

**PASQUOTANK COUNTY, NORTH CAROLINA
AUGUST 21, 2023**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, August 21, 2023 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Charles H. Jordan, Chairman
Barry Overman, Vice-Chairman
Lloyd E. Griffin, III
Sean Lavin
Jonathan Meads
Sam Davis, III
Clifford Shaw

MEMBERS ABSENT: None

OTHERS PRESENT: Sparty Hammett, County Manager
John Shannon, Assistant County Manager
R. Michael Cox, County Attorney
Mike Barclift, Management Fellow
Shelley Cox, Planning Director
David Smithson, Utilities Director
Lynn Scott, Clerk to the Board

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

1. AMENDMENTS TO THE AGENDA:

Vice-Chairman Barry Overman requested that the agenda be amended to add the following items recommended by the Finance Committee to the Consent Agenda: 1) Approval of Late Property Tax Exemption or Exclusion Applications; 2) Approval of Use of Medicaid Hold-Harmless Funds; and 3) Approval of Purchase of Boardroom Technology.

Motion was made by Barry Overman, seconded by Sean Lavin to amend the agenda to add Items #1-3 to the Consent Agenda. The motion carried unanimously.

2. ADOPTION OF RESOLUTION APPROVING THE 2023 PASQUOTANK COUNTY LAND USE PLAN:

At 6:02 p.m., Chairman Jordan declared the meeting to be a public hearing on approving the 2023 Pasquotank County Land Use Plan. He asked Planning Director Shelley Cox to come forward to provide background information.

Ms. Cox explained that Pasquotank County's Land Use Plan serves as a significant policy document that is used to guide decisions by the Planning Board and Board of Commissioners. The current plan for Pasquotank County was adopted in 2012. Since that time, many of that plan's original recommendations have been implemented and new issues and market demands have arisen. In addition, Chapter 160D of the NC General Statutes now requires local governments to adopt and reasonably maintain a comprehensive or land use plan in order to maintain zoning.

In February 2022, the county contracted with Stewart, LLC to create a new County Land Use Plan. Representatives from Stewart conducted a kick-off tour last March which included stakeholder interviews with the Board of Commissioners, Planning Board, department directors, and other community members. The thing that was expressed most frequently with the survey were concerns about our local environment, such as flood hazards, resistance about climate change, and other types of hazards, so it was incorporated into the document. Over the following few months, a community values and visioning survey was conducted which allowed the public to provide input on the direction the plan should take. During that time, Stewart also gathered local data, base mapping, and existing county policies and documents which were used to develop the vision and goals that were used in the plan.

Last September, the Board of Commissioners approved moving forward with a draft land use map that had been generated based on community feedback. This map identifies areas of the county that are appropriate for development as well as areas where development should be limited due to environmental conditions and other considerations. Once the draft map received tentative approval, development of the plan's recommendations began. She said the plan is not written in stone and can be amended if necessary. Because it is a CAMA Land Use Plan, those amendments do require going to CAMA for certifications.

The draft plan has been available for viewing on the Pasquotank County website since last fall. In addition, a community open house was held in November to share the draft document with the public. The draft plan was presented to the Planning Board in December and to the Board of Commissioners in February 2023. At that time, the Board of Commissioners approved submittal of the plan to the Division of Coastal Management (DCM) for their review.

Ms. Cox said staff was notified last month that the DCM had no comments on the County's draft plan and that the plan meets their standards for adoption. She stated that staff recommends the Board adopt a resolution adopting the 2023 Pasquotank County Land Use Plan and submit the plan to the Division of Coastal Management for certification

There being no comments, the public hearing was closed at 6:07 p.m.

Commissioner Davis said he has said it before and he will say it again, the most advantageous place to have a development is on the water. He said waterfront property is the county's most valuable property. The map shows that the County wants most of its development in the northern part of the County, and the southern part of the County has very little. He said as long as he knows this map is for land use and not for zoning he is fine.

