

CURRITUCK COUNTY
NORTH CAROLINA
JUNE 4, 2007

The Board met prior to the regularly scheduled meeting at 3:00 p.m. to discuss the FY 07-08 budget and met with the Fire Departments at 5:00 p.m.

The Board of Commissioners met on June 4, 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 Pledge of Allegiance

The Reverend Bill Thorn was present to give the invocation.

Approval of Agenda

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

- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 Presentation of the 2007-08 Fiscal Year Budget.
- Item 4 Public Hearing and Action on PB 06-57 BACKWOODS RD Sketch Plan/Special Use Permit for a five lot open space subdivision on property that has been previously subdivided. The property is located on the east side of Northwest Backwoods Rd. across from Pleasant Woods Drive. Tax Map 2, Parcel 49F, Moyock Township.
- Item 5 Public Hearing and Action on PB 07-20 AYDLETT'S CHOICE Sketch Plan/ Special Use Permit for a 19 lot Residential subdivision, located on the west side of Aydlett Road, across from the intersection with Scaff Lane, Tax Map 92, Parcels 41B and 59A, Poplar Branch Township.
- Item 6 Public Hearing and Action on PB 07-26 JUST FOR THE BEACH, INC Special Use Permit for outdoor storage of rental equipment in a General Business zoning district on property located at 813A Ocean Trail, in the Monteray Shores Plaza. Tax map 116F, Parcel 1, Poplar Branch Township.
- Item 7 Public Hearing and Action on PB 07-15 STEVEN CANADY AMENDMENT ON TATTOO AND BODY PIERCING BUSINESS : Request for a UDO Amendment to Articles 13, Permissible Uses and Table, Section 1310, Table of Permissible Uses, and Section 808, Adult and Sexually Oriented Businesses, to delete the standards for Tattoo Parlors and Body Piercing businesses found in section 808, and permit Tattoo and Body Piercing Studios in the A, GB, C, LBH with a Conditional Use Permit and the LM and HM zones with a Zoning Permit.
- Item 8 Public Hearing and Action on PB 07-22 OCEAN BUILDERS : Request to Rezone 35.4 acres from Agricultural (A) to Mixed Residential (RA). The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Tax Map 70, Parcel 13, Crawford Township.
- Item 9 Public Hearing and Action on PB 07-23 ACORN ACRES Sketch Plan/Special Use Permit for a 4 lot Open Space Residential subdivision, located along Tulls Creek Road, across from the

intersection with Dozier Road, Tax Map 49, Parcel 34U, Crawford Township.

Item 10 Action on Creating the Currituck County Stormwater Advisory Board and appointments to this Board

Item 11 Commissioner Appointee to the Local Emergency Planning Committee.

Item 12 Consent Agenda:

1. Budget Amendments 2007138-2007144
2. Proclamation for National Clean Beaches Week
3. Interlocal Agreement-Northern Elementary School
4. Change Order for Fence
5. Approval of May 21, 2007, Minutes
6. Approval of May 21, 2007, Board of Equalization & Review Minutes
7. Resolution of Support for the Clean Water Act of 2007
8. Resolution in Support of Funding for North Carolina's Coastal Studies Institute

Item 13 Commissioner's Report

Item 14 County Manager's Report

Adjourn

Currituck County Tourism Development Authority Meeting

Call to order

Appointments to Tourism Advisory Board

Adjourn

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.

Karen McCalpin, presented an update on the wild horses and continued funding for the Wild Horses.

Harry Elam, Whalehead, stated services for Corolla are adequate and commended the Sheriff and staff for her support in Corolla.

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

Presentation of the 2007-08 Fiscal Year Budget.

Dan Scanlon, County Manager, presented the 2007-08 fiscal year budget with no tax increase.

Commissioner Etheridge moved to set the public hearing for the budget for June 18, 2007. Commissioner Gregory seconded the motion. Motion carried.

Public Hearing and Action on PB 06-57 BACKWOODS RD Sketch Plan/Special Use Permit for a five lot open space subdivision on property that has been previously subdivided. The property is located on the east side of Northwest Backwoods Rd. across from Pleasant Woods Drive. Tax Map 2, Parcel 49F, Moyock Township.

Commissioner Gregory moved to table until the applicant could be present. Commissioner Taylor seconded the motion. Motion carried.

Public Hearing and Action on PB 07-20 AYDLETT'S CHOICE Sketch Plan/ Special Use Permit for a 19 lot Residential subdivision, located on the west side of Aydlett Road, across from the intersection with Scaff Lane, Tax Map 92, Parcels 41B and 59A, Poplar Branch Township.

Sworn testimony was given prior to making comments.

David Webb, Planner, reviewed the request.

ITEM: PB 07-20 Aydlett's Choice: Sketch Plan/ Special Use Permit for a 19 lot Residential subdivision.

LOCATION: The property is located on the west side of Aydlett Road, across from the intersection with Scaff Lane.

TAX ID: Tax Map 92, Parcels 41B and 59A
0092000041B0000
0092000059A0000

ZONING DISTRICT: Residential and Agricultural

OWNER: A and H Properties
B & H Properties
PO Box 94
Currituck, NC 27929
(C.A. Howard)

ENGINEER: Hyman and Robey, PC
150 A US Highway 158 E
Camden, NC 27921
252-338-2913

PRESENT USE: Agricultural

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Agricultural	Zoned: R and A
SOUTH:	Agricultural	Zoned: R and A
EAST:	Residential	Zoned: R
WEST:	Agricultural/ Wetlands	Zoned: A

SCHOOL DISTRICT: Poplar Branch/ Griggs Elementary

SIZE OF SITE: 88.38 Acres (65.19 AC of 404 Wetlands)

NUMBER OF LOTS: 19

DENSITY: 0.2 of a unit per acre (approximately 1 unit per 4.65 acres)

MINIMUM LOT SIZE: 40,000 SF,

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

WATER: This development is proposing to connect to county water.

FIRE: This development is located within the jurisdiction of the Lower Currituck Volunteer Fire Department. The applicant is proposing to install fire hydrants.

WASTEWATER: Individual, on-site septic systems are proposed.

