

# Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

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**Date: Monday, August 17, 2009**

**Time: 7:00 PM**

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## Work Sessions

5:30 p.m. ABC Board

6:00 p.m. Master Plan 4-H Cultural Rural Center

## 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 **Approval and Presentation of Proclamation Honoring 13 Year Old Boys Baseball All-Star Team**

Item 4 **Presentation to Rodney Sawyer, Jr. County Extension Director**

Item 5 **Public Hearing and Action** PB 09-19 Victor White– RMF Overlay: Request to amend the Currituck County Unified Development Ordinance, Chapter 4: Overlay Districts and Chapter 17: Definitions to update the dimensional requirements and design standards for the Residential Multi-Family Development (RMF) Overlay.

Item 6 **Public Hearing and Action** PB 09-06 Currituck County Planning Department: Request to amend the Currituck County Unified Development Ordinance, Chapter 2: Zoning Districts, Chapter 3: Special Requirements, and Chapter 17: Definitions, to provide for outdoor display and storage with a zoning permit subject to special requirements.

Item 7 **Consent Agenda:**

1. Resolution to appoint Review Officer

2. Barnhill Contracting Change order#2, Shawboro Elementary School
3. Medical Plan 2009 for Currituck County Detention Center
4. Approval of August 3, 2009, Minutes
5. Resolution authorizing NC Economic Infrastructure Program

Item 8 Commissioner's Report

Item 9 County Manager's Report

Adjourn

**PROCLAMATION HONORING  
CURRITUCK COUNTY'S 13 YEAR OLD BOYS BASEBALL ALL-STAR TEAM  
FOR  
NORTH CAROLINA BABE RUTH DISTRICT 7 CHAMPIONSHIP  
AND  
NORTH CAROLINA BABE RUTH STATE CHAMPIONSHIP**

**WHEREAS**, the Currituck County 13 Year Old Boys Baseball All-Star Team, on Sunday, July 12, 2009, earned the 2009 13 Year Old District 7 Babe Ruth Championship in Currituck, North Carolina; in addition they won the 2009 Babe Ruth 13 Year Old North Carolina State Championship, on Tuesday, July 21, 2009, in Henderson, North Carolina; and

**WHEREAS**, the Currituck County 13 Year Old Boys Baseball All-Star Team compiled an impressive 4-0 record in the District 7 Babe Ruth Baseball Tournament while outscoring their opponents 69 to 6 over the course of the Tournament; and

**WHEREAS**, the Currituck County 13 Year Old Boys Baseball All-Star Team gained the title of North Carolina Babe Ruth State Champion with a record of 5-1 in the State Tournament; and

**WHEREAS**, the Currituck County 13 Year Old Boys Baseball All-Star Team made these accomplishments possible by displaying positive attitudes and sportsmanship of the highest level. Their teamwork and perseverance truly make all of these young men Champions. Team members are as follows: Zachery Alex, Will Beasley, Zachary Crump, Harrison Ferebee, Dakwon Foreman, Joshua Jacobs, Dustin Masie, Benjamin Rodgers, Tyler Schuster, Kyle Spruill, Wayne Twiford, III, and Brian Williams. The team was led by their two coaches, William Beasley and Wayne Twiford, Jr.

**NOW, THEREFORE, BE IT PROCLAIMED** by the Currituck County Board of Commissioners that we acknowledge the talents, skills, teamwork, sportsmanship, and success of the Currituck County 13 Year Old Boys Baseball All-Star Team, the 2009 Babe Ruth Baseball District 7 Champions, and the 2009 North Carolina 13 Year Old Babe Ruth Baseball State Champions, and, on behalf of our citizens, we do hereby extend this expression of our pride in these prestigious milestones.

This the 17<sup>th</sup> day of August, 2009.

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J. Owen Etheridge, Chairman  
Currituck County Board of Commissioners



## Currituck County

Department of Planning  
Post Office Box 70  
Currituck, North Carolina 27929  
252-232-6029  
FAX 252-232-3026

### MEMORANDUM

**To:** Board of Commissioners  
**From:** Planning Staff  
**Date:** August 10, 2009  
**Re:** PB 09-19 RMF Overlay District Text Amendment

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The enclosed text amendment submitted by Victor White of Landmark Engineering is intended to update the dimensional requirements and design standards for the Residential Multi-Family Development (RMF) Overlay. Upon receipt of the amendment request, planning staff worked with the applicant to develop revised language. A summary of requested changes is as follows:

