

CURRITUCK COUNTY
NORTH CAROLINA
October 20, 2008

The Board of Commissioners met at 5:30 p.m. prior to the regular meeting to discuss the following: Covenants for Maple Commercial Park and Update on Moyock Central Wastewater Project

The Board of Commissioners met 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, Taylor, Bowden and Etheridge.

Invocation and Pledge of Allegiance

The Reverend Scott Wilson-Parsons was present to give the invocation.

Approval of Agenda

Commissioner Gregory moved to delete Item 5 and 6.
Commissioner Bowden seconded the motion. Motion carried

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Public Hearing and Action** PB 08-39 Horatio Newbern: Request to rezone 18.87 acres from Agricultural (A) to Conditional District - General Business (CD-GB). The property is located at 231 Buster Newbern Road, Tax Map 110, Parcel 43, Poplar Branch Township.
- Item 4 **Public Hearing and Action** PB 08-49 Currituck County: Request to amend the Currituck County Unified Development Ordinance for a series of ordinance corrections and updates.
- Item 5 **Appointment of Commissioner to Senior Citizen Advisory Board**
- Item 6 **Discussion of Commissioner's attendance record on advisory boards**
- Item 7 **Consent Agenda:**
1. Proclamation - Domestic Violence Awareness Month and National Day of Unity
 2. Fireman's Relief Fund Officers for Moyock VFD, Crawford VFD, Lower Currituck VFD, Corolla Fire & Rescue, Knotts Island and Carova Beach VFD
 3. Budget Amendments
 4. Mainland Water Treatment Plant RO Expansion-Change Order No. 1
 5. Approval of October 6, 2008, Minutes
- Item 8 Commissioner's Report
- Item 9 County Manager's Report
- 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.

Peter Bishop, Economic Development Director, reviewed the Public Forums held and stated that the public could still have input by going to the county web page and filling out a form.

Commissioner Taylor stated that the College of the Albemarle will recognize the crew of the USS Indianapolis on November 11.

Chairman Nelms made a presentation on the update of the Mid-Currituck Bridge from the Turnpike Authority.

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

Public Hearing and Action PB 08-39 Horatio Newbern: Request to rezone 18.87 acres from Agricultural (A) to Conditional District - General Business (CD-GB). The property is located at 231 Buster Newbern Road, Tax Map 110, Parcel 43, Poplar Branch Township.

Ben Woody, Planning Director, reviewed the request.

TYPE OF REQUEST: To rezone 18.87 acres from "Agricultural (A) to Conditional District General Business (CD-GB)"

LOCATION: This property is located at 231 Buster Newbern Road.

TAX ID: Tax Map 110, Parcel 43
011000000430000

OWNER/APPLICANT: Horatio D. Newbern III
Finley S. Newbern
7519 A Caratoke Hwy.
Jarvisburg, NC 27947

AGENT: Same

CURRENT ZONING: Agricultural (A)

PROPOSED ZONING: Conditional District- General Business (CD-GB)

ZONING CONDITIONS: The applicant has developed the following condition that will apply to this property:

- Outdoor storage of materials and equipment shall be fully screened from adjacent properties and Buster Newbern Road.

ZONING HISTORY:

- The property was zoned Agricultural (A) on April 2, 1989.
- A Special Use Permit (SUP) was issued for this property on February 3, 1997. The SUP was requested to temporarily

store untreated demolition waste (tree limbs, stumps, other untreated wood products) on one acre of land.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural/Undeveloped	A
SOUTH:	Residential/Agricultural	A/HM
EAST:	Agricultural/Residential	A/R
WEST:	Business/Agricultural/Residential	GB/A

EXISTING LAND USE: Agricultural/Undeveloped

PROPOSED LAND USE: Conditional District General Business (CD-GB): The applicant has indicated that the property will continue in farm use as well as a demolition landfill.

LAND USE PLAN CLASSIFICATION:

The 2006 Land Use Plan classifies this site as **Limited Service** within the **Jarvisburg Sub-Area**.

