

CURRITUCK COUNTY
NORTH CAROLINA
December 7, 2009

The Board of Commissioners met at 6:00 p.m. prior to the regular meeting to discuss EMS-Medicaid Billing Rates.

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, Aydlett, Gregory, and Taylor. Commissioner Nelms was absent.

Invocation

Pledge of Allegiance

The Reverend Dennis Crehan, Jarvisburg Church of Christ, was present to give the invocation.

Election of Chairman

Dan Scanlon, County Manager, presided over this part of the meeting. Mr. Scanlon opened the floor for nominations.

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

Election of Vice Chairman

Chairman O'Neal opened the floor for nominations.

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

Recognition of out-going Chairman

Chairman O'Neal recognized Commissioner Etheridge for his service as Chairman for the previous year.

Approval of Agenda

Chairman O'Neal moved to amend the agenda by adding to consent agenda Resolution exercising option to extend Fire Contracts for additional six months. Commissioner Aydlett seconded the motion. Motion carried.

- Item 5 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 6 **Kathleen Foreman, Coordinator for the Governor's Award for Volunteer Service** to present awards to outstanding volunteers in Currituck County
- Item 7 **Presentation by Dominion Power**

- Item 8 **Public Hearing and Action:** PB 08-62 East Coast Abatement & Demolition: Request for a special use permit for a salvage yard located at 176 Windchaser Way and 212 Windchaser Way in Moyock, Tax Map 23, Parcels 68B and 68D, Moyock Township.

- Item 9 **Public Hearing and Action:** PB 07-39 Nicholson's Point: Request for a preliminary plat/special use permit for a 140 unit planned unit development located in the vicinity of Caratoke Highway (NC 168) and Maple Road intersection, Tax Map 59, Parcels, 50, 77, 82, 83, 85A, and 85B, Maple, Crawford Township.

- Item 10 **Consideration** of Ocean Rescue Contract

- Item 11 **Appointments to Board of Adjustment**

- Item 12 **2nd Reading Ordinance to prohibit use of horses on the northern Outer Banks** Ordinance to prohibit use of horses on the northern Currituck Outer Banks

- Item 13 **Recommendation of Award for the Moyock Sewer Force Main and Pump Station - Phase 1**

- Item 14 **Consent Agenda:**
 - 1. Approval of November 16, 2009, Minutes
 - 2. Request for Addition of Long Lane to State Maintained Secondary Road System
 - 3. Resolution Surplus Property water pump Sligo
 - 4. Budget Amendments
 - 5. Resolution exercising option to extend Fire Contracts for additional six months

- Item 15 Commissioner's Report

- Item 16 County Manager's Report

Adjourn

Special Meeting

Tourism Development Board

Call to Order

Budget Amendments;

Tourism Related Expenditures increase appropriations for a donation to help fund purchase of medical helicopter, \$100,000

Tourism Promotion to increase appropriations winter advertising blast for tourism promotion, \$300,000

Tourism Promotion to increase appropriations for WIFI in Moyock Welcome Center, \$6,700

Tourism Related Expenses to increase appropriations for Sewer Tap fee for the Moyock Welcome Center, \$204,750

Tourism Related Expenses to increase appropriations beach clean-up after the November Nor'easter.

Adjourn

Public Comment

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

John Snowden, Maple, expressed concerns with county not supporting local businesses.

Rachel Grout, Sandfiddler Road, expressed concerns with the wild horse ordinance and requested if she could be grandfathered to have a horse sanctuary.

Rick Galganski, Corolla Fire Department, thanked the Board for funding for ocean rescue fire truck.

Commissioner Taylor stated that she was at Shawboro School to celebrate with the students their 1 year anniversary.

Bob Kohler, thanked the citizens for attending the Veterans Day celebration and announced that on Saturday, Post 288 Coinjock would have laying of the wreath to remember all Veterans.

Fred Whiteman, Eagle Creek, stated that the developer has requested a rate increase for property owners in Eagle Creek. He also requested that the County review the permit for the proposed sale of the sewer plant.

