the Future Land Use Map as Rural Agriculture (which are mainly areas zoned A-1). The plan also states that “Small scale commercial uses that primarily provide goods and services to residents of the surrounding area and agricultural related industrial uses may be permitted at an intensity of no more than 1 unit per acre.”

In Pasquotank County there are likely some areas where a small scale moving service could locate without potentially causing any harm to other properties nearby. The property where the applicant intends to locate may be one of those places. However, in considering this request the Board should keep in mind that the amendment would be applicable in the A-1 zoning district throughout the County. Therefore, staff proposes that the Ordinance be amended with new text as shown highlighted in yellow:

ARTICLE 4 DEFINITIONS OF TERMS

SECTION 4.02 – WORD TERMS AND DEFINITIONS

76. **Moving and Storage Facilities:** Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary indoor storage of those same items. This does not include self-storage facilities.

ARTICLE 7 DISTRICT REGULATIONS

Table of Permitted Uses		C-1	A-1
Moving and Storage Service	4214	P	S

NOTE:

S = Special Use Permit issued by the Planning Board

Moving and Storage Services would not be permitted in any districts other than C-1 and A-1

ARTICLE 9 PROVISIONS FOR USES ALLOWED AS SPECIAL USES

SECTION 9.03 – Additional Restrictions Imposed on Certain Special Uses

9.03-17 **Moving and Storage Service** – Moving and Storage Services are permitted as indicated by the Table of Permitted Uses. Establishments that require a Special Use Permit in the A-1, Agricultural District shall also meet the following requirements:

- a. All new sites shall be no less than two (2) acres in size.
- b. No outside bulk storage shall be permitted.
- c. The property where the business is located shall have road frontage on a state maintained road.
- d. The maximum lot coverage permitted for the site shall be 24%.

Planning Board Recommended Action And Consistency Statement:

On Thursday, September 23, 2021 the Planning Board reviewed this request and recommended approval of the proposed amendment to the Pasquotank County Zoning Ordinance with the standards recommended by staff. At that time they also recommended the following consistency statement:

This amendment is consistent with the Pasquotank County Future Land Use Map’s Agricultural classification and with the following policies within the Pasquotank County Elizabeth City Advanced Core Land Use Plan:

- Section 4.1.1 Pasquotank County and Elizabeth City Goals - Table 44 Land Use Compatibility Goals “Encourage land development in accordance with the suitability of the land, compatibility of surrounding land uses and the infrastructure available.”
- Section 4.1.1 Pasquotank County and Elizabeth City Goals – Table 44 Land Use Compatibility Goas “Promote diversified economic development.”

The amendment is reasonable and in the public interest because the text will permit small scale moving and storage services in appropriate locations within Pasquotank County.

Chairman Griffin declared the meeting to be a Public Hearing on Zoning Text Amendment #21-02 and asked for comments from the public. There being none, the Public Hearing was closed.

Ms. Cox explained that the Board will only be approving the proposed Zoning Text Amendment. If approved, a Special Use Permit will be required from the Planning Board.

Motion was made by Jonathan Meads, seconded by Charles Jordan to adopt the following amendment to the Pasquotank County Zoning Ordinance as proposed

by staff, as well as the consistency statement recommended by the Planning Board regarding ZTA 21-02. The motion carried unanimously.

**AMENDMENT TO THE PASQUOTANK COUNTY ZONING ORDINANCE
ALLOWING MOVING AND STORAGE FACILITIES WITHIN THE A-1, AGRICULTURAL
DISTRICT WITH THE ISSUANCE OF A SPECIAL USE PERMIT BY ZTA 21-02**

WHEREAS, the Pasquotank County Zoning Ordinance provides for the orderly growth and development of Pasquotank County; and

WHEREAS, the proposed text amendment will allow for Moving and Storage Facilities within the A-1, Agricultural District with the issuance of a Special Use Permit; and

WHEREAS, the Planning Staff recommends approval of the proposed amendment; and

WHEREAS, on September 23, 2021, the Pasquotank County Planning Board reviewed the proposed amendment and recommended that the Board of Commissioners approve the amendment as proposed;

NOW, THEREFORE, IT BE ORDAINED BY THE PASQUOTANK COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. Article 4, Article 7 and Article 9 of the Pasquotank County Zoning Ordinance are amended as follows:

Proposed Ordinance Text

Additions and/or changes to the existing regulations are highlighted in yellow. Deletions are noted by strikethrough.