SOILS: The Currituck County Soils Map indicates the areas proposed for development contain suitable soils for on-site septic systems.

OPEN SPACE: No open space is required or provided.

DRAINAGE: The applicant is proposing roadside ditches and property line swales to drain into roadside ditches on Aydlett Road and the wetlands to the west of the property. NC DOT has not commented on the proposed stormwater system.

NARRATIVE OF REQUEST:

- Currituck A and H Properties and Currituck B and H Properties are requesting approval of a nineteen lot major subdivision.
- According to the Development Impact Statement Submitted March 15, 2007:
 - The development will have homes that are 1,500 SF or larger with a minimum of 3 bedrooms and 2 bathrooms.
 - The average value of a home/ lot will be \$295,000.
 - The projected property taxes would be \$17,936 per year.

TECHNICAL REVIEW STAFF:

On April 19, 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: Please move fire hydrant located on lot 17 to the further eastern most corner of lot 19.
4. **Currituck County Water Department**- Approved with the following conditions and comments; Submit waterline plans and specifications for review. The developer will be responsible for all cost associated with the installation of the water system. No irrigation systems shall be connected to the County Water System.
5. **Currituck County Planning and Inspections, Inspections Division**-Approved as is.
6. **Albemarle Regional Health Services** – Site evaluations will be needed before Preliminary Plat.
7. **Currituck County GIS** - Approved as is. Submit a street name approval form.
8. **County Parks & Recreation Department** - No comments received.
9. **Currituck County Emergency Management** – No comments received.
10. **NC Department of Transportation**: Approve as is-(what is the diameter for cul-de-sac?)
11. **N C Dominion Power** - No comments received.
12. **Sprint Telephone** – Approved with no comment,

SPECIAL USE PERMIT CRITERIA:

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

1. *Is the application complete?*
Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The plan generally complies with the provisions of the UDO.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

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

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

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

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, residential and agricultural uses.

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

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, agricultural uses.

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

The 2006 Land Use Plan classifies this property in the **Conservation and Limited Service** Areas and the **Aydlett, Waterlily and Churches Island** Sub-Area. Much of the land included in the Conservation classification is environmentally sensitive and therefore already protected through existing, federal, state, and local regulations. However, for areas within the classification that would be considered developable, uses such as agriculture, agriculture related services, and extremely low density residential development (1 unit per 3 acres or less) would be permitted.

The policy emphasis of this plan is for developable areas of Aydlett, Waterlily and Churches Island to remain as low-density residential areas at 1 unit per acre. The area is a mix of Limited Service and Rural classifications on the Future Land Use Map.

The proposed density of this development is 1 unit per 4.5 acres, less dense than the recommended density of a 1 per 3 acres. Because the sketch plan is lower than the recommended density and complies with the Aydlett sub-area statements, this application **complies** with the 2006 Land Use Plan.

- (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

The revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study was used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

	Available Capacity	Demand	Remaining Capacity
Aydlett's Choice			
Elementary School	351	5	346
Middle School	161	2	159
High School	254	3	251
Currituck Reserve			
Elementary School	351	182	169
Middle School	161	50	111
High School	254	92	162
South Ridge			
Elementary School	351	31	320
Middle School	161	10	151
High School	254	17	237
Combined			If all are approved
Elementary School	351	214	133
Middle School	161	61	99
High School	254	110	142

STAFF RECOMMENDATION:

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **conditional approval** of the application contingent upon satisfaction of all TRC comments, subject to a finding that adequate public facilities exist, and subject to the following conditions:

Code and Technical Review Committee Requirements:

1. All applicable state and local permits to construct the infrastructure will be required at Preliminary Plat submission. (Section 922)
2. A 404 wetlands delineation map will be required with submission of the Preliminary Plat. (Section 922)
3. The applicant shall construct all required improvements including waterlines, fire hydrants, roads, drainage systems, and street trees; and have them inspected and certified prior to submission of the Final Plat.

Staff Recommendations

1. Section 914 of the UDO calls for connectivity to adjacent properties. The project complies with the requirement; however staff recommends the connection be provided to the south rather than the north. The property to the south has greater development potential while the property to the north has been identified as one of the possible corridors for the mid-county bridge.

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

Planning Board Discussion

Mr. Eddie Hyman (Hyman and Robey, P.C.) and C.A. Howard (applicant) appeared before the board.

Ms. Keifer presented the case analysis to the board.

Mr. Hyman stated the applicant objects to the installation of any connectivity and unused roads because they will deteriorate and not be maintained if they are not driven on.

Ms. Keifer responded that connectivity was a code requirement and staff's recommendation was based on a proposed mid-county bridge corridor being on the property to the north. If the connectivity was removed, the plan would violate the 1000' or less for dead end road lengths. The assertion by Mr. Hyman that the pavement will deteriorate and connectivity is useless is ridiculous.

Mr. Keel asked the applicant why the connection was not in the middle of the subdivision.

Mr. Hyman responded that the location currently shown was the optimal design.

The Board discussed where the best place for a road connection would be and how the growth rate of Currituck causes the need to additional emergency access routes.

Ms. Turner gave a recent example that she could not leave her subdivision for several hours because a house was being moved in and noted the Commissioners had denied a connection from her neighborhood to Owens Beach Road.

Planning Board Action

Mr. Keel motioned to **approve** the request as presented with the staff recommendation of a connection to the south between lots 5 and 6. Ms. Turner seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Eddie Hyman, Engineer, requested that the interconnection be deleted.

C.A. Howard, requested other considerations for road.

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

Commissioner Gregory moved to approve with findings of fact and delete the interconnection. Chairman Nelms seconded the motion. Motion carried.

Public Hearing and Action on PB 07-26 JUST FOR THE BEACH, INC Special Use Permit for outdoor storage of rental equipment in a General Business zoning district on property located at 813A Ocean Trail, in the Monterey Shores Plaza. Tax map 116F, Parcel 1, Poplar Branch Township.

Sworn testimony was given prior to making statements.

David Webb, Planner, presented the request.

