

**PASQUOTANK COUNTY, NORTH CAROLINA
NOVEMBER 15, 2021**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, November 15, 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
Barry Overman
William “Bill” Sterritt
Jonathan Meads

MEMBERS ABSENT: None

OTHERS PRESENT: Sparty Hammett, County Manager
R. Michael Cox, County Attorney
Shelley Cox, Planning Director
Julie Stamper, GIS Coordinator
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 Bill Sterritt 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 of extending the Option to Purchase for the Tractor Pull Property; 2) Approval of Starting Salary above Hiring Range for Maintenance Director; and 3) Approval to accept offer for County Owned Property at 333 Winfall Boulevard.

Motion was made by Charles Jordan, seconded by Jonathan Meads to amend the agenda to add Items #1-3 to the Consent Agenda. The motion carried unanimously.

2. PUBLIC HEARING - REDISTRICTING:

Chairman Griffin opened the floor for public comments.

Chairman Griffin recognized Deborah Stagner, the County’s Redistricting Consultant with Tharrington Smith, LLP to address the legality of the proposed map, to answer questions previously raised by the public, and to answer any questions that the Board may have.

Ms. Stagner stated that she has been asked to address the County’s Redistricting Map and to answer questions that were raised prior to this evenings meeting. She reviewed some of the basic principles of redistricting. She stated that the County’s current voting map is a result of the consent order in the 1980s to settle a voting rights lawsuit. The new election map and the district boundaries that were developed at that time were codified in a local act of the General Assembly. At that time, the districts were drawn so that one district within the County would have at least a 55% minority voting age population.

Ms. Stagner stated that it is her opinion that the proposed redistricting plan that has been drawn by County staff and presented to the public and Board comply with both governing, state and federal law, general statutes, constitutional equal protection principles and the terms of the consent order to the extent that we understand what that meant at the time. She said that is based on the following considerations:

- The population of the four proposed districts is within +/- 5% of the ideal districts size of 10,142 people.
- The proposed districts are all within a continuous boundary, as required by statute.
- The new districts were drawn using traditionally accepted redistricting principles.

- The composed plan does not dilute minority voting strength and it roughly maintains the current percentage minority population in all four districts.
- The total black population of voting age population in the Southern Inside District remains above 55%, which is consistent with the plan that was first developed under the consent order from the 1980s.

She said she understands that County staff received some questions prior to the public hearings, and although she has covered some of the subject matter, she wants to specifically address those questions.

The first was a question about the minority vote being concentrated to one district. She said the minority population as a percentage of the Southern Inside District has actually increased from 2010 to 2020. By following traditional redistricting principles, the minority population in the Southern Inside District remains at about 61% under the proposed plan. She said it is a slight decrease from its current percentage, but she does not believe that that constitutes an unlawful overconcentration of minority voters into one district. In fact, it is consistent with the past districts and consistent with the 55% of the consent order.

The second question was about respecting voting precinct lines and why that was important. She said respecting voting precinct lines is not a requirement, but it is certainly an expected practice. It is done in order to avoid multiple ballot styles and to avoid voter confusion. It is a legitimate principle and something that many jurisdictions follow. It helps the Board of Elections to streamline the ballot styles.

A third question was about the impact of the prison population in the Northern Outside District and how that might affect redistricting. She said General Statute 153A-22(c) speaks in terms of considering population and the total population of the County will always include people who cannot vote - not just prisoners, but children and noncitizens as well. College students are sometimes not allowed to vote, as well as military personal. The courts have upheld using the total population and not voters or voting age population. She explained that the Census Bureau counts prisoners in the census block where the prison is located and local governments in North Carolina do not have the authority to assign prisoners to other residences. That being said, there is a developing case law regarding whether and how to count prison populations in redistricting, although there is nothing binding in North Carolina at this time. It is her understanding that some jurisdictions have decided not to count prison population at all.

Ms. Stagner said when this question was raised, she looked at the numbers that were made available to her about the populations in Pasquotank and the population at the prison, and based on those numbers, it would appear that even if you were to exclude the prison from the entire County population and from the population of the Northern Outside District, that those districts would still be within the +/- 5% range of the ideal size. She does not have a concern about the prison population and how that has been included in the Northern Outside District.

Finally, there was a question concerning the timeline for redistricting raised, that perhaps there was not enough time for input into the process by the public. The Federal Census counted the population as of April 1, 2020, and normally the data that is required for local governments to do their redistricting would have been available in early spring this year, but because of Covid and other administrative issues, that data was not released until August 12th. As a result of that delay, the General Assembly passed a law – Session 120-21-56, which delayed some municipal elections that were originally scheduled for this year, and it also impacted county redistricting. In that law, the General Assembly set the deadline to adopt a redistricting resolution on or before November 17, 2021. So, Pasquotank and all other counties that have to redistrict only have three months to complete the entire process from start to finish. It is her understanding that the proposed plan was first presented on October 12th and there were opportunities for public inputs since then and prior to tonight's public hearing. She noted that a public hearing is not required for county redistricting, but certainly it is a best practice.

