

CURRITUCK COUNTY
NORTH CAROLINA
DECEMBER 17, 2007

The Board of Commissioners met prior to the regular Board meeting at 6:30 p.m. to discuss CRC Draft Rule Language for marsh alteration.

The Board of Commissioners met on December 17, 2007, 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 Nelms, Commissioners Bowden, Gregory, Taylor and Etheridge.

Invocation

Pledge of Allegiance

The Reverend David Blackman was present to give the invocation.

Approval of Agenda

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

- Item 1 **Public Comment**
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 2 **Ed Lazon, update on Moyock Library**
- Item 3 **Board of Commissioners' report to the People**
- Item 4 **Public Hearing and Action** PB 00-15 Soundside Recycling (HD Racy Newbern): Amendment of a Special Use Permit for Demolition Landfill Operation and Mulch Sales Stockpile Area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.
- Item 5 **Public Hearing and Action** PB 07-76 Conditional Zoning Text Amendment: Amendment to Chapter 2 and Chapter 12 of the UDO to establish conditional zoning districts.
- Item 6 **Public Hearing and Action** PB 95-36 Cypress Landing Phase 3 Request to extend the expiration for one year of the Amended Sketch Plan/ Special Use Permit for a 40 lot residential subdivision. The property is located on the north side of Tulls Creek Rd. approximately 500' east of Mack Jones Rd. Tax Map 14, Lots 13D, Moyock Township.
- Item 7 **Appointment to The Albemarle Commission**
- Item 8 **Appointments to Board of Adjustment**
- Item 9 **Appointment to Economic Improvement Council**
- Item 10 **Consent Agenda:**

1. Petition for Addition to State Maintained Road System- RiversEdge Subdivision
2. Approval of December 3, 2007, Minutes
3. Corolla Fire Dept. approval of septic system for volunteers house
4. Resolution Authorizing Upset Bid Process
5. Budget Amendments
6. Shawboro Elementary School - Change Order No. 4

Item 11 Commissioner's Report

Item 12 County Manager's Report

Public Comment

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

Chairman Nelms opened the public comment period. There being no comments, the public comment period was closed.

Ed Lazaron, update on Moyock Library

Ed Lazaron, Architect, reviewed the new Moyock Library. It will be on a 6 acre site with 2 acres for future development. The Kight house will be restored. Work should proceed within the next 60 days.

Board of Commissioners' report to the People

Chairman Nelms read the following statement:

2007 STATE OF CURRITUCK COUNTY REPORT

Vice-Chairman Gregory, Commissioners, County Staff, and my fellow Currituck County citizens, good evening. As Chairman of the Board of Commissioners, it is my sincere honor to deliver this report on the state of Currituck County.

There are many advantages to being a resident of Currituck.

Crime is down 7% this year, we live in safer communities. Our children attend excellent schools. Our taxes were not increased and remain exceptionally low. We are known for our heritage and our beautiful beaches.

Last year a New Majority of Board Members was elected and the voters spoke in unison about our political goals for the future.

OUR GOALS WERE SIMPLE:

Eliminate wasteful spending.
Provide for future infrastructure needs.
Instill an open-transparent government forum.
Protect our rural heritage, be friendly, be progressive.

Wasteful Spending:

In 2007, we made County Government more efficient. This year, county government relied heavily on our in house resources, and we put faith in the abilities of our staff to help us eliminate the past trends of excessive spending. The residents of Currituck are served by public employees who are hard working, talented and dedicated. During the past year, we have strengthened this staff by hiring capable and qualified personnel. These new employees bring enthusiasm and fresh ideas, and they have a progressive vision that will help us reach our goals for the coming year.

Our \$46.5 million dollar budget is managed so that we TODAY enjoy the 6th lowest property tax rate of all 100 counties in North Carolina. This corresponds to the 3rd lowest "Effective Tax Rate" when you compare the level of assessed value to the actual market value.

Currituck NOW has the lowest unemployment rate in North Carolina at 2.6%....far below the 4.6% state average. This is due in large part because you, our residents, have good work ethics and because you contribute to our overall well being.

