CURRITUCK COUNTY
NORTH CAROLINA
FEBRUARY 5, 2007

The Board of Commissioners met on Monday, February 5, 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 Gregory, Bowden, Taylor and Etheridge.

Invocation and Pledge of Allegiance

The Reverend Glenn McCranie was present to give the invocation.

Approval of Agenda

Commissioner Bowden moved to amend the agenda by adding recognition of Raymond Sawyer, delete Items 10 and 11. Commissioner Gregory seconded the motion. Motion carried.

Item 1 Approval of Agenda

Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Item 3 **Public Hearing and Action on Amendment to Code of Ordinances, Chapter 2 (Administration), Article III (Authorities, Boards and Commissions), Division 3 (Economic Development Board)** Amendment to eliminate term limits for members of the Economic Development Board

Item 4 **Action on Resolution Amending "A Resolution of the County of Currituck, North Carolina Establishing a Parks and Recreation Advisory Board"** Resolution to eliminate term limits for members of the Parks and Recreation Advisory Board.

Item 5 **Public Hearing and Action on PB 06-56 RAYMOND AND JENNIFER ALLEN (PAWN SHOPS)** Request to amend Currituck UDO Article 13, Permissible Uses and Table, to allow a pawn shop in a General Business zoning district.

Item 6 **Public Hearing and Action on Pawnbroker Ordinance** Amendment to Chapter 8 of the Currituck County Code of Ordinances to codify Article III, Pawnbrokers

Item 7 **Public Hearing and Action on PB-07-01 UDO AMENDMENT REQUEST (TERM LIMITS)** an amendment to Article 19, Administrative Mechanisms, Sections 1901, Appointments and Terms of Planning Board Members and 1907, Appointment and Terms of Board of Adjustment to remove the requirement for term limits.

Item 8 **Public Hearing and Action PB-07-02 UDO AMENDMENT REQUEST (TERM LIMITS)** - An amendment to Article 20, Zoning, Special Use, and Conditional Use Permits, Section 2021, Amendments to and Modifications of Permits, Article 22, Hearing Procedures for Appeals and Applications, Sections 2201 Hearing Required on Appeals and Applications and 2202 Notice of Hearing, and Article 24 Amendments, Section 2404 Hearing Required; Notice of the Unified Development Ordinance to clarify the procedures for amendments

Item 9 **Public Hearing and Action on PB 06-31 KNOTTS ISLAND FIRE STATION** PB 06-31 KNOTTS ISLAND FIRE STATION: Special Use Permit. The property is located at 327 Knotts Island Road, approximately 460

feet south of the intersection with Marsh Causeway, Tax Map 76, Parcel 23A, Fruitville Township

Item 10 **Public Hearing and Action on PB 06-23 COVEY RUN** Sketch Plan/Special Use Permit for a 16 lot open space residential subdivision. The 44 acre property is located on South Indiantown Road, 8/10 of a mile south of the intersection with US 158 (Shortcut Road), Tax Map 44, Parcel 11C, Crawford Township.

Item 11 **Public Hearing and Action on PB 88-66 Villages at Ocean Hill:** Amended Sketch Plan to increase density by 4 lots on parcels that are former will sites. The tow properties are located at the north end of Corolla Village Road Tax Map 114, Parcel 3M and the intersection of Lakeside Drive and NC 12, Tax Map 114, Parcel WELL, Block 1, Poplar Branch-Outer Banks Township

Item 12 **Public Hearing and Action on PB 04-53 Brumsey Woods;** amended Sketch Plan for 17 lots to re-align roads located on Brumsey Road approximately 500' west of the intersection with Tulls Creek Road, Tax Map 49, lots 34S and 34T, Crawford Township.

Item 13 Discussion and action on Certified Industrial Park, Maple

Item 14 Discussion on Service District

Item 15 Action on lease with R & E Development, LLC & Change Order on Moyock Library/Information Center

Item 16 Discussion and action on renewal of Carolina Water Purchase Agreement

Item 17 Appointments to Whalehead Board of Trustees

Item 18 **Consent Agenda:**
Budget amendments 2007056-2007059
Approval of County fire district map
Approval of January 16, 2007, Minutes
Waive sign fee for Animal Assistance League
Approval of funds for Knotts Island Fire Truck

Item 19 Commissioner's Report

Item 20 County Manager's Report

Item 21 Closed Session to discuss personnel and property acquisition

Presentation to Raymond Sawyer

The Board of Commissioners presented a plaque to Raymond Sawyer in appreciation of his years of service to the Recreation Advisory Board.

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.

Bill Gregory, Moyock, supports the new junk vehicle ordinance and requested Board to enforce removal of junk vehicles within several subdivisions that were in attendance with him.

John Snowden, Maple, questioned the closed session for property acquisition. He also requested county to clean up illegal signs in the county.

Commissioner Etheridge questioned Manager on the school activity bus and what Board of Education had requested in the budget.

Chairman Nelms, made a statement clarifying that the Board will not raise taxes. He further commented on inaccurate reporting in the newspapers.

Commissioner Gregory requested a letter opposing the 25% rate increase for insurance in the coastal counties be sent to local legislators.

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

Public Hearing and Action on Amendment to Code of Ordinances, Chapter 2 (Administration), Article III (Authorities, Boards and Commissions), Division 3 (Economic Development Board) Amendment to eliminate term limits for members of the Economic Development Board.

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

Commissioner Gregory moved to adopt the amendment. Commissioner Bowden seconded the motion. Motion carried with Commissioner Etheridge voting no.

Sec. 2-138. Appointment and terms of members.

The citizen members of the economic development board shall be appointed by and serve at the pleasure of the board of commissioners as follows:

(1) Currently appointed members shall remain on the economic development board until the expiration of their present three-year terms. Thereafter, members shall be appointed such that the commissioner representing each of the county's four districts, Crawford, Poplar Branch, Fruitville, and Moyock, shall appoint two members, and the at-large commissioner shall appoint one member. Members shall be appointed annually on the first day of January for terms of three years.

(2) The commissioner serving as an ex officio member shall be appointed by the board of commissioners on the first Monday in December to serve for a two-year term.

(3) In the event of a vacancy of a citizen member's seat, the board of commissioners shall appoint a citizen to fill the unexpired term of office.

(Ord. of 4-15-91, pt. I, § 3; Amd. of 1-3-00, pt. I, § 3)

Action on Resolution Amending "A Resolution of the County of Currituck, North Carolina Establishing a Parks and Recreation Advisory Board" Resolution to eliminate term limits for members of the Parks and Recreation Advisory Board.

Commissioner Gregory moved to approve. Commissioner Bowden seconded the motion. Motion carried with Commissioner Etheridge voting no.

RESOLUTION ELIMINATING TERM LIMITS FOR ALL CURRITUCK COUNTY ADVISORY BOARDS AND COMMITTEES ESTABLISHED BY RESOLUTION

WHEREAS, the Currituck County Board of Commissioners, by resolution, has established several advisory boards and committees; and

WHEREAS, said resolutions may limit the terms of office for members of said advisory boards and committees; and

WHEREAS, the Currituck County Board of Commissioners now desire to eliminate term limits for all advisory boards and committees established by resolution;

NOW THEREFORE LET IT BE RESOLVED:

1. All term limits shall be eliminated for advisory boards and committees established by resolution of the Currituck County Board of Commissioners.
2. This resolution shall be effective upon its adoption.

