

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, August 03, 2009

Time: 7:00 PM

Work Sessions

5:15 p.m. Board of Equalization and Review

5:30 p.m. Update on UDO and Currituck goes Green

Regular Agenda

7:00 p.m. Invocation
Pledge of Allegiance

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 **Penni Gallop, Presentation** on Interfaith Community Outreach (IOC) Inaugural Festival

Item 4 **Burt Banks, Director, Albemarle Commission** update on projects the Commission is working on in Currituck County

Item 5 **Public Hearing and Action** PB 87-19 Buck Island: Preliminary Plat/Special Use Permit for a 1 lot commercial subdivision and a Site Plan/Special Use Permit for a retail store within an existing Planned Unit Development. The property is located approximately 400 feet north of the intersection of Ocean Trail and Sunset Blvd., Tax Map 116D, Parcel Z of lot 3, Poplar Branch Township.

Item 6 **Consideration** of Ordinance providing for licensing of Solid waste Collectors

Item 7 **Discussion** of Expansion of Fire and EMS Advisory Board

Item 8 **Appointments to Joint Nursing-Domiciliary Community Advisory Committee**

Item 9

Consent Agenda:

1. Approval of Buy Local Policy
2. Budget Amendments
3. Contract between Currituck County and Camden County for Water Purchase
4. Approval of July 20, 2009, Minutes
5. Resolution Declaring Surplus Property-AFIS Fingerprint Machine

Item 10

Commissioner's Report

Item 11

County Manager's Report

Item 12

Closed Session:

1. According to GS 143-318.11 (3) to discuss personnel

Adjourn



Board of Directors

Executive Committee Members:

William Pitt

Jack Mann

Beverly Brooks

Frank Draper

Lettie Baxter

Board Members:

Kevin Brunk

Jay Burrus

Marilyn Canning

Courtney Gallop

James Jackson

Willo Kelly

Gary Kimmel

Gerald Lesko

Robert Palombo

Mary Reisert

Kathy Romm

Anne Thomas

John Waldman

Margaret Wells

Maiborne Yarbrough

Anne York

Chris Payne
Past Chairperson

Executive Director
Virginia Candelora

On behalf of the Interfaith Community Outreach (ICO) Board of Directors please consider the following request.

Dear Potential Supporter/Contributor

On September 12th Currituck and Dare volunteers with the Interfaith Community Outreach will celebrate our Inaugural Festival and we invite you to be a partner in this exciting event.

Our plans include entertainment, food, games, yard sale, raffles everything that brings a smile on the faces of those who attend. Why do we need your partnership? To make certain that the ICO will be able to continue to provide the necessary emergency gap services to those in our midst who are facing crisis situations.

Please consider helping us in any way that you can and know that your contribution is tax deductible as we are a 501c3 nonprofit organization. Our EIN number is 22-3902355.

For further information please refer to our website at: www.interfaithoutreach.com

Thank you for your time and consideration of this request.

Sincerely

ICO Volunteer

PO Box 838, Kitty Hawk NC 27949
#2 Juniper Trail, Southern Shores NC 27949
info@interfaithoutreach.com
(252) 480-0070, Fax (252) 261-6342, Cell (252) 202-0842



Board of Directors

Executive Board

Members:

William Pitt

Jack Mann

Lettie Baxter

Beverly Brooks

Frank Draper

Board Members:

Kevin Brunk

Jay Burrus

Gary Kimmel

James Jackson

Robert Palombo

Mary Reisert

Kathy Romm

Anne Thomas

Claiborne

Yarbrough

Anne York

Alternate Members:

Marilyn Canning

Courtney Gallop

Willo Kelly

Gerald Lesko

John Waldmann

Margaret Wells

**Chris Payne,
Past Chairperson**

**Executive Director
Virginia Candelora**

**John McColley,
Volunteer
Coordinator**

Mr. J. Owen Etheridge, Chairman
Currituck County Board of Commissioners

Dear Mr. Etheridge,

On behalf of the Board of Directors of the Interfaith Community Outreach we would like to thank you for your consideration in supporting ICO's Currituck-Dare Family Fun Festival.

Unfortunately, the number of those in need has grown tremendously especially in the past two years. With the support of 44 faith communities along with civic clubs, local businesses, grants and individual donations we address these needs on a daily basis in Currituck and Dare. In 2008 ICO helped over 700 families by preventing evictions, utility cutoffs, foreclosures, medical appointments, etc. 1600 individual lives were touched by this caring community.

Last Friday for instance between the two ICO offices, 15 families requested assistance. One was an elderly couple who needed help with money for lodging in order to stay close to the cancer treatment center in Nags Head – the multiple trips during the upcoming month was more than they were physically able to make. The other a young family of four – the dad working a full time job at one of the food stores and a part time job at night in a restaurant only had \$400.00 of their \$900.00 rent – eviction proceedings had already started. These are just examples of what we see everyday – people, good people, the working poor needing help.

But there is great hope because as our volunteers were listening and helping those who came in on Friday so did a greeting card from three families from PA with a note that said use this gift to take care of Gods children. She went on to say that they felt so blessed to have spent such a beautiful week on the OBX and while they were here, the families decided to forfeit an evening out and instead give it to someone in need in our community. They sent a lovely picture of a very large group and a check for \$1,000.00

Thank God, for those visitors and also for our generous and compassionate community. It is our hope that we will be working together on this event.

Sincerely

Ginger Candelora
Ginger Candelora

PO Box 838, Kitty Hawk NC 27949
#2 Juniper Trail, Southern Shores NC 27949
Info@interfaithoutreach.com
(252) 480-0070, Fax (252) 261-6342, Cell (252) 202-0842



DONATION RECEIPT

INTERFAITH COMMUNITY OUTREACH

Bridging the Gap

DATE: JULY 1, 2009

PO Box 838, Kitty Hawk, NC 27949
 Phone 252.480.0070 Fax 252.261.6342
info@interfaithoutreach.com
 TAX EXEMPT ID 22-3902355

DONATION

FROM: J. Owen Etheridge, Chairman
 Currituck County Board of Commissioners

ITEM(S) DONATED	VALUE
It is our great hope that your support will include the following:	\$100,000,000.00
Please attend this event on September 12 th and while there perhaps you would consider being center of attention by occupying the seat in our dunking booth.	
This could prove to be lots of fun for your constituency as well as your opponents.	
As commissioner this is the perfect opportunity for you to converse with those in our community in a social climate.	

THANK YOU FOR YOUR KINDESS AND GENEROSITY!

A Message From our Chairperson

Welcome to our First Annual Currituck - Dare Fall Family Festival. Once again the beauty of Eastern Carolina shines through the hearts of those seeking to come together and celebrate community. We at Interfaith Community Outreach are pleased to present to our neighbors a day filled with fun, food, and enjoyment that will provide food, shelter, and transportation to those of us who from time to time find ourselves faced with difficult circumstances. It is from the hearts and hands of our churches, local businesses, and community civic groups as well as our Board of Directors and volunteers who come together to serve and to support one of the most spectacular places in our nation. Enjoy the day!

Teresa MacPherson

INTERFAITH COMMUNITY OUTREACH
CURRITUCK OFFICE
HEBRON UMC BUILDING, JARVISBURG, NC

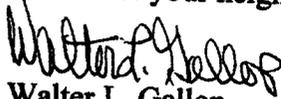
The Interfaith Community Outreach [ICO] is a 'Faith based service'. The ICO serves the families of Currituck-Dare counties. The ICO is an "Emergency Gap" service providing financial and charitable assistance when family and public help is not available in a crisis. The ICO is a private non-profit organization and governed by a board.

The ICO opened a Currituck office during November 2008. The office is located at the Hebron Methodist Church building, Jarvisburg, NC. We are open for services Wednesday and Friday from 10:00 – 2:00. The office is manned by volunteers from local churches. We are open to all residents of Currituck –Dare counties.

