

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, April 19, 2010

Time: 7:00 PM

Work Sessions

5:30 p.m. Ordinance restricting use of Sandbags and Beach Pushes on the Currituck Ocean Beaches

6:00 p.m. Discussion on Drainage issues

Regular Agenda

7:00 p.m. Invocation
Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment

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

Item 3 **Presentation by Albemarle Hopeline**

Item 4 **Public Hearing and Action:** PB 10-10 Currituck Chamber of Commerce: Request to amend the Unified Development Ordinance, Chapter 4: Overlay Districts to allow the display of sandwich board and real estate signs in Corolla year round.

Item 5 **Consideration and Action:** PB 05-13 Kitty Hawk Watersports, Inc.: Renewal of Special Use Permit to operate a privately owned water related recreational rental activity business located at Buck Island, TimBuck II Commercial Area, Tax Map 116D, Parcel 9, Fruitville Outer Banks Township.

Item 6 **Appointment to Whalehead Stormwater Drainage Service District**

Item 7 **Consent Agenda:**

1. Resolution designating number of members to be appointed to the Whalehead Board of Trustees

2. Resolution to authorize County Manager to declare county property surplus
3. Approval of April 5, 2010, Minutes
4. Budget Amendments

Item 8 Commissioner's Report

Item 9 County Manager's Report

Item 10 **Closed Session:**

1. According to GS 143-318.11 (3) to consult with attorney in order to preserve the attorney-client privilege

Adjourn



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS
S. Paul O'Neal, Chairman
O. Vance Aydlett, Jr., Vice-Chairman
J. Owen Etheridge
Gene A. Gregory
Barry C. Nelms
John D. Rorer
Janet L. Tavlör

153 Courthouse Road / Post Office Box 39
Telephone (252) 232-0300 / Fax (252) 232-3551
State Courier # 10-69-17

DANIEL F. SCANLON, II, CPA
County Manager
DONALD I. MCREE, JR.
County Attorney
GWEN H. KEENE, CMC
Clerk to the Board

MEMORANDUM

TO: Board of Commissioners
Dan Scanlon, County Manager

FROM: Ike McRee, County Attorney

DATE: January 13, 2010

RE: Ordinance Restricting Use of Sandbags and Beach Pushes on the Currituck Ocean Beaches

Due to erosion along certain areas of the Currituck ocean beaches, at least two houses are located in the public trust area of the county's beach north of Corolla. As a consequence, there have been occasions at high tide that the houses have blocked the free movement of motor vehicle traffic along the beach. Staff is informed that at least on one occasion an ambulance with a patient was unable to move around the houses requiring the transfer of the patient to another ambulance located on the south side of the houses.

Recently, an owner of one of the houses sought CAMA permits to place sandbags around the house. The placement of sandbags in the public trust area on the beach would have further obstructed the free movement of motor vehicles along the beach. In response, a letter was forwarded to the Division of Coastal Management interpreting the county's existing Code of Ordinances as prohibiting the placement of sandbags on the beach to the extent they might obstruct or prevent the movement of motor vehicles on the beach. A copy of that letter is attached.

To strengthen the county's Code of Ordinances and to ensure that sandbags or other modifications to the beach do not impact free travel along the beach, the attached ordinance is proposed for the board's consideration.

Prior to the 2009 session of the North Carolina General Assembly the county received a citizen request for adoption of an ordinance to allow use of golf carts on public streets and roads within the county. In response, the Board of Commissioners included in its Legislative Agenda a local act authorizing the county to enact an ordinance to allow such use of golf carts. Because of the number of local governments requesting similar authority, the General Assembly amended the General Statutes of North Carolina by adding G.S. 153A-245 to authorize counties to permit and regulate the use of golf carts on public streets and roads within a county. A copy of G.S. 153A-245 is attached for your information.

Also attached for consideration by the Board of Commissioners is a proposed ordinance that will permit, with conditions, the use of golf carts on certain public streets, roads and highways within the county. A copy has been forwarded to Sheriff Johnson and Chief Deputy Casey for their review and comment. Their comments will be presented to you upon receipt. I will be prepared to answer questions regarding the ordinance during the January 19 Board meeting.



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS

J. Owen Etheridge, Chairman
S. Paul O'Neal, Vice-Chairman
O. Vance Aydlett, Jr.
Gene A. Gregory
Barry C. Nelms
John D. Rorer
Janet L. Taylor

153 Courthouse Road / Post Office Box 39
Telephone (252) 232-0300 / Fax (252) 232-3551
State Courier # 10-69-17

DANIEL F. SCANLON, II, CPA
County Manager
DONALD I. MCREE, JR.
County Attorney
GWEN H. KEENE, CMC
Clerk to the Board

February 24, 2010

VIA ELECTRONIC MAIL (charlan.owens@ncdenr.gov)

Ms. Charlan Owens, AICP
District Planner
Division of Coastal Management
Elizabeth City, NC

Re: Sandbags and Beach Push On Northern Currituck Outer Banks

Dear Ms. Owens:

I am writing in response to your request for the county's interpretation of Section 10-62 of the Currituck County Code of Ordinances as that code section relates to the placement of sandbags or beach pushes on the northern Currituck County Outer Banks. Two paragraphs of Currituck County Code Section 10-62 are relevant to the sandbag and beach push issue.

First, pursuant to Section 10-62(a) of the Currituck County Code of Ordinances, "[N]o person may block the foreshore in such a manner that would prohibit vehicular travel along the foreshore." The term "foreshore" is defined in Section 10-51 of the Currituck County Code of Ordinances to mean "the area from the water's edge to a wash line created by the previous high tide; specifically, the hard-packed sand strip adjacent to the water's edge." Therefore, the placement of sandbags within the foreshore area that prohibits vehicular travel along the foreshore is unlawful and prohibited. Likewise, the act and consequences of a beach push is also unlawful to the extent that such activity changes the grade or topography of the foreshore to the extent that motor vehicle traffic along the foreshore is prohibited even if only a temporary prohibition.

Secondly, pursuant to Section 10-62(b) of the Currituck County Code of Ordinances, "[T]here shall be no lawn chairs, coolers, fishing lines **or any other items** allowed to block the beach strand in any manner that would restrict vehicular movement in a north-south direction along the dune line or along the waters (sic) edge." [Emphasis added]. The term "beach strand" is defined in Section 10-51 of the Currituck County Code of Ordinances to mean "that area of the beach extending from the dune line to the waters (sic) edge." Therefore, the placement of sandbags in an area extending from the dune line to the water's edge that restricts vehicular movement in a north-south direction along the dune line or along the water's edge is unlawful and prohibited.

The county is informed that at least two structures are now located within the public trust area on the northern Currituck County Outer Banks and that there have been instances that the structures have prevented vehicular movement along the beach strand. There is also at least one instance when an ambulance was unable to move past the two structures to transport a patient in need of emergency medical treatment to a hospital. It is the county's intent to enforce Section 10-62 of the Currituck County Code of Ordinances in order to prevent or cause to be removed sandbags or beach push activity that prohibits or restricts the free movement of vehicular traffic along the beach which, of course, is the only public way to a large number of residential lots on the Currituck County Outer Banks.

The county appreciates your agency's understanding of the county's ordinances and expects that your agency will not issue permits that might give an applicant the belief that a state permit allows for violation of county ordinances.

Sincerely yours,

Donald I. McRee, Jr.
County Attorney

/DIMjr

cc: Daniel F. Scanlon, II, County Manager
Ben Woody, Planning Director

1 AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
2 AMENDING ARTICLE II, CHAPTER 10 OF THE CURRITUCK COUNTY CODE OF
3 ORDINANCES TO RESTRICT BEACH PUSHES AND SANDBAGS ON THE
4 COUNTY'S OCEAN BEACHES

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

8 WHEREAS, the Board of Commissioners for the County of Currituck finds and declares
9 that unimpeded motor vehicular access along the county's ocean beaches is essential for the
10 access by many to property and response by emergency personnel, equipment and vehicles to
11 calls for assistance and that the use of sandbags and beach pushes on the county's ocean beaches
12 will cause obstruction and impediment to the free movement of motor vehicular traffic.

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

15 PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding a
16 new section to read as follows:

17 **Sec. 10-26. Sandbag and bulldozing restrictions.**

18 On the ocean beaches, use or placement of sandbags, bulldozing sand, pushing of sand by
19 mechanical means or other mechanical change to the topography is prohibited except in the
20 following situations:

21 (1) When such work is performed as a part of a hurricane or erosion protection project or
22 beach nourishment project sponsored by the County of Currituck or any state or federal
23 agency;

24 (2) When such work is performed at the direction of the County of Currituck for purpose
25 of beach maintenance; or

26 (3) When such work is authorized by the issuance of a general waiver of this section by
27 the board of commissioners following a natural disaster.

