

CURRITUCK COUNTY
NORTH CAROLINA
May 1, 2006

The Board of Commissioners met at 6:30 p.m. in a work session with the Animal Lovers Assistance League

The Board of Commissioners met on Monday, May 2, 2006, 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 O'Neal, Vice Chair Martin, Commissioners Bowden, Etheridge and Miller.

Invocation and Pledge of Allegiance

The Reverend Charles Gregory was present to give the invocation and pledge of allegiance.

Approval of Agenda

Commissioner Bowden moved to delete Item 12 and add to consent agenda: lease agreement for office space in Corolla and Resolution for clean water bond. Commissioner Martin seconded the motion. Motion carried.

- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 Proclamation National Day of Prayer
- Item 4 **Recognition of Whalehead Board of Trustees out-going members**
- Item 5 **PUBLIC HEARING AND ACTION PB 06-12 FENTRESS FARM ESTATES:** Sketch Plan/Special Use Permit for 19 residential lots located on Knotts Island approximately 900 ft. north of the intersection of Ferry Dock Rd. and South End Rd. Tax Map 77, Parcel 235, Fruitville Township.
- Item 6 **PUBLIC HEARING AND ACTION PB 06-13 OCEAN ATLANTIC RENTALS:** Special use Permit to allow outdoor storage and display of Kayaks and Bicycles at Corolla Light Town Center on property located at 1159 Austin Street. Tax Map 115B, Lot 2P2B, Poplar Branch – Outer Banks Township.
- Item 7 **PUBLIC HEARING AND ACTION PB 06-09 CHARLES NEWBERN:** Rezone 8.5 acres from Agricultural (A) General (GB) on property located on the east side of Caratoke Highway, 830 feet south of the intersection with Peach Tree St. Tax Map 110, Lots 36B, 36C, and 36D, Poplar Branch Township.
- Item 8 **PUBLIC HEARING AND ACTION PB 06-14 FORTUNE BAY COMMERCIAL:** Rezone 1.69 acres from Agricultural (A) to General Business (GB) on property located at 130 West Side Land at the intersection with Caratoke Highway and West Side Lane. Tax Map 124, Parcel 57F, Poplar Branch Township.
- Item 9 **PUBLIC HEARING AND ACTION PB 06-17 CURRITUCK COUNTY:** Amendment to Unified Development Ordinance Section 922 to address subdivision drainage easements and storm water plans approved by the County Engineer.
- Item 10 **Public Hearing and Action on Water Conservation and Restriction Plan Ordinance**
- Item 11 Presentation on Homegrown Handmade Program
- Item 12 Appointment to ABC Board
- Item 13 Appointments to Senior Citizen Advisory Board
- Item 14 Consent Agenda:
Budget Amendments
Approval of Job Descriptions
Approval of April 3 and 17 minutes.
Resolution approving list of Review officers
- Item 15 Commissioner's Report
- Item 16 County Manager's Report
- Item 17 Closed Session according to GS 143-318.11(3) attorney client privilege.
Adjourn

Public Comment

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

Chairman O'Neal opened the public comment period.

David Messina, Bells Island, expressed his concern with the County letting the ball drop on bringing Blackwater to Currituck.

Chairman O'Neal stated that the Board had done all that was possible to bring Blackwater to the airport but had concerns with larger planes at the airport and what affect it would have on community.

Commissioner Miller also stated that the Board had supported Blackwater as far as it could.

John Snowden, thanked the Board for supporting no large planes at the airport and looking out for the community.

There being no further comments, Chairman O'Neal closed the public comment period.

Proclamation National Day of Prayer

Commissioner Martin moved to approve the following resolution supporting May 4 as National Day of Prayer. Commissioner Bowden seconded the motion. Motion carried.

NATIONAL DAY OF PRAYER

MAY 4, 2006

BY THE CURRITUCK COUNTY BOARD OF COMMISSIONERS OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, National Days of Prayer have been part of our country's heritage since the first one was declared by the Continental Congress in 1775; and

WHEREAS, leaders of our Nation have relied upon the power of prayer throughout American history; and

WHEREAS, May 4, 2006, marks the 55th consecutive observance of the National Day of Prayer, as mandated by both Houses of Congress and by our President in Public Law 100-307; and

WHEREAS, it is good that we acknowledge that we are all God’s handiwork and that it is appropriate to call upon Him in prayer; and

WHEREAS, “America, Honor God...Those who honor me I will honor (1 Samuel 2:30)” is the theme for the 2006 National Day of Prayer;

WHEREAS, while American troops fight for democracy and freedom around the globe and battle the war on terror, citizens of the United States will gather on May 4, 2006, to worship and pray for the American troops, our nation, churches, families, schools and governmental leaders, asking the Lord to grant them wisdom for the challenges they face on a daily basis;

NOW, THEREFORE, the Board of Commissioners of Currituck County, North Carolina, do hereby proclaim May 4, 2006, as “**NATIONAL DAY OF PRAYER**” in Currituck, North Carolina, and urge our citizens to join together in their homes, places of work, and places of worship, to pray for the unity of the hearts of all mankind and to continue in prayer for our State and our Nation.

Recognition of Whalehead Board of Trustees out-going members

Chairman O’Neal recognized the following for their dedicated service while serving on the Whalehead Board of Trustees:

- Woody West
- Commissioner Etheridge
- Buck Thornton

**PUBLIC HEARING AND ACTION PB 06-12 FENTRESS FARM ESTATES:
Sketch Plan/Special Use Permit for 19 residential lots located on Knotts
Island approximately 900 ft. north of the intersection of Ferry Dock Rd. and
South End Rd. Tax Map 77, Parcel 235, Fruitville Township.**

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director, reviewed the request. She also stated that she received 3 comments from the Fire Chief.