Since the ICO opened the Currituck Office, we are pleased that we have worked as partners with church organizations, Currituck Social Services, civic organizations and private donors. From January 1 thru May 31, 2009 the Currituck ICO office helped 278 Currituck families with emergency bills, food and other services. In partnership with Currituck Churches we paid over \$78,000.00 to assist with emergency needs.

The heart, soul and backbone of the ICO are the dedicated volunteers. Each volunteer is working to make our community a caring and family friendly place to live. They are going the extra mile now to plan and celebrate an ICO Currituck – Dare Family Fun Festival on September 12, 2009 [Saturday] at the Corinth Baptist Church, Jarvisburg, NC. This event is planned as a family fun day with games, food, entertainment and prizes. Any monies raised from sales or gifts will go to our ministry to assist our Currituck – Dare families in emergency need.

We encourage you to support our September 12th Family Fun Festival by spreading the word with your neighbor and come join with us in this celebration.



Walter L. Gallop
Currituck ICO Volunteer

INTERFAITH COMMUNITY OUTREACH
CURRITUCK OFFICE
HEBRON UMC BUILDING, JARVISBURG, NC

Subject: Report of "Emergency Gap Services" to Currituck Residents

Data is taken from the Interfaith Community Outreach [ICO] data files.

- Currituck families served @ CURR/ICO = 278 [Jan. 1 – May 30, 2009
- Currituck Faith Community contributions[\$\$] to ICO[Jan 1, 2009- June 12, 2009] \$2,504.45
- ICO \$\$ in services to Currituck families [Jan 1-Jun 12, 2009] \$105,925.24
- FOOD: Referral to Pilmoor UMC Food Bank and Dare Co. Food Bank [Jan. 1, 2009- June 12, 2009] \$26,738.01.
- So the actual \$\$ providing services to Currituck families: \$78,187.24 [Jan 1 – June 12, 2009.
- Types of Services provided:
 - Electric Power bills
 - Rent/Mortgage support
 - Auto repairs
 - Fuel for auto/home heat
 - Food
 - Medical/Dental bills
 - Funeral expenses
 - Water
 - Home Rehab

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS**

DATE: August 3, 2009

PB 87-19

Planned Unit Development - Buck Island

ITEM: Preliminary Plat/Special Use Permit, for a 1 lot commercial subdivision and a Site Plan/Special Use Permit for a retail store within an existing Planned Unit Development.

LOCATION: Approximately 400 feet north of the intersection of Ocean Trail and Sunset Blvd.

TAX ID: Tax Map 116D, Parcel Z of lot 3

ZONING General Business - PUD

PRESENT USE: Vacant

OWNERS: Buck Island Inc.
111 Settlers Lane
Kitty Hawk, NC 27949

ENGINEER: Albemarle & Associates, Ltd.
115 West Saint Clair Street
P.O. Box 3989
Kill Devil Hills, NC 27948

**LAND USE/ZONING OF SURROUNDING PROPERTY:
SURROUNDING PROPERTY:**

	Land Use	Zoning
NORTH:	Future Corolla Worship Center Site	RO1
SOUTH	Farm Market	RO1
EAST:	Vacant	RO1
WEST:	Vacant	RO1

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as a **Full Service Area** within the **Corolla** subarea.

SIZE OF SITE: Proposed Parcel Z of lot 3 – 1.14 acres plus off site access improvements. Total area of disturbance = 1.33 acres

PROJECT DENSITY: N/A

STREETS: There are no streets proposed. Access road construction requires a NCDOT driveway permit.

UTILITIES: Carolina Water Service, Inc. will accommodate the water and sanitary sewer needs of the proposed retail store up to 800 gallons per day.

OPEN SPACE: No Change

I. NARRATIVE OF REQUEST:

- The applicant is seeking preliminary plat/SUP approval for a single lot commercial subdivision within Buck Island planned unit development, and a site plan/SUP for a retail store. Development of the retail store will require construction of an access road/driveway extending from the subject property to Ocean Trail. The property is located south of the Corolla Worship Center Site and north of the Grandy farm market.
- The Army Corp of Engineers has indicated the site is free of any 404 wetlands.

II. UNRESOLVED TRC COMMENTS:

- Architectural details for the retail building shall be submitted with construction plans prior to project initiation.
- DWQ wastewater capacity approval shall be submitted to and approved by Albemarle Regional Health prior to final plat approval.
- An erosion and sedimentation plan must be submitted to and approved by the Washington Regional Office of NCDENR prior to final plat approval.

III. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve the SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

The application is complete.

2. THE PROPOSED USE IS AMONG THOSE LISTED IN THE TABLE OF PERMISSIBLE USES AS A SPECIAL USE INDICATED WITH AN "S"

Suggested Findings:

a. The proposed use is permissible with a Special Use Permit

3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.

Suggested Findings:

a. The conditions proposed meet the minimum requirements of this ordinance.

4. THE SPECIAL USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY:

Suggested Findings:

a. The proposed subdivision should have little to no impact on public health or safety. Adequate water and sewer infrastructure has been proposed.

5. THE SPECIAL USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED

Suggested Findings:

a. The subdivision is proposed within a General Business area of an existing PUD and is allowed by the UDO with a special use permit.

b. The parcel is currently within an existing Planned Unit Development and should be in harmony with the surrounding area.

6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

Suggested Findings:

a. The 2006 Land Use Plan classifies this site as a full service area within the Corolla subarea and the proposed use is in keeping with the policies of the plan, some of which are:

i. Policy OB2 states "So as to minimize Commercial Strip Development and maximize the traffic moving capability of NC12, Currituck County shall encourage commercial development to cluster in appropriate locations rather than dispersing along NC12."

ii. Policy OB1 states "Currituck County supports the provision of infrastructure and services adequate to meet basic quality of life and public health and safety requirements of residents of the Outer Banks" The proposed subdivision has been designed with adequate water and sewer extensions.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and

other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

- a. The county should have adequate public facilities to service this subdivision.

IV. STAFF RECOMMENDATION:

Since the submittal appears to meet all of the requirements for preliminary plat/site plan/special use permit approval, staff **recommends approval** with the following conditions.

- Architectural details for the retail building shall be submitted with construction plans prior to project initiation.
- DWQ wastewater capacity approval shall be submitted to and approved by Albemarle Regional Health prior to final plat approval.
- An erosion and sedimentation plan must be submitted to and approved by the Washington Regional Office of NCDENR prior to final plat approval.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the preliminary plat/site plan/special use permit with the staff recommendations.

PLANNING BOARD DISCUSSION

Mr. West asked if the applicant will have to cross Department of Transportation (DOT) property to put the driveway in.

Mr. Delucia stated it is a DOT right-a-way.

Mr. Woody stated when the owner sold the right-a-way to create parcels Z and Y, both these parcels have the ability to be deeded, but the county has never recognized them as a official subdivision so technically the county views parcels Z and Y as one lot. What is happening now is the subdivision of these lots.

The board discussed the location of the driveway and it having good visibility.

Mr. Kovacs asked if the building will be single-use or multi-use.

Mr. Delucia stated his client would like to know they have a preliminary plat status and would like to know he has the right to do an 8,000 sq. ft. retail building, so it will be a single-use building. Parking would have to comply with the County's ordinance. The building will be one story and not on pilings.

Mr. Clark asked if the body of water is a pond.

Mr. Delucia stated yes.

Mr. Clark asked how far it is from the dumpster pad to the pond.

Mr. Delucia stated 30 to 40 feet.

Mr. Midgette asked Mr. Delucia if he was in agreement with staff recommendations.

Mr. Delucia stated the only thing he is not in agreement with is the last statement which states an erosion and sedimentation plan must be submitted prior to final plat approval.