Currituck County is financially STRONG due in part to our Outer Banks tax base, the expertise and managerial know-how of our County Manager, Dan Scanlon, and the diligence of our Financial Director, Sandra Hill.

Our Tourism industry THRIVED with increasing sales figures this past year. We all benefit with low taxes and job security.

Last Month, we began pursuing another dynamic opportunity in Moyock. We plan to open a Welcome Visitor's Center at the North Carolina border line on US 168.

Funding will come from excess occupancy tax revenues. The Welcome Center can benefit every business in Currituck. By having such a visible location at the state border, we will be able to lead more visitors to businesses and attractions on the Mainland and Knotts Island before they reach their final beach destination.

This will bring more tourism dollars into Currituck and significantly increase our sales tax revenue---which will provide us additional money to spend on future construction of schools and public buildings. Increased tourism results in a greater tax benefit for every Currituck household.

We are serious about re-investing our Tourism dollars back into the mainstream of Currituck. We have begun a concentrated effort to keep our dollars from leaving our domain. THIS IS OUR COMMON SENSE APPROACH TO INVESTING IN THE COUNTY'S FUTURE.

Our board made the decision last year to end the Church-Library Renovation Project--thereby saving hundreds of thousands of dollars on property the County did not own. We negotiated with the property owner and immediately started plans for a New Larger Facility on County Owned Land. The result will be The New 7,500 sq ft. Moyock Library and Cultural History Museum. Plans will be completed next month. Construction could begin in 60 days with a

completion date set for next summer. The library will include ample parking, a children's story time area, and computer terminals for teens, an adequate adult section, and a meeting room for civic groups. We hired a Recognized Library Architectural Firm to draw the plans. We included expertise from our Local Library Staff and the Regional Library. The plans have been drawn and approved by our BOC. The facility is designed so that it can be used day and night by residents who work during the day. The outside of the facility will include a Discovery Garden, a Senior Citizens' Walking Path, and access to the Historic Kight Farm House on adjoining property. The County will eventually own the Kight House, which will be renovated at no expense to the county. The Kight House will symbolize Currituck's commitment to our rural heritage and character. This 6 acre project will was obtained at no cost to our taxpayers!

Our board acquired a 50 acre site for a future High School across the street from the New Library.

The plan of combining public facilities sites close to each other was purposeful. It reduces governmental expenditures, negates duplicate services, and it directs our people to facilities that encourage community pride. As these sites become a part of our daily lives, they instill a sense of partnership between the community and the government. We have taken action this year in an efficient manner to instill a sense of community in our decision making.

INFRASTRUCTURE NEEDS/NECESSITY

Our greatest Infrastructure need, of course, is SCHOOLS: We funded the construction of two new elementary schools this year at a total cost of \$38 million dollars. Construction on both schools is on schedule, and the Jarvisburg School will open in the fall of 2008.

We also funded the construction of a \$24 million dollar upgrading of our central water plant that will make us independent and not require us to rely on outsourcing our future water needs. This plant will produce an additional 1.5 million gallons per day, with room in the design for additional expansion. This expansion will carry Currituck into the next 25 years of water needs. Planning for our future is always on our agenda.

Our board funded the construction of two additional elevated water towers and 5 additional wells . We funded piping improvements to meet the needs of residents and businesses, and to reduce your annual homeowner's fire insurance rates...this benefits every homeowner in Currituck County!

INFRASTRUCTURE ON OUR OUTER BANKS

Corolla residents had a need for a public meeting room early this year. The renovation of the Corolla Library provided a meeting area for residents and visitors. A cost effective solution was reached between your Chairman, the Librarian, and the residents. A local contractor was hired, and the work was completed within a

few months. This project used an existing resource to meet the growing needs of the resident population. A cost effective solution provided the infrastructure that meets the immediate needs of the residents.

