

CURRITUCK COUNTY
NORTH CAROLINA
MAY 19, 2008

The Board of Commissioners met on May 19, 2008, at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Nelms, Commissioners Bowden, Gregory, Taylor and Etheridge.

Invocation

Pledge of Allegiance

The Reverend Scott Wilson-Parsons presented the invocation.

Approval of Agenda

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

Delete Item 13 and replace with Discussion on local legislation; Add budget amendments and Resolution supporting Dare County and Resolution supporting the Town of Duck and closed session to discuss litigation, John Snowden.

- Item 2 **Public Comment**
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Presentations in honor of EMS Week**
- Item 4 **Chief Carter, presentation on MODEL System**
- Item 5 **Public Hearing and Action** PB 08-08 Daniel Goodwin: Text Amendment to the Currituck County Unified Development Ordinance to allow push-carts in the General Business (GB), Commercial (C), and Limited Business-Hotel (LBH) zoning districts.
- Item 6 **Public Hearing and Action** PB-99-18 James V. Bickford Al Towing: Request for an extension to the Special Use Permit for an impoundment area for the temporary storage of vehicles located on the west side of Ocean Trail (NC 12) within the Villages at Ocean Hill, Tax Map 114E, Poplar Branch Township.
- Item 7 **Public Hearing and Action** PB 88-66 The Villages at Ocean Hill: Request for an amendment to modify conditions placed on the Special Use Permit issued by the Board of Commissioners on November 5, 2007.
- Item 8 **Consideration of Airport Hangar Bids**
- Item 9 **Appointments to Land Transfer Tax Appeals Board**
- Item 10 **Appointment to Senior Center Advisory Board**
- Item 11 **Appointments to Game Commission**
- Item 12 **Appointments to Moyock Watershed Advisory Board**
- Item 13 **Discussion and Action on Resolution Supporting Dare County's Oregon Inlet and Waterways Commission Request**

- Item 14 **Consent Agenda:**
1. Budget Amendments
 2. Request for Refund of Water Tap Fees for Corey Neier
 3. Request to dispose of Financial Records
 4. Approval of May 5, 2008, Minutes
 5. Resolution declaring surplus property and authorizing auction of surplus property
 6. Resolution to declare Southern Outer Banks Water System assets as surplus
- Item 15 Commissioner's Report
- Item 16 County Manager's Report
- Item 17 **Closed Session:**
1. To discuss Personnel

Public Comment

Chairman Nelms opened the public comment period.

Sherry Motes, expressed concerns with the OLF testing by the Navy.

Commissioner Etheridge requested a Crawford Township town meeting on the Land Use Plan (LUP).

Commissioner Gregory commented on cost of permits for wells beginning in July.

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

Presentations in honor of EMS Week

Chief Carter, EMS, stated that this was the 35th annual award presented. The Chief presented the Peer Achievement Award to Kevin Ayers and the Rising Star Award to Duane Minnick.

Chief Carter, presentation on MODEL System

Chief Carter, EMS, stated that this had taken several years to prepare for and thanked many of his staff for their efforts to begin the accreditation process.

Chairman Nelms moved to endorse the document presented. Commissioner Taylor seconded the motion. Motion carried.

Public Hearing and Action PB 08-08 Daniel Goodwin: Text Amendment to the Currituck County Unified Development Ordinance to allow push-carts in the General Business (GB), Commercial (C), and Limited Business-Hotel (LBH) zoning districts.

Ben Woody, Planning Director, presented the request.

**Vendor Carts
PB 08-07
UDO AMENDMENT REQUEST**

Philadelphia Water Ice Factory, Dan Goodwin

An amendment to Chapter 2: Zoning Districts, Chapter 3: Special Requirements and Chapter 17: Definitions to allow vendor carts as a permitted or special use.