28 As used in this section, "ocean beaches" means the area adjacent to the ocean and ocean
29 inlets that is subject to public trust rights. This area is in constant flux due to the action of wind,
30 waves, tides, and storms and includes the wet sand area of the beach that is subject to regular
31 flooding by tides and the dry sand area of the beach that is subject to occasional flooding by
32 tides, including wind tides other than those resulting from a hurricane or tropical storm. The
33 landward extent of the ocean beaches is established by the common law as interpreted and

1 applied by the courts of this State. Natural indicators of the landward extent of the ocean beaches
2 include, but are not limited to, the first line of stable, natural vegetation; the toe of the frontal
3 dune; and the storm trash line.

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

6 PART III. This ordinance is effective upon adoption.

7

8 ADOPTED this _____ day of _____, 2010.

9

10

11

S. Paul O'Neal, Chairman

12

ATTEST:

13

14

Gwen H. Keene, Clerk to the Board

15

16

17

APPROVED AS TO FORM:

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19

Donald I. McRee, Jr., County Attorney

20

21

Date adopted: _____

22

23

Motion to adopt by Commissioner _____

24

Second by Commissioner _____

25

Vote: _____ AYES _____ NAYS

26



Albemarle Hopeline

P.O. Box 2064, Elizabeth City, NC 27906-2064

COPY: BOB SANDRA

Camden
Chowan
Currituck
Gates
Pasquotank
Perquimans

March 3, 2010

Daniel Scanlon
Currituck County Manager
P.O. Box 39
Currituck, NC 27929

Dear Mr. Scanlon:

For more than twenty-eight years Albemarle Hopeline has provided domestic and sexual abuse services to Currituck residents. This year Hopeline is asking that Currituck County continue its generous support of Hopeline with a 2010 – 2011 allocation of **\$25,000**. We recognize these are challenging economic times; thus, our request is at the same level as in the previous year.

Over the years Currituck has been a valued partner in offering comprehensive services to both victims of domestic and sexual violence and the community-at-large. These services include: 24-hour crisis intervention; emergency shelter, food and clothing; counseling; court advocacy; children's therapeutic activities; prevention through education; Displaced Homemaker Program; outreach; and referral. Hopeline, the only agency of its kind in northeastern North Carolina, provides these services at no cost to victims in your county.

Our 2009 year-end statistics show that in **Currituck County alone**, Hopeline:

- **served 199 unduplicated domestic & sexual violence victims**
- **provided 448 shelter nights**
- **conducted 1093 counseling sessions**
- **offered 1403 advocacy services**
- **answered 981 crisis calls**
- **presented 79 "prevention through education" programs**

Thank you for your consideration. We are grateful for your past support and look forward to our continued partnership to better the lives of families in Currituck County and throughout northeastern North Carolina. We must continue this effort to end domestic and sexual violence and make the community safe for all citizens.

Sincerely,

Patricia J. Youngblood
Executive Director



Currituck County

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

MEMORANDUM

To: Board of Commissioners
From: Planning Staff
Date: March 23, 2010
Re: PB 10-10 Currituck County Chamber of Commerce – Text Amendment

The enclosed text amendment to the Outer Banks Sign Ordinance, submitted by the Currituck County Chamber of Commerce, proposes to allow the display of sandwich board and real estate signs in Corolla year round. Sandwich board signs are currently defined as temporary commercial signage allowed from October to May. During the off-season, each business unit within a shopping center or commercial area is permitted to have one sandwich board sign, not to exceed six square feet. Real estate signs are currently allowed in front of real estate offices or other businesses from October to May. These signs are limited to six square feet in size and display a message such as “Open House”, “Agent on Duty”, or “Open”.

The Chamber is requesting to allow the above described signs year round as a temporary solution to assist the business community during difficult economic times. In their application the Chamber also proposes to explore a more permanent, long-term option as part of the UDO rewrite to assist businesses with visibility issues.

Planning staff is sympathetic to the difficult economic times that exist for the business community; however, increasing the amount of temporary signage allowed along NC12 is not consistent with the policy objectives of the 2006 Land Use Plan (Policies CA4, CD9). An increase in temporary signage during the summer season, particularly sandwich boards, may exacerbate public safety issues and create a cluttered roadside that is not consistent with the aesthetic qualities that distinguish the Currituck Outer Banks.

The current Outer Banks Sign Ordinance was adopted on July 16, 2007. This ordinance was prepared by Corolla citizens and members of the business community and represented a compromise at the time of adoption. As with any ordinance or planning document, evaluation and periodic updates are necessary. Staff feels revisions to the commercial signage regulations are more appropriate in a broader context and recommends denial of this request as presented.

The Planning Board **recommended denial** at their March 9, 2010 meeting. Should you have any questions, do not hesitate to contact Ben Woody at 232-3055.

PLANNING BOARD DISCUSSION (3-9-10)

Mr. West asked if the request states the number of signs each business could have.

Mr. Woody stated one sign per business.

Ms. Kinser stated the Chamber is looking for a long-term solution but in order to assist the businesses during these economic times the Chamber is requesting that sandwich board and real estate signs be year round in Corolla. Ms. Kinser stated that businesses don't have enough exposure and they are tucked away in the back of the shopping centers. Visitors have one week to find businesses and without signage the businesses are losing business. The Chamber is looking at this as a temporary solution to help the businesses make money this season and then look for a long-term option as part of the UDO rewrite to assist businesses with visibility issues.

Mr. West asked how did the signage timeframe of October 1 through May 1 get established.

Ms. Kinser stated it was with the last rewrite of the sign ordinance. Ms. Kinser stated visitors are still coming because the occupancy tax is up but the sales tax is down. They just aren't buying.

Mr. West asked Ms. Kinser if this could be because of the economy.

Ms. Kinser stated the sales tax has increased in Dare County.

Mr. Clark asked Ms. Kinser to define temporary.

Ms. Kinser stated they are just asking that the restriction for the signage be lifted during the peak season so the businesses can have signage year round.

Mr. Woody stated the Board of Commissioners have requested planning staff to examine sign ordinances which could take up to 1 ½ years.

Ms. McDonnell stated that the timeframe sandwich boards are allowed has been in the ordinance since 1990. When they had the rewrite the business community had no objections so it was put back in. Ms. McDonnell provided a list of 31 people who worked on the rewrite of the ordinance which took over four years. Ms. McDonnell stated the sign ordinance is not the bad guy; it is the economy and competition. Ms. McDonnell suggested using Channel 16 on public television to advertise. Ms. McDonnell provided pictures of various sandwich board signs on NC12. The signs will create a safety problem during high winds and create more work for the Code Enforcement Officer. Ms. McDonnell is asking that this request be denied.

Ms. MacKenzie stated she was reading USA Weekend which said Corolla is one of the most desirable upscale vacation destinations in the country. This upscale town is paid for by 90% of homeowners who rent their property. Ten percent of the population lives year round and several hundred businesses who own shops. The majority of the tax dollars comes from homeowners who rent their homes. Ms. MacKenzie provided an overview of why Corolla is desirable. If the commissioners need a comprehensive sign ordinance on the mainland, they can do what Corolla did, and spend four years and come up with one for their needs. Corolla

already has a sign ordinance in place as a dedication of the residents and businesses. Ms. MacKenzie stated to educate the tourist there is a phone book available in each rental property, the tourist can use the internet, and each rental company provides a package that list the businesses in Corolla. Ms. MacKenzie is asking that the request be denied.

Ms. McCarthy stated she is a permanent resident in Corolla and has been a business owner too. Ms. McCarthy refers to the United States Sign Council which addresses the 35 and 45 mph on a simple two lane road. At 35 mph the viewer reaction time is 8 seconds for a sign size 98 square feet and 45 mph viewer reaction time is 8 seconds for a sign size 162 square feet. This can cause accidents. Ms. McCarthy is asking that the request be denied.

Mr. Cummings stated that his business has been down by 40% and sandwich signs have increased his business by 50%. Mr. Cummings is in favor of sandwich signs year round.

Mr. Smith stated he is a business owner in Corolla and they are not asking that the sign ordinance be rewritten, but to allow sandwich signs year round. Mr. Smith stated the signs weigh approximately 40 pounds and most businesses take them up during a storm. Mr. Smith stated as a business owner they want to reach the market when the people are in Corolla during the peak months. Mr. Smith stated the sandwich boards won't fix the economy but if the sandwich boards increase his business by 20% that helps them. Mr. Smith is in favor of sandwich signs year round.