Our board supported the Whalehead Storm Water Service District Advisory Board by endorsing an Action Plan that will be implemented in June of 2008. Commissioners Nelms and Bowden jointly negotiated with the developer to relinquish title to 6 roads in Whalehead Beach so that land would be available for catch basins necessary to alleviate the flooding of hundreds of homes. This was all accomplished without litigation and at NO COST to the taxpayer. Cooperation between Developer-Your Commissioners-Residents-State Government = Problem Solving.

Infrastructure needs of others were met by our Public Works and Water Department. We listened and responded this year to citizens' requests for improved water pressure in the Waterlily community. Public Works Employees investigated, researched and installed a new check valve in the community water line. Additional equipment to insure adequate water pressure is maintained was ordered.

Commissioner Ernie Bowden has been successful and supportive in seeing the fruition of the Construction Start Up this year of the New Knotts Island Fire Station after many years of frustration. This year Ernie saw the financing and construction start of a New Water Access Park at Carova Beach . Jason Weeks , our Parks/Recreation Director was instrumental in acquiring a state grant of \$250,000 to pay for the project. This is solid evidence of the financial rewards taxpayers receive when they have a commissioner, staff members, and cooperation between our County and our state.

THANK YOU Commissioner Bowden and Thank You Jason Weeks and staff.

AIRPORT INFRASTRUCTURE

Commissioner Gene Gregory, our Vice-Chairman, has played a key role in helping Currituck develop our Corporate Airport facility. His leadership in the improvement of a NEW 1,500 foot runway extension to allow Corporate jet traffic, an additional parking area, the addition of a security fence, and the expansion of additional hangar space have added immensely to our efforts to bring additional businesses into Currituck and thereby diversify our economy. THIS YEAR THE CURRITUCK COUNTY AIRPORT BEGAN HANDLING CORPORATE AIRCRAFT TRAFFIC FOR THE FIRST TIME EVER. THANK YOU Commissioner Gregory.

Our board realizes that Currituck County cannot be totally dependent on the Tourism Economy and YOUR COMMISSIONERS have taken action to bring new mainland business to Currituck.

Commissioner Owen Etheridge has played a major role in helping Currituck gain the new Cooperative Extension building as he was on the 2006 board when the original plans and funding were done. Credit for the Extension building rightfully belongs to the

previous BOC. Though some of these men are no longer in office, we appreciate their contributions.

The County Cooperative Extension administers many successful programs, such as the Master Gardeners and the 4-H Club. Construction progressed this year and the opening is scheduled in January 2008.

THANK YOU Commissioner Etheridge.

OPEN GOVERNMENT

Commissioner Janet Taylor has been instrumental in increasing Public Awareness of our county government. Janet brings her years of expertise on the School Board to our meetings which has been invaluable. Her emphasis has been to continually receive public input on all issues. She has personally conducted MEETINGS in Moyock this past year.

Subjects included:

The New Moyock Library,
Incorporation of Corolla,
Redrawing of district Voting lines
OLF Issue.

Janet remains committed to making sure the people are informed by our government.

THANK YOU Commissioner Taylor.

FRIENDLY-COOPERATIVE-PROGRESSIVE

During 2007, our board has been strengthened by the hiring of capable and well qualified personnel. These new staff members bring enthusiasm and FRESH IDEAS to the table. They all have a PROGRESSIVE VISION FOR THE FUTURE that will help Currituck reach its goals of maintaining its rural character while addressing the developmental pressures that accompany growth.

Our board expects our employees to be resourceful, hard-working, talented, qualified, and dedicated to you, our citizens.

We want them to have a progressive vision that will continue to help us reach our goals. Examples of this spirit are found in:

MICHAEL CARTER:

Chief of Emergency Medical Services

Michael came to us this April and has been the GUIDING LIGHT in many improvements to our EMS program. These include: staffing a new station on our Outer Banks, developing a re-certification training program, and implementing new Mobile Communication Terminals in emergency vehicles.

PETER BISHOP:

Economic Development Director

Peter joined our staff this August. Currituck had suffered for more than 2 years without an Economic Development Director. He has great ideas to boost the commercial and industrial potential and help our small businesses grow. It is essential that we diversify our economy and Peter is the lead county employee whose job it is to GET 'ER DONE! Peter has know-how, intelligence, and will provide the leadership that we have been without for 2 years.