Ms. Stagner said she is happy to answer any questions that the Board may have.

Commissioner Sterritt asked if it's possible for an African American person to be elected in any of the districts proposed. She said certainly we cannot predict who would be elected and for what reasons, but she would say the test is not the race of the person who is elected, the test is whether the minority voters are able to elect a candidate of their choice or whether their voting power has somehow been unlawfully diluted. She said based on the map that has been

presented, the Southern Inside District certainly has a majority minority population and majority minority voting age population that would allow minority voters to elect a candidate of their choice. Commissioner Sterritt said he heard her answer, but he believes the answer was no.

Commissioner Perry asked if under the arrangement is it possible to restructure the Board and still be legal. Ms. Stagner said that is something that is often asked. She explained that restructuring is set by local act for Pasquotank County. Those cannot be changed by the County during a redistricting process. She said this is not the process. It would be a separate process to go through to change the method of election. This is only about reapportioning population among the districts in the current system of elections that the County has now.

Commissioner Perry said the proposed map has only one district out of seven where there is a population with more minorities. He asked why. Ms. Stagner said the minority population is consistent with what the existing districts are, and that is how it has been in previous iterations of redistricting. She said it does not appear that there is a concentrated minority population in which a second majority minority district would be drawn. The districts maintain essentially the current ratio of minority population that exists at the current time. Commissioner Perry stated that 44% of the population in the County is non-white, and only one district is minority, which he feels is very unfair to our community. Chairman Griffin noted that the Board will discuss restructuring in January at the annual retreat. Commissioner Perry said we have this conversation every year and in 100 years there have only been five African American Board members. He thinks it's time for the Board to take a deep look at what we are dealing with and make a change to give African Americans a better opportunity to be successful.

Chairman Griffin called on Keshia Dobie of Mitchell Drive to address the Board. Ms. Dobie stated that redistricting is the way that we change districts that determine who represents us. She said the question that was just posed by Commissioner Sterritt brings to light the idea that only one in seven can possibly represent African Americans in this community. After ten years, she asked, are we truly redistricting or are we conducting business as usual. She said she would like to think that there were some more creative options that were proposed for the maps. She said she is thankful that the Board is adhering to the laws of compliance, but this lack of creativity in representing all is somewhat disarming. She hates to think that in due diligence we have not exhausted every possible option. She hopes that future elected officials that listen to this presentation read the minutes from tonight and start to prepare for the census in 2030, and recognize that there was not an honest attempt to try and diversify this County and see how we can have more minority representation on our current Board.

Chairman Griffin noted that Vice-Chairman Jordan was elected at-large in the last election. Prior to that, Ms. Parker was elected at-large.

Chairman Griffin closed the public hearing.

Motion was made by Barry Overman, seconded by Sean Lavin to adopt the following resolution adopting the new election district boundaries:

RESOLUTION ADOPTING NEW ELECTION DISTRICT BOUNDARIES

WHEREAS, the Pasquotank County Board of Commissioners is comprised of seven members, with four elected from single election districts and three elected at large; and

WHEREAS, the election districts are subject to the constitutional and statutory requirement of one-person/one-vote; and

WHEREAS, the Board of Commissioners has received and reviewed the population of the districts as determined by the 2020 federal census; and

WHEREAS, on September 13, 2021, the Board of Commissioners determined that there is substantial inequality of population among the current districts and that the boundaries of the districts need to be altered to provide substantially equal representation; and

WHEREAS, the Board of Commissioners is authorized and required by North Carolina General Statutes § 153A-22 to revise its district boundaries to correct population imbalances shown by a federal census; and

WHEREAS, the Board of Commissioners directed County staff to prepare a draft redistricting plan; and

WHEREAS, on October 12, 2021, the Board of Commissioners, meeting in public session, reviewed and considered a draft plan for redrawing district boundaries; and

WHEREAS, on October 18, 2021, the Board of Commissioners held a meeting to receive public comment and input on the redistricting process; and

WHEREAS, on November 15, 2021, the Board of Commissioners held a public hearing on the proposed redistricting plan and voted to adopt the plan; and

WHEREAS, the redistricting plan considered by the Board of Commissioners and presented at a public hearing would satisfy the requirements of one-person/one-vote;

NOW, THEREFORE, BE IT RESOLVED by the Pasquotank County Board of Commissioners as follows:

1. The boundaries of the four election districts used by the Pasquotank County Board of Commissioners are altered to follow the lines depicted on the attached maps.
2. The attached maps have been prepared from United States Census Bureau data and maps, and the boundaries have been drawn to follow census block lines. A list of the census tracts and blocks in each district is attached for reference and to resolve any issue that might arise concerning the boundaries of the districts.
3. The new district boundaries shall be effective upon adoption of this resolution, in accordance with N.C. Sess. Laws 2021-56, sec. 1.4.
4. The new district boundaries shall be used for the next election of Board members and for each subsequent election until the boundaries are altered according to law.
5. A copy of this resolution and the maps showing the district boundaries shall be retained in the office of the Clerk to the Board.
6. Within ten days of adoption of this resolution, as required by General Statutes § 153A-22(f), a certified copy of this resolution shall be filed with the Secretary of State, the Pasquotank County Register of Deeds and the Pasquotank County Board of Elections. In addition, maps and information about the new district boundaries shall be provided to the Pasquotank County Board of Elections with the request that the board notify residents of Pasquotank County of changes in the districts in which they vote.