Ms. Kinser stated that the business owners have stated that these signs do make a difference in their business. When businesses are doing well it helps the county.

Mr. West stated that TimBuck II could have sixty signs and it would be hard to read them if you were driving down the road.

Ms. Kinser stated TimBuck II could put some restrictions on how many signs could be put there.

Mr. Kovacs asked staff about having an internal signage which would have a directory listing the businesses.

Mr. Woody stated the county would only regulate the free standing signage visible from NC12.

Mr. Wright asked if there are any issues with signage that is in the Department of Transportation (DOT) right-of-ways.

Mr. Woody stated there are some businesses where the signs are located in the right-of-way. Mr. Woody stated the multi-use path could affect the signs but the business owner has the right to put their sign back as it exists. Mr. Woody asked if a businesses sales increase by 20% when the sandwich boards are up does another similar business decrease by 20%. Mr. Woody also asked if there was any data that would show that sandwich boards prompt new spending or if spending was just moved around.

Mr. Cummings stated the tourist needs guidance to be able to see his tackle store and the sandwich boards provides this; otherwise they go to Dare County.

Mr. Smith stated that businesses aren't getting the impulse buyers because of poor signage.

ACTION

Ms. Taylor move to **deny** PB 10-10 Currituck Chamber of Commerce due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promote orderly growth and development and creates safety issues. Mr. Clark seconded the motion. Motion carried unanimously.

**PB 10-10 Chamber of Commerce
Outer Banks Sign Ordinance
UDO AMENDMENT REQUEST**

An amendment to Chapter 4: Overlay Districts to amend the Outer Banks Sign Ordinance to allow the display of sandwich board and real estate signs year round.

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 4.7.4.7 is amended by deleting the strikethrough language and adding the following underlined language:

4.7.4.7 Signs Permitted in All Zoning Districts Without a Sign Permit

- M. Temporary Sign (Sandwich/Tent Signs). Each business unit within a Shopping Center, Commercial Area, or Out-Parcel may have one Temporary On-Premise Sign, not to exceed two feet in width by three feet in height (measured from natural grade). The sign may be double sided. Such signs are further restricted by the following:
1. The sign shall rest on the ground without legs or other means of support;
 2. The sign shall be displayed only if the unit is open for business. The sign may be displayed one day before the store is open for business, and does not have to be removed daily if the store remains open on consecutive days. If the store is closed for two or more consecutive days the sign must be removed until the store is again open;
 3. The sign shall have a professional appearance and shall not contain reflective lettering;
 4. The sign is permitted along NC12 and private or public roads ~~only from October 1 to May 1. The October to May restriction applies only to signs visible from NC12.~~ The placement of these signs within a shopping center is controlled by shopping center rules ~~and may be allowed year around;~~
 5. The sign must be on the property where the business is located and shall not reference additional locations of the business; and,
 6. The sign shall be placed outside the site triangle at driveways so as not to block views, and shall not be lighted.
- N. Real Estate “Open House”, “Agent on Duty” and “Open” signs are allowed along NC12, or other public right-of-way in front of Real Estate Offices or other Businesses ~~only from October 1 to May 1.~~ Such signs shall not exceed two feet in

width by three feet in height (measured from natural grade). The business must be open and the temporary sign must be on the property where the business is located. The sign shall be placed outside the site triangle at driveways so as not to block views, and shall not be lighted.

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

Item 3: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: ____AYES____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: ____AYES____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Currituck County

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

MEMORANDUM

To: Board of Commissioners

From: Ben E. Woody, AICP
Planning Director

Date: February 24, 2010

Re: PB 05-13 Kitty Hawk Watersports, Inc. – Renewal of Special Use Permit

Kitty Hawk Watersports, Inc. was granted a special use permit in April 2005 for the operation of water sports lessons, rental (kayaks, sailboats, wave runners, parasailing) and boating tours. This special use permit is set to expire in April 2010 and the applicant is requesting a renewal. Nothing has changed from the previous request and staff has incorporated those recommendations below.

Conditions previously included in the permit are as follows:

1. Hours of operation shall be from 9:00 am to dusk daily for motorized equipment; non motorized equipment shall not be regulated.
2. Equipment shall be allowed to be stored and docked at the pier overnight.
3. Jet ski operations shall not be allowed between November 1st and April 1st.
4. Operations will not be permitted during the fourth day duck and geese hunting period in October.
5. Jet skis shall only be operated in a buoyed area north of the pier.
6. No temporary or permanent signage, except with an approved sign permit, shall be permitted with this use.
7. The Special Use Permit shall be valid for a period of five years and shall expire on April 18, 2015.

Should you have any questions, do not hesitate to contact me at 232-6029.

WHALEHEAD

PROPERTY OWNERS ASSOCIATION

April 06, 2010

Mr. Dan Scanlon, County Manager
Currituck County Board of Commissioners
P.O. Box 39
Currituck NC 27929

RE: WPOA Nominees to the
County's Advisory Board for the
Whalehead Stormwater Drainage Service District

Dear Mr Scanlon:

As you know, current Advisory Board members' terms have expired. County Engineer Eric Weatherly and the County Soil and Water Conservation staff have requested that WPOA submit the names of members who are willing to serve on the Advisory Board.

Accordingly, I am pleased to nominate the following Whalehead property owners with suggested staggered terms for each to allow Advisory Board continuity:

- 3-year term beginning at BOC approval
Daniel J. Clements III, Chair (owner 1007 Corolla Drive)
1249 Harrison Avenue
Columbus, OH 43201
614.299.7575
D3Clements@aol.com
- 2-year term beginning at BOC approval
Robert P. Collins
1024 Lighthouse Drive
Corolla, NC 27927
252.453.4060
RobertPCollins@charter.net
- 2-year term beginning at BOC approval
Richard B. Donica (owner 1055 Whalehead Drive)
2 Tea Olive Circle
Pooler, GA 31322
912.748.2662
DacAce@aol.com
- 1-year term beginning at BOC approval
Lee Foreman (owner 1054 Whalehead Drive)
3400 Walnut Hill Court
Falls Church, VA 22042

703.573.4725
LeeForeman3400@hotmail.com

- 3-year term beginning at BOC approval
George H. Mears (owner 1008 Corolla Drive)
4304 Ainslie Ct. S.
Suffolk, VA 23434
757.255.2215
George.H.Mears@usace.army.mil
- 1-year term beginning at BOC approval
Ron Harman, *Ex-Officio*/WPOA President (owner 989 Whalehead Drive)
10285 Berkeley Manor Dr.
Mechanicsville, VA 23116
804.550.2926
Rharman@e-techcorp.com

The above-named Advisory Board nominees stand ready to assist the County in policy and execution of work required for the Whalehead Stormwater Drainage Service District. Please make the Chair, Dan Clements, the County's principal point of contact with the Advisory Board.

Sincerely,



Ron Harman
President of WPOA
10285 Berkeley Manor Dr.
Mechanicsville, VA 23116

Cc: Mr. Dan Scanlon, County Manager
Mr. Eric Weatherly, County Engineer
Mr. Mike Doxey, District Technician, Soil & Water Conservation
All Nominees

CURRITUCK COUNTY
NORTH CAROLINA
April 5, 2010

The Board of Commissioners met at 6:00 p.m. prior to the regular meeting to discuss the Community Center Floor Plan.

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 O'Neal, Commissioners Etheridge, Gregory, Rorer, Nelms and Taylor. Commissioner Aydlett was absent.

Invocation Pledge of Allegiance

The Reverend Randy Blanchard, Pilmoor Methodist Church, was present to give the invocation.

Approval of Agenda

Commissioner Nelms moved to amend the agenda by adding Item 11A, Discussion on Planned Unit Development, and add to consent agenda a Resolution on new rules for Gill Net fishing and Resolution in support of NC current public alcoholic beverage control system. Commissioner Taylor seconded the motion. Motion carried.

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Presentation on Fair Housing Month** and adoption of Proclamation
- Item 4 **Wayne Harris & Dave Whitmer**, to discuss a program with the Northeastern Workforce Development to help students prepare for careers
- Item 5 **Public Hearing and Action:** PB 10-05 Corolla Jeep Rentals & Tours: Request for a special use permit for an outdoor tour operator located at 1070 Ocean Trail, Tax Map 115B, Parcel P4B2, Poplar Branch Township.
- Item 6 **Public Hearing and Action:** PB 10-06 Corolla Outback: Request for a special use permit for an outdoor tour operator located at 1148 Ocean Trail, Tax Map 114, Parcel 42A, Poplar Branch Township.
- Item 7 **Public Hearing and Action:** PB 10-04 Outer Banks Harley-Davidson: Request for a special use permit to allow special events (Outer Banks Bike Week and Outer Banks Bike Fest) located at 8739 Caratoke Highway, Tax Map 131, Parcel 88, Poplar Branch Township.
- Item 8 **Public Hearing and Action:** PB 09-28 Maple Commerce Park: Request for a Preliminary Plat/Special Use Permit for an 11 lot commercial subdivision located at 204 Airport Road, adjacent to the Currituck County Airport, Tax Map 52, Parcel 14A, Crawford Township.