- The dimensional requirements were revised to clarify perimeter setbacks versus interior setbacks. Additionally, dimensional requirements were added to allow for townhome developments (i.e., a row of dwellings for which the building and land underneath is owned by an individual rather than a home owners association). Currently the RMF Overlay only provides for apartment dwellings or condominium units.
- Redundant standards that reference the state building code or fire prevention code were removed from the ordinance. These requirements apply to all developments and are not within the purview of a zoning ordinance.
- Rather than listing open space requirements in the overlay, the existing requirements in the subdivision ordinance were simply cross referenced. This removes the redundancy of detailing open space requirements in different sections of the UDO.
- The overlay as currently written allows for limited commercial uses. The amendment provides for a broader range of commercial uses to encourage mixed use developments. To ensure compatibility with the residential component, language was added limiting the size and scale of the commercial use rather than focusing on the actual type of use.
- Basic site design and architectural requirements were integrated for both residential and nonresidential structures.

The Planning Board recommended unanimous approval at their July 14, 2009 meeting. Should you have any questions, do not hesitate to contact Ben Woody at 232-6029.

**PLANNING BOARD DISCUSSION**

Mr. Avery stated they don't know who wrote the original ordinance and it needed to be looked at. Mr. Avery stated the new ordinance allows the developer to build a better project for the county.

**ACTION**

Mr. Clark motioned to recommend approval of PB 09-19 Villas at the Pointe – RMF Overlay as presented. Ms. Newbern seconded the motion. Motion carried unanimously.

**RMF Overlay District  
PB 09-19  
UDO Amendment Request**

An amendment to Chapter 4: Overlay Districts and Chapter 17: Definitions to update the dimensional requirements and design standards for the Residential Multi-Family Development (RMF) Overlay.

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 4: Overlay Districts, Section 4.6 is amended by deleting the following strikethrough language, adding the underlined language, and renumbering alphabetically:

**Section 4.6 Residential Multi-Family Development (RMF) Overlay**

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**4.6.1 Intent and Location**

- A. The residential multi-family development overlay is designed to provide for medium density residential development with some associated non-residential uses in close proximity to major thoroughfares and commercial zones on the Currituck County mainland. The RMF overlay is designed to have insignificant adverse impacts on surrounding single-family residential development. ~~Areas located in a RMF overlay shall contain a minimum of five contiguous acres.~~
- B. The Residential Multi-Family Overlay District shall only be applied for within the Residential and General Business zoning districts (R, RA, RR and GB with overlay).
- C. A special use permit shall be required for all residential multi-family developments.

**4.6.2 Uses Allowed**

- A. Apartments, condominiums, townhomes, and duplexes ~~two-family homes and single-family homes~~ are permitted in a multi-family residential development.
- B. Within any multi-family residential development, not more than ten percent of the total site area may be developed for ~~the following commercial uses:~~ small scale commercial, service or professional office uses.
  - 1. ~~Convenience stores~~
  - 2. ~~Professional offices~~

3.— Restaurants

4.— Post offices

#### 4.6.3 Dimensional, Parking, Bufferyards and Sign Requirements

A. The following dimensional requirements shall be met. For the purposes of this section, “development area” refers to the total area of contiguous land proposed for development as a single unit; and “lot” refers to a subdivided lot within the development area that accommodates an individual dwelling unit (e.g., townhome or duplex lot):

<b>Dimensional Criteria</b>	<b>Requirement</b>
Min. Development Area	5 acres
Max. Density	1 unit per 10,000 square feet <sup>4</sup>
Max. Number of Units	90 units
Min. Lot Width	125 feet
Min. Road Frontage	200 feet
Max. Lot Coverage	40%
Floor Area Ratio	0.40
Max. Building Length	160 feet
Min. Thoroughfare Setback	50 feet from US 158, NC 168, NC 34, NC 136
Min. Street Setback (other streets)	20 feet
Min. Side Setback	50 feet
Min. Rear Setback	50 feet
Min. Building Separation	50 feet
Max. Building Height	35 feet (3 stories Maximum)
Min. Floor Area	<ul style="list-style-type: none"><li>• 600 square feet for 1 bedroom units</li><li>• 800 square feet for 2 bedroom units</li><li>• 1,000 square feet 3+ bedroom units</li></ul>
Min. Parking Spaces Per Dwelling <sup>2</sup>	2 spaces
Min. Vehicular Area Setback	25 feet
Min. Drive Aisle Width <sup>3</sup>	24 feet
Parking Space Angle	90 degrees
Min. Parking Space Size	10 feet x 20 feet
External Property Line Bufferyard	Type “A” with a 25 foot width (See Chapter 5)
Internal Streets Bufferyard	Type “C” with a 10 foot width (See Chapter 5)
Open Space Required	35% of total lot area
Max. Signs Permitted	1 per public street
Max. Sign Area	32 square feet
Max. Sign Height	10 feet
Min. Sign Setback	25 feet (no sign located within a bufferyard setback)

