

CURRITUCK COUNTY
NORTH CAROLINA
September 15, 2008

The Board of Commissioners met at 6:00 p.m. prior to the regular meeting to discuss the Development Review Process.

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 and Etheridge. Commissioner Bowden was absent.

Invocation and Pledge of Allegiance

The Reverend Van Keane was present to give the invocation.

Approval of Agenda

Commissioner Gregory moved to amend the agenda by adding a letter of credit for Bank of Currituck to consent agenda and add appointments to the Tourism Advisory Board. Commissioner Taylor seconded the motion. Motion carried.

- Item 2 **Public Comment**
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Resolution for Shawboro Ruritan Club**
- Item 4 **Public Hearing and Action** PB 08-31 Currituck Eco Brewery, LLC: Amendment to the Unified Development Ordinance to allow temporary fabric structures for recreational and entertainment uses on properties for five years.
- Item 5 **Public Hearing and Action** PB 08-35 East Coast Windpower: Request to amend the Currituck County Unified Development Ordinance to allow a signed waiver to exempt small system wind turbines from property line setbacks.
- Item 6 **Public Hearing and Action** PB 08-51 Currituck County - Flood Ordinance Corrections: Request to amend the Currituck County Unified Development Ordinance to correct inconsistencies in the flood damage prevention sections in Chapter 6, Environmental Protection.
- Item 7 **Amend Section 10-134 Code of Ordinance** to allow dogs in County Parks for permitted events.
- Item 8 **Consent Agenda:**
1. Budget amendments
 2. Approval of Transfer of Unspent FY 2007/2008 ROAP Allocation
 3. Resolution Secondary Road Program
 4. Change Order Jarvisburg Elementary School
 5. Final Change Order for Cooperative Extension Building
 6. Reappointment of William Midget and Marlee Dozier to the Workforce Development Board
- Item 9 Commissioner's Report
- Item 10 County Manager's Report
- Adjourn

Special Meeting

Currituck County Tourism Development Authority

Call to Order

Consideration of Site Plan Moyock Welcome Center

Budget amendments for TDA

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.

Doris Flora, thanked the Board for their support opposing the OLF.

Bill Mackin, requested funding for lights for the new soccer field.

Shawn Morris, supported the item regarding an ice skating rink.

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

Resolution for Shawboro Ruritan Club

The Board presented a resolution to members of the Shawboro Ruritan Club celebrating 60 years.

**RESOLUTION
OF RECOGNITION
SHAWBORO RURITAN CLUB**

WHEREAS, founded on May 21, 1928, in Holland, Virginia, Ruritan has grown throughout these United States of America and in doing so, has become "One of America's Leading Community Service Organizations;" and

WHEREAS, on September 7, 2008, the Shawboro Ruritan Club celebrated sixty years in Currituck County; and

WHEREAS, the Shawboro Ruritan Club has promoted fellowship and goodwill among its members and the residents of Shawboro; and

WHEREAS, Ruritan Clubs unify the efforts of individuals, organizations and institutions in the community toward making it an ideal place in which to live; and

WHEREAS, Ruritans create greater understanding between rural and urban people on the problems of each, as well as on their mutual problems;

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners would like to recognize the Shawboro Ruritan Club for sixty years of community service and substantial contributions to the well-being of the citizens of Currituck County.

Public Hearing and Action PB 08-31 Currituck Eco Brewery, LLC: Amendment to the Unified Development Ordinance to allow temporary fabric structures for recreational and entertainment uses on properties for five years.

Ben Woody, Planning Director, reviewed the request.

Uli Bennewitz, Currituck Eco Brewery, LLC, is requesting a text amendment to the UDO to allow temporary tents for recreation uses. The Weeping Radish Brewery partnered with Rich Cubin who operated the ice skating events at the brewery last winter. In order to expand the duration of the activity, Mr. Bennewitz is proposing a text amendment that would allow temporary tents to be used for a maximum of five years.

The UDO does currently permit temporary tents; however, such tents may not be used for more than 30 days in any 12 month period.