- ITEM:** PB 06-12 Fentress Farm Estates, Sketch Plan/ Special Use Permit For 19 Residential Lots
- LOCATION:** On Knotts Island approximately 900 ft. north of the intersection of Ferry Dock Rd. and South End Rd. Tax Map 77, Parcel 235, Fruitville Township.
- TAX ID:** Map 77, Parcel 235 (0077-000-0235-0000)
- ZONING DISTRICT:** Agricultural

PRESENT USE: Vacant/Agriculture

OWNERS: Clarence and Dolores Fentress
5012 Lobaugh Drive
Virginia Beach, VA 23464

APPLICANT: Fentress Farm Estates, LLC
1000 Bank of America Center
Norfolk, VA 23510

ENGINEER: MSA, P.C.
5033 Rouse Drive
Virginia Beach, VA 234623

**LAND USE/ZONING OF SURROUNDING PROPERTY:
SURROUNDING PROPERTY:**

	Land Use	Zoning
NORTH:	Agricultural	A
SOUTH	Swan Haven residential development	A
EAST:	Low density residential uses and farm fields	A
WEST:	Farm field and the Swan Haven residential development	A

SCHOOL DISTRICT: Knotts Island

FIRE DISTRICT: Knotts Island V.F.D.

SIZE OF SITE: 54.80

NUMBER OF LOTS: 19

DENSITY: 0.34 unit / acre

MINIMUM LOT SIZE: 40,469 square feet (4 between 40,000 SF and 3 Acres; 15 at 3 Acres)

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 not available to this area. The site will be served by individual wells.

WASTEWATER: On-site septic systems are proposed. Site Evaluations are required at time of Preliminary Plat. The Currituck County Soils Suitability map indicates this property is suitable for on-site septic systems.

OPEN SPACE: No open space is required or provided.

DRAINAGE: The preliminary drainage plan indicates that lot line swales and road side ditches will be used to accommodate on-site drainage.

FLOOD ZONES: The property is located outside of a 100 year floodplain.

LAND USE PLAN CLASSIFICATION: The 1990 Land Use Plan classifies this property as Rural. Low density dispersed single family residential uses at a gross density of approximately one unit per acre are appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services.

The proposed subdivision is in keeping with the Land Use designation.

NARRATIVE OF REQUEST:

A pre-application conference was held with MSA Engineering on February 7, 2006. The Sketch Plan application was submitted on February 24, 2006. A Technical Review Meeting was held on March 15, 2006 to review the plan. A revised plan with technical review corrections was received March 22, 2006.

The submitted plan also was accompanied by a Development Impact Statement which indicates the average cost of the homes to be \$600,000.00. The preliminary drainage plan indicates that lot line swales and road side ditches will be used to accommodate on-site drainage.

TRC REVIEW

A Technical Review Meeting was held on March 15, 2006 and the reviewing agencies had the following comments:

1. **NCDOT:** The plan was approved with the following comments:
 - a. A DOT Driveway permit will be required at the Preliminary Plat stage;
 - b. Need to show typical section with next phase;
 - c. Need to review a drainage plan prior to final plat approval;
 - d. Need to indicate public right of way width; and
 - e. Engineer needs to have a N.C. license.

2. **CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER:** The plan was approved with the following comments:
 - a. Please show any existing ditches throughout site if applicable; and
 - b. Property line swales may be required throughout.

3. **CURRITUCK COUNTY WATER DEPARTMENT:** The plan was approved with no comment. There is no county water on Knotts Island.

4. **CURRITUCK COUNTY FIRE SERVICES:** The plan was approved with no comment.
5. **CURRITUCK COUNTY RECREATION:** The plan was approved with no comment.
6. **CURRITUCK COUNTY GIS/ TAX MAPPING:** Approved with the following comments:
 - a. Applicant must submit the proposed street name form if it has not been submitted;
 - b. Please note the R/W widths on the final plat.; and
 - c. Engineer seal needs to be a NC Seal.
7. **CURRITUCK COUNTY SCHOOLS:** The plan was reviewed with no comment.
8. **CURRITUCK COUNTY DEPARTMENT OF PLANNING AND INSPECTIONS, INSPECTIONS DIVISION:** The plan was approved with no comment.
9. **N.C. DIVISION OF COASTAL MANAGEMENT:** The plan was approved with the following comment: The development does not appear to involve any CAMA Areas of Environmental Concern. Development within an AEC requires CAMA authorization.
10. **ALBEMARLE REGIONAL HEALTH SERVICES:** The plan was disapproved because the site evaluation applications have not been submitted yet. The site evaluations will be due at Preliminary Plat.

SCHOOL CAPACITIES:

Using national averages for school age student generation, one can expect .4243 elementary students, .084 middle school students and .1568 high school students per dwelling unit. Based on these pupil generation figures, from this development Currituck can expect:

7 elementary students; 2 middle students; and 3 high school students.

