

CURRITUCK COUNTY
NORTH CAROLINA
SEPTEMBER 19, 2005

The Board of Commissioners met at 6:00 prior to its regular meeting Hobbs Upchurch to discuss the Waste Water Study.

The Board of Commissioners met on Monday, September 19 2005, at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Martin, Vice Chair O'Neal, Commissioners Bowden, Miller and Etheridge.

Invocation and Pledge of Allegiance

Bob Henley was present to give the invocation and lead the Pledge of Allegiance.

Approval of Agenda

Commissioner Bowden moved to amend the agenda by deleting Items 6 and 7. Commissioner Etheridge seconded the motion. Motion carried.

- Item 3 Department of Transportation to discuss replacement of Bridge No. 28 over Shingle Landing Creek on Tulls Creek Road
- Item 4 Recommendations for Historic Preservation.
- Item 5 Chris Dailey, Crawford Volunteer Fire, to discuss Fire Safety Month.
- Item 6 Public Hearing and Action on PB 05-21 Courtney Gallop Amendment to section 1310 of the UDO to allow crematoriums in Light Manufacturing (LM) districts.
- Item 7 Public Hearing and Action on PB 05-17 UDO Amendment to allow zoning permits to be issued on lots which only access is via Public trust waters.
- Item 8 Public Hearing and Action on Charter Franchise Agreement, 1st reading.
- Item 9 Public Hearing and Action on Occupancy Tax Resolution
- Item 10 Consideration of Resolution to create a County Tourism Development Authority.
- Item 11 Discussion on PB 05-27 Currituck County Amendment to require that lots created as a Family Subdivision may only be conveyed to family members, to allow a reduction of the access way standards and to allow more than one lot to be created at a time.
- Item 12 Action on PB 04-48 Indian Ridge Estates Preliminary Plat for 29 lots on the south side of Shawboro Rd. approximately 600' west of intersection with Indiantown Rd. Tax Map 34, lots 17, 24F and 41 Crawford Township.
- Item 13 Terry Pratt, President Albemarle Fisherman's Assoc. to discuss moratorium on herring fishing in North Carolina.
- Item 14 Discussion on Southern Outer Banks Water rates.
- Item 15 Appointment to Albemarle Hospital Board
- Item 16 Consent Agenda:
Resolution for official depository of the County.
Albemarle Mental Health fourth quarterly fiscal monitoring report.
Resolution endorsing protection of private property rights.
- Item 17 Commissioner's Report
- Item 18 County Manager's Report

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Chairman Martin opened the public comment period.

Julie Douglas, Aydlett, commented on the Land Use Plan that it was very restrictive.

Courtney Gallop, commented on Board working with small business development in the county.

Stanley Griggs, Emergency Management Coordinator, reviewed process for emergency evacuation and hurricane preparedness. He also commended staff that worked during the last hurricane.

Board requested letters of appreciation be sent to employees and volunteer fire departments.

Edna Baden, Whalehead Director, invited citizens to Excursion Day, October 2.

Don Zimbro, commented on Bridge 28, Shingle Landing, on safety concerns and the need for a stop light.

Dan Stonecypher, expressed his concerns with Shingle Landing Bridge.

Chairman Martin stated that the decisions made during the last hurricane threat were made for the good of the public.

There being no further comments, Chairman Martin closed the public comment period.

Department of Transportation to discuss replacement of Bridge No. 28 over Shingle Landing Creek on Tulls Creek Road

Anthony Roper, Division Engineer, stated that they held an informational meeting between 4:00 p.m. and 6:00 p.m. to hear comments on the proposed change for the Shingle Landing Bridge on Tulls Creek Road.

Commissioner Bowden requested an update on the Corey Ditch Bridge on Knotts Island.

The Engineer stated that DOT was working on a new design for the bridge and work should move forward in April.

Commissioner Miller moved to approve Alternative A with improvements to traffic pattern. Commissioner O'Neal seconded the motion. Motion carried.

Alternative A involved replacing Bridge No. 28 along the existing alignment. During construction, traffic will be maintained off-site along existing roads.

Recommendations for Historic Preservation.

Rodney Sawyer, recommended that the county continue the preservation survey efforts work by funding a project for the development of an in-depth analysis of all historic structures. A budget of approximately \$150,000 is needed to:

Hire a consultant to complete the preliminary work and develop NC Data Sheets on each property.
Fund the development of a manuscript for publication of a Historic Currituck Book.
Publish the Book.