- Item 9 **Public Hearing and Action:** PB 10-12 Currituck County: Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts and Chapter 17: Definitions to clarify how Roadside Markets are defined and regulated in Currituck County.
- Item 10 **Consideration of contract** for Child Support Enforcement Services
- Item 11 **Consideration of agreement** with Historic Jarvisburg Colored School, Inc.
- Item 11A Discussion on Planned Unit Development**
- Item 12 **Consent Agenda:**
1. Approval of Water Shortage Response Plan
 2. Re-appointment of Dan Scanlon, County Manager, to RPO Technical Coordinating Committee
 3. Re-Appointment of Commissioner Gregory to RPO Transportation Advisory Committee
 4. Approval to Purge Eligible DSS Files
 5. Approval of March 15, 2010, Minutes
 6. Budget Amendments
 7. **Resolution on new rules for Gill Net fishing**
 8. **Resolution in support of NC current public alcoholic beverage control system**
- Item 13 Commissioner's Report
- Item 14 County Manager's Report

Adjourn

Special Meeting

Tourism Development Authority

Call to Order

TDA Budget Amendments

Adjourn

Public Comment

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

Chairman O'Neal opened the public comment period.

Andy Keeney, Kitty Hawk, requested the Board to bring the Monterey Shores PUD back for a public hearing. Mr. Keeney feels that there is a legal basis to reconsider.

Ike McRee, County Attorney, stated that there is no legal basis to reconsider this request.

John Snowden, Maple, commented on the grant that he applied for and letters of support from Mr. Bishop and Mr. Woody.

Commissioner Nelms commented on the passing of a fellow soldier and his service at the Arlington Cemetery.

Commissioner Taylor expressed sympathy to the family of Brenda Kleman.

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

Presentation on Fair Housing Month and adoption of Proclamation

Commissioner Etheridge moved to adopt the resolution. Commissioner Gregory seconded the motion. Motion carried.

**PROCLAMATION
FOR
FAIR HOUSING MONTH
APRIL 2010**

WHEREAS, April 2010 marks the 42nd anniversary of the Federal Housing Act of 1968 and the 27th anniversary of the North Carolina Fair Housing Act. Both laws prohibit discrimination in housing because of race, color, sex, religion, national origin, handicap and familial status; and

WHEREAS, the Currituck County Board of Commissioners, Albemarle Area Association of Realtors, City of Elizabeth City, Elizabeth City State University Community Development Program, North Carolina Cooperative Extension Service Pasquotank Center, Northeastern Community Development Corporation, and River City Community Development Corporation, and county and local governments, concerned citizens and the housing industry, are working to make fair housing opportunities possible for all our citizens. Through their efforts, they are encouraging others to abide by the letter and the spirit of the fair housing laws; and

WHEREAS, one of the most important concerns of Currituck County citizens is the availability of housing to them as individuals and families. By supporting and promoting fair housing and equal opportunity, we are contributing to the health of our County and our State;

NOW, THEREFORE, the Currituck County Board of Commissioners do hereby proclaim April 2010 as **"Fair Housing Month"** in Currituck County and urge our citizens to rededicate themselves to ensuring that fair housing laws are always upheld and citizens are protected against discrimination.

Wayne Harris & Dave Whitmer, to discuss a program with the Northeastern Workforce Development to help students prepare for careers

Mr. Harris, Economic Development with the Albemarle Commission, stated that their goal is to generate interest in aerospace careers among the future and existing workforce and increase the pipeline of qualified workers.

Commissioner Nelms is now the Chairman of the Albemarle Commission Board.

Public Hearing and Action: PB 10-05 Corolla Jeep Rentals & Tours: Request for a special use permit for an outdoor tour operator located at 1070 Ocean Trail, Tax Map 115B, Parcel P4B2, Poplar Branch Township.

Sworn Testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: April 5, 2010
Special Use Permit
PB 10-05 Corolla Jeep Rentals & Tours, Inc.**

ITEM: SPECIAL USE PERMIT - OUTDOOR TOUR OPERATOR

LOCATION: 1070 Ocean Trail

ZONING DISTRICT: General Business (GB) - PUD Overlay District

TAX ID: 115B000P4B20000

OWNER: W.B. Meredith III
4804 Vista Lane
Kitty Hawk, NC 27949

APPLICANT: W.B. Meredith III
 Corolla Jeep Rentals & Tours, Inc.
 1070 Ocean Trail
 Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	Zoned RO1
SOUTH:	Hotel	Zoned GB
EAST:	Residential	Zoned GB
WEST:	Hotel	Zoned GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service** within the **Corolla** sub-area.

NARRATIVE:

1. The applicant is requesting a Special Use permit for conducting guided horse tours in the off-road areas of Corolla. This consists of one van seating 14 persons, one SUV seating 7 persons and 5 Jeeps seating 5 persons each.
2. The Board of Commissioners adopted an ordinance on September 21, 2009 that established outdoor tour operators as a specific land use. Subsequently, any business operating as a vehicular tour operator with a base operation within the jurisdiction of Currituck County is required to apply for a new special use permit.
3. The Special Use Permit application pertains to the property located at 1070 Ocean Trail. Associated activities that may occur off-site are subject to the conditions included in the approved Permit.
4. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
 - a. POLICY ED1: new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
 - b. POLICY HP3: Development of the tourism and educational potential of the area's

architectural, historic and cultural resources shall be encouraged.

It appears this request is consistent with the policies and objectives of the Land Use Plan provided care is taken to ensure the outdoor tours are conducted in an environmentally sustainable manner. The Planning Department is particularly encouraged to see a growing emphasis on eco-tourism industries that expose the general public to the natural resources of Currituck County.

QUESTION(S) BEFORE THE BOARD:

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:

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

a) The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

a) The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.

i. The proposed use **will not** materially endanger the public health or safety for the following reasons:

Suggested Findings:

- The parcel has adequate on-site parking and is located in a commercial area.

ii. The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:

Suggested Findings:

- The Unified Development Ordinance indicates that outdoor tour operators are a permitted land use with a Special Use Permit in a General Business (GB) zoning district.

iii. The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.

Suggested Findings:

- The parcel is located in a commercial area and is therefore in keeping with the character of the surrounding area.

iv. The proposed use **will** be in general conformity with the Land Use Plan, and any other plan officially adopted by the Board of Commissioners.

Suggested Findings:

- The 2006 Land Use Plan classifies this site as Full Service in the Corolla Subarea and the proposed use is in keeping with the policies of the plan.

v. The proposed 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 applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available.

Suggested Findings:

- Approval of this request should have no impact on public facilities.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit for the property at 1070 Ocean Trail and staff recommends **APPROVAL** with the following conditions:

1. All tours must be guided from Memorial Day to Labor Day. Tag-a-long tours are permitted as long as the

lead vehicle is operated by an employee of the tour company and subsequent vehicles are under the employee's supervision.

2. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
3. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
4. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur on-site, additional parking may be required per the Unified Development Ordinance. Currently there is adequate parking available. The owner has requested that parking for unoccupied units be credited to the parking totals for the horse tour operation.

Use	Parking Requirement	Quantity	Parking Total for All Units including vacancies	Owners Requested Parking including all current uses and proposed horse tours
Retail Space #1 Horse Tour Rentals	Tour vehicle seating 1-5 ppl = 1 space per vehicle	5	5	5
	Tour vehicle seating 6 to 10 ppl = 2 parking spaces per vehicle	1	2	2
	Tour vehicle seating 11-15 ppl = 3 parking spaces per vehicle	1	3	3
	1 space/2 employees	5	3	3
Retail Space #2	1 parking space/200 sq. ft.	1028 sq. ft.	5	5
Retail Space #3 Vacant	1 parking space/200 sq. ft.	1175 sq. ft.	6	0
Retail Space #4	1 parking space/200 sq. ft.	771 sq. ft.	4	4
Office Space #1 Vacant	1 parking space/200 sq. ft.	949 sq. ft.	5	0
Office Space #2 Vacant	1 parking space/200 sq. ft.	879 sq. ft.	4	0

Office Space #3 Vacant	1parking space/200 sq. ft.	630 sq. ft.	3	0
Total Available Parking	27	TOTAL Required:	40	22

5. Vehicles held in reserve in the event of inclement weather or breakdowns may be used as long as the parking requirements and all other conditions of this permit are met. Reserve vehicles must be stored at an approved location.
6. The Board of Commissioners may establish a maximum number of vehicles as part of the special use permit approval process.
7. This special use permit shall be reviewed administratively on an annual basis and a report shall be filed with the Currituck County Board of Commissioners detailing the nature of any complaints received by the Planning Department. At the discretion of the Code Enforcement Officer or Board of Commissioners, the special use permit shall be subject to revocation or modification by the permit issuing authority following a public hearing.

PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the special use permit with the findings of fact and staff recommendations included in the case analysis.

PLANNING BOARD DISCUSSION (3-9-10)

Mr. West asked if the reserved vehicles are only used when one of the other vehicles are out of commission.

Mr. Woody stated yes.

Mr. Midgette asked Mr. Meredith if he was okay with staff recommendations.

Mr. Meredith stated yes.

ACTION

Mr. West move to **approve** PB 10-05 Corolla Jeep Rentals & Tours with the findings of fact and staff recommendations included in the case analysis. Mr. Wright seconded the motion. Motion carried unanimously.

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

Commissioner Nelms moved to approve with findings of fact. Commissioner Taylor seconded the motion. Motion carried.

Public Hearing and Action: PB 10-06 Corolla Outback: Request for a special use permit for an outdoor tour operator located at 1148 Ocean Trail, Tax Map 114, Parcel 42A, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: April 5, 2010
Special Use Permit
PB 10-06 Corolla Outback**

ITEM: SPECIAL USE PERMIT - OUTDOOR TOUR OPERATOR

LOCATION: 1148 Ocean Trail

ZONING DISTRICT: General Business (GB)

TAX ID: 0114000042A0000

OWNER: Norris Austin
PO Box 175
Corolla, NC 27927

APPLICANT: Jay Bender
Corolla Outback
PO Box 15
Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	General Business	Zoned GB
SOUTH:	General Business	Zoned GB
EAST:	Office	Zoned RO1
WEST:	General Business	Zoned GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service** within the **Corolla** sub-area.

NARRATIVE:

1. The applicant is requesting a Special Use permit for conducting guided horse tours in the off-road areas of Corolla. This consists of two 12-passenger Safari Trucks, one 9-passenger open suburban, four 5-passenger vehicles for tag-a-long tours and two 7-passenger suburbans for reserve use.
2. The Board of Commissioners adopted an ordinance on September 21, 2009 that established outdoor tour operators as a specific land use. Subsequently, any business operating as a vehicular tour operator with a base operation within the jurisdiction of Currituck County is required to apply for a new special use permit.
3. The Special Use Permit application pertains to the property located at 1148 Ocean Trail. Associated activities that may occur off-site are subject to the conditions included in the approved Permit.
4. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
 - a. POLICY ED1: new and expanding industries and businesses should be especially encouraged that:
 - 1) diversify the local economy,
 - 2) train and utilize a more highly skilled labor force, and
 - 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
 - b. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

It appears this request is consistent with the policies and objectives of the Land Use Plan provided care is taken to ensure the outdoor tours are conducted in an environmentally sustainable manner. The Planning Department is particularly encouraged to see a growing emphasis on eco-tourism industries that expose the general public to the natural resources of Currituck County.

QUESTION(S) BEFORE THE BOARD:**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:

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

b) The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

a) The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.

i. The proposed use **will not** materially endanger the public health or safety for the following reasons:

Suggested Findings:

- The parcel has adequate on-site parking and is located in a well established commercial area.

ii. The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:

Suggested Findings:

- The Unified Development Ordinance indicates that outdoor tour operators are a permitted land use with a Special Use Permit in a General Business (GB) zoning district.

iii. The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.

Suggested Findings:

- The parcel is located in a well established commercial area and is therefore in keeping with the character of the surrounding area.

- iv. The proposed use **will** be in general conformity with the Land Use Plan, and any other plan officially adopted by the Board of Commissioners.

Suggested Findings:

- The 2006 Land Use Plan classifies this site as Full Service in the Corolla Subarea and the proposed use is in keeping with the policies of the plan.
- v. The proposed 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 applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available.

Suggested Findings:

- Approval of this request should have no impact on public facilities.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit for the property at 1148 Ocean Trail and staff recommends **APPROVAL** with the following conditions:

1. All tours must be guided from Memorial Day to Labor Day. Tag-a-long tours are permitted as long as the lead vehicle is operated by an employee of the tour company and subsequent vehicles are under the employee's supervision.
2. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
3. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
4. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc.,

and one parking space required for every two employees. If any additional activities or uses occur on-site, additional parking may be required per the Unified Development Ordinance. Currently there is adequate parking available.

Use	Parking Requirement	Vehicle Quantity	Parking Total
Horse Tour Rentals	Tour vehicle seating 1-5 ppl = 1 space per vehicle	4	4
Horse Tour Rentals	Tour vehicle seating 6 to 10 ppl = 2 parking spaces per vehicle	1	2
Horse Tour Rentals	Tour vehicle seating 11-15 ppl = 3 parking spaces per vehicle	2	6
Employees (largest shift)	1 space/2 employees	4	2
Total Available:	17	TOTAL Required:	14

5. Vehicles held in reserve in the event of inclement weather or breakdowns may be used as long as the parking requirements and all other conditions of this permit are met. Reserve vehicles must be stored at an approved location.
6. The Board of Commissioners may establish a maximum number of vehicles as part of the special use permit approval process.
7. This special use permit shall be reviewed administratively on an annual basis and a report shall be filed with the Currituck County Board of Commissioners detailing the nature of any complaints received by the Planning Department. At the discretion of the Code Enforcement Officer or Board of Commissioners, the special use permit shall be subject to revocation or modification by the permit issuing authority following a public hearing.

PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the special use permit with the findings of fact and staff recommendations included in the case analysis.

PLANNING BOARD DISCUSSION (3-9-10)

Mr. Midgette asked Mr. Bender if he was okay with staff recommendations.

Mr. Bender stated yes.

ACTION

Mr. Clark move to **approve** PB 10-06 Corolla Outback with the findings of fact and staff recommendations included in the case analysis. Mr. Wright seconded the motion. Motion carried unanimously.

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

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

Public Hearing and Action: PB 10-04 Outer Banks Harley-Davidson: Request for a special use permit to allow special events (Outer Banks Bike Week and Outer Banks Bike Fest) located at 8739 Caratoke Highway, Tax Map 131, Parcel 88, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS

DATE: April 5, 2010

PB 10-04 Outer Banks Harley Davidson Special Use Permit

ITEM: PB 10-04 Outer Banks Harley Davidson Special Use Permit request for two special events, Outer Banks Bike Week, April 18-25, 2010, and Outer Banks Bike Fest, October 1-3, 2010.

LOCATION: 8739 Caratoke Highway, Harbinger (existing Harley Davidson dealership).

TAX ID: 0131-000-0088-0000

ZONING

DISTRICT: General Business (GB)

PRESENT USE: Motorcycle Retail

OWNER: MDS Investment LLC
% Maurice Slaughter
2211 Frederick Blvd
Portsmouth VA 23704

APPLICANT: Same

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	GB
SOUTH	Residential	GB
EAST:	Residential	GB
WEST:	Post Office	GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service within the Point Harbor subarea.

SIZE OF SITE: 3.2 acres

UTILITIES: The business is served by county water and an on-site septic system. Port-a-johns are proposed for the special events.

I. NARRATIVE OF REQUEST:

- The applicant is seeing approval for two special events. The first event is Outer Banks Bike Week, April 18-25, 2010, and the second event is Outer Banks Bike Fest, October 1-3, 2010.
- The Outer Banks Harley-Davidson in Harbinger is the hub for all Bike Week activities. The facility is utilized to house additional vendors, live music, and serve as the starting point for poker runs and scenic tours.
- This is the 8th year for Outer Banks Bike Week and attendance has grown each year, with last year's attendance reaching over 10,000 attendees.
- Guided tours are proposed around the sound, to Corolla, and to Knotts Island via the ferry.

II. Special UDO requirements for special events (Section 3.10.4)

1. The amount of noise generated shall not disrupt the activities of adjacent land uses.
2. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.

3. Parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
4. In cases where it is deemed necessary, the board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
5. If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

III. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Currituck County Emergency Management, James Mims

1. 2403.2 Approval required. Tents and membrane structures having an area in excess of 200 square feet (19 m²) and canopies in excess of 400 square feet (37 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

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

1. Consult with the Health Department at (252)232-6603 Environmental Health Section concerning rules and regulations regarding temporary food events
2. Event coordinator will need to fill out a coordinator's application for a temporary food event at least two weeks prior to each event.
3. Also, each food vendor will need to fill out a temporary food permit application at least two weeks prior to each event and a \$75 Temporary Permit fee is required for profit food vendors.

