

CURRITUCK COUNTY
NORTH CAROLINA
MARCH 19, 2007

The Board of Commissioners met on Monday, March 19, 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 Gregory, Mt. Zion Methodist Church, was present to give the invocation.

Approval of Agenda

Commissioner Gregory moved to amend the agenda by adding to consent agenda appointment of Commissioner Etheridge to Albemarle Commission. Commissioner Bowden seconded the motion. Motion carried.

- Item 1 **Public Comment**
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 2 **Proclamation on Citizen Soldier Support Program** (Ms. Heather Hill to make presentation)
- Item 3 **Ellen Owens, Presentation of 4-H Program (TOPP)**
- Item 4 **Public Hearing and Action on PB 04-47 Blackwater USA Special Use Permit for Security Training Operations and Services Facility** Special Use Permit application renewal for a Security Training Operations and Services Facility located at the south end of Puddin Ridge Road, adjacent to Camden County border, Tax Map 11, Lot 4A, Tax Map 12, Lot 1, Tax Map 17, Lot 1A, Moyock Township.
- Item 5 **Public Hearing & Action on PB 05-25 Waterlily Ridge** Sketch Plan for 11 lots on east side of Waterlily Road
- Item 6 **Discussion and Action** on Albemarle Mental Health Local Business Plan.
- Item 7 **Discussion and Action** on Ferebee Lane Phase II Report and Change Work Order for GARCO
- Item 8 **Discussion and Action** on CDBG Change Work Order
- Item 9 **Discussion and Action** on Water Tower Lease Agreement with Verizon Wireless Tower
- Item 10 **Consent Agenda:**
A. Budget Amendments
B. Resolution declaring surplus property and authorizing Auction of
 Surplus Property
C. Appoint Sidney Garrett and Joe Hobbs to Northwest Watershed
 Advisory Board

- D. Approval of February 19 and March 5 minutes
- E. Budget Resolution for Library Project
- F. Budget Resolution for Airport Project

- Item 11 Commissioner's Report
- Item 12 County Manager's Report
- Item 13 Closed Session to discuss personnel
- Item 14 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.

Dan Alexander, Currituck High School, invited everyone to the school presentation of Oliver.

Nelson Davidson, Caratoke Highway, expressed concern with the County's junk car ordinance.

Kevin Conner, requested a moment of silence for John Schrote. Mr. Conner opposed the new legislation on voting districts.

Phil Scott, South Mills Road, voiced his support for County Manager Dan Scanlon and requested that the Board not consider letting him go as County Manager.

Commissioner Etheridge began to ask a few questions and was told by Chairman Nelms this was for comment only.

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

Proclamation on Citizen Soldier Support Program (Ms. Heather Hill to make presentation)

Ms. Hill reviewed the Citizen Soldier Support Program.

Commissioner Etheridge moved to adopt resolution.
Commissioner Bowden seconded the motion. Motion carried.

State of North Carolina
County of Currituck

PROCLAMATION OF SUPPORT

WHEREAS, our country's security depends on the readiness and retention of the men and women of the United States Armed Forces, a total force comprised of active, National Guard, and Reserve personnel; and,

WHEREAS, our military personnel, their families and loved ones face unique and pressing challenges through every stage of the deployment cycle; and,

WHEREAS, those challenges should be met with support and recognition from their civilian communities; and,

NOW THEREFORE, BE IT PROCLAIMED, by the Commissioners of the County of Currituck, NC in conjunction with the Citizen Soldier Support Program, that May 10, 2007, is hereby declared Military Family Appreciation Day in the County of Currituck; and

BE IT FURTHER DECLARED, which the County of Currituck urges all citizens to recognize and appreciate the extraordinary sacrifices made by both our military and the families they leave behind. Their selfless service ensures our freedom and preserves our quality of life.

Ellen Owens, Presentation of 4-H Program (TOPP)

Ellen Owens, discussed the 4-H Teen Orientation to Public Policy Program. Ms. Owens further discussed how the youth will function on the boards. The first objective is for youth to gain an understanding of local County Government and how it functions.

Public Hearing and Action on PB 04-47 Blackwater USA Special Use Permit for Security Training Operations and Services Facility Special Use Permit application renewal for a Security Training Operations and Services Facility located at the south end of Puddin Ridge Road, adjacent to Camden County border, Tax Map 11, Lot 4A, Tax Map 12, Lot 1, Tax Map 17, Lot 1A, Moyock Township.

