

CURRITUCK COUNTY  
NORTH CAROLINA  
October 19, 2009

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.

### **Approval of Agenda**

Commissioner O'Neal moved to amend the agenda by adding Appointment to Economic Development Board and Tourism Board and a Resolution opposing Option B of the Mid County Bridge. Commissioner Aydlett seconded the motion. Motion carried.

Invocation  
Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment

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

**Item 2A Resolution opposing Option B for the Mid-County Bridge.**

Item 3 **Public Hearing and discussion** on funding for Nightingale Helicopter

Item 4 **Public Hearing and Action** PB 09-29 Sumit Gupta (OM Management Group, LLC): Request to amend the Currituck County Unified Development Ordinance, Chapter 2: Zoning Districts to allow multi-family dwellings in the Limited Business Hotels Allowed (LBH) zoning district with a special use permit.

Item 5 **Pat Irwin, Presentation of County-wide Fats, Oil and Grease (FOG) Program**

Item 6 **Appointment to Fire and EMS Advisory Board**

**Item 6A Appointment to Tourism Advisory Board**

**Item 6B Appointment to Economic Development Board**

Item 7 **Budget Amendments:**

*Moyock Library (50790) - To transfer funds from professional services to contracted services for fuel used in generator awaiting power installation in the amount of \$4,898; watchlights in the amount of \$9,674; water tap fee in the amount of \$5,500 and grading and seeding along Campus Dr. in the amount of \$6,985.*

*Airport (10550) - \$5,000 To increase appropriations to purchase an ice machine, golf cart, secure the front counter area and a pressure washer from NC Flyports funding.*

Item 8 **Consent Agenda:**

1. Amendment to Home Care Community Block Grant
2. Approval of October 5, 2009, Minutes
3. Resolution for surplus property damage by Lightning 7/17/2009
4. Report of Rural Fire Conditions; Corolla Fire and Rescue
5. Report of Rural Fire Conditions; Moyock Fire Department
6. Report of Rural Fire Conditions; Carova Beach

7. Report of Rural Fire Conditions; Crawford
8. Request to destroy Finance Records
9. Permission for Inter County Public Transit Authority to transfer the unspent portion of Currituck County's EDTAP Supplemental funding, in the amount of \$7,623.53 to Pasquotank County.

Item 9 Commissioner's Report

Item 10 County Manager's Report

Adjourn

**Special Meeting**

**Currituck County Tourism Development Authority**

Call to Order

**TDA Budget Amendments**

1 - increase appropriations for the Corolla Bike Path. This project will be funded by \$500,000 PARTF funds and up to \$860,549 in Occupancy Tax funding. There was \$500,000 allocated in the original budget and this amendment will make up the additional funding as required by the grant;

2 - increase appropriations for the AM radio signal to broadcast information in Corolla. \$30,000 was appropriated in the budget and this will bring the funding to \$36,000 for this project.

Adjourn

**Invocation Pledge of Allegiance**

The Reverend David Blackman, Mt. Zion/Hebron Methodist Church was present to give the invocation.

**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.

Mike Doxey, Aydlett, opposes Option B for Mid County Bridge.

Mike Barclay, Aydlett, opposes Option B for Mid County Bridge.

Penny Leary Smith, opposes Option B for the Mid County Bridge as presented by the Turnpike Authority.

Jim Rickman, opposes option B for the Mid County Bridge.

Vicky Jackson, opposes option B for the Mid County Bridge

Karen Pierce, opposes the Mid County Bridge.

Cynthia Hampton, questions when the resolution would be presented to oppose option B.

Sylvia Kirk, questioned the meeting with Turnpike Authority.

Commissioner Nelms stated he supported the residents of Aydlett opposing Option B.

Commissioner Aydlett also supports the residents of Aydlett.

Commissioner Taylor supports the residents of Aydlett.