The purpose of the Limited Services classification is to provide for primarily residential development at low densities. While low-density development may continue to locate in these areas, it is recognized that soil limitations, flood prone areas, and a lack of infrastructure and services may prevent these areas from ever reaching an urban level of development. Because many of the areas identified for Limited Service also include prime farmland efforts should be made to ensure that thriving agricultural operations are protected from encroaching development through the use of buffering, landscaping, and conservation oriented design.

With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. In general, neighborhood commercial uses are more appropriate than large scale commercial complexes.

The policy emphasis of the 2006 plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments. Similar to the Grandy area, but at a lower overall density, new residential development should be encouraged to locate in compact, village like clusters, preferably near existing, non-agricultural activities and services.

The following Land Use Plan policies are also relevant to this request:

POLICY CD5: Incompatible or poorly planned **COMMERCIAL ENCROACHMENT** within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

POLICY CD6: Appropriate OFFICE AND INSTITUTIONAL DEVELOPMENT, such as professional offices, small churches, individual medical offices, and the like, shall be encouraged to locate as a transitional land use between residential areas and commercial or industrial activities of higher intensity. "Activities of higher intensity" are typically large-scale commercial uses or automobile-oriented commercial development but may also include major thoroughfares.

POLICY CD7: Attractive, environmentally beneficial LANDSCAPING shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate BUFFERING or other effective DESIGN FEATURES may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

PUBLIC SERVICES AND UTILITIES:

The Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric, telephone and cable television are available. Public water is not available.

TRANSPORTATION:

The site is accessible from Buster Newbern Road.

FLOOD ZONE:

This site is not located in a special flood hazard area.

WETLANDS:

There are no wetlands onsite.

SOILS:

The Currituck County Soils map indicates the property contains primarily marginal soils for on-site septic systems with a small percentage of suitable soils.

COMMUNITY MEETING:

No community meeting was held.

STAFF RECOMMENDATION:

Staff recommends **modified approval** of the request to establish 18.87 acres from "Agricultural (A) to Conditional District General Business (CD-GB)"

Justification for modified approval: The following points support the approval of this request as presented.

1. The proposed request is in general compliance with Limited Service designation of the 2006 Land Use Plan and the Jarvisburg Sub-Area Policy Emphasis.
2. The proposed zoning conditions are consistent with the objectives of the Currituck County Unified Development Ordinance and 2006 Land Use Plan and promote compatibility between the subject property and surrounding area. (LUP Policy CA3)
3. The adjacent property just to the north and west of the subject property are zoned General Business (GB).

4. There is a Full Service area immediately south of the subject property across Buster Newbern Road. If approved as a CD-GB district with a limited range of permitted uses and design requirements, the subject property would serve as a transitional area for the Limited Service area to the north.

Outstanding Staff Concerns: The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. Staff feels the following concerns could be appropriately addressed through the conditional zoning process.

1. Staff recommends that the following GB uses shall be excluded from the property to promote more neighborhood serving commercial areas:
 - Retail sales of manufactured/modular homes
 - Airport (private)
 - Bars/nightclubs as a principle use
 - Tattoo and body piercing studio
 - Hotel/motel
 - Carwash
2. Staff recommends a minimum 25 foot buffer be provided between the proposed development and all adjacent properties (to screen the storage of untreated demolition waste products). The buffer shall be opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion. The intermittent buffer shall be planted with vegetation of a minimum two inch caliper and eight feet in height (Section 5.5 of the UDO)
3. Staff recommends that the property be surveyed according to the proposed zoning in order to have a surveyor certify the official zoning line and size of the property.
4. Staff is reviewing the SUP for temporary storage of untreated demolition waste (tree limbs, stumps, other untreated wood products) at 134 Buster Newbern Road to determine compliance.
5. Currently, the county has:
 - a. A total GB zoned property = 4,278 acres (2.6% of all zoning)
 - b. A total GB zoned property developed for commercial use = 1,167 acres
 - c. A total percentage of GB zoned property actively used as commercial = 27%

PLANNING BOARD DISCUSSION

Mr. Kovacs asked for clarification on the eastern lot line.

Mr. Newbern asked Mr. Woody if you would need a conditional use permit under general business.

Mr. Woody stated that it would depend on what you would be doing with the property.