BE IT ORDAINED by the Planning Board of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Section 2.5 Permitted Uses Table is amended by adding the following underlined language:

Use	LU C	Zoning Districts											Special Requirement s	
		A	R A	R	RO 1	RO 2	R R	G B	C	LB H	L M	H M		
<i>Other</i>														
<u>Vendor Carts</u>	<u>I</u>							<u>Z</u>	<u>Z</u>	<u>Z</u>				<u>3.10.3</u>

Item 2: That Section 3.10 Other Uses is amended by adding the following underlined language:

Section 3.10 Other Uses

3.10.3 Vendor Carts

- A. Vendor carts shall only be permitted as an accessory use to an existing storefront in a Commercial (C), General Business (GB), or Limited Business-Hotel (LBH) zoning district in Currituck County.
- B. Zoning Permit Application
 - 1. The permit must be renewed annually.
 - 2. The application shall demonstrate that the proposed vendor cart will comply with this ordinance and shall contain at a minimum the following:
 - a. A narrative describing the proposed vendor cart merchandise, including an overview of the project;
 - b. Identification and location of the property on which the proposed vendor cart will be located; including the signature of the property owner(s) granting permission to the vendor owner/operator.
 - c. A site plan showing the proposed location of each vendor, property lines, accessory structure setback lines, drive aisles, access roads, parking areas, and turnout locations.
 - d. Evidence of compliance with applicable Department of Agriculture or other permitting regulations; other relevant studies, reports, certifications and approvals as may be reasonably requested by Currituck County to ensure compliance with this ordinance;

- e. Refuse plan. The operator must have adjacent to the vendor cart a suitable container for the placement of litter by customers or other persons.
 3. The applicant shall promptly notify Currituck County of any changes to the information contained in the permit application.
 4. Vendor carts shall only be permitted to sell the item(s) available for sale in the required Currituck County storefront.
 5. Proposed location and product/merchandise approval is at the discretion of the administrator.
- C. Vendor carts shall be subject to the following requirements:
1. The dimensions of any vendor cart shall not exceed: 24 square feet in area, 6 feet in length, or 9 feet in height. The maximum height shall include any protective covering provided for the vendor or customer from outdoor conditions in the form of 1 umbrella, or other protective covering which must be attached to the cart, not to exceed the allowable cart dimensions by 36 inches in any horizontal direction.
 2. All signage must be attached to the vendor cart. Flags, banners and pennants, or other similar devices are prohibited.
 3. All required permits and licenses shall be clearly displayed on the vendor cart.
 4. All vendor carts must have operating wheels.
 5. The vendor cart must be located at least 20 feet from any entrance or exit and may not be situated such that the free flow of pedestrian, fire or emergency apparatus, or vehicular traffic is restricted.
 6. Days of operation shall be limited to the Friday before Memorial Day until the day after Labor Day.
 7. Hours of operation for any vendor cart shall be limited to 8:00 a.m. to dusk.
 8. The maximum number of vendor carts per lot shall not exceed 1 per 100 feet of public road frontage or 1 per acre of lot size, whichever is less.

Example: A commercially zoned property with 2.75 acres of land and 105 feet of public road frontage, would be allowed to have one (1) vendor cart. (Road frontage being the lesser of the two criteria.)
 9. Sales of merchandise shall be limited to non-health department regulated food and beverage items as determined by the Department of Agriculture and/or the dry goods for sale at the storefront location.
 10. All goods for sale shall not extend beyond the outside dimensions of the vendor cart body.

11. Prohibited items for sale include but are not limited to: fireworks, tobacco, ABC products (including beer, wine, and alcohol), and adult products/age restricted merchandise, etc.
12. All vendor carts shall be self-contained.
13. Each vendor cart shall be attended at all times.
14. Each vendor cart shall be removed from its location on a daily basis and stored in its required storefront or other approved location.
15. The sale of goods from a public street right-of-way is not allowed.
16. No vendor cart shall be located on the beach strand. For purposes of this subsection, beach strand shall be defined as that area of beach extending from the dune line to the waters edge. The dune line is defined as the landward toe of the dune.

Item 3: That Section 17.2 Definitions are amended by adding in alphabetical order the following underlined language:

Section 17.2 Definitions

Vendor Cart

Any apparatus (e.g., cart, wagon) or structure not permanently fixed to a permanent foundation and which must be moved under its own power, pushed or pulled by hand, towed by a motor vehicle, or carried upon or in a motor vehicle or trailer.

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Chairman Nelms opened the public hearing.

Jackie McKenzie, opposes this request and stated that it could not be adequately monitored.

Susan Taylor, opposes this request.

Earl Wemer, opposes this request.

Richard Baecher, opposes because of safety issues.

Alicia McDonnell, opposes this request.

Dan Goodwin, applicant, supports the ordinance.

Vickie Garvey, Corolla Light Town Center, supports the ordinance.

