

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, October 05, 2009

Time: 7:00 PM

Work Sessions

6:00 Discussion on Roads in Ocean Hill, I

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 **Presentation by Currituck 4-H Clubs** Requesting Designation of October 9 as Countywide Green Day in Honor of the 100th Birthday of 4-H
- Item 4 **North Carolina Department of Transportation:** Comprehensive Transportation Plan for Currituck County
- Item 5 **Public Hearing & Action on PB 06-34 Brady Landing Airpark:** Preliminary Plat/SUP for 13 lots located adjacent to the Currituck County Airport, Tax Map 52, Parcel 3E, Crawford Township.
- Item 6 **Public Hearing and Action on PB 09-26 Karen Pierce:** Request to rezone 116 acres from residential to agricultural, approximately 1/4 mile from the intersection of Waterlily Road & Piney Island Road, tax map 112/112A, Poplar Branch Township
- Item 7 **Appointment to Fire & EMS Board to replace Ronald Powell**
- Item 8 **Approval of Draft ED Board Vision & Policy Actions**
- Item 9 **Consent Agenda:**
1. Budget Amendments

2. Sheriff's Office Request to Raise Fingerprinting Fees
3. Request to destroy records in Planning Department
4. Request to purchase Fire Apparatus for Lower Currituck & Corolla Fire & Rescue
5. Approval of September 21, 2009 Minutes

Item 10 Commissioner's Report

Item 11 County Manager's Report

Closed Session according to GS 143-318.11 (3)(6) to discuss personnel and contracts.

Adjourn

Jamie Hauser
3863 Herbert Perry Road
Kitty Hawk, NC 27949
(252)-261-1458

September 8, 2009

To: Currituck County Board of Commissioners

My name is Jamie Hauser, I am eleven years old and a member of the Seeking Success 4-H Club of Currituck County. As you are probably aware 2009 is the 100th birthday of 4-H. HOORAY!!! In celebration of this big event our club has done many things including dressing up one of our horses as a birthday cake and won first place in the Historical Division Costume Class at the State 4-H Horse Show. In order to bring the celebration closer to home, we are asking you to designate Friday October 9, 2009 as County wide wear Green Day. This effort is important to the 4-H as a visual show of support of the 4-H program. Our club members could come and speak at your meeting about this and other 4-H experiences. Please feel free to contact me. Thank you for your consideration.

Sincerely,

*Jamie
Hauser*

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: October 5, 2009
PB 06-34 Brady Landing, Phase 2C
Residential Airpark Subdivision**

ITEM: PB 06-34 Brady Landing, Phase 2C, Preliminary Plat/Special Use Permit, for a 13 lot subdivision.

LOCATION: In Maple, adjacent to the Currituck County Airport and west of Brady Landing, Phase I, Crawford Township.

TAX ID: Tax Map 52, Parcel 3E

ZONING DISTRICT: Residential Airpark Development (RAD) Overlay

PRESENT USE: Vacant

OWNERS: Thomas W and Janet Brady
Thomas S and Debra Brady
261 Maple Road
Maple NC 27956

ENGINEER: Hyman and Robey, PC
PO Box 339
Camden NC 27921

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

	Land Use	Zoning
NORTH:	Single Family Dwellings	A
SOUTH	Airport	HM
EAST:	Single Family Dwellings	A/RAD
WEST:	Single Family Dwellings/ NCDOT Maint. Facility	A/RAD

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service** within the **Barco-Coinjock-Airport** subarea.

SMALL AREA PLAN

CLASSIFICATION: The 2009 Maple-Barco Small Area Plan classifies the site as **Transitional**.

SIZE OF SITE: Total Development: 15.90 acres

NUMBER OF UNITS: 13 total residential lots

PROJECT DENSITY: 1.22 units/ acre

STREETS: The streets will be built to NCDOT design and construction standards.

UTILITIES: The development will be served by county water. The proposed water usage is 4,680 gpd. The applicant is proposing on-site wastewater systems for each lot.

OPEN SPACE: The UDO does not require this subdivisions to dedicate open space. The proposed preliminary plat indicates 8,402 sf as open space.

I. NARRATIVE OF REQUEST:

- The applicant is seeking preliminary plat/SUP approval for 13 lots within a proposed residential airpark subdivision.
- The sketch plan/SUP for this phase was administratively approved on July 27, 2009.
- The prior phases of this development contain 22 residential lots. Since the property for this phase of development was acquired after the original subdivision approval, it is being treated separately in regards to open space calculations, etc.

II. 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 an SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

- a. 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. Chapter 10 of the UDO allows a major subdivision as a permissible use 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.

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 Unified Development Ordinance indicates that a residential airpark development is allowed in the RAD overlay zoning district with a special use permit.
- b. The parcel is currently within a neighborhood with densities similar to those proposed and should be in harmony with that neighborhood.

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 Full Service within the Barco-Coinjock, Airport subarea and the proposed use is in keeping with the policies of the plan, some of which are:
 - i. This area has many of the ingredients in place to become a significant community center for the mainland over the next 10 to 15 years.
 - ii. The policy emphasis of this plan is for this subarea to emerge as the principal community center serving the central area of the mainland and is therefore included as a Full Service Area.
 - iii. Policy ES1: New development shall be permitted to locate only in areas with suitable soil and where adequate infrastructure is available.
 - iv. Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
 - v. Policy HN8: To protect the county's tax base and to ensure the long-term viability of the county's neighborhoods and housing stock, the county will continue to enforce appropriate construction and site development standards for residential developments.

- b. The 2009 Maple-Barco Small Area Plan classifies this site as Transitional and the proposed use is in keeping with the policies of the plan, including:
 - i. LU1: Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.
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.

III. STAFF RECOMMENDATION:

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends approval** of this plat/SUP subject to the following conditions:

1. The preliminary plat dated July 22, 2009 shall be approved subject to the following:
 - a. A 20' setback is required along all rights-of-way in this subdivision. It appears there may be an encroachment on the lot titled N/F Victor Balance property. The plat calls out that the buildings will be moved if within the setback and this will have to be done prior to final plat approval.
2. Tap fees shall be due prior to final plat approval for each lot.
3. There shall not be an additional gate or incursion of any kind through the fence adjoining the airport.
4. County engineer/Soil and Water must approve the building pad elevations called out on the re-submitted plans.
5. County engineer must approve the drainage plans and narrative as called out on the re-submitted plans.

PLANNING BOARD DISCUSSION

Mr. Kovacs stated he thought the setback issue in Phase I had been resolved during Phase I.

Ms. White stated that this is being worked out with the developer.

Mr. Hyman stated this property was not owned by Mr. Brady during Phase I. Since they have created a road, Mr. Brady and Mr. Ballance have an agreement that the building will be removed prior to final plat approval.

Mr. Midgette asked Mr. Hyman to address some of the drainage concerns.

Mr. Hyman stated the construction drawings show that the drainage issue will be fixed in Phase I.

Mr. Kovacs asked if they are proposing any access to the runway.

Mr. Hyman stated no.

Mr. Clark stated the county engineer stated to provide sufficient data to assure the downstream conditions are sufficient. Mr. Clark asked when the drainage pipes are installed, where the water runoff will go.

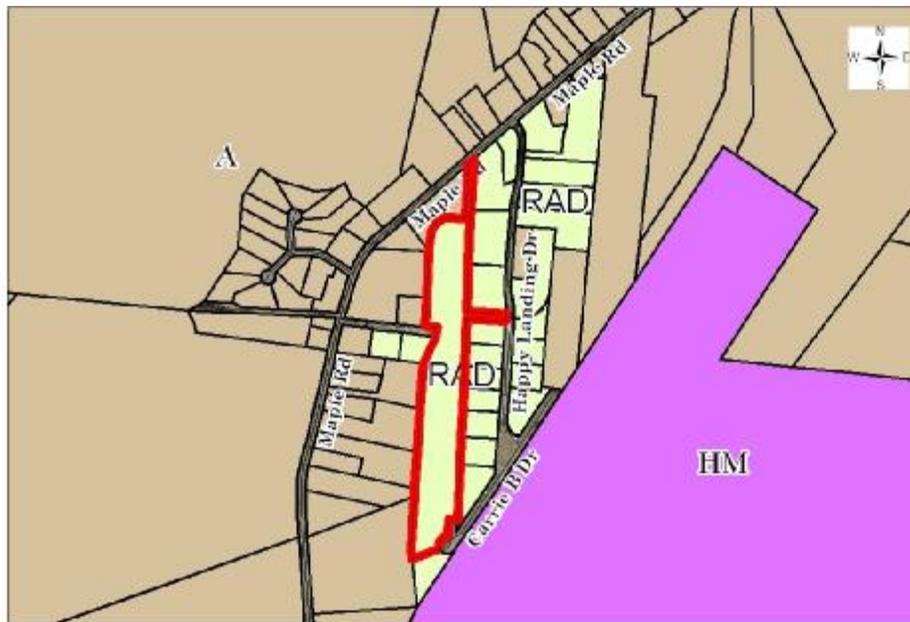
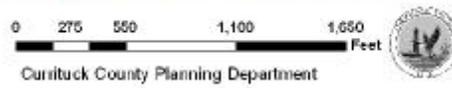
Mr. Hyman stated the post development discharge will not exceed, but will not be equal to the predevelopment discharge as farmland. The drainage issue has been addressed on sheet nine of the construction plans.

