

# The Chowan Herald

Wednesday, June 24, 1998 Published in the most beautiful little city on the North Carolina Coast Vol. LXV, No. 25

## Judge dismisses lawsuit; appeal not yet decided

**BY SEAN JACKSON**  
Staff Writer

Work may soon begin on a Coke Avenue subdivision if the Village Creek Property Owners' Association decides not to fight Superior Court Judge Richard Parker's dismissal of a complaint they filed against the subdivision's developers and town officials.

The complaint was filed by the Village Creek Property Owners' Association in January in protest of the Edenton Town Council's approval of a conditional use permit to Colonial Village Group, Inc. for a 136-home subdivision on 23.3 acres of property on Coke Avenue. In dismissing the suit, Parker cited "lack of subject matter jurisdiction" under North Carolina General Statute 160A-381.

The hearing was held in Perquimans County June 8 and Parker released his verdict to dismiss the complaint, as requested by the defendants, June 16.

"I'm just glad that it looks like the issue is hopefully behind us, and that now the community can move forward," said Edenton Town Manager

Anne-Marie Knighton. Edenton Mayor Roland Vaughan echoed Knighton's sentiments.

"I felt all along that our case was solid," he said. "I'm sorry that there had to be a winner and a loser in this case, but I'm happy that the town prevailed because we now can fill in the missing piece of the puzzle with having affordable housing in Edenton."

It was not the subject of affordable housing that prompted the town residents to oppose both the subdivision and the conditional use permit, but the issues of density and infrastructure specifications that concerned the plaintiffs.

During a public hearing in November when both the subdivision and conditional use permit were approved by the town council, residents cited traffic congestion, drainage, the lack of established trees, and high density as some of their objections to the subdivision.

After openly opposing the proposed subdivision last fall, the residents said that filing the complaint was a last resort

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Edenton resident John Atkins has spent many peaceful afternoons enjoying the serenity of his self-proclaimed "therapy pond." Atkins designed and built the beautifully landscaped pond with help from neighbor and close friend Mark Small. A special feature of the pond is a handmade mill, complete with a pump-powered water wheel and a boat tied up at the dock. (Staff photo by Rebecca Bunch)

## One man's dream allows him to find a little piece of heaven on earth right here

**BY REBECCA BUNCH**  
Editor

While the rest of the world is feeling sweaty and miserable on sweltering summer days, Edenton resident John Atkins simply retires to his shady backyard and enjoys a little piece of heaven right here on earth.

Atkins, a retired engineer, is a lucky man - and he knows it. Even while hobbling around on crutches, he's got a smile on his face and an optimist's attitude about life.

And his smile gets even bigger as he shows visitors around his backyard "therapy clinic," a beautifully landscaped cement pond where colorful Koi fish swim lazily around as a pump pulls water through a handmade mill complete with a sign that reads "No fishing without a permit."

Atkins dug the hole for the pond himself and got some welcome assistance from good friend and neighbor Mark Small, who drove an 18-wheeler filled to the brim with supplies to help construct the pond. In

fact, Atkins was so enthusiastic about the project that, after injuring his leg in a fall down a ditch bank, he continued working on the pond for two days before he realized his leg was broken and asked Small to drive him to the hospital.

Atkins said he believes that one thing, and one thing alone, made his treasured cement pond possible: the help and support of good friends like Small and his wife, Cindy. He looks on the couple as his own personal guardian angels.

"I'm a lucky guy, and you can quote me on that," he said. "There's a lot of caring and love in this community. Everybody needs a helping hand now and then, and I'm just glad they were here to help me when I needed it. I can't thank them enough for all they've done."

Atkins said that the pond has provided him, and the Smalls, with a lot of enjoyable afternoons spent in the shade of the many trees he's planted at the house since he's lived there. But, he said, it's all part of his philosophy that "You've got to stop and smell the roses." And

it's pretty clear that he does. He gets a lot of pleasure showing visitors around and encouraging them to notice the variety of textures and colors that he has put into landscaping his yard, and particularly the area around the pond, to make them interesting.