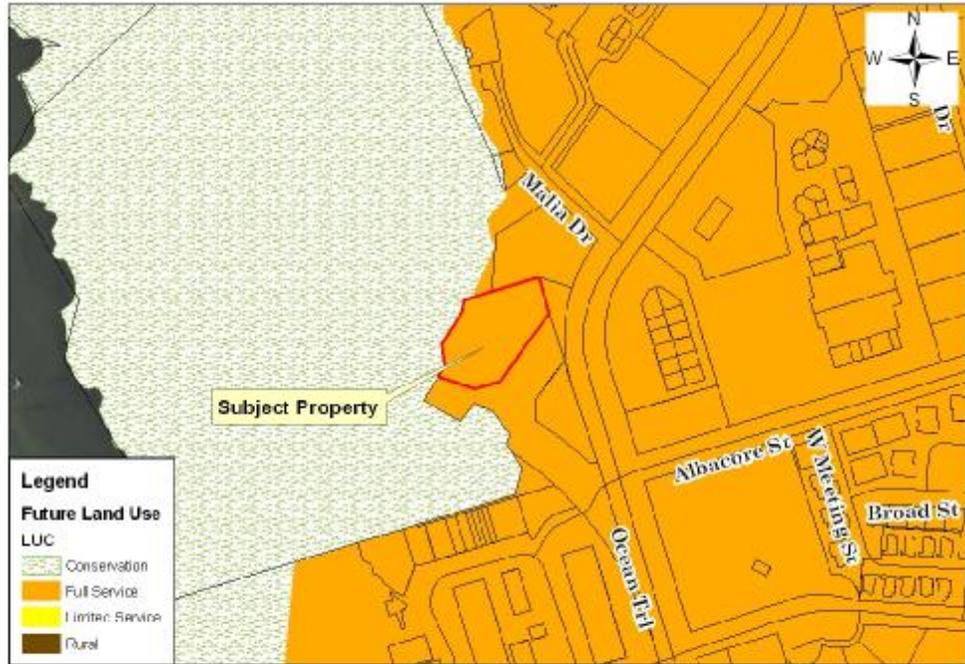
Mr. Woody stated this is an ordinance requirement.

Mr. West talked about not receiving comments from some of the Technical Review Committee members. Mr. West asked for clarification if a "No Response" meant they are okay with the project or they did not respond.

Mr. Woody stated staff is working on getting more members engaged.

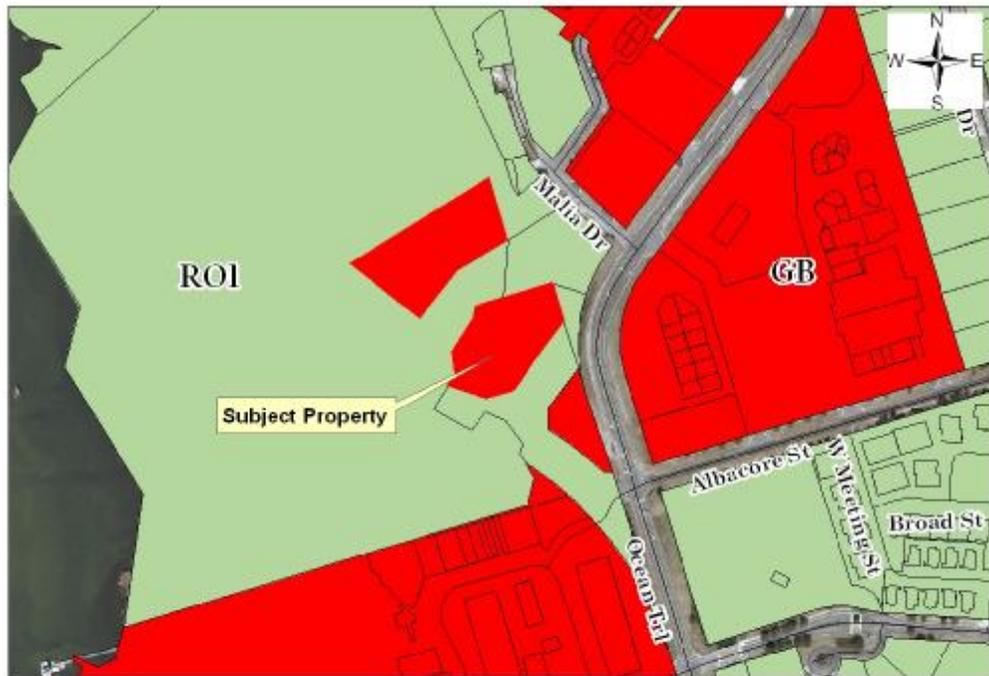
ACTION

Mr. Kovacs motioned to recommend approval with staff recommendations of a preliminary plat/special use permit for a 1 lot commercial subdivision and a site plan/special use permit for a retail store within an existing Planned Unit Development as presented. Ms. Robbins seconded the motion. Motion carried unanimously.



PB 87-19 Buck Island - Tim Buck II
Preliminary Plat/SUP Site Plan

0 150 300 600 Feet
Currituck County Planning Department



PB 87-19 Buck Island - Tim Buck II
Preliminary Plat/SUP Site Plan

0 150 300 600 Feet
Currituck County Planning Department



**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING CHAPTER 11 OF THE CURRITUCK COUNTY CODE OF ORDINANCES
TO PROVIDE FOR THE LICENSING OF SOLID WASTE COLLECTORS**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, 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. §153A-134 a county may by ordinance regulate and license occupations, businesses, trades, and professions; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-136 a county may by ordinance regulate the storage, collection, transportation, use, disposal and other disposition of solid wastes.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding new Article to Chapter 11 to read as follows:

ARTICLE VII. LICENSING OF SOLID WASTE COLLECTORS

Sec. 11-104. Definitions.

The following words, terms and phrases, shall have the meanings ascribed to them in this section, in the interpretation and enforcement of this article:

Board means the Currituck County Board of Commissioners.

Collection means the act of removing solid waste to the Transfer Stations or the Facility.

Facility means the East Carolina Environmental Landfill in Bertie County, North Carolina.

Person means any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.

Solid waste means any solid wastes that may be disposed of in sanitary landfills, including, without limitation, garbage, refuse, trash and other discarded material, whether from residential, commercial, industrial or institutional sources, which wastes are typically found in household, commercial or municipal refuse.

Solid waste collector means any person who collects, transports or disposes of solid wastes for compensation, other than one who removes solid waste from his own premises.

Solid waste license or license means a license for the collection, transportation and disposal of solid waste pursuant to Section 2 of this article.

Transfer Stations means the following three transfer stations: Chowan/Gates/Perquimans Counties Transfer Station, Currituck County Transfer Station and Dare County Transfer Station.

Sec. 11-105. Solid waste license required.

It shall be unlawful for any person to engage in business as a solid waste collector within any area of the county, without first having procured a solid waste license from the Board. All solid waste collectors within the county shall dispose of all solid waste generated within any area of the county at the Facility or the Transfer Stations.

Sec. 11-106. Application, issuance, revocation of license.

(a) Application. All applicants for solid waste licenses shall file a written application with the Board's authorized representative and shall furnish the following information:

1. The name and address of the applicant, and whether the applicant is a sole proprietorship, corporation, partnership or other entity;
2. A list of the collection vehicles the applicant plans to use in the county; and
3. Any other information the Board's authorized representative may reasonably request.

(b) Five-year license. Solid waste licenses shall be issued for five-year periods. Licenses may be renewed with the information designated in subsection (a) of this section being presented to the Board's authorized representative at least thirty (30) days prior to the expiration of the existing and valid license.

(c) Selection of applicants; granting of licenses. The Board's authorized representative shall review applications for solid waste licenses and license renewals, and shall issue licenses and renewals to applicants meeting the requirements of this article.