There being no further comments, Chairman O'Neal closed the public comment period.

Kathleen Foreman, Coordinator for the Governor's Award for Volunteer Service to present awards to outstanding volunteers in Currituck County

Ms. Foreman and the Board presented the following volunteers awards from the Governor.

Jean Snider, April Poyner, Walter Gallop, Sr., Jodie Lockhart, Beverly Branch and Kim Barbour.

Presentation by Dominion Power

Ken Barker, Vice President of Planning, Dominion Power, presented an update of their mission and infrastructure improvements for the County.

Public Hearing and Action: PB 08-62 East Coast Abatement & Demolition: Request for a special use permit for a salvage yard located at 176 Windchaser Way and 212 Windchaser Way in Moyock, Tax Map 23, Parcels 68B and 68D, Moyock Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

LOCATION: 176 Windchaser Way, Moyock
212 Windchaser Way, Moyock

ZONING DISTRICT: Heavy Manufacturing (HM)

TAX ID: 0023-000-068D-0000
0023-000-068B-0000

OWNER: Richard C. Webb, II
165 Baxter Estates Road
Moyock NC 27958

APPLICANT: Bissell Professional Group
PO Box 1068
Kitty Hawk NC 27949

NARRATIVE

1. East Coast Abatement and Demolition is requesting a special use permit to operate a salvage yard that will consist of the following activities:
 - a. Heavy equipment, supporting equipment, and supply storage.
 - b. Stockpile of various materials such as mulch, soils, stone aggregate, crushed concrete, recycled asphalt, steel, aluminum, copper, etc.
2. The primary salvage yard is at 212 Windchaser Way, but since portions of the salvage yard activity will occur at the adjoining lot, 176 Windchaser Way, the applicant is requesting the special use permit for both lots.
3. The combined 13.42 acres is zoned Heavy Manufacturing.
4. The applicant states that no hazardous materials, trash, or waste products will be stored on either parcel.
5. The applicant is requesting the use permit to bring the existing use into compliance with the current county and state requirements.

Special Use Permit Criteria and Staff Findings:

Special use permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the special use permit 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 a special use permit, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

- (a) **The application is complete.**
 1. The application is complete.
- (b) **The proposed use is among those listed in the Table of Permissible Uses as a conditional use indicated with an "S."**
 1. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S."
- (c) **The conditions proposed meet or exceed the minimum requirements of this ordinance.**
 1. The conditions proposed meet the minimum requirements of this ordinance.
- (d) **The conditional use will not endanger the public health or safety.**
 1. The applicant must secure all state permits necessary for the operation of a salvage yard and must remain in compliance with state and local regulations.

2. There will be no hazardous material, trash, or waste product kept on the site.

(e) The conditional use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.

1. The adjacent properties are zoned heavy manufacturing and the parcels are located in an established industrial park, so the proposed development should have no negative impact on adjoining property.
2. The surrounding land uses include:

	Land Use	Zoning
NORTH	Concrete Plant	Zoned HM
SOUTH	Vacant	Zoned HM
EAST	Farmland	Zoned HM
WEST	Farmland	Zoned HM

(f) The conditional use will be in conformity with the Land Use Plan and other officially adopted plans.

The 2006 Land Use Plan classifies the site as **Rural** within the **Moyock** sub-area. The purpose of the Rural classification is to provide for agriculture, forestry, and other allied uses traditionally associated with the rural area. The following Land Use Plan policies are also relevant to this request:

POLICY ID7: Facilities for the disposal of HAZARDOUS WASTE, either chemical, biological, radioactive or other, shall not be located in Currituck County. Neither shall Currituck County accept SOLID WASTE FROM OUTSIDE THE COUNTY for disposal at any site inside the county.

POLICY SW2: The County shall continue to pursue a variety of WASTE REDUCTION STRATEGIES, including waste prevention, recycling and reuse.

This request appears to be consistent with officially adopted plans.