Public Hearing and Action on PB 06-56 RAYMOND AND JENNIFER ALLEN (PAWN SHOPS) Request to amend Currituck UDO Article 13, Permissible Uses and Table, to allow a pawn shop in a General Business zoning district.

Sarah Keifer, Planning Director, reviewed the request.

Raymond and Jennifer Allen, Pawn Shops
PB 06-56
UDO AMENDMENT REQUEST

Raymond and Jennifer Allen requests an amendment to Article 13, Permissible Uses and Table, Section 1310, Table of Permissible Uses of the UDO to permit Pawn Shops with a zoning permit in the General Business zoning district.

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 Article 13, Permissible Uses and Table, Section 1310, Table of Permissible Uses the following section be amended by adding the following underlined language:

Section 1310 Table of Permissible Uses.

USE#	DESCRIPTION	A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM
2.15	Pawn Shop								Z			

Item 2: 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.

Raymond and Jennifer Allen, Pawn Shops
PB 06-56
STAFF RECOMMENDATION

An amendment to Article 13, Permissible Uses and Table, Section 1310, Table of Permissible Uses, Article 14, Conditional and Special Uses, Section 1403 Specific Standards, and Article 25, Definitions, of the UDO to permit Pawn Shops with a special use permit in the General Business, Commercial, Light Manufacturing, and Heavy Manufacturing 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 Article 13, Permissible Uses and Table, Section 1310, Table of Permissible Uses the following section be amended by adding the following underlined language:

Section 1310 Table of Permissible Uses.

USE#	DESCRIPTION	A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM
2.15	Pawn Shop							S	S		S	S

Item 2: That Article 14, Conditional and Special Uses, Section 1403 Specific Standards be amended by adding a new Item 25 with the following underlined language:

Section 1403 Specific Standards.

25. Pawn Shops

1. All pawn shops shall apply for a Pawn Brokers License simultaneously with an application for a Special Use Permit. Both the License and the

Special Use Permit shall be considered concurrently by the Board of Commissioners.

2. All pawn shops shall operate in accordance with G.S. 91A.

3. The requirements for a Pawn Brokers License are found in Chapter 8, Article III of the Currituck County Code of Ordinances.

4. A Special Use Permit for a Pawn Shop shall be valid only if the applicant also holds a Currituck County Pawn Broker's License.

Item 3: Article 25, Definitions be amended by adding the following underlined language in alphabetical order:

Section 2501 Definitions of Basic Terms.

Pawn or **Pawn Transaction**: A written bailment of personal property as security for debt, redeemable on certain terms within one hundred eighty (180) days, unless renewed, and with an implied power of sale on default.

Pawnbroker: A person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

Pawnshop: The location at which or in which a pawnbroker regularly conducts business.

Pledged Goods: Tangible personal property which is deposited with or otherwise delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

Purchase: Any item purchased from an individual for the purpose of resale whereby the seller no longer has a vested interest in the item.

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

Public Hearing and Action on Pawnbroker Ordinance Amendment to Chapter 8 of the Currituck County Code of Ordinances to codify Article III, Pawnbrokers

Kate McKenzie, County Attorney, reviewed the ordinance.

ORDINANCE REGULATING AND ESTABLISHING LICENSING OF PAWNBROKERS
Chapter 8 of the Currituck County Code of Ordinances
Article III

WHEREAS, pursuant to Chapter 91A of the General Statutes of North Carolina, it is unlawful for any person, firm, or corporation to establish or conduct a business of pawnbroker unless such person, firm, or corporation has procured a license to conduct business in compliance with state law; and

WHEREAS, there is or may be persons, firms, or corporations conducting a business of pawnbroker without having procured a license and the County of Currituck is currently without process for the procurement of a license to establish or conduct a business of pawnbroker; and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-121, a county may be ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the County; and

WHEREAS, the Board of Commissioners finds and declares that the passage of this ordinance will:

(1) ensure a secured system of making loans and acquiring and disposing of tangible personal property by and through pawnshops, and to prevent unlawful property transactions, particularly in stolen property, through licensing and regulating pawnbrokers;
(2) provide for licensing fees and investigation fees of licensing;
(3) ensure financial responsibility to the public; and
(4) assist law enforcement in the exercise of its authority.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CURRITUCK, NORTH CAROLINA:

Sec. 8-52. Short Title; Purpose; Adoption of State Law.

This article shall be known and may be cited as the pawnbrokers ordinance of Currituck County. This article is enacted to adopt all of the provisions of G.S. 91A-1 *et seq.*, the Pawnbrokers Modernization Act of 1989, such statute being incorporated in this article by reference.

Sec. 8-53. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Pawn and *pawn transaction* mean a written bailment of personal property as security for a debt, redeemable on certain terms within 180 (one hundred eighty) days, unless renewed, and with an implied power of sale on default.

Pawnbroker means any person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

Pawnshop means the location at which, or premises in which, a pawnbroker regularly conducts business.

Person is any individual, corporation, joint venture, association, or any other legal entity, however organized.

Pledged goods means tangible personally property which is deposited with, or otherwise actually delivered into, the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

Purchase means any item purchased from an individual for the purpose of resale whereby the seller no longer has an interest in the item.

Sec. 8-54. License required.

It is unlawful for any person to establish or conduct a business of pawnbroker unless such person has procured a license to conduct business in compliance with the requirements of this article. Violation of the license requirement will invoke the penalties set forth in this article and in G.S. 91A-11.

Sec. 8-55. Requirements for licensure; revocation.

(a) To be eligible for a pawnbroker's license, an applicant must:

(1) Be of good moral character; and
(2) Not have been convicted of a felony within the last ten years.

(b) Every person desiring to engage in the business of pawnbroker shall apply to the County Manager for a license to conduct such business. Such application shall be made under oath and shall contain:

(1) The name and address of the person, and, in the case of a firm or corporation, the names and addresses of the persons composing such firm or of the officers, directors, and stockholders of such corporation, excluding shareholders of publicly traded companies;
(2) The name of the business and the street and mailing address where the business is to be operated;
(3) A statement indicating the amount of net assets or capital proposed to be used by the petitioner in operation of the business; this statement shall be accompanied by an unaudited statement from an

accountant or certified public accountant verifying the information contained in the accompanying statement;

(4) An affidavit by the petitioner that he has not been convicted of a felony; and

(5) A certificate from the State Bureau of Investigation that the petitioner has not been convicted of a felony. Such certificate from the State Bureau of Investigation shall include a national records search.

(6) A copy of the application for a Special Use Permit submitted to, received by, and deemed a complete application by the Currituck County Planning and Inspections Department.

(c) The County Manager shall transmit a copy of the application to the Fire Marshal to determine compliance with laws relating to fire protection and to the Planning and Inspections Department for a determination as to compliance with zoning and development regulations. These departments shall report back to the County Manager within a reasonable period of time not to exceed thirty (30) days.

(d) Every person desiring to engage in the business of pawnbroker shall receive a Special Use Permit as required in the Currituck County Unified Development Ordinance before the establishment and/or operation of the business.

(e) Licenses shall be granted under this article if the pawnshop is to be operated outside the corporate limits of any city as defined by G.S. 160A-1.

(f) Any license granted under this article may be revoked by the county, after a hearing, for substantial abuses of this article by the licensee. Any hearing shall be promptly conducted by the County Manager or the County Manager's designee.