Ms. White stated that in the Unified Development Ordinances there are 115 uses for general business.

Mr. Midgett asked why this was not filed as a straight rezoning or did the applicant request this to be filed as a Conditional District Zoning Map Amendment.

Mr. Woody stated that staff asked this to be filed as a Conditional District Zoning Map Amendment because this parcel is designated limited service. Staff does not know what the property will be used for.

Ms. Turner stated it is hard to issue an approval for general business rezone without knowing what the property will be used for because you cannot protect the residential properties.

Mr. Newbern stated that more than likely the property would be kept as farm use because of the cost of taxes.

Mr. Woody stated that in the conditional zoning process additional zoning conditions are just recommendations by the staff. Any restrictions on the zoning request would have to be agreed upon by the applicant and the Board of Commissioners.

Mr. Newbern stated he will exclude the following from his property:

- Retail sales of manufactured/modular homes
- Landfills – demolition and reclamation
- Airport (private)
- Bars/nightclubs
- Tattoo and body piercing studio
- Hotel/motel
- Carwash

Mr. Woody stated that in the general business zoning district the county has 4,000 acres which approximately 75% of it is vacant.

Mr. West asked if restrictions were put on a conditional rezoning request and then you wanted to come back and do one of the restrictions; would you have to start the process all over.

Mr. Woody stated yes.

Ms. White stated that staff could work with the applicant before this goes to the Board of Commissioners meeting.

ACTION

Mr. Bell motioned to recommend approval with staff recommendations; to exclude retail sales of manufactured/modular homes, landfills-demolition and reclamation, airport (private), bars/nightclubs, tattoo and body piercing studio, hotel/motel, and carwash from the property according to the 2006 Land Use Plan to rezone 18.87 acres from Agricultural (A) to Conditional District-General Business (CD-GB). Mr. West seconded the motion. Motion carried unanimously.

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

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

**Public Hearing and Action PB 08-49 Currituck County:
Request to amend the Currituck County Unified Development
Ordinance for a series of ordinance corrections and updates.**

Ben Woody, Planning Director, reviewed the request.

The enclosed text amendment submitted by the Currituck County Planning Department is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO). In December of 2007, the Board of Commissioners (BOC) adopted a reformatted and reorganized version of the UDO. This was done in an effort to make the document more user-friendly. During the rewrite and adoption process, it was not the intention of the BOC to make significant policy changes to any zoning or subdivision ordinances.

Subsequently staff has identified inconsistencies between the recently adopted UDO and its predecessor. Most of these discrepancies have been documented during application of the UDO and compiled over the course of the previous year. Some of the proposed changes are as minor as an incorrect cross reference, while others represent the inclusion of ordinance language that was not carried over during the reorganization.

This request also includes Items 17 and 18 as requested by the Planning Board and Commissioner Etheridge respectively.

Attached please find the meeting minutes from the September 9 Planning Board meeting, at which a unanimous recommendation for approval was given. Should you have any questions, do not hesitate to contact me at 232-6029.

PLANNING BOARD DISCUSSION

Mr. West stated that in #5 not to use gravel and put concrete and asphalt.

Ms. Turner stated that in #15 to take out cost plus and request to put 20% of the improvement of the cost.

ACTION

Ms. Turner motioned to recommend approval of the text amendment to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO) as presented with the noted changes to #5 and #15. Mr. Etheridge seconded the motion. Motion carried unanimously.

**Currituck County
PB 08-49
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts; Chapter 3: Special Requirements; Chapter 4: Overlay Districts; Chapter 9: Infrastructure; Chapter 10: Subdivision Requirements; Chapter 11: Permit and Site Plan Requirements; and, Chapter 12: Map and Text Amendments.

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

Item 1: That Chapter 2: Zoning Districts, Section 2.5 Permitted Uses Table is amended by adding the following underlined language in alphabetical order:

Section 2.5 Permitted Uses Table

Use	LUC	Zoning Districts											Special Requirements
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
<u>Pawn Shops</u>	<u>IV</u>								<u>S</u>		<u>S</u>	<u>S</u>	

Item 2: That Chapter 2: Zoning Districts, Section 2.6.3 is amended by deleting the strikethrough language and adding the following underlined language:

2.6.3 Lot Requirements

H. ~~Double frontage lots shall establish a~~ are permitted where there is a prohibition to the most traveled road (Poplar Branch Rd. SR 1131, Tulls Creek Rd SR 1222, US 158, NC 168, NC 34 and NC 12). ~~A five foot non ingress/egress easement shall be provided along the rear lot lines abutting arterial streets~~ on the most traveled roadway.