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

Chairman Nelms moved to deny the request. Commissioner Taylor seconded the motion. Motion carried.

Public Hearing and Action PB-99-18 James V. Bickford A1 Towing: Request for an extension to the Special Use Permit for an impoundment area for the temporary storage of vehicles located on the west side of Ocean Trail (NC 12) within the Villages at Ocean Hill, Tax Map 114E, Poplar Branch Township.

deleted

Public Hearing and Action PB 88-66 The Villages at Ocean Hill: Request for an amendment to modify conditions placed on the Special Use Permit issued by the Board of Commissioners on November 5, 2007.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**COUNTY OF CURRITUCK
SPECIAL USE PERMIT AMENDMENT
PB 88-66 Villages at Ocean Hill**

- (1) 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 is filed in the office of the Planning Department.
- (2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- (3) This permit is valid for two years and will expire on November 5, 2009 if work has not begun on the project at that time. Once work has begun and the use begins, this special use permit shall remain valid so long as the conditions under which it was granted are met.
- (4) Other conditions:
 - A. Show the amount of usable lot area and the amount of area in the lake.
 - B. Indicate the owner and parcel number of the subject property.
 - C. Prior to Final Plat all of the well sites shall be required to be put in easements.
 - D. Remove the proposed 30' easement from Parcel 2 on Ocean Trail. The 2002 Amended Sketch Plan has the easement totally within the commercial lot.

- E. Remove the 1' non-access easement from Lakeview Court at Lots 229 and 230.
- F. Prior to Preliminary Plat, the applicant shall obtain from the Corps of Engineers a letter and map stating that the proposed lot 274 is not a part of the violation area as described in a letter dated September 21, 2006. This shall be done before any land disturbing activities are authorized.
- G. This Amended Sketch Plan shall reflect any property lines created by deeds in the past to make them legal lots of record.
- H. Currituck does not have a "beach" township- it is all Poplar Branch.
- I. A new Special Use Permit application for the outdoor storage area for A-1 Towing shall be approved prior to any further Preliminary Plats being granted in the Villages of Ocean Hill. The current outdoor storage permit expired September 7, 2005.

Chairman Nelms opened the public hearing.

Karen Ish, Ocean Hill Homeowners Association, expressed concerns with access to parking lot.

Bonny McCarthy, was concerned about access.

Alicia McDonnell, stated that the access to lot is on a private road.

Ed Ish, concerned about safety.

Lynn Collins, questioned access to community area.

Jim Bickford, property owner, welcomed the comments but the questions about access are not relevant to this request.

Mark Bissell, Engineer, was present to answer questions.

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

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

Consideration of Airport Hangar Bids

Eric Weatherly, Engineer, stated that bids were received on April 24, 2008 and the lowest bidder was John Bassett. Funding of this project will be 85% state grants. Mr. Weatherly is recommending approval for schedule I, Hangar Taxiway and schedule II- 5 unit corporate hangar with steel framed bi-fold doors. Funds available are \$852,065.84 in grants and total project costs are \$1,042,000. This represents a deficit of \$189,934.66. The total project cost

includes all construction, engineering and a 4.6% contingency.

Commissioner Gregory moved to award the bid to John E. Basset in the amount of \$870,999.15. Commissioner Bowden seconded the motion. Motion carried.

Discussion on Local Legislation

Ike McRee, County Attorney, suggested that this would be the time to introduce a change to the Tourism Board to increase to 7 members and change the formula percentage to 25% for general governmental use and 75% for tourist related expenditures.

Commissioner Gregory moved to proceed with legislation. Commissioner Taylor seconded the motion. Motion carried.

Appointments to Land Transfer Tax Appeals Board

Commissioner Taylor moved to reappoint Ronnie Cooper, Milton Etheridge, Wade Morgan and John Whitehurst. Commissioner Etheridge seconded the motion. Motion carried.

Appointment to Senior Center Advisory Board

Commissioner Taylor moved to reappoint Bob Klinger. Commissioner Etheridge seconded the motion. Motion carried.

Appointments to Game Commission

Commissioner Gregory moved to appoint Janet Ross. Commissioner Taylor seconded the motion. Motion carried.

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

Appointments to Moyock Watershed Advisory Board

Commissioner Taylor moved to reappoint the board. Commissioner Gregory seconded the motion. Motion carried.