(g) Any license denied under this article may be appealed within ten days of denial by written appeal to the County Manager or his designee. Any hearing shall be promptly conducted by the County Manager or his designee.

Sec. 8-56. Issuance and renewal of license and payment of fees.

(a) Before issuing a license, the Board of Commissioners shall be satisfied that the applicant is a suitable person to hold a pawnbroker license and that the location is a suitable place to hold the proposed license. To be a suitable place, the establishment shall comply with all the rules and regulations set out in Chapter 91A of the General Statutes of North Carolina and the rules and regulations set out in the Currituck County Unified Development Ordinance. Other facts the Commissioners may consider in determining whether the applicant and the business location are suitable shall include all of the following:

(1) The application contains no misstatement of fact.

(2) The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes.

(3) The applicant shall not have been convicted of a felony within a

ten-year period preceding the filing of the application.

(4) Parking facilities and traffic facilities in the neighborhood.

(5) The recommendations of the Currituck County Sheriff.

(6) Any other evidence that would tend to show whether the applicant would comply with the provisions of Chapter 91A of the General Statutes of North Carolina and the applicable provisions of this ordinance and whether the operation of the business at that location would be detrimental to the neighborhood.

(b) After submission of a complete application of forms provided by the County Manager's office and approval of such application by the Board of Commissioners and upon payment of a fee of Two Hundred Fifty Dollars ($250.00) to the Currituck County Finance Department and upon approval by the Board of Commissioners of a Special Use Permit for the business, the County Manager shall issue an initial license to the applicant that is valid for one year from the date it is issued.

(c) Each license may be renewed annually by submission of a renewal application to the County Manager's Office at least thirty (30) days prior to the expiration date of the license. After approval of said application by the Board of Commissioners, and upon payment of a renewal fee of Two Hundred Fifty Dollars ($250.00) to the Currituck County Finance Department, the County Manager shall issue to the applicant a renewal license valid for one year from the date it is issued.

(d) If the business to be licensed pursuant to this ordinance is carried on at two or more separate places, a separate County license for each place or location of such business shall be required.

(e) The County license issued pursuant to this ordinance shall not be transferable to any other person, and shall limit the person named in the license to conducting his pawnbroker business to the location specified in the license; provided, if the holder of a license granted under this ordinance moves the business for which a license has been obtained to another location, a new license may be issued without additional fee to the licensee at a new location for the balance of the license year, upon surrender of the original license for cancellation.

(f) Revocation of a license shall not be a cause for a refund of any fee paid for issuance or renewal of a license.

(g) It shall be unlawful to willfully make a false statement in an application for a license or request for renewal of license under the provisions of this ordinance.

(h) Every license and renewal of license issued shall show on the face thereof the name of the licensee, the nature of the business, the location thereof, the date it was issued, the expiration date, and the payment of the fee. Every person licensed pursuant to this ordinance shall display such license in a prominent place located in the pawnshop so licensed.

Sec. 8-57. Revocation of license.

Upon acquiring substantial and reasonably evidence that any pawnbroker or agent or employee of a pawnbroker establishment requiring licensing pursuant to this ordinance has violated a provision of G.S. Chapter 91A or of this ordinance, the Sheriff shall notify the Board of Commissioners of such violation. If the Board of Commissioners determines there is probable cause for revocation of the County license, notice and hearing shall be afforded the licensee as provided in Section ***. Upon licensee's failure to show such good cause, the Board of Commissioners shall revoke such license.

Sec. 8-58. Notice and hearing.

Before the Board of Commissioners revokes a license issued pursuant to this ordinance, or if the Board determines reasonable grounds exists to deny an application for a license pursuant to this ordinance, the Board shall cause a written notice to be sent by certified mail to the licensee or applicant affected, at the address stated in the license or application. The notice shall advise the affected party of a right to appear before the Board of Commissioners with or without legal counsel, at a stated time and place, for the purpose of presenting any evidence relevant to such revocation or denial, and for the purpose of hearing all evidence submitted and examining or cross-examining any person providing such evidence.

Sec. 8-59. Pawnbroker authority.

(a) A pawnbroker licensee is authorized to:

(1) Make loans on pledges of tangible personal property;
(2) Deal in bullion stocks
(3) Purchase merchandise for resale from dealers, traders and wholesale suppliers; and
(4) Use its capital and funds in any lawful manner within the general scope and purpose of its creation.

(b) Notwithstanding the provisions of this section, no pawnbroker has the authority enumerated in this section unless he has fully complied with the laws regulating the particular transactions involved.

Sec. 8-60. Recordkeeping requirements.

(c) Every pawnbroker shall keep consecutively numbered records of each and every pawn transaction, which shall correspond in all essential particulars to a detachable pawn ticket or copy attached to the record.

(c) The pawnbroker shall, at the time of making the pawn or purchase transaction, enter upon the pawn ticket a record of the following information which shall be typed or written in ink and in the English language:

a. A clear and accurate description of the property, including model and serial number as indicated on the property;

b. The name, residence address, phone number, and date of birth of pledgor;
c. Date of pawn transaction;
d. Type of identification and the identification number accepted from pledgor;
e. Description of the pledgor including approximate height, weight, sex and race;
f. Amount of money advanced;
g. The date due and the amount due;
h. All monthly pawn charges, including interest, annual percentage rate on interest, and total recovery fee; and
i. Agreed-upon stated value between pledgor and pawnbroker in case of loss or destruction of pledged item; unless otherwise noted, stated value is the same as the loan value.

(c) The following shall be printed on all pawn tickets:

(1) The statement that "ANY PERSONAL PROPERTY PLEDGED TO A PAWNBROKER WITHIN THIS STATE IS SUBJECT TO SALE OR DISPOSAL WHEN THERE HAS BEEN NO PAYMENT MADE ON THE ACCOUNT FOR A PERIOD OF 60 DAYS PAST MATURITY DATE OF THE ORIGINAL CONTRACT. NO FURTHER NOTICE IS NECESSARY.";

(2) The statement that "THE PLEDGOR OF THIS ITEM ATTESTS THAT IT IS NOT STOLEN, HAS NO LIENS OR ENCUMBRANCES, AND IS THE PLEDGOR'S TO SELL OR PAWN.";

(3) The statement that "THE ITEM PAWNED IS REDEEMABLE ONLY BY THE BEARER OF THIS TICKET OR BY IDENTIFICATION OF THE PERSON MAKING THE PAWN."; and

(4) A blank line for the pledgor's signature and the pawnbroker's signature.

(d) The pledgor shall sign the pawn ticket and shall receive an exact copy of the pawn ticket, which shall be signed or initialed by the pawnbroker or any employee of the pawnbroker. These records shall be available for inspection and pickup each regular workday by the sheriff of the county. These records shall be a correct copy of the entries made of the pawn or purchase transaction and shall be carefully preserved without alteration, and shall be available during regular business hours.

(e) A photocopy or scan of the identification used by the pledgor for each transaction to the pledgor shall be available for inspection and pickup each regular workday by the sheriff of the county.

(e) Except as otherwise provided in this article, any person presenting a pawn ticket to a pawnbroker is presumed to be entitled to redeem the pledged goods described on the ticket.

Sec. 8-61. Pawnbroker fees; interest rates.