ITEM: PB 07-26 JUST FOR THE BEACH, SPECIAL USE PERMIT FOR OUTDOOR STORAGE

LOCATION: 813A Ocean Trail, Monterey Shores Plaza, Corolla

ZONING DISTRICT: General Business (GB)

TAX ID: 116F-000-0001-0000

OWNER:
I.G. Holdings, LLC
P.O.Box 120

APPLICANT
Just for the Beach, Inc.
P.O.Box 8004

Kitty Hawk, NC 27949

Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

- NORTH:** Commercial/General Business (GB)
- SOUTH:** Commercial/General Business (GB)
- EAST:** Commercial/General Business (GB)
- WEST:** Commercial/General Business (GB)

NARRATIVE:

1. Just for the Beach, Inc. is requesting a Special Use Permit for 813A Ocean Trail, in the Monterey Shores Plaza, in Currituck County for outdoor storage of bicycles, kayaks, paddles, surfboards, lifejackets, chairs, umbrellas and gas grills, etc.

2. The parcel is of 86,684.4 sq. ft. (1.99 acres) in area.

3. This property is zoned General Business and the Table of Permissible uses allows Storage and Display of Goods Outside a Fully Enclosed Building (use 2.200) in this zoning district with a Special Use Permit within a PUD.

4. Site plans dated March 20, 2007 and March 22, 2007 were submitted. On April 17, 2007 Maureen O'Shea, Planner conducted an on-site review with the following findings:

- a) The display areas shall be on existing concrete areas, as proposed on the March 20, 2007 plan. There will not be an increase in lot coverage.
- b) The exterior display areas are concrete and will not impede any required parking spaces. The display shall not be on asphalt.
- c) Any kayak rack to be constructed shall be submitted for commercial accessory building permit review and shall be anchored.

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to Conditions of Approval to minimize any negative effects they might have on surrounding properties.

In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

- a) The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

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

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

Suggested Findings:

1. According to County Tax Maps, the nearest residential dwellings to the tract are more than 500 ft. east on Corolla Drive in the Whalehead Subdivision and more than 500 ft northwest to the condominiums on Caroline Court. The parcel is currently a well established commercial area which includes a grocery store, restaurants and specialty retail shops.

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

Suggested Findings:

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

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

Suggested Findings:

1. The parcel is currently a well established commercial area which includes a grocery store, restaurants and specialty retail shops and is therefore in keeping with the character of the surrounding area.

- iv. 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 2006 Land Use Plan classifies this site as Full Service and the proposed use is in keeping with the policies of the plan.

2. The site is located along a two-lane Major Collector Road according to the 1988 Thoroughfare Plan.

- v. 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 impact upon public facilities.

TECHNICAL REVIEW STAFF COMMENTS:

Fire Marshal Comments (James Mims 252-232-2206):

Approved as is.

Public Works Comments (Eric Weatherly 252-232-2504):

No comments.

Soil & Water Conservation/Land Disturbance Comments (Mike Doxey 252-232-3360):

Approved as is.

Corolla Fire Chief Comments (Marshall Cherry 252-453-3242):

No comments.

Building Inspector Comments (Spence Castello 252-232-3378):

Approved as is.

County Manager Comments (Dan Scanlon 252-232-2075):

No comments.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit and staff recommends approval contingent upon the following conditions:

1. Outdoor display areas shall be limited to those areas depicted on the approved site plan dated March 20, 2007.
2. All display materials be properly secured to prevent theft or unauthorized use.
3. Display materials shall not pose a hazard during periods of severe weather conditions. When a storm is imminent the display racks shall be anchored for 120 mph winds and display items shall be removed and stored accordingly.
4. Outdoor display shall be allowed 48 hours prior to seasonal opening to 48 hours after seasonal closing.
5. No additional signage, except with an approved sign permit, shall be permitted with this use.

6. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which will be filed in the office of the Planning and Inspections Department.

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

Planning Board Discussion

Mr. Steve Melvin appeared before the board.

Ms. Keifer presented the case analysis to the board.

Mr. Keel asked what was going to be displayed.

Mr. Melvin indicated it would be 2 kayaks and 6 bikes in the display area.

Mr. Keel asked if it would be a problem to make that a condition of the permit.

Mr. Melvin stated it would not be a problem.

Planning Board Action

Mr. Keel motioned to approve the request as presented with an additional condition that only 2 kayaks and 6 bikes would be allowed in the display area. Ms. Robbins seconded the motion. Motion passed unanimously.

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

Commissioner Bowden moved to approve with Planning Board conditions. Commissioner Gregory seconded the motion. Motion carried.

Public Hearing and Action on PB 07-15 STEVEN CANADY AMENDMENT ON TATTOO AND BODY PIERCING BUSINESS : Request for a UDO Amendment to Articles 13, Permissible Uses and Table, Section 1310, Table of Permissible Uses, and Section 808, Adult and Sexually Oriented Businesses, to delete the standards for Tattoo Parlors and Body Piercing businesses found in section 808, and permit Tattoo and Body Piercing Studios in the A, GB, C, LBH with a Conditional Use Permit and the LM and HM zones with a Zoning Permit.

David Webb, Planner, reviewed the request.

The original text amendment addressing Tattoo and Body Piercing establishments was considered at the April 10, 2007 Planning Board meeting and subsequently tabled with a

request for staff to draft revised language. The original proposal submitted by Mr. Steven Canady deletes the standards for Tattoo Parlors and Body Piercing establishments found in Section 808 of the Unified Development Ordinance (UDO) and would permit such uses in the A, GB, C, LBH with a Conditional Use Permit and the LM and HM zones with a zoning permit. The proposal essentially takes the regulatory criteria for Tattoo and Body Piercing business out of the UDO and allows them in six zoning districts with no UDO standards.

Staff recommended denial of the original proposal because there does not appear to be any changes in circumstances from when the Board originally adopted the regulations for Tattoo Parlors and Body Piercing establishments in 2001 nor does there appear to be any increased benefit to the public at large if Currituck allows Tattoo and Body Piercing establishments everywhere except residential zones without county standards.

The Planning Board re-considered the amendment at the May 8, 2007 meeting and recommended approval of a modified version. Attached please find revised language that permits Tattoo and Body Piercing Studios in the General Business, Commercial, Light Manufacturing, and Heavy Manufacturing zoning districts with a Conditional Use Permit (Board of Adjustment issues). All of the conditions in the Unified Development Ordinance for such uses are still included, but the Planning Board recommended reducing from 1000' to 500' the required separation from residences, schools and churches.