<sup>1-</sup> ~~CAMA wetlands and adjacent 404 wetlands may not be included in calculating the density for a Residential Multi-Family Development.~~

<sup>2-</sup> ~~All parking/vehicular areas must be paved with either concrete or asphalt; and be delineated with painted lines.~~

<sup>3-</sup> ~~Internal Streets must be designed and installed in accordance with North Carolina Department of Transportation, Division of Highways standards.~~

<u>Dimensional Criteria</u>	<u>Apartments or Condominiums</u>	<u>Townhomes</u>	<u>Duplexes</u>	<u>Nonresidential Structures</u>
<b><u>Development Area Requirements</u></b>				
<u>Min. Area</u>	<u>5 contiguous acres</u>	<u>5 contiguous acres</u>	<u>5 contiguous acres</u>	<u>-</u>
<u>Density<sup>1</sup></u>	<u>1 unit/10,000 sq. ft.</u>	<u>1 unit/10,000 sq. ft.</u>	<u>1 unit/10,000 sq. ft.</u>	<u>-</u>
<u>Max. Number of Dwelling Units<sup>2</sup></u>	<u>90</u>	<u>90</u>	<u>90</u>	<u>-</u>
<u>Min. Road Frontage</u>	<u>200'</u>	<u>200'</u>	<u>200'</u>	<u>-</u>
<u>Max. Building Length</u>	<u>160'</u>	<u>160'</u>	<u>-</u>	<u>160'</u>
<u>Min. Perimeter Street Setback</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>	<u>20'</u>
<u>Min. Perimeter Property Line Setback</u>	<u>50'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>
<u>Min. Vehicular Area Setback</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>
<u>Max. Building Height</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<b><u>Lot Requirements</u></b>				
<u>Min. Area</u>	<u>-</u>	<u>1,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>
<u>Min. Width</u>	<u>-</u>	<u>16'</u>	<u>65'</u>	<u>50'</u>
<u>Max. Lot Coverage</u>	<u>-</u>	<u>100%</u>	<u>40%</u>	<u>80%</u>
<u>Min. Building Separation</u>	<u>40'</u>	<u>20'</u>	<u>20'</u>	<u>-</u>

1. ~~CAMA wetlands and adjacent 404 wetlands may not be included in calculating density.~~

2. ~~Mixed housing types shall be permitted; however, the cumulative number of dwelling units shall not exceed 90 for the multi-family development.~~

B. Interior setbacks shall meet the underlying zoning district requirements or be established by the developer and approved by the Board of Commissioners as part of the special use permit.

#### 4.6.4 Development Standards

A. ~~Multi-family residential developments shall be designed and constructed so as to not limit the county's ability to provide adequate public facilities, including, but not limited to; public water, 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.~~

B. There shall be a maximum of one entrance allowed per development onto US Highway 158, NC Highway 168, NC Highway 34, NC Highway 136 or Tulls Creek Road.

- C. Interior streets shall meet North Carolina Department of Transportation, Division of Highways construction standards.
- D. All parking and vehicular use areas shall be paved with either concrete or asphalt. On-street parking is permitted subject to Technical Review Committee approval
- E. Perimeter development area bufferyards shall be provided in accordance with Chapter 5: Landscaping, Bufferyards & Shading. Individual lot bufferyards shall be established by the administrator.
- F. All multi-family residential developments shall be required to be serviced by the county public water system ~~or other centralized water system. All water services, including facilities, shall meet or exceed all local, state and federal standards.~~
- G. All multi-family residential developments shall be required to be serviced by a private centralized or de-centralized wastewater system that serves the development or the county owned system (if available). ~~All waste-water services, including facilities, shall meet or exceed all local, state and federal standards. Wastewater treatment facilities shall be located a minimum of 30 feet from exterior property lines and no closer to any property line than the buildings it is designed to serve. In addition, the waste-water treatment facilities shall be designed to be architecturally compatible with the residential buildings on the site.~~
- H. ~~All multi-family residential developments shall meet or exceed applicable requirements of the North Carolina State Building Code, Volume V, Fire Prevention. All multi-family structures shall have sprinkler protection. Fire hydrants shall be provided at a maximum distance of 1,000 feet apart. No portion of any structure shall be greater than 400 feet from a fire hydrant.~~
- I. ~~All multi-family residential developments shall provide on-site garbage dumpsters. All dumpsters shall be located to the rear of the principal structures. All dumpsters shall be screened on three sides with eight foot tall opaque fencing. All dumpsters shall be located to be sufficiently accessed by the service vehicle.~~
- J. All new on-site utilities shall be located underground unless required by the utility to be otherwise.
- K. On-site garbage dumpsters shall be provided subject to the following:
  - 1. Dumpsters must be located to the rear of the principal structure(s);
  - 2. Dumpsters shall be screened on three sides with eight foot tall opaque fencing; and,
  - 3. Dumpsters shall be located to be sufficiently accessed by service vehicles.