ADOPTED this the 15th day of November 2021.

The motion carried 6 to 1, with Commissioner Perry voting in opposition.

3. COMMENTS BY SUSAN MATOUSEK:

Chairman Griffin called on Susan Matousek of 108 Harbor Bay Drive to address the Board. Ms. Matousek stated that the Americans with Disabilities Act of 1990 was enacted to ensure that all qualifying individuals with disabilities enjoy the same opportunities as every other persons without disabilities. She noted that she has a disability and she has been a sitting duck. She has been abused and attacked. She said Virginia has an ADA Coordinator for the state where this type of abuse can be reported. She hopes that Pasquotank County and North Carolina will implement an ADA Coordinator.

4. PUBLIC HEARING ON ZONING TEXT AMENDMENT ZTA 21-03:

Chairman Griffin called on Planning Director Shelley Cox to outline Zoning Text Amendment ZTA 21-03.

Ms. Cox explained the request as follows:

Application Overview:

The cryptocurrency mining industry is rapidly expanding due to the current values of Bitcoin and other cryptocurrencies. Since this is a relatively new use, our Zoning Ordinance does not currently address the mining of cryptocurrency. However, establishing local zoning standards for this use is important to mitigate potential impacts mining facilities can have on surrounding areas.

How Cryptocurrency Mining Works

A cryptocurrency is a digital currency that can be used to purchase goods or services. Real currency are exchanged to purchase “coins” or “tokens” of certain cryptocurrency which do not exist in physical form and is not issued by a central authority. The validity of each cryptocurrency's coins is provided by a blockchain. A blockchain is a continuously growing list of records, called blocks, which are linked across many different computers and secured using cryptography.

Cryptocurrency mining is the process in which new cryptocurrency is entered into circulation. It is accomplished by solving cryptographic equations through the use of computers. This process involves validating data blocks and adding blockchain to the cryptocurrency market.

Staff Commentary:

The process to mine cryptocurrency is extremely energy intensive and requires the use of fans to keep equipment cool. Cryptocurrency mining, particularly in residential neighborhoods, can present unique safety and reliability concerns within the area electrical grid. Just two mining rigs running 24 hours a day for 7 days a week will exceed the average monthly usage for a single family home. In addition, cooling fans can generate noise which can be disruptive within a neighborhood or to nearby properties.

In consideration of the potential negative effects that a cryptocurrency mining operation could have on a surrounding area, staff proposes the following Zoning Text Amendment.

Planning Board Recommended Action And Consistency Statement:

The Planning Board reviewed this request during their regular meeting on October 28, 2021. At that time they recommended approval of the proposed text with the findings below:

This amendment is consistent 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 Goals “Promote diversified economic development.”

The amendment is reasonable and in the public interest because the text will establish standards for cryptocurrency mining to locate in appropriate areas within Pasquotank County.

Proposed Ordinance Text

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

ARTICLE 4 DEFINITIONS OF TERMS

SECTION 4.02 – WORD TERMS AND DEFINITIONS

28. **Cryptocurrency Mining:** The operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin.

ARTICLE 7 DISTRICT REGULATIONS

SECTION 7.03 - TABLE OF PERMITTED USES

| Table of Permitted Uses | SIC | R-15 | R-15A | R-25 | R-25A | R-35A | RMH-15 | RMH-25 | RMH-35 | C-1 | I-1 | I-2 | A-1 | A-2 | O&I | M-F | P-1 |
|--|------|------|-------|------|-------|-------|--------|--------|--------|-----|-----|-----|-----|-----|-----|-----|-----|
| Cryptocurrency Mining (See Section 9.03) | 7370 | - | - | - | - | - | - | - | - | MS | P | P | - | - | MS | | |

ARTICLE 9 PROVISIONS FOR USES ALLOWED AS SPECIAL USES

SECTION 9.03 – Additional Restrictions Imposed on Certain Special Uses

9.03-8 **Cryptocurrency Mining** – Cryptocurrency Mining is permitted as indicated by the Table of Permitted Uses. In addition, the following requirements will apply to all cryptocurrency mining facilities:

- a. All new sites shall be no less than two (2) acres in size.
- b. No activities associated with a cryptocurrency mining facility shall be located within 500’ of a residence or residentially zoned property.
- c. The entire perimeter of the facility shall be screened from adjoining properties by a buffer yard. The buffer yard shall comply with the requirements of Section 10.6
- d. No cryptocurrency mining facility shall be installed until evidence has been provided by the operator that the installation has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement.
- e. The facility shall meet all requirements of the North Carolina State Building Code. Sheds, shipping containers and other accessory type structures shall not be permitted to house cryptocurrency mining facilities.