(g) The conditional use will not exceed the county's ability to provide adequate public facilities.

1. The proposed use will not exceed the county's ability to provide adequate public facilities.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a special use permit and staff recommends approval subject to the following recommendations:

1. That the two lots be recombined into one lot or that the following notes be added to the site plan:
 - a. If either lot transfers to a different owner, then all encroachments within 10' of the property line (interior accessways, vehicular area, etc.) must be removed and the site plan must be modified and approved to include the new driveway/vehicular area accessing Windchaser Way.
 - b. If either lot transfers to a different owner, then the proper bufferyard must be installed along the adjoining property line.
2. Hazardous waste shall not be stored or disposed of on this site.

3. Trash and waste products shall not be stored or disposed of on the site.
4. That no portions of the operation, including stockpile material, be visible from Caratoke Highway to the greatest extent practicable. This may require additional landscape screening, but is consistent with Land Use Policy CA1 regarding appearance of development along Caratoke Highway.
POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168 shall receive priority attention for improvement appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.
5. The two driveways shown on 176 Windchaser Way are within nine feet of each other. Section 8.10.1 of the UDO states that driveways are to be constructed so that:
 - a. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets; and,
 - b. Interference with the free and convenient flow of traffic with abutting or surrounding streets is avoided.

Two driveways located within nine feet of each other appear to conflict with this section of the ordinance. Although Windchaser Way is not currently an NCDOT maintained street, it seems reasonable to use the 100' driveway separation as called out in the NCDOT Policy on Street and Driveway Access to North Carolina Highways manual.

The applicant is proposing to keep the two driveways until such time that NCDOT accepts Windchaser Way and finds the driveways non-compliant.

PLANNING BOARD RECOMMENDATION

The Planning Board **recommended approval** with staff recommendations for a special use permit for a salvage yard with the following condition:

1. that no stockpile exceed 25 feet in height.

Chairman O'Neal opened the public hearing.

David Ryan, Engineer, reviewed the request.

Rick Webb, Owner, reviewed the landscape plan.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Etheridge moved to approve with findings of fact, and the staff and Planning Board recommendations

included in the case analysis. Commissioner Aydlett seconded the motion. Motion carried.

Public Hearing and Action: PB 07-39 Nicholson's Point: Request for a preliminary plat/special use permit for a 140 unit planned unit development located in the vicinity of Caratoke Highway (NC 168) and Maple Road intersection, Tax Map 59, Parcels, 50, 77, 82, 83, 85A, and 85B, Maple, Crawford Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

- ITEM:** PB 07-65 Nicholson's Point, Planned PUD, Preliminary Plat/Special Use Permit, for
- 140 residential units
 - o 28 single family lots with 14 accessory apartments
 - o 72 patio lots
 - o 13 duplex lots
 - 2.48 acres of limited business/hotel (LBH) zoning
 - .5 acre public right-of-way dedication (Brabble Street)
 - 1 acre county dedication
 - 47.72 acres nature conservation dedication
 - 27.49 required open space dedication

LOCATION: Maple, in the vicinity of the intersection of Caratoke Highway and Maple Road, Crawford Township.

OWNERS:

005900000500000	NC Rose, LLC
005900000770000	NC Rose, LLC
005900000820000	NC Rose, LLC
005900000830000	NC Rose, LLC
0059000085A0000	NC Rose, LLC
0059000085B0000	James N. & Becky W. Owens

ZONING DISTRICT: Mixed Residential (RA) with Planned Unit Development Overlay
 Mixed Residential (PUD Overlay): 130 acres
 LBH (PUD Overlay): 2.48 acres

PRESENT USE: Agricultural

DEVELOPER: NC Rose, LLC
 PO Box 6186
 4001 South Military Highway
 Chesapeake, VA 23321

ENGINEER: Engineering Services, Inc.
 3351 Stoneshore Road
 Virginia Beach, VA 2345

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural, Low-density residential	RA
SOUTH:	Agricultural, Coinjock Bay	RA
EAST:	Coinjock Bay, Low-density residential	RA
WEST:	Low-density residential, Wetlands/Woodland	RA

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service and Limited Service Areas within the Barco-Maple-Airport and Courthouse subarea.