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

**Resolution opposing Option B for the Mid-County Bridge.**

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

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA SUPPORTING THE COMMUNITIES OF AYDLETT AND WATERLILY IN OPPOSITION TO U.S. 158/MID-CURRITUCK BRIDGE INTERCHANGE (OPTION B) AND BARRIER WALL PREVENTING SAFE AND CONVENIENT TRAVEL FROM WATERLILY ROAD**

WHEREAS, since conceptualization of the Mid-Currituck Bridge in the 1970's the communities of Aydlett and Church's Island have requested, and the Board of Commissioners for Currituck County have agreed, that to the greatest extent possible there be minimal impact on quality of life and the safe movement within Aydlett and Church's Island; and

WHEREAS, there has been a community expectation that the Mid-Currituck Bridge toll plaza would be located near U.S. Highway 158, that Mid-Currituck Bridge traffic and Aydlett local traffic would not be merged and that the Church's Island community would be able to access U.S. Highway 158 from Waterlily Road in the same or similar manner as now accessed; and

WHEREAS, there is proposed an interchange design plan known as U.S. 158/Mid-Currituck Bridge Interchange (Option B) that if constructed will locate the Mid-Currituck Bridge toll plaza in the middle of the Aydlett community; a community of rural residential development and farmland, and require local Aydlett community traffic to merge with Mid-Currituck Bridge traffic increasing the possibility of traveling public traffic detrimentally impacting the serenity of the Aydlett community; and

WHEREAS, there is proposed as part of the Mid-Currituck Bridge design the location of barrier walls at the intersection of Waterlily Road and U.S. Highway 158 that will require south bound traffic from Waterlily Road to travel north on U.S. Highway 158 across the Coinjock Bridge before making a hazardous traffic movement into the south bound lanes of U.S. Highway 158 which will cause great inconvenience to the Church's Island community and unnecessarily expose the community to an unsafe condition; and

WHEREAS, plans for U.S. 158/Mid-County Bridge Interchange (Option B) and barrier wall at Waterlily Road fail to meet the expectation and requirement of the Aydlett and Church's Island communities and the Board of Commissioners for Currituck County.

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

Section 1. Currituck County opposes an interchange design plan known as U.S. 158/Mid-Currituck Bridge Interchange (Option B) and supports an interchange design plan that locates the Mid-County Bridge toll plaza near U.S. Highway 158 and retains Aydlett Road (SR 1140) as the common and ordinary route for local traffic to and from the Aydlett community.

Section 2. Currituck County opposes the location of barrier walls at the intersection of Waterlily Road (SR 1142) and U.S. Highway 158 that will require south bound traffic from Waterlily Road to travel north on U.S. Highway 158 across the Coinjock Bridge before making a hazardous traffic movement into the south bound lanes of U.S. Highway 158 and requests consideration for the location of a service road extending underneath the Coinjock Bridge to allow southbound traffic from Waterlily Road to safely merge into the southbound lanes of U.S. Highway 158.

Section 3. The Clerk to the Board is directed to forward a certified copy of this resolution to Senator Marc Basnight, Representative Bill Owens, North Carolina Department of Transportation Secretary Eugene A. Conti, Jr., in his capacity as Chairman of the North Carolina Turnpike Authority, and David W. Joyner, Executive Director of the North Carolina Turnpike Authority.

### **Public Hearing and discussion on funding for Nightingale Helicopter**

Dan Scanlon, County Manager, stated that Sentara Foundation is replacing their Nightingale Helicopter for a more advanced helicopter. The cost is 7 million and they are requesting Currituck County contribute 1 million.

Chairman Etheridge opened the public hearing.

Butch Petree, Grandy, expressed his concerns if the County could afford to support such a request.

Commissioner O'Neal questioned Chief Carter on the number of transports from Currituck.

Commissioner Taylor stated that funding could be over 7 years from occupancy tax.

Chairman Etheridge, commented that we are included in the Hampton Roads area and we should contribute to the area.

Commissioner Nelms questioned why Sentara was asking Currituck County for funds.

Commissioner O'Neal stated that this should be taken up during the budget process.

Commissioner Gregory stated that the county needed to make a contribution for this much needed service.

There being no further comments, the public hearing was closed.

**Public Hearing and Action PB 09-29 Sumit Gupta (OM Management Group, LLC): Request to amend the Currituck County Unified Development Ordinance, Chapter 2: Zoning Districts to allow multi-family dwellings in the Limited Business Hotels Allowed (LBH) zoning district with a special use permit.**

Ben Woody, Planning Director, stated that the enclosed text amendment submitted by Sumit Gupta requests that multi-family dwellings be allowed in the Limited Business Hotels Allowed (LBH) zoning district with a special use permit. Currently the Unified Development Ordinance (UDO) allows for multi-family dwellings in the General Business (GB) zoning district with a special use permit. This request basically extends the GB multi-family use to the LBH district.

Multi-family uses are defined as townhomes, condos and apartments. In addition to the GB zoning district, the UDO also provides for multi-family dwellings in the Residential Multi-family (RMF) and Planned Unit Development (PUD) overlay zoning districts. If this request is approved, it will create a fourth zoning option for multi-family developments.