This proposal essentially separates tattoo and body piercing studios from the regulations for Adult and Sexually Oriented Businesses but retains most of the specific conditions or requirements for such uses.

Attached are the applicant's statement, Planning Board Minutes and the 2 versions of the amendment.

Should you have any questions regarding the original amendment or the revised language, please do not hesitate to contact me.

Thank you.

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.

APPLICATION SUBMITTED BY MR. CANNADY

ADDENDUM TO UNIFIED DEVELOPMENT ORDINANCE
TEXT AMENDMENT APPLICATION

The existing Currituck UDO classifies tattoo parlors and body piercing businesses under **Section 808, Adult and Sexually Oriented Businesses**. Further, this classification allows these types of businesses to be located only within zone HM (Heavy Manufacturing). However, this HM zone is not in accord with the nature of these types of business. Specifically, there are sterilization and medical techniques required by North Carolina Statute for these types of businesses that are not conducive to the atmosphere of an HM zone.

It is my desire under this application to remove tattoo parlors and body piercing businesses from Section 808, and classify these type businesses more appropriately within the Currituck UDO. Many North Carolina municipalities classify tattoo parlors and body piercing businesses with hair salons and other cosmetology-type business, but I could not find these specific categories. As such, I would propose to re-classify tattoo parlors and body piercing businesses in Section 4.110 in the Table of Permissible Uses: Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment and conducted within a fully enclosed building, with the Majority of dollar volume of business not done with walk-in trade. In addition, the description of a tattoo “parlor” reflects the antiquated notion of how these businesses were once viewed, and not what these highly-regulated and now mainstream businesses offer today. I would request that the term “parlor” be replaced with the more acceptable term “studio”.

Planning Board Discussion, April 10, 2007

Kristen Canady appeared before the board.

Ms. Keifer presented the case analysis to the board.

Brian Beshears, owner of a tattoo business in Elizabeth City, stated that he has tried to bring his business to the county in the past. When the UDO was adopted the ‘tattoo’ use was taken away and added to the adult oriented category. He feels that other ‘adult oriented’ businesses have opened in the county recently and this should also be allowed.

Ms. Keifer said that the land zoned appropriately does exist, but is limited.

Mr. West asked if Mr. Beshears found a piece of property and wanted it rezoned to HM in order to open a business, he has the right to do that.

Ms. Keifer stated that was correct.

Mr. Beshears stated that the sites that he has researched would be a massive monetary undertaking. He feels that the land available for this use is 5% or less in the county.

Mr. Etheridge asked for clarification on the request and the zoning of tattoo studios.

Ms. Keifer said that adult oriented businesses are only permitted in Heavy Manufacturing. It is not unusual to classify these uses together. A limited proposal was given to the staff with no conditions included and the staff isn't comfortable with the language.

Mr. West stated that tattoo and body piercing would be opened up to 6 zoning districts and there would be no standards.

Ms. Keifer said that there are no standards proposed as written. The issue is not with the businesses themselves, but the fact that the proposed amendment eliminates all of the conditions of approval for them and is too vague.

Mr. West stated that his problem is with leaving the door wide open.

Mr. Keel asked if the staff could work on rewriting this ordinance.

Ms. Keifer said that if the board so chooses, the staff could spend time rewriting the proposal.

Mr. West stated that he would have no problem with allowing this use in an area with a medical facility or a hair salon.

Ms. Keifer asked if the board would like it to remain out of the agricultural district.

Mr. West said yes.

Planning Board Action, April 10, 2007

Mr. Kovacs motioned to table the request in order for the staff to work on rewording the amendment proposal. Mr. Etheridge seconded the motion. Motion passed unanimously.

Planning Board Discussion, May 8, 2007

Ms. Keifer presented the board with the recommended amendment from staff that included the items requested from the board.

Mr. Kovacs asked why it isn't included in the Commercial area.

Ms. Keifer said that it was because it was more restrictive.

Mr. Kovacs said that he feels that it would be more compatible with a commercial use.

Mr. Keel asked why the 1000 feet.

Ms. Keifer said that is a standard measurement.

Mr. Steve Canady stated that he was asking for commercial and general business and removal from sexually oriented business. He stated that all the conditions for sexually

oriented business are still in the proposal even though the zoning has been changed as he asked.

Ms. Keifer clarified that the staff would have no objection to recommending that the commissioners loosen the restriction.

Mr. Canady said that the idea is to change the ideal of tattooing. He feels that the conditions are unfair.

Ms. Keifer said that those conditions are specific to tattooing and to other adult businesses as well.

Mr. West stated that the only thing that changed would be allowing more zoning districts.

Mr. Canady said that is correct but would like to see the conditions changed because they are the same as adult businesses.

Ms. Turner said that she would like to see a commercial use allowed and a general business use not allowed. She feels that the restrictions would make it difficult to find a location but does agree with some of the restrictions such as posters in the windows and such.

William Wolfe, owner of a tattoo studio in EC stated he feels that this is a separation of church and state and said that there are people in the area that are tattooing 'underground' because of restrictions. He feels that a legitimate tattoo parlor that is regulated will stop the problem. He asked the board to consider changing the distance to 500 instead of 1000 to help make it easier to find a location.

Mr. Keel stated that the courts are allowing tattoo studios

Mr. West said that studios are allowed in Light Manufacturing.

Mr. Canady said that with all the restrictions it is putting the studios out of the county.

Planning Board Action, May 8, 2007

Mr. Keel motioned for approval and recommended reducing the footage.

There was discussion about changing the recommendation from general business to commercial.

Ms. Keifer said that what goes to the board would be whatever the board recommends.

Mr. Keel restated his motion. Ms. Turner seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Mr. Beshears, supports the amendment.

Steve Canady, applicant, supports the ordinance.

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

Chairman Nelms moved to approve with 500 ft. from church or school. Commissioner Taylor seconded the motion. Motion carried with Commissioners Gregory and Etheridge voting no.