(a) No pawnbroker shall demand or receive an effective rate of interest greater than two percent per month, and no other charge of any description or for any purpose shall be made by the pawnbroker; except that the pawnbroker may charge, contract for, and recover an additional monthly fee for the following services, including but not limited to:

(1) Title investigation;
(2) Handling, appraisal and storage;
(3) Insuring a security;
(4) Application fee;
(5) Making daily reports to local law enforcement officers; and
(6) For other expenses, including losses of every nature, and all other services.

(b) In no event may the total of the monthly fees on a pawn transaction exceed 20 percent of the principal up to a maximum of the following:

(1) First month…$100.00
(2) Second month…$75.00
(3) Third month…$75.00
(4) Fourth month and thereafter…$50.00

(c) In addition, pawnbrokers may charge fees for returned checks as allowed by G.S. 25-3-506.

Sec. 8-62. Pawnbroker transactions.

In every pawn transaction:

(1) The original pawn contract shall have a maturity date of not less than 30 days, but nothing in this section shall prevent the pledgor from redeeming the property before the maturity date.
(2) Any personal property pledged to a pawnbroker in this state is subject to sale or disposal when there has been no payment made on the account for a period of 60 days past maturity date of the original contract, but the contract between the pledgor and the pawnbroker is renewable if renewal is agreed upon by both the parties.
(3) Every pawn ticket or receipt for such pawn shall have printed thereon the provisions of subsection (1) of this section, which shall constitute:

a. Notice of such sale or disposal;
b. Notice of intention to sell or dispose of the property without further notice; and
c. Consent to such sale or disposal.

The pledgor thereby forfeits all right, title and interest of, in and to such pawned property to the pawnbroker, who thereby acquires absolute title to the property, whereupon the debt is satisfied and the pawnbroker may sell or dispose of the unredeemed pledges as his own property. Any sale or disposal of property under this section terminates all liability of the pawnbroker and vests in the purchaser the right, title and interest of the borrower and the pawnbroker.

(4) If the borrower loses his pawn ticket, he shall not thereby forfeit his right to redeem but may, before the lapse of the redemption period, make an affidavit with indemnification for such loss. The affidavit shall describe the property pawned and shall take the place of the lost pawn ticket unless the pawned property has already been redeemed with the original pawn ticket.

(5) A pledgor is not obligated to redeem pledged goods or make any payment on a pawn transaction.

Sec. 8-63. Prohibitions.

A pawnbroker shall not:

(1) Accept a pledge from a person under the age of 18 years;

(2) Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction;

(3) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this article;

(4) Fail to exercise reasonable care to protect pledged goods from loss or damage;

(5) Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker on the pawn transaction; if such pledged goods are lost or damaged while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with merchandise of like kind and equivalent value; if the pledgor and pawnbroker cannot agree as to replacement, the pawnbroker shall reimburse the pledgor in the amount of the value agreed upon pursuant to G.S. 91A-7(b);

(6) Take any article in pawn, pledge or as security from any person, which is known to such pawnbroker to be stolen, unless there is a written agreement with local or state police;

(7) Sell, exchange, barter or remove from the pawnshop any goods pledged, pawned or purchased earlier than 48 hours after the transaction, except in case of redemption by the pledgor or items purchased for resale from wholesalers;

(8) Operate more than one pawnshop under one license, and such shop must be a permanent place of business; or

(9) Take as pledged goods any manufactured mobile home, recreational vehicle or motor vehicle other than a motorcycle.

Sec. 8-64. Bond.

Every person licensed under this article shall, at the time of receiving the license, file with the county issuing the license a bond payable to the county in the sum of five thousand dollars ($5,000.00), to be executed by the licensee, and by two (2) responsible sureties or a surety company licensed to do such business in this state, to be approved by the county, which shall be for the faithful performance of the requirements and obligations pertaining to the business so licensed. The county may sue for forfeiture of the bond upon a breach thereof. Any person who obtains a judgment against a pawnbroker and upon which judgment execution is returned unsatisfied may maintain and action in his own name upon the bond, to satisfy the judgment.

Sec. 8-65. Stolen Goods.

Any item found, by serial number or any other identifying mark or unusual description, to be stolen or converted criminally shall be immediately turned over to the Sheriff's Office upon request and at the pawnbroker's expense.

Sec. 8-66. Penalties.

(a) Pursuant to G.S. 91A-11, every person, his guests, or employees who shall knowingly violate any of the provisions of this article shall on conviction be deemed guilty of a Class 2 misdemeanor and shall be fined a sum not to exceed $500.00 (five hundred dollars) for each offense, and at the discretion of the court may be imprisoned for a period of time not to exceed 30 (thirty) days. If the violation is by an owner or major stockholder or managing partner of the pawnshop and the violation is knowingly committed by the owner, major stockholder or managing partner of the pawnshop, the licenses of the pawnshop may be suspended at the discretion of the court.

(b) The provisions of subsection (a) of this section shall not apply to violations of G.S. 91A-10(6), which shall be prosecuted under the state criminal statutes.

(c) Any contract of pawn, the making or collecting of which violates any provision of this article, except as a result of accidental or bona fide error of computation, shall be void; and the licensee shall have no right to collect, receive or retain any interest or fee whatsoever with respect to such pawn.

Sec. 8-67. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

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

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

Public Hearing and Action on PB-07-01 UDO AMENDMENT REQUEST (TERM LIMITS) an amendment to Article 19, Administrative Mechanisms, Sections 1901, Appointments and Terms of Planning Board Members and 1907, Appointment and Terms of Board of Adjustment to remove the requirement for term limits.

Sarah Keifer, Planning Director, reviewed the request.

CURRITUCK COUNTY requests an amendment to Article 19, Administrative Mechanisms, Sections 1901, Appointments and Terms of Planning Board Members and 1907, Appointment and Terms of Board of Adjustment to remove the requirement for term limits.

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 Article 19, Administrative Mechanisms, Section 1901, Appointments and Terms of Planning Board Members be amended by deleting the following language indicated with strikethrough marks and renumbering appropriately:

<u>Section 1901</u> Appointment and Terms of Planning Board Members.

1. There shall be a Planning Board consisting of nine (9) members appointed by the Board of Commissioners. At least two (2) members shall reside in each of the county's four (4) Townships (Fruitville, Poplar Branch, Crawford, and Moyock), and the remaining member shall be designated as an at large appointee and shall reside within the county.

2. Planning Board members shall be appointed for three (3) year staggered terms, but members may continue to serve until their successors have been appointed. Initially, one (1) resident of each of the four (4) Townships and the at large member shall be appointed to two (2) year terms, and one (1) resident of each of the four (4) Townships shall be appointed to one (1) year terms. Terms shall be on a calendar year basis (January 1 through December 31). Vacancies shall be filled by the Board of Commissioners for the unexpired terms only.

~~3. Members may be appointed to a maximum of two (2) successive terms.~~

4. Planning Board members may be removed by the Board of Commissioners at any time for failure to attend three (3)

consecutive meetings or for failure to attend thirty percent (30%) or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the Board of Commissioners shall hold a hearing on the removal before it becomes effective.

5. If a Planning Board member changes his or her residence to a location outside the Township that such member represents or outside the County, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the Board.

Item 2: That Article 19, Administrative Mechanisms, Section 1901, 1907, Appointment and Terms of Board of Adjustment be amended by deleting the following language indicated with strikethrough marks and renumbering appropriately:

<u>Section 1907</u> Appointment and Terms of Board of Adjustment.