Projected School Capacities

School Level	Projected Capacity for 2008/09	Total Projected Students- Previous Sketch Plans	Remaining Capacity if Fentress Farm is approved
K- 5	219 (Knotts Is.)	150	62
Middle	1,142	1062	78
High	1,456	1406	50

SPECIAL USE PERMIT CRITERIA:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. It is recognized that some land uses have a particular impact on the surrounding land that cannot be determined and controlled by general zoning regulation. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties. In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria are outlined as follows:

1. *Is the application complete?* Based on staff review all required information has been submitted for review.
2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?* The plan generally complies with the provisions of the UDO. Minor corrections are required prior to final approval of the permit as outlined in Staff Recommendation below.
3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

- (a) *Will not endanger the public health or safety.*

Public health and safety issues including stormwater management, wastewater disposal and access for emergency services have been adequately addressed within this proposal;

- (b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property. Swan Haven is an adjacent residential subdivision that is a higher density than the proposed Fentress Farm Estates. Other adjoining uses are agricultural and dispersed single family dwellings.

- (c) *Will be in harmony with the area in which it is located.*

This low density residential subdivision will be in harmony with the rural character of Knotts Island.

- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The 1990 Land Use Plan classifies this property as Rural. This development will be in conformity with the Land Use Plan.

- (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat*

stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.

The Commissioners will need to determine if adequate school facilities exist or will exist to meet the demands generated by this subdivision.

PLANNING STAFF RECOMMENDATION:

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **conditional approval** of the application subject to the following conditions:

Code Requirements:

1. Add the subject property ownership information to the notes.
2. Indicate the deed book and page of adjacent properties. The first submission showed the correct format for the information.
3. Indicate the flow of drainage on the roads as well as the properties for the Sketch Plan.
4. At the Preliminary Plat stage, the applicant will be required to submit septic evaluations, a North Carolina Stormwater Management Permit and a North Carolina Sedimentation and Erosion Control Permit along with the plans required by the UDO.

Recommendations:

1. Section 914, Item (b) of the UDO provides that all streets shall provide for the continuation or appropriate extension of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding tracts where the County deems appropriate. In keeping with that provision, staff recommends Daniel Court be extended to the western property line. The 45' ROW should also extend all the way to the property line. In addition, the street should be improved to the property line with a temporary paved turnaround area provided. It is further recommended that the street stub be identified by signage which reads "Street Connection to Future Development" to ensure that future homebuyers are aware of the future interconnection.
2. There are two existing lots adjacent to proposed lots 18 and 19 along South End Road that will be served by a 20 ft. easement located along lot 19. It is suggested that the applicant consider reconfiguring the proposed public road system to serve the two existing lots rather than providing only an easement. If the road system is not reconfigured, staff recommends that the plan show the net usable area of Lot 19 with the reduction of the 20' ingress/ egress easement. In addition, the document creating the easement on lot 19 should be

recorded at the same time as the final plat and HOA documents to ensure that future homebuyers are aware of the easement and subsequent maintenance responsibilities.

This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION

Brooks Smith discussed this proposal.

Mr. Keel asked if there was an easement for Blue Heron Lane that is used by the Capps property.

Mr. Johnson said that there is currently an oral agreement and they are going to give a legal, recorded agreement.

Mr. Keel said there was a prior law suit over a gated easement.

Mr. Smith said that during the title search, they found no easement.

Mr. Johnson said that the homeowner is satisfied with the recorded easement.

Katie Mahoney stated her concern with additional trucks and the causeway.

Melinda Capps stated that she agrees with the concept of the development, but has concerns with the easements and the street names. Her family wants to maintain their address as Blue Heron Lane.

JT White stated his concern with well water in the area.

PLANNING BOARD ACTION

Mr. Keel motioned to approve the request as presented with the condition that the developer work with the property owners in the area on the street name issue. Mr. Winter seconded the motion. Motion passed unanimously.

Chairman O'Neal opened the public hearing.

Martha Burns, Knotts Island, supported the request.

Harold Capps and Melinda Capps, expressed concern with street name and easement agreement.

County Attorney McKenzie stated that easement was between the property owner and developer.

Commissioner Bowden requested that Fire Department install a dry hydrant at the location.

There being no further comments, Chairman O’Neal closed the public hearing.

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

PUBLIC HEARING AND ACTION PB 06-13 OCEAN ATLANTIC RENTALS: Special use Permit to allow outdoor storage and display of Kayaks and Bicycles at Corolla Light Town Center on property located at 1159 Austin Street. Tax Map 115B, Lot 2P2B, Poplar Branch – Outer Banks Township.

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director reviewed the request.

ITEM: PB 06-13 OCEAN ATLANTIC RENTALS, SPECIAL USE PERMIT FOR OUTDOOR STORAGE

LOCATION: 1159 Austin Street, Corolla

ZONING DISTRICT: General Business (GB)

TAX ID: 115B-000-2P2B-0000

OWNER:
Corolla Light Town Center, LLC
PO Box 303
Corolla, NC 27927

APPLICANT
Ocean Atlantic Rentals
PO Box 1030
Nag’s Head, NC 27959

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Corolla Light PUD Open Space	Zoned RO1/PUD
SOUTH:	Residential	Zoned RO1/PUD
EAST:	Residential/ Stormwater Pond	Zoned RO1/PUD
WEST:	Residential	Zoned RO1/PUD

LAND USE PLAN CLASSIFICATION: Limited Transition

NARRATIVE:

- Ocean Atlantic Rentals is requesting a Special Use Permit for the Corolla Light Town Center in Currituck County for outdoor storage of bicycles, kayaks, paddles, surfboards, lifejackets, chairs, umbrellas and gas grills.