Mr. Sawyer stated that the funding could be phased.

Commissioner Etheridge moved to proceed with phasing of the Historic Preservation and funding for \$150,000. Commissioner O'Neal seconded the motion.

Chris Dailey, Crawford Volunteer Fire, to discuss Fire Safety Month.

Chris Dailey, Fire Chief, Crawford VFD, and Laura Walter, volunteer for fire department, presented the Board with information on fire prevention week which is October 9 thru October 15, 2005.

The Board commended the Volunteer Departments for their dedication to the citizens of Currituck County.

Public Hearing and Action on PB 05-21 Courtney Gallop Amendment to section 1310 of the UDO to allow crematoriums in Light Manufacturing (LM) districts.

Item was deleted

Public Hearing and Action on PB 05-17 UDO Amendment to allow zoning permits to be issued on lots which only access is via public trust waters.

Item was deleted

Public Hearing and Action on Charter Franchise Agreement, 1st reading.

Kate McKenzie, County Attorney, reviewed the Franchise Agreement. Charter Cable requests a 10 year agreement. They serve the Outer Banks.

Chairman Martin opened the public hearing. There being no comments, the public hearing was closed.

This is the first reading and will be on the next agenda for the second reading.

Public Hearing and Action on Occupancy Tax Resolution

County Manager Scanlon, reviewed the request to raise the occupancy tax up to 2 percent.

Chairman Martin opened the public hearing.

George Keefe, Duck Business Assoc., requested that the county put a member from the tourism community on the Board.

Willo Kelly, President, Currituck Chamber, stated that several businesses were opposed to an increase and if it was really needed because of the soft rental market.

Commissioner Bowden moved to increase to 2 percent and could address maintenance of roads on the northern beaches. Commissioner Etheridge seconded the motion. Motion failed with Commissioners Martin, O'Neal and Miller voting no.

After further discussion

Commissioner Etheridge moved to increase tax to 2 percent. Commissioner Bowden seconded the motion. Motion carried with Chairman Martin and Commissioner O'Neal voting no.

A Resolution of the Currituck County Board of Commissioners to Levy an Additional Room Occupancy and Tourism Development Tax

WHEREAS, the General Assembly of North Carolina ratified HB 1721, An Act to Allow an Increase in the Currituck County Occupancy Tax and to Change the Purposes for Which the Tax May Be Used, and

WHEREAS, Currituck County published a public notice in both *The Daily Advance* and *The Coastland Times* on September 4, 2005, and September 11, 2005, that the Board of Commissioners will hold a public hearing on Monday, September 19, 2005, at 7:00 p.m. in the Commissioners Meeting Room, the Historic Currituck County Courthouse, Currituck, North Carolina, to consider the levy of an additional room occupancy tax;

WHEREAS, the County Commissioners held a public hearing on Monday, September 19, 2005, at the regularly scheduled meeting of the Currituck County Board of Commissioners at which time the Board discussed and received comments on an additional two percent (2%) room occupancy tax;

NOW, THEREFORE BE IT RESOLVED THAT the Board of Commissioners for the County of Currituck hereby levy a room occupancy tax of an additional two percent (2%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3), or from the rental of a campsite within the county;

BE IT FURTHER RESOLVED THAT the Board of Commissioners hereby create a Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act.

BE IT FURTHER RESOLVED THAT the Currituck County TDA shall be comprised of six (6) members: five (5) voting members and one ex officio nonvoting member. The ex officio nonvoting member shall be the county's designated travel and tourism representative. The voting members shall be as follows: (1) the county commissioner representing the Moyock Township; (2) the county commissioner representing the Crawford Township; (3) the county commissioner representing the Poplar Branch Township; (4) the county commissioner representing the Fruitville Township; and (5) the at-large county commissioner.

BE IF FURTHER RESOLVED that the Chairman of the Currituck County Board of Commissioners shall serve as the initial chair. The members' terms of office shall be two years. Vacancies may be filled by the Board of Commissioners at any official meeting of the Board. After the initial term, the Authority must elect a chair from among its members. The members of the Authority shall serve without pay. The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Office for Currituck County shall be the ex officio finance officer of the Authority.