Upon receiving a generalized text amendment request from the Weeping Radish Brewery (Option 1), staff prepared a more detailed amendment to address the relevant sections of the UDO (Option 2).

After the Planning Board reviewed and tabled the proposed text amendment on July 10, 2008, the applicant and staff modified the language to address the Planning Board's concerns. Visual relief of temporary tents located in front of a permanent principle structure is a concern, and staff recommended imposing additional landscaping for those situations.

Should the Board of Commissioners choose to allow temporary tents for recreation uses on property for more than 30 days in any 12 month period, staff recommends the board consider permitting the use with a special use permit that will expire in five years, as shown in Option 2. Attached are the Planning Board minutes from the July and August meetings and the proposed amended text.

Please contact me at 232-6029 if you have any questions.

PLANNING BOARD DISCUSSION, August 12, 2008

Mr. Bennewitz stated they have addressed all the issues and concerns and asked if the board had any questions.

Mr. Cubin stated that this will be an 8,400 sq. ft. structure that will look very nice.

Mr. West stated that a minimum setback of 20 feet from any street right-of-way is required and a minimum width of the screen or barrier shall be 10 feet. Mr. West asked what kind of barrier will be required.

Mr. Woody stated 10 feet wide, if you were to measure 10 feet back from the right-of-away this is where all the plantings and trees would be located.

Mr. West asked that clarification to clearly express the intent of the minimum width (i.e. fence or barrier is not 10 feet wide) be included in the text amendment.

Mr. Woody stated this will be incorporated in the text amendment.

The board discussed temporary tent sales that are associated with the commercial use established on the property. They talked about admission and retail sales.

Mr. Snowden commended the board for being so thorough for splitting the hairs as far as sales. What you have heard is a positive entertainment venue in Currituck County and what astonished him, the Economic Director is sitting here and he is not getting up in favor of the proposal. Mr. Snowden stated that Currituck County does not have any movie theater, bowling alley; we have nothing in Currituck County. We have someone who has moved their business to Currituck and all we are doing is setting up huddles and our friend back there is not even trying to get them down. Mr. Snowden stated we want manufacturing in Currituck County so why do we set up huddles for this. Mr. Snowden stated that unless someone puts a tremendous amount of money into one of these tents, you will not see these kinds of tents out there with people selling fireworks. If you really want to concentrate on people splitting hairs and maintaining the aesthetes in Currituck County by not having sewer treatment plants in Mr. Kovacs backyard, you should probably look at the sign ordinance. We have a lot of aesthetes problems with all these crappy signs up and down the road than you would have to worry with Mr. Bennewitz's tent. Split those hairs.

PLANNING BOARD ACTION August 12, 2008

Mr. West motioned to recommend **approval** of the amendment to the Unified Development Ordinance to allow temporary fabric structures for recreational and entertainment uses on properties for five years and any damage to the fabric structure will be repaired in a reasonable amount of time. Mr. Keel seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION July 8, 2008

Mr. West asked for clarification that temporary tent sales must be commonly associated with the commercial use.

Mr. Woody stated that this is the case if you had a temporary tent for two weeks and the product or merchandise you would be selling is accessory.

Mr. Keel asked what would prevent someone from putting up a tent and having entertainment games and selling merchandise. Mr. Keel stated he would like to see a Special Use Permit than change an ordinance which would open the door for everyone to have one.

Mr. Cubin stated that the concept was to bring activity to the area and do it affordable. Mr. Cubin stated that last year they introduced a new sport/activity to the area at a very affordable price and by having a temporary structure it allowed them to do it. They would like to build on what they had success from last year, build the programs, build the interest in the sport, and eventually have a permanent facility that could do indoor soccer and especially ice skating and ice sports.

Mr. Bennewitz stated the ice skating was something that benefited the youth of the county, but the cost to put up a temporary tent was not financially viable.

Mr. Keel asked Mr. Woody if they could get a variance from the Board of Adjustment to operate for a year or more or a Special Use Permit (SUP) from the Board of Commissioners.

Mr. Woody stated they could get a SUP, but the issue is the portable fabric structure they are requesting to use.