ACTION

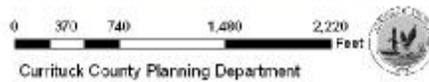
Mr. Kovacs motioned to recommend approval with staff recommendations of the preliminary plat/special use permit for 13 lots. Ms. Newbern seconded the motion. Motion carried unanimously.

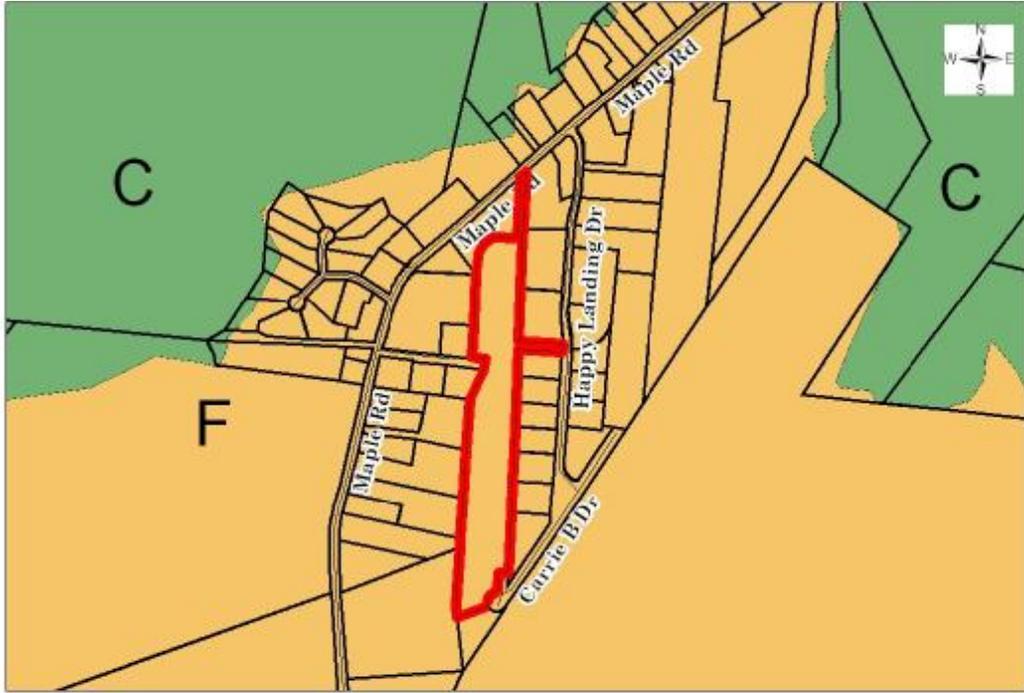


**PB 06-34 Brady Landing, Phase IIC
Preliminary Plat/SUP Request
January 2008 Aerial Photography**

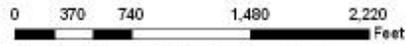


**PB 06-34 Brady Landing, Phase IIC
Preliminary Plat/SUP Request
Zoning Map**





**PB 06-34 Brady Landing, Phase IIC
 Preliminary Plat/SUP Request
 Land Use Plan Classification**



Currituck County Planning Department



Currituck County

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

TO: Eddie Hyman, Hyman and Robey
Tom Brady

FROM: Tammy Glave, Planner II

DATE: August 13, 2009

SUBJECT: Brady Landing, Phase 2C, Preliminary Plat
August 19, 2009 TRC Comments

Listed below are the technical review staff comments received for Brady Landing, Phase 2C, Preliminary Plat:

Zoning (Tammy Glave, 252-232-6025):

Approved with corrections.

1. Call out the minimum lot size.
2. Double frontage lots require a 5' non-access buffer on the most travelled road. Lots 19 and 20 will require a 5' non-access easement along the most travelled road.
3. Access to the site must meet NCDOT standards.
4. The development shall retain all existing trees 18" or greater and significant stands of trees containing 5 or more hardwoods or 15 or more softwoods are to be preserved.
5. No buildable lot is allowed over 24" of fill for a septic system.
6. Please add at the end of note six "All proposed streets are to remain private streets *but must be constructed to NCDOT standards.*"
7. Please remove 'or as noted on plat' from note eight.
8. A 20' setback is required along all rights-of-way in this subdivision. It appears there may be encroachments on lots 1A and N/F Victor Balance property. The plat calls out that the buildings will be moved if within the setback and this will have to be done prior to final plat approval.
9. Please provide a copy of your water availability letter.

Airport Manager (Roger Lambertson, 453-8032)

Approved with comments:

1. There should NOT be an additional gate or incursion of any kind through the fence.
2. I count 13 new lots; 9 on Aviator Drive and 4 on Brady Loop Court.

3. The Preliminary Plat does not show any of the existing lots on the East side of Happy Landing Drive. In addition, the Plat shows Happy Landing Drive as pretty much of a straight road into the final turn, when in reality it twists and turns all of the way in.
4. The easement that the county granted Brady Landing for the Phase I development needs to be reviewed. With the county now owning the airport, I believe that the language granting the easement is out of date.
5. The county recently repaired the access gate which was damaged by a lightening strike. Since the gate provides access to the runway to Brady Landing residents only, it seems to me that when a repair is required, even if completed by the county to ensure that it is done to state standards for an airport access gate, Brady Landing residents through a Homeowners Association or some how should reimburse the County for its costs.
6. I do not believe that 13 new sites will overtax the airport runway or cause additional security concerns. I do not believe that we do background checks on anyone that wants to lease a hanger or tie down on the hanger side so I don't believe that landowners in Brady Landing are any more of a security risk.
7. I believe that there is an agreement that the residents will pay a "user fee" equal to the cost of a tie-down at the airport. This needs to be part of the phase II and enforced.
8. Other than these minor comments, I have no problem with Phase II going forward.

NCDOT (Roger Ward, 252-331-4737)

Approved as presented.

Fire Marshal (James Mims, 252-232-664)

Approved as presented.

Soil and Water (Mike Doxey, 252-232-3360)

Approved with corrections:

1. Building Pad-Minimum Finished Grades are not shown that I could find.

Public Utilities (Patrick Irwin, 252-232-6061)

Approved as presented.

1. We have approved plans and specifications from the state

Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

Denied/Resubmit.

1. NOTE:PLEASE CONTACT KEVIN CARVER R.S. AT (252)232-6603 TO MAKE SURE SITE EVALUATIONS DONE ON 3-20-2008 ARE STILL VALID AND NO CHANGES WERE MADE IN INITIAL LOT LAYOUT OF PROPOSED SUBDIVISION.

CAMA (Charlan Owens, 252-264-3901)

Approved as presented.

Information Technology (Harry Lee, 252-232-2034)

Approved as presented.

1. Street names previously approved.

Parks and Recreation (Jason Weeks, 252-232-3007)

Approved as presented.

NCDENR Land Quality (Pat McClain, 252-946-6481)

Approved as presented.

1. An erosion and sedimentation control plan for this project was approved on June 9, 2009.

Office of State Archeology (Lawrence Abbott, 919-807-6554)

Approved as presented.

1. No archaeological sites noted in the project area. Brady Landing Airpark approved earlier. No additional concerns or comments.

Chief Building Inspector (Spence Castello, 252-232-6020)

Approved as presented.

County Engineer (Eric Weatherly, 252-232-6035)

Approved with corrections.

1. Provide the predevelopment runoff quantities for the post development discharge locations.
2. Provide sufficient data to assure the downstream conditions are sufficient.
3. Is the culvert at the airport runway a discharge?
4. Provide pad elevations.