(d) Investigation of solid waste collectors prior to license issuance. Before issuing a license pursuant to this article, the Board's authorized representative may inspect the facilities, equipment and solid waste collection vehicles the applicant plans to use in the solid waste collection business.

1. The Board's authorized representative shall issue the applicant a license when the Board's authorized representative determines that the application is complete and the applicant is in compliance with this article.
2. When a license is issued to a solid waste collector, the solid waste collector shall affix a sticker indicating that the solid waste collector has a valid license to all of its solid waste collection vehicles that are to be operated in the county. The Board's authorized

representative shall issue stickers to the solid waste collector at the time the license is issued. Licensees may obtain additional stickers from the Board's authorized representative.

3. If the Board's authorized representative denies an applicant a license, the applicant may request a hearing before the Board by giving written notice of appeal to the county manager within (5) five working days of receipt of the Board's authorized representative's decision denying the license. After a hearing on the appeal, the Board shall either affirm the denial or direct the Board's authorized representative to issue the license.

(e) Revocation. When the Board's authorized representative finds that a licensee has violated this article or the conditions of the license, the licensee shall receive written notice of the violation and be informed that if another violation occurs within (30) thirty-working days, or in the case of continuing violation if it is not corrected within (10) ten-working days, the license will be revoked. If another violation occurs within the (30) thirty-working day period, or if the continuing violation is not corrected within (10) ten-working days, the Board's authorized representative shall give the licensee written notice that the license is revoked. Upon receipt of the revocation, the licensee shall cease collecting, transporting or disposing of solid wastes in any area of the county immediately. The Board's authorized representative may reinstate a revoked license after the revocation has been in effect for (30) thirty working days if the Board's authorized representative finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the Board by giving written notice of the appeal to the Board's authorized representative within (5) five working days of receiving notice of revocation from the Board's authorized representative. After a hearing on the appeal, the Board shall either affirm the revocation or direct the Board's authorized representative to reinstate the license.

Sec. 11-107. License fee.

The licensee shall pay to the county or its authorized representative, the sum set by the designated representative, not to exceed fifty dollars (\$50.00), for the issuance of the license, and the sum of one dollar (\$1.00) for each sticker to be affixed to each solid waste collection vehicle.

Sec. 11-108. Non-transferability of licenses.

Solid waste licenses are non-transferable and non-assignable.

Sec. 11-109. Responsibilities of licensee.

(a) The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this article.

(b) The licensee shall dispose of all solid waste generated within any area of the county at the Facility or the Transfer Stations.

(c) A licensee shall submit an annual report to the Board's authorized representative containing the following information:

1. A list of the collection vehicles the licensee used in the county during the reporting year;
2. The total amount of solid waste collected in the county and the locations where the solid waste was disposed of during the reporting year;
3. A certification that all solid waste the license collected in the county was disposed of at the Facility or the Transfer Stations; and
4. Any other information the Board's authorized representative may reasonably request.

Sec. 11-110. Enforcement.

(a) *Penalty.* Any person who is found in violation of this article shall be subject to a civil penalty of not to exceed \$500.00 as provided in N.C.G.S. § 153-123. Each day's violation shall be treated as a separate offense.

(b) *Remedies.* This article may be enforced by equitable remedies, and any unlawful condition existing or in violation of this article may be enforced by injunction and order of abatement in accordance with N.C.G.S. § 153A-123.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART III. This ordinance is effective upon its adoption.

ADOPTED this 20th day of July, 2009.

J. Owen Etheridge, Chairman

ATTEST:

Gwen H. Keene
Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr.
County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS



THE ALBEMARLE COMMISSION

LEAD REGIONAL ORGANIZATION FOR REGION R

Member
Governments

Camden
Chowan
Currituck
Dare
Gates
Hyde
Pasquotank
Perquimans
Tyrrell
Washington

Columbia
Creswell
Edenton
Elizabeth City
Gatesville
Hertford
Kill Devil Hills
Kitty Hawk
Manteo
Nags Head
Plymouth
Roper
Southern Shores
Winfall

July 23, 2009

**Gwen Keene, County Clerk
Currituck Co. Offices
P.O. Box 39
Currituck, NC 27929**

Dear Ms. Keene:

Thank you so much for your on-going support of the Albemarle Commission Area Agency on Aging Ombudsman Program. The Currituck County Community Advisory Committee continues to do a superb job advocating for the residents of long term care.

I now have a recommendation from the Currituck Community Advisory Community that will fill the current vacancy. The committee is recommending, with my approval, Bobbi O'Hara. Ms. O'Hara has been contacted and is looking forward to her appointment to this committee. I am also requesting reappointments for 4 standing committee members whose terms have expired. I am requesting reappointments for James Hayes; Rosalie Rose, Florence Scaff, and Barbara Courtney. The attached listing reflects their terms of office and contact information. Contact information for Ms. O'Hara is listed below:

**Bobbi O'Hara
811 Bells Island Rd.
Currituck, NC 27929**

I am requesting these appointments be made at your next board meeting. Thank you again for your support, time and assistance. Should you have any questions or concerns, please do not hesitate to give me a call.

Sincerely,

**Debra N. Sheard, MHA
Regional LTC Ombudsman**

c: Kathlyn Romm

Joint Nursing-Domiciliary Community Advisory Committee
 First Term-1 Year
 Reappointments-2 or 3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
	District 1				
	District 2				
James Haynes*	District 3				12/1/2007
Barbara Courtney*	District 4				2/1/2009
Florence Scaff*	District 5				2/1/2009
Rosalie Rose*	At-Large				2/1/2009
Donna Forcht**	At-Large				7/1/2008
* Eligible for reappointment					
** Resigned					

JOINT NURSING-DOMICILIARY COMMUNITY
ADVISORY COMMITTEE
ALBEMARLE COMMISSION- DEBRA SHEARD 426-5753

First term - 1 year
Reappointments - 2 or 3 year term

Nursing Home meetings and visits are un-announced (visits and meetings cannot be held on same day)

NAMES	TERMS
James Haynes 1085 Waterlily Road Coinjock, NC 27923 453-3160	12/04 to 12/07 recommended by BOC
Rosalie Rose 1869 Tulls Creek Road Moyock, NC 27958 232-2520	2/06 to 2/09 recommended by BOC
Donna Foreht RESIGNED O'HARA 3241 Caratoke Hwy Currituck, NC 27929 252-232-0909	7/07 to 7/08 RECOMMENDED BOBBI
Florence Scaff 128 Sims Street Moyock, NC 27958 435-6679	2/06 to 2/09 recommended by BOC
Barbara Courtney 148 E. Canvasback Drive Currituck, NC 27929 232-7712	2/06 to 2/09 recommended by BOC



RESOLUTION TO SUPPORT COUNTY PURCHASING AND SOURCING OF GOODS AND SERVICES WITH CURRITUCK-BASED FIRMS WHEN AVAILABLE

WHEREAS, it is the legislated responsibility of the Currituck County Economic Development Advisory Board to provide sound advice for the Board of Commissioners related to economic growth of the county; and,

WHEREAS, there is a growing concern for the vitality, longevity, and sustainability of those businesses located or operating in Currituck County; and,

WHEREAS, it should be duly recognized that there is a legal responsibility for county officials to operate within the confines of local, state, and Federal laws concerning competitive bid processes; and,

NOW, THEREFORE BE IT RESOLVED that this Advisory Board assembled in regular meeting this 23rd day of March, 2009 in Corolla, North Carolina recommends that all efforts should be undertaken to support those businesses located or operating within Currituck County; and,

BE IT FURTHER RESOLVED for non-bid required services or goods, Currituck County should make all efforts to consider local businesses for the purchase of same; and,

BE IT FURTHER RESOLVED that any efforts in this supportive endeavor should be broadcast to the general public with great strength; and,

BE IT FINALLY RESOLVED that this resolution shall be distributed appropriately and with efficacy to the Currituck County Board of Commissioners for their consideration of same.