BEN WOODY

Planning Director

Ben just came to us this September from Greensboro, NC where he was highly respected and skilled in planning and community development. Ben is currently improving our customer service by revising the Unified Development Ordinance into a document that is easier to use and understand. He is charged with making the UDO user friendly, a monumental task! The UDO has already been reformatted and the new version is now available for the public's use.

Ben is now working on a public-private wastewater system for the county. A private firm has indicated that they are willing to invest in Currituck if we establish a Central Wastewater District. Such a partnership will give Currituck County the critical component that is presently lacking to attract commercial and industrial business and enhance economic growth and diversity. It spurs economic development and addresses our ecological concerns.

Throughout the County, many departments enjoyed tremendous success on a daily basis by responding to residents' needs, improving customer service and increasing efficiency.

The tax department billed more than 52,000 tax bills. They achieved a 98% collection of taxes levied, which is the highest percentage collected in over 20 years. What an asset they are!

The tax department also improved customer service by placing tax information on our website and partnered with the GIS Dept. to link data into the online mapping feature. Our County website is today an excellent example of government working to make processes easier for residents.

Our Information Technology Department installed a new state-of-the-art phone system throughout County Offices. This will give staff the ability to link telephones, email, fax, and messaging into one easy-to-use-system.

Customer service will also be improved through the re-design of our government website. This award winning site will be more user-friendly and easier to navigate. It will be up and running in January.

Closing Remarks

We have been diligent in our resolve to get things done, save you money, operate an open, efficient government, and make Currituck a friendlier place to do business.

In light of our many successes, I offer my appreciation to everyone who has given their time to help make Currituck County a better place to live, work, and play. Thanks to all my fellow Commissioners.

As Chairman, I also extend a special thank you on behalf of this Board to County Manager Dan Scanlon. Dan puts in long hours and exhibits a dedication that we hope to see modeled by all County employees.

Our 2007 Goals were ACCOMPLISHED

Your BOC looks to 2008 as a YEAR with great opportunity.

"PLAN FOR THE FUTURE NOW! AND WASTE NOT"
THIS WILL BE OUR MOTTO

Infrastructure is the Key to our Economic Future.
Open Government will be the Norm
Common Sense-Cooperation-Fairness
Will be our Guiding Lights

"We will always listen to your opinions, respect your concerns, be fair, and we will not waste your tax dollars."

Public Hearing and Action PB 00-15 Soundside Recycling (HD Racy Newbern): Amendment of a Special Use Permit for Demolition Landfill Operation and Mulch Sales Stockpile Area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director reviewed the amendment.

On May 7, 2007 the Board of Commissioners granted Soundside Recycling a six month extension of condition #2 of their Special Use Permit (SUP) for a Demolition Landfill. This condition requires the entire operation be moved east of the VEPCO main power transmission line easement, approximately 1,000' from Caratoke Highway.

At the December 3 Board of Commissioners work session, Staff was directed to meet with Mr. Racy Newbern to develop a reasonable schedule for compliance with condition #2 of the SUP. Additionally, the Board requested Staff work with Mr. Newbern to develop alternatives to any SUP conditions that may be affected by State permit requirements.

What follows is a copy of the Special Use Permit and site plan issued on December 4, 2006. Alternative SUP conditions developed in response to applicable State permit requirements and/or meeting with Mr. Newbern, will be provided at the December 17 Board of Commissioners meeting.

Should you have any questions, do not hesitate to contact me at 232-6029.