Commissioner Lavin asked if the Board should consider putting a cap on the allowable size until we have a better understanding of the type of industry that it is and its impact. Ms. Cox said she believes that is an excellent point. She noted that Pasquotank County is unique in that we have a lot of large tracks that other communities don’t have. She said staff can do further research and if the Board chooses, it can be added as a condition.

Chairman Griffin voiced concerns with the table of permitted uses.

Chairman Griffin declared the meeting to be a Public Hearing on Zoning Text Amendment 21-03 and asked for comments from the public. There being none, the Public Hearing was closed.

Motion was made by Sean Lavin, seconded by Charles Jordan to delay action on ZTA 21-03 until staff can do further research on the Board’s concerns. The motion carried unanimously.

5. PUBLIC HEARING ON ZONING TEXT AMENDMENT ZTA 21-04:

Chairman Griffin called on Planning Director Shelley Cox to outline Zoning Text Amendment ZTA 21-04.

Ms. Cox explained the request as follows:

Application Overview:

This text amendment application is proposed by staff. The proposal would require zoning permits to be issued for new uses that are established. This would help staff in tracking where businesses are locating within the County and will assist business owners with awareness of zoning standards and provides documented approvals that may be required for creating a new business.

Staff Commentary:

Zoning Permits are commonly used by local governments to ensure that uses are compliant with the local Zoning Ordinance, building codes, and fire codes. This proposal will help to ensure the safety of the community as well as assist with enforcement of zoning regulations. Staff recommends the text highlighted in yellow be approved and added within the Zoning Ordinance.

Planning Board Recommended Action And Consistency Statement:

The Planning Board reviewed this request during their regular meeting on October 28, 2021. At that time they recommended approval of the proposed text with the findings below:

This amendment is consistent 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 Goals “Promote diversified economic development.”

The amendment is reasonable and in the public interest because the text will establish a requirement for Zoning Permits to help ensure new uses within the County meet standards within zoning, fire, and building codes.

Proposed Ordinance Text

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

**ARTICLE 7
DISTRICT REGULATIONS**

SECTION 7.01 - TABLE OF PERMITTED USES (Amended 6/21/21)

Districts in which particular uses or similar uses are permitted as a use by right **with a Zoning Permit** are indicated by "P".

Districts in which particular uses or similar uses are permitted as a Special Use upon approval of the Planning Board are indicated by "S". See Additional Restrictions Imposed on Certain Special Uses for details of each Special Use.

Districts in which particular uses or similar uses are permitted as a Major Special Use upon approval of the Board of Commissioners are indicated by “MS”. See Additional Restrictions Imposed on Certain Special Uses for details of each Major Special Use.

Districts in which particular uses or similar uses are permitted by right **with a Zoning Permit** subject to meeting additional development standards are indicated by “D”. See Section 7.02 Notes to the Table of Permitted Uses for required standards.

Districts in which particular uses or similar uses are prohibited are indicated by a “-“ blank.

Commissioner Lavin asked if the County will be charging a fee. Ms. Cox said she is not proposing a fee tonight - that is something that she will bring back to the Finance Committee at a later date. She recommended a nominal fee of \$25-50 for administrative purposes. Commissioner Lavin said he would like to keep it as low as possible, because he does not want any additional barriers for new businesses coming in. He feels it does help fill a gap with some of the issues we face.

Commissioner Meads asked if the amendment will mainly pertain to walk through businesses. Ms. Cox said the amendment will apply to home occupations, because currently the County does not have a home occupation permit. She said her main concern is making sure if a business goes into a building, they meet fire codes. The Fire Marshal needs to be doing inspections of these buildings.

Chairman Griffin declared the meeting to be a Public Hearing on Zoning Text Amendment 21-04 and asked for comments from the public. There being none, the Public Hearing was closed.

Motion was made by Barry Overman, 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 21-04. The motion carried unanimously.

**AMENDMENT TO THE PASQUOTANK COUNTY ZONING ORDINANCE
TO REQUIRE ZONING PERMITS FOR NEW COMMERCIAL AND
INDUSTRIAL USES
ZTA 21-04**

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

WHEREAS, the proposed text amendment will require zoning permits for new commercial and industrial uses; and

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

WHEREAS, on October 28, 2021, the Pasquotank County Planning Board reviewed the proposed amendment and recommended that the Board of Commissioners approve the amendment as proposed; and

WHEREAS, the Pasquotank County Board of Commissioners held a duly-noticed public hearing on November 15, 2021 to consider amending the Zoning Ordinance;

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

Section 1. Article 7 of the Pasquotank County Zoning Ordinance is amended as follows:

Proposed Ordinance Text

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

**ARTICLE 7
DISTRICT REGULATIONS**

SECTION 7.01 - TABLE OF PERMITTED USES (*Amended 6/21/21*)

Districts in which particular uses or similar uses are permitted as a use by right with a Zoning Permit are indicated by "P".

Districts in which particular uses or similar uses are permitted as a Special Use upon approval of the Planning Board are indicated by "S". See Additional Restrictions Imposed on Certain Special Uses for details of each Special Use.