Please note that comments were not received from the following:

Peter Bishop, Economic Development Director (252-232-6015)

Susan Johnson, Sheriff (252-453-8204)

Mary Beth News, Emergency Management (252-232-2115)

Chris Daily, Crawford Volunteer Fire Department (252-232-3313)

Mike Warren, Currituck County School Superintendent (252-232-2223)

Tom Stephens, US Army Corps of Engineers (919-343-4647)

Siraj Chohan, NCDENR Public Water (919-715-3235)

Kim Colson, NCDENR Water Quality (919-733-5083, Ext. 540)

Roger Thorpe, NCDENR Environmental Management (252-948-3923)

Hester Jones, Embarq

Troy Lindsey, Dominion Power

TRC comments are valid for six months from the date of the TRC meeting. Resubmittals must be received by August 24, 2009 for this item to be placed on the September 15, 2009 Planning Board Agenda. The following items are necessary for resubmittal:

- 4 Black line copies**
- 1 11 x 17 copies**
- 1 PDF (on CD) of all corrected documents, plats, etc.**

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: October 5, 2009
Zoning Map Amendment:
PB 09-26 Karen Pierce**

TYPE OF REQUEST: To rezone 116 acres from Residential (R) to Agricultural (A)

LOCATION: Approximately ¼ mile from the intersection of Waterlily Road and Piney Island Road.

TAX ID: Tax Map 80, Parcels 112/112A, Poplar Branch Township

OWNER: Mildred T. Quidley
5067 Caratoke Hwy.
Coinjock, NC 27923

AGENT/APPLICANT: Karen Pierce
5067 Caratoke Hwy.
Coinjock, NC 27923

CURRENT ZONING: Residential (R)

PROPOSED ZONING: Agricultural (A)

ZONING HISTORY: The property was zoned Residential (R) on April 2, 1989.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Undeveloped	Residential
SOUTH:	Undeveloped	Residential
EAST:	Undeveloped/Sparse Residential	Residential
WEST:	Undeveloped	Residential

EXISTING LAND USE: Undeveloped/Agricultural

PROPOSED LAND USE: 5 acres Radio Communication Tower / 111 acres agricultural

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan classifies this site as **Conservation** within the **Poplar Branch Township**.

The purpose of the Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Proper management is needed to conserve the natural, cultural, recreational, scenic or biologically productive values of these areas. The Conservation class should be applied to areas that should not be developed at all (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. Infrastructure and services, public or private, should not be provided in these areas as a catalyst that could stimulate development

The policy emphasis of the 2006 Land Use Plan is for developable areas of Aydlett, Waterlily and Churches Island to remain as low-density residential areas at 1 unit per acre. While services that satisfy direct public health, safety and general welfare needs, such as fire protection, law enforcement, and emergency medical services are to be welcomed, no commercial development should be permitted in these areas.

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

POLICY ES1: New development shall be permitted to locate only in areas with SUITABLE SOIL and where ADEQUATE INFRASTRUCTURE is available. For existing development located on poor soils, and where sewage treatment upgrades are necessary, engineering solutions may be supported, provided that environmental concerns are fully addressed.

POLICY AG2: Farms and woodlands shall be recognized as an integral part of the county's OPEN SPACE SYSTEM. Efforts to keep these areas viable as part of the area's resource-based economic sector, shall be encouraged.

**PUBLIC SERVICES
AND UTILITIES:**

The Waterlily Volunteer Fire Department provides fire protection for this area. Public water is available directly adjacent to this site on Piney Island Road.

TRANSPORTATION:

The site is accessible by vehicle on Piney Island Road.

FLOOD ZONE:

The entire site is located in Flood Zone AE (5).

WETLANDS:

Approximately 86 acres of wetlands are located on the site. The remaining 30 acres consists of uplands.

SOILS:

The Currituck County Soils map indicates the property contains primarily non-suitable soils and limited amounts of marginal soils.

STAFF

RECOMMENDATION:

Staff recommends approval of the request to rezone 116 acres from Residential (R) to Agricultural (A) for the following reasons:

1. The applicant's request to "down zone" from R to A effectively reduces the possible intensity of uses and density for the property making it more compatible with the conservation land use designation.
2. The proposed request is in general compliance with the Poplar Branch Sub-Area Policy Emphasis.

PLANNING BOARD DISCUSSION

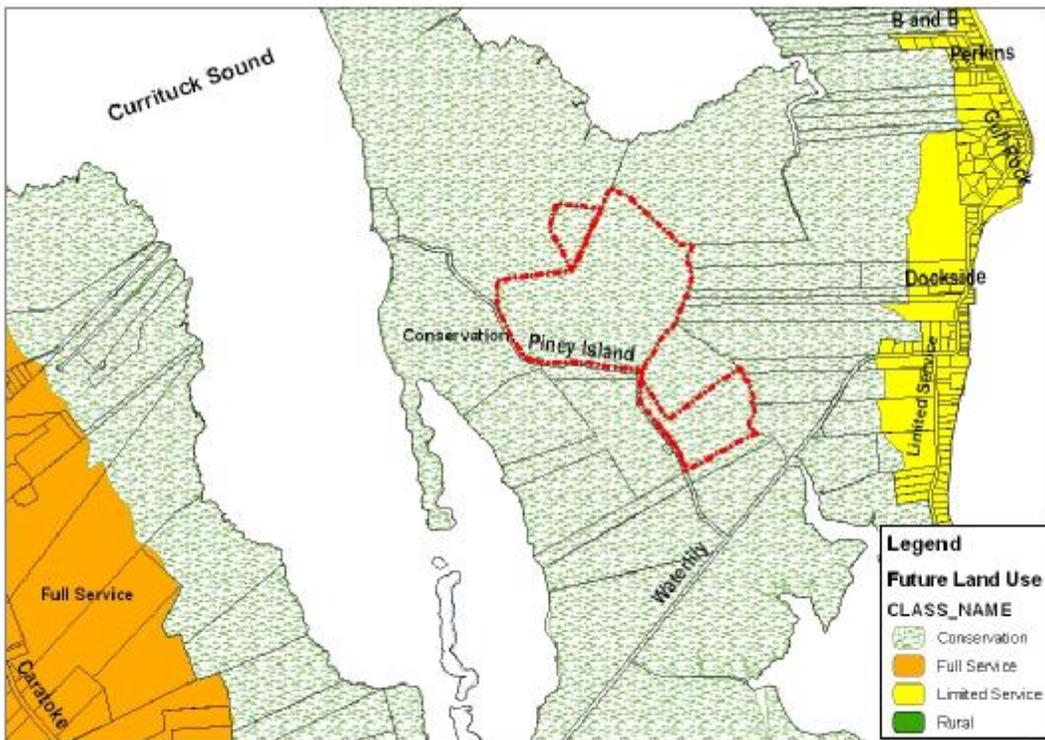
No discussion.

ACTION

Ms. Newbern motioned to recommend approval with staff recommendations to rezone 116 acres from Residential (R) to Agricultural (A) according to the 2006 Land Use Plan. Ms. Wilson seconded the motion. Motion carried unanimously.



**PB 09-26 Karen Pierce
Rezone (R to A)**



**PB 09-26 Karen Pierce
Rezone (R to A)**



FIRE AND EMS ADVISORY BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Hugh McCain-Corolla	District 1				4/1/2010
Rick Galganski - Corolla	District 2	Rick Galganski - Corolla	Aydlett	5/4/2009	4/1/2011
Carl Soltow-Grandy	District 3				4/1/2010
Albert Stegner-Bells Island	District 4	Albert Stegner-Bells Island	Etheridge	5/4/2009	4/1/2011
Mick Lasinski-Moyock	District 5				4/1/2010
Chris Dailey - Moyock		Chris Dailey - Moyock	Gregory	5/4/2009	4/1/2011
David Messina-Moyock	At-Large	Ronald Powell	O'Neal	5/18/2009	4/1/2010
Greg Laput-Moyock	At-Large				4/1/2010

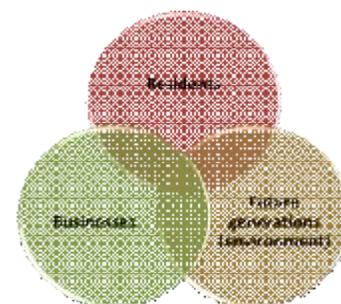
Draft Vision and Policy Actions

We envision the future of Currituck County as one with smart, balanced and shared economic growth. We recognize the value and pride our community places in Currituck’s cultural heritage, agricultural roots, natural resources and diverse geography. We contend that together our county can follow a set of principles that will help it grow in a manner that attracts the best to Currituck County and makes the most of what Currituck County has to offer.