1. There shall be a Board of Adjustment consisting of five (5) regular members and two (2) alternates, all appointed by the Board of Commissioners. One (1) regular member shall reside in each of the county's four (4) Townships (Moyock, Crawford, Poplar Branch, and Fruitville). The remaining regular member shall be designated as an at large appointee. The at large appointee and both alternates shall reside within the county.

2. Board of Adjustment regular members and alternates shall be appointed for three (3) year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. At the adoption of this Ordinance the Board of Commissioners shall make appointments at their discretion to fulfill statutory requirements of three (3) year terms. Terms shall be on a calendar year basis (January 1 through December 31). Vacancies may be filled by the Board of Commissioners for the unexpired terms only.

~~3. Members may be appointed to a maximum of two (2) successive terms.~~

4. Regular Board of Adjustment members may be removed by the board at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty percent (30%) or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings.

5. If a regular or alternate member moves outside the county or outside the township represented by that member that shall constitute a resignation from the board, effective upon the date a replacement is appointed.

6. An alternate member may sit in lieu of any regular member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

Item 3: 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.

Commissioner Etheridge expressed his concerns with having lifetime terms for some.

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

Commissioner Gregory moved to approve. Chairman Nelms seconded the motion. Motion carried with Commissioner Etheridge voting no.

Public Hearing and Action PB-07-02 UDO AMENDMENT REQUEST an amendment to Article 20, Zoning, Special Use, and Conditional Use Permits, Section 2021, Amendments to and Modifications of Permits, Article 22, Hearing Procedures for Appeals and Applications, Sections 2201 Hearing Required on Appeals and Applications and 2202 Notice of Hearing, and Article 24 Amendments, Section 2404 Hearing Required; Notice of the Unified Development Ordinance to clarify the procedures for amendments.

Sarah Keifer, Planning Director, reviewed the amendment.

CURRITUCK COUNTY
PB-07-02
UDO AMENDMENT REQUEST
NOTIFICATION PROCEDURES

CURRITUCK COUNTY requests an amendment to Article 20, Zoning, Special Use, and Conditional Use Permits, Section 2021, Amendments to and Modifications of Permits, Article 22, Hearing Procedures for Appeals and Applications, Sections 2201 Hearing Required on Appeals and Applications and 2202 Notice of Hearing, and Article 24 Amendments, Section 2404 Hearing Required; Notice of the Unified Development Ordinance to clarify the procedures for amendments to approved plans and the public hearing advertisement requirements for all applications.

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: Article 20, Zoning, Special Use, and Conditional Use Permits, Section 2021, Amendments to and Modifications of Permits be amended by deleting the following language indicated with strikethrough marks, adding the following underlined language, and renumbering accordingly:

Section 2021 Amendments to and Modifications of Permits.

1. Minor changes from the Permit (including approved plans) issued by the Board of Commissioners, the Board of Adjustment, or the Administrator are permissible and the Administrator may authorize such minor changes. A change is minor if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. Examples of minor changes are reduction in density, increase of open space, slight lot line realignments, slight relocation of streets, and changes that have no substantial impact on neighboring properties. This is not intended to be an all-inclusive list.

2. Major design modifications or changes in Permits (including approved plans, conditional use permits, sketch plans, and special use permits) are permissible with the approval of the permit issuing authority. All such requests for changes in approved plans will be processed as new applications including formal application, review and recommendation by the Planning Board as applicable, public hearing, and payment of any applicable fees. ~~Such permission may be obtained without a formal application, public hearing, or payment of any additional fee.~~ If such requests are required to be acted upon by the Board of Commissioners or Board of Adjustment, new conditions may be imposed in accordance with Section 2015, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued Permit. For purposes of this Section, major design modifications or changes are those that have substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, increase in density, decrease of open space, major shifting of lot lines, and major shifting of streets. This is not intended to be an all-inclusive list.

~~3. All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Board of Commissioners or Board of Adjustment, new conditions may be imposed in accordance with Section 2015, but the applicant retains the right to reject such additional conditions~~

~~by withdrawing his request for an amendment and may then proceed in accordance with the previously issued Permit.~~

~~4.~~ 3. The Administrator shall determine whether amendments to and modifications of Permits fall within the categories set forth above in Subsections (1) and~~,~~ (2). ~~, and (3).~~

~~5.~~ 4. A developer requesting approval of changes shall submit a written request for such approval to the Administrator~~, which request shall identify~~ identifying the changes. Approval of all changes must be given in writing.

~~6. Whenever a Sketch Plan is proposed to be amended or revised either by, but not limited to, changing a zoning designation or for the reallocation of density, the Board of Commissioners shall hold a public hearing prior to amending or revising the plan. Written notification of the public hearing shall be mailed to all recorded property owners whose property will be affected by the change as well as the owners of record of all property any portion of which is within 150 feet of the exterior lines of the phases or areas proposed to be changed. **(Amended 12/1/97)**~~

5. For re-recordation of previously subdivided and recorded major and minor subdivision plats, the Mylar for the revised plat must be signed by 100 percent of all lot owners within the subdivision. The following are exempt from the re-recordation signature requirements: Administratively approved applications such as lot line adjustments where no additional lots are proposed; and Cases where utility easements are added to a subdivision plan.

Item 2: That Article 22, Hearing Procedures for Appeals and Applications, Section 2201 Hearing Required on Appeals and Applications, Item 4, be amended by adding the following underlined language:

Section 2201 Hearing Required on Appeals and Applications.

1. Before making a decision on an appeal or an application for a variance, special use permit, amended special use permit ~~for property within a planned unit development~~, conditional use permit, amended conditional use permit, rezoning, or a petition from the Administrator to revoke a special use permit or conditional use permit, or zoning permit the Board of Adjustment or the Board of Commissioners, as the case may be, shall hold a hearing on the appeal or application.

2. Subject to Subsection (3), the hearing shall be open to the public and all persons interested in the outcome of the appeal or

application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.

3. The Board of Adjustment or Board of Commissioners may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.

4. Once a public hearing is opened, ~~T~~the hearing board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of eight (8) weeks or more elapses between hearing dates.

Item 3: That Article 22, Hearing Procedures for Appeals and Applications, Section 2202, Notice of Hearing, be amended by deleting the following language indicated with strikethrough marks and adding the following underlined language:

Section 2202 Notice of Hearing.