**COUNTY OF CURRITUCK
SPECIAL USE PERMIT GRANTED**

On the date(s) listed below, the Board of Commissioners for the County of Currituck met and held a public hearing to consider the following application:

Applicant: H.D. (Racy) Newbern, IV
Property Location: 7565 Caratoke Hwy.
Jarvisburg, NC 27947
Site : Soundside Recycling
Tax Map: 110, parcels 38 and 39
Proposed Use of the Property: Demolition landfill operation / mulch sales stockpile area
Meeting Dates: 12/04/06 - Board of Commissioners' Public Hearing/Action

Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Currituck County Unified Development Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved subject to all applicable provisions of the Unified Development Ordinance and the following conditions:

1. The applicant shall maintain the development strictly in accordance with the plan submitted to and approved by the Board of Commissioners, a copy of which is filed in the office of the Planning and Inspections Department.
Approximate Acreages:
Recycling Area 3.4 acres
Compost Area 2.0 acres
Hurricane Storage Area 8.5 acres
2. That the special use permit shall be valid until December 5, 2010 with the condition that operation be moved east of the power transmission lines as approved in the attached site plan by June 4, 2007;

3. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
4. That the mulch sales storage area not exceed 6' in height, 100' in length and 60' in width;
5. That no demolition storage pile areas exceed 15' in height;
6. That the applicant maintain substantially high berms to effectively conceal all debris piles from public view from Caratoke Highway (US 158). The height of these berms shall be a minimum of 12 feet but may be higher depending on the height of debris piles;
7. That the berm height be uniform, complete, and continuous
8. That the applicant will be permitted one (1) permanent sign and one (1) temporary sign for the business.
9. That no transportation equipment (tractors or trailers with or without debris) be parked or stored outside the designated area as shown on the attached site plan.
10. That the following comments from the county's Fire Marshall be incorporated within this approval:
 1. No Smoking except in designated areas are allowed. Signage should indicate appropriate areas.
 2. Fire operations will require an all weather surface and 20' access width to all areas of the compound. Would recommend 2 ingress/egress points.
 3. Each fuel-fired vehicle shall be equipped with a 2-A:20-B:C or higher fire extinguisher.
 4. A fire hydrant must be within 400' of all portions of any structure.
 5. Plant growth must be maintained in order to prevent wind blown debris escaping the site.
11. That the hours of operation be set at 7:30 a.m. to 5 p.m. weekdays and 7:30 a.m. to 12 noon on Saturdays with no operations allowed on Sundays;
12. That all material must be kept on site at all times and that necessary steps are taken to keep material from blowing off the property; and,
13. Suggested Staff Findings of Fact:
 1. *OWNER* *APPLICANT*

HD (Racy) Newbern IV	HD/Marlene Newbern
P. O. Box 277	PO Box 176
Powells Pt, NC 27966	Aydlett, NC 27916
(252) 491-5744	(252) 453-3032

2. The tract is located on the east side of Caratoke Hwy. approximately 200' south of the intersection with SR 1156 (North River Rd.) in Powells Point, Tax Map 110, parcels 38 & 39, Poplar Branch (ML) Township.
3. The property is being utilized as a recycling center.
4. The applicant received the original special use permit on May 1, 2000 and a renewals on April 16, 2001, June 17, 2002, and June 6, 2005 to temporarily store untreated demolition waste (treated & untreated wood products, cardboard, plastic, vinyl, wallboard, metal and shingles) on two (2) acres of land in an "Agriculture" zoning district which is permitted in an A district with a SUP.
5. The applicant currently recycles demolition waste using a tub grinder. Since the UDO does not specifically list this use in the Table of Permissible Uses, the staff determined this use had impacts similar to a demolition landfill which required a special use permit in an "A" zoning district.
6. According to county Zoning Maps, the nearest dwelling to the existing recycling area is approximately 300 feet west.
7. The mulch stockpile sales area will be located east of the power line right-of-way
8. No burning of waste will be permitted on the site unless a special use permit is granted for an incinerator. Further, all necessary state permits must be obtained prior to burning waste.
9. The site is surrounded by the following land uses:

West (Front)	Commercial (Antique Store)-zoned "GB"
East (Rear)	Farmland - zoned "A"
North (Side)	Farmland (agricultural operations) - zoned "A"
South (Side)	Farmland - zoned "A"

10. The 1990 Land Use Plan classifies this land as "Limited Transition".
11. The proposed site is located along a Minor Arterial in the County's Thoroughfare Plan.
12. According to the application, the storage area will not increase the county's ability to provide facilities in anyway.