- The parcel is located at 1159 Austin Street. The parcel consists of 309,163 sf (7.1 acres) in area.
- This property is zoned General Business and the Table of Permissible uses allows Storage and Display of Goods Outside a Fully Enclosed Building (use 2.200) in this zoning district with a Special Use Permit w/in a PUD.
- The applicant received TRC disapproval at the February 9, 2006 Technical Review Committee Meeting.
- A revised site plan dated 1/22/06 was resubmitted. On March 16, 2006 James Mims, Jon Hain and David Webb conducted an on-site technical review with the following findings:
 1. The display areas will all be on existing gravel or deck areas. There will be no increase in lot coverage.
 2. All of the exterior display areas are now approved because the areas will not impede any required parking spaces.
 3. Fire Marshal James Mims approved the location for storage of rental grills on the back deck as long as a 36 inch ingress and egress area is maintained. The back door to the Ocean Atlantic Rentals building is a fire exit.
 4. The location of the exterior propane cylinder cage was approved.
 5. Any kayak rack to be constructed shall be submitted for a commercial accessory building permit review.
 6. Staff noted to Mr. Ottenstein and Mark Bissell on-site that before Building 13 at Corolla Light Town Center receives a zoning C/O, the paving and striping of the ENTIRE site needs to be completed, with the exception of the areas around Building 4 which are still under construction.

QUESTION(S) BEFORE THE BOARD:

Conditional Use Permit Criteria and Staff Findings:

(The Board must find that the applicant meets all criteria in order for a Special Use Permit to be approved.)

In granting a Special Use Permit, the Board may attach to the Permit such reasonable requirements in addition to those specified in this Ordinance as will ensure that the development in its proposed location:

- (a) Will not endanger the public health or safety;
- (b) Will not injure the value of adjoining or abutting property;
- (c) Will be in harmony with the area in which it is located;
- (d) Will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners; and,
- (e) Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities.

Following is the staff Suggested Findings for each criteria (as is required by the UDO).

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.

- (a) The proposed use **will not** materially endanger the public health or safety for the following reasons:

Suggested Findings:

According to County Tax Maps, nearest residential dwellings to the tract are to the south and east along Gray Court and Franklyn Street. The parcel is currently a well established commercial area which includes apartments and a skateboard park.

- (b) The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:

Suggested Findings:

1. Section 1310 of the Unified development Ordinance indicates that the operation of Storage and Display of Goods Outside a Fully Enclosed Building (use classification 2.200) is a permitted land use with a Special Use Permit in a GB/PUD (General Business) zoning district.
2. The existing land uses are buffered by existing vegetation.

- (c) The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.

Suggested Findings:

The parcel is currently a well established commercial area which includes apartments and a skateboard park.

- (d) The proposed use **will** be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners.

Suggested Findings:

1. The 1990 Land Use Plan classifies the property as "Limited Transition". According to the 1990 Land Use Plan, "The purpose of the Limited Transition Class is to provide for development in areas that have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote from existing towns and municipalities."
 2. The site is located along a two-lane Major Collector Road according to the 1988 Thoroughfare Plan.
 3. The proposed use conforms to both the current Land Use Plan and the 1988 Thoroughfare Plan.
- (e) The proposed use **will not** exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.

Suggested Findings:

Approval of this request should have no negative impact upon public facilities.

STAFF RECOMMENDATION

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

1. The applicant meets all requirements of the County's Unified Development Ordinance.
2. Outdoor display areas be limited to those areas depicted on approved site plan dated 1/22/06.
3. All display materials be properly secured to prevent theft or unauthorized use.

4. Display materials shall not pose a hazard during periods of severe weather conditions.
5. Outdoor display shall be allowed 48 hours prior to seasonal opening to 48 hours after seasonal closing.
6. No additional signage, except with an approved sign permit, shall be permitted with this use.
7. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which will be filed in the office of the Planning and Inspections Department.
8. Any change in the submitted plans must be approved by the owner of the property.

PLANNING BOARD DISCUSSION

Mr. Buchert described the storage of this equipment.

Mr. West asked why the request is being asked for now when they have been storing these items this way for so long.

Mr. Webb stated that the applicant wishes to come into compliance with the ordinance.

PLANNING BOARD ACTION

Mr. West motioned to approve the request as presented. Ms. Turner seconded the motion. Motion passed unanimously.

Chairman O'Neal opened the public hearing, there being no comments closed the public hearing.

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

PUBLIC HEARING AND ACTION PB 06-09 CHARLES NEWBERN: Rezone 8.5 acres from Agricultural (A) General (GB) on property located on the east side of Caratoke Highway, 830 feet south of the intersection with Peach Tree St. Tax Map 110, Lots 36B, 36C, and 36D, Poplar Branch Township.
PUBLIC HEARING AND ACTION PB 06-14 FORTUNE BAY COMMERCIAL: Rezone 1.69 acres from Agricultural (A) to General Business (GB) on property located at 130 West Side Land at the intersection with Caratoke Highway and West Side Lane. Tax Map 124, Parcel 57F, Poplar Branch Township.

Sarah Keifer, Planning Director, reviewed the request.