- L. ~~All electricity, telephone, gas, communications and cable television utility services are required to be installed underground.~~
- M. All multi-family residential developments buildings shall be designed to be as architecturally compatible with the surrounding area to the greatest extent possible. Building elevations shall be approved by the ~~administrator or their designee~~ Board of Commissioners prior to the issuance of any ~~zoning permit~~ special use permit subject to the following:
  1. Structures shall include vertical and horizontal relief in buildings (roof lines, eaves, bump-outs); variation in exterior architectural materials (siding, roofing); variation in housing styles and types; and inclusion of front porches, projecting bays, or vestibules; and,
  2. The general roof shape, ridge and eave heights, and material characteristics proposed shall be visually compatible with the coastal vernacular of the general area (gable and hip roofs, roof dormers, approximate 8/12 roof pitch).
- N. Signage for the multi-family development shall not exceed 1 per entrance, with a maximum size of 32 square feet and maximum height of 8 feet.
- O. There must be one ground-level handicapped accessible dwelling unit required per every ten units. Such handicapped unit shall meet all applicable building code and Americans with Disabilities Act requirements.
- P. Access to any multi-family residential development shall not be through an existing single-family detached residential subdivision.

#### **4.6.5 RMF Open Space and Amenities**

- A. 35% of the total lot development area must be preserved as open space and meet the minimum open space standards of Chapter 10: Subdivision Requirements.
- B. A portion of the required open space shall be designated and improved for active recreation. Determination of suitable improved active recreation shall be based on the character of the open space land, the estimated age and the recreation needs of persons likely to reside in the development, the costs of installation and maintenance of recreation facilities, and the proximity to existing recreational areas.
- C. Areas of open space reserved for active recreation shall be accessible to all residents through a combination of interconnected sidewalks, multimodal paths, or trails.
- D. ~~For purposes of this section, open space means an area that:~~
  1. ~~Is not encumbered with any structure unless such structure is for recreational purposes available and accessible to all residents of the development or~~

~~general public, including indoor tennis courts, swimming pool and other facilities;~~

- ~~2. Is not contained within a street right-of-way or otherwise devoted to use as a roadway, parking area not associated with the use of open space or above ground waste disposal facilities;~~
- ~~3. Is legally and practicably accessible to the residents of the development out of which the open space is taken;~~
- ~~4. Is not encumbered by any part of a sewage disposal system, or any above ground or below ground structure;~~
- ~~5. May include farmland and tree farms;~~
- ~~6. Is capable of being used and enjoyed for passive recreation, such as walking, jogging, or being improved for more active recreational use;~~
- ~~7. Does not include any CAMA wetlands and adjacent 404 wetlands; and,~~
- ~~8. Includes any part of any man-made or natural lakes or ponds provided they are completely surrounded by the development and under the ownership of the developer.~~
- ~~9. At least fifty (50%) percent of open space required by these regulations shall be lands suitable for development and shall not include, among other things, wetlands and swamps.~~

~~E. A portion of the required open space shall be improved for recreational use (i.e. ball fields, children's playground, swimming pools, tennis courts, etc.) taking into consideration:~~

- ~~1. The character of the open space land;~~
- ~~2. The estimated age and the recreation needs of persons likely to reside in the development;~~
- ~~3. The cost of recreation facilities; and,~~
- ~~4. The proximity to existing recreational areas.~~

#### **4.6.6 Nonresidential Design Standards**

- A. No individual nonresidential building shall exceed 10,000 square feet in size.
- B. Nonresidential buildings shall be accessible to all residents through a combination of interconnected sidewalks, multimodal paths, or trails. Additionally, internal

pedestrian circulation shall be required within all commercial areas through the use of clearly defined walkways.