Motion was made by Sean Lavin, seconded by Clifford Shaw to adopt the following resolution adopting the 2023 Pasquotank County Land Use Plan. The motion carried unanimously.

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF PASQUOTANK COUNTY, NORTH CAROLINA
TO ADOPT THE 2023 PASQUOTANK COUNTY CAMA LAND USE PLAN**

WHEREAS, from January 31, 2022 through February 6, 2023, Pasquotank County drafted a Coastal Area Management Act (CAMA) Land Use Plan with the assistance of its consultant, Stewart Services, LLC, and conducted a series of public workshops and meetings as part of a comprehensive public participation program under the leadership of the Pasquotank County Planning Board; and

WHEREAS, on December 15, 2022, the Planning Board recommended approval of the adoption of the draft Plan; and

WHEREAS, Pasquotank County conducted a duly advertised public hearing on the draft Plan at the Regular Meeting of the Board of Commissioners on August 21, 2023; and

WHEREAS, at the Regular Meeting on August 21, 2023, the Board of Commissioners of Pasquotank County, North Carolina found the policies and Future Land Use Map in the draft Plan to be consistent with Pasquotank County's desired vision for the future and unanimously approved to adopt the draft Plan; and

WHEREAS, the adopted Plan will be submitted as required by state law to the District Planner for the Division of Coastal Management under the North Carolina Department of Environmental Quality and forwarded to the Division Director; and

WHEREAS, a review of the adopted plan by the Coastal Resources Commission will be scheduled; and the CRC will then decide on certification of the locally adopted Plan.

WHEREAS, a certified copy of Pasquotank County CAMA Land Use Plan will be forwarded to the Office for Coastal Management for federal approval.

NOW, THEREFORE, BE IS RESOLVED THAT the Board of Commissioners for Pasquotank County, North Carolina has adopted the draft Plan; and

BE IT FURTHER RESOLVED that the County Manager of Pasquotank County is hereby authorized to submit the adopted Plan to the State for certification as described above.

ADOPTED this 21st day of August, 2023.

3. PUBLIC HEARING ON ZONING TEXT AMENDMENT ZTA #23-01:

At 6:08, Chairman Jordan declared the meeting to be a public hearing on Zoning Text Amendment ZTA #23-01. He called on Planning Director Shelley Cox to present the text amendment.

Ms. Cox said the purpose of the proposed text amendment is to eliminate duplexes (two-family dwellings) as a permitted use in the A-1, Agricultural District. She said the amendment is being proposed at the request of the Planning Board/Board of Adjustment. The Board recently reviewed a Special Use Permit application for a duplex that was proposed in the A-1, Agricultural District. Although the Board issued an approval for the request, adjacent property owners expressed concerns and the Planning Board agreed that density that is higher than a single family residence may not be appropriate or consistent with the rural characteristics of the A-1, Agricultural District.

The Planning Board reviewed the amendment and recommended the following action:

Motion is made to recommend approval of the proposed amendment to the Pasquotank County Zoning Ordinance, with standards recommended by staff. This amendment is consistent with the following policies within the Pasquotank County Elizabeth City Advanced Core Land Use Plan:

- Section 4.2.1 Pasquotank County Land Use and Development Policies – Table 45 Land Use Compatibility Goals Policy 9 “In order to preserve farmland and rural open space in areas designated as Agricultural on the Future Land Use Map, the County supports the establishment of a voluntary agricultural district program, strongly discourages residential development, and discourages the extension of public water and sewer utilities in these areas.”
- Section 4.2.1 Pasquotank County Land Use and Development Policies – Table 45 Land Use Compatibility Goals Policy 13 “Conduct an ongoing review of the zoning regulations to assure that urban development that is occurring is compatible with the area and is supportable by County services.”

The amendment is reasonable and in the public interest because the text will eliminate a use that is not consistent with the Land Use Plan and will minimize potential impacts on surrounding property.

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

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
Duplexes (see Section 9.03)	0000	-	-	P	P	P	-	-	-	-	-	-	S	-	-	-	-

ARTICLE 7
Table of Permitted Uses

There being no comments, the public hearing was closed at 6:10 p.m.