TYPE OF REQUEST: Rezone approximately 7.7 acres (remaining A zoned acreage) from Agricultural to General Business

LOCATION: Powells Point-Corner of Jomar Lane and Caratoke Highway, .5 mile south of Buster Newbern Road on the east side of Caratoke Highway

TAX ID: Map 110, portion of Parcels 36B, 36C, and 36D

OWNER: Charles Lee Newbern
PO Box 172
Powells Point, NC 27966

ZONING:	<u>Current Zoning</u> Agricultural/ General Business	<u>Proposed Zoning</u> General Business
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ZONING HISTORY: This property was split zoned GB and A as indicated on the April 2, 1989 zoning atlas. The current General Business (GB) zoning extends 170 feet from the highway, approximately .7 acre. The remaining property area, 7.7 acres, is zoned Agricultural (A). The combined property area is 8.46 acres.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Recycling Center/Demolition Landfill/Office	GB/A
SOUTH	Outdoor Recreation/Special Events	GB
EAST:	Single Family Dwelling/Vacant Farmland	GB
WEST:	Recycling Center/Demolition Landfill	A

EXISTING LAND USE: Single Family Dwelling/Vacant Woodland

PROPOSED LAND USE: Not Provided.
There are well over 100 uses allowed in the General Business zoning district. The General Business zoning district contains the following sample of uses:

- | | |
|--------------------------------|--------------------|
| Single Family Residence | Automotive Repair |
| Banks | Convenience Stores |
| Sales | Restaurants |
| Outdoor or Indoor Mini Storage | Hotels |
| Motor Vehicle and Boat Sales | Office |

LAND USE PLAN CLASSIFICATION:

The 1990 Land Use Plan classifies this property as **Limited Transition**. The purpose of the limited transition class is to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are

geographically remote. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes.

The General Business (GB) zoning district is consistent with the Limited Transition Land Classification.

PUBLIC SERVICES AND UTILITIES:

Lower Currituck Volunteer Fire Department provides fire protection for this area. Public utilities, including, electric, telephone, county water and cable, are currently available.

TRANSPORTATION:

A portion of the property requested for rezoning is accessed by a 20' private right of way (Jomar Lane). The private right of way is not improved to state standards. Should the property develop commercially, the access shall be improved to meet fire code and county requirements; but, will not require paving. The remaining area, zoned GB, has 142' of road frontage along US 158.

FLOOD ZONE:

This property is located outside of the 100-year flood plain (Zone: Shaded X and X)

SOILS:

The Currituck County Soil Suitability map indicates this property contains soils that are Suitable (Conetoe loamy sand) as well as Not Suitable (Nimmo loamy sand), containing approximately 3.7 acres

STAFF COMMENTS:

- This rezoning request would be an extension of an existing General Business zoning district on Caratoke Highway.
- A substantial area of the combined property contains unsuitable soils. A large number of uses would be possible on the property; however, alternative septic system design may be needed depending on the results of an on-site soil evaluation.
- Staff has concerns if the three properties are sold as individual lots, the parcel accessed by 20 foot private right of way (Jomar Lane), may have a difficult time providing commercial access and stormwater improvements within the prescribed 20' private right of way. While the three parcels are under single ownership, the applicant should consider widening the 20' private right of way, if possible, or, recombine properties to accommodate the necessary commercial access to lot 2B and the residual parcel. The setbacks to all existing structures should be addressed before determining whether recombination or expanding the right of way would be the better choice.

STAFF RECOMMENDATION:

Staff recommends approval of the request, because the property is currently split zoned GB and A, the property is adjacent to existing GB zoning and the reclassification of the property is consistent with the land use plan.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION

Mr. Hawkins stated that the area to be rezoned is closer to 7.5 acres.

PLANNING BOARD ACTION

Mr. West motioned to approve the request as presented. Ms. Turner seconded the request. Motion passed unanimously.

Chairman O'Neal opened the public hearing, there being no comments closed the public hearing.

Commissioner Martin moved to approve and it is in compliance with the Land Use Plan. Commissioner Etheridge seconded the motion. Motion carried.

PUBLIC HEARING AND ACTION PB 06-17 CURRITUCK COUNTY: Amendment to Unified Development Ordinance Section 922 to address subdivision drainage easements and storm water plans approved by the County Engineer.

Gill Falasco, County Engineer, reviewed the amendment.

Mike Doxey, SCS, reviewed the access drainage easements.

CURRITUCK COUNTY PB 06-17 UDO AMENDMENT REQUEST

CURRITUCK COUNTY requests an amendment to Section 922 of the UDO to address subdivision drainage easements and storm water plans approved by the County Engineer.

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 the following section be amended:

Section 922 Environmental.

- 3.
- (f) Minimum finished floor elevations for all **single family and multi-family dwellings** houses shall be shown on the plat and shall be at a minimum 18 inches above the predicted 10 year storm water elevations or, **at or** above the 100 year base flood elevation, ~~or~~ whichever is greater. ~~For properties located within floodplains, the lowest floor shall be elevated above the base flood elevation.~~ Refer to Article 16 for further restrictions; (amended 5/16/05)
 - (g) Property line swales shall be required along all side property lines **unless the stormwater plan adequately addresses drainage as approved by the County Engineer.** Roadside and side lot line swales that do not convey major stormwater through the subdivision shall have a minimum 3:1 slope. Swales that convey major stormwater drainage shall be a minimum of 6:1 side slopes. Adequate drainage easements shall be shown and centered over the swales. (amended 5/16/05)
 - (h) ~~All ditches and canals require drainage easement which extends to the top of bank. A minimum 25 foot wide open space area is required from the top of the bank on one side of the ditch or canal for use as a maintenance area.~~ **Maintenance access drainage easements shall be required for all waterway conveyance systems (i.e. ditches, canals, streams, creeks, and major waterways). Said easements shall include the width of the waterway and extend from top of embankment to top of embankment. In addition, for all ditches, a minimum 25 foot wide maintenance area is required, extending from top of embankment. Canals, streams, creeks and similar major waterways will require a minimum 50 foot wide easement from top of embankment. When a property is traversed by a major waterway, a 50 foot easement shall be required on both sides of the waterway, extending from top of embankment.** (amended 5/16/05)
4. Erosion/Cut & Fill: No cut or fill shall encroach closer than 10 feet to any exterior property line, ~~or two feet if part of an engineered Storm Water Management Plan~~ **except as approved by the County Engineer.** Fill shall not encroach on natural water courses, their floodplains or constructed channels in a manner to adversely affect water bodies or adjacent property owners. Sediment traps, basins and other control measures for limiting erosion shall be installed per a state approved Erosion and Sedimentation Control Plan and shall be reviewed and inspected by County Technical Staff members.