Currituck County belongs to its residents, its businesses, and the future generations. We commit to building a sound base on which this county can grow and to driving toward a future with the following characteristics:

1. **All of our residents receive high quality services, have good paying jobs, and enjoy an unparalleled lifestyle of convenience, uniqueness and the outdoors.** We will achieve improvements in the education levels of our students and our workforce, increase the number of doctors and nurses available in our county, and ensure that the timeliness and quality of services provided by the county exceeds the service standards of other counties in North Carolina. We will set targets for increasing employment opportunities in Currituck, and decreasing the wage rate differential. We will develop the eight distinct areas of Currituck with a view toward the unique aspects that the communities enjoy and provide the level of convenience and service that those communities desire.
2. **Our businesses drive our economic futures and help to support the lifestyle that we seek for our residents.** We will work diligently to protect the strong base and niche we have in tourism while diversifying the economic base. We will bring more businesses to Currituck and see those businesses that are already in Currituck expand and grow. We will attract companies that will bring good paying jobs and not compromise our heritage.
3. **Our future depends on using our resources well and protecting them for future generations.** We will undertake activities that help protect green spaces, nurture outdoor recreational and sporting opportunities, and ensure that our environment is protected for future generations. We will maintain harmony with our nature resources, protect the last remaining habitats of our wildlife, and ensure that our environment reliant history continues.

Our actions and decisions have an impact on all these groups. This strategic plan proposes a set of policies and actions that can help us move toward this vision of Currituck. It uses our vision as the framing principle for action. The plan has three prongs: (a) respond to the immediate needs of the county in the economic crisis; (b) draw business to Currituck and assist expansion of current businesses; and (c) build an environment that continues to draw business to Currituck County.



In each of the three prongs, the policies and actions look at the intersection of these three groups, and provide a roadmap for the community, businesses, and policy makers to use as a guide in driving toward the Currituck of the future.

Updated in track change.

Prong 1: Address the immediate needs of residents and businesses due to the current economic environment

Components	Actions	Milestones in 2009-10	End 2009-10 Indicator	Responsibility and funding	Expected outcome
A. Lock in tourism for the 2009/2010/2011 Season	1. Prepare a second wave of advertising to get tourists to Currituck 2. Develop 2010 central events to draw tourists	<ul style="list-style-type: none"> Four events identified and marketing materials developed by February 15, 2009 	Total visitation #'s for attractions & Vis Center	1-2 Tourism Board with support by EDAB	Occupancy tax levels Sales tax volume from events
	3. Pilot a campaign to draw tourists to the stores in Currituck once here 4. Monitor leading indicators of tourism sector, including occupancy tax receipts, pre-bookings, etc	<ul style="list-style-type: none"> Framework for pilot CC incentive completed by December 15, 2009 	# of times Currituck Card was used, level of sale, broken down by type of business	CoC, Tourism Board, EDAB	Retail and restaurant sales increase
B. Support local businesses and communicate opportunities	1. Determine appropriate process by county that is transparent, fair for implementation of the "Buy Local" Goods & Services Policy 2. Develop a bid openings page and RFP system for county work	<ul style="list-style-type: none"> Adopt "buy local" policy by BOC by September 6, 2009 	# of businesses aware of opportunities to supply the County	CM, ED, BOC	Local business revenue from – (a) contracts with the county
	3. Develop multiple campaigns to draw customers to stores and restaurants—involving Currituck residents and adjoining counties	<ul style="list-style-type: none"> Support targeted campaigns by private sector (Currituck coupons) 	# of businesses that participate in targeted campaigns	Joint effort by EDAB, BoC, CoC	Local business revenue from – (b) targeted campaigns
	4. Develop "out of season" and in-season events to draw to Currituck 5. Build a destination -- joint conference or event center– identify development finance mechanism for acquisition	<ul style="list-style-type: none"> Proposal on destination and event options, fully costed and sources of funding identified (Feb, 2009) 		Joint effort by ED, Tourism, CoC	Local business revenue from – (c) events
	6. Inventory possible support (e.g. SBA, stimulus) for businesses and share information with business via website and provide central system for knowledge of business support	<ul style="list-style-type: none"> Complete website by October 15, 2009 and information area by November 30, 2009 	# of web hits for new ED site # of current businesses that request ED dept support	ED	
C. Assess medium term implications of economic crisis on local business	1. Develop conceptual framework for analysis of potential impact of economic crisis on Currituck county—current and three year time horizon 2. Gather data to create statistical portrait of County economy and determine a monitoring system	<ul style="list-style-type: none"> Conceptual framework complete by December 15, 2009 Baseline data summarized by December 15, 2009 	State of Currituck report endorsed by BOC	ED and CM with support of all other offices	

Prong 2. Draw business to Currituck and assist expansion of current businesses in Currituck -- Now

Components	Actions	Milestones in 2009-10	End 2009-10 Indicator	Responsibility and funding	Expected outcome
A. Pursue business leads that are consistent with the county vision and direction	<ol style="list-style-type: none"> 1. Assess business leads in terms of the consistency with the vision of Currituck county and actively pursue consistent leads 2. Prepare monthly activity report (ED), including summary of value added to county by business opportunities 3. Finalize Foreign Trade Zone 	<ul style="list-style-type: none"> • Follow-up with Director on all potential clients (on-going) • Complete re-design of Monthly Report format by 10/09 	Secure at least three new businesses to Currituck that are consistent with Strategic Vision	ED, EDAB	<p>Total number of new businesses open and hot leads</p> <p>Number of jobs created by new business</p>
B. Set incentive guidelines for bringing new or expanding business to Currituck	<ol style="list-style-type: none"> 1. Develop incentive guidelines that are consistent with the direction of the county and target the types of firms that are green and lead to good paying jobs 2. Analyze all prospects against guideline, and overall economic impact 3. Prepare an annual review of incentives and report to commissioners 	<ul style="list-style-type: none"> • Adoption of incentive guidelines by BOC ()1/10 • Use of incentive guidelines on at least three hot business prospects (ongoing) 	<p>Number of businesses that use incentives to locate in or expand within Currituck</p> <p>Consistency of the business with the overall strategic plan</p>	ED, EDAB, BOC	<p>Ratio of jobs in industries other than tourism and construction</p> <p>% of jobs with higher salary/hourly wage (decrease wage rate differential)</p>
C. Use appropriate development finance tools and develop guidelines	<ol style="list-style-type: none"> 1. Fully review SOG Development Finance Tools 2. Compile list of applicable tools for policy and practice for Currituck 3. Identify opportunities for use of Dev. Fin. Tools 	<ul style="list-style-type: none"> • Enhanced toolbox for recruiting and expanding industries in Currituck 01/10 	Projects underway using tools identified	EDAB	
D. Implement elements of the Lawrence Park Study	<ol style="list-style-type: none"> 1. Market: Get ED website operational 2. Market Develop branded image for marketing 3. Market: Develop new marketing materials 4. Develop database of business 5. Review LP & UNC studies with view toward target industries 	<ul style="list-style-type: none"> • Website operational 11/09 • Web hits • Public relations • Feedback on new site & image (complete) 	Increased market penetration, awareness, and business leads	EDAB, ED staff	

Prong 3. Build an environment that draws business to Currituck that pays well, is environmentally friendly, and takes advantage of positive growth trends in industries/competitive positioning.

Components	Actions	Milestones in 2009-10	End 2009-10 Indicator	Responsibility and funding	Expected outcome
A. Undertake assessment of key factors important to business	<ol style="list-style-type: none"> 1. Survey businesses on the regulatory constraints and potential solutions 2. Survey businesses on the responsiveness of county services 3. Assess findings along with the balance with the vision for residents and future generations 4. Create one stop shop for business creation and expansion, includes changing policies to support 	<ul style="list-style-type: none"> • Survey completed with results assessed (12/09) • Policy actions proposed to BOC (ongoing) • One stop shop functional by 03/10 	<p>Adoption of relevant policies by BoC</p> <p>Indicators for the 09 season and specific ways to improve business health for 2010</p>	EDAB & ED Staff	Improved business environment for regulations and doing business indicators
B. Develop plan of action—and consistency across departments, strategic plans/policy, integrate with investment planning and strategies of the county and considering geographic visioning	<ol style="list-style-type: none"> 1. Complete Strategic Plan and Action Plan 2. Target key areas and work with county to integrate with the county master plan, including tradeoffs and phasing (e.g. regional airport, storm water run-off on transit corridors, cluster development, Maple/Barco area) 3. Explore grant opportunities for infrastructure development (e.g. waste water grant, green path grant) 4. Joint meetings with Planning & Tourism advisory boards 	<ul style="list-style-type: none"> • BOC approval of Strategic Plan—Vision and Direction by 10/09 • Maple Commerce Park in preparations for Preliminary Plat • CIP, UDO, LUP planning work meshing with ED perspective and placement on key policy committees • Moyock WWTP force main project bid and construction underway 	<p>Physical projects underway to improve infrastructure and expand business opportunities</p> <p>Maple project under construction with clients in place</p>	EDAB, ED staff, Planning, Engineer, BOC	Capital investments match planning statements, market areas, and business/economic growth needs
	<ol style="list-style-type: none"> 1. Review of TRC projects and comments 2. Participation in CIP development with County Engineer, Planning, Water Dept. 3. Undertake an inventory of all strategic plans and policies and bring together 	<ul style="list-style-type: none"> • EDAB input provided to key TRC and CIP projects and process (on-going) 	CIP reflects the perspectives of business and future economic growth consistent with the county vision	Engineer, ED, EDAB, Water, Planning	