Currituck County Sheriff (Susan Johnson, 252-453-8204)

1. Sheriff's Office staff has advised that parking is an issue at this location after all of the vendors utilize the parking lot. This leaves vehicles and bikes parking alongside the road which creates a

hazardous situation. Bikes and cars utilize the south bound shoulder and run across traffic to reach the event location.

2. Recommend alternate parking location with possible shuttle to the store location or if possible, moving the vendors out of the parking area to sites around the side or back if property permits.
3. The event itself has caused no issues with the exception of parking being minimal for the numbers attending the event. When the cars and bikes park along the road visibility in both directions from the parking lot is compromised.
4. Parking on Church Road and East Mobile Road is always a problem and generates complaints every year. The residents have repeatedly requested that we block that portion of the roadway to parking.
5. We have also had complaints from residents of not being able to leave their property from event traffic blocking their drives.

NOTE: The existing building was required to provide 46 parking spaces. 102 parking spaces were installed. The applicant is proposing satellite parking for customers at Harbinger Post Office and Mutiny Tattoo and has written permission from those property owners. The applicant also has written permission from Barrier Island OBX Vacation Station for satellite parking for employees.

The applicant also stated that he will provide "No Parking" signs along Caratoke Highway and Church Road and towing will be enforced.

IV. 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 a 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. Special events are an allowable use within the General Business (GB) zoning district with a special use permit.
- 3. The conditions proposed meet or exceed the minimum requirements of this ordinance.

Suggested Findings:

- a. The proposed plan meets the minimum requirements of the ordinance.
- 4. The special use will not endanger the public health or safety:

Suggested Findings:

- a. The proposed events should have little impact on public health or safety with the proposed precautions in place (no parking signs in right-of-ways, private security (off-duty deputies), and satellite parking areas).
- 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 special events are allowed in the GB zoning district with a special use permit.
- b. The special events will take place at an existing retail business.
- 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 Limited Service within the Point Harbor subarea. The policy emphasis is to allow portions of the Point Harbor area to continue to evolve as a full service community. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY ED1: New and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity based economy of Currituck County.

POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions, and spin-offs shall also be recognized.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

- a. The county has adequate public facilities to service this use.

IV. STAFF RECOMMENDATION:

- A. The submittal does appear to meet all of the requirements for approval, so **staff recommends approval** of this special use permit subject to the findings of fact and TRC comments. It should be noted that this approval is valid only for the two events listed. Events held in subsequent years will require renewal of the special use permit.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the special use permit with the findings of fact and staff recommendations included in the case analysis and the following condition:

- Satellite parking on the west side of US158 is low priority and only utilized when the parking areas on the east side of highway are full.

NOTE: NCDOT has agreed to place two Variable Message Signs warning motorists of potential traffic congestion at this location.

Chairman O'Neal opened the public hearing.

Lori London, stated that her daughter has a problem with the noise and parking on her property.

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

Commissioner Etheridge moved to approve with additional signage, security being provided and review parking on Church Road. Commissioner Rorer seconded the motion. Motion carried.

Public Hearing and Action: PB 09-28 Maple Commerce Park: Request for a Preliminary Plat/Special Use Permit for an 11 lot commercial subdivision located at 204 Airport Road, adjacent to the Currituck County Airport, Tax Map 52, Parcel 14A, Crawford Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
April 5, 2010**

PB 09-28 Maple Commerce Park

ITEM: PB 09-28 Maple Commerce Park, Preliminary Plat/Special Use Permit, for an 11 lot commercial subdivision.

LOCATION: 204 Airport Road, adjacent to the Currituck County Airport and behind the Currituck County Cooperative Extension Building, Crawford Township.

TAX ID: 0052-000-014A-0000

ZONING

DISTRICT: Heavy Manufacturing (HM) Zoning

PRESENT USE: Open Space/Recreation Area/County Wellfield

OWNER: Currituck County
PO Box 39
Currituck, NC 27929

DEVELOPER: Currituck County, Peter Bishop
PO Box 39
Currituck, NC 27929

ENGINEER: Hyman & Robey
PO Box 339
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Farmland/Woodland/Single Family	A/GB/RA
SOUTH	Farmland/ Woodland /Single Family	A/GB/C/RA/HM
EAST:	Farmland/ Woodland /Single Family	A/GB
WEST:	Woodland	A/RAD Overlay

LAND USE PLAN

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

SIZE OF SITE: 109.68 acre subdivision, part of 530 acre tract.

STREETS: The streets will be built to NCDOT design and construction standards utilizing road side swales. The developer intends to offer the streets for public dedication.

UTILITIES: The development will be served by county water. A commitment letter and generalized wastewater plan has been submitted confirming the county's commitment to providing wastewater for the commerce park.

OPEN SPACE: Open space is not a requirement for commercial subdivisions. However, 2.68 acres of open space are being provided.

COMMUNITY

FACILITIES: Although not required, approximately 8,872 linear feet of pedestrian/multi use trail will be provided around the perimeter of the subdivision. This amenity has the ability to be used by the public as well as the tenants of the commerce park.

III. NARRATIVE OF REQUEST:

- Currituck County proposes to subdivide 109.68 acres for the development of an eleven (11) lot commercial subdivision adjacent to the Currituck County Airport.
- A 32.32 acre residual parcel that is mostly wetland will be protected and ownership maintained by the County. Thirteen (13) existing wells, which are utilized by the county to provide water, are located in the residual tract along the eastern and northern

borders. The county designed the subdivision to prevent lots and any other development within the 100' wellhead protection setback. Additional requirements for a 500' wellhead protection setback are included in the restrictive covenants for the subdivision.

- The subdivision was designed in a way that minimizes clearing, allows stormwater to work with the natural topography, utilizes native plant species, and low impact development (LID) stormwater techniques.

IV. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning:

- Provide a Traffic Analysis.
- Indicate the surface material of the path.
- Consider a connection for the trail along the northwest corner of the property. The trail dead ends into Terminal Road adjacent to lot 5 and lots 11.

County Engineer:

- A stormwater pond downstream analysis should be provided with recommendations for improvements at least to the south side of Short Cut Road.
- Make sure there are adequate drainage easements along lot lines for properly sloped drainage swales and maintenance needs.

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:

- b. 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. Section 10.3 of the UDO requires that all major subdivisions obtain a special use permit at the time of preliminary plat.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.

Suggested Findings:

b. The conditions proposed meet and exceed the minimum requirements of this ordinance.

4. The special use will not endanger the public health or safety:

Suggested Findings:

c. 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 proposed subdivision is adjacent to the airport and is zoned Heavy Manufacturing (HM). The proposed development is consistent with the vision in the 2006 Land Use Plan as well as the Maple-Barco Small Area Plan.

6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

Suggested Findings:

a. The 2006 Land Use Plan classifies this site as Full Service within the Barco-Coinjock-Airport subarea. The proposed development is consistent with both the Land Use Plan and Subarea classifications.

The sub area policy emphasis for the Barco/Coinjock/Airport area envisions this area emerging as the principal community center serving the central mainland.

b. The proposed use is in keeping with the policies of the Land Use Plan, some of which are:

- POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that:
1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and
(3) are compatible with the environmental quality

and natural amenity-based economy of Currituck County.

- POLICY ED2: CAPITAL EXPENDITURES for the purpose of economic development shall be targeted toward areas that are most suited for development. Targeted areas should include raw land as well as the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure. Targeted areas primarily include those located within the Full Service Areas identified on the Future Land Use Map and to a lesser extent those included in the Limited Service Areas.

c. This development is located within and consistent with the Employment Classification of the Maple-Barco Small Area Plan. Areas designated as employment are anticipated for land uses that will generate economic activity or job growth. This includes uses such as offices, technology research and development, aviation related industries, and environmentally friendly manufacturing and industrial uses such as assembly, wholesaling, and distribution. Areas designated as employment should be encouraged to develop in mixed use or campus like settings with generous, linked open space to maximize value, promote visual quality, and encourage pedestrian activity between employment areas and areas of supporting uses such as retail, restaurants, and residential.

d. The proposed use is in keeping with the policies of the Maple-Barco Small Area Plan, some of which are:

- **ED4**: To encourage economic development and job creation, pursue expansion projects consistent with those outlined in the Airport Master Plan including: runway expansion, parallel taxiway, instrument approach, construction of new passenger terminal facility, and additional commercial hanger space.
- **ED1**: Actively promote and establish aviation related businesses in the Maple Commerce Park and Currituck Airport.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards

and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

- a. The county has adequate public facilities to service this subdivision.