Chairman O'Neal opened the public hearing there being no comments closed the public hearing.

PUBLIC HEARING AND ACTION PB 06-14 FORTUNE BAY COMMERCIAL:

Rezone 1.69 acres from Agricultural (A) to General Business (GB) on property located at 130 West Side Lane at the intersection with Caratoke Highway and West Side Lane. Tax Map 124, Parcel 57F, Poplar Branch Township.

Sara Keifer, Planning Director, reviewed the request.

Chairman O'Neal opened the public hearing, there being no comments closed the public hearing.

**LAND USE PLAN
CLASSIFICATION:**

The 1990 Land Use Plan classifies this property as **Limited Transition**. The purpose of the limited transition class is to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes.

The uses allowed within the General Business district are consistent with the Limited Transition class.

**PUBLIC SERVICES
AND UTILITIES:**

Lower Currituck Volunteer Fire Department provides fire protection for this area. Public utilities, including, electric, telephone, county water and cable, are currently available.

TRANSPORTATION:

The property is accessed by US 158 and West Side Lane.

FLOOD ZONE:

The east 130 feet of the property is located in the 100 year floodplain, zone AE (7). The remainder of the property is located outside of the flood zone (Zone X).

SOILS:

The Currituck County Soil Suitability map indicates this property contains soils that are Suitable.

**STAFF
RECOMMENDATION:**

Staff recommends approval of the request, because the property is currently split zoned GB and A, the property is adjacent to existing GB zoning. The reclassification of the property is consistent with the land use plan.

This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION

Mr. Kovacs asked about the zoning of the surrounding properties.

PLANNING BOARD ACTION

Mr. Keel motioned for approval. Mr. West seconded. Motion passed unanimously.

Public Hearing and Action on Water Conservation and Restriction Plan Ordinance

Dan Scanlon, County Manager, reviewed the ordinance.

Chairman O'Neal opened the public hearing, there being no comments closed the public hearing.

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



COUNTY OF CURRITUCK WATER CONSERVATION AND RESTRICTION PLAN

ORDINANCE

Section 1 Declaration

When any of the County of Currituck's public water systems have a low and declining water supply due to drought or emergency conditions that will affect the availability of water for human consumption, sanitation, health and fire protection, it will be necessary to declare a water shortage followed by implementation of conservation requirements and water restrictions set forth under the guidelines below.

Section 2 General

A water shortage will be declared when the County's reserve supply of water has reached a point where the consumers cannot be supplied with sufficient water to ensure their health and safety unless water usage is reduced. A water shortage shall also be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands unless water usage is reduced.

Section 3 Notice to General Public of Water Shortage

In the event of a water shortage in any of the five (5) sub-sections described in Section 5 that may hinder the County Water Supply and threaten the health and safety of the citizens as determined by the Water System Superintendents and the County Manager, the County Manager is authorized and empowered to give notice to the general public of the existence of such state. In order to protect the health and safety of the people supplied water by the County of Currituck; the County Manager may place in effect restrictive provisions hereinafter authorized. Notice shall be given by public press announcements, local access television channel, Currituck County Government website, and by signing an Executive Order. The Order shall become effective twenty-four (24) hours following the public notification and the signing of the Order.

Section 4 Compliance Required in the Event of a Water Shortage

In the event the County Manager issues the notice described in Section 3, then it shall be unlawful for any person, firm, or corporation to use or permit the use of water from the water system of the County for any purposes until this article is amended or repealed, or until the County Manager has declared such provisions to be no longer in effect. In exercising this authority, considerations shall be given as to the following criteria: Water levels in the wells, capabilities of the water production and distribution systems, drawdown rates, outlook for precipitation, daily water use patterns, seasonal and long term weather patterns, and the availability of water from other sources.

Hospitals, nursing homes, and healthcare facilities shall comply with all restrictions imposed on residential and non residential water customers as may be applicable to each individual institution to the extent compliance will not endanger the health of the patients or residents of the institution.

Each hospital, nursing home, or healthcare facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible, without endangering the health of its patients or residents, to achieve a further reduction in the institution's water usage.

Section 5 Restrictions Applicable to Various Well Static Levels

The severity of the water shortage shall be determined primarily by the well static levels, water plant production capacity, and storage tank levels expected at given times of the year and expected demands and potential rainfall. The restrictive measures in effect at each stage are as follows:

- (A) **Normal:** No water use restrictions.

- (B) **Advisory:** Voluntary water use restrictions.

In the event the storage tank levels drop to fifty percent (50%) as determined by the Water System Superintendents or daily water demand is seventy-five percent (75%) of system capacity as determined by the Water Superintendents, a Water Advisory Alert may be declared in effect, and the following voluntary water restrictions are requested:

Voluntary commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:

1. Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes.
2. Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.
3. Limit use of clothes washers and dishwashers and when used, operate fully loaded.