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director, reviewed the application for renewal.

To: Board of Commissioners

CC: Daniel F. Scanlon, County Manager
Katherine McKenzie, County Attorney

From: Sarah E. Keifer, AICP, Director, Planning and Inspections

RE: Blackwater - SUP Renewal Hearing (PB-04-47)

Date: March 6, 2007

On February 6, 2006 the Board of Commissioners conditionally approved a Special Use Permit for a security training operations and services facility located at the south end of Puddin Ridge Road adjacent to the Camden County border in Moyock Township. One of the conditions of approval also included in Section 1403, Items 23 (n) and (z) of the Unified Development Ordinance (Ordinance) provides that the permit shall be reviewed annually for a period of three (3) years and then once every five (5) years by the Planning and Inspections staff and the Fire Marshal. Item 23 (m) of the Ordinance further indicates that such reviews shall also include a renewal hearing which has been scheduled for your March 19, 2007 meeting.

At present, while Blackwater has an active Special Use Permit, no construction or operations have commenced at the site. Given that the permit has not been acted upon, staff has not performed an inspection of the site. It should be noted that in accordance with Section 2018, Item 3 of the Ordinance, should the use not commence within two (2) years of the permit being approved (February 6, 2008), the permit shall expire.

The original staff report and minutes from the February 6, 2006 meeting are attached for your reference.

Should you have any questions, please do not hesitate to contact me directly.

Thank you.

ITEM: PB 04-47 BLACKWATER, SPECIAL USE PERMIT
FOR SECURITY TRAINING OPERATIONS AND
SERVICES FACILITY

LOCATION: South end of Puddin Ridge Road, adjacent
to Camden County Border, Moyock Township.

ZONING DISTRICT: Agricultural (A)

TAX ID: 0011-000-004A-0000 0012-000-0001-
0000
0017-000-001A-0000

OWNER: APPLICANT
E&J Holdings, LLC Arcadis G&M of NC, Inc.
PO Box 1029 801 Corporate Center Dr.
Moyock, NC 27958 Suite 300
Raleigh, NC 27607

LAND USE/ZONING OF SURROUNDING PROPERTY:
NORTH: Residential and Agricultural- Zoned A

SOUTH: Vacant- Zoned A
 EAST: Agricultural- Zoned A
 WEST: Vacant and Agricultural- Zoned A

NARRATIVE:

- E& J Holdings is requesting a Special Use Permit for the Blackwater Training Facility in Currituck County that will include firing ranges, classrooms and a bunkhouse.
- The three parcels for the site are located on the south end of Puddin Ridge Road in the Moyock Township, on the border with Camden County. The three parcels total 3,212 acres in area.
- This property is zoned Agricultural and the Table of Permissible uses allows Security Training Operations and Services Facility (use 39.000) in this zoning district with a Special Use Permit.
- The Board of Commissioners amended the UDO on May 3, 2004 to allow this use under specific conditions.
- Blackwater has an existing training facility in Camden County.
- The firing range will be used for small arms training. The armory and explosives storage are in an existing facility in Camden County.
- Twenty-nine stalls for firing are proposed that will be backed by an earthen berm. The downrange safety area does not face any exterior property line and is contained on a 2,423 acre parcel.
- The proposed plans also include 14 modular classrooms at 2,400 SF each and a 4, 000 SF bunk house.
- There currently is no access to a state maintained road or a recorded easement to these properties. Legal access is required before building permits can be issued.
- Article 14, Conditional and Special Uses requires 29 specific standards for this use and are found below under Additional Ordinance Requirements.
- The firing ranges are required to be 900 feet from any property line and on land that is predominately undeveloped.
- The firing ranges will be over 1,900 feet from the nearest property not owned by E&J Holdings.
- This plan was reviewed at the December 8, 2005 Technical Review Committee Meeting.
- The plan received conditional TRC approval with the recommended conditions included in the staff comments.

QUESTION(S) BEFORE THE BOARD:

Conditional Use Permit Criteria and Staff Findings:
 (The Board must find that the applicant meets all criteria in order for a Special Use Permit to be approved.)

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

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

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

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

- 1. The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

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

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

Suggested Findings:

- 1. The firing ranges will be over 1,900 feet from the nearest property not owned by E&J Holdings.
- 2. The use will meet all of the safety requirements found in Article 14.