Public Hearing and Action on PB 07-22 OCEAN BUILDERS : Request to Rezone 35.4 acres from Agricultural (A) to Mixed Residential (RA). The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Tax Map 70, Parcel 13, Crawford Township.

David Webb, Planner, reviewed the request.

- TYPE OF REQUEST:** Rezone 35.4 acres from Agricultural to Mixed Residential (RA).
- LOCATION:** Located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal.
- TAX ID:** Tax Map 70, Parcel 13
(007000000130000)
- OWNERS:** Coastal Currituck, Inc.
9214 Old Oregon Inlet Road
Nags Head, NC 27959
- APPLICANT:** Ocean Builders, LLC
PO Box 125
Manteo, NC 27954
- ENGINEER:** Quible and Associates
Eduardo Valdivieso
PO Drawer 970
Kitty Hawk, NC 27949
- ZONING:**

<u>Current Zoning</u>	<u>Proposed Zoning</u>
Split zoned A (Agricultural) 35.4 AC	Mixed Residential (RA)
35.4 AC and General Business (GB) 4.6 AC	and GB 4.6 AC
- ZONING HISTORY:** The property was split zoned A and GB on the 1989 zoning atlas. At that time, US 158 passed in front of the site, leading to the Coinjock Canal Bridge. Caratoke Highway- US 158 now is routed to the new Coinjock Canal Bridge.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural	A and GB
SOUTH	Residential	RA
EAST:	Residential and vacant wetlands	RA and A
WEST:	Residential	GB

EXISTING LAND USE: Agricultural

PROPOSED LAND USE: To permit the uses allowed in the RA zoning district.

LAND USE PLAN CLASSIFICATION:

The property is predominately designated **Full Service** within the **Barco/Coinjock/Airport** sub-area by the 2006 Land Use Plan. At the rear of the property, 2.69 acres is designated **Conservation** Class. With respect to residential development in Full Service Areas, base development density is contemplated to be 2 units per acre but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area.

The policy emphasis of the 2006 Land Use Plan is for the Barco/Coinjock/Airport area to emerge as the principal community center serving the central area of the mainland and is therefore included as a Full Service Area. In addition, once the proposed Mid-County Bridge is completed, it is quite likely that this area will become a major new mainland service area for the Corolla and Carova areas of Currituck County. This means that the area is apt to see a large number of residences built for workers commuting to construction and service jobs on the Outer Banks.

Residential development densities should be medium to high in the Barco/Coinjock/Airport area depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

The uses allowed in a Mixed Residential (RA) zoning district conform to the Full Service Land Use Plan designation. The Conservation class does not comply with an RA zone. This request **generally complies** with the 2006 Land Use Plan.

PUBLIC SERVICES AND UTILITIES:

The Crawford Volunteer Fire Department provides fire protection for this area. Electric, telephone, County water and cable are currently available.

TRANSPORTATION:

The site has 724 feet of frontage on Worth Guard Road.

FLOOD ZONE: Approximately 14.2 acres of the property is located in Flood Zone AE (4). The remaining 25.75 acres are in Flood Zones (X) or Shaded (X), outside of the 100 year flood plain.

WETLANDS: Approximately 4 acres of the site are wetlands according to the North Carolina general wetland maps. A wetland delineation certified by the US Army Corps of Engineers would be needed to determine the exact wetlands limits.

SOILS: The Currituck County Soils map indicates the property contains approximately 21 acres of suitable soils and 19 acres of marginal soils for on-site septic systems.

STAFF

RECOMMENDATION: Section 2406 of the Unified Development Ordinance provides the standards by which the Board shall evaluate proposed amendments to the Official Zoning Atlas. Specifically, the Ordinance provides that the “central issue before the board is whether the proposed amendment advances the public health, safety or welfare” of the county and further directs that “the Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.”

The intent of the Conservation class is to provide long-term management and protection of significant, limited, or irreplaceable areas. The 2.69 acres of Conservation class were mapped on the property due to the wetlands. Staff’s recent position has been that wetlands and Conservation class lands should not be rezoned to a higher intensity of use, therefore staff is proposing a modified approval that does not include the 2.69 acres of Conservation class area in the eastern portion of the property. This rezoning would also be an extension of an existing Mixed Residential (RA) zoning district.

Because the request is in general compliance with the 2006 Land Use Plan and adjacent to existing residential zones and use, staff recommends a **modified approval** of the request to rezone 32.7 acres to Mixed Residential (RA). The recommended zoning line follows the Conservation Class Land Use Plan line for a total of approximately 32.7 acres to rezone to RA.

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

Planning Board Discussion

Mr. Eddie Valdivieso (Quible and Associates) appeared before the board.

Ms. Keifer presented the case analysis to the board.

Mr. Keel asked Mr. Valdivieso if he agreed with the staff recommended modified approval.

Mr. Valdivieso stated he agreed with the modified approval.

Planning Board Action

Mr. Keel motioned to approve the request as presented with modified approval of a zoning line following the Conservation Class Land Use Plan line for a total of approximately 32.7 acres to rezone to RA.

Ms. Turner seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

David Deel, Quible & Assoc., presented a letter of support from Charles Poe.

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

Commissioner Bowden moved to approve with Planning Board recommendations. Commissioner Taylor seconded the motion. Motion carried.

Public Hearing and Action on PB 07-23 ACORN ACRES Sketch Plan/Special Use Permit for a 4 lot Open Space Residential subdivision, located along Tulls Creek Road, across from the intersection with Dozier Road, Tax Map 49, Parcel 34U, Crawford Township.

Sworn testimony was given prior to making comments.

David Webb, Planner, reviewed the request.

ITEM: PB 07-23 Acorn Acres: Sketch Plan/ Special Use Permit for a 4 lot Open Space Residential subdivision.

LOCATION: The property is located along Tulls Creek Road, across from the intersection with Dozier Road.

TAX ID: Tax Map 49, Parcel 34U
(0049000034U0000)

ZONING DISTRICT: Residential

OWNER: Countryscapes Landscaping
336 N. Gregory Road

Shawboro, NC 27973

ENGINEER: Hyman and Robey, PC
 150 A US Highway 158 E
 Camden, NC 27921
 252-338-2913

LAND USE PLAN DESIGNATION:

The 2006 Land Use Plan classifies this property in the **Full Service** Area and the **Courthouse** Sub-Area. With respect to residential development, base development density is contemplated to be 2 units per acre but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area.