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- a. All new sites shall be no less than two (2) acres in size.
- b. No outside bulk storage shall be permitted.
- c. The property where the business is located shall have road frontage on a state maintained road.
- d. The maximum lot coverage permitted for the site shall be 24%.

Section 2. These ordinance amendments are effective upon adoption.

ADOPTED this 4th day of October, 2021;

Lloyd E. Griffin, III, Chairman
Pasquotank County Board of Commissioners

ATTEST:

Lynn B. Scott
Clerk to the Board

3. PUBLIC COMMENTS:

Chairman Griffin recognized LE White of 1336 School House Road, to address the Board. Mr. White spoke in opposition of additional laws regarding hunting with dogs.

Chairman Griffin recognized Doug Temple of 1273 Lynch's Corner Road, to address the Board. Mr. Temple spoke in opposition of additional laws regarding hunting with dogs.

Chairman Griffin recognized Bobby Harris of 291 Belcross Road, Camden to address the Board. Mr. Harris stated that there have been very few problems reported in the last ten to fifteen years, so he does not understand why it is being brought up again. He stated that the hunting community has tried very hard to address the complaints in the past, and he feels they have done a very good job. He opposes additional laws.

Chairman Griffin recognized John Morris of 3636 Ballahack Road, Chesapeake, VA to address the Board. Mr. Morris spoke in opposition of additional laws regarding hunting with dogs.

Chairman Griffin recognized Doug Lane, address unknown, to address the Board. Mr. Lane stated that trespass by dogs became an issue in 1950 when the number of residents per mile nearly doubled in Pasquotank County. He said when the County allows individuals to swing high-powered rifles at fast moving targets, in a populated area they are putting the public at risk. He understands that the gentlemen speaking have tried to do a good job of keeping the dogs off his land, but "when they swing that rifle, they put people at risk".

Chairman Griffin recognized Andrea Rovenski, address unknown to address the Board. Ms. Rovenski stated that Pasquotank County has been declared the highest transmission rate for the Delta variant of the Corona virus. She said she notices that the "clown crew" here has no masks on, and she finds this unacceptable. She said she is wearing three masks because she doesn't trust anybody.

4. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of September 13, 2021 Commissioner Meeting

b. Approval to Sell Surplus Property at 5133 Putter Lane, Kitty Hawk

The Board had previously proposed to accept an offer of \$200,000 from Route 168 Portfolio LLC for .46 acres of County owned property located at 5133 Putter Lane, Kitty Hawk and to advertise for upset bids. After five rounds of the upset bid process, the current high offer is \$339,692.45 from Essay LLC. The highest offer has been advertised and no additional bids were received during the 10-day upset bid period. The Board can now approve the sale of the property for \$339,692.45 to Essay LLC.

c. Approval of Extension of Listing Agreement and Reduction in Price for 133 Winfall Boulevard

Staff is recommending approval to extend the listing agreement for 133 Winfall Boulevard with Rich Company, and to reduce the listing price to \$129,000.

Motion was made by Charles Jordan, seconded by Sean Lavin to approve the Consent Agenda, as amended. The motion carried unanimously.

5. **ADOPTION OF 2022 COMMISSIONER MEETING SCHEDULE:**

The Board considered a proposed schedule of regular County Commissioner meetings for 2022.

Motion was made by Sean Lavin, seconded by Jonathan Meads to adopt the following 2022 Commissioner meeting schedule as proposed: The motion carried unanimously.