"I never had any formal training or experience with landscaping before I moved here in the late 1980s," he said. "It's just something I decided I wanted to try and it's turned out pretty well, I think."

And that's not the only thing Atkins has turned out to have a talent for. Since he and his late wife moved to the house, he has planted lots of trees including ones bearing apples, peaches, pears, cherries and pecans. And, he has become an avid beekeeper as well, which allows him a plentiful supply of honey.

But the cement pond, of all his creations, is clearly his pride and joy. And according to Mark Small, Atkins certainly earned the right to be proud of it. He said that Atkins "dug the whole thing out with a pickaxe"

and created a master plan for the pond that would continually keep the water oxygenated so that fish could live there.

And, Small added, Atkins then designed a colorful landscape around the pond and filled it with yarrow, lavender, enchinea, goldenrod, and elephant ears.

There's also a wooden loveseat that Small built to complement the layout.

"Actually, it's more of a 'love triangle' bench," Atkins joked. "I believe you could easily fit three people on it."

Completing the décor is a working cider mill in the backyard by the apple trees.

While Small is too modest to say so, Atkins said that his neighbor has graciously donated time to mow the grass and keep the yard looking good since he broke his leg.

"I also keep John supplied with animals," Small admitted with a sheepish grin as a little white and black kitten plays around Atkins' feet, and a rooster walks nearby.

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## Merchants vow to fight Wal Mart store

**BY SEAN JACKSON**  
Staff Writer

With the prospect of a Wal Mart store locating here looming on the horizon, downtown merchants and property owners are attempting to band together in a fight to keep the chain out of Edenton.

When news of Wal Mart's interest in a property on "B" Lane — located in the northern corner of Edenton — spread through the downtown district, business owners organized a meeting last Tuesday evening. More than 50 people turned out for the informal, organizational meeting.

Heading the list of opponents to Wal Mart's move into the local community was newly appointed Ward II town councilman Samuel "Sambo" Dixon. Wal Mart's track record, said Dixon, indicates that downtown

business districts are stripped of their economic vitality when competing locally with the chain's mega-stores.

If Wal Mart were to come to Edenton, said Dixon, South Broad Street would virtually become a "blighted" ghost town once shoppers were lured out of the downtown district.

"I really think this is a fight for the soul of our community, and I will do everything I can to stop this," he said. "I can see no good whatsoever (in Edenton having a Wal Mart store)."

During the 90-minute meeting, a number of business and property owners, store managers and downtown shoppers openly opposed the proposed 70,000-square-foot store which will abut a 40,000-square-foot supermarket.

The Wal Mart alone, said

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## BOE agrees to make the best use of limited funds