The policy emphasis of this plan is for the Courthouse area to continue to grow as a small community center therefore much of the area is considered Full Service and Limited Service. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. Regardless of the level of growth, care should be taken to encourage quality development and the preservation of open space in conjunction with development approvals.

This Sketch Plan complies with the 2006 Land Use Plan designation of Full Service.

PRESENT USE: Agricultural

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Residential- Proposed Brumsey Woods	Zoned: R
SOUTH:	Residential- RiversEdge	Zoned: R
EAST:	Residential- Brumsey Landing	Zoned: R
WEST:	Residential	Zoned: R

SCHOOL DISTRICT: Crawford/ Knapp Elementary

SIZE OF SITE: 12.72 Acres

NUMBER OF LOTS: 4

DENSITY: 0.31 of a unit per acre

MINIMUM LOT SIZE: 40,000 SF

STREETS: The street will connect to the proposed Brumsey Woods subdivision. The street will be built to NCDOT Design and Construction standards. The developer expects the street

will be dedicated to NCDOT for maintenance. The proposed street in this subdivision is 390 linear feet and 638 LF from a street intersection in the proposed Brumsey Woods.

WATER: This development is proposing to connect to county water.

FIRE: This development is located within the jurisdiction of the Crawford Volunteer Fire Department. The applicant is proposing to install fire hydrants as part of the previously approved Brumsey Woods water line.

WASTEWATER: Individual, on-site septic systems are proposed.

SOILS: The Currituck County Soils Map indicates the property contains soils that are either marginal or suitable for on-site septic.

OPEN SPACE: No open space is required, however, 3.28 acres of open space is being proposed that includes a walking trail to connect to the RiversEdge open space and walking trail.

DRAINAGE: The applicant is proposing roadside ditches and property line swales to drain into roadside ditches and the wetlands to the east of the property.

SCHOOL CAPACITIES: The revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study was used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

	Available Capacity	Demand	Remaining Capacity
Acorn Acres			
Elementary School	351	1	350
Middle School	161	1	160
High School	254	1	253
Currituck Reserve			
Elementary School	351	182	169
Middle School	161	50	111
High School	254	92	162
South Ridge			
Elementary School	351	31	320
Middle School	161	10	151

High School	254	17	237
Combined			
Elementary School	351	214	137
Middle School	161	61	100
High School	254	110	144

NARRATIVE OF REQUEST:

- Countryscapes Landscaping, Inc. is requesting approval of a four lot major subdivision.
- This is required to be a **major** subdivision because there have previously been over 6 lots (portions of Brumsey Landing) taken out of the parent tract as it existed in 1989.
- One lot will front on Tulls Creek Road and 3 lots will use a road connection to the proposed Brumsey Woods subdivision.
- The Development Impact Statement submitted March 15, 2007 indicates the lot and home combinations will be priced between \$350,000 and \$375,000.

TECHNICAL REVIEW STAFF:

On April 19, 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: Fire hydrant must be within 500' of all portions of road frontage.
4. **Currituck County Water Department**- Approved with the following comments: It appears this subdivision depends on the completion of another before water can be made available. At this point the Currituck Mainland Water System has not been assured that waterlines will be installed across property of others in order for this subdivision to have County water.
5. **Currituck County Planning and Inspections, Inspections Division**-Approved as is.
6. **Albemarle Regional Health Services** – Site evaluations will be needed before Preliminary Plat.
7. **Currituck County GIS** - Approved with no comment, Pisgah Drive previously approved.
8. **County Parks & Recreation Department** - No comments received.

9. **Currituck County Emergency Management** – No comments received.
10. **NC Department of Transportation:** Approve as is-(what is the diameter for cul-de-sacs?)
11. **US Army Corps of Engineers:** No comments received.
12. **NC Department of Natural Resources, Division of Coastal Management** – No comments received.
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** – Approved with no comment,

SPECIAL USE PERMIT CRITERIA:

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

1. *Is the application complete?*
Based on staff review all required information has been submitted for review.
2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The plan generally complies with the provisions of the UDO.
3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*
 - (a) *Will not endanger the public health or safety.*

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

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

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, residential and agricultural uses.

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

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, agricultural uses.

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

The proposal will be consistent with the 2006 Land Use Plan classification of **Full Service Area** and the **Courthouse Sub-Area**.

- (f) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

STAFF RECOMMENDATION:

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **conditional approval** of the application contingent upon satisfaction of all TRC comments, subject to a finding that adequate public facilities exist, and subject to the following conditions:

Code and Technical Review Committee Requirements:

1. All applicable state and local permits to construct the infrastructure will be required at Preliminary Plat submission. (Section 922)
2. The open space for the community park shall be dedicated to a Homeowners Association. (Section 704)
3. The applicant shall construct all required improvements including waterlines, fire hydrants, roads, drainage systems, and street trees; and have them inspected and certified prior to submission of the Final Plat.

Staff Recommendations

1. Design details of the pedestrian walkway should be submitted with the Preliminary Plat.

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

Planning Board Discussion

Mr. John Sawyer (Hyman and Robey, P.C.) appeared before the board.

Ms. Keifer presented the case analysis to the board.

Mr. West asked how this could be approved if the road to Brumsey Woods was not installed.

Ms. Keifer stated that this project lives and dies with the Brumsey Woods project.

Mr. West asked if a road could be made to Tulls Creek Road.

Mr. Hyman stated the owners of this project (Acorn Acres) and Brumsey Woods were working together to make one project. There are wetlands on the property that would make a road crossing out to Tull Creek Road difficult.

Mr. Kovacs asked how 4 property owners can maintain an open space trail and has Rivers Edge agreed to connect to a trail.

Mr. Sawyer stated there have not been discussions yet with the Rivers Edge property owners association. If Rivers Edge does not agree to a connection, it will be a loop trail.

Mr. Kovacs asked if the Brumsey Woods owners could participate in the maintenance of the open space and was concerned about the costs.