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

Suggested Findings:

- 1. Section 1310 of the Unified development Ordinance indicates that the operation of an Security Training Operations and Services Facility (use classification 39.000) is a permitted land use with a Special use permit in an A (Agricultural) zoning district.
- 2. The existing land uses will be buffered by existing vegetation and drainage canals.

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

Suggested Findings:

- 1. The facility cannot conduct firing range activities between the hours of 10 p.m. to 7 a.m. EST daily.
- 2. There are no residential uses within 2000 feet of the facility.

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

Suggested Findings:

1. The 1990 Land Use Plan classifies the property as "Conservation". According to the 1990 Land Use Plan, "The purpose of the conservation class is to provide for the effective long-term management and protection of significant, limited or irreplaceable areas."
2. This low density development will not significantly impact any wetlands on the site.
3. The proposed use conforms to the approved County Plans.

- (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:

1. The proposed commercial use will not exceed the county's ability to provide adequate public facilities.

Additional Ordinance Requirements:

(These are the specific conditions listed in Article 14 of the UDO and will be incorporated into the final order.)

23. A Security Training Operations and Services Facility is permitted in the "A" District only. A minimum lot size for this use shall be three thousand five hundred (3500) contiguous acres. All areas within the proposed Security Training Operations and Services Facility, including but not limited to firing area(s), backstops, downrange safety zones, parking & accessory areas, parachute landing zone, driver training area, etc. shall be under uniform control or ownership. The Security Training Operations and Services Facility shall also be subject to the following requirements: (Amended 5/3/04)

Firearms and Explosive Training

- (a) The design criteria for all firearms ranges cited in the Military Handbook - Range Facilities and Miscellaneous Training Facilities Other Than Buildings

(MIL-HDBK-1027/3B), as amended or superseded or the National Rifle Association range Manual, as amended or superseded shall be met;

- (b) The proposed firearms ranges shall be reviewed by and comments received from the Currituck County Sheriff's Department;
- (c) No firing or explosive training activities shall occur between the hours of 10 p.m. to 7 a.m. EST daily;
- (d) The immediately adjacent areas to the proposed training areas and ranges shall be predominately undeveloped and shall be at least nine hundred (900) feet from any property line regardless of the direction of fire unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable;
- (e) The maximum downrange safety area for each range and shooting area shall be essentially fan-shaped, with its vertex being 100 yards each side of the end firing point and extending 4800 meters in length 100 degrees from the firing line, plus an additional 100 meters running parallel to the 100 degree line. The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner;
- (f) Weapon types will be restricted to pistol, rifle and shotgun, or similar. No automatic assault type weapon shall be used by the general public but will be allowed by any law enforcement, military or federal agency group duly authorized to use these style weapons. Limits on caliber size shall be in accordance with the National Rifle Association Range Manual subject to the physical constraints of the property;
- (g) Concussion type explosives will be permitted for use by law enforcement, military or federal agency group duly authorized to use these type of explosives;
- (h) Military, para-military or militia type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerilla warfare techniques, incendiary type firings, infiltration course type training, etc. permitted for use by law enforcement, military or federal agency groups only;
- (i) All actual firing activities will be directed toward either moving or stationary targets only;
- (j) Any overnight or temporary storage of weapons, ammunition and explosives shall meet the Department of Defense storage and stand-off safety standards;

- (k) In no case shall any explosive material be stored, either inside or outside a "magazine," closer than one thousand two hundred fifty (1250) feet to a property line or dwelling unit and three hundred (300) feet to any roadway;
- (l) The maximum amount of explosives on-site at any one time shall not exceed one hundred (100) pounds stored and ten (10) pounds utilized during any one evolution;
- (m) A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant to the County annually at the special use renewal hearing;
- (n) The County Fire Marshall shall be authorized by the applicant to inspect the site and shall not be required to give advance notice of his inspection date for the purpose of determining compliance with all required permits and regulations including but not limited to: Alcohol, Tobacco and Firearms (AT&F) permits, National Fire Protection Association standards, Volume 5 of the NC State Building code (Fire Prevention Code), and local ordinances. The facility shall be inspected annually for the first three (3) years and thereafter a minimum of once every five (5) years;
- (o) The facility and all individuals working with explosives within the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (AT&F) to conduct such operations in compliance with its permits;