C. All nonresidential structures, including mixed use buildings, shall be designed to be architecturally compatible with the residential buildings onsite. Building elevations shall be approved by the administrator prior to the issuance of any zoning permit subject to the following:

1. Large expanses of blank walls shall be avoided. Facades shall incorporate architectural elements that add visual interest, including but not limited to variation in exterior materials; functioning windows and doorways; and, projecting elements such as eaves, cornices, canopies, bays, shadow lines, overhangs, porticos and colonnades.
2. Roofs pitches (approximately 4/12 or greater) and other variations consisting of dormers, bump outs, or entrance features shall be incorporated as architectural features.
3. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent material.

D. Nonresidential signage shall be limited to 1 freestanding sign not to exceed 32 square feet in size or 8 feet in height. Wall signage shall be allowed in accordance with Chapter 7: Signs.

**Item 2:** That Chapter 17: Definitions is amended by deleting the strikethrough language, adding the underlined language and reordering in alphabetical order the following definitions:

## **Section 17.2 Definitions**

### **Residence, Duplex**

A ~~two-family~~ single residential building on one lot use designed to be occupied by two families living independently of each other in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has have living space on the ground floor and a separate, ground floor entrances.

### **Residence, Multi-Family**

A ~~residential use consisting of a~~ A building containing three or more attached dwelling units on a single lot. For purposes of this definition, a building includes all dwelling units that are enclosed within individual units may be mixed vertically or horizontally within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

### **Residence, Multi-Family Apartments**

~~A multi-family residential use other than a multi-family conversion or multi-family townhome.~~

**Residence, Multi-Family Townhome**

~~A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit~~ Two or more attached or detached dwelling units located on separate lots and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrances. Townhouses are generally located within a development containing internal streets, walks, and open space or common elements.

**Item 3:** 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.

**Item 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 200.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Gwen H. Keene  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_AYES\_\_\_\_\_NAYS\_\_\_\_\_

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PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_AYES\_\_\_\_\_NAYS\_\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_



## Currituck County

Department of Planning  
Post Office Box 70  
Currituck, North Carolina 27929  
252-232-3055  
FAX 252-232-3026

### MEMORANDUM

**To:** Board of Commissioners

**From:** Planning Staff

**Date:** August 10, 2009

**Subject:** PB 09-06 Currituck County Text Amendment for Outdoor Storage and Outdoor Display

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The enclosed text amendment submitted by the Currituck County Planning Department is intended to establish standard requirements for outdoor display and outdoor storage. The purpose of this amendment is to ensure public health and safety while promoting economic growth and sustainability as well as preserving the best visual appearance, character, and economic value of properties in Currituck County.

Outdoor display and outdoor storage uses meeting the proposed minimum requirements will be approved administratively with a zoning permit in accordance with the table of permissible uses. The current language in the Unified Development Ordinance requires proposed outdoor storage and display uses to obtain a conditional use permit which the board typically approves. As a result, the Board of Adjustment requested planning staff to evaluate the outdoor storage and outdoor display uses and prepare a text amendment to establish specific standards for these types of activities.

The Planning Board recommended unanimous approval at their July 14, 2009 meeting. Should you have any questions, do not hesitate to contact Ben Woody at 232-6029

## **PLANNING BOARD DISCUSSION**

The board discussed whether farmer's markets should also be exempt from outdoor storage regulations since the text amendment will exempt farmer's markets from the outdoor display regulations.

Mr. Woody suggested that outdoor storage include an exemption of bulk bins commonly used for food and vegetables.

The board discussed the difference between outdoor display and outdoor storage and what is permissible.

Mr. Woody stated the challenge is to create regulations that will work fairly for the mainland and Corolla.

Mr. Kovacs asked if golf carts would be considered outdoor display or outdoor storage or would they come under a car dealership.

Mr. Woody stated they would come under a car dealership and they would need a Special Use Permit.

## **ACTION**

Ms. Newbern motioned to recommend approval of the text amendment PB 09-06 Outdoor Storage and Outdoor Display as presented with the addition to add language under Outdoor Storage to exempt bulk bins commonly used for food and vegetables. Mr. Bell seconded the motion. Motion carried unanimously.

**Currituck County  
PB 09-06  
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts, Chapter 3: Special Requirements, Chapter 17: Definitions, and to provide for outdoor display and storage with a zoning permit subject to special requirements.

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

**Item 1:** That Chapter 2: Zoning Districts is amended by deleting the strikethrough language and adding the following underlined language.