Ms. Keifer commented that a hard surface trail maintenance costs would be lower.

Mr. Sawyer agreed to discuss with the developers a unified Acorn Acres and Brumsey Woods property owners association to maintain the open space.

Planning Board Action

Mr. Keel motioned to **approve** the request as with staff comments and the following additional conditions

1. The walking trail shall be hard surface and either connecting to the Rivers Edge trails for forming a loop.
2. The Brumsey Woods property owners association should be required to share responsibility with the Acorn Acres owners for the maintenance of the open space.

Mr. Kovacs seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Eddie Hyman, Engineer, stated that this would be Phase II Brumsey Landing.

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

Commissioner Etheridge moved to approve with staff findings of facts. Commissioner Gregory seconded the motion. Motion carried.

Action on Creating the Currituck County Stormwater Advisory Board and appointments to this Board

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

***ORDINANCE CREATING THE CURRITUCK COUNTY
STORMWATER ADVISORY BOARD***

WHEREAS, the Board of Commissioners for the County of Currituck, North Carolina, is contemplating creation of the *Currituck County Stormwater Advisory Board* to preserve water quality and protect residential and agricultural lands from detrimental flooding; and

WHEREAS, pursuant to North Carolina General Statute Sec. 153A-76, a Board of Commissioners may create boards, commissions and agencies of the County Government in order to promote orderly and efficient administration of County affairs; and

WHEREAS, the Board of Commissioners for the County of Currituck, North Carolina, finds that it is advisable to create an advisory board charged with the duty to

investigate, study and make recommendations to the Board of Commissioners pertaining to all aspects of stormwater in Currituck County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck, North Carolina as follows:

Section 1. Created.

The *Currituck County Stormwater Advisory Board* is created pursuant to North Carolina General Statute 153A-76.

Section 2. Composition.

The Advisory Board shall be composed of five members, one from each watershed, as delineated on Exhibit A attached hereto. One member of the Board of Commissioners shall be ex officio member without a vote.

Section 3. Appointment and Terms of Members.

The members of the Advisory Board who are not County Commissioners, shall be appointed by and serve at the pleasure of the Board of Commissioners as follows:

1. Terms shall be for three years.

2. The commissioner serving as an ex officio member shall be appointed by the Board of Commissioners on the first regularly scheduled Board of Commissioners meeting in December to serve for a two year term.

3. In the event of a vacancy of a non-County Commissioner, the Board of Commissioners shall appoint a citizen to fill the unexpired term of office for that vacancy.

Section 4. Removal of Members.

The Board of Commissioners shall have the right to remove any member appointed to the Advisory Board at will and appoint a replacement member.

Section 5. Duties.

The Advisory Board is charged with the duty and responsibility of investigating, studying, and making recommendations to the Board of Commissioners pertaining to the creation, construction, enlargement, improvement, maintenance, equipment, operation and financing of stormwater infrastructure in Currituck County, make recommendations for new residential and commercial developments as it pertains to localized stormwater.

Section 6. Function as Advisory Board.

The Advisory Board shall have no legislative powers of its own but shall be an advisory board to the Commissioners concerning the matters with which it is charged, and the Board of Commissioners will receive and consider the authority's recommendations pertaining to all aspects of Currituck County Stormwater.

Section 7. Officers.

The Advisory Board shall appoint from its membership a chairman and any other officer as it may deem necessary for the orderly conduct of its business.

Section 8. Meetings.

The Advisory Board shall hold meetings regularly (every other month) and at hours as may be fixed by the Board. Special meetings may be held on call of the chairman upon 48 hours notice to the members of the Board. A copy of the minutes of all meetings shall be sent to the County Manager. All meetings or other business of the Advisory Board shall be conducted in accordance with the Open Meeting Laws of the State of North Carolina.

Section 9. 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 such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Effective Date.

Commissioner Gregory moved to appoint the following.
Commissioner Taylor seconded the motion. Motion carried.
Jerry Old
Wade Morgan
Finley Newbern
Don Cheek
Harold Capps, Jr.
Commissioner Etheridge

Commissioner Appointee to the Local Emergency Planning Committee.

Commissioner Etheridge appointed Commissioner Gregory.
Commissioner Taylor seconded the motion. Motion carried.

Consent Agenda:

**Budget Amendments 2007138-2007145
Proclamation for National Clean Beaches Week
Interlocal Agreement-Northern Elementary School
Change Order for Fence
Approval of May 21, 2007, Minutes
Approval of May 21, 2007, Board of Equalization & Review
Minutes
Resolution of Support for the Clean Water Act of 2007**

Resolution in Support of Funding for North Carolina's Coastal Studies Institute

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10540-531000	Gas, oil, etc	\$ 1,695	
10540-553000	Dues & subscription		\$ 695
10540-514500	Training & Education		\$ 1,000
		\$ 1,695	\$ 1,695

Explanation: Inspections (10540) - Transfer budgeted line items for increased fuel costs during the 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
10793-545000	Contract services	\$ 900	
10330-447700	Smart Start		\$ 900
		\$ 900	\$ 900

Explanation: Smart Start; Eat Smart, Move More (10793) - To record increased in State funding.

Net Budget Effect: Operating Fund (10) - Increased by \$900.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10641-514000	Travel	\$ 400	
10641-545000	Contract Services		\$ 400
		\$ 400	\$ 400

Explanation: Support Our Students (641) - To record State budget amendment.
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
50550-592005	10 T-Hangar/Fence/Fuel Repair	\$ 18,075	
50380-481000	Investment Earnings		\$ 18,075
		<u>\$ 18,075</u>	<u>\$ 18,075</u>

Explanation: Airport Projects (50550) - To appropriate funds for change order 1 for the Perimeter Safety/Security Fencing to add an additional 975 LF of 8' High chain link fence to original contract.