IV. STAFF RECOMMENDATION:

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

1. A traffic analysis should be conducted prior to final plat approval.
2. Indicate the surface material of the path.
3. Reflect a connection for the path along the northwest corner of the property. The trail dead ends into Terminal Road adjacent to lot 5 and lots 11.
4. A stormwater pond downstream analysis should be provided with recommendations for improvements to the south side of Short Cut Road.
5. Make sure there are adequate drainage easements along all lot lines for properly sloped drainage swales and maintenance needs.
6. For so long as the wells within the Maple Commerce Park exist for public water resources, the following conditions shall apply:
 - In no case shall hazardous materials or other deleterious substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant groundwater hazard within the Maple Commerce Park.
 - Land uses or activities for the designated lots that pose a significant hazard to the County's groundwater resources resulting from storing, handling, treating, using, producing, recycling or disposing of hazardous materials or other deleterious substances shall be prohibited within the 500' wellhead protection area shown on the preliminary plat. These land uses and activities include, but are not limited to:
 - (a) On-site community sewage disposal systems.
 - (b) Hazardous liquid pipelines.
 - (c) Solid waste landfills.
 - (d) Solid waste transfer stations.
 - (e) Liquid petroleum refining, reprocessing and storage.

- (f) Bulk storage facilities for petroleum products and chemicals.
 - (g) The storage or distribution of gasoline.
 - (h) Hazardous waste treatment, storage and disposal facilities.
 - (i) Chemical manufacturing, including but not limited to organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals.
 - (j) Dry cleaning establishments using the solvent perchloroethylene.
 - (k) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals from molten materials.
 - (l) Wood preserving and wood products preserving.
 - (m) Mobile fleet fueling operations.
 - (n) Other uses and activities determined by the County Manager or designee to pose a significant groundwater hazard to the County Mainland groundwater supply.
7. The required improvements shall be installed and accepted prior to submission of final plat approval for each phase.
 8. In accordance with the UDO, the applicant shall create a sewer district for the proposed development.
 9. Low impact development techniques should be integrated in the project to manage treatment of stormwater. (WQ3, WQ6, WQ7)
 10. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways. (CD8, CD9)
 11. Landscape islands shall be incorporated into parking areas. (LUP CD7, CD8, CA3)

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the preliminary plat/special use permit with the findings of fact and staff recommendations included in the case analysis and the following condition:

- Check to ensure the water quality will not be affected by the old landfill.

Chairman O'Neal opened the public hearing.

John Snowden, Maple, expressed concerns regarding the old landfill and traffic on Maple Road. He also raised concerns with ground water contamination.

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

Commissioner Nelms moved to approve with finding of facts and staff recommendations. Commissioner Taylor seconded the motion. Motion carried.

Chairman O'Neal requested what the impact of truck traffic on Maple Road.

Public Hearing and Action: PB 10-12 Currituck County: Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts and Chapter 17: Definitions to clarify how Roadside Markets are defined and regulated in Currituck County.

Ben Woody, Planning Director, reviewed the request.

**PB 10-12 Currituck County
Roadside Markets
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts, Chapter: 7 Signs, and Chapter 17: Definitions to establish a definition of Roadside Markets and clarify the signage exemption.

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	RO 1	RO 2	RR	GB	C	LB H	LM	HM	
<u>Office Service</u> & <u>Roadside, Farmer, or Craft Markets</u>	III	C						Z	Z	Z	Z	Z	

Item 2: That Chapter 7: Signs, Section 7.6 is amended by deleting the strikethrough language, adding the following underlined language and renumbering accordingly:

Section 7.6 Temporary, Off-Premise Signs

A. The following temporary off-premise signs are permitted without a sign permit or the payment of fees:

- 3. Temporary Off-premise signs advertising the existence of:
 - a. An approved roadside stand market selling fruits or vegetables.
 - b. A farm or tract upon which are grown fruits or vegetables that may be picked or gathered by the purchaser.
 - c. Produce, seafood, or related agricultural products offered for sale at an approved roadside market.
 - d. No sign may exceed 32 square feet in surface area and must be well maintained. Such signs may not be erected more than 30 days before the seasonal opening of such enterprise and shall be removed no later than 30 days after the enterprise closes for the season.

Item 3: That Chapter 17: Definitions is amended by deleting the strikethrough language, adding the underlined language and reordering in alphabetical order the following definitions:

Farmers or Craft Market

An open air market where individual vendors offer for sale to the public for the sale of agricultural and aquaculture products or hand made goods. The products or goods offered for sale are generally produced by the individual vendors.

Roadside Market

A building or open air market used for the seasonal retail sale of agricultural and aquaculture products. A minimum 75 percent of floor space shall be devoted to selling produce, seafood, or related agricultural products.

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 O'Neal opened the public hearing.

Commissioner Rorer stated that these markets were retail stores, not roadside markets.

Eddie Jo Powell, stated that they do grow some of their crops.

John Snowden, stated that Currituck County needed to maintain their heritage as agricultural.

David Palmer, opposed grandfathering signage.

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

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

Consideration of contract for Child Support Enforcement Services

Dan Scanlon, County Manager reviewed the 5 year contract with Young Williams.

Commissioner Taylor moved to approve the contract. Commissioner Nelms seconded the motion. Motion carried.

Consideration of agreement with Historic Jarvisburg Colored School, Inc.

Ike McRee, County Attorney, reviewed the agreement.

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

Review of Planned Unit Development in Corolla

Ben Woody, Planning Director, reviewed all of the PUD's located in Corolla. Mr. Woody stated that there are 165 acres of commercial property left between all the PUDs that can be developed.

Consent Agenda:

Approval of Water Shortage Response Plan
Re-appointment of Dan Scanlon, County Manager, to RPO
Technical Coordinating Committee
Re-Appointment of Commissioner Gregory to RPO
Transportation Advisory Committee
Approval to Purge Eligible DSS Files
Approval of March 15, 2010, Minutes
Budget Amendments
Resolution on new rules for Gill Net fishing
Resolution in support of NC current public alcoholic
beverage control system

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

**RESOLUTION
WATER SHORTAGE RESPONSE PLAN**

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Currituck County Mainland Water System, has been developed and submitted to the Currituck County Board of Commissioners for approval; and

WHEREAS, the Currituck County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Currituck County Mainland Water System, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Currituck County Board of Commissioners of Currituck County Mainland Water System that the Water Shortage Response Plan entitled, Currituck County Mainland Water System Water Shortage Response Plan dated *****, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Currituck County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
57878-596100	Professional Services	\$ 28,350	
57878-588000	Contingency		\$ 28,350
		\$ 28,350	\$ 28,350

Explanation: *Moyock Wastewater Construction (57878)* - Transfer funds from contingency for Arcadis Amendment #1 dated 4/5/2010 for design of the Newtown Wastewater pump station, as well as permitting and administration of this phase of construction and for Hazen & Sawyer preliminary site evaluations.

Net Budget Effect: Moyock Wastewater Construction (50878) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531-532000	Supplies	\$ 6,744	
10330-445000	Emergency Mgmt Grant		\$ 6,744
		\$ 6,744	\$ 6,744

Explanation: *Emergency Management (10531)* - To record grant received for the Community Emergency Response Team (CERT). These funds will be used to purchase equipment and promotional items.

Net Budget Effect: Moyock Wastewater Construction (50878) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10797-590000	Capital Outlay	\$ 13,750	
10330-448600	FIT Communities		\$ 13,750
		\$ 13,750	\$ 13,750

Explanation: *FIT Communities (10797)* - To increase FY 2010 grant funding for FIT Communities multi-use path in Currituck.

Net Budget Effect: Operating Fund (10) - Increased by \$13,750.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
61818-532000	Supplies	\$	7,500		
61818-514000	Travel	\$	300		
61818-514500	Training and Education	\$	400		
61818-516200	Vehicle Maintenance			\$	500
61818-516000	Maintenance and Repair			\$	3,000
61818-533200	Lab Tests			\$	700
61818-545000	Contracted Services			\$	4,000
			<u>\$ 8,200</u>		<u>\$ 8,200</u>

Explanation: *Mainland Water (61818)* - To transfer funds for operations for the remainder of this fiscal year.

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	
10440-561000	Professional Services	\$	1,174		
10320-411000	Article 39 Sales Tax Fund Balance			\$	4,694
10390-499900	Appropriated	\$	3,520		
			<u>\$ 4,694</u>		<u>\$ 4,694</u>

Explanation: *Finance (10440)* - To record additional sales tax recovered through the reallocation contract with Tax Reduction Specialists and increase professional services for the contract fee.