BE IT FURTHER RESOLVED THAT the Board of Commissioners hereby charge the Authority to promote travel, tourism and conventions, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county in accordance with the applicable statutes.

BE IT FURTHER RESOLVED THAT the occupancy tax shall become effective on January 1, 2006.

Consideration of Resolution to create a County Tourism Development Authority.

Commissioner Etheridge moved to adopt resolution creating a County Tourism Authority and appoint an advisory board of 7 members. Commissioner O'Neal seconded the motion. Motion carried.

Discussion on PB 05-27 Currituck County Amendment to require that lots created as a Family Subdivision may only be conveyed to family members, to allow a reduction of the access way standards and to allow more than one lot to be created at a time.

Gary Ferguson, Planning Director, reviewed the new language and stated that it would need to go to the Planning Board before coming back to the Board.

CURRITUCK COUNTY
PB 05-27
UDO AMENDMENT REQUEST

CURRITUCK COUNTY requests the following amendment to the Currituck County Unified Development Ordinance:

PB 05-27 Currituck County Amendment: An amendment to require that lots created as a Family Subdivision be for family members, to allow a reduction of the accessway standards and to allow more than one lot to be created at a time.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1. That Section 902 be amended as follows:

Section 902 Subdivision Styles

Eight types of subdivisions are permitted. A maximum of five lots may be created with administrative approval on any separate tract in existence on April 2, 1989. Additional design and development standards for subdivision styles, other than Conventional are set forth in Part V of this Article.

- (c) Family Subdivision – Where single-family lots may be permitted to front on a private accessway. ~~and the division of lots may occur at a rate not greater than one lot per year up to a maximum of five lots~~ ***The lots created under this subdivision style may only be transferred, sold or conveyed to family members.*** (See Section 926 for special design and development standards.)

Item 2 That Section 905 be amended as follows:

Section 905 Definitions

Accessway - A private drive constructed with a compacted, graded, and drained roadbed with a 3” minimum gravel surface for access to lots created as a Family Subdivision (See diagram). ***The minimum right-of-way width and improvements may be reduced to a standard as determined by the Fire Chief or his/her designee, except when more than one lot per year is created.***

Item 3 That Section 914 be amended as follows:

Section 914 Streets

Street Standards for Subdivisions					
	Right-of-Way¹	Pvm't/Shoulder Width – Local Road	Pvm't/Shoulder Width – Collector Road	NCDOT Design Std.	NCDOT Construction Std.
Family 1 lot/yr	20' min.	16'/2' ⁴	N/A	No	No
> 1 lot/yr	45' min.	18'/4' ^{4,5}	N/A	No	Yes
Private Access	45' min.	18'/4' ²	N/A	No	Yes
Conventional Subdivision Up to 10 Lots & 5+ Ac Lots	45' min.	18'/6' ³	20'/8'	Yes	Yes
Conventional Non-Residential	45' min.	20'/6' ³	20'/8'	Yes	Yes
Open Space	45' min.	18'/6' ³	20'/8'	Yes	Yes
Conservation	45' min.	18'/6' ³	20'/8'	Yes	Yes
PRD & PUD	30' min.	20'/N/A OR 1 Way - 14'/N/A	N/A	No	Yes
Residential Airpark Dev.	45' min.	18'/6' ²	N/A	Yes	Yes

¹ 100' Right-of-way required for NC12 within the RO1 zoning district

² Non-Residential pavement width shall be 20'

³ May reduced to 4' with NCDOT approval

⁴ ***Right-of-way width and improvements may be reduced to a standard determined by the Fire Chief or his/her designee***

⁵ ***When a lot transfers outside of the family, the entire length of the right-of-way shall be improved to minimum Private Access Subdivision road standards.***

1. All streets within a proposed subdivision, (other than PUD's, PRD's, Family Subdivisions and Subdivisions in the RO2 zoning district), shall be designed, constructed and paved in accordance with the current *Subdivision Roads Minimum Construction Standards*, (www.doh.dot.state.nc.us/preconstruct/highway/dsn_srcv/value/manuals) as published by the Division of Highways, North Carolina Department of Transportation, unless a more restrictive standard is established by this Ordinance. Curb and gutter shall not be required, but if installed shall be in accordance with NCDOT standards. (See Appendix 9-C additional information.)