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of August, 2009 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> <u>Decrease Revenue or</u> <u>Increase Expense</u>	<u>Credit</u> <u>Increase Revenue or</u> <u>Decrease Expense</u>
10797-514000	Travel	\$ 2,370	
10797-534000	Wellness program	\$ 3,598	
10797-590000	Capital Outlay	\$ 36,110	
10330-448600	Fit Communities Grant		\$ 42,078
		\$ 42,078	\$ 42,078

Explanation: Fit Communities Grant (10797) - To record Fit Communities grant awarded to Currituck County. This will include wellness incentives, travel for attendance at monthly meetings and construction of a 6ft wide walking trail from Courthouse Road to the Judicial complex, signage, tents, tables and chairs for a farmers market. This will be funded through \$42,078 grant funds and \$8,550 County in-kind matching funds. This is a two year grant.

Net Budget Effect: Operating Fund (10) - Increased by \$42,078.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of August, 2009 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
10531-545000	Contract Services	\$	8,000		
10531-590000	Capital Outlay	\$	11,388		
10390-499900	Fund Balance Appropriated			\$	19,388
			<u>\$ 19,388</u>		<u>\$ 19,388</u>

Explanation: Emergency Management (10531) - To carry-forward Emergency Planning Grant funds from FY 2009. This grant must be used by September 30, 2009.

Net Budget Effect: Operating Fund (10) - Increased by \$19,388.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

**NORTH CAROLINA
CURRITUCK COUNTY**

CONTRACT FOR WATER PURCHASE

This contract for the purchase and sale of bulk water is entered into by and between Currituck County (hereinafter Vendor) and Camden County (hereinafter Vendee), both political subdivisions and bodies of politic of the State of North Carolina, pursuant to the General Statues of North Carolina regarding Inter-Local Agreements including North Carolina General Statue 160A, Article 20, Part 1 and 160A-464.

RECITALS

- A. **Purpose of the Agreement** – Currituck County in conjunction with the Mainland Water Treatment Plant, is in possession of a reverse osmosis water treatment plant that has an excess capacity regarding the current needs of Currituck County; Camden County is in need of a quality emergency source of water. Accordingly, Currituck agrees to sell and Camden to purchase water pursuant to the terms hereinafter specified.
- B. **Duration** – This Agreement shall be effective and binding upon execution by both both parties and shall continue for a period of one-year (365 days, effective July 1, 2009).
- C. **Personnel** – The necessary personnel for the production of water, and the operation of all facilities within Currituck County shall be at the sole cost and expense and under the control of Currituck County. All personnel necessary to receive and distribute water and to maintain facilities necessary for that within Camden County shall be the sole responsibility of Camden County.
- D. **Financing** – Each county shall be solely responsible for all cost and fund expenditures relative to the production, transfer and distribution of water that takes place within its County.
- E. **Property Ownership** – No transfer of real or personal property or infrastructure attached to real property or owned by either County shall be altered by this Agreement. Each County is the sole owner and shall be solely responsible for acquisitions, maintenance, operation and ownership of any property, real or personal, which is situated within their boundaries and is necessary to carry out the terms of this inter-local Agreement. At the expiration of this Agreement, title shall remain vested in the County that owned the same prior to this Agreement becoming effective.
- F. **Amendments** – This Agreement maybe amended only by a subsequent written Agreement approved by the governing bodies of each County and duly executed by that governing bodies authorized official.
- G. **Termination** – This Agreement may be terminated at any time by mutual consent, evidenced in writing by the governing authorities of each County. Otherwise it shall expire only upon expiration of its term of one year, or by a material and substantial breech of the obligations undertaken herein, by either County. A material or substantial breech shall include, but not limited to, failure to timely pay or failure to timely produce potable water in the requisite quantities.

- H. **Water to be furnished** – Vendor shall upon request of the vendee at any time during the life of this contract, provide potable water to the extent available and needed from Currituck County to Camden County by pipe lines presently installed.
- I. **Cost** – Within thirty days of receipt of a bill for the above specified water, Camden County shall remit to Currituck County the full amount of said billing which shall be computed as follows:

Amount Furnished per Month (Gallons)	Rate per 1,000 gallons
0 to 2,500,000	\$3.50
0 to 5,000,000	\$4.50
0 to 10,000,000	\$5.50
0 to 15,000,000	\$6.50

Upon written request from Vendee, Vendor shall make all documents showing all cost and how the computations for the billing were made.

- J. **Maintenance obligations of Vendor and Vendee** – During the course of this Agreement, each party agrees to maintain in safe, efficient and proper working order all plants, infrastructure, facilities, licenses and certifications necessary to provide and receive the water in a safe, consumable, and legal manner. The same shall be at the expense of the party who owns said plants, infrastructures, facilities, licenses and certifications.

Approved on this the _____ day of _____, 2009, By the Board of Commissioners of Currituck County, North Carolina, approved on this the _____ day of _____, 2009. By the Board of Camden County, North Carolina with resolution by each Board duly of record, authorizing the same to executed by the County Manager of each, to be effective _____, 2009.

Daniel F. Scanlon II, Currituck County Manager

Randell Woodruff, Camden County Manager

CURRITUCK COUNTY
NORTH CAROLINA
July 20, 2009

The Board of Commissioners met at 6:00 p.m. as the Board of Equalization and Review.

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 Etheridge, Commissioners O'Neal, Rorer, Nelms, Aydlett, Gregory, and Taylor.

Invocation and Pledge of Allegiance

The Reverend Walter Gallop was present to give the invocation.

Approval of Agenda

Commissioner O'Neal moved to approve the agenda with the following amendments: Delete Item 4 and Item 4 on the consent agenda; add budget amendments and letter to DOT requesting lowering of speed limit in front of Jarvisburg School and Knotts Island School. Commissioner Aydlett seconded the motion. Motion carried.

Invocation

Pledge of Allegiance

- 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 **Presentation of Meritorious Award to Deputy Brian Dudley and Deputy Garland Akers**
- Item 4 **Presentation on Interfaith Community Outreach (ICO) Inaugural Festival - Ginger Candelora**
- Item 5 **Presentation by Mitch Hall, Army Corps, on the "Currituck Sound Study"**
- Item 6 **Public Hearing and Action** Maple-Barco Small Area Plan:
Consideration and discussion of the Maple-Barco Small Area Plan.
- Item 7 **Public Hearing and Action** PB 09-21 Currituck County: Request to amend the Unified Development Ordinance, Chapter 1: General Provisions, to incorporate the Maple-Barco Small Area Plan by reference.

- Item 8 **Public Hearing and Action** PB 09-17 Lannie Belangia: Request to amend the Unified Development Ordinance, Chapters 2, 3, and 10, to separate boat storage for commercial fisherman from that of privately owned recreation facilities.

- Item 9 **Public Hearing and Action** PB 87-56 Monterey Shores, Section III, PUD (Corolla Shores): Request for an extension of a special use permit for a proposed grocery store located on the west side of NC 12, west of the Whalehead Subdivision, and south of the Corolla Light PUD, Tax Map 115, Parcel 3S, Poplar Branch Township.