SIZE OF SITE: 132.48 acres

NUMBER OF UNITS: 140 residential dwelling units

- o 28 single family lots with 14 accessory apartments
- o 72 patio lots
- o 13 duplex lots

PROJECT DENSITY: .94 units/ acre overall acreage

STREETS: The curb and gutter street and alleyway design will be built to NCDOT construction standards. The streets will remain private and will be maintained by the homeowner's association.

UTILITIES: The development will be served by county water. The proposed wastewater design will include a gravity collection system, tertiary treatment, a low pressure pipe with multiple disposal fields, and a design flow of 60,000 gallons per day.

OPEN SPACE: The required open space for Nicholson's Point is 35%. The proposed development plan provides 27.49 acres of open space. In addition, the developer is proposing to dedicate 47.72 acres to nature conservation.

COMMUNITY

FACILITIES: The required community facilities dedication for 140 units in Nicholson's Point is 1 acre/100 lots in excess of required open space. The developer is proposing one acre community facilities dedication.

I. NARRATIVE OF REQUEST:

- The PUD overlay and sketch plan was approved by the Board of Commissioners on October 15, 2007.
- The Board of Commissioners granted a PUD variance on October 15, 2007 to allow private streets less than 45' right-of-way, double frontage lots, and setback reductions for the lots.
- The phasing plan, provided by the applicant, illustrates the development will consist of phase 1 and undetermined future phases:

Phase	Total Units	Amenities
1	44	Clubhouse, trails, pocket park
Future	96	Walking trail, tennis courts, basketball, stage, pavilion, pocket park

II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

- A. The single family lots within the PUD must maintain a minimum 65 foot lot width.
- B. Please provide verification from NC Division of Coastal Management as to the existence of CAMA wetlands within the proposed development. CAMA wetlands may not be included in any open space calculation or gross development acreage.
- C. The street connections shall be paved to the property lines. Where existing improvements such as drainage ditches exist, a bond shall be posted for installation of street connection to property lines.
- D. The landscape plan submitted does not meet the street landscape requirements. More specifically, landscaping along the south side of Coinjock Bay View should contain street trees, either planted or retained. This permit issuing authority may authorize an administrative waiver (UDO Section 5.6) that would alleviate the street tree requirements along the south side of Coinjock Bay View. Staff recommends all existing vegetation along this area be retained within open space areas.
- E. The revised preliminary plat submitted on October 26, 2009 provided additional information regarding open space improvements proposed for the development. The comments regarding the revisions were not addressed by the TRC members and after a complete review of these areas the planning staff has the following outstanding comments:
 1. The community area located on Open Space 1 contains the relocated farmhouse. The use of the farmhouse shall meet all open space requirements and be used for recreational purposes available and accessible to all residents of the subdivision or general public.
 2. The community area located on Open Space 1 also contains parking area that appears to be used for trailer and recreational vehicle parking. This area may not be counted as open space unless it is associated with the use of the open space.
 3. Open Space 1 appears to contain a 20 access easement. This area may not be included in open space.
 4. The access road or secondary alleyway behind lots 50-54 does not appear on the revised plan and must be included to comply with the fire marshal allowance for road width reduction.
 5. Please provide drainage and utility easement information on the preliminary plat.
 6. Please correct Open Space 1 on Sheet 7 of the Construction Plans to reflect the Sanitary Sewer Pump Station Parcel.

NCDOT

Construction plans shall illustrate:

- A. Right turn lane should be 100 feet full width and 200 foot taper.
- B. Any pavement markings replaced/installed shall be polyurea material.
- C. Stop sign for Nicholson and NC 168 shall be 36 inches Hi intensity sheeting.
- D. Commercial properties along Nicholson Point Road shall not have driveways closure than 100 feet from NC 168 right-of-way.
- E. NC 168 is a Strategic Highway Corridor and future access to this site may have restricted movements as part of future roadway improvements.
- F. All internal roads noted as private were not reviewed.