4. Limit lawn watering to that necessary for plant survival.
5. Water shrubbery the minimum required, reusing household water when possible.
6. Limit vehicle washing.
7. Do not wash down outside areas such as sidewalks, patios, driveways, etc.
8. Do not fill swimming or wading pools.
9. Do not serve drinking water in restaurants, cafeterias, or other food establishments, unless requested.

The media will be notified in order to inform the public of an impending water shortage. The wholesale customers of the Currituck County Water System will also be asked for their cooperation.

New service connections to the system may be suspended as per discretion of the County Manager.

(C) **Watch:** Mandatory water use restrictions.

In the event water storage tank levels continue to drop below seasonal expected levels as determined by the Water System Superintendents or daily water production approaches ninety percent (90%), a Water Shortage Watch may be declared in effect and the following mandatory water restrictions shall be imposed. It shall be unlawful to use water from the public water system supplied by the County for the following purposes:

1. To water lawns, grass, shrubbery, trees, flower and vegetable gardens, except by hand held hose, container, or drip irrigation system; however, persons regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade.
2. To fill newly constructed swimming pools and/or wading pools or refill or top off, swimming and/or wading pools.
3. To wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment; However, persons regularly engaged in the business of washing motor vehicles and commercial car wash facilities shall be permitted to use water for such purposes.
4. To wash down outside areas such as streets, driveways, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios, or to use water for similar purposes; Hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted.

5. To operate or introduce water into any ornamental fountain, pool, or pond or other structure making similar use of water.
6. To use water from any public or private fire hydrants for any purpose other than fire suppression or other public emergency or Water Department need.
7. To use water for dust control or compaction.
8. To use water for any unnecessary purpose or to intentionally waste water.

The owner or occupant of any land or building that receives water from the County and also uses water from a private well shall post a sign giving notice of the use of the private well or other source of supply.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty five percent (25%).

(D) **Warning:** Mandatory water use restrictions.

In the event well water static and storage tank levels continue to decrease in spite of restrictions as imposed above and water production capacity is at ninety-five percent (95%), a Water Shortage Warning may be declared to exist, and in addition to the restrictions imposed under the Advisory and Watch, the following mandatory water restrictions shall be imposed. It shall be unlawful to:

1. Water or sprinkle any lawn, grass, shrubbery, trees, or flowers except from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure; However, persons regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade. State, County, and City licensed landscape contractors may continue to water plantings, which are under written warranty, by hand held hose, container or drip irrigation.
2. Water any vegetable garden except by hand held hose, container, or drip irrigation system.
3. Make any nonessential use of water for commercial or public use.

(E) **Emergency:** Mandatory water use restrictions.

In the event previous restrictions are not sufficient to eliminate reductions in water supply reserves and the Water System Superintendents determine that water reserves are less than fifty

percent (50%) and production capabilities are at one hundred percent (100%), they shall notify the County Manager in writing. Upon such notification, the County Manager shall declare a Water Shortage Emergency. Upon such declaration, the County shall be deemed in a state of emergency with respect to its water supply and residential customers shall reduce their consumption to any degree possible with a goal of a reduction of at least twenty five percent (25%) of their average usage. In addition to the restrictions heretofore imposed in Advisory, Watch, and Warning, the following mandatory water restrictions shall be imposed. It shall be unlawful to:

1. Use water outside a structure for any purpose other than emergency use involving fire or as needed by the County Water Department to maintain the system, except that flowers, plants, and shrubs may be watered from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure.
2. Wash any vehicle for any purpose.
3. Exceed the following water usage mandate: All customers shall reduce their water usage by twenty five percent (25%) as compared with their usage during the corresponding billing period for the most recent twelve (12) month period, ending June 30, in which no stage of this Ordinance was in effect.

It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.

If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the County Manager, or his designee, for a variance to the mandate.

Any customer who exceeds the allotments established to this mandate shall be subject to termination of their water service.

Section 6 Compliance

Personnel of the Currituck County Water Department, the County Sheriffs Department, and other such personnel as designated by the County Manager, shall enforce compliance with the provisions of this Ordinance. Failure to comply with any of the regulations of this Ordinance shall be unlawful.

Section 7 Civil Penalties

Any person who shall violate any provision of this Ordinance shall be subject to a civil penalty. Civil penalties shall be as follows: A warning for the first offense; the amount of \$50.00 for the second offense; and \$100.00 for the third, and successive, offenses. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by posting a notice on the front door of the property being served, or by hand delivery, or by first class mail, to such person. A notice that is posted, or mailed, shall be conclusively presumed to be delivered to the violating person when posted on the premises or deposited in the United States Mail. The notice shall state the date and nature of the violation and the amount of the penalty. The notice shall further order the person to immediately cease the violating activity. The civil penalty will be added to the customer's regular water billing, be subject to late penalties, and disconnection would occur if the bill is not paid. If the customer refuses payment, a civil action may be instituted in the nature of a debt to collect the amounts due and court costs as may be assessed.

Section 8 Criminal Fines

Upon a fourth violation of this Ordinance, a criminal warrant shall be issued to the offending person(s). Any violations of the provisions of this Ordinance shall constitute a Class 3 misdemeanor punishable upon conviction by a fine not exceeding a maximum of five hundred dollars (\$500.00) as provided by General Statute Section 14-4 and in addition thereto such violation may be enjoined and restrained as provided in General Statute Section 160A-175. The issuing of a criminal warrant shall not prohibit the imposition of further civil penalties.