Streets within Private Access Subdivisions, Planned Residential Developments (PRD), and Planned Unit Developments (PUD) shall be exempt from NCDOT design standards in regards to allowable road curvature, right-of-way and pavement widths to allow flexibility in the subdivision design. Additional design criteria for streets within PRD's and PUD's are located in Sections 937 and 939 respectively.

Gravel accessways in Family Subdivisions are exempt from NCDOT design and construction standards. The minimum accessway standard shall be a compacted, graded, and drained roadbed with a 3" minimum gravel surface for access to the lots pursuant to Section 926 of this Article. ***The minimum right-of-way width and improvements may be reduced to a standard as determined by the Fire Chief or his/her designee. When more than one lot is created within a year, the required 45' right-of-way shall not be reduced.***

Item 4 That Section 926 be amended as follows:

Section 926 Family Subdivisions

1. Family Subdivisions (FS's) may be administratively approved.
2. FS's shall only be used for residential purposes.
3. FS's shall be developed exclusively for single-family dwellings located on individual lots fronting on a private accessway or a public street, but shall not be on an arterial or major arterial.
4. No private accessway shall serve more than five lots.
5. The minimum accessway improvement standard is a compacted, graded and drained 16' roadbed with a ***2' shoulder and 3" minimum gravel surface. The minimum right-of-way width and improvements may be reduced to a standard as determined by the Fire Chief or his/her designee.***
 - a. ***When more than one lot is created within a year the minimum right-of-way width shall be 45' and improved with an 18' roadbed with a 4' shoulder and 3" minimum gravel surface. The right-of-way width shall not be permitted to be reduced. When a lot is transferred to a non-family member, the road shall be improved to the Private Access Subdivision road standards.***
6. ***The lots created under this subdivision style may only be transferred, sold or conveyed to family members. If a lot is transferred, sold or conveyed to a non-family member, then all required road improvements shall be installed as per Section 914. The deed shall state that the lot was created as a Family Subdivision with the restriction that the entire length of the right-of-way shall be improved to at least the minimum standards if transferred to a non-family member. The financial burden of***

improving the right-of-way will be the responsibility of the family member transferring the lot to a non-family member.

6 7. No private access way shall adjoin more than one public street.

7 8. A lot owner may create one lot per year for a total of five lots. Lots shall have a minimum lot size of forty thousand (40,000) square feet, except in the RO2 District. **If more than one lot per year is created the minimum right-of-way width shall be increased to 45'.**

Item 5: That Section 1310 be amended as follows:

USE#	DESCRIPTION	A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM
30.200	Minor	Z	Z	Z	Z	Z	Z	Z				
30.210	Family	C										

Item 6: That Section 2501 be amended as follows:

7. **Family Subdivision. Where single-family lots may be permitted to front on a private accessway pursuant to Section and 926. The lots created under this subdivision style may only be transferred, sold or conveyed to family members. If the property is transferred, sold or conveyed to a non-family member, than all minimum required road improvements shall be installed (either a 16' wide gravel road or an 18' wide paved road). The deed shall state that the lot was created as a Family Subdivision with the restriction that the entire length of the accessway shall be improved to at least the minimum standards if transferred to a non-family member. The financial burden of improving the right-of-way will be the responsibility of the family member transferring the lot to a non-family member.**

Commissioner O'Neal stated that this should have been on the agenda for action and stated that it will now be even longer for the people this ordinance will help.

Mr. Ferguson stated he would proceed to Planning Board and the Board will have by the October 17th meeting.

Action on PB 04-48 Indian Ridge Estates Preliminary Plat for 29 lots on the south side of Shawboro Rd. approximately 600' west of intersection with Indiantown Rd. Tax Map 34, lots 17, 24F and 41 Crawford Township.

Gary Ferguson, Planning Director, reviewed the request and stated that this development was in the Hog Bridge District.

ITEM: **PB 04-48 INDIAN RIDGE, PRELIMINARY PLAT FOR 29 LOT RESIDENTIAL CONSERVATION SUBDIVISION**

LOCATION: Located in Shawboro on the south side of Shawboro Road approximately 600' west of the intersection with Indiantown Road, Crawford Township.