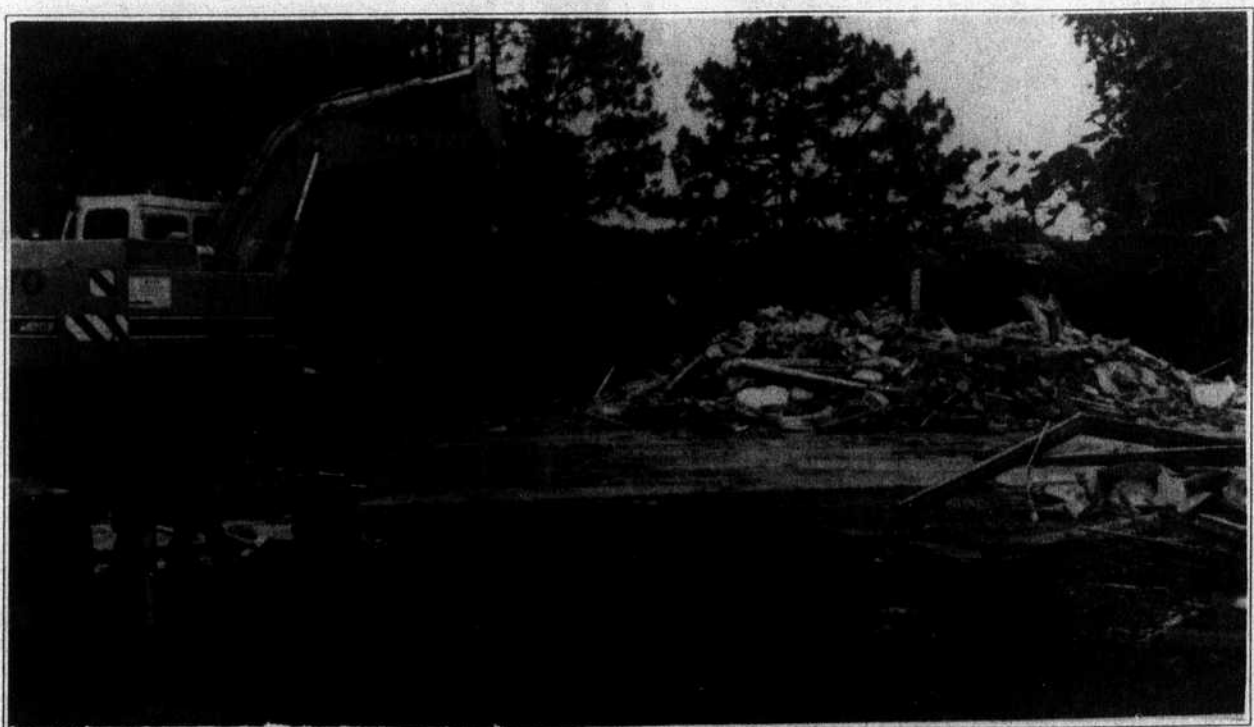
**BY REBECCA BUNCH**  
Editor

The Edenton - Chowan Board of Education has reluctantly adopted a budget for next year that contained only an eight percent increase in funding from the Chowan County Commissioners.

The school system had requested a 15 percent increase, citing pressing needs to improve services to exceptional children, and technology needs. The eight percent hike approved by commissioners reflected a compromise - the school system usually receives an annual rate increase of only five percent.

Dr. John Dunn, superintendent of schools, recommended that his board then approve a budget allowing \$156,000 in current expense

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The old Chowan Hospital is being torn down to make way for office space for county extension and other agriculture-related services. (Staff photo by Sean Jackson)

## Former hospital bldg. coming down

**BY SEAN JACKSON**  
Staff Writer

In saying goodbye to a familiar but weathered building on Virginia Road, county officials have taken the first step to bring

a new agriculture facility to Chowan County.

When plans to construct an agriculture building were given the go-ahead late last year, the only obstacle in the path of the new facility was a

string of one-story brick buildings that once housed Chowan Hospital.

Starting last week, crews from Waff Contracting Incorporated

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## Sams says commission should require schools to be more accountable

**BY SEAN JACKSON**  
Staff Writer

In unanimously approving the FY 1999 budget, Chowan County Commissioners agreed to increase spending for the schools, county employees and several new county-paid positions.

During the commissioners' budget hearing Monday night, Chowan County Manager Cliff Copeland highlighted his \$13.5 million budget. Topping that short list of highlights was a 17 percent rise in the county's tax base as a result of the recent revaluation. As a result of that increase in the tax base, Copeland said, the tax rate will drop from 80 cents per \$100 to 69 cents per \$100.

Also approved by commissioners was an eight-percent increase in funding to the Edenton-Chowan school system. A \$176,979 increase — school officials had asked for

\$331,835 — for the schools was the largest portion of a \$273,396 increase in the budget's general fund (\$10,429,227).

Most of the increase in school funding, Copeland said, was given for the exceptional children's program. Earlier this month, the program's director, Dr. Walter Denning, said that the increase would only fund one new teaching position. Denning said that at least four teaching positions, along with 10 to 12 new teacher assistant positions, were needed to adequately operate the rapidly expanding program.

"Funding is always a challenge," said Denning. "Our numbers in the program are moving higher again."

Since January, Denning said, his office has received 142 referrals for the program. An additional \$400,000 would be necessary to bring the program

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