Month	1st Regular Meeting	2nd Regular Meeting
January	Monday, January 17	None
February	Monday, February 7	Monday, February 21
March	Monday, March 7	Monday, March 21
April	Monday, April 4	Monday, April 18
May	Monday, May 2	Monday, May 16
June	Monday, June 6	Monday, June 20
July	None	Monday, July 11
August	Monday, August 1	Monday, August 15
September	None	Monday, September 12
October	Monday, October 3	Monday, October 17
November	Monday, November 7	Monday, November 21
December	Monday, December 5	None

Friday, February 25th – Board Retreat – Tentative

6. **PRESENTATION OF 2022 SCHEDULE OF VALUES:**

Chairman Griffin recognized Katherine Lane, Field Appraiser for Pearson’s Appraisal Service, to present the Schedule of Values for the 2022 Revaluation. Per General Statue, Ms. Lane provided each Commissioner with a notebook containing a copy of the proposed schedule of values, standards and rules to be used in appraising real property for the 2022 reappraisal. She asked the Board to review the manual and contact her with any questions. As prescribed by law, copies of the proposed Schedule of Values will be available for public inspection at the County Manager’s Office, as well as the Tax Office for thirty days. The timeline for the adoption process will be carried out as recommended by the North Carolina Department of Revenue. She said the next step in the process will be to hold a Public Hearing at the October 18, 2021 Board of Commissioners meeting.

Attorney Cox noted if a taxpayer’s property value goes up it does not necessarily mean their taxes will go up. He said there is a revenue neutral rate.

Motion was made by Sean Lavin, seconded by Charles Jordan to approve the adoption process of the proposed Schedule of Values and call for a Public Hearing on October 18, 2021. The motion carried unanimously.

7. **HUNTING WITH DOGS:**

County Manager Hammett explained that the Special Projects Committee met on August 2, 2021 and voted to take no action following a discussion on Hunting with Dogs. A Commissioner requested that the item be placed on the agenda for consideration/discussion by the full Board. He said some counties, such as Chowan and Perquimans, require hunters to get written permission from property owners prior to hunting on the property owner’s land. He noted that the Landowner Protection Act, which was enacted in 2011, provides similar protection for landowners who properly post their property against trespassing without permission. He introduced Sergeant Owens from the NC Wildlife Resources Commission to answer any technical questions the Board may have.

Chairman Griffin said in the past there have been a lot of questions regarding landowner's rights when it comes to hunting with dogs. He asked Sergeant George Owens of the North Carolina Wildlife Resources Commission to explain what laws are currently available for landowners.

Sergeant Owens said generally each county adopts certain regulations outside of what laws are provided by statute. Chowan and Perquimans actually require anyone who is on a piece of property hunting to have a form of permission signed by the landowner, during that year, saying they have permission to hunt on the property. He noted that the state general statute is in the same category as trespassing laws. It deals with hunting, fishing, and trapping on property that is posted with purple paint every 100 yards or with posted signs every 200 yards. He said if the property is posted, as required, and somebody is on the property without permission, then they would be in violation.

Sergeant Owens stated that Pasquotank County currently has laws that deal with the discharge of center fire rifles and unlawful or negligent hunting.

Commissioner Sterritt said he doesn't like to see high-powered rifles within 200 yards of his home. He would like the county possibly to only allow hunting with shotguns. He added that he would like to know what hunters think of his proposal. He asked Sergeant Owens if he is aware of any counties that have banned hunting with rifles. Sergeant Owens said there is not a county in his jurisdiction that prohibits hunting with rifles, although there are counties that have rules on how you are able to hunt with a rifle.

Commissioner Meads asked the difference between the purple paint and the posted signs. Sergeant Owens said the purple paint is often used because it is a more permanent solution. Signs can fall down and be destroyed over time. Commissioner Meads stated that there are already restrictions on firing rifles. Sergeant Owens said that is correct. In Pasquotank County you have to have permission to discharge a centerfire rifle across somebody's property. There is also an 8' to the barrel height requirement. Commissioner Meads said that some of the people he has talked with about deer dog hunting have told him that they have not had a problem in five years. He doesn't understand why we are even having this conversation, because the problem has been fixed.