~~1. In the case of a request for a special use permit, amended special use permit for property within a planned unit development, or rezoning the Applicant will provide a mailed notice to all adjacent property owners within 200 feet of the subject property a minimum of ten (10) days prior to the Planning Board meeting at which the request is to be heard. Proof of mailing shall be furnished to the Planning and Inspections Department. (**Amended 8/4/97, 2/4/02, 7/7/03**)~~

~~2. The Administrator shall give notice of any hearing required by Section 2201 as follows:~~

~~(a) notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice a minimum of ten (10) days before the hearing; (**Amended 2/4/02**)~~

~~(b) notice shall be given to neighboring property owners by mailing a written notice a minimum of ten (10) days before the hearing to those persons who have listed for taxation real property any portion of which is located within 200 feet of the lot that is the subject of the application or appeal; (**Amended 2/4/02, 7/7/03**)~~

~~(c) in the case of conditional and special use permits, amended special use permit for property with a planned unit~~

~~development, or rezoning, notice shall be given to other potentially interested persons by publishing a notice in a newspaper having general circulation in the area one time a minimum of ten (10) but not more than twenty five (25) days prior to the date fixed for the hearing; and,~~ ~~**(Amended 2/4/02)**~~

~~(d) the notice required by this section above shall state the date, time and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.~~

~~(e) the Planning staff shall post a notice of the hearing in the vicinity of the property in question.~~

~~(f) the administrator shall make every reasonable effort to comply with the notice provisions set forth in this Section. However, it is not the Board's intention that failure to comply with any of the notice provisions that are not statutorily required shall render any decision invalid.~~

1. In the case of a request for a special use permit, amended special use permit, minor zoning map amendments as defined by the General Statutes, or text amendment the following public notice procedures shall be applicable:

   a. The applicant shall provide notice by certified mail to all property owners within 200 feet of the extreme limits of the subject site as their names appear in the County tax record at least 10 days prior to the meeting. The applicable names and address shall be supplied by the Department upon request by the applicant. The applicant shall provide the Department with a copy of the notice sent to property owners and post office receipts at least five (5) days prior to the Planning Board meeting date. The notice shall include the date, time, place of the Planning Board meeting; date, time, and place of the Board of Commissioners hearing; and the nature of the application.

   b. The Department shall provide notice to the general public of the public hearing by publishing the date, time, place, and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the County.

   c. For amendments to the provisions of this Ordinance (including the zoning atlas) once a week for two (2) successive weeks in a newspaper having general circulation in the county. The notice shall be published for the first time not less than ten (10) days nor more than twenty-five days (25) before the date fixed for

the hearing. In computing this period the date of publication shall not be counted but the date of the hearing shall be.

d. The Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property.

2. In the case of a request for a conditional use permit, amended conditional use permit, appeal, or variance the following public notice procedures shall be applicable:

a. The applicant shall notify by certified mail all property owners within 200 feet of the extreme limits of the subdivision as their names appear in the County tax record at least 10 days prior to the hearing. The applicable names and address shall be supplied by the Department upon request by the applicant. The applicant shall provide the Department with a copy of the notice sent to property owners and post office receipts at least five (5) days prior to the public hearing date. The notice shall include the date, time, place, and nature of the hearing.

b. The Department shall provide notice to the general public of the public hearing by publishing the date, time, place, and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the County.

c. The Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property.

3. In the case of a petition from the Administrator to revoke a special use permit, conditional use permit, or zoning permit the following public notice procedures shall be applicable:

a. The Department shall provide notice by certified mail to all property owners within 200 feet of the extreme limits of the subject site as their names appear in the County tax record at least 10 days prior to the meeting. The notice shall include the date, time, place of the Planning Board meeting; date, time, and place of the Board of Commissioners hearing; and the nature of the application.

b. The Department shall provide notice to the general public of the public hearing by publishing the date, time, place, and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the County.

c. The Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property.

4. In instances where an applicant elects to postpone consideration of a proposal after required notification has been accomplished, the applicant shall be responsible for resending notice to adjacent property owners by certified mail with the new meeting and/or hearing date as required above as well as any applicable fees to the County for re-advertisement.

5. All required notices shall include the following:

   a. state the date, time, and place of the applicable meeting/public hearing;
   b. summarize the nature and character of the proposal;
   c. if the proposal involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;
   d. state the time and place or places within the County where the text, maps, and plans for the proposal may be examined.
   e. the full text of the amendment can be obtained from the Planning and Inspections Department; and,
   f. state that substantial changes in the proposal may be made following the public hearing.

6. The administrator shall make every reasonable effort to comply with the notice provisions set forth in this Section. However, it is not the Board's intention that failure to comply with any of the notice provisions that are not statutorily required shall render any decision invalid.

Item 4: Article 24 Amendments, Section 2404 Hearing Required; Notice be amended by deleting the following language indicated with strikethrough marks and adding the following underlined language:

Section 2404 Hearing Required; Notice.

1. No Ordinance that amends any of the provisions of this Ordinance (including the zoning atlas) may be adopted until a public hearing has been held on such Ordinance.

2. The notification of the Planning Board meeting and Board of Commissioners public hearing shall be accomplished as required by Article 22, Hearing Procedures for Appeals and Applications, Section 2202, Notice of Hearing of this Ordinance.

~~2. The Administrator shall publish a notice of the public hearing on any Ordinance that amends the provisions of this Ordinance (including the~~

~~zoning atlas) once a week for two (2) successive weeks in a newspaper having general circulation in the county. The notice shall be published for the first time not less than ten (10) days nor more than twenty five days (25) before the date fixed for the hearing. In computing this period the date of publication shall not be counted but the date of the hearing shall be.~~

~~3. With respect to minor atlas amendments, the Administrator shall mail written notice of the public hearing to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 150 feet of the property rezoned by the amendment. The person mailing such notices shall certify the fact of such mailing to the Board of Commissioners.~~

~~4. The planning staff shall also post notices of the public hearing in the vicinity of the property rezoned by a proposed minor atlas amendment and may take any other action deemed by the planning staff to be useful or appropriate to give notice of the public hearing on any such amendment.~~

~~5. The notice required or authorized by this section shall:~~

~~(a) state the date, time, and place of the public hearing;~~

~~(b) summarize the nature and character of the proposed change;~~

~~(c) if the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;~~

~~(d) state that the full text of the amendment can be obtained from the Planning and Inspections Department; and,~~

~~(e) state that substantial changes in the proposed amendment may be made following the public hearing.~~

~~6. The Administrator shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is not the board's intention that failure to comply with any of the notice provisions that are not statutorily required shall render any amendment invalid.~~

Item 5: 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.

John Snowden, questioned notification of only 200 ft. from adjacent property owners.

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

Commissioner Etheridge moved to continue and develop according to usage. Motion failed for lack of a second.

Chairman Nelms moved to adopt and make effective February 15, 2007. Commissioner Gregory seconded the motion. Motion carried with Commissioner Etheridge voting no.

Public Hearing and Action on PB 06-31 KNOTTS ISLAND FIRE STATION PB 06-31 KNOTTS ISLAND FIRE STATION: Special Use Permit. The property is located at 327 Knotts Island Road, approximately 460 feet south of the intersection with Marsh Causeway, Tax Map 76, Parcel 23A, Fruitville Township

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director, reviewed the request.

ITEM: **PB 06-31 Knotts Island Fire Station**

LOCATION: 327 Knotts Island Road

ZONING DISTRICT: Agriculture (A)

TAX ID: Map 76, Parcel 23A (0076000023A0000)

PRESENT USE: Agriculture

OWNER:
Knotts Island V.F.D.
PO Box 115
Knotts Island, NC 27950

APPLICANT:
Currituck County
PO Box 39
Currituck, NC 27929

ENGINEER:
Hyman and Robey, PC
150A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:
SURROUNDING PROPERTY:

	Land Use	Zoning

NORTH:	Residential/ Agricultural	A
SOUTH	Residential/ Agricultural	A
EAST:	Agricultural	A
WEST:	Residential/ Agricultural	A

FIRE DISTRICT: Knotts Island V.F.D.

SIZE OF SITE: 9.72 Acres

WATER: The site will be served by an on-site well.

WASTEWATER: An on-site septic system is being proposed.

DRAINAGE: An on-site stormwater detention pond is being proposed as part of an engineered stormwater system

FLOOD ZONES: The property is in Flood Zone X, outside of the 100 year flood zone.