Consent Agenda:

1. Budget Amendments
2. Request for Refund of Water Tap Fees for Corey Neier
3. Request to dispose of Financial Records
4. Approval of May 5, 2008, Minutes
5. Resolution declaring surplus property and authorizing auction of surplus property
6. Resolution to declare Southern Outer Banks Water System assets as surplus

- 7. Resolution Supporting Dare County's Oregon Inlet and Waterways Commission Request
- 8. Resolution supporting the Town of Duck stormwater management

Commissioner Gregory moved to approve. Commissioner Taylor 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
10446-532441	Technology under 1000.00	\$ 1,200	
10446-526200	Promotional Efforts		\$ 1,200
		<u>\$ 1,200</u>	<u>\$ 1,200</u>

Explanation: *Public Information (10446)* - To purchase a digital camera and related supplies and reduce the requested supply line items for next year's budget.

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
55818-592002	Water plant - Ground Storage	\$ 512,000	
55818-592001	Water plant - RO Plant	\$ 60,000	
55818-593005	Dist Sys - 12" WL Tie Moy Tnk	\$ 183,000	
55818-562000	Water plant - Prof Serv		\$ 572,000
55818-593001	Dist Sys - 12" WL Tie Guinea Rd		\$ 183,000
		<u>\$ 755,000</u>	<u>\$ 755,000</u>

Explanation: *Mainland Water Construction (55818)* - To transfer funds to record contracts awarded to date.

Net Budget Effect: Mainland Water Construction Fund (55) - No change.

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

<u>Number</u>			<u>Expense</u>
50796-590007	Informative Signs	\$ 220	
50796-590010	Restroom	\$ 38,385	
50796-590011	Concrete Walkway	\$ 3,600	
50796-588000	Contingency		\$ 24,277
50796-590000	Site Work/Clearing		\$ 17,928
		<u>\$ 42,205</u>	<u>\$ 42,205</u>

Explanation: *Carova Beach Park (50796)* - To adjust budget to contract.
Net Budget Effect: County Governmental Construction Fund (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10660-511000	Postage & Telephone	\$ 500	
10660-526000	Advertising	\$ 1,000	
10660-531000	Gas & Oil	\$ 550	
10660-532000	Supplies	\$ 1,500	
10660-553000	Dues & Subscriptions	\$ 200	
10660-502000	Salaries		\$ 1,500
10660-514500	Training & Education		\$ 200
10660-514800	Fees Paid to Officials		\$ 1,900
10660-516000	Repairs & Maintenance		\$ 150
		<u>\$ 3,750</u>	<u>\$ 3,750</u>

Explanation: *Planning (10660)* - To transfer funds for operations for the remainder of this fiscal year.
Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10510-590000	Capital Outlay	\$ 23,780	
10330-449900	Miscellaneous Grants		\$ 23,780
		<u>\$ 23,780</u>	<u>\$ -</u>

Explanation: *Sheriff (10510)* - To record SBI grant to purchase a fingerprint machine. This grant

requires a \$750 County match which will come from residual Capital Outlay funds.

Net Budget Effect:

Operating Fund (10) - Increased by \$23,780.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550-531002	Aviation Fuel	\$ 60,000	
10550-535000	Credit Card Maintenance Fees	\$ 2,000	
10550-514800	Fees Paid to Officials		\$ 1,000
10550-590000	Capital Outlay		\$ 8,200
10350-467100	Aviation Fuel Receipts		\$ 52,800
		<u>\$ 62,000</u>	<u>\$ 62,000</u>

Explanation: *Airport (10550)* - To increase appropriations for additional aviation fuel and credit card maintenance fees needed due to fuel cost increases.

Net Budget Effect:

Operating Fund (10) - Increased by \$52,800.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50796-590003	Picnic Facilities	\$ 51,000	
50848-592003	Community Parks		\$ 51,000
		<u>\$ 51,000</u>	<u>\$ 51,000</u>

Explanation: *Carova Beach Park (50796)* - To transfer funds for a larger picnic shelter at Carova Park.

Net Budget Effect:

County Governmental Construction Fund (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10752-519600	Child Day Care	\$ 25,000	
10330-432800	Child Day Care		\$ 25,000

\$	25,000	\$	25,000
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Explanation: *Public Assistance (10752)* - To record re-instatement of State day care funds that had previously been reduced.