Mr. Bennewitz stated they hoped to build a more structurally sound facility that would be subject to all the current wind load requirements and building codes. It is not financially viable to put up a temporary tent for 90 days.

The Planning Board discussed the definition of a tent, size of the tent and changing the Unified Development Ordinance (UDO).

Mr. Cubin stated that one of these structures is already up at the horse farm, but what they are requesting is a much smaller scale.

Mr. Midgette asked if it could be located somewhere else on the property instead out front.

Mr. Cubin stated that putting it out front works well with the Weeping Radish set up.

Mr. Woody stated that the request is for a tent structure which has different types of building codes that apply to it and could be put closer to the road. Mr. Woody stated that the text amendment is addressing the time that they could be at a location and by doing a tent it allows you the flexibility of setbacks.

Mr. Keel was concerned that this would open the door to have tents up and down Highway 168.

Mr. Woody provided clarification on indoor recreation and entertainment.

The Planning Board discussed the time limit on Special Use Permits.

Mr. Woody stated that what is before the board was a text amendment to allow portable fabric structures (that is considered a tent) with special setbacks and limited duration in the county. They would have to come back and ask for a Special Use Permit.

Mr. Cubin stated that traditionally ice sports are very expensive and Mr. Bennewitz does have on his overall site plan a location for a permanent building, but they want to see if this will generate the revenue to support this concept. By approving this text amendment this will allow them to see over a period of three years if it will be financially viable.

Mr. Cubin asked the board could they request that a size requirement of 6,000 sq. ft. for a minimum size be included in the text amendment.

Mr. West question the limit of use based on the amount of time that the tent is up.

Mr. Woody stated this portable fabric structure will not have a permanent foundation and can be moved.

PLANNING BOARD ACTION July 8, 2008

Mr. Etheridge motioned to **table** this request so clarification on the definition of "tent", length of duration, and setbacks. Mr. Winter seconded the motion. Motion passed unanimously.
OPTION 1- Submitted by applicant

Alternative Text Amendment Draft

Portable Fabric Structures may be erected for periods longer than 30 days up to a maximum of 5 years if their primary use and intentions are to introduce and develop new sports, recreation, special events and entertainment initiatives that are not currently offered or supported through any private or public entities located in Currituck County.

These structures have to be a minimum of 6,000 sq ft in size and have to be adjacent to a permanent building of at least 14,000 sq.ft. open to the public and offering services to the public compatible with the intended use of the temporary structure. The lot coverage of this combined facility may not exceed 10% of the total property.

These types of structures are subject to all current wind load requirements and building codes. These types of structures do not however require a permanent foundation provided they meet all current state and local building codes and requirements.

Should the structure require removal at any time during its approved use, it shall be the sole financial responsibility of the owner(s) to comply with the removal request in a timely manner.

OPTION 2

Currituck Eco Brewery PB 08-31 UDO AMENDMENT REQUEST Temporary Tents

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:

3.10.6 Temporary Tents and ~~Tent Sales~~

3.10.6.1 General

- A. Temporary tents shall only be utilized for temporary purposes and shall not be used as a permanent principal structure or permanent accessory structure.
- B. ~~No tent~~ **Temporary tents** shall be constructed of ~~a non-fire retardant materials.~~ Furthermore, ~~each~~ **All tents** shall display a fire retardant certificate and be inspected by the fire marshal, building inspector, or his designee prior to occupancy.
- C. Temporary Tents shall be setback not less than ten feet from any property line. Tents shall not be located in any easement, **existing or future** right-of-way, vehicular access area, required vehicular parking space, sight-distance area, septic area or other similar area.
- D. **Temporary tents shall be adequately braced and anchored to prevent weather related collapse and shall not contain a permanent foundation.**
- E. **Temporary tents shall be maintained in good condition. Damaged tents shall be repaired, replaced or removed.**
- F. **When applicable, all tents shall meet North Carolina Fire Code and North Carolina Building Code.**
- G. The following **temporary tents** shall be exempt from the provisions of this subsection:
 - 1. Temporary funeral tents at grave sites;
 - 2. Temporary private event tents as an accessory activity to a residential dwelling;
 - 3. Temporary recreational camp tents as an accessory activity to a residential dwelling or within an approved campground;

- 4. Temporary tents for church/non-profit related functions;
- 5. Tents erected in conjunction with a special event which has been granted a special use permit by the Board of Commissioners.