Use	LUC	Zoning Districts											Special Requirements
<i>Retail</i>		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
<del>Outdoor Storage</del>	<del>III</del>							<u>G</u>	<u>G</u>	<u>G</u>	<u>Z</u>	<u>Z</u>	

Use	LUC	Zoning Districts											Special Requirements
<i>Office &amp; Service</i>		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
<del>Outdoor Storage</del>	<del>III</del>							<u>G</u>	<u>G</u>		<u>G</u>	<u>G</u>	

Use	LUC	Zoning Districts											Special Requirements
<i>Other</i>		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
<u>Outdoor Display</u>	<u>III</u>							<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>3.10.3</u>
<u>Outdoor Storage</u>	<u>III</u>							<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>3.10.3</u>

**Item 2:** That Chapter 3: Special Requirements, Section 3.10.3 is amended by deleting the strikethrough language and adding the following underlined language.

**3.10.3 Reserved- Outdoor Display and Outdoor Storage**

~~This section is reserved for future use.~~

A. Outdoor Display

1. Outdoor display is permissible in association with any retail use following technical review committee evaluation of a site plan illustrating the extent of the proposed area for outdoor display.
2. Outdoor display areas shall be located immediately adjacent to the storefront and are prohibited in parking lots, fire lanes, drive aisles, loading zones, CAMA setbacks, zoning setbacks, and buffer yards. Display areas

are only permissible adjacent to the building or structure in which the business is located.

3. The area lawfully allowed to be utilized for outdoor display may be defined by an approved container or rack provided the container or rack can be moved inside or anchored for 120 mph winds in the event of inclement weather.
4. No merchandise shall be attached to a building's wall surface, column, roof, light post, flagpole, etc., and shall be confined to the designated display area.
5. At minimum, a clear path equal to the width of the door shall be maintained in order to allow safe passage to the parking lot and adjacent businesses.
6. A minimum of 36 inches along the parking lot side of the display area shall be maintained free of obstruction to allow for pedestrian movement, such that pedestrians are not forced to enter the parking lot, loading zone or drive aisle to walk around the display area.
7. No additional signage, except with an approved sign permit, shall be permitted in association with outdoor display areas.
8. Outdoor display areas shall cover no more than one half of the total linear feet of store frontage.
9. Seafood stands, vegetable stands, and farmer's markets are exempt from outdoor display regulations.

#### B. Outdoor Storage

1. Outdoor storage is permissible in association with any retail, service, or industrial use following technical review committee evaluation of a site plan illustrating the extent of the proposed area for outdoor storage.
2. Outdoor storage is prohibited in fire lanes, drive aisles, loading zones, CAMA setbacks, zoning setbacks, required parking spaces, site triangles, and buffer yards.
3. In the General Business (GB), Commercial (C), and Limited Business-Hotels Allowed (LBH) districts the following requirements shall apply to outdoor storage areas that exceed ten percent of the gross floor area of the principal structure:

- a. In addition to applicable buffer yard requirements of Chapter 5: Landscaping, Bufferyards & Shading, outdoor storage areas shall be screened a minimum of six feet in height from ground level view from adjacent residential properties and public rights-of-way by a wall, semi-opaque fence, berm, landscaping, or combination thereof.
  - b. Outdoor storage areas are prohibited between the front plane of the principle building or structure and any rights-of-way. Storage areas shall be located to the sides or rear of the principle building.
  - c. The requirements of subsection (3) shall not apply to the storage of landscape nursery products, motor vehicles, and pre-fabricated structures (e.g., storage buildings) offered for individual sale.
4. In the Light Manufacturing (LM) and Heavy Manufacturing (HM) districts the following requirement shall apply:
- a. In addition to applicable buffer yard requirements of Chapter 5: Landscaping, Bufferyards & Shading, outdoor storage areas shall be screened a minimum of six feet in height from ground level view from NC 168, US 158, and NC 12 by a wall, semi-opaque fence, berm, landscaping, or combination thereof.
5. Seafood stands, vegetable stands, and farmer's markets are exempt from outdoor storage regulations.

**Item 3:** That Chapter 17: Definitions be amended by deleting the strikethrough language and adding following underlined language.

## **17.2 Definitions**

### **Outdoor Display**

An area of designated size used for the display of merchandise or tangible property normally vended within the contiguous business or organization. Multiple items may be displayed on a rack designed for display purposes, or in an approved container, but shall not be stacked upon each other for the purpose of storage.

### **Outdoor Storage**

~~The storage of goods, products, or vehicles as an accessory use by their owner or on a commercial basis outside of a permanently constructed fully enclosed building.~~

An area for the storage of goods that have a large size, mass, or volume and are not easily moved or carried without the use of a mechanical lifting device. This includes but

is not limited to items such as lumber, large stacks of outdoor furniture, mulch, fertilizer, equipment, and other similar uses.