III. QUESTION(S) BEFORE THE BOARD:**Special Use Permit Criteria and Staff Findings:**

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

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

1. Completeness of 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. Chapters 3 and 10 of the UDO allow a planned unit development 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 planned unit development is allowed in the RA base zoning district and PUD overlay with a special use permit.
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 and Limited Service Areas within the Barco-Maple-Airport and Courthouse subarea. The residential and commercial development will occur within the Full Service area where the base development density is contemplated to be 2 units per acre but could be increased to 3-4 units per acre through overlay zoning depending on services available and the potential impact on the surrounding area. The proposed use is in keeping with the policies of the plan, some of which are:

Policy HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Services areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

Policy CD8: MIXED-USE DEVELOPMENTS, properly planned from the outside, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

- b. The proposed development is located within the Rural Classification of the Maple-Barco Small Area Plan. The sketch plan was approved by the Board of Commissioners prior to the adoption of the Maple-Barco Small Area Plan.
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.

Suggested Findings:

- a. At build-out, the proposed development will generate the following anticipated demand on the school system:
- a. 35 elementary students
 - b. 11 middle school students
 - c. 19 high school students
- b. The county has adequate public facilities to service this subdivision.

IV. STAFF RECOMMENDATION:

Generally, the submittal appears to meet the requirements for preliminary plat/SUP approval and **staff recommends conditional approval** of this plat/SUP subject to the applicant addressing the outstanding TRC comments and the findings of fact and the following conditions:

1. Revised plans must be submitted that address outstanding TRC comments.
2. The plan shall meet and address all NCDOT comments and recommended changes.
3. All street connections shall be paved to property lines. In areas that contain a drainage ditch that could prevent pavement to the property line, a performance bond in the amount of 120% of the improvement cost must be posted at the final plat submission.
4. The county property dedication and the Brabble Street right-of-way dedication must occur with the recordation of the first phase of Nicholson's Point.
5. Nicholson's Point shall develop in accordance with the master plan and booklet, as amended by permit issuing authority, including architectural standards and design elements.
6. Given the relatively small size of the proposed lots, deed restrictions or restrictive covenants shall restrict parking of boats and recreational vehicles on individual lots, or a boat/rv parking area shall be provided that is not included in open space calculations.
7. In keeping with WS7 of the 2006 Land Use Plan, the wastewater system shall be designed so as to facilitate assimilation into a centralized system at a future date.
8. An administrative waiver (UDO Section 5.6) is authorized by the permit issuing authority to modify the street tree requirements along the south side of Coinjock Bay View. Retain all existing vegetation along Coinjock Bay View (within 50 feet of the pavement) within open space areas.
9. All open space shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.

Suggested Plan Modifications

10. Natural features of the site including significant existing vegetation should be preserved (Water Quality Policies).
11. When developing within 300 Feet of the shoreline, consider "soft" stabilization approaches including but not limited to preservation of existing vegetation, creation of natural, living shorelines for areas needing stabilization, and establishment of vegetative buffers. (Conserve Environmentally Sensitive Areas Policies and Natural Hazard Area Policies)
12. Consider limiting vehicular areas between buildings and NC 168 where possible and using landscape islands to reduce the impact of large parking areas. (Commercial Development Policies and Community Appearance Policies).

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** with staff recommendations for a preliminary plat/special use permit for a 140 unit planned unit development.

Chairman O'Neal opened the public hearing.

John Snowden, Maple, stated that this was a first class project and supported the request.

Pete Burkheimer, Engineer, was present to answer questions.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Etheridge moved to approve with findings of fact, and the staff and Planning Board recommendations included in the case analysis. Commissioner Gregory seconded the motion. Motion carried.

Consideration of Ocean Rescue Contract

The County Manager reviewed the contract, and the cost was the same as last year's contract.