NARRATIVE:

- A Special Use Permit is required for all emergency services facilities according to section 1310 of the UDO.
- A fire station is classified as use number 13.200.
- The new Knotts Island Fire Station will be constructed on a 9.72 acre site located on Knotts Island Road between Capps Creek Lane and Bufflehead Court.
- Construction of the fire station will involve only the front 3.12 acres of the site.

TRC REVIEW

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

1. **NCDOT:** Approved

2. **CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER:** The plan was approved with the following comments:
   a. The stormwater pond calculations must be submitted.
   b. A copy of the stormwater permit and erosion sedimentation control permit must be submitted once approved.
   c. A copy of the sewer permit must be submitted once approved. The size of the septic tank seems small compared to the size of the drainfield.
   d. A copy of the NCDOT driveway and encroachment agreement must be submitted once approved. The plan shall show pavement open cut and patch detail.
   e. The plumbing of the water storage tank shall be indicated on the plan, i.e. cross connection issues.

3. **CURRITUCK COUNTY WATER DEPARTMENT:** The plan was reviewed with no comment

4. **CURRITUCK COUNTY FIRE SERVICES:** The plan was reviewed with no comment.

5. **N.C. DIVISION OF COASTAL MANAGEMENT:** The plan was reviewed with no comment.

6. **ALBEMARLE REGIONAL HEALTH SERVICES:** The site plan was reviewed with the following comments:
   a. The design may require changes to the septic system including pump tanks.
   b. A private operator may be needed for the type of system proposed.
   c. The septic area may require fill.

7. **CURRITUCK COUNTY RECREATION:** The plan was reviewed with no comment.

8. **CURRITUCK COUNTY GIS/ TAX MAPPING:** The plan was reviewed with no comment.

9. **CURRITUCK COUNTY BUILDING INSPECTOR:** Approved as is.

QUESTION(S) BEFORE THE BOARD:

Special 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.

2.a. The proposed use **will not** materially endanger the public health or safety for the following reasons:

Suggested Findings:

The proposed use is a fire station that will increase emergency response time on Knotts Island.

2.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 a fire station is a permitted land use with a Special Use Permit in an Agricultural zoning district.

2. The surrounding land uses are agricultural and dispersed single family dwellings that will benefit from a new emergency services facility.

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

Suggested Findings:

1. A fire station will be in harmony with the surrounding agricultural uses and dispersed single family dwellings.

2.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 Land Use Plan classifies this land as "Limited Service Area". The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. With respect to nonresidential uses, it is essential that the existing community character be preserved. In general, neighborhood commercial uses are more appropriate than large scale commercial complexes. Very limited municipal-type services, such as fire protection, emergency services, and community water, may be available, but centralized sewage collection and treatment systems whether public or community are not appropriate for these areas.

2. The property is located along NC 615 and, the 1998 Thoroughfare Plan indicates NC 615 is a two-lane minor collector road.

2.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 and will improve the emergency services response time with this new fire station.

PLANNING STAFF RECOMMENDATION
Staff recommends **approval** with the following conditions:

A. Code and TRC Requirements**:**

1. Before a building permit is issued, the applicant shall submit the stormwater pond calculations and the pavement open cut and patch details.
2. Before a building permit is issued, the applicant shall submit the following: a NC Stormwater Management permit, a NC Sedimentation and Erosion Control permit, a NC DOT Driveway permit and an Environmental Health septic permit.
3. Section 505 Table of Bufferyard Requirements requires a Type C Bufferyard to extend along the recorded Bufflehead Court.
4. Section 1203 Commercial Site Plan Requirements, of the UDO requires the location of the exterior light fixtures, electrical service connection, meter(s) and pole(s) to be indicated on the site plan. *The architect will provide the information to the engineer that will be placed on the site plan prior to issuance of the building permit.*

B. Suggested Plan Corrections:

1. The planning staff suggests the applicant use a variation of plant materials on the site.
2. For safety purposes, the planning staff suggests the perimeter of the parking area adjoining the pond should be delineated with elevated curbing.

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

Jerry King, President of KI Fire Department appeared before the board.
Ms. Keifer presented the following case analysis to the board.

Mr. King stated that the Fire Department would appreciate the board's approval.

There was no further discussion on this item.

PLANNING BOARD ACTION

Mr. Keel motioned to recommend approval of the request per staff recommendation. Ms. Turner seconded the motion. Motion passed unanimously.

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

Commissioner Bowden moved to approve permit for as long as the site is used for public safety purposes. Commissioner Gregory seconded the motion. Motion carried.

Public Hearing and Action on PB 06-23 COVEY RUN Sketch Plan/Special Use Permit for a 16 lot open space residential subdivision. The 44 acre property is located on South Indiantown Road, 8/10 of a mile south of the intersection with US 158 (Shortcut Road), Tax Map 44, Parcel 11C, Crawford Township.

deleted

Public Hearing and Action on PB 88-66 Villages at Ocean Hill: Amended Sketch Plan to increase density by 4 lots on parcels that are former will sites. The tow properties are located at the north end of Corolla Village Road Tax Map 114, Parcel 3M and the intersection of Lakeside Drive and NC 12, Tax Map 114, Parcel WELL, Block 1, Poplar Branch-Outer Banks Township

deleted

Public Hearing and Action on PB 04-53 Brumsey Woods; amended Sketch Plan for 17 lots to re-align roads located on Brumsey Road approximately 500' west of the intersection with Tulls Creek Road, Tax Map 49, lots 34S and 34T, Crawford Township.

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director, reviewed the request.

ITEM:	**PB 04-53 BRUMSEY WOODS, AMENDED SKETCH PLAN/SPECIAL USE PERMIT FOR 15 SINGLE FAMILY LOTS**
LOCATION:	Off Brumsey Road approximately 500' from intersection with Tulls Creek Road (SR 1222), Moyock Township.
ZONING DISTRICT:	Residential

TAX ID: 0049-000-034S-000 & 0049-000-034T-0000

PLAN DATE: 12-18-2006

OWNER:
Jerry Old and Mary Old
PO Box 505
Moyock, NC 27958

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential - zoned R
SOUTH: Residential - zoned R
EAST: Residential - zoned R
WEST: Residential - zoned R

SCHOOL DISTRICT: Moyock/ Crawford

FIRE DISTRICT: Crawford

SIZE OF SITE: 20.17 acres

NUMBER OF LOTS: 15, reduced from the 17 originally approved.

DENSITY: 0.74 unit per acre

MINIMUM LOT SIZE: 40,000 SF

MAXIMUM LOT SIZE: 56,065 SF

AVERAGE LOT SIZE: 41, 907 SF

STREETS: All streets will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT. The street layout has been revised from the original approved Sketch Plan.

WATER: This development will be served by County Water if capacity is available. If there is no capacity available, the lots will be served by private wells.

WASTEWATER: Individual on-site septic systems are proposed.

OPEN SPACE: No open space is required. The applicant is proposing to place 2.92 acres of wetlands into open space to be owned by the Home Owners Association.

DRAINAGE: Roadside and property line swales/ditches will be used to address drainage for this property.

FLOOD ZONES: The portions of the property that will contain lots are located outside of the 100 year floodplain (Flood zone X) with the eastern portion of the site being located within the 100 year flood plain, with a base flood elevation of 4' (Flood Zone AE-4).