Districts in which particular uses or similar uses are permitted as a Major Special Use upon approval of the Board of Commissioners are indicated by "MS". See Additional Restrictions Imposed on Certain Special Uses for details of each Major Special Use.

Districts in which particular uses or similar uses are permitted by right with a Zoning Permit subject to meeting additional development standards are indicated by "D". See Section 7.02 Notes to the Table of Permitted Uses for required standards.

Districts in which particular uses or similar uses are prohibited are indicated by a "--" blank.

Section 2. This ordinance amendment is effective upon adoption.

ADOPTED this 15th day of November, 2021.

6. PUBLIC HEARING ON ZONING TEXT AMENDMENT ZTA 21-05:

Chairman Griffin called on Planning Director Shelley Cox to outline Zoning Text Amendment ZTA 21-05.

Ms. Cox explained the request as follows:

Application Overview:

This text amendment has been developed by staff at the request of a County Commissioner. The proposed Ordinance changes would create a new type of home occupation for agricultural areas that would be identified as a “Rural Home Occupation.”

Currently home occupations are very restricted and the same standards apply regardless of whether a home is on a smaller lot in the middle of a residential subdivision or a 10 acre parcel in the Agricultural District. Home occupations can only be performed in the residence itself and must be less than 25% of the floor space of the home with a 500 square foot maximum. Outbuildings including sheds, garages, etc. are not permitted to be used for the home occupation.

This text amendment as proposed would create separate standards for customary home occupations and rural home occupations. Customary home occupations would retain the traditional residential character of the home and generate very limited traffic. They would be permitted in the residential districts by right with development standards. The one change staff proposes to this use would be to amend the language to permit on-line sales as a home occupation.

Rural home occupations would be permitted on larger, rural lots where they would be less likely to negatively impact nearby neighbors. Accessory structures and outside storage would be permitted, however a Special Use Permit would be required from the Planning Board.

Staff Commentary:

A similar text amendment creating a category for rural home occupations was previously proposed by staff in 2013. However, the Board of Commissioners did not approve the amendment at that time.

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 rural home occupation could be performed without causing any harm or being a nuisance to other properties nearby. By requiring a Special Use Permit and notification of surrounding properties, negative effects from rural home occupations should be minimized. Therefore, staff proposes that the Ordinance be amended with new text as shown highlighted in yellow.

Planning Board Recommended Action And 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 Goals “Promote diversified economic development.”

The amendment is reasonable and in the public interest because the text will establish standards for rural home occupations to be permitted in appropriate areas within Pasquotank County.

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

**ARTICLE 4
DEFINITIONS OF TERMS**

SECTION 4.02 - WORD AND TERM DEFINITIONS

88. **Customary Home Occupation:** Certain occupations customarily conducted for profit within a dwelling and carried on by the occupant thereof, which use is clearly subordinate to the use of the dwelling for residential purposes - limitations are prescribed in this Ordinance to insure against the growth of a home occupation into a commercial enterprise.
89. **Rural Home Occupation:** A commercial activity that is conducted by a person within a residence or accessory structure on the same lot where such person resides and can be conducted without any significant impact on the surrounding area.

SECTION 7.02 - NOTES TO THE TABLE OF PERMITTED USES

NOTE 3. Customary Home Occupation

Customary home occupations are permitted only as an incidental use and are limited to the following:

- a. The office or studio of a physician, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance agent, lawyer, real estate broker, teacher or other like professional person residing on the premises, provide no chattels or goods, wares or merchandise are commercially ~~created~~, displayed, exchanged or sold **at the home**;
- b. Workshops that do not employ individuals outside the immediate household;
- c. Customary home occupations such as millinery, dressmaking, laundering or pressing and tailoring conducted by a person residing on the premises;
- d. Rooming and/or boarding of not more than three persons; for which a rent is charged;
- e. Single operator beauty shop or barber shop; and

Provided furthermore the **customary** home occupations listed above shall be permitted subject to the following limitations:

- No display of products;
- No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or interference in radio and television reception;
- No commercial accessory buildings or outside storage shall be used in connection with the **customary** home occupation;
- Not over 25% of the total floor area or 500 square feet of the principal residence, whichever is greater shall be used for a **customary** home occupation;
- Only residents of the dwelling may be engaged in the **customary** home occupation except any physician, dentist or other professional licensed by the State of North Carolina shall be allowed to have one nurse or assistant who is not a resident of the dwelling.

ARTICLE 9 PROVISIONS FOR USES ALLOWED AS SPECIAL USES

SECTION 9.03 – Additional Restrictions Imposed on Certain Special Uses *(Amended 11/21/05)*

The Planning Board or Board of Commissioners may grant permission for the establishment of the following uses, subject to any specific conditions either set forth below or which the Board may deem necessary to satisfy the conditions set forth in Section 9.02 of this Article.