Section 9 Continuing and Separate Violations

Each day's continuing violation of this Ordinance shall be a separate and distinct criminal and civil offense. Each violation of the Ordinance shall be a separate offense even if occurring on the same day.

Section 10 Discontinuance of Service

The County Manager shall have the authority to discontinue, or restrict, water service to any person or structure in the event of a violation of the provisions of this Ordinance during a water shortage period. Prior to such termination, or restriction of water supply, the Water System Superintendents shall give at least two (2) working days' written notice of intent to terminate or restrict. Within the said two days, the person, upon petition to the County Manager or his designee, may be heard as to why such termination should not be enforced. When a water service is discontinued or turned off, it shall be unlawful to reactivate such service without the permission of the County Manager.

Section 11 Termination of Declared Emergency

The County Manager shall determine termination of any phase of the emergency provisions of this Chapter when he finds that the water supply of the County Water System is no longer so low as to constitute a water emergency.

Section 12 Severance Provision

If any section, subdivision, clause, or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to such section, subdivision, clause, or provision so adjudged, and the remainder of this Ordinance shall be declared valid and effective.

Section 13 Effective Date This ordinance shall take effect immediately upon passage by the Currituck County Board of Commissioners

Section 14 Effective Period This ordinance will remain in effect until terminated by action of the Currituck County Board of Commissioners.

Presentation on Homegrown Handmade Program

Diane Sawyer, PIO & Tourism Director, along with Tommy Grandy, Ag. Extension Agent, stated that they were working on the Agri-Cultural Tourism Trails website.

This site will promote the business and tourist attractions in Currituck County.

Appointment to ABC Board

Deleted

Appointments to Senior Citizen Advisory Board

Commissioner Miller moved to appoint Audrey Simmons, Grace Curry and Jo Stepp. Commissioner Etheridge seconded the motion. Motion carried.

Consent Agenda:

Budget Amendments

Approval of Job Descriptions

Approval of April 3 and 17 minutes.

Resolution approving list of Review officers

Resolution Clean Water Bond

Lease Agreement for office space in Corolla

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-590000	Capital Outlay	\$ 62,000	
10310-400005	Ad Valorem Taxes - 2005 Levy		\$ 62,000
		\$ 62,000	\$ 62,000

Explanation: Emergency Medical Services (530) - Equipment needed to bring Fire Chief vehicle to ALS certification and to purchase vehicle and computer for the Lt. Shift Supervisor.

Net Budget Effect: Operating Fund (10) - Increased by \$62,000.

RESOLUTION
2006 CLEAN WATER BOND

WHEREAS, North Carolina’s continued prosperity depends on protecting the state’s water resources for current use and future generations; and

WHEREAS, North Carolina is expected to grow by 3.5 million people to exceed 12 million by the year 2030, placing pressures on the state’s water resources and local water providers; and

WHEREAS, North Carolina’s businesses, traditional and emerging industries all depend on reliable supplies of clean water, reasonable utility costs and an attractive natural environment; and

WHEREAS, the 1998 Clean Water Bonds delivered significant benefits to North Carolina communities and citizens, supporting 1,103 projects in 97 counties, which

1. helped create or retain 42,000 jobs
 2. corrected major regulator violations in 97 communities
 3. addressed failing septic systems and contaminated wells in 59 counties
 4. resulted in 50 communities receiving sewer service for the first time,
 5. encouraged regional efficiencies, sound planning and conservation practices;
- and

WHEREAS, North Carolina’s public water, sewer and stormwater utilities will require investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion in investments within the next five years;

NOW, THEREFORE BE IT RESOLVED that the Currituck County Board of Commissioners urges the North Carolina General Assembly to enact a \$1 billion bond bill in the 2006 session to fund construction and repair of urgently needed water, sewer and stormwater facilities.

BE IT FURTHER RESOLVED that the Currituck County Board of Commissioners calls upon the Governor and the General Assembly to activate the State Water Infrastructure Commission to address the stat's long-term water infrastructure needs with a visionary plan for sustained funding of water, sewer and stormwater system improvements.

RESOLUTION

WHEREAS, GS 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint one or more persons as review officers to review plats before they are recorded; and

WHEREAS, appointed review officers shall certify that the plat meets the statutory requirements for recording; and

WHEREAS, the persons appointed as review officers should be experienced in mapping or land records management.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals serving in the positions indicated are hereby designated as review officers as required by GS 47-30.1.

Sarah Keifer Planning & Inspections Director
Tracy Sample, Tax Administrator
Donna Voliva, Planner
Lucy Cardwell, Tax Office
Tammy Glave
David Webb

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the individuals listed above, the Director of Planning & Inspections, Chief Planner and Planner and the Currituck County Register of Deeds.

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

Commissioner's Report

Commissioner Miller stated that he had contacted DOT about Lazy Corner Road, Long Lane, Tulls Creek Bridge and railroad crossings.

Commissioner Martin commented on money Currituck received from the Clean Water Bond.

Commissioner Bowden stated that the County receives over 4 million in occupancy tax from Corolla and they still do not have a boat ramp. He has been working on this for 8 years. He also requested an update on the Knotts Island Fire Dept.

County Manager's Report

No comments

Closed Session according to GS 143-318.11(3) (6) attorney client privilege and personnel.

Commissioner Martin moved to go into closed session. Commissioner Etheridge seconded the motion. Motion carried.

Adjourn

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.