SCHOOL CAPACITIES: School capacity was allocated for this development in 2005.

NARRATIVE OF REQUEST:

The Sketch Plan for Brumsey Woods was approved by the Board of Commissioners January 21, 2005. On December 18, 2006, the Board approved a 1 year extension of the Sketch Plan.

Jerry Old is seeking an Amended Sketch Plan approval for 15 single family lots. The total area is approximately 20 acres. The number of lots was reduced by 2 due to revised wetlands delineation. The subdivision will have one point of entry from Brumsey Road. The site offers an opportunity for a future street connection along the southern property line.

According to the Development Impact Statement submitted June 24, 2004, the developer proposes to build houses that will be three or four bedrooms with two bathrooms ranging in size from 2,000 sf to 3,000 sf. It is estimated that lot and home combinations will have a sales price in the range of $450,000 to $560,000, or an average sales price of about $505,000. The land value is estimated to be approximately $55,000 per lot.

TECHNICAL REVIEW STAFF:

On October 18, and December 20, 2006, Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Approved as is.

2. **Currituck Soil & Water Conservation** - Approved as is.

3. **Currituck County Fire Services**– Approved with the following comment: A fire hydrant must be within 500' of all road frontages.

4. **Currituck County Water Department**- Approved with the following comments:

a. No supply is currently available for this development.
b. At Preliminary Plat, submit plans and specs for the waterline design.
c. Correct the plans to indicate there is a 6" line on Brumsey Road instead of an 8" line.

5. **Currituck County Planning and Inspections, Inspections Section-**Approved as is.

6. **Albemarle Regional Health Services** – Approved with the following comments:
   a. Staff is concerned that lots 2, 3, and 4 might not be able to place septic fields 50' away from wetlands.
   b. If the lot dimensions have been changed, new evaluations will be required.
   c. It appears all of the septic fields will have to be placed in the front yards.
   d. Some lots may have to have engineered septic systems.

7. **Currituck County GIS** - Approved with no comment.

8. **County Parks & Recreation Department** - No comments received.

9. **Currituck County Emergency Management** – No comments received.

10. **NC Department of Transportation**: Approved with the following comment: Show any driveways across from the site entrance. (Planning staff notes currently there are no driveways across from the proposed entrance.)

11. **US Army Corps of Engineers**: No comments received.

12. **NC Department of Natural Resources, Division of Coastal Management** – Approved as is.

13. **NC Department of Natural Resources**, **Division of Water Quality**–No comments received.

14. **NC Department of Natural Resources**, **Division of Land Resources** – No comments received.
15. **Currituck County Superintendent of Schools**- No comments received.

16. **N C Dominion Power** - No comments received.

17. **Sprint Telephone** – No comments received.

STAFF RECOMMENDATION:

Because the application appears to satisfy the criteria for a special use permit, staff recommends **approval** contingent upon satisfaction of the TRC requirements and the following conditions:

Ordinance and Technical Review Committee Requirements:

1. When the Preliminary Plan is submitted, the applicant shall submit the required state permits, lot evaluations and waterline plans.
2. That the applicant shall be required to meet all requirements of the UDO including, but not limited to, providing adequate fire protection and adequate drainage facilities to serve the development.
3. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and

That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

Chairman Nelms opened the public hearing.

Rich Ellis, expressed concerns with drainage.

Donald Drake, questioned the effect on ponds in the area.

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

Chairman Nelms moved to approve with staff recommendations. Commissioner Gregory seconded the motion. Motion carried

Discussion and action on Certified Industrial Park, Maple

Dan Scanlon, County Manager, reviewed the certified site program and requested Board to approve.

Commissioner Etheridge moved to proceed and approve engineering fees for $25,300. Commissioner Gregory seconded the motion. Motion carried.

Discussion on Service District

Commissioner Bowden requested the County Attorney to review the legislation for a service district.

Commissioner Bowden stated he could not justify making out of state property owners pay the cost of moving junk vehicles that have been dumped on their property.

Commissioner Bowden supports a service district for this purpose as well as improving the drainage and roads.

Action on lease with R & E Development, LLC & Change Order on Moyock Library/Information Center

Commissioner Gregory moved to terminate the lease. Commissioner Taylor seconded the motion. Motion carried with Commissioner Etheridge voting no.

Commissioner Etheridge requested to discuss this item but was not allowed since it was for action only. Commissioner Etheridge wanted it on the record that he protested this action.

Discussion and action on renewal of Carolina Water Purchase Agreement

Chairman Nelms moved to approve the agreement. Commissioner Bowden seconded the motion. Motion carried.

Appointments to Whalehead Board of Trustees

Commissioner Gregory moved to approve Frances Walker, Andy Newbern, John Wilson and Josh Bass. Commissioner Etheridge seconded the motion. Motion carried.

Commissioner Bowden requested an appointment from Knotts Island.

Consent Agenda:

Budget amendments 2007056-2007059
Approval of County fire district map
Approval of January 16, 2007, Minutes
Waive sign fee for Animal Assistance League
Approval of funds for Knotts Island Fire Truck

		Debit	**Credit**
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-514500	Training and Education	$ 2,000	
61818-516000	Repairs & Maintenance		$ 2,000
		$ 2,000	$ 2,000

Explanation: Mainland Water (818) - Transfer budgeted funds for Instrulogic software training for the Mainland Water Department.

Net Budget Effect: Mainland Water Fund (61) - No change.

		Debit	**Credit**
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10330-432800	Daycare	$ 67,714	
10752-519601	Smart Start Daycare		$ 67,714
		$ 67,714	$ 67,714

Explanation: Public Assistance (752) - To adjust budgeted line items to State Funding Authorizations.

Net Budget Effect: Operating Fund (10) - Increased by $67,714.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10752-519700	HCCBG	$ 2,935	
10330-432200	HCCBG		$ 2,641
10390-499900	Fund Balance Appropriated		$ 294
		$ 2,935	$ 2,935

Explanation: Public Assistance (752) - To adjust budgeted line items to State Funding Authorizations.

Net Budget Effect: Operating Fund (10) - Increased by $2,935.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10510-590000	Capital Outlay	$ 26,637	
10380-484001	Insurance Claims		$ 26,637
		$ 26,637	$ 26,637

Explanation: Sheriff (510) - Increase budgeted line items to replace a law enforcement vehicle. This will be funded through insurance claims from one vehicle that was stolen and totalled, one vehicle that was totalled in an accident and one vehicle that was damaged in an accident.

Net Budget Effect: Operating Fund (10) - Increased by $26,637.

Commissioner Gregory moved to approve consent agenda which includes the County Fire District Map. Commissioner Taylor seconded the motion. Motion carried.

Commissioner's Report

Commissioner Taylor thanked the citizens for attending the Town Meeting in Moyock.

Commissioner Bowden stated that a 1% increase in the occupancy tax had been requested of the General Assembly to improve Sandfiddler Road.

Chairman Nelms, stated he went to Raleigh to honor Knapp Elementary School as one of the 10 top schools in the state. He also commented on the study for the Planning Department.

County Manager's Report

No comments

Closed Session to discuss personnel and property acquisition

Commissioner Gregory moved to go into closed session. Commissioner Taylor seconded the motion. Motion carried.

Adjourn

After reconvening from closed session the Board agreed to RIF 3 positions that were hired to work at the horse farm.

There being no further business, the meeting adjourned.