Item 3: That Chapter 2: Zoning Districts, Section 2.7.1 Dimensional Tables, Table of Area, Separation and Height is amended by deleting the strikethrough language and adding the following underlined language:

TABLE OF AREA, SEPERATION AND HEIGHT

(4) See Section 10.54 for density bonuses.

Item 4: That Chapter 2: Zoning Districts, Section 2.7.1 Dimensional Tables, Table of Area, Separation and Height is amended by deleting the strikethrough language and adding the following underlined language:

TABLE OF AREA, SEPERATION AND HEIGHT

Min. Setbacks (feet) ⁽⁷⁾		
Front	Side (7)	Rear

(7) ~~Ten foot side yard setbacks shall apply to a~~ Any lot shown within a subdivision or PUD granted a minimum of sketch plan approval from the Planning Board prior to April 2, 1989 shall: (i) have a ten foot side yard setback; and, (ii) have a ten foot rear setback where the rear lot line abuts a common open space area.

Item 5: That Chapter 3: Special Requirements, Section 3.6.1(C) is amended by deleting the following strikethrough language:

3.6.1 Automotive/Boat/Heavy Equipment/Manufactured and Modular Home Sales and Service

C. All outdoor vehicle and boat display areas shall be graded and paved with concrete, or asphalt or gravel.

Item 6: That Chapter 2, Table of Overlay District Area and Width; Chapter 4: Overlay Districts, Table of Contents; Section 4.1 Purpose; Section 4.2 Planned Residential Development (PRD) Overlay (deleted in its entirety); Section 5.4(D); Section 9.1.8.1; Section 9.1.8.3; Section 9.2.6.1; and Section 9.2.7.1 are amended by deleting the strikethrough language, adding the following underlined language, and renumbering accordingly:

Chapter 2: Zoning Districts

TABLE OF OVERLAY DISTRICT AREA AND WIDTH

Overlay	Minimum District Area	Minimum Lot Width (ft.)
<u>Planned Residential Development (PRD)</u>	40 acres	65

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Chapter 4: Overlay Districts

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4.1 Purpose4-2

4.2 ~~Planned Residential Development Overlay~~ RESERVED.....4-2

4.3 Planned Unit Development Overlay.....4-4

Section 4.1 Purpose

Overlay districts are created to provide additional development standards for specially identified areas. Overlay districts combine with the regulatory provisions of the underlying base zoning district to provide additional or supplementary standards. The following overlay districts are created for this purpose:

- ~~PRD~~ ~~Planned Residential Development Overlay~~
- PUD Planned Unit Development Overlay
- RAD Residential Airpark Development Overlay
- RET Planned Adult Retirement Overlay
- RMF Residential Multi-family Overlay
- OB Outer Banks Overlay

Section 4.2 RESERVED

Section 5.4 Table of Bufferyard Requirements

~~D. In a PRD, the screening requirements that would normally apply where two-family or multi-family development adjoins single-family development shall not apply within the tract developed as a PRD, but all screening requirements shall apply between the PRD and adjacent lots.~~

9.8.1.8 Subdivision Streets

9.8.1.8.1 All subdivision streets shall meet the following standards:

Street Standards for Subdivisions					
	Right-of-Way ¹	Pavement/Shoulder Width – Local Road	Pavement/Shoulder Width – Collector Road	NCDOT Design Standards	NCDOT Construction Standards
PRD & PUD	30' min.	20'/N/A OR 1 Way - 14'/N/A	N/A	No	Yes

9.1.8.3 Exemptions to street standards

A. Streets within private access subdivisions, ~~planned residential developments (PRD)~~, and planned unit developments (PUD) shall be exempt from NCDOT design standards in regards to allowable road curvature, right-of-way and pavement widths to allow flexibility in the subdivision design.