**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.

**Item 5:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Gwen H. Keene  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_AYES\_\_\_\_NAYS\_\_\_\_\_

\*\*\*\*\*

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_AYES\_\_\_\_NAYS \_\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

---

**AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT**

**NC Economic Infrastructure Program**

---

WHEREAS, The North Carolina General Assembly passed House Bill 1352 authorizing the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, that will result in job creation, and

WHEREAS, Currituck County, North Carolina has need for and intends to construct or rehabilitate a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as the Moyock Wastewater Treatment Plant, Phase I Force Main, and

WHEREAS, Currituck County intends to request grant assistance from the Economic Infrastructure Grants Program for the project;

**NOW THEREFORE BE IT RESOLVED, BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):**

Currituck County will arrange financing for all remaining costs of the project, if approved for a grant.

That Currituck County will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Daniel F. Scanlon II, County Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of Currituck County with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That Daniel F. Scanlon II, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Currituck County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the (date adopted) at the Historic Currituck Courthouse, Currituck, North Carolina.

---

(Signature of Chief Executive Officer)

---

(Title)

ATTEST:

---

Clerk

(Seal)

RESOLUTION

WHEREAS, GS 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint one or more persons as review officers to review plats before they are recorded; and

WHEREAS, appointed review officers shall certify that the plat meets the statutory requirements for recording; and

WHEREAS, the persons appointed as review officers should be experienced in mapping or land records management.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals serving in the positions indicated are hereby designated as review officers as required by GS 47-30.1.

Tracy Sample, Tax Administrator  
Donna Voliva, Planner  
Lucy Cardwell, GIS Specialist - Land Records  
Tammy Glave, Planner  
Brad Schuler, Planner  
Holly White, Senior Planner  
Ben Woody, Planning Director

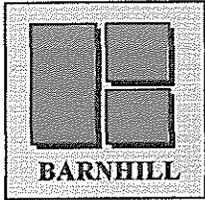
BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the individuals listed above, the Director of Planning, Senior Planner, Planner and the Currituck County Register of Deeds.

ADOPTED this the 3rd day of August, 2009

ATTEST:

\_\_\_\_\_  
Gwen H. Keene, CMC  
Clerk to the Board

\_\_\_\_\_  
J. Owen Etheridge  
Chairman



**BARNHILL  
CONTRACTING  
COMPANY**

P.O. BOX 1050  
KITTY HAWK, NORTH CAROLINA 27949-1050  
phone 252 261-2207  
fax 252 261-1093

job name

**SHAWBORO SCHOOL**

**CHANGE PROPOSAL**

**CHANGE ORDER #2**

date

**7-Jul-09**

Item No.	Item Description	Quantity	Unit	Unit Price	Price
1	Offsite fill material	3,883.00	CY	\$ 10.15	\$ 39,412.45
2	additional drop inlet	1.00	EA	\$ 1,400.00	\$ 1,400.00
3	add excelsior erosion matting	44.00	SY	\$ 2.25	\$ 100.00
		<b>total</b>		<b>ADD</b>	<b>\$ 40,912.45</b>

original contract		\$	34,611.00
revised total before this change order		\$	39,656.00
<b>amount this change order</b>	<b>ADD</b>	\$	<b>40,912.45</b>
<b>new total contract to date</b>		\$	<b>80,568.45</b>

**Barnhill Contracting**

date

*R. Beck*

7-7-09

Owner  
acceptance

date

**NOTES:**

- 1 Import fill material was established at unit price of \$10.15 per cubic yard in the base contract to be added as needed to fill the site to plan elevations
- 2 drop inlet and excelsior matting added per memo from Quible Associates dated 6-26-09



**Detention Center**  
**County of Currituck**  
 413 Maple Road  
 Maple, North Carolina 27956

Telephone  
 (252) 453-2194  
 Fax  
 (252) 453-2198

Susan D. Johnson  
 Sheriff

MEDICAL PLAN 2009

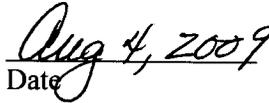
**CURRITUCK COUNTY DETENTION CENTER**

1. No person will be accepted for confinement if he is unconscious, wounded, or injured until he has been treated by a doctor. It is the responsibility of the arresting officer to insure that his/her prisoner has been seen by a physician.
2. Heavily intoxicated persons should be frequently observed by Detention Center personnel. If there is a doubt about the inmate's condition, contracted medical personnel will be called or the inmate will be taken to Albemarle Hospital where he/she can be seen by a physician.
3. Mentally disturbed persons should be closely observed.
4. In any case where, in the opinion of the Detention Officer, an inmate appears seriously ill or dangerous to themselves, the Detention Officer should arrange immediate medical treatment.
5. Prepared in accordance with G.S. 153A-225.