Chairman Nelms opened the public hearing, there being no comments closed the public hearing.

Commissioner Bowden moved to approve with staff comments. Commissioner Gregory seconded the motion. Motion carried.

Public Hearing and Action PB 07-76 Conditional Zoning Text Amendment: Amendment to Chapter 2 and Chapter 12 of the UDO to establish conditional zoning districts.

Ben Woody, Planning Director, reviewed the request.

The Board of Commissioners asked staff to develop conditional zoning as an option for promoting orderly growth in Currituck County. Conditional zoning districts are zoning districts in which the development and use of the property is subject to standards, regulations, or other conditions imposed as part of the legislative decision creating the district and applying it to the particular property.

A conditional zoning district typically allows an applicant to propose use limitations or development conditions that ensure compatibility between the subject property and surrounding properties. In addition to limitations proposed by the applicant, conditional zoning districts include all requirements of the corresponding general zoning district. For example, if an applicant is approved for Conditional District General Business (CD-GB), all the requirements of the GB zoning district would apply to the property, as well as any additional conditions or limitations proposed during the rezoning process.

Some examples of zoning conditions may include, but are not limited to the following:

1. Limited to residential uses
2. Maximum of 25 dwelling units
3. Maximum of 20,000 sq. ft. of gross floor area
4. A 50 foot undisturbed buffer shall be maintained along the eastern property line
5. Outdoor storage shall be prohibited
6. The exterior of all structures shall be constructed primarily of masonry building materials

It is also permissible to visually depict zoning conditions through the use of a site plan that is submitted as part of the application. Each request for a conditional zoning district should be considered independently of one another as each request is unique to the parcel being rezoned.

What follows is a draft of the text amendment, along with a copy of the Conditional Zoning Application. The Planning Board heard this request at their November 13 meeting, and due to this amendment being fast-tracked, the meeting minutes and recommendation will be provided at the December 17 Board of Commissioners meeting.

Should you have any questions, do not hesitate to contact Ben Woody at 232-6029.

Conditional Zoning Districts
PB 07-76
CURRITUCK COUNTY COMMISSIONERS
UDO AMENDMENT REQUEST

An amendment to Chapter 2 and Chapter 12 of the UDO to create conditional zoning districts.

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 Chapter 2 be amended by adding the following language:
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Section 2.3 Conditional Zoning

2.3.1 Purpose

Conditional zoning districts are zoning districts in which the development and use of the property is subject to standards, regulations, or other conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the Currituck County Land Use Plan, and other adopted plans.

2.3.2 Parallel Conditional Zoning Districts Established

A parallel conditional zoning district is a zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use(s) permitted in a general zoning district having a parallel designation or name. A conditional zoning district, bearing the designation "CD" is hereby established as a parallel district for every zoning district established in this ordinance. All regulations which apply to a general zoning district shall also apply to the parallel conditional zoning district.

2.3.3 Pre-application Meeting Required

It is required the applicant hold a pre-application meeting with the Administrator prior to submission of an application for a conditional zoning district. The Administrator can assist the applicant in determining preliminary assessments regarding the appropriateness of proposed conditions with respect to existing zoning and surrounding land use(s).

2.3.4 Community Meeting Recommended

Before a hearing is held on a application for a conditional zoning district, it is recommended that the applicant hold at least one community meeting. The applicant shall indicate on the application, or at the hearing, whether a community meeting was held and if so, file a report with the application. The report should include, among other things, the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.

2.3.5 Conditions, Plans, and Other Information to Accompany Application

- A. Only the property owner(s) of all the property to be included in the district shall be eligible to apply for rezoning to a conditional zoning district.
- B. The owner shall submit an application that specifies the use(s) of the property and shall propose additional conditions to ensure compatibility between the development and the surrounding neighborhood. The information to accompany the application shall include (as applicable):
 1. Verification of community meeting, if held.
 2. A boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), and the general location in relation to streets, railroads, and waterways.
 3. All existing easements and rights-of-way.