Driver Training and Vehicle Maintenance

- (p) The immediately adjacent areas to the driver training area shall be predominately undeveloped and shall be at least one hundred fifty (150) feet from any property line unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable;
- (q) Burning of non-vegetative matter and disposal of toxic/hazardous matter is prohibited
- (r) Stockpiling of tires and vehicles is prohibited;
- (s) No driver training is permitted on any public road and all driver training may only be conducted in clearly marked designated driving areas;

Rotary and Fixed-Wing Aircraft Operations and Parachute Operations

- (t) Any training or operations involving rotary or fixed wing aircraft shall comply with FAA Part 91 and

any and all other applicable FAA regulations or any other applicable State or local ordinance that governs the use and operation of rotary and fixed wing aircraft.

- (u) Any and all parachute operations shall comply with FAA Part 105 and any and all other applicable FAA regulations or any other applicable State or local ordinance that governs parachute operations, including any and all federal, state or local rules and regulations related to a parachute landing zone, if any;

Dining Facility and Lodging

- (v) Construction of dormitory type structures to house not more than one hundred twenty (120) persons at any one time shall be permitted to provide overnight accommodations to those people training at the Security Training Operations and Services Facility; provided that all state, county and relevant agency permits, approvals and licenses are obtained in connection with the construction and operation of such structure;
- (w) All state, county and relevant agency permits, approvals and licenses must be obtained in connection with the operation of a dining facility;
- (x) Sleeping and dining accommodations to persons not utilizing or otherwise associated with the Security Training Operations and Services Facility shall not be permitted;

Miscellaneous

- (y) The site or area used as a Security Training Operations and Services Facility shall be enclosed by a six (6) foot fence or otherwise restricted by natural physical features (i.e. swamps, bodies of water, ditches, etc.) so that access to the site is controlled to insure the safety of patrons, spectators and the public at large. Warning signs shall be posted along access points;
- (z) The special use permit is non-transferable and will be reviewed annually for the first three years after approval and then every five years thereafter.
- (aa) The special use permit does not waive any requirement for compliance with any applicable federal, state and local rules, regulations, permits and other required licenses and permits to conduct any of the aforementioned operations or to construct any building or improvement;
- (bb) The operators of a Security Training Operations and Services Facility must provide proof of coverage

by adequate accident and liability insurance companies. A minimum coverage of \$2,000,000 shall be established; and

- (cc) That any activity not specifically mentioned within the foregoing shall be prohibited.

STAFF RECOMMENDATION

Staff recommends approval with the following conditions:

1. All conditions of UDO Section 1402(23) shall become a part of this permit.
 2. The plans dated 1-17-2006 shall be the approved site plan for this permit.
 3. A zoning permit shall be issued by the Department of Planning before the use begins.
 4. All required state, county and federal permits shall be secured before the use begins.
 5. Permits for North Carolina Stormwater and Sedimentation and Erosion Control are required.
 6. All comments and conditions of the Technical Review Committee shall become a part of this permit, including, but not limited to:
 1. Fire Services:
 - a. There must be street names and structural addresses in order to expedite the delivery of emergency services. Any hard wired communications from these structures should indicate this addressing when calling the Currituck County 911 Center.
 - b. There must be either fire hydrants within 400' of all parts of all structures or an engineered fire suppression pond capable of delivering 1000gpm over 2 hours throughout a 50 year drought period located with 2500' of all structures. These measurements are as hose would fall from the back of fire apparatus.
 2. County Engineer
 - a. An Engineering Storm Water Management Plan Report is required to include: substantiating calculations demonstrating difference between pre-development of 10 yr.-hr design storm event vs. post-development of 10 yr.-2 hr. design storm event; explanation of aforementioned in narrative form.
 3. Applicant will indicate locations of access easements at time of building permit application.
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PLANNING BOARD DISCUSSION

Mr. Richard Lee of Arcadis, presented a map showing easement with Puddin Ridge Rd.

Mr. Keel asked about automatic weapons.

Mr. Webb read the ordinance stating who can use an automatic weapon in Currituck County.

Mr. Midgette asked if the conditions set forth by staff were agreeable.

Mr. Lee stated that there would be discussions with staff on a few items they'd like to negotiate.

Ms. Turner asked about the security plan around the firing range.