~~B. Streets and roads within PRDs connecting directly to state roads shall have 60 feet right-of-way within a minimum of 50 feet of the intersection. Public streets carrying local two-way traffic within a PRD shall have a minimum of 20 feet of paved surface width.~~

9.2.6.1 Water Supply System Required

C. All developable lots within planned unit developments ~~and planned residential developments~~ shall be connected and serviced by a central water system.

9.2.7.1 Sewage System Required

C. All developable lots within planned unit developments ~~and planned residential developments~~ shall be connected and serviced by a package tertiary treatment plant.

Item 7: That Chapter 4: Overlay Districts, Section 4.3.3(C) is amended by adding the following underlined language:

4.3.3 Dimensional & Density Requirements

C. The below dimensional requirements shall apply to individual lots within the PUD Overlay:

PUD Overlay	Density	Minimum Lot Size		Minimum Yard Requirements			Max. Height	Min. Lot Width
		Min. Lot Size (with centralized water & on-site sewer)	Min. Lot Size (with centralized water & sewer)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)		
R, RA, RO1 components	Max. Density	Min. Lot Size (with centralized water & on-site sewer)	Min. Lot Size (with centralized water & sewer)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)	Linear width (ft.)
	3 DUA	20,000sf	10,000sf*	20	15	25	35	<u>65</u>

Item 8: That Chapter 9: Infrastructure, Section 9.1.8.3 is amended by deleting the strikethrough language and adding the following underlined language:

9.1.8.3 Dedication

All streets shall be designated as being intended for dedication to NCDOT for maintenance or for maintenance by an established homeowners association in accordance with the provisions of this ordinance. A maintenance guarantee of fifteen percent of the construction cost is required to cover maintenance expenses until the streets are accepted by NCDOT. If the street is to be dedicated to a homeowners association, refer to Section 10.65 for maintenance requirements.

Item 9: That Chapter 9: Infrastructure, Section 9.1.8.5 is amended by deleting the strikethrough language and adding the following underlined language:

9.1.8.5 Sidewalks

Within all residential subdivisions over 19 lots, the subdivider shall be required to install concrete sidewalks along ~~one~~ both sides of all proposed streets in accordance with NCDOT regulations, except in the RO2 District.

Item 10: That Chapter 9: Infrastructure, Section 9.2.6.4 is amended by deleting the strikethrough language and adding the following underlined language:

9.2.6.4 Fees

All connection fees shall be paid for each residential lot that is required to be connected to the county water system ~~as a condition of prior to~~ final plat approval. All connection fees shall be paid for each commercial lot required to be connected to the county water system at the time of issuance of the building permit authorizing construction to begin.

Item 11: That Chapter 10: Subdivision Requirements, Section 10.1.2(B) and Section 10.1.2(B)(2) are amended by adding the following underlined language:

10.1.2 Applicability

- B. A 'subdivision' is the division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or in the future, of sale or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets. The following types of subdivisions shall not be subject to the review process established within this ordinance; however, any map or plat to be recorded pursuant to any such exclusion shall bear the notation "no approval required" and the signature of the subdivision administrator or his designee prior to being presented for certification by the review officer:
2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. Each resultant parcel must be greater than ten acres;

Item 12: That Chapter 10: Subdivision Requirements, Section 10.2.1(B)(4) is amended by adding the following underlined language:

10.2.1 Review Process

- B. The review process is administrative as follows. The numbers in the flow chart correspond to the numbered details below the chart.
4. TRC Review
The technical review committee shall review the plat in accordance with the requirements of this ordinance if required by Administrator.

Item 13: That Chapter 10: Subdivision Requirements, Section 10.2.4(A) is amended by deleting the strikethrough language and adding the following underlined language:

10.2.4 Family Subdivisions

Family subdivisions (FS's) are a type of minor subdivision and shall meet the following requirements in addition to all other applicable requirements of this ordinance:

- A. FS's shall be developed exclusively for single-family dwellings located on individual lots fronting on a private access-way or a public street, but shall not ~~be front~~ be front on an arterial or major arterial. If the lot has frontage on two streets, one of which is an arterial or major arterial, a five foot non-access easement is required along the arterial/major arterial property line.