Vice-Chairman Jordan asked if there is a difference between no trespassing and no hunting signs, or will either one work. Sergeant Owens said he believes the signs must be posted "no trespassing" for hunting and fishing purposes or you can use purple paint. He said neither the signs nor paint will keep dogs off your property.

Commissioner Lavin said this issue has been brought before the Board several times. He feels he understands landowner's rights and that some counties have additional laws. He understands that those laws were enacted before the Landowner Protection Act and the County would set a new precedence for counties enacting more restrictive laws. Through these multiple discussions, there have not been any documented incidents in the near term that the Board has been made aware of. He feels the solutions that have been provided will not prevent the problems the plaintiffs claim to be having.

Chairman Griffin asked Sergeant Owen what is considered as negligence. Sergeant Owens said, according to State law for someone to be charged with negligent hunting, they have to cause property damage or some sort of personal injury. Chairman Griffin asked what the majority of citations written each year for. Sergeant Owens answered, hunting without permission, shooting from the road, and failure to tag a deer. Chairman Griffin noted that there is already a law in place for discharging a rifle across a person land. He added that the land does not have to be posted.

Commissioner Perry asked Sergeant Owens if arrests have been made in Pasquotank County for hunting on posted land. Sergeant Owens answered, yes sir.

Motion was made by Sean Lavin, seconded by Jonathan Meads to take no action on enacting any new county laws on hunting with dogs, and to place a three year moratorium on considering the issue in the future.

Attorney Cox said he believes a moratorium on discussing an issue could only last 90 days. Commissioner Lavin said he will stick with his original motion unless Attorney Cox comes back with a legal ruling that limits how long the discussion pause can last.

Vice-Chairman Jordan and Commissioner Perry abstained from voting. The motion carried unanimously.

8. REPORTS FROM COMMISSIONERS:

Commissioner Sterritt reported that the Community Relations Commission is now meeting via Zoom. Their last meeting was canceled without his knowledge. He said the CRC needs the Boards' help with appointing new volunteers. County Manager Hammett said he had discussion with the State Human Relations Commission and there is some thought of possibly transitioning our Community Relations Commission. This will be an item for discussion at our next City/County Joint Meeting.

Commissioner Lavin attended monthly meetings for the Economic Development Commission, Elizabeth City Downtown, and the Chamber of Commerce. He said all of the groups are showing great signs of positive momentum. He reported that the Parks and Recreation Board are in the middle of restructuring the Joint City/County Parks and Recreation Advisory Committee into a Board that really gets their hands dirty and into the management of Parks and Recreation and gives the County a little more influence in those activities. He reported that the County was awarded a PARTF grant for the Northern Park. County Manager Hammett stated that Chairman Griffin will be appointing an additional Commissioner to the Parks and Recreation Board, and the current members are being contacted to see if they want to reapply for the new board.

Vice-Chairman Jordan attended meetings for the Trillium Board, Economic Development Commission, Solid Waste Committee, and the Jail Board.

Chairman Griffin participated in a ribbon cutting for the new hospital facility. Due to Covid, it was a very small group of individuals who participated. He attended monthly meetings for the Airport Authority, Albemarle Commission, and the Economic Development Commission.

Chairman Griffin appointed Vice-Chairman Charles Jordan to the Parks and Recreation Board.

Commissioner Perry asked what the current policy is for wearing masks. County Manager Hammett stated that the Board did not take action to establish a policy, but he does have a policy in affect for staff.

There being nothing further to come before the Board;

Motion was made by Charles Jordan, seconded by Sean Lavin to adjourn the meeting. The motion carried and the meeting was adjourned at 7:00 PM.

CHAIRMAN

CLERK TO THE BOARD