Sylvia Wolfe, Ocean Rescue, updated the Board on emergency calls for the summer.

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

Appointments to Board of Adjustment

Commissioner Aydlett moved to appoint Christian Conner and reappoint Ralph Jones, Donald Ferebee and Bryan Bass. Commissioner Etheridge seconded the motion. Motion carried.

2nd Reading Ordinance to prohibit use of horses on the northern Currituck Outer Banks

Commissioner Aydlett moved to adopt ordinance. Commissioner Etheridge seconded the motion. Motion carried.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-55 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO PROHIBIT USE OF HORSES ON THE NORTHERN CURRITUCK OUTER BANKS

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

WHEREAS, pursuant to N.C. Gen. Stat. §§153A-127 and 153A-131 a county may by ordinance define and prohibit the abuse of animals and regulate, restrict or prohibit the possession or harboring of animals which are dangerous to person or property; and

WHEREAS, the Board of Commissioners for Currituck County finds and determines that humans and Corolla Wild Horses are at risk for injury when mixed with domesticated horses and further that Corolla Wild Horses are at risk from exposure to Equine Infectious Anemia and parasitic infection that may be introduced into the Corolla Wild Horse home range by domesticated horses.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 10-55 of the Code of Ordinances to read as follows:

Sec. 10-55. Locations where use prohibited.

(a) No vehicles, mopeds, motorcycles or motor vehicles shall be operated ~~and no horses shall be used~~ on the Outer Banks except on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area.

(b) This section shall not apply to vehicles, ~~horses~~, mopeds, motorcycles, or motor vehicles operated on private property with the permission of the owner. The owner must be present or written evidence of the owner's permission furnished.

(c) It shall be unlawful for any person to keep, harbor, maintain, possess, ride, walk or bring a horse into or upon that area of the county on the Outer Banks from the terminus of the paved portion of N.C. State Highway 12 to the Virginia state line. Notwithstanding the foregoing, a horse may be used on private property with written evidence of the owner's permission or on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area in that area of the county on the Outer Banks from Dare County to the terminus of the paved portion of N.C. State Highway 12.

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

PART III. This ordinance is effective upon adoption.

Recommendation of Award for the Moyock Sewer Force Main and Pump Station - Phase 1

Commissioner Etheridge moved to award the bid to George Raper, Inc. in the amount of \$1,110,725. Commissioner Taylor seconded the motion. Motion carried.

Consent Agenda:

1. Approval of November 16, 2009, Minutes
2. Request for Addition of Long Lane to State Maintained Secondary Road System
3. Resolution Surplus Property water pump Sligo
4. Budget Amendments
5. Resolution exercising option to extend Fire Contracts for additional six months

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

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on December 7, 2009 authorized the following, pursuant to GS 160A and 270(b), which the property listed below, be disposed of at the local landfill.

Pump, water. Weinman model 3KH4A s/n T1068896. Unit is beyond feasible repair.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-532000	Supplies	\$ 4,069	
10330-424000	Officer Fees		\$ 4,069
		\$ 4,069	\$ 4,069

Explanation: Sheriff (10510) - To increase appropriations to record officer fees collected.

Net Budget Effect: Operating Fund (10) - Increased by \$4,069.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50447-590001	Corolla Greenway	\$ 931,800	
50447-590002	Pocket Park	\$ 79,900	
50447-590003	Landscaping	\$ 48,100	
50447-590004	Water Utilities	\$ 10,000	
50447-590005	Signage	\$ 10,000	
	Land		
50447-590006	acquisition/easement	\$ 1	
50447-561000	Planning fees	\$ 226,758	
50447-588000	Contingency	\$ 53,990	
50447-590000	Capital Outlay		\$ 1,360,549
		\$ 1,360,549	\$ 1,360,549

Explanation: Corolla Multi-use Path (50447) - To transfer budgeted funds to allocate to specific project elements as specified in the PARTF grant.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550-503000	Salaries - Part time	\$ 27,178	
10550-502000	Salaries		27178
10550-516000	Maintenance & Repairs	\$ 8,000	