Components	Actions	Milestones in 2009-10	End 2009-10 Indicator	Responsibility and funding	Expected outcome
C. Determine geographic specific business clusters to align	<ol style="list-style-type: none"> 1. Align UDO to the vision of a diverse Currituck through small area plans and other mechanisms, engage community to ensure consistency with process of the land use plan development 	<ul style="list-style-type: none"> • EDAB & ED staff presence in UDO rewrite process (10/09 forward) 	Cleaner, more beautiful and legal corridor signage and appearance	EDAB on front end, Planning staff and PB	Image of the corridor for visitors, businesses and residents is one consistent with the vision of Currituck

business development efforts	<ol style="list-style-type: none"> 2. Develop corridor action plan that includes incentives for meeting UDO regulations, relocation programs, corridor sweep 3. Develop mandatory conditional zoning and adopt 4. Set up architectural standards groups broken down by the eight geographic areas, consider nodal development 5. Conduct UDO / Development info session with planning staff 	<ul style="list-style-type: none"> • Corridor Sweep project completed by 01/10 • Adopt mandatory conditional zoning consistent with geographic visioning and strategic direction (on-going, part of UDO rewrite) 	Increased clarity in project approvals and matching of proposed to actual project development		Enhanced corridor for residents, businesses and visitors
D. Coordination and implementation	<ol style="list-style-type: none"> 1. Assess the relative roles and responsibilities of the various boards and consolidate/align 2. Develop official channel for communication between the EDAB and BoC 3. Develop a budget for implementation and phasing of key policy actions 4. Tighten relationships and collaboration with critical boards. 	<ul style="list-style-type: none"> • Develop plan and budget for staff to implement key policy actions (12/09) • Conduct meetings with sub-area groups with Planning for architectural standards and small area plans Start-12/09 Complete 06/10 	Approval for actions and subsequent budget allocations Clear direction for future activities of EDAB and ED staff in moving forward with ED plan.	BOC EDAB/BOC CM/BoC PB, Planning, EDAB	Objectives of BoC as articulated in the strategic plan are achieved

Currituck

26 north carolina



Our Resources...Your Future



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of October 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 <u>Decrease Revenue or Increase Expense</u>	Credit <u>Increase Revenue or Decrease Expense</u>
55818-593006	Distribution Sys - Tulls Creek Booster	\$ 1,505	
55818-588003	Contingency - Distribution System		\$ 1,505
		<u>\$ 1,505</u>	<u>\$ 1,505</u>

Explanation: *Mainland Water Construction (55818)* - To transfer funds for ELJ, Inc. change order #1 for additional radio and antenna on the Currituck Tank for repeater. Original radio path was not viable.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of October 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>	
10510-540000	Workers Compensation	\$	19,708		
10530-540000	Workers Compensation	\$	41,643		
10390-499900	Fund Balance Appropriated			\$	61,351
		<u>\$</u>	<u>61,351</u>	<u>\$</u>	<u>61,351</u>

Explanation: *Sheriff (10510); Emergency Medical Services (10530)* - To increase appropriations for the worker's compensation for FY 2009 after the annual worker's comp audit. Actual audited increase was \$68,050.

Net Budget Effect: Operating Fund (10) - Increased by \$61,351.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of October 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>	
10752-519602	ARRA Daycare	\$	84,269		
10330-432801	Daycare - ARRA Funding			\$	84,269
		<u>\$</u>	<u>84,269</u>	<u>\$</u>	<u>84,269</u>

Explanation: PUBLIC ASSISTANCE (752) - ARRA funding for Daycare services.

Net Budget Effect: Operating Fund (10) - Increased by \$84,269.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Currituck County Sheriff's Office

SUSAN D. JOHNSON, Sheriff

September 23, 2009

Owen Etheridge
Commissioner Chairman
Board of Commissioners
Currituck County, North Carolina

Chairman Etheridge,

I recently received a letter from SBI indicating they will no longer provide fingerprint cards to our agency free of charge. The elimination of supplying the cards will take effect immediately, requiring fingerprint cards be printed at our expense. I am requesting approval to raise the fees for fingerprinting. After doing research, our fee of \$2.50 will not cover the cost of printing the cards.

Attached you will find a list of other counties and the fees that they charge for fingerprinting. I would like to increase our fees to \$5.00 for in county residents and \$10.00 for out of county residents to fund the cost of printing the cards.

If I can be of any assistance or provide any other needed information please call.

Sincerely

Sheriff Susan D. Johnson
Currituck County Sheriff's Office

cc: Paul O'Neal, Vice Chairman
Vance Aydlett, Commissioner
John Rorer, Commissioner
Gene Gregory, Commissioner
Barry Nelms, Commissioner
Janet Taylor, Commissioner



ROY COOPER
ATTORNEY GENERAL

NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE

3320 GARNER ROAD
PO Box 29500
RALEIGH, NC 27626-0500
(919) 662-4500
FAX: (919) 662-4523



ROBIN P. PENDERGRAFT
DIRECTOR

August 5, 2009

**** IMPORTANT NOTICE ****

NC Law Enforcement / Criminal Justice Agencies
Reference: Elimination of SBI Fingerprint Card Program

Dear Agency Head:

The recent economic downturn has caused a substantial reduction in the financial support the State Bureau of Investigation (SBI) receives from the state. This reduction requires a comprehensive review of programs and services offered by the SBI in an attempt to identify areas of potential cost savings. Accordingly, and after careful review, the SBI will eliminate the Fingerprint Card Program which provides an assortment of blank fingerprint cards and related fingerprint card supplies, at no cost, to local law enforcement agencies throughout North Carolina. The elimination of this program takes effect immediately. This is a regrettable, yet necessary, step for the SBI to continue providing mission-critical services and programs to national, state and local criminal justice agencies as well as to the citizens of North Carolina.

As a result, local law enforcement agencies will now be responsible for the cost of ordering the required SBI arrest fingerprint cards and fingerprint card mailing envelopes. These supplies may be ordered through the N.C. Department of Corrections - Corrections Enterprises Unit or through a private printing company. The SBI has provided the necessary printing specifications to the Corrections Enterprises Unit to facilitate the ordering process. Orders may be placed with Corrections Enterprises by contacting Carolyn Schatz at (919) 716-3646 or emailing her at cschatz@doc.state.nc.us. The SBI Final Disposition form, R-84, is available on the DCI Network under the 'Links' tab in the 'Fingerprinting Resources' section.

In addition, the SBI has confirmed with the Federal Bureau of Investigation (FBI) that local law enforcement agencies, with a valid ORI, are able to order applicant fingerprint cards, FBI arrest fingerprint cards, and blank card stock, **at no cost** to the local agency. Orders for these supplies may be placed with the FBI's Logistical Support Unit at (304) 625-3983 or by visiting the FBI's website at www.fbi.gov and navigating to the "More Services" section for further instructions.



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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: Ben E. Woody, Planning Director
Date: September 18, 2009
Re: Destroy Files

According to the record retention schedule the following items are to be destroyed.

Planning Board files from 1972 thru 2002
Board of Adjustment files from 1973 thru 1998

Gwen Keene

From: Dan Scanlon
Sent: Tuesday, September 29, 2009 11:24 AM
To: Gwen Keene
Subject: Oct. 5 consent agenda item

Going into this year's budget, both Lower Currituck and Corolla had submitted requests to purchase fire apparatus; \$487,000 Custom Pumper Tanker for Lower Currituck and \$365,000 for a Tanker in Corolla. The Fire & EMS Advisory Board ranked these two pieces as Lower Currituck first followed by Corolla. The initial budget considered (the 1/7th budget) transferring sufficient operational funds into the equipment replacement fund to commit to both purchases. Ultimately, the approved budget reverted back to the 1/6th allocation which in essence did not transfer sufficient funds into the equipment replacement fund to approve both purchases. With this background, I am proposing the following for the Board's consideration:

Projected June 30, 2009 Fund Balance in the Equipment Replacement Reserve	\$ 422,000
Transfers in	267,000
Purchase of Corolla apparatus	(365,000)
Projected June 30, 2010 Fund Balance in the Equipment Replacement Reserve	\$324,000
Transfers in	267,000
Purchase of Lower Currituck apparatus	(487,000)
Projected June 30, 2011 Fund Balance in the Equipment Replacement Reserve	\$104,000

The delivery time for the Corolla Tanker is 90 days after ordering, so if we committed now, this piece could be available by the end of this calendar year. The delivery time for the Lower Currituck Pumper Tanker is 300 days, so if we committed October 1, 2009, this piece could be available by July 28, 2010. The Lower Currituck vendor has offered to not require any down payment with the order, which ultimately allows the above proposal to work. Corolla is also currently working with OBX Fire Tech and believe that they might be able to lower the purchase price another \$70,000 - \$80,000. This proposal, although spanning two budget years, places both pieces in service in about a year's time. Please advise if you can support these request and I will place this on your next BOC agenda for approval.