- Item 10 **Public Hearing and Action on Proposed Rural Operating Assistance Program (ROAP) Application**

- Item 11 **Discussion and Consideration** Ordinance providing for licensing of Solid Waste Collectors

- Item 12 **Discussion and Consideration of Expansion of Fire and EMS Advisory Board**

- Item 13 **Designation of Voting Delegate to NCACC Annual Conference**

- Item 14 **Appointment to Board of Directors of Greater Albemarle Area Chapter-American Red Cross**

- Item 15 **Appointment to Northeastern Workforce Development Board**

- Item 16 **Appointment to Senior Citizen Advisory Board**

- Item 17 **Appointment to Library Board of Trustees**

- Item 18 **Consent Agenda:**
 - 1. Budget Amendments
 - 2. Ratification of License Agreement for Currituck Utilities to install temporary wastewater service on Whalehead Club property
 - 3. Resolution to Declare County Property as Surplus and Authorize Sale by Upset Bid Process
 - 4. Moyock Library, CO-004, McKenzie Construction Corporation
 - 5. Approval of July 6, 2009, Minutes
 - 6. Petition to NCDOT for Addition to State System of New Colony Drive

- Item 19 Commissioner's Report

- Item 20 County Manager's Report

- Item 21 **Closed Session:**
 - 1. According to GS 143-318.11.(6) to discuss personnel

Adjourn

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Earl and Edith Brickhouse, Representatives of Senior Tar Heel Legislature, reviewed the proposed legislation for seniors.

Wayne Taylor, Taylors Road, thanked the Board and staff for helping with CAMA.

Chris Curdes and Carl Walker presented a certificate of appreciation to Commissioner Taylor.

Chairman Etheridge commended the Currituck All Star team (13 years old) for winning the championship.

Dan Scanlon, County Manager, gave the Board an update on the lightning strike over the weekend.

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

Presentation of Meritorious Award to Deputy Brian Dudley and Deputy Garland Akers

Sheriff Johnson and Chairman Etheridge presented the Meritorious Award to Deputy Dudley and Deputy Akers.

Presentation on Interfaith Community Outreach (ICO) Inaugural Festival - Ginger Candelora

continued

Presentation by Mitch Hall, Army Corps, on the "Currituck Sound Study"

Mitch Hall, Army Corps, presented a slide presentation outlining the project and restoration efforts.

Public Hearing and Action Maple-Barco Small Area Plan: Consideration and discussion of the Maple-Barco Small Area Plan.

Holly White, Planner, outlined the plan. The purpose of the Maple-Barco Small Area Plan is to balance growth and economic expansion with the integrity and character of the existing community. This includes taking into account the growth of the airport facility, protecting county resources such as drinking water, preserving the agrarian heritage of the area, and maintaining a high quality of life for current and future residents.

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

Commissioner Aydlett moved to approve. Commissioner Nelms seconded the motion. Motion carried.

**Public Hearing and Action PB 09-21 Currituck County:
Request to amend the Unified Development Ordinance, Chapter
1: General Provisions, to incorporate the Maple-Barco Small
Area Plan by reference.**

Ben Woody, Planning Director, reviewed the amendment.

PLANNING BOARD DISCUSSION- June 9, 2009

Ms. White stated staff will bring the Maple-Barco Small Area Plan along with a text amendment so it can be incorporated into the Unified Development Ordinance to the Board of Commissioners.

Mr. Woody stated the map shows how the area can grow, but keep in mind that the policies will help staff make recommendations, and the Planning Board and Board of Commissioners will base their decision making process on the Plan. The idea is to balance growth around the airport area.

Mr. West stated that you have to plan so you know what direction to go in, but you need to be careful. Where the extension building is located there is a lot of potential growth, if the YMCA is in that area then that is where people have a tendency to build around and yet we are building around the airport. He does not want it to become a Virginia Beach, Oceana scenario where people don't want to be near the airport. You need to be careful where the citizens' oriented services will be going.

Mr. Woody stated you need to be careful where you mix institutional uses with industrial uses. They are already identifying alternative access points to the industrial park to avoid mixing traffic.

Ms. White stated she is presently working with the Department of Aviation and will incorporate into the plan an outline showing what type of planes will be able to land at the airport under the existing conditions now and what will be possible under future expansion.

The board discussed increased traffic and local residents being able to get to these facilities.

Mr. Deaton stated the real issue is what your vision for this area is and what does the general public want. Mr. Deaton referred to Hilton Head, South Carolina as a good example of a well planned development. Mr. Deaton stated if you grow keep multi-paths available. When planning this plan take into consideration what it will look like twenty years down the road.

Mr. Kovacs stated that Nicholson's Point is a PUD that has been very well planned and will be outstanding once it has been developed. This standard should be followed throughout the area.

Mr. Woody stated the county is scheduled to receive a revised Comprehensive Transportation Plan.

ACTION

Mr. West motioned to recommend approval of the "Draft" Maple-Barco Small Area Plan as presented. Ms. Robbins seconded the motion. Motion carried unanimously.

Currituck County
PB 09-21
UDO AMENDMENT REQUEST

An amendment to Chapter 1: General Provisions, Section 1.15 Incorporation of Planning Documents, to incorporate the Maple-Barco Small Area Plan into the Unified Development Ordinance by reference.

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 Section 1.15 is amended to add the following underlined language:

1.15 Incorporation of Planning Documents

The following manuals or plans have been adopted by resolution of the Board of Commissioners and are incorporated herein by reference. While the Board of Commissioners affirms its commitment that this ordinance be in conformity with any adopted manual or plan, the board hereby expresses its intent that neither this ordinance nor any amendment to it, or any future action taken by the board, may be challenged on the basis of any alleged nonconformity or inconsistency with any planning document referenced in this section

A. Development Review Process Manual

B. Maple-Barco Small Area Plan

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 violate 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 Etheridge, opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Aydlett moved to approve. Commissioner Nelms seconded the motion. Motion carried.

Public Hearing and Action PB 09-17 Lannie Belangia: Request to amend the Unified Development Ordinance, Chapters 2, 3, and 10, to separate boat storage for commercial fisherman from that of privately owned recreation facilities.

Ben Woody, Planning Director, reviewed the request.

The enclosed text amendment submitted by Mr. Lannie Belangia is intended to address wet boat storage. Currently the Currituck County

Unified Development Ordinance (UDO) defines that, "Marinas for ten boats or less shall be classified as privately owned outdoor recreation facilities" requiring a Special Use Permit in all zoning districts. In other words, the docking or wet storage of ten or less boats requires approval from the Board of Commissioners. Staff would interpret this current provision to not include the docking of boats belonging to any persons that reside on the property.

Mr. Belangia's request specifies that wet boat storage for commercial fishermen be treated differently than that of a recreation facility as outlined above. The request proposes to allow the mooring of ten or less commercial fishing boats in all zoning districts with an administrative approval (again, this regulation refers only to boats not belonging to any persons residing on the property). The amendment also includes special requirements for residential zoning districts that prohibit the use of the property for equipment and bait storage, fueling, and repair. Additional screening is required if a vehicle parking area is adjacent to an existing single family dwelling.

Also, according to Frank Jennings, CAMA District Manager, a CAMA permit is not required for the mooring of commercial fishing vessels along existing docks or piers. Vessels may tie off at existing docks or piers without a CAMA permit if no new development is involved.

Staff feels this request highlights the very real challenge of balancing compatibility between residential properties and commercial fishing activities. Currituck County is in the precarious position of experiencing rapid residential growth rates while maintaining its cultural identity. As part of researching this text amendment request, staff also contacted surrounding governmental jurisdictions to determine how they regulated the mooring of commercial fishing boats in residential areas (enclosed). The answers varied from no regulation at all, to not allowing commercial fishing boats to dock in residential areas.

Throughout the county there are existing piers used to dock commercial fishing boats. Despite the fact many of the piers have historically docked boats not belonging to the property owner, this request highlights that none of these properties have been granted a special use permit as required by ordinance. This means any property docking commercial fishing boats not belonging to a person residing at the property should apply for and receive a special use permit. The request submitted by Mr. Belangia attempts to clarify this ordinance provision by allowing any property to dock up to ten commercial fishing boats with an administrative approval (again, this refers to boats not owned by a resident of the property).