10550-532000	Supplies	\$	3,000		
10550-505000	FICA Expense			\$	514
10550-506000	Insurance Expense			\$	2,052
10550-540000	Worker's Compensation			\$	81
10380-484001	Insurance Recovery			\$	8,353
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			\$	38,178	\$ 38,178
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Explanation: *Airport (10550)* - To transfer funds from salaries to part-time salaries for the interim Airport Manager. Also, to increase appropriations for maintenance and repairs and supplies to cover damages from the August 5, 2009 lightning strike at the airport.

Net Budget Effect: Operating Fund (10) - Increased by \$8,353.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10440-561000	Professional Services Appropriated Fund	\$	4,256		
10390-499900	Balance	\$	12,761		
10320-411000	Article 39 Sales Tax			\$	17,017
				<hr/>	
			\$	17,017	\$ 17,017
				<hr/>	

Explanation: *Finance (10440)* - To record reallocation of sales and use tax for FY 2008 and for consultant fees associated with reallocation.

Net Budget Effect: Operating Fund (10) - Decreased by \$12,761.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
12543-544003	Volunteer Assistance			\$	14,000
12543-516103	Buildings and Grounds	\$	7,000		
12543-516003	Maintenance & Repair	\$	7,000		
				<hr/>	
			\$	14,000	\$ 14,000
				<hr/>	

Explanation: *Moyock Volunteer Fire Department (12543)* - To transfer funds as requested for electrical upgrades and small cooking area at the Moyock Fire Station

Net Budget Effect: Fire Services Fund (12) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-557500	Crime Control Act Fund Balance	\$ 5,000	
10390-499900	Appropriated		\$ 5,000
		\$ 5,000	\$ 5,000

Explanation: Sheriff (10510) - To appropriate funds collected in previous years for purchases allowable under the NC Crime Control Act.

Net Budget Effect: Operating Fund (10) - Increased by \$5,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-519503	Domestic Violence		\$ 1,197
10752-519600	Child Daycare		\$ 200,561
10752-519601	Smart Start Daycare		\$ 5,485
10752-561003	LINKS-Special	\$ 15,000	
10330-431000	DSS Admin	\$ 219,197	
10330-431700	Independent Living - LINKS		\$ 15,000
10390-499900	Fund Appropriated Balance		\$ 11,954
		\$ 234,197	\$ 234,197

Explanation: Social Services Public Assistance (752) - To adjust budgeted line items to State Funding Authorizations.

Net Budget Effect: Operating Fund (10) - Decreased by \$192,243.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-532000	Supplies	\$ 6,500	
61818-561000	Professional Services		\$ 1,500
61818-516000	Repairs and Maintenance		\$ 5,000
		\$ 6,500	\$ 6,500

Explanation: *Mainland Water (61818)* -The increase in supplies is necessary to purchase cartridge filters for reverse osmosis pre-treatment.

Net Budget Effect: Mainland Water Fund (61) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
60808-590001	Capital Outlay	\$ 90,600	
60808-561000	Professional Services		\$ 35,000
60808-561001	Professional Services		\$ 30,600
60808-516001	Repairs and Maintenance		\$ 15,000
60808-545001	Contracted Services		\$ 10,000
		\$ 90,600	\$ 90,600

Explanation: Ocean Sands Water and Sewer System (60808) - The increase in capital outlay is to replace all the meter registers on the meters in Ocean Sands, upgrade the software, and receive new automatic meter reading devices.

Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - No change.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA EXERCISING OPTION TO EXTEND CONTRACTS WITH VOLUNTEER FIRE DEPARTMENTS FOR AN ADDITIONAL SIX MONTH TERM

WHEREAS, the County of Currituck, Knotts Island Volunteer Fire Department, Inc., Moyock Volunteer Fire Department, Inc., Crawford Volunteer Fire Department, entered into a First Inc., Lower Currituck Volunteer Fire Department, Inc., Corolla Fire and Rescue Squad, Inc. and Carova Beach Volunteer Fire Department, Inc. entered into a First Amendment to Contract for Fire Protection and Rescue Services dated July 1, 2009; and

WHEREAS, the contract amendment amended Section 2 of the Contract for Fire Protection Services by adding paragraph (c) to read:

If the County , or County’s designee, the Department, and the other volunteer fire departments are working in good faith on the development of the Plan but more work is required for the Plan’s completion before expiration of this Agreement then the term of this agreement shall be extended to and including June 30, 2010: and

WHEREAS, the Board of Commissioners for Currituck County finds that despite all parties working in good faith on the development of the Plan, as defined in the contract amendment, more work is required for the Plan’s completion and it is therefore advisable to extend the contract term for the Contract for Fire Protection.

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

Section 1. The Contract for Fire Protection and Rescue Services by and between the County of Currituck and Knotts Island Volunteer Fire Department, Inc., Moyock Volunteer Fire Department, Inc., Crawford Volunteer Fire Department, entered into a First Inc., Lower Currituck

Volunteer Fire Department, Inc., Corolla Fire and Rescue Squad, Inc. and Carova Beach Volunteer Fire Department, Inc. is hereby extended to and including June 30, 2010.

Section 2. This resolution is effective upon its adoption.

Commissioners Report

Commissioner Taylor thanked Jason Weeks, Planning Director, and staff on recent Parks and Recreation meeting.

Commissioner Rorer stated that Social Services still have over 100 children in need for Christmas.

Chairman O'Neal requested an update on property that needs to be cleaned owned by the railroad.

County Manager's Report

County Manager recognized the County Staff for supporting 122 children for Christmas.

Adjourn

There being no further business, the meeting adjourned.

Special Meeting

Tourism Development Board

Call to Order

Chairman O'Neal called the meeting to order.

Budget Amendments;

Tourism Related Expenditures increase appropriations for a donation to help fund purchase of medical helicopter, \$100,000

Tourism Promotion to increase appropriations winter advertising blast for tourism promotion, \$300,000

Tourism Promotion to increase appropriations for WIFI in Moyock Welcome Center, \$6,700

Tourism Related Expenses to increase appropriations for Sewer Tap fee for the Moyock Welcome Center, \$204,750.

Tourism Related Expenses to increase appropriations beach clean-up after the November Nor'easter, \$90,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-526200	Promotional Efforts	\$ 100,000	
15320-415000	Occupancy Tax		\$ 100,000
		\$ 100,000	\$ 100,000

Explanation: *Tourism Related Expenditures (15447)* - To increase appropriations for a donation to help fund purchase of medical helicopter.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$100,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-526200	Promotional Efforts	\$ 300,000	
15320-415000	Occupancy Tax		\$ 300,000
		\$ 300,000	\$ 300,000

Explanation: *Tourism Promotion (15442)* - To increase appropriations winter advertising blast for tourism promotion.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$300,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-590441	Technology Over \$1,000	\$ 6,000	
15442-545000	Contract Services	\$ 700	
15320-415000	Occupancy Tax		\$ 6,700
		\$ 6,700	\$ 6,700

Explanation: *TourismPromotion (15442)* - To increase appropriations for WIFI in the Moyock Welcome Center.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$6,700.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-590000	Capital Outlay Appropriated Fund	\$ 204,750	
15390-499900	Balance		\$ 204,750
		\$ 204,750	\$ 204,750

Explanation: *Tourism Related Expenses (15447)* - To increase appropriations for Sewer Tap Fee for the Moyock Welcome Center.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$204,750.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545000	Contract Services Appropriated Fund	\$ 90,000	
15390-499900	Balance		\$ 90,000
		\$ 90,000	\$ 90,000

Explanation: *Tourism Related Expenses (15447)* - To increase appropriations beach clean-up after the November Nor'easter.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$90,000.

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

Adjourn

There being no further business, the meeting adjourned.