Dan Scanlon, County Manager
 Currituck County, North Carolina

CURRITUCK COUNTY
NORTH CAROLINA
September 21, 2009

The Board met at 5:30 p.m. to discuss water line and fire hydrant policy with Eric Weatherly, Engineer.

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 Scott Pollard, Moyock Assembly of God, was present for the invocation.

Presentation of the "Order of the Long Leaf Pine" to Robert Koontz.

Chairman Etheridge and Commissioners O'Neal, Aydlett, Taylor, Rorer, Nelms and Taylor presented this prestigious award to Robert Koontz, for his many years of service to the children and citizens of Currituck County.

Approval of Agenda

Commissioner O'Neal moved to approve the agenda.
Commissioner Aydlett 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 **Recognition of Communications Personnel**
- Item 4 **Ashley Stoop, Presentation on H1N1 Virus**
- Item 5 **Public Hearing and Action** PB 09-25 Outdoor Tour Operators:
Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts, Chapter 3: Special Requirements, Chapter 17: Definitions, and Chapter 15: Administration to require a special use permit for outdoor tour operators and increase civil penalty amounts up to 500 dollars.
- Item 6 **Public Hearing and Action** PB 09-30 Currituck County Board of Commissioners: Request to amend the Currituck County Unified Development Ordinance, Chapter 10: Subdivision Requirements, to exempt property divisions transferred to a family member from the requirements of the ordinance.
- Item 7 **Public Hearing and Action** PB 09-31 Currituck County Board of Commissioners - Administrative Setback Waiver: Request to amend

the Currituck County Unified Development Ordinance, Chapter 13 to allow administrative setback variances for proposed single family dwellings.

Item 8 **Sustainability Resolution** Currituck Goes Green Effort

Item 9 **Amendment to County Smoking Ordinance**

Item 10 **Appointments to Carova Beach Road Service District Committee**

Item 11 **Consent Agenda:**

1. Approval of September 8, 2009, Minutes
2. Budget Amendments
3. JCPC Revised Funding Plan for FY 2010
4. Resolution Declaring Water Pump as Surplus and Authorizing Disposal

Item 12 Commissioner's Report

Item 13 County Manager's Report

Adjourn

Public Comment

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

Chairman Etheridge opened the public comment period.

Charles Berry, Edgewater Drive, Grandy, commended the Sheriff and Chief Deputy Casey for attending the Walnut Island Community meeting.

Commissioner Nelms commented on the success of the Bike Show.

Commissioner Aydlett again, thanked Mr. Koontz for his service to the community.

Commissioner Rorer, commented on the success of the Fall Festival at Jarvisburg Church.

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

Recognition of Communications Personnel

Chairman Etheridge recognized Elizabeth Hodgis, Ruth Barefoot and Randall Edwards for their award and dedicated service to Currituck County.

Ashley Stoop, Presentation on H1N1 Virus

Jerry Parks, Albemarle Regional Health Department, presented the Board and Citizens with an update on the H1N1 virus and the importance of getting immunized.

Public Hearing and Action PB 09-25 Outdoor Tour Operators: Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts, Chapter 3: Special Requirements, Chapter 17: Definitions, and Chapter 15: Administration to require a special use permit for outdoor tour operators and increase civil penalty amounts up to 500 dollars.

Holly White, Planner, reviewed the request.

The enclosed text amendment submitted by the Currituck County Planning Department at the direction of the Board of Commissioners is intended to clarify the regulation of outdoor tour operators and establish civil penalty amounts up to 500 dollars. The amendment request includes an amortization period of four months from the date of adoption, requiring all vehicular outdoor tour operators to apply for a special use permit.

Currently the Unified Development Ordinance (UDO) does not directly address outdoor tour operators. The county has historically classified tour operators as outdoor recreation uses; however, this does not adequately represent the unique nature of a tour operation, particularly those located in the outer banks area. This amendment will clarify the conditions and standards under which an outdoor tour operator can exist and provide a clear permitting and approval process. In order to ensure all outdoor tour operators are treated equitably, this text amendment includes an amortization period of four months requiring existing tour operators to apply for a special use permit.

This amendment request also includes an increase in the maximum civil penalty amount from 100 dollars up to 500 dollars. The current maximum of 100 dollars is often an insufficient amount to achieve compliance with ordinance regulations. By increasing the civil penalty amount up to 500 dollars, staff feels enforcement of the ordinance will be more effective.

What follows are the minutes from the August 11 Planning Board meeting and a draft of the text amendment as described above. The Planning Board recommended unanimous approval of this request with the following condition: "All

vehicular outdoor tours must be accompanied by a guide. The independent rental of motor vehicles shall be prohibited."

This request appears to be consistent with Policy OB7 of the 2006 Land Use Plan and is reasonable and in the public interest and promotes orderly growth and development.

PLANNING BOARD DISCUSSION (August 11, 2009)

Mr. West asked if someone was in violation of the SUP, in addition to the monetary penalty, could the SUP be pulled.

Mr. Woody stated there is some language in the ordinance that pertains to permits.

Mr. West stated that as part of the SUP approval the BOC could set the permit duration.

Mr. Woody stated after the penalty has been levied that everyone has the right to appeal the penalty and if an applicant appeals and it was unsuccessful or didn't pay the penalty, then it is turned over to the county attorney.

Mr. West stated that all tours should be guided to enforce the regulations.

Ms. Robbins asked who would be responsible for issuing and enforcing the SUP.

Mr. Woody stated the Planning Department, but the sheriff's department would be involved if there were a trespassing violation.

Mr. Clark stated that a new ordinance, which was recently approved, states you cannot be within 50 ft. of the wild horses. Is there a separate fine?

Mr. Woody stated it would fall under the County Code of Ordinances.

ACTION

Mr. West motion to recommend approval with staff recommendations of PB 09-25 Outdoor Tour Operators text amendment with the following condition:

- All vehicular outdoor tours must be accompanied by a guide. The independent rental of motor vehicles shall be prohibited.

Mr. Clark seconded the motion. Motion carried unanimously.

**Currituck County
PB 09-25
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts, Chapter 3: Special Requirements, Chapter 17: Definitions, and Chapter 15: Administration, to require a special use permit for outdoor tour operators and increase civil penalty amounts up to 500 dollars.

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

Item 1: That Chapter 2: Zoning Districts, Section 2.5 Permitted Uses Table is amended by deleting the strikethrough language and adding the following underlined language:

Section 2.5 Permitted Uses Table

Use	LU C	Zoning Districts											Special Requireme nts
		A	R A	R	RO 1	RO 2	R R	G B	C	LB H	L M	H M	
Recreation & Entertainm ent													
Outdoor Tour Operators	<u>II</u>							<u>S</u>	<u>S</u>	<u>S</u>			<u>3.7.3</u>
Recreation Grounds	II I						S						3.7. 3 <u>4</u>

Item 2: That Chapter 3: Special Requirements is amended by adding the following underlined language and renumbering accordingly:

3.7.3 Outdoor Tour Operators (Special Use Permit only)

The requirements of this section shall apply to the base operation and extended business operations of outdoor tour operators.

- A. When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics.
- B. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
- C. As part of the special use permit approval process, the Board of Commissioners may establish a maximum number of vehicles, hours of operation, and permit duration.
- D. All vehicular outdoor tour operators with a base operation within the jurisdiction of Currituck County shall apply for a special use permit within four months from the date of passage of this ordinance (effective September 21, 2009).

Item 3: That Chapter 17: Definitions is amended by adding the following underlined language alphabetically:

Outdoor Tour Operators

A company or individual that arranges travel tours associated with outdoor recreation. This shall include, but is not limited to, guided or independent horse, bicycle, segway, aviation, boat, or vehicle tours. For the purposes of this definition, the term vehicle includes any self-propelled device or structure used for transporting persons.