While allowing the docking of ten commercial fishing boats with an administrative approval clarifies the current ordinance, it warrants a cautious approach when viewed county wide. There are circumstances when the secondary impacts associated with the docking of ten commercial fishing boats would create compatibility issues with adjacent properties and have a negative impact on a surrounding residential neighborhood. This includes increased traffic levels through residential streets, which often results in the degradation of road conditions, and may even increase long-term maintenance costs for people residing on private streets.

As an alternative, the Board may want to consider requiring a Special Use Permit (SUP) for the docking of commercial fishing boats not

belonging to the owner of a residentially zoned property. A more balanced ordinance could allow the docking of two or three commercial fishing boats with an administrative approval, while requiring an SUP for additional boats. The special use permit process allows the Board to approve a use taking into consideration the unique features of an individual situation. This means the docking of commercial fishing boats not belonging to the owner of a property could be handled on a case by case basis.

The Planning Board considered Mr. Belangia's request at their June 9 meeting and unanimously recommended approval. Attached please find the Planning Board meeting minutes, a spreadsheet of questionnaire responses from surrounding jurisdictions, and the text amendment request submitted by Mr. Belangia.

Should you have any questions, do not hesitate to contact Ben Woody at 232-6029

PLANNING BOARD DISCUSSION (June 9, 2009)

Mr. Belangia stated that there are 242 commercially registered boats in Currituck County. Mr. Belangia would like to see in a residential area that they are allowed to dock. With this text amendment they are asking for a facility to put their boat overnight.

Mr. West asked how many boats you would anticipate being docked at any one given time.

Mr. Belangia stated 10 or less at any given time.

Mr. Tranquillo stated he has been a commercial fisherman since 1973 in the county. A lot of fishermen can be arrested because they are illegally docking so they are having to use more fuel to find a place to dock. Mr. Tranquillo is in favor of the text amendment.

ACTION

Mr. Clark motioned to recommend approval of PB 09-17 Lannie Belangia Boat Storage text amendment as presented. Ms. Robbins seconded the motion. Motion carried unanimously.

SURVEY RESPONSES

Jurisdiction	Is docking of commercial fishing boats regulated in a residential area?	Comments/Interpretation
Dare County	No	Docking would be permitted; however, commercial activity must occur elsewhere (i.e., unloading or selling)
Kitty Hawk	Yes	Only property owners are allowed to conduct commercial fishing activities. Seafood shall not be sold, processed, or distributed from the premises. No more than 4 people shall be involved in the operation on the property at any one time.

Kill Devil Hills	No	Does not regulate the docking of boats
Nags Head	Yes	Considered an accessory use if the occupant of the principle residence is docking boats. Considered an unpermitted commercial use if docking of boats occurs by anyone not living at the residence.
Pasquotank County	No	No regulations in place. Issue would not be docking of boats, but rather associated vehicular traffic, noise, storage, etc.
Perquimans County	No	Ordinance does not address the situation.

**Lannie Belangia
PB 09-17
UDO AMENDMENT REQUEST**

An amendment to Chapter 17: Definitions, Chapter 3: Special Requirements and Section 2.5 Permitted Uses Table to separate boat storage for commercial fisherman from that of privately owned recreation facilities.

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 Section 17.2 is amended by adding the following underlined language:

Marinas

Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than ten boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. Marinas for ten recreational boats or less shall be classified as privately owned outdoor recreation facilities.

Boat Storage, Wet

Any public or privately owned facility for the docking of ten or less unoccupied commercial fishing vessels in the water. This shall not include marinas, boat ramp facilities allowing access only, or the accessory docking of personal boats of the property owner. However, the total number of boats maintained in wet storage shall not exceed ten.

Item 2: That Section 3.5 is amended by adding the following underlined language and renumbering that section numerically:

3.5.5 Boat Storage, Wet.

A. The facility shall not contain the following uses when located in a residential zoning district as defined by Chapter 2 of this

ordinance: fueling facilities, dry storage, repair services, equipment storage, bait storage, or on-site sales.

B. Parking of vehicles shall not occur within any public or private right-of-way and shall be screened from any existing single family dwelling located within 100 feet of the proposed parking area. The screening shall at minimum meet the requirements of a Type C bufferyard.

C. The total number of boats allowed for this use shall not exceed ten.

Item 3: That Section 2.5 is amended by adding the following underlined language and renumbering the Special Requirements column numerically:

Use	LUC	Zoning Districts											Special Requirements
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
<u>Boat Storage, Wet</u>	<u>III</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>3.5.5</u>

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 Etheridge opened the public hearing.

James Waterfield, Knotts Island, was concerned with regulations.

Bob Hartis, Harbinger, county should reverse old ordinance this should not be an issue.

Gary Tranquilla, was not aware of a docking issue.

Lannie Belangia, Pt. Harbor, cannot understand why this issue was even suggested.

Clyde Sanders, Harbinger, opposes this regulation.

Tommy Bowden, stated that this should be deleted from ordinance.

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

Commissioner Nelms moved to direct staff and the stake holders to meet and come up with a reasonable ordinance. Commissioner O'Neal seconded the motion. Motion carried.

Public Hearing and Action PB 87-56 Monterey Shores, Section III, PUD (Corolla Shores): Request for an extension of a special use permit for a proposed grocery store located on the west side of NC 12, west of the Whalehead Subdivision, and south of the Corolla Light PUD, Tax Map 115, Parcel 3S, Poplar Branch Township.

Ben Woody, Planning Director, reviewed the request.

On December 3, 2007, the Board of Commissioners voted to approve an amended sketch plan/special use permit for the development of a grocery store on Parcel V of Corolla Shores. The special use permit is due to expire on December 3, 2009. Quible and Associates, on behalf of Food Lion, LLC has submitted the attached letter (Attachment 1) requesting a one year extension of the approved special use permit.

According to Section 11.10.2 of the UDO:

11.10.2 Special Use and Conditional Use Permits

- B. The permit issuing authority may extend one time for a period up to two years the date when a permit would otherwise expire, if it concludes that:
 - 1. The permit has not yet expired, *(Applicant submitted extension request prior to SUP expiration.)*
 - 2. The permit recipient has proceeded with due diligence and in good faith; and, *(Applicant states in letter dated June 12, 2009 that clearing and filling activities have occurred. The letter also references economic conditions and delays in wastewater permitting.)*
 - 3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit. *(There have been no substantial changes in the application.)*

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

Commissioner Gregory moved to approve. Commissioner O'Neal seconded the motion. Motion carried.

Public Hearing and Action on Proposed Rural Operating Assistance Program (ROAP) Application

Dan Scanlon, County Manager, reviewed the proposed ROAP application.

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

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

Discussion and Consideration Ordinance providing for licensing of Solid Waste Collectors

Ike McRee, County Attorney, reviewed the ordinance.

Commissioner Nelms moved to approve. Commissioner O'Neal seconded the motion. Motion carried.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING THE CURRITUCK COUNTY CODE OF ORDINANCES TO AUTHORIZE THE BILLING OF FEES FOR ANNUAL INSPECTION OF PROVISIONAL SEPTIC TANKS OR OTHER INNOVATIVE SEPTIC SYSTEMS AS PROPERTY TAXES

WHEREAS, pursuant to Session Law 1995-577 the County of Currituck is authorized to adopt an ordinance providing that any fees for the annual inspection of provisional septic tanks or other innovative septic systems may be billed, paid and collected in the same manner as property taxes and that delinquent fees are a lien on the real property described on the bill that includes the fee.

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

PART I. That the Code of Ordinances, Currituck County, North Carolina is amended by adding a article and section to Chapter 13 to read as follows:

ARTICLE IV. PROVISIONAL AND INNOVATIVE WASTE WATER COLLECTION AND TREATMENT SYSTEMS

Section 13-243. Billing and Collection of Annual Inspection Fees.