TAX ID: 0034-000-0017-0000, 0034-000-024F-0000 & 0034-000-0041-0000 **AUGUST 2, 2004**

ZONING DISTRICT: Agricultural

OWNER:
James H. Ferebee, Jr.
P.O. Box 110
Shawboro, NC 27973

APPLICANT/AGENT
Hyman & Robey, PC
150-A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland - zoned A
SOUTH: Farmland - zoned A
EAST: Residential - zoned A
WEST: Farmland - zoned A

NARRATIVE OF REQUEST:

James H. Ferebee, Jr. is requesting Preliminary Plat approval for 29 single family lots to be developed as a conservation subdivision. The development is located on approximately 252 acres of land in Shawboro. The lot sizes range from approximately 25,000 sf to 53,000 sf. Approximately 105 acres of open space will be dedicated.

The proposed subdivision will have one point of entry from Shawboro Road. There is a dedicated right-of-way to the southern property line to allow for future street connectivity. The lots will require individual septic systems and the developer will connect to the county's water system and install a waterline and fire hydrants.

This development was approved for 35 lots in August 2004. Due to soil conditions only 29 of the approved lots passed the soil evaluation for on-site septic systems.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The streets will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance.

- WATER:** County water is available to this area. Developer will be installing a waterline and fire hydrants.
- FIRE:** This development will be located within the jurisdiction of the Crawford Volunteer Fire Department and will be served by fire hydrants.
- WASTEWATER:** Due to soil conditions, only 29 of the original 35 lots have been approved for on-site septic systems.
- OPEN SPACE:** Under the Conservation Subdivision provisions, a minimum 45% of the gross tract area (after deducting primary conservation areas and street rights-of-ways) must be dedicated as open space. The project is proposing to dedicate approximately 105 acres of open space, or 47% of the net tract area.
- DRAINAGE:** An interconnected series of lot line swales and roadside ditches will be tying into the existing roadside and lead ditches.
- FLOOD ZONES:** The property is located outside of the 100 year floodplain (Flood Zone C).

STAFF COMMENTS:

- On August 4, 2004 the Board of Commissioners approved this conservation subdivision for 35 lots. Due to poor soils, only 29 of the 35 lots tested were approved for individual septic systems. The lots which did not pass will be retested at a later date and will become Phase 2.
- On July 14, 2005 the Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the lack of pad elevations, clarification on pre and post development run-off, and to provide the average ditch depths in front of each lot.
- In response to concerns expressed by the TRC, the Preliminary Plat and Construction drawings has been revised to reflect the following items:
 - Pad elevations are shown for all lots; and
 - The ditch depths are shown for each lot.
- TRC approvals:
 - (a) County Engineer – approved as is
 - (b) Soil & Water Conservation – reviewed and approved as is
 - (c) Fire Marshal – requests that low curbing be used with the traffic islands and that no utilities, trees or gazebos be placed in them

- (d) Health Services – 29 of the 35 lots were approved for conventional on-site septic systems. Lots 26 to 31 were denied based on soil conditions.
- (e) County Water Department – approved as is; provide weekly progress report of events during construction of water system.
- (f) County Mapper – approved as is
- (g) Crawford Volunteer Fire Department – no comments received
- (h) Emergency Management Services - approved as is
- (i) Recreation Department – reviewed with no comments
- (j) NCDENR, Water Quality – Stormwater Permit – low density stormwater permit issued
- (k) NCDENR, Land Quality Section – Erosion & Sedimentation control permit issued.
- (l) NCDOT – prefers for the cul-de-sacs to be completely paved; no direct access to Lot 12 to SR 1147 and Lots 1 & 8 to NC 34; driveway permit has been issued
- (m) Phone Company – reviewed with no comment
- (n) Superintendent of Schools - reviewed with no comments
- (o) Power –no comments received
- (p) CAMA – not located within CAMA Area of Environmental Concern
- (q) USACOE – outside of the permitting jurisdiction

STAFF RECOMMENDATION:

Staff recommends **approval** with the following conditions:

1. Street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval;
2. That the waterline improvements shall installed, as-built and accepted into the state system prior to submission for final plat approval;
3. The drainage improvements shall be installed, as-built and certified prior to submission for final plat approval;
4. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval;
5. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.; and
6. That should any conditions within this permit conflict with any other permit(s) issued for this activity, and then the more restrictive condition shall prevail.