Motion was made by Barry Overman, seconded by Clifford Shaw to adopt Zoning Text Amendment ZTA #23-01 which will amend the Pasquotank County Zoning Ordinance to eliminate duplexes as a permitted use in the A-1 Agricultural District, and to adopt the consistency statement recommended by the Planning Board.

Commissioner Davis said it seems to him that we are limiting a particular type of growth. He said the County allows mobile homes in A-1, but is trying to eliminate duplexes. Ms. Cox explained that you can have a single mobile home, but not multiple mobile homes. Commissioner Davis said it does not seem exactly fair to him. He doesn't feel the County should be exclusive, and what we currently have is probably fine.

The motion carried 4 to 3, with Commissioners Lavin, Meads, and Davis voting in opposition.

4. CONSIDERATION OF APPOINTMENTS TO BOARDS AND COMMITTEES:

Vice-Chairman Barry Overman, Chairman of the Appointments Committee said at the August 7th meeting, the Appointments Committee recommended the appointments of Demetrius Stokley and Creven Powell to the Elizabeth City-Pasquotank County Human Relations Commission. Since they are new appointments, they had to lie over for two weeks to allow for additional applications. He reported that no additional applications have been received. The Board can give final approval to the appointments or can nominate other individuals to fill the vacancies.

Motion was made by Barry Overman, seconded by Clifford Shaw to appoint Demetrius Stokley and Creven Powell to the Elizabeth City-Pasquotank County Human Relations Commission. The motion carried unanimously.

5. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of August 7, 2023 Commissioner Meeting

b. Approval of Tax Releases and Refunds

The Tax Office has recommended approval of the following tax releases and refunds:

Tax Releases

	Taxpayer	County	City
1.	Pasquotank County	144.00	36.00
2.	Kevin J. & Janet Printy	186.10	

Solid Waste Fee Releases

	Owner's Name	Parcel ID #	Reason for Release
1.	Deborah Mae Comer Bunch Etal	12-B-17	Vacant
2.	Deborah Mae Comer Bunch Etal	12-B-18	Vacant
3.	Timothy and Carla Dewald	P12A-31	Vacant
4.	Dorothy Gallop Gregory	P111-41	Vacant
5.	Annette Griswell Etal	P93-19	Vacant
6.	Eudora B. Harvey	29-D-24	Vacant
7.	Eudora B. Harvey	26-A-49	Vacant
8.	Eudora B. Harvey	29-D-24	Vacant
9.	Eudora B. Harvey	26-A-35	Vacant
10.	Eudora Harvey	P122A-70	Vacant
11.	Eudora B. Harvey	P122A-68	Vacant
12.	Lindsey Lee James	28-D-7	Vacant
13.	Elise A. Watts Landrum	P91-33	Vacant

c. Approval of Budget Amendments

The Finance Office has requested approval of the following budget amendments:

Emergency Management

Increase	010.0991.4991.00	Fund Balance Appropriated	513.00
Increase	010.4330.5353.00	Maintenance-Vehicles	513.00

Cooperative Extension

Increase	010.0991.4991.00	Fund Balance Appropriated	13,010.00
Increase	010.0230.4370.00	State Grants	2,885.00
Increase	010.4950.5600.34	Grant-SHIIP	15,895.00

d. Approval of Additional County Holidays for Landfill and Convenience Sites

The Finance Committee has recommended approval to add Easter Sunday, July 4th and Christmas Eve as holidays for the Landfill and Convenience Sites.

e. Approval of Citizen Request to Use Former Albemarle District Jail

The Finance Committee has recommended approval to allow Mr. Wade Wells (Scared Straight Project) to film outside of the former Albemarle District Jail, and to allow a staff member to spend an hour inside the facility to escort the film crew to film the interior.