3.10.6.2 Temporary Tents For Recreation Uses

- A. This subsection shall apply to temporary tents utilized for indoor recreation uses as allowed in the Permitted Uses Table.**
- B. Temporary tents must be placed on property that contains a permanent principle structure with a minimum enclosed area of 10,000 square feet.**
- C. A special use permit will be required for such tents erected on a property for a period of time that exceeds 30 days. The special use permit issued for the temporary structure shall expire in five years and may not be renewed.**
- D. All such tents shall maintain a minimum setback of 20 feet from any street right-of-way and meet all other accessory structure setbacks for the property.**
- E. The maximum building coverage including principle structures, accessory structures, and the temporary tent shall not exceed 10 percent of the property. The tent shall not exceed the total square footage of the existing principle structure.**
- F. Tents located within 50 feet of a public street shall provide a semi-opaque landscape buffer between the right-of-way and the tent. The screen or barrier shall meet the following minimum requirements:**

<u>Minimum Plant Materials</u>			
<u>Minimum Width</u>	<u>Plant Material Required Per 100 Linear Feet of Street Frontage</u>	<u>Minimum Planting Height or Caliper</u>	<u>Maximum Spacing</u>
<u>10 Feet</u>	<u>3 Large Shade Trees 30 Evergreen Shrubs</u>	<u>Large Shade Trees: 2 Inch Caliper Evergreen Shrubs: 24 Inch Height</u>	<u>Trees: 50 Feet Shrubs: 6 Feet</u>

3.10.6.13 Use Temporary Tent Sales

- A. ~~This section shall apply only to those temporary sales that are conducted on property with an established commercial use. Such Temporary **tent** sales must be commonly associated with the commercial use established on the property and shall be considered as an accessory to the principal use. This section shall not apply to any vacant or undeveloped property.~~ Any temporary tent sale not commonly associated with the established commercial use **on the same lot** shall not be permitted under this section.

3.10.6.2 Dimensional and Location Requirements

- B. No temporary tent sales shall be used for a period of time which exceeds 30 days in any 12 month period.
- C. There shall not be more than two tents erected for purposes of a temporary sale on any parcel. In no case shall the tent(s) exceed 1,000 square feet of total area or the maximum permitted by the lot coverage requirement.

3.10.6.3 Additional Requirements

- D. A building and zoning permit shall be required for each separate occurrence. The zoning permit shall specifically limit the number of days the sale will occur and the tent(s) will be erected. The tent(s) shall be removed from the property at such time the zoning permit becomes invalid. For purposes of this section, an occurrence shall be defined as any ~~singular incidence~~ **single incident** of erecting a tent.

Item 2:

Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
Recreation & Entertainment														
Outdoor Recreational Facilities (private)	III	S	S	S	S	S	S	S	S	S	S	S	S	3.7.2
Indoor Recreational Facilities (temporary)	III							<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>3.10.6</u>

Chairman Nelms opened the public hearing.

Diane Newbern, supports the request.

Uli Bennewitz, applicant, supports amendment.

Rich, the Rink Manager, supports request.

Commissioner Gregory questioned location of tent.

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

Commissioner Etheridge moved to approve and add a minimum size of 6,000 square feet. Commissioner Taylor seconded the motion. Motion carried.

Public Hearing and Action PB 08-35 East Coast Windpower: Request to amend the Currituck County Unified Development Ordinance to allow a signed waiver to exempt small system wind turbines from property line setbacks.

Ben Woody, Planning Director, reviewed the amendment.

East Coast Windpower is requesting a text amendment to the Unified Development Ordinance (UDO) to allow a signed waiver to exempt small system wind turbines from property line setbacks. Currently the UDO requires a small system wind turbine (residential scale) to be setback from property lines a linear distance of one foot for every one foot of turbine height. The intent of this requirement is to establish a fall zone that prevents wind turbines from collapsing on adjacent properties.