PLANNING BOARD DISCUSSION

Mr. Bell asked to see a photo with the railroad. He reminded Mr. Robey that the Board had requested that the entrance to the subdivision be on Indiantown Rd. during the sketch plan process. He wondered if that was an option.

Mr. Robey said that Mr. Ferebee was not in favor of the entrance being on Indiantown Rd. and that NCDOT approved the location of the entrance.

Mr. Bell asked if a turning lane is an option.

Mr. Robey said that NCDOT didn't ask for them, but he can go back and ask Mr. Ferebee.

Mr. Bell asked if there is anything that the board can do to require this.

Mr. Ferguson said that the Board of Commissioners opinion was that because of the size of the subdivision, it would have a negligible effect on safety.

Mr. Robey wanted to show the lots that were lost due to the soils. The Health Dept. said that there was no way for these lots to be developed and Mr. Robey doesn't think this subdivision will ever be any larger.

Mr. Ferguson said that the Board's concern is legitimate and that if the Board wishes, it can make it a condition of recommendation for approval.

Mr. Hawley asked if there is enough property for deceleration lane.

Mr. Robey said yes.

Mr. Hawley asked about ditch swales.

Mr. Robey spoke to the adjoining property owners concern at the sketch plan stage of the drainage and showed the Board what they have done to fix drainage issues.

Mr. Hawley asked if the stormwater was being moved through the other properties.

Mr. Robey said that they are not directing water down any property that they don't abut. Some of the water is being directed to the roads, the biggest majority is going back onto the property.

PLANNING BOARD RECOMMENDATION:

Mr. Kovacs motioned to approve the request subject to the installation of deceleration and turning lanes on NC 34. Mr. Bell seconded the request. Motion passed unanimously.

Commissioner Etheridge moved to approve. Commissioner Miller seconded the motion. Motion carried.

Terry Pratt, President Albemarle Fisherman's Assoc. to discuss moratorium on herring fishing in North Carolina.

Terry Pratt, President Albemarle Fisherman's Assoc, requested the Board to adopt a resolution opposing a 16 year moratorium on herring fishing.

Chairman Martin, stated he would deny this request because it was needed to bring the herring fishing back.

Chairman Martin moved to support something other than a 16 year moratorium. Commissioner O'Neal seconded the motion. Motion carried

RESOLUTION

WHEREAS, the North Carolina Division of Marine Fisheries has proposed a sixteen year moratorium on herring fishing; and,

WHEREAS, we understand that the Division of Marine Fisheries only surveys certain areas and estimates its numbers from gill net surveys, and some believe the basis for the proposed moratorium is flawed data; and,

WHEREAS, the Division of Marine Fisheries has a management plan for each species of fish, and many believe this type of plan does not take into account how different species of fish affect the population of other species; and,

WHEREAS, many do not believe it will take sixteen years for the herring to recover; and,

WHEREAS, this moratorium will affect not only fishermen, merchants and consumers but also the culture of Eastern North Carolina.

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners does hereby oppose the proposed moratorium on herring fishing and requests that the question be reconsidered for other solutions; and,

FURTHER, directs that this Resolution be forwarded to the Governor of the State of North Carolina, the County's legislative delegation, members of the North Carolina Marine Fisheries Commission, and members of the River Herring FMP Advisory Committee.

Discussion on Southern Outer Banks Water rates.

Pat McDowell, Engineer, reviewed the reasoning behind the water rates for the Southern Outer Banks Water System. The billing was on a 6 week cycle.

Appointment to Albemarle Hospital Board

Commissioner Miller moved to appoint Commissioner O'Neal. Chairman Martin seconded the motion. Motion carried.

Consent Agenda:

Resolution for official depository of the County.

Albemarle Mental Health fourth quarterly fiscal monitoring report.

Resolution endorsing protection of private property rights.

Commissioner O'Neal approved the consent agenda. Commissioner Miller seconded the motion. Motion carried.

Commissioner's Report

Commissioner Miller commented on the Park access in Moyock.

Commissioner O'Neal commented that he had received complaints of dogs on school property during recreation programs.

Chairman Martin stated that the federal government has decided not to allow the pledge of allegiance in public schools but his class today did pledge allegiance to the flag.

County Manager's Report

Adjourn

There being no further business, the meeting adjourned.