9.03-23 Rural Home Occupation – Rural home occupations are those which by their nature are not compatible on small lots near other residences and may require an outdoor storage area for goods and materials associated with the business. They may be permitted in the A-1 and A-2, Agricultural Districts with a Special Use Permit provided that:

- a. The owner of the business must reside on the property on which the business is located.

- b. No more than three persons shall be employed other than those residing on the property.
- c. The rural home occupation shall be located on a tract of two acres or more.
- d. The total area of all buildings occupied by the rural home occupation shall not exceed 2,500 square feet.
- e. All operations of the rural home occupation including buildings, outside storage areas, and parking shall be located a minimum of thirty feet from all property lines.
- f. Permitted nonresidential uses shall be limited to those products assembled or manufactured on-site for resale elsewhere and business, professional, and personal services or stock-in-trade clearly incidental to such services. Commercial retail or wholesale operations that bring to the site goods specifically for the purpose of resale shall be prohibited.
- g. The business use shall not create any noxious fumes, odors, traffic congestion, noise, or other nuisance factors.
- h. Outdoor storage of goods and materials associated with the business shall be screened from view of adjacent right-of-ways and residentially zoned or residentially used properties.
- i. The maximum lot coverage permitted for the site shall be 24%.

ARTICLE 7 DISTRICT REGULATIONS

SECTION 7.03 - TABLE OF PERMITTED USES

| Table of Permitted Uses | SIC | R-15 | R-15A | R-25 | R-25A | R-35A | RMH-15 | RMH-25 | RMH-35 | C-1 | I-1 | I-2 | A-1 | A-2 | O&I | M-F | P-1 |
|---|------|------|-------|------|-------|-------|--------|--------|--------|-----|-----|-----|-----|-----|-----|-----|-----|
| Customary Home Occupations (See Section 7.02) | 0000 | D | D | D | D | D | D | D | D | - | - | - | D | D | - | D | - |
| Rural Home Occupation | 0000 | ! | ! | ! | ! | ! | ! | ! | ! | ! | ! | ! | S | S | ! | ! | ! |

Commissioner Lavin asked if the Board were to adopt an ordinance such as this, how it would affect existing property owners and business owners. Ms. Cox said existing businesses that are legally operating would be grandfathered.

Commissioner Overman said he knows of many current businesses that would meet most of the language, but they are not on two acres of land, but Ms. Cox has answered his question.

Chairman Griffin suggested holding a work session to discuss the ordinance amendment further since this is a major change.

Vice-Chairman Jordan agreed that this should be studied carefully, because this would affect neighbors as well. Ms. Cox said through the Special Use Permit, the Planning Board would allow neighbors an opportunity to give input if they have any concerns. It will also allow the Planning Board to look at the property and see if it is an appropriate location for that type of business. She explained that the point of the two acres is to create a natural buffer between residences and the business.

Commissioner Meads said he has the same concerns as Commissioner Overman. He asked about subdivisions. Ms. Cox said rural home occupations would not be allowed in subdivisions.

Commissioner Perry noted that the Board needs to be really careful when looking into this, because there are a lot of people out of work currently. Many of them could work out of their home to support their family. Ms. Cox stated that the point of this amendment is to give more opportunities for that. Right now the limitations for home occupations are so restrictive that there are a lot of people that are not able to use their garage or shed. Currently, only 25% of the

home can be used for a business. Our current ordinance would not allow businesses such as woodworking, stained glass, other arts, or auto repair.

Chairman Griffin declared the meeting to be a Public Hearing on Zoning Text Amendment 21-05 and asked for comments from the public. There being none, the Public Hearing was closed.

Motion was made by Jonathan Meads, seconded by Sean Lavin to delay action on ZTA 21-05 until a work session can be scheduled. The motion carried unanimously.

7. APPROVAL OF APPOINTMENTS TO BOARDS AND COMMITTEES:

The Board considered recommendations made by the Appointments Committee at the last meeting to appoint Ashely Camaioire to the Tourism Development Authority and Dorain Spence to the Jury Commission. Chairman Griffin asked if there were any further nominations. There being none;

Motion was made by Barry Overman, seconded by Charles Jordan to approve the appointments of Ashley Camaioire to the Tourism Development Authority and Dorain Spence to the Jury Commission. The motion carried unanimously.

8. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of November 1, 2021 Commissioner Meeting

b. Approval of Tax Releases and Refunds

The Finance Committee has recommended approval of the following tax release and solid waste fee releases:

Tax Release

| | | County | City |
|----|---------------------------|--------|--------|
| 1. | Elizabeth Eleanor Strahan | | 231.08 |

Solid Waste Fee Releases

| | | Parcel ID # | Reason for Release |
|----|---------------------------|-----------------|--------------------|
| 1. | Shawn Etheridge Etal | P59-31 | Vacant |
| 2. | Mary Foskey | 6-D-5 | Vacant |
| 3. | Mary Foskey | 5-A-2 | Vacant |
| 4. | Mary Foskey | 45-E-2 | Vacant |
| 5. | Henry Foskey Jr. Heirs | 45-E-4 | Vacant |
| 6. | Mary Foskey | 45-E-5 | Vacant |
| 7. | Mary Foskey | 61-A-13 thru 16 | Vacant |
| 8. | Mary Foskey | 29-C-17 | Vacant |
| 9. | Robert D. & Amanda Harris | P38-27 | Vacant |

c. Approval of Budget Amendments

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

Ag Ext.