Item 14: That Chapter 10: Subdivision Requirements, Section 10.4.2 is amended by adding the following underlined language:

10.4.2 Minimum Open Space Requirements (not including Conservation Subdivisions)

Open space shall be dedicated in accordance with the table below. Percentages are based on total development area. At least 50 percent of the open space required shall be lands suitable for development and shall not include, among other things, wetlands (CAMA, 404, 401) and swamps. Recreational amenities, such as water front access sites and picnic areas, shall be allowed within required open space areas. Portions of required open space shall also be allowed for dedication to the county for the development of necessary public facilities such as schools.

Item 15: That Chapter 10: Subdivision Requirements, Section 10.5.1(B) is amended by deleting the following strikethrough language:

10.5.1 Surety Guarantee Required for Maintenance

- B. The surety guarantee shall contain provisions granting the county, or other designated agency, the authority to go onto the property and upgrade/maintain the common areas. The total amount of the surety guarantee shall be estimated by the developer and approved by county staff, in consultation with local and state officials, to cover the amount such improvements would cost to bring them up to required standard based upon ~~a cost plus 20 percent of the improvement cost formula.~~

Item 16: That Chapter 12: Map and Text Amendments, Table of Contents is amended by deleting the strikethrough language and adding the following underlined language:

Chapter 12: Map and Text Amendments

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12.5	Map Amendment Process.....	12-6
<u>12.76</u>	Resubmission of Request.....	12-10

Item 17: That Chapter 11: Permit and Site Plan Requirements, Section 11.7.1(E)(2); Chapter 12: Map and Text Amendments, Section 12.4.1(D)(1) and Section 12.5.1(D)(2) are amended by deleting the strikethrough language and adding the following underlined language:

11.7.1 Review Process

- E. Planning Board Review & Recommendation
 - 2. The Planning Board shall have ~~60 days~~ two months from the ~~date of its first hearing by the Planning Board~~ initial referral of the request by the administrator to forward its recommendation to the Board of Commissioners. ~~Failure to transmit their recommendation within the allotted time shall have the same effect as a recommendation for approval. If the Planning Board should fail to act on any proposed amendment within two months after it is referred to the board the request shall be forwarded to the Board of Commissioners without a recommendation.~~ In addition, at the request of the Planning Board, the board may continue the public hearing to allow more time to consider the application.

12.4.1 Review Process

- D. Planning Board Review and Recommendation

1. The Planning Board shall have ~~60 days~~ two months from the initial referral of the request by the administrator to either recommend in favor of an amendment or in opposition to an amendment in writing by simple majority vote of those present and voting. If the Planning Board should fail to act on any proposed amendment within ~~60 days~~ two months after it is referred to the board the request shall be forwarded to the Board of Commissioners without a recommendation. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the board to delay final action on the amendment until such time as the Planning Board can present its recommendations. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

12.5.1 Review Process

D. Planning Board Review and Recommendation

2. The Planning Board shall have ~~60 days~~ two months from the initial referral of the request by the administrator to either recommend in favor of an amendment or in opposition to an amendment in writing by simple majority vote of those present and voting. If the Planning Board should fail to act on any proposed amendment within ~~60 days~~ two months after it is referred to the board the request shall be forwarded to the Board of Commissioners without a recommendation. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the board to delay final action on the amendment until such time as the Planning Board can present its recommendations. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

Item 18: That Chapter 2: Zoning Districts, Section 2.3.4 is amended by deleting the strikethrough language and adding the following underlined language:

Section 2.3 Conditional Zoning

2.3.4 Community Meeting ~~Recommended~~ Required

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

Item 19: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Chairman Nelms opened the public hearing.

Commissioner Etheridge would like to recommend that mandatory meetings be held.

Commissioner Gregory felt this would make the process longer.

There being no further comments, the public hearing was closed.

Commissioner Bowden moved to approve items 1 thru 17.
 Commissioner Gregory seconded the motion. Motion carried.

Commissioner Etheridge withdrew item 18 on mandatory meetings.
 Commissioner Taylor seconded the motion. Motion carried.