The amendment request would allow the owner of the property on which the wind turbine is placed and the adjacent property owner to record a waiver that provides relief from the required setbacks. In other words, the wind turbine would not be subject to a fall zone requirement with written consent from the neighboring property owner. The written waiver would then be recorded in the Currituck County Registrar of Deeds office to ensure future property owners are fully aware of any such encumbrance.

In order to lessen the impact of this amendment, the applicant has requested the waiver requirement for property line setbacks only apply to wind turbines with a tower height of 60 feet or less.

The Planning Board recommendation for **denial** and the minutes from August 12, 2008 are attached. Should you have any questions, do not hesitate to contact me at 232-6029.

PLANNING BOARD DISCUSSION

Mr. Carico stated that he has been to several sites and they have run into situations where they are having to deal with septic systems are in place you are eliminating an area to put the wind turbines in. The way the ordinances are now they are basely in the center of the properties which is not working. The amendment that he is asking for the NC Solar Center has already put this language in their model ordinances which they are using across the state. Mr. Carico stated he has to work around the fall zone. Mr. Carico stated that these units are not going to fall because of the foundation involved in the units.

Mr. West asked what are they designed to withstand.

Mr. Carico stated 140 mph wind.

Mr. West asked what the price range of a 60 foot unit.

Mr. Carico stated between \$22,000 - \$25,000.

Mr. West asked if your neighbors unit falls on his house, who will be responsible for insurance coverage if the wavier has been signed.

Mr. Carico stated that Mr. West's insurance would be responsible to damages to his home.

Mr. Midgette asked if you signed a wavier and you sold your house, would the wavier still be in effect with the person buying your home.

Mr. Carico stated yes.

Mr. Hines stated he is a consultant for telecommunication industry. Mr. Hines stated he has been in the construction of these units for last 36 years. These units are structurally sound and made to collapse to stay within a radius. These units are a great alternative source for energy.

Mr. Kovacs stated that wind turbine units do not have guide wires like communication towers have.

Mr. Keel asked Mr. Woody if any research on setbacks.

Mr. Woody stated that most places they researched had a one to one setback.

Mr. West stated what kind of precedent the board would be setting because of the setbacks for houses.

Mr. Carico stated he is not asking to exceed the existing property lines, but he is asking for the availability to move these units around on the property.

Mr. Garber stated that thinks these are strong units and thinks it is a great idea to have them.

ACTION

Mr. Keel motioned to recommend **denial** of the request to amend the Currituck County Unified Development Ordinance to allow a signed waiver to exempt small system wind turbines from property line setbacks. Ms. Robbins seconded the motion. Motion carried unanimously.

Chairman Nelms opened the public hearing.

Mr. Carico, East Coast Wind Power, reviewed his request.

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

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

Public Hearing and Action PB 08-51 Currituck County - Flood Ordinance Corrections: Request to amend the Currituck County Unified Development Ordinance to correct inconsistencies in the flood damage prevention sections in Chapter 6, Environmental Protection.

Ben Woody, Planning Director, reviewed the request.

The enclosed text amendment submitted by the Currituck County Planning Department is intended to correct inconsistencies in the flood damage prevention sections in Chapter 6, Environmental Protection, of the 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.

This amendment will be considered by the Planning Board as part of a package of UDO correction amendments at their September 9, 2008 meeting. The minutes of the Planning Board meeting will be available prior to the Commissioner's meeting on September 15, 2008.

Should you have any questions, do not hesitate to contact me at 232-6029.

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

An amendment to Chapter 6: Environmental Protection.