The following physicians and/or medical facilities should be used:

- Ambulance: Crawford Rescue – 911**
- Physicians: Dr. M.R. Martz – office 453-3013, home 232-2959**
- East Carolina Behavioral Health – phone 1-877-685-2415**
- Albemarle Hospital 335-0531**
- Contact Southern Health Partners – on call Personnel**

  
 Susan Johnson  
 Sheriff, Currituck County

  
 Date

\_\_\_\_\_  
 Chairman, Currituck Board of Commissioners

\_\_\_\_\_  
 Date

Approved: \_\_\_\_\_  
 Albemarle Regional Health Center  
 Health Director

\_\_\_\_\_  
 Date

CURRITUCK COUNTY  
NORTH CAROLINA  
August 3, 2009

At 5:15 p.m. the Board of Commissioners convened the recessed meeting from July 20, 2009 of the Board of Equalization and Review. Commissioner Taylor moved to adjourn the meeting. Commissioner Gregory seconded the motion. Motion carried.

The Board met at 5:30 to discuss Currituck goes green and update on the UDO.

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 Dan Bergey, New Life Church, was present for the invocation.

#### **Approval of Agenda**

Commissioner O'Neal moved to amend the agenda by deleting Item 12. Commissioner Gregory seconded the motion. Motion carried.

- Item 1            Approval of Agenda
- Item 2            Public Comment  
*Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.*
- Item 3            **Penni Gallop, Presentation** on Interfaith Community Outreach (IOC) Inaugural Festival
- Item 4            **Bert 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:**
6. According to GS 143-318.11 (3) to discuss personnel

Public Comment

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

Chairman Etheridge opened the public comment period.

Sarah Alford, expressed concerns with cost and change of the sewer system construction.

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

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

Walter Gallop, stated that they have provided \$71,000 for direct service to families in the community. He invited the Board to participate in the Family Fall Festival on September 12.

**Bert Banks, Director, Albemarle Commission update on projects the Commission is working on in Currituck County**

Bert Banks, Albemarle Commission, stated that they have prepared meals for about 10,000 elderly each year in the county. He thanked the Board for their continued support of the Albemarle Commission.

**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.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**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:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Future Corolla Worship Center Site	RO1
<b>SOUTH</b>	Farm Market	RO1
<b>EAST:</b>	Vacant	RO1
<b>WEST:</b>	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.

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.

**Consideration of Ordinance providing for licensing of Solid Waste Collectors**

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

**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.

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

Commissioner O'Neal moved to appoint Commissioner Rorer, Commissioner Aydlett and Chairman Etheridge; County Manager; Chief or President of each fire department, and the Chairman and Vice Chairman of the EMS Advisory Board. Commissioner Aydlett seconded the motion. Motion carried.

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

Commissioner O'Neal moved to re-appoint James Haynes, Barbara Courtney, Florence Scaff, and Rosalie Rose and

appoint Bobbi O’Hara. Commissioner Aydlett seconded the motion. Motion carried.

**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

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

**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 23<sup>rd</sup> 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.

**Debit**

**Credit**

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

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

**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.

## 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.

#### **Commissioner's Report**

Commissioner Gregory requested a letter be sent to the NC Utilities Commission to withdraw the fuel charge from Dominion Power bills.

Commissioner Taylor requested another letter to the railroad concerning the crossings and clean up of the area.

Commissioner O'Neal requested the letter be copied to Senator Basnight and Representative Owens.

Commissioner Aydlett congratulated the Babe Ruth team of 13 year olds for their accomplishments.

Commissioner Nelms commended the Water staff for the improvement in the water system.

Commissioner Rorer, stated that the Airport would like to request the financial records at the airport, for fuel sales and credit card use.

Chairman Etheridge, stated that Senator Burr would be in town on August 12 and hopefully would be available for the ribbon cutting at the new water facility.

#### **County Manager's Report**

Dan Scanlon, County Manager, stated that the comprehensive transportation plan has been approved and will take approximately 18 months to complete.

Trash cans will be placed at the Bridge on NC 615, Knotts Island.

**Closed Session:**

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

**Deleted**

**Adjourn**

There being no further business, the meeting adjourned.