Item 4: That Chapter 15: Administration, Section 15.2.4 Penalties and Remedies for Violations is amended by deleting the strikethrough language and adding the following underlined language:

15.2.4 Penalties and Remedies for Violations

- B. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use or conditional use permits, shall also subject the offender to a civil penalty of ~~100~~ up to 500 dollars for each day the violation continues. If the offender fails to pay this penalty within ten days after being cited for a violation, the

penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation and did not take an appeal to the Board of Adjustment within the prescribed time. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

Item 5: 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.

Mary Riley, Corolla, supports amendment. Ms. Riley read a letter from Sonia Mays also supporting request.

Kimberlee Hoey, Carova Beach, expressed concerns with safety and supports request.

Lynne Wilson, Carova Beach, expressed concerns for safety of the horses and supports request.

Wesley Stallings, WH Herd Manager, expressed the amount of traffic and safety of the horses.

Karen McCalpin, Director of the Corolla Wild Horse Fund, supports the request and commented on the amount of traffic on the beach.

Phyllis Castelli, requested the Board limit tours and expressed her concerns with traffic and safety.

Fran Hufnagle, Carova Beach, supports the request.

Richard Bell, Swan Beach, commented on the traffic congestion in the area.

Bob White, Tour Guide, commented on his business and concerns with limiting tours.

Berry Lane, Carova Beach, expressed concerns with traffic congestion on the beach.

Commissioner Aydlett, read a letter from the Swan Beach Homeowners Association, with concerns with the amount of traffic and supporting the fact that the County needs to do something to help with this situation.

Commissioner Taylor thanked Mr. Stallings for the tour of the area so she could see first hand the amount of traffic.

Commissioner O'Neal stated that the county needed to solve the traffic problems on the beach.

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

Commissioner Aydlett moved to approve amendment with Planning Board recommendations. Commissioner O'Neal seconded the motion. Motion carried.

Public Hearing and Action PB 09-30 Currituck County Board of Commissioners: Request to amend the Currituck County Unified Development Ordinance, Chapter 10: Subdivision Requirements, to exempt property divisions transferred to a family member from the requirements of the ordinance.

Holly White, Planner, reviewed the request.

The enclosed text amendment requested by the Currituck County Board of Commissioners is intended to create an exemption for the division of a tract or parcel transferred to a family member.

As proposed, the amendment will allow a parcel of land to be subdivided for the purposes of transfer to a child or grandchild. As an exempt subdivision lot, the newly created parcel is not subject to the provisions of the ordinance.

**Currituck County
PB 09-30
UDO AMENDMENT REQUEST**

An amendment to Chapter 10: Subdivision Requirements to exempt property divisions transferred to a family member from the requirements of the Currituck County Unified Development Ordinance.

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 10: Subdivision Requirements is amended by adding the following underlined language.

10.1.4 Family Division Exemption

The division of a tract or parcel transferred to a family member within two degrees of kinship (e.g., child, grandchild) shall not be subject to the requirements and review processes of this ordinance provided no more than one lot is created out of the parent parcel. A maximum of one exemption shall be used on the parent parcel. The transferred parcel shall be a minimum of 40,000 square feet in size and share a common access with the original parcel.

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

Public Hearing and Action PB 09-31 Currituck County Board of Commissioners - Administrative Setback Waiver: Request to amend the Currituck County Unified Development Ordinance, Chapter 13 to allow administrative setback variances for proposed single family dwellings.

Holly White, Planner, reviewed the request.

The Currituck County Board of Commissioners is requesting a text amendment to the Unified Development Ordinance (UDO) to allow an administrative variance option for single family dwellings proposed on nonconforming lots of record that due to the lot configuration or other constraints may

not meet the minimum setbacks. Currently the Unified Development Ordinance (UDO) allows a similar procedure for existing or partially constructed buildings. If the amendment is approved it would offer another less complex option for citizens that demonstrate a particular hardship to setback regulations.

The purpose of the text amendment is to establish an administrative variance process for proposed single family dwellings on existing nonconforming lots of record that do not meet the minimum lot area or lot width standards.

This request appears to be consistent with Policy HN8 of the 2006 Land Use Plan.

Currituck County Board of Commissioners
PB 09-31
UDO AMENDMENT REQUEST

An amendment to Chapter 13: Board of Adjustment to allow administrative setback variances for proposed single family dwellings.

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 13, Section 13.8.1 be amended by adding the following underlined language and removing the following stricken language:

13.8.1 Administrative Variances

A. The administrator shall have the authority ~~shall have the authority,~~ as qualified below, to approve a reduction in the minimum setback requirements in the case of any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected or a single family dwelling proposed on a nonconforming lot of record. Such reduction may be approved in accordance with the following provisions:

1. The ~~error~~ setback reduction does not exceed ~~ten~~ twenty percent of the required setback measurement ~~that is involved,~~ or ~~one foot~~ two feet whichever is less;

2. ~~The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a building permit, if such was required;~~
 3. Such reduction will not impair the purpose and intent of the ordinance;
 4. The reduction will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
 5. The reduction will not create an unsafe condition with respect to both other property and public streets;
 6. To enforce compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and,
 7. The reduction will not result in an increase in density or impervious surface coverage from that permitted by the ordinance.
- B. Applications for an administrative variance shall be submitted to the Planning Department. The application shall be in such form and contain such information and documentation as shall be prescribed from time to time by the department but shall in all instances contain at least the following:
1. The name, address, and phone number of the applicant. If the applicant is not the owner of the property in question, (i) the name, address, and phone number of the owner and (ii) the legal relationship of the applicant to the owner that entitles the applicant to make application.
 2. Three copies of an as-built survey for existing encroachments and a survey for proposed construction. The survey shall not to exceed 24" x 36" inches nor be less than 8.5" x 11", ~~The as-built survey and~~ shall be drawn on dimensionally stable reproducible sheets and shall be drawn to scale and shall be at a scale of one inch equals 50 feet or larger. The survey shall include the following:

- a. Property lines, rights-of-way and easements within 50 feet as a minimum of adjoining parcels.
- b. Current zoning of the subject site and adjacent properties; adjacent ~~platted and unplatted~~ parcels shall be identified with the legal description and owner's name.
- c. Boundaries of the property with dimensions and with building setback lines on all sides.
- d. Existing and proposed streets with right-of-way dimension, lots, ~~reservations~~, easements and areas dedicated to public use.
- e. Location of existing and proposed buildings; number of stories; gross square footage; retaining walls, fences, culverts, bridges, roadways.
- f. Limits of existing flood hazard areas.
- g. Location of existing and proposed utilities (water, septic/sewer, gas, electric, telephone) with related easements.
- h. Location of power poles, guy wires and other major electrical equipment.
- i. Location of existing and proposed parking; location of existing and proposed access and driveways.
- j. Location, size and height of any signs.
- k. Location and nature of existing and proposed fencing and/or screening and general landscaping.
- l. North arrow, scale, acreage.
- m. A clear designation of the features of the proposed development or use which require a variance and the extent of the variance requested.
- n. Any other information that may be required to be shown on the site plan by the administrator to

determine that the application is in compliance with the codes and ordinances of the county.

3. A statement of the particular requirements of the ordinance by citation and description.
 4. A statement of the characteristics of the subject property which prevents compliance with the requirements of the ordinance.
 5. A statement of the minimum variance of the requirements of the ordinance which would be necessary to permit the proposed activity.
 6. A statement of the exceptional or undue hardship which would result if said particular requirements of this ordinance were applied to the subject property.
 7. Any additional information and documentation as the director or designee may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
 8. Where a proposed administrative variance is for a rear or side setback, the applicant shall submit an affidavit from the owner of any abutting property expressing whether such owner accepts or opposes the proposed variance. If consent is not given, the adjustment shall be considered as a standard variance, reviewed, and decided by the Board of Adjustment as provided in this chapter.
 9. A review fee as determined by the Board of Commissioners and included in the Currituck County fee schedule.
- C. Upon receipt of a completed application the administrator shall determine whether the variance requested meets the criteria outlined above for an administrative variance. In any case where the variance requested does not meet the criteria listed above, the applicant may apply to the Board of Adjustment for hearing and decision as provided by the ordinance.
- D. The administrator shall provide written notice to property owners within 200 feet of the subject property and accept written statements for ten working days from the date of mailing and shall grant or deny the administrative variance.