Mr. Lee said that there are 576 acres that include another tract and there are actual canals that surround the area.

Mr. John Snowden, Currituck Independent, stated that noise from Blackwater can be heard in Maple and stated his disappointment that the board didn't ask questions about noise.

Mr. Kovacs stated that he lives in Quail Run, can hear the noise and is not offended by it because he is supportive of what Blackwater does.

Ms. Turner said that this activity is within the acceptable levels of the noise ordinance.

Mr. Wayne Leary, ED Director, stated the ED board's support for Blackwater.

PLANNING BOARD ACTION

Mr. Keel motioned to approve the request as presented. Mr. Winter seconded the request. Motion passed unanimously.

Minutes
Currituck County Board of Commissioners
February 6, 2006
(excerpt)

Public Hearing and Action PB 04-47 BLACKWATER USA: Special Use Permit for Security Training Operations and Services Facility on property located at the South end of Puddin Ridge Road, adjacent to Camden County border, Tax Map 11, Lot 4A, Tax Map 12, Lot 1, Tax Map 17, Lot 1A, Moyock Township.

Chairman O'Neal opened the public hearing.

William Baker, Wildwood Acres, expressed concerns with environment and opposes request.

Richard Lee, Arcadis, was established as an expert witness to answer questions if needed.

Bill Mathews, Blackwater, presented a presentation on their facility and the work they do. Mr. Mathews also answered questions regarding noise and location of firing range and assured citizens that firing would be away from homes in the area.

Rhonda Ross, Summit Farms, expressed concerns with noise and property values, opposes request.

Carol Bell, Puddin Ridge Road, opposes request.

Sharon Mason, opposes request.

John Yi, Oxford Road, opposes request.

Greg Krause, requested Board to deny request due to safety and proximity to homes. He also questioned why this same request was denied in 1996.

Juanita Krause, Summit Farms, opposes request and expressed concerns with environment and noise and why the Board has not addressed concerns of the citizens. She also presented a list of questions to be recorded in the minutes.

Matthew Krause, Summit Farms, son of Anita Krouse, expressed his concerns about feeling safe in his home.

Mike Svede, opposes request and stated county needed to verify data.

John Grover, Summit Farms, opposes request.

Corey Arnold, Cahoon Farms, requested a noise study.

Edward Barnes, Summit Farms, opposes noise.

Sherry Motes, Summit Farms, opposes request.

John Williams, Eagle Creek, opposes request and would like a noise study.

Sam Nelson, Eagle Creek, opposes request and does not like the hours of operation.

David Palmer, Chamber member, supports request and stated that there is no way the county can deny this request.

John Fedele, Eagle Creek, opposes request.

Glenn Starboard, Ranchland, supports request which brings jobs to county.

David Myers, Wildwood Acres, questioned how much money was to be made by Blackwater. Chairman O'Neal stated that was not relevant to the request.

William Russo, Wildwood Acres, opposes request and expressed his concerns.

Amanda Russo, Wildwood Acres, opposes request and asked Board to consider effects on residents.

Troy Breathwaite, Wildwood Ares, opposes request and takes offense at the presentation by Blackwater. Mr. Breathwaite was presented as an expert witness regarding noise and lead contamination.

Gary Davis, Cooper Garrett Road, opposes request and noise.

Jimmy Hartman, opposes request.

Randy Shivley, requested Board to deny request and has concerns with the noise.

Chris Gilbert, Ranchland, supports request because it brings jobs to the county.

Bob Henley, ED Board, supports request and contributions to the county.

Brenda West, opposes request because of safety and noise.

Roy Meidinger, Blackwater employee, supports request.

Jeff Hamilton, Blackwater, supports request and the jobs provided.

Kevin Kelleher, Blackwater, supports request.

Jim Dehart, supports the job opportunities.

Ron Slezak, Moyock, proud of the noise that is made and supports the request.

Charles Gray, Wildwood Acres, opposes traffic and noise.

Gary Flannelly, Blackwater employee, invited the public to come out and tour the facility.

Shana Winslow, Blackwater, supports request.

Brenda Morin, Blackwater, supports request.

Ron Johnson, Blackwater, supports request.

Mike Vernon, supports request.

Janet Sanderlin, Tabby St, supports Blackwater.

Linda Knox, supports Blackwater.