f. Adoption of Resolutions Approving Water Supply and Water Shortage Plans

North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service shall develop and implement water conservation measures to respond to drought or other water shortage conditions, as well as prepare and submit a Local Water Supply Plan. Utilities Director David Smithson has requested the Board adopt the following Water Supply and Water Shortage Plan resolutions to forward to the Department of Environmental Health:

RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service or that plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for Pasquotank County, has been developed and submitted to the Pasquotank County Board of Commissioners for approval; and

WHEREAS, the Pasquotank County Board of Commissioners finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Pasquotank County, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Pasquotank County Board of Commissioners that the Local Water Supply Plan entitled, Pasquotank County R.O. Water Supply Plan dated 2022, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Pasquotank County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 21st day of August, 2023.

RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Pasquotank County, has been developed and submitted to the Pasquotank County Board of Commissioners for approval; and

WHEREAS, the Pasquotank County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Pasquotank County, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Pasquotank County Board of Commissioners that the Water Response Shortage Plan entitled, Pasquotank County R.O. Water Shortage Plan dated March 2023, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Pasquotank County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 21st day of August, 2023.

g. Approval of Late Property Tax Exemption or Exclusion Applications

According to G.S. 105-277.1, applications for Elderly/Disabled Property Tax Exemption must be filed during the annual listing period which is the month of January, but may be filed and must be accepted at any time up to and through June 1st. The applicants listed below submitted an untimely application for the Elderly/Disabled or Disabled Veteran Exclusion after the June 1st deadline. G.S. 105-282.1 states that upon showing good cause by applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate.

Applicant	Map#	Exclusion	Excluded Assessment	County Tax	SW ADJ	City Tax	Total Tax
Alethia Louise Balance	33-E-7	SCE	25,100	155.62	69.00	148.09	372.71
Donna Wiles Bashaw	P139-215	SCE	88,950	551.49	69.00		620.49
Clarine B. Daniels	P124A-174	SCE	117,800	730.36	69.00	695.02	1,494.38
George Mc Kecuen	P58-64	SCE	139,400	864.28	69.00		933.28
Samantha Lee Minton	P56-121	DVA	45,000	279.00	69.00	265.50	613.50
Tracey Manning Morgan	44-D-1-2-3-17	SCE	68,400	424.08	69.00	403.56	896.64
Margie Doe Morris	57-A-52, 53, 187+	SCE	128,000	793.60	69.00	755.20	1,617.80
Carroll Lee Smith Jr.	P87-103	DVA	45,000	279.00	69.00		348.00
Heather Ann Sosa	P56A-195	DVA	45,000	279.00	69.00	265.50	613.50
Walter Lee Weatherholtz	P92-136	DVA	45,000	279.00	69.00		348.00

The applicants have met the necessary requirements that are mandated by the North Carolina Department of Revenue; however, due to the late submission of this application, determination of approval is needed by the Pasquotank County Board of Commissioners.

According to G.S 105-282.1, applicants for Property Tax Exemption or Exclusion must be filed during the annual listing period which is the month of January. An application for the Property Exemption or Exclusion was submitted by the Holy Trinity Community Church on July 24, 2023. Due to the late submission of this application, Patrice Stewart requested review by the Pasquotank County Board of Commissioners for approval for 2023. G.S. 105-282.1 states that upon showing good cause by applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate.

Applicant	Map#	Exclusion	County Tax	City Tax	Total Tax
Holy Trinity Community Church	30-A-29	17,200	106.64	101.48	208.12

The applicant has met the necessary requirements that are mandated by the North Carolina Department of Revenue; however, due to the late submission of this application, determination of approval is needed by the Pasquotank County Board of Commissioners.

7h. Approval of Use of Medicaid Hold-Harmless Funds

Pursuant to G.S. 105-523, eligible counties must receive a hold-harmless payment for exchanging a portion of the local Sales & Use Tax for the State's agreement to assume the responsibility for the non-administrative costs of Medicaid. Pasquotank County received notice from North Carolina Department of Revenue this month that \$89,762 of the March distribution of the hold-harmless funds must be returned. An estimate was distributed in March 2023 in the amount of \$926,338, which leaves a net amount of \$836,576 to the County.

