

CURRITUCK COUNTY
NORTH CAROLINA
August 17, 2009

The Board met at 5:30 to discuss the ABC Board request and at 6:00 p.m. to review the Master Plan 4-H Cultural Life Center.

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 Glenn McCranie was present for the invocation.

Approval of Agenda

Commissioner O'Neal moved to amend the agenda by adding 4A, Presentation by Sentara Foundation; 4B, Dr. Doyle, Superintendent of Schools; add to consent agenda rate and fee schedule for Register of Deeds, and a closed session to discuss attorney client privilege, land acquisition. Commissioner Aydlett seconded the motion. Motion carried.

- 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

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.

Terry King, Knotts Island, expressed concerns with fire department and county relationship.

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

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

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



COUNTY OF CURRITUCK

**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.

The Board and staff commended the All Star Team for their accomplishment.

Presentation to Rodney Sawyer, Jr. County Extension Director

The Board presented Mr. Sawyer a plaque in recognition of his induction into the 4-H Hall of Fame.

Presentation of Sentara Foundation

Vicky Gray, Sentara Planning, reviewed their efforts to replace the Nightingale.

Dr. Kathy Zimbardo reviewed the service provided to Currituck County. Nightingale transports patients all over the region: from Eastern Shore to Nags Head. 405 of the calls are from northeastern North Carolina and 20% are in Currituck County.

Sentara requests Currituck County to partner with Sentara to ensure that visitors and residents of Currituck County will continue to receive the best medical care. Sentara stated that the cost of a new helicopter is \$7 million and requested Currituck County to consider \$1 million over 3 to 5 years.

Chairman Etheridge thanked the Sentara staff for their continued support and the Board would further discuss funding and get back with them.

Dr. Meghan Doyle, Superintendent of Schools

Dr. Doyle thanked the Board for their support. Dr. Doyle reviewed the state budget and how it impacts Currituck County Schools.

Chairman Etheridge thanked Dr. Doyle for her comments.

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.

Ben Woody, Planning Director, reviewed the request.

**RMF Overlay District
PB 09-19UDO 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

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):

Dimensional Criteria	Requirement
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Min. Development Area	5 acres
Max. Density	1 unit per 10,000 square feet ¹
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"> • 600 square feet for 1 bedroom units • 800 square feet for 2 bedroom units • 1,000 square feet 3+ bedroom units
Min. Parking Spaces Per Dwelling ²	2 spaces
Min. Vehicular Area Setback	25 feet
Min. Drive Aisle Width ³	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)

¹—CAMA wetlands and adjacent 404 wetlands may not be included in calculating the density for a Residential Multi-Family Development.

²—All parking/vehicular areas must be paved with either concrete or asphalt; and be delineated with painted lines.

³—Internal Streets must be designed and installed in accordance with North Carolina Department of Transportation, Division of Highways standards.

Dimensional Criteria	Apartments or Condominiums	Townhomes	Duplexes	Nonresidential Structures
Development Area Requirements				
Min. Area	5 contiguous acres	5 contiguous acres	5 contiguous acres	-
Density ¹	1	1	1	-

	<u>unit/10,000</u> <u>sq. ft.</u>	<u>unit/10,000</u> <u>sq. ft.</u>	<u>unit/10,000</u> <u>sq. ft.</u>	
<u>Max. Number of Dwelling Units²</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>
<u>Lot Requirements</u>				
<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.

Chairman Etheridge opened the public hearing.

Eric Avery, was present to answer questions.

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

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

**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.**

Ben Woody, Planning Director, reviewed the request.

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.

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.

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

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

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
6. Rate and Fee Schedule for the Register of Deeds

Commissioner Taylor moved to approve. Commissioner Aydlett seconded the motion.

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.

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.

Commissioner's Report

Board requested staff to contact Sheriff and see if prisoners could cut grass next to railroad in Moyock.

County Manager's Report

No comments

Closed Session according to 143-318 (3((5) to discuss attorney client privilege and acquisition of property.

Commissioner Nelms moved to go into closed session.
Commissioner O'Neal seconded the motion. Motion carried.

Chairman Etheridge reconvened the Board of Commissioners following Closed Session.

Commissioner Nelms moved to accept the deed from Historic Jarvisburg Colored School, Inc. for its property located at 7302 Caratoke Highway, Jarvisburg, North Carolina pursuant to the conditions set forth in the County Attorney's July 22, 2009 letter to attorney John Trimpi. Motion was seconded by Vice Chairman O'Neal. The motion passed unanimously.

Vice Chairman O'Neal moved to rescind the resolution dated June 15, 2009 authorizing the Currituck County ABC Board to retain profits for the renovation or replacement of its Moyock store and to authorize the Currituck County ABC Board to retain \$300,000 of profit to be used for renovation of its Moyock store. Motion was seconded by Commissioner Nelms. The motion passed unanimously.

There being no further business, the meeting adjourned.