The context for this request is the establishment of a mixed use development on a parcel of land zoned LBH in the Corolla area. As presented the text amendment will provide for multi-family dwellings with a special use permit in the LBH zoning district, but does not require accompanying commercial development. As is the case with any text amendment, the resulting changes will apply county wide.

This request appears to be consistent with Policy CD8 of the 2006 Land Use Plan provided the addition of multi-family uses in the LBH zoning district are established in the context of a mixed use development.

The Planning Board considered Mr. Gupta's request at their September 15th meeting and unanimously recommended approval provided that when multi-family is located within the LBH zoning district it shall contain mixed-uses, including but not limited to offices, hotels, retail, recreation, entertainment, and a variety of housing types. Attached please find the Planning Board meeting minutes.

**PLANNING BOARD DISCUSSION**

Mr. Valdivieso stated the request is for an oceanfront property located in Pine Island, and he understands that this request would go countywide if approved. This would not be the fourth zoning tool to allow multi-family condos in this situation because the RMF overlay district is not allowed in the Outer Banks. The property is currently zoned LBH at 14 acres; the minimum size for a PUD is 50 acres, site specific. They would like to put a hotel on this property and it is important to know as well that this site, as is, allows 20 hotel units per acre not condos. The conceptual site specific is mixed use development. The request is to allow multi-family in the LBH zoning district and currently GB is the only zoning district which allows it. Mr. Valdivieso stated he is only aware of two other stand alone pieces which are zoned LBH in the County. There are other LBH districts associated with a PUD.

Mr. Gupta stated that under the LBH zoning they are planning a hotel site and technically they are allowed 20 units per acre which is approximately 280 potential hotel units. They are not looking for this many units but are looking at a resort style hotel with approximately 100 units mixed with retail and restaurant. If this request is approved, it would allow up to 35 condos in the multi-family use which would add value to the project. They would like to incorporate condos in the project up to 35 units.

The Planning Board discussed the effects of implementing the proposed text amendment countywide.

Ms. Wilson stated she would like to make a recommendation that retail and some food be available on the site which might contain some of the traffic and keep the residents/visitors on site.

Mr. Kovacs asked if there was any way that you could incorporate mixed-use to the multi-family overlay in the LBH zoning district.

Mr. Valdivieso stated the applicant is open to adding some language to the text amendment.

Ms. Voliva stated the Planning Board could make a recommendation to add language to the text amendment. Ms. Voliva stated that you could not just apply this language to the Outer Banks, but you could establish additional special requirements.

**ACTION**

Mr. Kovacs motioned to recommend approval of PB 09-29 Sumit Gupta to allow multi-family dwellings in the LBH zoning district provided staff add language for the addition of a mixed use element requirement for multi-family overlay district in the LBH zone. Ms. Wilson seconded the motion. Motion carried unanimously.

**Sumit Gupta - LBH Zoning District  
PB 09-29  
UDO AMENDMENT REQUEST**

An amendment to Chapter 2 and Chapter 3: Zoning Districts to allow multi-family dwellings in the Limited Business Hotels Allowed (LBH) zoning district with a special use permit.

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 adding the following underlined language:

**Section 2.5 Permitted Uses Table**

Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
Residential Uses														
Multi-family (townhomes, condos, apartments)	III							S		<u>S</u>				3.2.6

**Item 2:** That Chapter 3: Special Requirements, Section 3.2.6.1. Use is amended by adding the following underlined language:

C. In the LBH zoning district multi-family developments shall contain a mixed-use element that would include commercial uses permissible in accordance with the Permitted Uses Table, LBH zoning district. Such commercial uses would include offices, hotels, retail, recreation, and entertainment.

**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.

Eddie Valdivieso, Engineer, reviewed the request and was there to answer questions.

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

Commissioner Aydlett moved to approve due to its consistency with the policies of the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Further, the following language shall be included:

1. Multifamily uses within the LBH zoning district shall only be allowed in a mixed-use development, including but not limited to office, retail, hotel, recreation, and entertainment uses.
2. The multifamily component of a mixed use development shall not exceed 30% of the cumulative gross floor area.

Commissioner O'Neal seconded the motion. Motion carried.

**Pat Irwin, Presentation of County-wide Fats, Oil and Grease (FOG) Program**

Pat Irwin, Public Utilities Director, reviewed the Fats, Oils, and Grease Program. Mr. Irwin recommends the adoption of the FOG Program to reduce the amounts of sanitary sewer overflows due to the concentration of fats, oils and grease in the county operated wastewater collection systems.