- E. In taking any such action, the administrator shall be governed by all the procedures, standards, and limitations of this ordinance applicable to the Board of Adjustment in granting administrative variances, except the public hearing requirements.
- F. Within 30 working days after the application for administrative variance is submitted and accepted, the administrator shall approve, conditionally approve, or deny the application. The administrator shall inform the applicant in writing of the conditions, if any, for approval or the reasons for disapproval. Such written notice shall also describe the process of appeals.
- G. The decision of the administrator may be appealed by the applicant to the Board of Adjustment.

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

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

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

Sustainability Resolution Currituck Goes Green Effort

Holly White, Planner, reviewed the resolution.

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

Currituck County Sustainability Resolution

WHEREAS, Sustainability means focusing on the environmental, economic, and social characteristics of our community in order to meet the needs of the present without compromising the needs of future generations;

WHEREAS, the County is committed to lead by example, through its operations and policies, demonstrating the benefit of sustainable practices through financial savings from increased operational efficiencies and reduced energy costs;

WHEREAS, the County continues to support and be involved in the Currituck Goes Green initiative that will work to save tax dollars, assure clean land, air and water, improve working and living environments, and allow the county to thrive in the future;

WHEREAS, the County is committed to the design of more environmentally conscientious facilities, promoting LEED or other similar certified facilities; and,

WHEREAS, the County staff should be a leader in Currituck in setting policies, guidelines, goals, and strategic actions that will result in:

- a more sustainable community,
- energy, water and cost savings through the location, construction, operation and maintenance of high performance buildings and landscapes,
- increased recycling and materials reuse,
- a healthier and more productive staff and work environments,
- reduced environmental risk and liability, and
- better educated staff, elected officials, and community.

NOW, THEREFORE, BE IT RESOLVED That the Board of Commissioners of Currituck County, North Carolina, authorizes County staff to develop policies, guidelines, and strategic actions for becoming a more sustainable County;

That the Board of Commissioners directs County staff to provide continual training and education opportunities for staff and the community to further sustainable stewardship;

That in order for the County to fully achieve the above initiatives, the Board requests that staff explore the feasibility of developing a Sustainability Plan; and

BE IT FURTHER RESOLVED that the County through all the initiatives described above hereby acknowledges its commitment to the residents of Currituck County to provide a more stable, sustainable future for its residents that

will ensure lasting social, economic, and environmental prosperity.

Amendment to County Smoking Ordinance

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

AN ORDINANCE AMENDING SECTION 9-3 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO PROHIBIT THE USE OF TOBACCO PRODUCTS IN COUNTY BUILDINGS AND TRANSPORTATION VEHICLES

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

WHEREAS, pursuant to N.C. Gen. Stat. §130A-498 a county may adopt and enforce ordinances restricting or prohibiting smoking that apply in county government buildings, on county government grounds, in county owned vehicles or in public places; and

WHEREAS, in 1993 a Currituck County ordinance was enacted prohibiting the use of tobacco products in specifically named county owned buildings or on specifically named county owned property and since 1993 additional properties have been acquired by the county.

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

Part I. **Section 9-3. Smoking prohibited in certain county buildings.** of the Currituck County Code of Ordinances is rewritten to read as follows:

Sec. 9-3. Smoking prohibited in ~~certain~~ county buildings and transportation vehicles.

(a) It shall be unlawful for any person to ~~smoke~~ use tobacco products, ~~to cause or allow smoke to be emitted from tobacco products or to use smokeless tobacco products within the following county buildings, except in designated smoking areas where feasible as determined by the county manager:~~ in all of the following:

~~Currituck County Courthouse and accessory buildings~~

~~Currituck County Public Library~~

~~Currituck County Department of Social Services and Senior Citizens Center~~

~~Currituck County Health Department~~

~~Currituck County Satellite Office Building~~

~~The Old Mental Health Building~~

~~Currituck County Mental Health Facility (Southern Shores Realty Building)~~

~~Currituck County Water Department~~

~~Powells Point Community Building~~

~~Whalehead Club Property~~

~~Animal Control Office~~

~~Scales Office at Landfill~~

(1) buildings that are owned, leased as lessor, or the area leased as lessee by Currituck County.

(2) any place in a passenger-carrying vehicle owned, leased or otherwise controlled by Currituck County and assigned permanently or temporarily to a Currituck county employee or agency for official Currituck County business.

~~(b) It shall be unlawful for any person to leave tobacco product ashes or residue, cigarettes or cigarette butts upon any floor, stairway, windowsill, or any other surface within the county buildings except in designated smoking areas, named in paragraph (a) above. For purposed of this section, the term "tobacco products" shall mean any product that contains tobacco and is intended for human consumption.~~

~~(c) The violation of this section shall be a misdemeanor or an infraction and upon conviction shall be punishable by a fine not more than \$500.00 or by imprisonment for not more than 30 days. in the amount of fifty dollars (\$50.00).~~

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.

Appointments to Carova Beach Road Service District Committee

Commissioner O'Neal moved to appoint the following members. Commissioner Aydlett seconded the motion. Motion carried.

Mark Pinner, Randall Spencer, Bob Brett, Len Alphin, Bill Vann, Deputy Chief Robert Glover and Deputy Jason Banks.

Consent Agenda:

1. Approval of September 8, 2009, Minutes
2. Budget Amendments
3. JCPC Revised Funding Plan for FY 2010
4. Resolution Declaring Water Pump as Surplus and Authorizing Disposal

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10380-487001	DSS Donations-Curr Kids		\$ 1,200
10760-585001	Donations-Currituck Kids	\$ 1,200	
10760-532900	FC Supplement		\$ 60,702
10752-511003	Telephone & Postage-Spec Adopt	\$ 250	
10752-514003	Travel-Spec Adopt	\$ 5,000	
10752-514503	Training & Ed-Spec Adopt	\$ 3,000	
10752-526003	Advertising-Spec Adopt	\$ 3,000	
10752-532003	Supplies-Spec Adopt	\$ 8,402	
10752-545003	Contract Serv-Spec Adopt	\$ 15,000	
10752-553003	Dues & Sub-Spec Adopt	\$ 200	
10752-561003	Prof Services-Spec Adopt	\$ 25,850	
		<u>\$ 61,902</u>	<u>\$ 61,902</u>

Explanation: PUBLIC ASSISTANCE (752) - Carry forward the balance of the Special Adoptions Funds from FY 2008/2009. COUNTY ASSISTANCE (760) - Grant funds received from non-profit organizations, Currituck Kids.

Net Budget Effect: Operating Fund (10) - Increased by \$1,200.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10330-447000	JCPC Grant	\$ 4,307	

10794-545000	PASS	\$	657
10794-545001	Teen Court	\$	500
10794-545002	Restitution	\$	500
10794-545005	JCPC Council	\$	2,650
		\$	4,307
		\$	4,307

Explanation: *Juvenile Crime Prevention Control (10794)* - To reduce appropriations to reflect reduction in State allocation.

Net Budget Effect: Operating Fund (10) - Decreased by \$4,307.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10330-448700	Support Our Students Grant	\$ 80,000	
10641-502000	Salaries		\$ 24,913
10641-503000	Salaries - Part time		\$ 8,926
10641-505000	FICA		\$ 2,589
10641-506000	Insurance		\$ 5,904
10641-507000	Retirement		\$ 2,456
10641-511000	Telephone & Postage		\$ 800
10641-511500	Printing		\$ 1,500
10541-514000	Travel		\$ 3,500
10641-514200	Transportation		\$ 3,500
10641-514300	Student Activities		\$ 6,690
10641-514500	Training & Education		\$ 2,500
10641-532000	Supplies		\$ 7,000
10641-540000	Workers Compensation		\$ 179
10641-545000	Contracted Services		\$ 9,543
		\$ 80,000	\$ 80,000

Explanation: *Support Our Students (10641)* - To reduce appropriations to reflect State budget cut. This program was funded 100% through grant funds.

Net Budget Effect: Operating Fund (10) - Decreased by \$80,000.

R E S O L U T I O N

WHEREAS the Board of Commissioners of Currituck County North Carolina during its regularly scheduled meeting held

On September 21, 2009, authorized the following, pursuant to GS 160A and 270(b) that the property listed below be disposed of as scrap at local landfill.

Water pump, Weinman Model 4L1 s/n T1265974. Unit beyond feasible repair.

Commissioner's Report

Commissioner Rorer reviewed the Airport Advisory Board meeting last week. All hangars are leased and more are needed. The Board agreed to purchasing with NCFlyPorts funding a new ice machine, golf cart and pressure washer. He also stated that they were to purchase security cameras.

Commissioner Rorer also requested residents that have any complaints about jet noise to please report it.

Chairman Etheridge stated that he has been elected the At Large Director for the North Carolina Association of County Commissioners (NCACC).

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.