As discussed with the Board, these funds are not included in the budget process since the final amount received by the County is not solidified until mid-August of each year. The following are the recommended uses of the funds (all of the listed costs are estimates, with the balance of the funding recommended to be used for Courthouse projects):

- 2 Sheriff's Office Vehicles @ \$65,000 each \$130,000
- DSS Phone System \$120,000
- Cooperative Extension 15-Passenger Van \$60,000
- Commissioners Boardroom Technology \$55,000
- Courthouse Maintenance/Security Projects \$471,576

The first three items would have been the next items funded in the Fiscal Year 2023-24 budget, if additional funds were available. The Finance Committee has recommended the use of the Medicaid Hold-Harmless funds to allow staff to begin the purchasing process.

7i. Approval of Purchase of Boardroom Technology

The construction cost for the Boardroom did not include the technology for the room (equipment racks, cabling, sound system, microphones, monitors, speakers, etc.). The Finance Committee has recommended approval of purchase of boardroom technology to Soundside at a not to exceed cost of \$55,000.

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

6. REPORT FROM COUNTY MANAGER:

County Manager Hammett reported that the Board needs to appoint one additional member to the Human Relations Commission so staff can schedule state training for the group.

7. REPORTS BY COUNTY ATTORNEY:

County Attorney Mike Cox stated that several staff members met last week to discuss the sale of the County owned properties the Board approved to surplus at the last meeting. He said he will bring forward a recommendation at the next meeting on how to approach selling the properties.

8. REPORTS FROM COMMISSIONERS:

Commissioner Lavin stated that he is looking forward to the conference later in the week.

Commissioner Griffin attended the Albemarle Commission meeting. They received their annual review of the Workforce Development Consortium. They have worked very hard to keep on task, with all the changes that are coming out of Raleigh. The Airport Authority met. They are waiting on a couple grants. There is a lot of construction at the airport. He also attended the ribbon cutting at the new Sentara Medical Building.

On August 13th, Commissioner Shaw passed out 30 book bags in Pasquotank County to students. On August 16th, he spoke with Principal Christopher Paulett at HL Trigg School. Volunteers were at the school helping to clean the grounds and assist with its beautification. The Sheriff's Office participated in the cleanup. On August 17th, he attended the Jail Board meeting. On August 19th, he spoke with the principal of JC Sawyer School, Kim Robinson. Volunteers helped clean the grounds and assist with its beautification.

Commissioner Davis attended the Sentara Medical Building ribbon cutting. He stated that Chairman Jordan made a fabulous speech, and he was very proud of him. He attended the Elizabeth City-Pasquotank Public Schools' Convocation. It was a nice event to welcome the teachers back to school. He also attended the annual Albemarle Area United Way Campaign Kickoff luncheon and awards ceremony.

Commissioner Meads attended the Utilities Committee meeting.

Vice-Chairman Overman attended the Albemarle Area United Way Campaign Kickoff luncheon and awards ceremony. He noted that it was a very nice event. He also attended the COA Board of Trustee meeting.

Chairman Jordan attended the Parks & Recreation meeting. He participated in a Zoom meeting with the NCACC District Directors. He reported that Sissy Aydlett of Camden County is now our new District Director. He attended the Economic Development Commission meeting. He attended the Elizabeth City-Pasquotank Public Schools' Convocation. He attended the Albemarle Area United Way Campaign Kickoff luncheon and awards ceremony. He attended a ribbon cutting at Alleicious Restaurant, and said they have some delicious food. He attended the Jail Board meeting. He asked that the Board keep a family from the jail in prayer who just lost one of their loved ones who was employed at the jail. Lastly, he attended a back to school event held at Northeastern High School for some of the elementary schools in the district.

Motion was made by Sam Davis, seconded by Barry Overman to adjourn the meeting. The motion carried and the meeting was adjourned at 6:22 PM.

CHAIRMAN

CLERK TO THE BOARD