Tammy Stocks, Blackwater, supports jobs Blackwater brings to County.

Carol Warburton, supports Blackwater.

Carol Smeltzer, Chesapeake, Va, Blackwater employee, supports permit.

Randy Hogge, Blackwater Master Ranger, supports request.

Jonathan Allen, Arcadis, stated all the requirements have been met.

Wesley Ferrell, supports request.

Larry Semones, Wedgewood Drive, supports permit.

Jerry McLesky, Eagle Creek, stated all his questions have been answered and supports permit request.

Jim Lee, Reporter, supports Blackwater's request for a permit.

Commissioner Miller questioned Mr. Mathews on who would maintain Puddin Ridge Road; he also stated that Blackwater could use any type of large weapons and ammunition; he also questioned if Blackwater would pay occupancy tax on the bunk house; Blackwater will provide insurance. Commissioner Miller was concerned with why the zoning permit would be issued before the special use permit. Commissioner Miller requested Mike Doxey, Soil and Water Conservation, to review the drainage issues, buffer and storm water management plan that would be necessary for Blackwater to complete their request. Mr. Doxey was sworn in as an expert witness.

Mr. Doxey stated that water drains in Lateral A from Blackwater, and this would need to be addressed at a later date before construction.

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

Commissioner Etheridge asked the Attorney if all technical and legal questions have been addressed and if Blackwater has met all the requirements of the UDO.

Attorney McKenzie stated that they have been answered.

David Webb, Planner, stated that they have met all conditions of the Unified Development Ordinance (UDO).

Commissioner Miller moved to table until Staff has addressed citizens concerns. Motion failed for a lack of a second.

Commissioner Bowden moved to approve with findings of fact and include conditions of the ordinance have been met before construction begins, Commissioner Martin seconded the motion. Motion carried with Chairman O'Neal and Commissioner Miller voting no.

Chairman Nelms opened the public hearing.

Juanita Krause, opposes this request and expressed concerns with Puddin Ridge Road.

Sherry Motes, Summit Farms, expressed concerns with road and noise.

Kevin Burwell, supports the request for renewal of permit.

Troy Breathwaite, opposes the request and expressed concerns with firearms.

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

Commissioner Taylor moved to approve the renewal of the permit. Commissioner Bowden seconded the motion. Motion carried with Commissioner Gregory voting no.

Public Hearing & Action on PB 05-25 Waterlily Ridge Sketch Plan for 11 lots on east side of Waterlily Road

Sarah Keifer, Planning Director, stated that this request previously came before the Board and was approved contingent upon installing an 8 inch water line. The applicant is requesting that the request be approved without installing an 8 inch water line.

Chairman Nelms opened the public hearing.

Eddie Hyman, Engineer, requested that the extension of an 8 inch water line be removed as a condition.

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

Chairman Nelms moved to have the requirement for extending an 8 inch water line be removed. Commissioner Bowden seconded the motion. Motion carried with Commissioners Taylor and Etheridge voting no.

Discussion and Action on Albemarle Mental Health Local Business Plan.

Sandra Jordan-Leigh, Albemarle Mental Health, reviewed the business plan and the need for developing a crisis/detox facility for the surrounding area.

Commissioner Etheridge moved to send a letter of support for this request. Chairman Nelms seconded the motion. Motion carried.

Discussion and Action on Ferebee Lane Phase II Report and Change Work Order for GARCO

Kate McKenzie, Attorney, reviewed the project and a report will be sent to the state for approval and then proceed with Phase III, which will be bid out.

Chairman Nelms moved to approve the work order in the amount of \$2,017.54. Commissioner Gregory seconded the motion. Motion carried.

Discussion and Action on CDBG Change Work Order

Kate McKenzie, Attorney, reviewed the change order and proposed work that will be needed to complete project.

Chairman Nelms questioned the cost of lifting the house for \$86,000.

Commissioner Bowden expressed concerns with the cost and whether the Albemarle Commission would be sharing in the cost.

Commissioner Gregory moved to further look at the cost of lifting the house and to get additional quotes. Chairman Nelms seconded the motion. Motion carried.

Discussion and Action on Water Tower Lease Agreement with Verizon Wireless Tower

Kate McKenzie, Attorney, reviewed the agreement for \$1700 rent per month.

Chairman Nelms approved the lease agreement. Commissioner Taylor seconded the motion. Motion carried.