Net Budget

Effect: Operating Fund (10) - Increased by \$25,000.

Memorandum

TO: Dan Scanlon
 From: Sandra Hill
 Date: May 9, 2008
 Subject: Record Disposal

The Finance Office would like permission to dispose of the following records, which are scheduled for disposal as per the record retention schedule.

Time Period	Description	Approximate number of records
July 1, 1998 - June 30, 1999	Investment records	600
July 1, 2003 - June 30, 2004	Accounts Payable Invoices	13,064
	Bank Statements	132
	Bank Reconciliation Reports	132
	Bank confirmations	2,600
	Revenue Files	2,800
	Daily Receipts	1,100
	Budget Amendments	114
	Journals	394
	NC Sales Tax Summary Reports	12
	Sales Tax Refund Report	1
	Investment Records	600

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held May 19, 2008, authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be disposed of at a public auction:

Items from the old Southern Outer Banks Water Plant

- Pittsburg Steel 80,000 gallon tank
- 2 – 5,000 gallon hydropneumatic tanks
- 2 – Greensand Filters

Delta 110 - 158,400 gallon per day reverse osmosis system

WHEREAS, Items from the old Southern Outer Banks Water Plant will be auctioned at a date and time to be determined at the old plant site in the Village of Ocean Hill.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of County of Currituck reserves the right to reject any and all bids.

**RESOLUTION
SUPPORTING DARE COUNTY'S
REQUEST FOR FEDERAL FUNDING
OREGON INLET**

WHEREAS, Oregon Inlet acts as a "flushing" mechanism for the Albemarle, Currituck, Croatan, Roanoke, and Pamlico Sound systems and all tributaries of these systems, allowing these bodies of water and rivers to properly flush, thus ensuring regional water quality; and

WHEREAS, Oregon Inlet is vital to the economy of Dare County and the surrounding region with an annual documented economic impact of over \$682 million; and

WHEREAS, in May 2003 the Bush Administration's US Council on Environmental Quality, the US Department of the Interior, the US Army Corps of Engineers, and the National Oceanographic and Atmospheric Administration issued a decision not to move forward on the construction of the Manteo (Shallowbag) Bay project (jetties) but did promise to "improve navigation of the channel," "and to continue working with the local elected leaders on other actions that can be taken toward these goals."

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners supports the increased federal funding to at least \$12 -\$14 million for the dredging of Oregon Inlet in fiscal year 2009.

**RESOLUTION
SUPPORTING THE TOWN OF DUCK
FOR STORMWATER IMPROVEMENTS
ALONG NC 12 AT THE INTERSECTION OF
NC 12 AND WEST TUCKAHOE DRIVE**

WHEREAS, NC 12 is the only road into and out of the Town of Duck and is the only road connecting the northern beaches of Currituck County with the southern beaches of Dare county; and

WHEREAS, NC 12 is maintained by the North Carolina Department of Transportation and traveled by hundreds of thousands of vehicles each year; and

WHEREAS, flooding from rain events plagues NC 12 due to the lack of a stormwater infrastructure to provide for the

conveyance of roadway drainage to adequate receiving systems; and

WHEREAS, the lack of stormwater infrastructure along NC 12 is best illustrated by the effects of the rain events during the Summer of 2004, which nearly resulted in closing of NC 12 due to flooding.

NOW, THEREFORE, BE IT RESOLVED, The Currituck County Board of Commissioners supports the Town of Duck's request for additional state assistance for stormwater improvements along NC 12 at the intersection of NC 12 and West Tuckahoe Drive in the southern end of Duck in the amount of \$581,860.

Commissioner's Report

Commissioner Taylor, reminded public of meeting on OLF on Wednesday in Camden.

Commissioner Etheridge asked staff to consider 10 hour work day for 4 days per week.

Commissioner Bowden asked if the CAMA permit had been received for the Carova Beach Park.

County Manager's Report

Dan Scanlon, County Manager, stated that the county insurance rating was increased and that means homeowner's insurance will go up. This increase is a federal decision, not a county decision.

Closed Session: To discuss Personnel, litigation, John Snowden and Ferebee CDBG.

Chairman Nelms moved to go into closed session for the above. Commissioner Taylor seconded the motion. Motion carried.

Adjourn

After reconvening from closed session, no action was taken. There being no further business, the meeting adjourned.