Net Budget Effect: Governmental Construction (50) - Increased by \$18,075.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10410-526000	Advertising	\$ 2,000	
10410-532000	Supplies	\$ 1,500	
10410-545000	Contract Services		\$ 3,500
10420-532000	Supplies	\$ 100	
10420-514000	Travel		\$ 100
10430-514000	Travel	\$ 600	
10430-590000	Capital Outlay	\$ 323	
10430-501000	Salary Paid to Officials		\$ 439
10430-506000	Insurance Expense		\$ 384
10430-532000	Supplies		\$ 100
10441-557100	Software License Fees	\$ 873	
10441-511010	Data Transmission/WAN		\$ 873
10445-511000	Telephone & Postage	\$ 100	
10445-532000	Supplies	\$ 750	
10445-545000	Employee Assistance		\$ 850
10450-521100	Equipment Lease	\$ 1,500	
10450-532000	Supplies	\$ 450	
10450-506000	Insurance Expense		\$ 1,950
10460-526000	Advertising	\$ 26	
10460-531000	Gas, Oil, Etc	\$ 5,000	
10460-532006	Supplies - Mosquito	\$ 2,000	

	Control			
10460-561000	Professional Services		\$	7,026
10480-508000	Supplemental Pension	\$	500	
10480-532000	Supplies	\$	500	
10480-545200	Records Management	\$	1,000	
10480-557400	Children's Trust Funds	\$	500	
	Domestic Violence			
10480-558100	Center	\$	2,500	
10480-506000	Insurance Expense		\$	5,000
10530-590000	Capital Outlay	\$	4	
10530-506000	Insurance Expense		\$	4
10550-506000	Insurance Expense	\$	9	
10550-516000	Maintenance & Repair	\$	1,500	
10550-531000	Gas, Oil, Etc	\$	750	
10550-531002	Aviation Fuel		\$	2,259
10606-506000	Insurance Expense	\$	59	
10606-553000	Dues & Subscriptions	\$	58	
10606-521000	Rent		\$	117
10640-516000	Maintenance & Repair	\$	300	
10640-506000	Insurance Expense		\$	300
10775-513000	Utilities	\$	1,000	
10775-506000	Insurance Expense		\$	1,000
12541-513000	Utilities	\$	9,000	
12541-545000	Contract Services	\$	3,000	
12541-502000	Salaries		\$	12,000
12543-532103	Fire Supplies - Moyock	\$	500	
	Travel/Training/Educ -			
12543-514503	Moyock		\$	500
63838-521000	Rent	\$	1,875	
63838-545600	Sitework/Landscaping	\$	2,000	
63838-545002	Contract Services - Disposal		\$	3,875
65858-532000	Supplies	\$	600	
65858-545100	Credit Card Fees	\$	25	
65858-516000	Repairs & Maintenance		\$	625
			<u>\$</u>	<u>40,902</u>
			<u>\$</u>	<u>40,902</u>

Explanation: Transfers for operations for various departments for the remainder of this fiscal year.

Net Budget Effect:
 Operating Fund (10) - No change
 Fire Services Fund (12) - No change.
 Solid Waste Fund (63) - No change.
 Moyock Commons Sewer Fund (65) - No change.

<u>Account</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease

<u>Number</u>			<u>Expense</u>
10740-545500	Mental Health Center	\$ 2,000	
10330-412000	Bottle Tax		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Mental Health (740) - Increase appropriations to Mental Health due to increase bottle tax collections.

Net Budget Effect: Operating Fund (10) - Increased by \$2,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10490-546003	Solicitor's Office Expense	\$ 9,948	
10330-424000	Officer Fees		\$ 5,000
10340-456000	Planning Fees		\$ 4,948
		<u>\$ 9,948</u>	<u>\$ 9,948</u>

Explanation: Court Facility Fees (490) - Increase appropriations due to increased rent to Pasquotank County for office space for the Public Defender and District Attorney offices.

Net Budget Effect: Operating Fund (10) - Increased by \$9,948.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-590000	Capital Outlay	\$ 14,000	
10510-545000	Contract Services		\$ 14,000
		<u>\$ 14,000</u>	<u>\$ 14,000</u>

Explanation: Sheriff (10510) - Transfer budgeted funds from contract services to capital outlay for laptops, mounting hardware and data connectivity for the Sheriff's office.

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

Proposed Proclamation for National Clean Beaches Week

Declaring the week beginning June 29, 2007 as National Clean Beaches Week.

Whereas the Clean Beaches Council, as part of Great Outdoors Month has designated the week beginning June 29, 2007 as National Clean Beaches Week; and

Whereas beaches represent a critical part of our natural heritage and a beautiful part of the American landscape; and

Whereas beaches are sensitive ecosystems, susceptible to degradation and alteration from pollution, sea level rise, natural forces, untreated sewage, and improper use; and

Whereas communities and government have undertaken significant measures to keep beaches clean and healthy; and

Whereas Americans make over 2 billion annual trips to the ocean, gulf, and inland beaches and contribute significant resources to the local, state and national economies; and

Whereas 75% of all recreational activity occurs within a half mile corridor around the shorelines of our beaches, rivers, and lakes; and

Whereas coastal tourism and healthy, fresh seafood fuels robust economies – sustaining communities and supporting jobs along the coastal U.S.; and

NOW, therefore, the Currituck County Board of Commissioners, do hereby acknowledge that each year, the seven-day period ending on July 5, shall henceforth be observed as National Clean Beaches Week and encourage all residents to visit, enjoy, and protect our greatest natural resource.

Resolution of Support for the Clean Water Act of 2007

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Currituck County Board of Commissioners urges the NC General Assembly to enact the "Clean Water Act of 2007" which provides for a \$500 million bond issue to be expended over the next five years, and an annual appropriation of \$50 million in recurring funding to address urgent needs.

Commissioner's Report

Chairman Nelms commented on the Legislative Breakfast he attended.

Commissioner Bowden thanked staff for moving forward with funding of the Carova Beach Park.

County Manager's Report

Dan Scanlon, commended the Finance Director and Staff for their work on the budget.

Adjourn

There being no further business, the meeting adjourned.

Currituck County Tourism Development Authority Meeting

Call to order

Chairman Nelms called the meeting to order.

Appointments to Tourism Advisory Board

Commissioner Etheridge moved to appoint Don Cheek and Daniel O'Boyle. Commissioner Gregory seconded the motion. Motion carried.

Adjourn

There being no further business, the meeting adjourned.