Appointment of Commissioner to Senior Citizen Advisory Board

deleted

Discussion of Commissioner's attendance record on advisory boards

deleted

Consent Agenda:

1. Proclamation - Domestic Violence Awareness Month and National Day of Unity
2. Fireman's Relief Fund Officers for Moyock VFD, Crawford VFD, Lower Currituck VFD, Corolla Fire & Rescue, Knotts Island and Carova Beach VFD
3. Budget Amendments
4. Mainland Water Treatment Plant RO Expansion- Change Order No. 1
5. Approval of October 6, 2008, Minutes

Commissioner Taylor 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
55818-591003	Wells - Raw Water Line 1	\$ 197,292	
55818-591004	Wells - Raw Water Line 2		\$ 42,000
55818-588001	Wells - Contingency		\$ 108,743
55818-588004	Tanks - Contingency		\$ 46,549
55818-592001	R. O. Plant	\$ 39,800	
55818-588002	Water Plant Contingency		\$ 39,800
		\$ 237,092	\$ 237,092

Explanation: Mainland Water Construction (55818) - To transfer funds within the mainland water construction project for the Hendrix Barnhill Co. Inc contract for Raw Water Main for R.O. Wells and for change order #1 for Crowder Construction for the plant.

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

Debit

Credit

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10535-516000	Repairs and Maintenance	2,779	
10535-545000	Contracted Services		2,779
		\$2,779	\$2,779

Explanation: Communications (10535) - Transfer funds within budget for tower repairs due to lightning damage.

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
10790-532000	Supplies	400	
10380-483000	Library Donations		400
		\$400	\$400

Explanation: Library (10790) - To increase budgeted line items to record donation by the Moyock Women's Club to purchase a rug for the library.

Net Budget Effect: Operating Fund (10) - Increased by \$400.

Commissioner's Report

Commissioner Taylor commented on the railroad crossings and ditch cleaning on Puddin Ridge Road.

Commissioner Bowden requested info on paving of NC 615 and commented on the flooding and erosion in Carova Beach because of the recent rains.

Chairman Nelms stated that the Moyock Library construction was proceeding. He also announced the Toys for Tots bike ride would be December 13, 2008.

Commissioner Etheridge read a prepared statement for the record as follows:

“Mr, Chairman, & Fellow Commissioners,

When I decided to run for elected office again in the 2004 election, I was approached by a regional group of office holders, government employees and people involved in politics who had organized a prayer group around the nationally recognized group, the Presidential Prayer Team. This group of people meets monthly in a commitment to pray for the proper governing of our citizens from the federal level, down to the local level. We take accountability partners and ask for humility and discernment in each of the positions we hold through prayer and ask for the from all who commit to public service. For me and the others it is a serious, serious commitment.

When you Commissioners Nelms, Gregory, Taylor and Bowden voted to strip me from all the boards I was serving on, on your first day in office and you then appointed me to the Senior Advisory Board, I chose to enthusiastically accept that challenge. Unfortunately, it was one of the few boards which holds day meetings, which conflicts with both my farming and financial planning work. In addition the standing meeting date conflicted with the commitment I had made to the regional prayer group I am a member of..

Based on my experience with advisory boards in the past, and my strong belief that as nonvoting members, the regular presence of elected officials at the advisory board meetings tends to have a domineering affect on the free flow of ideas and discussion, I decided I would meet independent of the official advisory board meetings and which would allow me to still serve them. This allowed me to meet my work schedules, my prior commitment to my prayer group and gave the advisory board the freedom to deliberate with its voting members.

I arranged to meet with the Coordinator of the Senior Center, Diane Bray, individually to the determine the needs of the center. I have attended senior activities and events at two of the three senior centers, I have spoken with Mrs Bray by phone and I have communicated directly with seniors at the centers about their needs. This was confirmed to Commissioner Gregory when he recently called the coordinator to inquire about my participation and she wrote a letter at my request stating the same. I am proud of my relationship with the seniors citizens of Currituck County, and with Diane Bray, the centers coordinator. It is an honor to work with and for them.