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 6: Environmental Protection, Section 6.3 Floodplain Administration is amended by adding the following underlined language and sequentially renumbering subsections:

6.3.5 Certification Requirements

A. Elevation Certificates

1. An Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator or their designee shall review the certification of the elevation of the reference level, in relation to mean sea level. Elevation certification shall be prepared by, or under the direct supervision of, a registered land surveyor or professional engineer and certified by same. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator or their designee shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
2. A Final As-Built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator or their designee a certification of final as-built construction of the elevation of the reference level and all attendant utilities. Elevation certification shall be prepared by, or under the direct supervision of, a registered land surveyor or professional engineer and certified by same. The floodplain administrator or their designee shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

B. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

C. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required.

D. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

E. Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified above:

1. Recreational Vehicles meeting requirements of Section 6.4.2;

- 2. Temporary Structures meeting requirements of Section 6.4.2; and
 - 3. Accessory Structures less than 150 square feet meeting requirements of Section 6.4.2.
- F. A completed V-Zone Certification form with back up design plans and specifications is required prior to issuance of a Floodplain Development permit within coastal high hazard areas. It shall be the duty of the permit applicant to submit to the floodplain administrator said certification data to ensure the design standards of this ordinance are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this ordinance. This certification is not a substitute for an Elevation Certificate.

6.3.56 Corrective Procedures

Item 2: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

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

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

Amend Section 10-134 Code of Ordinance to allow dogs in County Parks for permitted events.

Ike McRee, County Attorney, reviewed the Ordinance.

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

**AN ORDINANCE OF THE
CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING ARTICLE III, SECTION 10-134 OF THE CURRITUCK COUNTY
CODE OF ORDINANCES**

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

WHEREAS, pursuant to N.C.Gen. Stat. Sect. 153A-169 a county may by ordinance adopt regulations concerning the use of county property.

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

PART 1. Section 10-134. Dogs, of the Code of Ordinances for Currituck County is amended to read as follows:

(a) Except as permitted herein, Dogs are not permitted in county parks except service dogs for the disabled.

(b) Dogs may be permitted in county parks for a particular purpose sponsored by a group, association or organization that has obtained a permit under Section 10-148 of this Code and with the following conditions:

- (1) Dogs must have current vaccinations and licenses. Proof of vaccinations and licensure is required upon request of the group, association or organization permitted to use a county park for a particular purpose, law enforcement officer or animal control officer.
- (2) Dogs under four (4) months of age or female dogs in heat are not permitted.
- (3) Dogs must be under the control of an adult at all times, must wear a collar with any required tags and must be on a leash unless part of a specially trained performing group under voice control which specially trained performing group is included in the permit of the sponsoring group, association or organization.
- (4) Each dog owner or adult in control of a dog shall remove and dispose of their dog's fecal matter in containers provided for such disposal.
- (5) Aggressive dogs are not permitted and any dog displaying aggression shall be immediately removed from the county park.
- (6) No dog shall be left unattended.
- (7) Dog owners or adults in control of a dog shall provide potable drinking water for their dog.

PART 2. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, or paragraph of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutional or invalid phrase, clause, sentence, or paragraph shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the remaining provisions would have been enacted by the Board of Commissioners without the incorporation into this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

PART 3. All ordinances in conflict with this ordinance are hereby repealed.

PART 4. This ordinance is effective upon its adoption.

Consent Agenda:

1. Budget amendments
2. Approval of Transfer of Unspent FY 2007/2008 ROAP Allocation
3. Resolution Secondary Road Program
4. Change Order Jarvisburg Elementary School
5. Final Change Order for Cooperative Extension Building
6. Reappointment of William Midgett and Marlee Dozier to the Workforce Development Board
7. Resolution Letter of Credit Bank of Currituck.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50550-592006	Hangar/Taxiway 36237.8.6.2	\$ 123,600	
50550-592008	Hangar/Taxiway 36237.8.7.1		\$ 123,600
		\$ 123,600	\$ 123,600

Explanation: Airport Construction (50550) - To combine the 2008 Vision 100 grant funding with existing 2007 Vision 100 funding per request of NCDOT-DOA. The scope of the project will not change.