Net Budget Effect: Operating Fund (10) - Increased by \$1,174.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
50790-570000	Reimbursable Expenses	\$	2,000		
50790-594500	Contracted Services	\$	366		

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10480-557300	Excise Tax on Deeds	\$ 175,000	
10480-557301	Floodplain Mapping Fees Deed of Trust Fee SB	\$ 10,000	
10480-557302	202 Domestic Violence Center	\$ 3,500	
10480-558100	Excise Tax on Deeds	\$ 4,000	
10320-410000	Fund Balance		\$ 350,000
10390-499900	Appropriated	\$ 157,500	
		\$ 350,000	\$ 350,000

Explanation: Register of Deeds (10480) - To increase appropriations for Register of Deeds Fees that have been received above initial appropriations.

Net Budget Effect: Operating Fund (10) - Increased by \$192,500.

**OPPOSING THE
NORTH CAROLINA
DIVISION OF MARINE FISHERIES
NEW RULES ON GILL NET FISHERY**

WHEREAS, the N.C. Marine Fisheries Commission adopted measures to address interactions with sea turtles in the state’s gill net fishery; and

WHEREAS, prior to this year fisherman have been able to set 3000 yards of net over 5 and ½ inch mesh with no limit on depth and able to fish 7 days a week; and

WHEREAS, the new rules limit fishing to 4 days and only night time sets with no consideration for weather and only 2,000 yards of net per commercial fishing operation; and

WHEREAS, these regulations without any prior notice, are going to take jobs away from Currituck County; and

WHEREAS, commercial fishing in Currituck County has been the livelihood for many of our residents for many years; and

WHEREAS, with the current economy this will be very expensive to replace the gill nets; and

WHEREAS, these new rules will be effective May 15, 2010 and will be enforced in the Currituck Sound and Albemarle Sound year round.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners request the N.C. Division of Marine Fisheries to please reconsider allowing more time for the commercial fishermen in the coastal counties to prepare for the new regulations. This season is already underway and they have already purchased their nets.

FURTHER BE IT RESOLVED, that copies of this resolution be transmitted to Senator Basnight and Representative Owens.

**RESOLUTION IN SUPPORT OF NORTH CAROLINA'S CURRENT
PUBLIC ALCOHOLIC BEVERAGE CONTROL SYSTEM**

WHEREAS, Chapter 18B of the North Carolina General Statutes addresses the regulation of alcoholic beverages in our state; and

WHEREAS, current North Carolina law establishes a uniform system of control over the sale, purchase, transportation, manufacture, consumption and possession of alcoholic beverages in North Carolina; and

WHEREAS, local government control is central to the current alcoholic beverage control system; it is a local decision to establish and operate ABC stores, and local government, acting through an appointed local ABC Board, balances the control, profits and availability of spirits in its jurisdiction; and

WHEREAS, when local voters approved liquor sales for off-premises consumption, the voters did not vote to allow liquor to be sold in private retail establishments, but only through publicly controlled local ABC stores; and

WHEREAS, current law provides that profits from ABC store sales are returned to local government, and this revenue stream is a critical source of local government funding; and

WHEREAS, it is a priority to maintain current sources of revenue, especially in the current challenging economic times; and

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners does hereby support the continuance of the Alcoholic Beverage Control System, and opposes any efforts to privatize the ABC system, diminish local control or to diminish the local government revenue stream afforded from local ABC store profits.

Commissioner's Report

Commissioner Taylor reminded the public of the Moyock VFD pancake breakfast.

Chairman O'Neal requested if staff could move forward with a small area plan for Aydlett. Mr. Jimmy Ferebee was appointed to the Toll Authority.

County Manager's Report

Mr. Scanlon stated that the EIS study has been completed on the Mid-Currituck Bridge and a copy is on file in his office.

Adjourn

There being no further business, the meeting adjourned.

Special Meeting

Tourism Development Authority

Call to Order

Chairman O'Neal called the meeting to order.

TDA Budget Amendments

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545005	Carova Beach Service Dist Fund Balance	\$ 300,000	
15390-499900	Appropriated		\$ 300,000
		\$ 300,000	\$ 300,000

Explanation: *Tourism Related Expenditures (15447)* - To appropriate funds for road maintenance in the Carova Beach Service District.

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
15447-587050	T T - Govt Construction Fund Balance	\$ 368,170	
15390-499900	Appropriated		\$ 368,170
		\$ 368,170	\$ 368,170

Explanation: *Tourism Related Expenditures (15447)* - To appropriate funds design of Maple Commerce Park for Economic Development.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$368,170.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-590000	Capital Outlay	\$ 15,240	
15447-526201	Playground Incentive		\$ 15,240
		\$ 15,240	\$ 15,240

Explanation: *Tourism Related Expenditures (15447)* - To transfer funds to capital outlay for community signs for Moyock, Jarvisburg, Coinjock, Powells Point, Grandy and Knotts Island.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-526201	Economic Dev Promotion Appropriated Fund	\$ 50,000	
15390-499900	Balance		\$ 50,000
		\$ 50,000	\$ 50,000

Explanation: *Tourism Promotion (15442)* - To transfer funds to Economic Development Promotion for promotion of local business, business travel, and general County promotion and marketing to a business audience.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$50,000.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15442-526000	Advertising	\$	1,000		
15442-590000	Capital Outlay	\$	155		
15442-526200	Promotional Efforts			\$	1,155
		<u>\$</u>	<u>1,155</u>	<u>\$</u>	<u>1,155</u>

Explanation: *Tourism Promotion (15442)* - To transfer funds for operations for the remainder of this fiscal year.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$1,155.

Adjourn

There being no further business, the meeting adjourned.



Number 2010098

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of April 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10660-514500	Training & Education	\$ 500	
10660-514000	Travel		\$ 500
		<u>\$ 500</u>	<u>\$ 500</u>

Explanation: Planning (10660) - Transfer funds for Planning staff training on Adobe Suites software.

Net Budget Effect: Operating Fund (10) -No change.

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of April 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10510-516000	Repairs & Maintenance	\$ 3,200	
10510-516200	Vehicle Maintenance	\$ 8,889	
10510-531000	Gas	\$ 30,000	
10510-532000	Supplies	\$ 100	
10510-557500	Crime Control Act	\$ 5,109	
10380-484001	Insurance Recovery		\$ 8,889
10380-488400	ABC Profits		\$ 12,722
10390-499900	Appropriated Fund Balance		\$ 5,109
10510-526000	Advertising		\$ 500
10510-540000	Worker's Compensation		\$ 575
10510-554000	Insurance & Bonds		\$ 305
10510-590000	Capital Outlay		\$ 7,663
10511-503000	Part-time Salaries		\$ 7,000
10511-505000	FICA Expense		\$ 535
10512-531000	Gas		\$ 4,000
		<u>\$ 47,298</u>	<u>\$ 47,298</u>

Explanation: Sheriff (10510) - To increase appropriations for increased fuel costs, repairs to equipments, repairs to vehicles involved in accidents, Crime control act funds and supplies.

Net Budget Effect: Operating Fund (10) -Increased by \$26,720.

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of April 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10760-585000	Donations	\$ 1,970	
10380-487000	DSS Donations		\$ 1,970
		<u>\$ 1,970</u>	<u>\$ 1,970</u>

Explanation: **County Assistance (760)** - Adjust to reflect Collaborative Funding grant funds received from East Carolina Behavioral Health.

Net Budget Effect: Operating Fund (10) - Increased by \$1,970.

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of April 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10535-590441	Technology over \$1,000	\$ 2,068	
10535-516000	Maintenance & Repair	\$ 275	
10535-513000	Utilities	\$ 200	
10535-521000	Rent	\$ 26	
10535-557100	Software License Fee	\$ 422	
10535-514500	Training & Education		\$ 2,502
10535-540000	Worker's Comp		\$ 282
10535-553000	Dues & subscriptions		\$ 207
		<u>\$ 2,991</u>	<u>\$ 2,991</u>

Explanation: Communications (10535) - Transfer budgeted funds to purchase a replacement laptop computer for the Communications Supervisor; transfer to operating accounts for operations for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - No change.

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of April 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12548-545000	Contract Services	\$ 52,448	
12548-582400	Notes Payable		\$ 52,448
		<u>\$ 52,448</u>	<u>\$ 52,448</u>

Explanation: Knotts Island VFD (12548) - To increase operating contract and reduce debt payment. The USDA loan was not executed and there is no debt payment for this facility.

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

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Clerk to the Board