| | | | |
|----------|------------------|--------------|-----------|
| Increase | 010.0550.4495.00 | 4-H Revenue | 30,000.00 |
| Increase | 010.4950.5391.04 | 4-H Expenses | 30,000.00 |

Emergency Mgmt

| | | | |
|----------|------------------|--------------|--------|
| Increase | 010.0200.4532.00 | Other Grants | 300.00 |
| Increase | 010.4330.5600.00 | Grant Funds | 300.00 |

d. Approval of Late Property Tax Exemption or Exclusion Applications

The Finance Committee has recommended approval of the following late property tax exemption and exclusion applications for the following taxpayers:

| Taxpayer | Reason | Description | Amount |
|-----------------------------|-----------------------------|-------------|--------|
| Donald C. & Patricia Cherry | Disabled Veterans Exclusion | 23-S-28 | 748.50 |

| | | | |
|---------------------------------------|-----------------------------|-------------|----------|
| Pelican Point Association, Inc. | Property Tax Exclusion | P124A-260 | 410.72 |
| Pelican Point Association, Inc. | Property Tax Exclusion | P124A-259 | 410.72 |
| Pelican Point Association, Inc. | Property Tax Exclusion | P124A-182 | 528.50 |
| Pelican Point Association, Inc. | Property Tax Exclusion | P124A-192 | 409.21 |
| Pelican Point Association, Inc. | Property Tax Exclusion | P124A-138 | 409.21 |
| Pelican Point Association, Inc. | Property Tax Exclusion | P124A-193 | 409.21 |
| Pelican Point Association, Inc. | Property Tax Exclusion | P124A-163 | 409.21 |
| Pelican Point Association, Inc. | Property Tax Exclusion | P124A-112 | 409.21 |
| Pelican Point Association, Inc. | Property Tax Exclusion | P124A-194 | 409.21 |
| Eugene A. & Laura J. Garris | Elderly/Disabled Exemption | P109-22 | 476.48 |
| Arderrick E. & Marlisa G. Wiggins | Disabled Veterans Exclusion | P117-69 | 415.50 |
| John B. Neal | Elderly/Disabled Exclusion | 59A-E-69,70 | 950.84 |
| Virginia Lee Norman | Elderly/Disabled Exclusion | P120-270 | 1,214.34 |
| Laura C. Rovenski | Elderly/Disabled Exclusion | 25-A-30,31 | 814.19 |
| Augusto Dela Cruz & Billie Jo Achurra | Elderly/ Disabled Exclusion | P90-174 | 748.50 |
| Elizabeth City Downtown | Property Tax Exemption | 4-D-4 | 1,941.85 |
| Diane Sutton Brown | Elderly/Disabled Exclusion | 38-B-2 | 224.53 |

All the applications have met the necessary requirements that are mandated by the North Carolina Department of Revenue; however, due to the last submission of the applications, determination of approval is needed by the Board of Commissioners.

e. Approval to Rollover Unspent Capital Funds

The Finance Committee has recommended approval of the following request from Elizabeth City Pasquotank-Public Schools to rollover Fiscal Year 2020-21 capital funds to their Fiscal Year 2021-22 capital budget:

At the close of FY21, ECPPS had a remaining capital budget balance of \$1,813,400. ECPPS is requesting a total of \$921,755 be rolled over to FY22.

ECPPS had three projects in progress and one project not started as of June 30, 2021. The three projects in progress included:

- NHS Bleachers – Balance of \$196,804
- PES Painting – Balance of \$33,954
- PWM Doors – Balance of \$40,900

ECPPS is requesting the funds remaining for these projects totaling \$271,658, be rolled over to FY22 for completion of the projects.

ECPPS had one project – NHS HVAC that was not started. On June 30, 2021, there was a budget balance of \$50,000 for design and \$1,341,645 of project funds remaining for this project. After further review of the project, it has been determined that design fees will be greater than \$50,000. ECPPS is requesting \$500,000 of the total \$1,391,645 allocated for the project be allocated in the FY22 budget for the design fee, and \$891,645 be rolled over into capital reserve until bids have been obtained and the project begins.