Net Budget Effect: County Governmental Construction (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50550-592009	Rehab Taxiway A 36244.10.3.1	\$ 350,000	
50330-448000	State Aide to Airports		\$ 315,000
50390-495015	T F - Occupancy Tax		\$ 35,000
		\$ 350,000	\$ 350,000

Explanation: Airport Construction (50550) - To record 2008 appropriation to increase funding to rehab taxiway A from \$260,000 to \$610,000. The additional funding will be 90% grant funded and 10% from the Tourism related portion of Occupancy Tax.

Net Budget Effect: County Governmental Construction (50) - Increased by \$350,000.

RESOLUTION

RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO REQUEST A LETTER OF CREDIT FROM THE BANK OF CURRITUCK TO FULLFILL REQUIREMENT FOR LOCATION OF COUNTY PIPELINE WITHIN NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY

WHEREAS, the County of Currituck, North Carolina desires to use a fusible PVC pipe product that has been "Approved for Trial Use" in connection with the Mainland Water Expansion Project and the location of pipe within North Carolina Department of Transportation right-of-way; and

WHEREAS, the North Carolina Department of Transportation requires that the County of Currituck secure the maintenance and repair of the PVC pipe with a letter of credit.

NOW, THEREFORE, BE IT RESOLVED that the Board Commissioners for the County of Currituck, North Carolina, meeting in regular session on the 15th day of September, 2008, that the Board of Commissioners finds that:

1. The proposed letter of credit in the amount of \$100,000 with a duration of one year is necessary as a requirement of the North Carolina Department of Transportation to locate certain PVC pipe for the Mainland Water Expansion Project in the North Carolina Department of Transportation right-of-way.
2. The County of Currituck is not in default in any of its debt service obligations.
3. The attorney for the County of Currituck has rendered an opinion that the Mainland Water Expansion Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Officer for the County of Currituck is hereby authorized to act on behalf of the County of Currituck to obtain a letter of credit from the Bank of Currituck for the project stated above.

Commissioner's Report

Commissioner Taylor commented on the success of the County Fair and commended Dennis Anderson.

Commissioner Etheridge commented on Corolla Light being recognized as the outstanding resort.

Commissioner Gregory requested staff to look at funding for lights at the new soccer field.

Chairman Nelms stated how pleased he was with the County Fair.

County Manager's Report

No comments

Adjourn

There being no further business the meeting adjourned.

Special Meeting

Currituck County Tourism Development Authority

Call to Order

Chairman Nelms called the meeting to order.

Consideration of Site Plan Moyock Welcome Center

Dan Scanlon, County Manager reviewed the site plan for additional restrooms and other improvements that will be done.

Chairman Nelms moved to proceed with plans as presented. Commissioner Taylor seconded the motion. Motion carried.

Budget Amendments for TDA

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
15447-590000	Capital Outlay	\$ 400,000	
15320-415000	Occupancy Tax	.	\$ 400,000
		\$ 400,000	\$ 400,000

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - To increase appropriations to funding for additional public restrooms, staff restrooms, storage space, driveway to the roll-up door and geotechnical services.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$400,000.

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

15447-545002	Historic Preservation Fund Balance	\$	141,345	
15390-499900	Appropriated	.		\$ 141,345
			<u>\$ 141,345</u>	<u>\$ 141,345</u>

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - To carry-forward funds appropriated in prior years for the Historic Jarvisburg Colored School as follows:

Architect services	\$	5,828
Engineering services	\$	3,517
Sitework	\$	72,000
Restrooms	\$	60,000
	<u>\$</u>	<u>141,345</u>

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$141,345.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
15447-587050	Transfer to Operating Fund	\$ 35,000	
15380-481000	Investment Earnings	.	\$ 35,000
		<u>\$ 35,000</u>	<u>\$ 35,000</u>

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - To appropriate funds for Rehabilitation of Taxiway A and the Concrete apron at the airport located in Maple, NC. This is the cash match for NCDOT-DOA grant 36244.10.3.1.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$35,000.

Appointments to Tourism Advisory Board

Chairman Nelms moved to reappoint Janice Farr, Cindy Seymour and Krista Boughey. Commissioner Gregory seconded the motion. Motion carried.

Adjourn

There being no further business, the meeting adjourned.