In the 10 years I served as a commissioner, prior to your election in 2006, I never had complaints about my attendance and participation on the various boards I served on. In fact, I have served more than one term on each and every board I have ever served on prior to this board's tenure, because my service on these boards was valued.

I did what was necessary to meet my responsibilities with the Senior Advisory Board even though their day meetings conflicted with my own personal work and my prior commitment to my prayer group.

I find it so ironic that this particular board has worked so hard to make my Board participation an issue, especially in light of the fact that my term on each board ends on December 1, 2008, six weeks away. Mr Chairman you & Mr. Gregory recently met with Chairman Charles Ward of ARSWMA and asked him to submit a letter requesting my replacement. Your action follows a distinct trend by the current majority on this board to make our work as Commissioners as bitterly partisan and political as I have ever seen it.

Chairman Ward, had never sent such a letter, since there is no attendance requirement for ARSWMA. This is because the County Manager of each county is an alternate with full voting and participation rights, mainly due to the fact they have the day to day responsibility for the operation of the Solid Waste Program in their respected county. If something needs to be addressed at the transfer station, either the county manager or his designate are contacted directly, not a county commissioner. I have been told, no such correspondence has ever been issued prior to my appointment on this authority to counties like Dare and others for delegates missing meetings, in some cases for several years, since their County Managers attending the meetings and kept their Commissioners apprised of all proceedings.

Then there is your blatant hypocrisy, Commissioners Taylor and Bowden each of you have failed to meet the minimum attendance requirements in accordance with the by-laws of the boards you currently serve on. Mr Chairman in fact you have failed to meet the stated minimum attendance requirements on two of the boards you currently serve on.

Yet there are no sensational headlines or requests to the Chairman of each of these boards, for them to send letters requesting replacement of any of you. In the case of your request of Chairman Ward, you had the full authority to replace me on your own, no such letter was required, because ARSWMA has no attendance requirements, unlike each of your boards. You used politics again to taint a process that had never been used in that way-ever. What a shameful legacy for Currituck to have.

So, Mr Chairman, I ask that each of you hold yourselves to the same standards you hold me to and step down from any boards you currently are appointed to, that you are in violation of meeting their minimum attendance policies and therefore are disqualified to serve on. None of you were willing to do so at last week's meeting where you removed me from the ARSWMA. Which of you today, in front of the citizens of Currituck watching tonight or one of the later rebroadcasts is willing to vote to hold yourself to the same standard you are holding me to? Commissioner Nelms, are you? Commissioner Taylor, are you? Commissioner Bowden are you? Commissioner Gregory do you have the same outrage at their lack of attendance as it appears you do mine? Remember right is right and wrong is wrong.

I am sure each of you has individual reasons why you could not meet the minimum attendance requirements of your Boards. I am sure each of you are proud and privileged as I am to represent the County at each and every event we can include in our schedules. It can be very demanding and often difficult task to juggle the demands and satisfy all the requests we receive. I have proudly served Currituck County, for over 30 years in one capacity or another, whether it has been as an elected Commissioner, appointed government official or as an officer/member in the various civic groups I have been a member of. It has been an honor and privilege to do so and I will continue to do so in whatever capacity I have the privilege to serve.

Currituck County deserves better than this. Our citizens deserve better than hypocritical, political grandstanding just 3 weeks shy of an election. I am ashamed to see our governing become so divisively partisan and I look forward to a change in direction to end this embarrassing chapter in our county's history. I have already personally starting trying to change my behavior when I decided against pursuing a legal complaint for what

in my opinion could be deemed as a Communicating of Threats against you, Mr Chairman for your statement, "YOUR DAYS ARE NUMBERED!", which you shouted at me across the room in apparent anger. In spite of the urging of those eye witness who heard you, and legal consul to pursue a legal complaint against you, I decided it would only exacerbate and play the political gotcha game of "power and control" you have started, Currituck County's future is to important and as "equals among equals", I will not condone this type of behavior I can't and I absolutely refuse to go there.."

County Manager's Report

Mr. Scanlon, County Manager, stated that DOT was removing mail boxes and other obstruction on the right-of-ways because they were a hazard to traffic.

Adjourn

There being no further business, the meeting was adjourned.