4. Areas in which structures will be located.
 5. Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development.
 6. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant.
 7. All existing and proposed points of access to public streets.
 8. Delineation of areas within the regulatory floodplain as shown on the Official Flood Hazard Boundary Maps for Currituck County.
 9. Proposed phasing, if any.
 10. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development.
 11. Generalized traffic, parking, and circulation plans.
- C. The Administrator has the authority to waive any application requirement where the type of use or scale of proposal makes providing that information unnecessary or impractical.
- D. A site plan or any supporting text shall constitute part of the application for all purposes under this Section.

2.3.6 Application Approval

- A. In approving an application for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners request, that reasonable and appropriate conditions be attached to approval of the application. Any such conditions should relate to the relationship of the proposed use(s) to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, and other matters that the board may find appropriate or the applicant may propose. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.
- B. Any conditions attached to the approval of the application may not be less restrictive than would otherwise be required by this Ordinance.

2.3.7 Scope of Approval

- A. Any conditions in association with a conditional zoning district and so authorized shall be perpetually binding

upon the property included in such conditional zoning district unless subsequently changed or amended as provided for in this Ordinance.

B. No condition on a conditional zoning district application shall have the effect of removing or amending any requirement of this Ordinance.

C. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept or violate any of the conditions of approval, the conditional zoning district shall be deemed null and void and the Board of Commissioners shall initiate proceedings to rezone the property to its previous zoning classification.

2.3.8 Alterations to Approval

Except as provided below, changes to an approved application or to the conditions attached to the approved application shall be treated the same as amendments to these regulations or to the zoning map and shall be processed in accordance with the procedures in this Ordinance.

Item 2: That Section 12.5.1 be amended subject to the following:

Section 12.5 Map Amendment (Rezoning) Process

12.5.1 Review Process

The following process shall be followed for any standard rezoning request that does not involve a site specific plan general or conditional district rezoning request.

Item 3: That Section 12.5.3 be created subject to the following:

12.5.3 General Provisions for Conditional Zoning Districts

A. Conditional zoning districts are zoning districts in which the development and use of the property is subject to standards, regulations, or other conditions imposed as part of the legislative decision creating the district and applying it to the particular property.

B. A conditional zoning district allows particular uses to be established in accordance with specific standards and conditions pertaining to each individual process.

C. See Chapter 2 for detailed provisions for conditional zoning districts.

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause,

or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Chairman Nelms opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Etheridge moved to approve with the requirement of a community meeting 14 days prior to the Planning Board meeting. Commissioner Taylor seconded the motion. Motion failed with Chairman Nelms, Commissioners Gregory and Bowden voting no.

Commissioner Bowden moved to approve as presented. Commissioner Gregory seconded the motion. Motion carried.

Public Hearing and Action PB 95-36 Cypress Landing Phase 3 Request to extend the expiration for one year of the Amended Sketch Plan/ Special Use Permit for a 40 lot residential subdivision. The property is located on the north side of Tulls Creek Rd. approximately 500' east of Mack Jones Rd. Tax Map 14, Lots 13D, Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

Cypress Landing Associates (Kim and Jerry Old) has requested a 1 year extension of the Amended Sketch Plan approval received December 19, 2005. The Sketch Plan approval is due to expire on December 7, 2007. UDO Section 2018 allows for a time extension up to one year if the following conditions are met:

1. The Permit has not yet expired
2. The Permit recipient has proceeded with due diligence and in good faith
3. Conditions have not changed so substantially as to warrant a new application.

The Preliminary Plat for Cypress Landing was reviewed at the September 20, 2007 technical review committee. The project has not been heard by the Planning Board yet due to revisions needed in the stormwater management plans and a change in engineering firms. Planning staff and Eric Weatherly, County Engineer, met with Mel Hopkins Engineering on November 16, 2007 to review the Technical Review Committee comments from September.

Chairman Nelms opened the public hearing. There being no comments closed the public hearing.

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

Appointment to The Albemarle Commission

Commissioner Gregory moved to appoint Chairman Nelms and Diane Bray. Commissioner Bowden seconded the motion. Motion carried.