In addition, several projects completed in FY21 had small remaining balances that totaled \$150,097. ECPPS requests these funds be made available as “School Choice” funds to help cover costs of unforeseen projects or additional costs to already approved projects, as prices are beginning to fluctuate more rapidly.

f. Approval of Extending the Option to Purchase for the Tractor Pull Property

The Finance Committee has recommended approval of the following:

- Approve the Tractor Pull Option to Purchase extension to January 31, 2022.
- Authorize the County Manager to Request a Proposal from Benesch to complete the Northern Park Master Plan.

g. Approval of Starting Salary above Hiring Range for Maintenance Director

The Maintenance Director position is a Pay Grade 32, with a salary range of \$56,356 to \$79,929. Based on the applicant’s experience, the Finance Committee has recommended Pay Grade 32, Step 4 - \$60,926.

h. Approval of Offer for County Owned Property Located at 333 Winfall Boulevard
The Finance Committee has recommended adoption of the following resolution accepting an offer from Nathaniel Ralph, Sr. in the amount of \$135,000 for County owned property located at 333 Winfall Boulevard, and begin the upset bid process:

**RESOLUTION AUTHORIZING UPSET BID PROCESS
FOR PROPERTY LOCATED AT
333 WINFALL BOULEVARD, WINFALL, NORTH CAROLINA**

WHEREAS, the County of Pasquotank owns certain properties more particularly described as follows:

1. PIN # 7940-82-4604 (1 acre more or less); acquired in Deed Book 211, Page 370, Perquimans County Register of Deeds.

WHEREAS, the North Carolina General Statutes §160A-269 permits the County to sell property by upset bid, after receipt of an offer for the property;

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$135,000, submitted by Nathaniel Ralph, Sr.; and

THEREFORE, THE PASQUOTANK COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners authorizes the sale of the Property described above through the upset bid procedure of North Carolina General Statute §160A-269.

2. The County clerk shall cause a notice of the proposed sale to be published. The notice shall describe the Property and the amount of the offer, and shall state the terms under which the offer may be upset.

3. Any person may submit an upset bid to the office of the County clerk within ten (10) days after the notice of sale is published. Once a qualifying high bid has been received, that bid will become the new offer.

4. If a qualifying higher bid is received, the County clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit as hereinabove described; the deposit may be made in cash, cashier's check or certified check. The County will return the deposit of any bid not accepted, and will return the deposit on an offer subject to an upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing unless the bidder requests the amount be credited towards the purchase price. In the event the high bid is accepted by the County and the high bidder refuses to close on the Property for any reason the bid will be retained by the County.

7. The terms of the final sale are that:

- the Board of Commissioners must approve the final high offer before the sale is closed, which it will endeavor to do within thirty (30) days after the final upset bid period has passed, and
- the buyer must pay with cash, cashier's check or certified check at the time of closing, and

8. Title will be transferred by warranty deed.

9. The County reserves the right to withdraw the Property from sale at any time before

the final high bid is accepted and the right to reject at any time all bids.

Adopted this 15th day of November, 2021.

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

9. REPORTS FROM COMMISSIONERS:

Commissioner Sterritt participated in the monthly SPCA meeting via Zoom. They are voting at their next meeting to restructure their fundraising efforts. Individuals and businesses in the community will have the opportunity to make monthly pledges over a one year period if approved. The SPCA Board has two new members. He encouraged the Board to make pledges. They will not hold their regularly scheduled meeting in December.

Commissioner Meads attended the monthly Utilities and Solid Waste/Landfill Committee meetings.

Commissioner Overman reported that the DSS Board meeting has been rescheduled for tomorrow. He attended the South Mills Fire Department's 75th Anniversary Celebration this past weekend. Additionally, he attended and spoke at Mr. Louis Twiford's going away celebration.

Commissioner Lavin attended the Ribbon Cutting Ceremony for Fowlers Alley. He said the alley turned out tremendously. He thanked Lowes for their grant money. Elizabeth City Downtown continues to do great work. It's a great community to be a part of. Additionally, he attended the Veterans Day Ceremony and the Keel Club Event for the United Way. It was held at the Seven Sounds Brewing Company. He said the facility was beautiful. Tomorrow is the Parks & Recreation Board's first meeting with their new structure. There are community meetings scheduled in the northern part of the County on Thursday regarding Pasquotank County taking over their water services.

Vice-Chairman Jordan stated that he attended several of the events Commissioner Lavin mentioned previously. In addition, he attended the Regional Advisory Board meeting for mental health. They are moving forward with the new Medicaid reform. The Trillium director is retiring and her assistant is taking over the position on February 1, 2022.

Commissioner Perry will attend the COA Board meeting tomorrow morning where they will discuss the financial needs of the college. The Health Board meets later in the month. The Jail Board meeting for Thursday has been cancelled.

Commissioner Perry explained that the reason he keeps talking about restructuring the County is because he feels it is very important. If change is not made, everything will remain the same. He said he is aware that Vice-Chairman Jordan and previous Board member Bettie Parker were both elected at-large. But, in 100 years, there have only been five African Americans to serve on the Board. With a 40% minority population, he finds that very disturbing. He said we can do better at involving everyone in our community.

Chairman Griffin reported that the legislature is trying to consolidate NC Works into eight propriety zones. He said if this happens it will have a definite impact. He thanked Commissioners Jordan and Lavin for attending the Veterans Day Ceremony and other recent ribbon cuttings that he was able to attend due to other obligations.

There being nothing further to come before the Board;

Motion was made by Jonathan Meads, seconded by Sean Lavin to adjourn the meeting. The motion carried and the meeting was adjourned at 7:15 PM.

CHAIRMAN

CLERK TO THE BOARD