Commissioner Nelms moved to approve the program. Commissioner Gregory seconded the motion. Motion carried.

**Appointment to Fire and EMS Advisory Board**

Commissioner O'Neal moved to appoint Stanley Griggs. Motion carried.

**Tourism Advisory Board**

Chairman Etheridge moved to appoint Paul Robinson. Motion carried.

**Economic Development Board**

Chairman Etheridge moved to appoint Dr. Ed Cornet. Motion carried.

**Budget Amendments:**

*Moyock Library (50790) - To transfer funds from professional services to contracted services for fuel used in generator awaiting power installation in the amount of \$4,898; watchlights in the amount of \$9,674; water tap fee in the amount of \$5,500 and grading and seeding along Campus Dr. in the amount of \$6,985.*

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50790-594500	Contracted services	27,057	
50790-596100	Professional Services		\$ 27,057
		<u>\$ 27,057</u>	<u>\$ 27,057</u>

**Explanation:** *Moyock Library (50790) - To transfer funds from professional services to contracted services for fuel used in generator awaiting power installation in the amount of \$4,898; watchlights in the amount of \$9,674; water tap fee in the amount of \$5,500 and grading and seeding along Campus Dr. in the amount of \$6,985.*

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

*Airport (10550) - \$5,000 To increase appropriations to purchase an ice machine, golf cart, secure the front counter area and a pressure washer from NCFlyports funding.*

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

10550-590000	Capital Outlay	5,000		
10330-449900	Miscellaneous Grants		\$	5,000
		5,000	\$	5,000
		5,000	\$	5,000

**Explanation:** *Airport (10550)* - To increase appropriations to purchase an ice machine, golf cart, secure the front counter area and a pressure washer from NCFlyports funding.

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

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

**Consent Agenda:**

1. Amendment to Home Care Community Block Grant
2. Approval of October 5, 2009, Minutes
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4. Report of Rural Fire Conditions; Corolla Fire and Rescue
5. Report of Rural Fire Conditions; Moyock Fire Department
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7. Report of Rural Fire Conditions; Crawford
8. Request to destroy Finance Records
9. Permission for Inter County Public Transit Authority to transfer the unspent portion of Currituck County's EDTAP Supplemental funding, in the amount of \$7,623.53 to Pasquotank County.

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

**Commissioner's Report**

Commissioner O'Neal questioned staff for an update on the ambulance for Lower Currituck Fire Department. He also directed staff to send a violation notice to the railroad for not maintaining the ditch in Moyock.

Commissioner Nelms stated that the CDBG Director at the Albemarle Commission is no longer there.

Commissioner Taylor stated that she attended Judge Cole's swearing in for Superior Court Judge.

The Board commended Randall Edwards, PIO, for his work on the home page.

Commissioner O'Neal requested staff to send a letter to the Secretary of the Navy on the deliberate harassment of Currituck County by flying the Navy Jets over the county. Commissioner Aydlett seconded the motion. Motion carried.

**County Manager's Report**

No comments

**Adjourn**

There being no further business, the meeting adjourned.

**Special Meeting**

**Currituck County Tourism Development Authority**

Call to Order

**TDA Budget Amendments**

1 - increase appropriations for the Corolla Bike Path. This project will be funded by \$500,000 PARTF funds and up to \$860,549 in Occupancy Tax funding. There was \$500,000 allocated in the original budget and this amendment will make up the additional funding as required by the grant;

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587050	T T - Co Govt Construction Fund	\$ 360,549	
15380-481000	Investment Earnings		\$ 360,549
		\$ 360,549	\$ 360,549

**Explanation:** *Occupancy Tax Fund (15)* - Transfer funds for additional match funding for the Corolla Greenway project, which will be funded through \$500,000 PARTF grant and \$860,549 Occupancy Tax funds.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$360,549.

2 - increase appropriations for the AM radio signal to broadcast information in Corolla. \$30,000 was appropriated in the budget and this will bring the funding to \$36,000 for this project.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-590441	Technology over \$1,000	\$ 6,000	
15380-481000	Investment Earnings		\$ 6,000
		\$ 6,000	\$ 6,000

**Explanation:** *Occupancy Tax Fund (15)* - Increase appropriations for additional funding needed for AM radio information on the Currituck Outer Banks.

**Net Budget Effect:** *Occupancy Tax Fund (15)* - Increased by \$6,000.

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

**Adjourn**

There being no further business, the meeting adjourned.