Appointments to Board of Adjustment

Chairman Nelms moved to appoint Earl Wemer and reappoint Paul Beaumont. Commissioner Etheridge seconded the motion. Motion carried.

Appointment to Economic Improvement Council

Commissioner Bowden moved to appoint Commissioner Gregory. Chairman Nelms seconded the motion. Motion carried.

Consent Agenda:

1. Petition for Addition to State Maintained Road System-RiversEdge Subdivision
2. Approval of December 3, 2007, Minutes
3. Corolla Fire Dept. approval of septic system for volunteers house
4. Resolution Authorizing Upset Bid Process
5. Budget Amendments
6. Shawboro Elementary School - Change Order No. 4

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

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, The County of Currituck owns certain property, PIN 110B-004-0012-0000, 141 Parker Street, Lot 12, Block 4, Albemarle Sound Beach Estates, Jarvisburg, NC, located within Poplar Branch Township; and

WHEREAS, North Carolina General Statute 160-269 permits the county to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$7,500.00, submitted by Kenneth and Alisa Carpenter.

WHEREAS, Kenneth and Alisa Carpenter have paid the required five percent (5%) deposit on this offer;

THEREFORE, THE COUNTY COMMISSIONERS OF CURRITUCK COUNTY RESOLVE THAT:

1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269.
2. The County Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the County Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period the County Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the County Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that
 - the County Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
 - The buyer must pay with cash at the time of closing.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to Kenneth and Alisa Carpenter.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50380-481000	Investment Earnings Hangar, Taxiway and	\$ 999	
50550-592005	Fencing		\$ 999
		\$ 999	\$ 999

Explanation: County Governmental Construction (50550) - To change scope of project from 10 Unit T-Hangars and Fencing to Hangar, Hangar Taxiway and Fencing and to adjust to Grant budget.

Net Budget Effect: County Governmental Construction Fund (50) - Decreased by \$999.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10460-514000	Travel	\$ 5,000	
10460-514500	Training	\$ 1,500	
10460-561000	Professional Services		\$ 6,500
		\$ 6,500.00	\$ 6,500.00

Explanation: Public Works (10460) - Transfer funds to cover the cost of the County Engineer and County Utilities Director for project administration, construction, and new treatment techniques training.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-590000	Capital Outlay	\$ 20,000	
10390-499900	Fund Appropriated Balance		\$ 20,000
		\$ 20,000	\$ 20,000

Explanation: Social Services Administration (750) - To purchase vehicle to replace 1999 Ford Taurus, VIN #1FAFP53U3XG301886 due to high cost repairs need to this vehicle. This vehicle was budgeted for FY 2008-09 and we request to advance this purchase to this fiscal year.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10450-557000	Tax Refunds	\$ 2,200	
10310-401200	Penalties & Interest		\$ 2,200

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50548-561000	Professional Services	\$ 3,834	
50548-588000	Contingency		\$ 3,834
		\$ 3,834	\$ 3,834

Explanation: County Governmental Construction (50548) - To transfer funds for Hyman & Robey invoice for engineering on the Knotts Island Fire Department building.

Net Budget Effect: County Governmental Construction Fund (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
50640-570004	Reimbursable Expenses	\$ 75,000	
50640-588004	Contingency		\$ 75,000
		\$ 75,000	\$ 75,000

Explanation: County Governmental Construction (50640) - To transfer funds for additional furnishings for the Cooperative Extension building.

Net Budget Effect: County Governmental Construction Fund (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
20609-545000	Contract Services	\$ 342,901	
20390-499900	Fund Balance Appropriated		\$ 342,901
		\$ 342,901	\$ 342,901

Explanation: Whalehead Watershed Service District (20609) - To appropriate fund balance for Stormwater Master Plan for the Whalehead Subdivision in the amount of \$260,630 and for Drainage Basin and Dune Discharge Interim Project for Whalehead Subdivision in the amount of \$173,635.

Net Budget

Effect: Whalehead Stormwater Service District (20) - Increased by \$342,901.

Commissioner's Report

The Board wished everyone a Merry Christmas and a Happy New Year.

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.