Consent Agenda:

- A. Budget Amendments**
- B. Resolution declaring surplus property and authorizing Auction of Surplus Property**
- C. Appoint Sidney Garrett and Joe Hobbs to Northwest Watershed Advisory Board**
- D. Approval of February 19 and March 5 minutes**
- E. Budget Resolution for Library Project**
- F. Budget Resolution for Airport Project**

G. Appointment of Commissioner Etheridge to Albemarle Commission

Commissioner Bowden 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
62828-513000	Utilities	\$ 700	
62828-532000	Supplies		\$ 700
		\$ 700	\$ 700

Explanation: Newtown Sewer Fund (62828) - Transfer funds from supplies to utilities for operations for the remainder of this fiscal year.

Net Budget Effect: Newtown Road (62) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531-590000	Capital Outlay	\$ 6,500	
10531-514500	Training and Education		\$ 4,500
10531-532000	Supplies		\$ 2,000
		\$ 6,500	\$ 6,500

Explanation: Emergency Management (531) - Transfer grant funds to purchase a WebEOC/GIS interface.

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
63838-511000	Telephone & Postage	\$ 2,500	
63838-516000	Repairs & Maintenance		\$ 2,500
		\$ 2,500	\$ 2,500

Explanation: Solid Waste (838) - Transfer funds for additional postage required for mass mailings of the Solid Waste Ordinance to the RO1 and RO2 districts.

Net Budget Effect: Solid Waste Fund (63) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-561000	Professional Services	\$ 2,636,324	
61390-499900	Appropriated retained earnings		\$ 2,636,324
		\$ 2,636,324	\$ 2,636,324

Explanation: Mainland Water (61818) - To appropriate funds for engineering services for the design and construction of an Reverse Osmosis water plant and water line extensions on the Currituck mainland.

Net Budget Effect: Mainland Water Fund (61) - Increased by \$2,636,324.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
62828-561000	Professional Services	\$ 15,000	
62828-590000	Capital Outlay	\$ 185,000	
62330-449900	Miscellaneous Grants		\$ 100,000
62390-495010	T F - Operating Fund		\$ 100,000
10990-487062	T T - Newtown Rd Sewer	\$ 100,000	
10380-481000	Investment earnings		\$ 100,000
		\$ 300,000	\$ 300,000

Explanation: Newtown Road Sewer District (62828) - To appropriate funds for replacement of two 12,000 gallon septic tanks, four 2,000 pump chambers and an 8-pump control panel. This project will be funded with \$100,000 grant funding awarded by the NC Rural Center and \$100,000 from the County general fund.

Net Budget Effect: Operating Fund (10) - Increased by \$100,000.
Newtown Road Sewer Fund (62) - Increased by \$200,000.

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

Effect:

**COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design and construction of a 7,500 square feet, one story building to accommodate a public library (5,000 square feet) and a cultural history museum (2,500 square feet) of wood or steel frame construction with conventional spread footings and brick veneer and sloped metal roof with on site parking spaces.

SECTION 2. The following amounts are appropriated for the project:

Professional Services	\$ 250,000
Contracted Services	\$ 1,250,000
Furnishings	\$ 200,000
Reimbursable Expenses	\$ 50,000
Contingency	\$ 50,000
	<u>\$ 1,800,000</u>

SECTION 3. The following revenues are available to complete this project:

Transfer from Land Transfer Tax	\$ 1,200,000
Transfer from Occupancy Tax	\$ 600,000
	<u>\$ 1,800,000</u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.

- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

**COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design and construction of a 10 Unit T-Hangar, fencing and fuel farm repairs at the Currituck County Airport per State Aid to Airport Block Grant project 36237.8.5.1.

SECTION 2. The following amounts are appropriated for the project:

10 Unit T-Hangar, Fencing & Fuel Farm Repairs	\$	501,000
		\$ 501,000

SECTION 3. The following revenues are available to complete this project:

State Aid to Airports, Grant 36237.8.5.1	\$	450,000
Transfer from Occupancy Tax	\$	51,000
		\$ 501,000

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

Commissioner's Report

No comments

County Manager's Report

Dan Scanlon, County Manager, commented on the recognition of the Board of Election staff and provided an update on the Fire Departments rating.

Closed Session to discuss personnel

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

Adjourn

There being no further business, the meeting adjourned.