The fee imposed by the health department or management entity having jurisdiction within the county for the annual inspection of provisional septic tanks or other innovative septic systems may be billed and is payable in the same manner as property taxes and, in the case of nonpayment, may be collected in any manner by which real or personal property taxes can be collected. The annual inspection fee is due and payable upon invoice of the health department or management entity having jurisdiction in the county and at

that time becomes a lien on the land described in the invoice that includes the annual inspection fee.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed

Discussion and Consideration of Expansion of Fire and EMS Advisory Board

continued

Designation of Voting Delegate to NCACC Annual Conference

Commissioner Gregory moved to appoint Chairman Etheridge. Commissioner Aydlett seconded the motion. Motion carried.

Appointment to Board of Directors of Greater Albemarle Area Chapter-American Red Cross

continued

Appointment to Northeastern Workforce Development Board

Commissioner O'Neal moved to appoint Wanda Beasley. Commissioner Aydlett seconded the motion. Motion carried.

Appointment to Senior Citizen Advisory Board

Chairman Etheridge moved to appoint Grace Yingling. Commissioner Nelms seconded the motion. Motion carried.

Appointment to Library Board of Trustees

Commissioner Nelms appointed Cindy Brodersen and Joann Dibello. Chairman Etheridge seconded the motion. Motion carried.

Consent Agenda:

1. Budget Amendments
2. Ratification of License Agreement for Currituck Utilities to install temporary wastewater service on Whalehead Club property
3. Resolution to Declare County Property as Surplus and Authorize Sale by Upset Bid Process
4. Moyock Library, CO-004, McKenzie Construction Corporation-~~Deleted~~
5. Approval of July 6, 2009, Minutes
6. Petition to NCDOT for Addition to State System of New Colony Drive
7. Request DOT to lower speed limit in front of Jarvisburg and Knotts Island Schools.

Commissioner Nelms moved to approve. Commissioner Aydlett 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	
10640-532004	Supplies - Home Economics Fund Balance	\$	636		
10390-499900	Appropriated			\$	636
		<u>\$ 636</u>		<u>\$ 636</u>	

Explanation: Cooperative Extension (10640) - To carry-forward SHIP grant funds from FY 2009.

Net Budget Effect: Operating Fund (10) - Increased by \$636.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10793-511500	Printing & Binding			\$	720
10793-514000	Travel			\$	2,500
10793-514500	Training & Education			\$	500
10793-532000	Supplies			\$	1,000
10793-545000	Contract Services			\$	4,750
10330-447700	Smart Start	\$	9,470		
		<u>\$ 9,470</u>		<u>\$ 9,470</u>	

Explanation: Smart Start; Eat Smart, Move More (10793) - To remove Smart Start grant funds. This grant was not renewed for FY 2010.

Net Budget Effect: Operating Fund (10) - Reduced by \$9,470.

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

50790-594500	Contract Services	\$	2,000		
50790-570000	Reimbursable Expenses			\$	2,000
			<u>\$</u>	<u>2,000</u>	<u>\$</u>
					<u>2,000</u>

Explanation: Moyock Library Construction (50790) - To transfer funds for McKenzie Construction Corp. change order #4 to add sump pump, Heritage room flooring, wood base, faucet and cabinet changes; and temporary generator at the Moyock Library.

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

RESOLUTION DECLARING CERTAIN REAL PROPERTY SURPLUS AND AUTHORIZING SALE BY UPSET BID PURSUANT TO N.C. GEN. STAT. SECTION 160A-269

WHEREAS, the County of Currituck owns certain property located at 112 Milburn Sawyer Road and 323 N. Spot Road, Powells Point, N.C., with a residential structure located on each parcel; and

WHEREAS, North Carolina General Statute 160A-269 permits a county to solicit an offer to purchase property and advertise it for upset bids; and

WHEREAS, the Property is not used by the County and is deemed surplus; and

WHEREAS, the Board of Commissioners for Currituck County has determined that as surplus property, the Property should be sold through an upset bid process and that the County should solicit an offer to purchase the Property in an amount not less than \$69,090.00 for the residential structure located at 112 Milburn Sawyer Road and \$87,992.00 for the residential structure located at 323 N. Spot Road.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County that:

1. The Property is declared surplus and the County of Currituck shall solicit an offer to purchase the residential structure at 112 Milburn Sawyer Road in an amount not less than \$69,090.00 and the residential structure at 323 N. Spot Road in an amount not less than \$87,992.00, which offers shall be subject to the upset bid procedure set forth in N.C. Gen. Stat. Section 160A-269.
2. The Clerk to the Board of Commissioners shall cause publication of a notice of the solicitation of an offer to purchase each residential structure, subject to the upset bid procedure. The notice shall describe each residential structure and the amount of the offer solicited, and shall state the terms under which the offer may be upset.
3. Persons wishing to submit an offer to purchase the residential structures shall submit an offer in an amount not less than \$69,090.00 for the structure located at 112 Milburn

Sawyer Road and \$87,992.00 for the structure located at 323 N. Spot Road with each offer accompanied by a deposit made in cash, cashier's check or certified check in the amount of five percent (5%) of the offer to purchase.

4. Upon receipt of an offer to purchase one of the residential structures and deposit, the Clerk to the Board of Commissioners shall cause publication of a notice of the offer to purchase. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Clerk to the Board of Commissioners within 10 days after the notice is published. At the conclusion of the 10-day period, the Clerk to the Board of Commissioners shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received.
6. A qualifying higher bid is one that raises the existing offer by not less than 10 percent (10%) of the first \$1,000 of that offer and 5 percent (5%) of the remainder of that offer.
7. A qualifying higher bid must also be accompanied by a deposit in the amount of 5 percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return without interest the deposit on any bid not accepted, and will return without interest the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder without interest at closing
8. The terms of the final sale are that the buyer must pay for purchase the residential structure with cash, cashier's check or certified check at the time of closing and that each residential structure is sold AS IS and must be removed from the sites by the final high bidder.
9. The County reserves the right to withdraw one or both residential structures from sale at any time and the right to reject any and all offers at any time.

Commissioner's Report

Commissioner Aydlett directed staff to begin the process to form the Carova Beach Service District. Commissioner O'Neal seconded the motion. Motion carried.

Commissioner O'Neal reported on the meeting with the Turnpike Authority on the Mid County Bridge. They will be looking at changing the plan at Waterlily.

County Manager's Report

No comment

Closed Session:

According to GS 143-318.11.(6) to discuss personnel and (3) to consult with an attorney and preserve the attorney-client privilege.

Commissioner Gregory moved to go into closed session as stated. Commissioner Aydlett seconded the motion. Motion carried.

Adjourn

After reconvening from closed session the Board agreed to approve the Moyock Library Change Order and deny the budget amendment for \$33,000.

There being no further business, the meeting adjourned.

RESOLUTION

WHEREAS, there are certain items of personal property owned by the County that no longer have value to the County for public purposes, to-wit:

AFIS Fingerprint Machine – Touch Print model, serial #1606-00284,
manufactured by Identix, listed in County Records as Asset # 6176

WHEREAS, it is the opinion that this certain item of personal property should not be sold to the public, they are of no use to other law enforcement agencies and the Currituck Sheriff's Office recommends this item be disposed of by destruction and disposal of the resulting debris; and

WHEREAS, the Board of Commissioners are in agreement with the Currituck Sheriff's Office assessment of said property and declares this item of personal property listed above as surplus property and authorizes the Currituck Sheriff's Office to dispose of said items by destruction and disposal of the resulting debris.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners declares the AFIS Fingerprint Machines listed above as surplus property and authorizes the Currituck Sheriff's Office to dispose of these items by destruction and removal of the resulting debris.

Adopted the 3 day of August, 2009

J. OWEN ETHERIDGE, Chairman
Board of Commissioners

ATTEST:

Gwen H. Keene, Clerk to the Board