

**Currituck County
Board of Commissioners Agenda
Historic Currituck County Courthouse**

Date: Monday, August 02, 2010

Time: 7:00 PM

- 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 on Moyock Sewer Project**
- Item 4 **Public Hearing and Action:** PB 10-21 Gallop Funeral Services, Inc.: Requests a special use permit to operate a crematorium in an existing building located at 100 LeBleu Avenue, Tax Map 123, Parcel 52A, Powells Point, Poplar Branch Township.
- Item 5 **Public Hearing and Action:** PB 10-22 Currituck County: Requests a text amendment to correct and clarify language in the following chapters of the Unified Development Ordinance: Chapter 2 Zoning Districts, Chapter 4 Overlay Districts, Chapter 6 Environmental Protection, Chapter 8 Parking & Driveways, Chapter 11 Permit & Site Plan Requirements, Chapter 12 Map & Text Amendments, Chapter 13 Board of Adjustment, and Chapter 16 Nonconforming.
- Item 6 **Public Hearing and Action** on the proposed Rural Operating Assistance Program
- Item 7 **Appointment to Fire and EMS Advisory Board**
- Item 8 **Consent Agenda:**
1. Authorization to acquire easement through eminent domain
 2. Approval of Senior Center Policies and Procedures
 3. Approval of July 6 and July 19, 2010, Minutes
- Item 9 Commissioner's Report
- Item 10 County Manager's Report
- Item 11 Adjourn

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: August 2, 2010
PB 10-21 Gallop Funeral Services, Inc.**

ITEM: PB 10-21 Gallop Funeral Services, Inc. request for a special use permit to operate a crematorium in an existing building.

LOCATION: 100 LeBleu Avenue, Powells Point, Poplar Branch Township.

TAX ID: 0123000052A0000

ZONING DISTRICT: Heavy Manufacturing (HM)

PRESENT USE: Office/warehouse

OWNER: Le Bleu Corporation
PO Box 2093
Advance, NC 27006
252-207-7710

APPLICANT: Courtney N. Gallop
Gallop Funeral Services, Inc.
6917 South Croatan Highway
Nags Head, NC 27959
252-499-8695

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	A/HM
SOUTH	Residential/Woodland	A
EAST:	Farmland/Residential	A
WEST:	Warehouse	HM

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as Limited Services classification within the Point Harbor subarea.

SIZE OF SITE: .92 acre parcel (40,000 square feet)

EXISTING USE: Warehouse with accessory office

PROPOSED USE: Crematorium and office/warehouse

UTILITIES: The building is served by county water and existing on-site septic. Access to the property is provided by a private road.

I. NARRATIVE OF REQUEST:

- The applicant is requesting a special use permit to operate a human crematory in an existing building located at 100 LeBleu Avenue.
- The applicant is requesting a reduction in the required parking standard. Crematoriums require 1 parking space per 200 square feet of floor area. The building was constructed as a warehouse with a parking standard of 1 space per 400 square feet of floor area. The applicant is requesting the parking standard of 1 space per 400 square feet of floor area be applied to this use. The applicant also submitted an engineer’s report on crematory parking based on a survey of similar parking models and the subject site. The report suggests a parking reduction for stand along crematoriums as follows:
 - 1 parking space per employee at largest shift;
 - 1 parking space for each vehicle or equipment parked outside; and,
 - 2 parking spaces for management
- The crematorium will operate based on service demand.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

In order to approve 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. Crematoriums are an allowable use within the Heavy Manufacturing (HM) 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 development with recommended conditions meets or exceeds the minimum requirements of this ordinance.
4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. The proposed development with recommended conditions should have no significant impact on public health or safety.
 - b. The proposed human crematory produces less emissions impact than a fast food restaurant, a residential fire place, or a diesel truck.

- c. The proposed human crematory operates without smoke, odor, or noise and includes built-in environmental monitors.
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 human crematory operates without smoke, odor, or noise and would be virtually undetectable from the property lines.
 - b. Traffic access to the site would be low volume and would consist mainly of professional funeral vehicles, service vehicles, and employee vehicles.
 - c. The property is zoned heavy manufacturing with an existing structure that operates as a warehouse/office.
 - d. The activities associated with a crematory, including loading and unloading, would be conducted within the fully enclosed building.
 - e. The adjacent residential use is buffered by existing vegetation.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

Suggested Findings:

The 2006 Land Use Plan classifies this site as Limited Services within the Point Harbor subarea. The purpose of the Limited Services Area class is to ensure that the existing community character is preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. Businesses designed to serve the tourist industry should not be prohibited provided the character and intensity of the use is in keeping with the character of the surrounding area.

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 CD6: Appropriate OFFICE AND INSTITUTIONAL DEVELOPMENT, such as professional offices, small churches, individual medical offices, and the like, shall be encouraged to locate as a transitional land use between residential areas and commercial or industrial activities of higher intensity. "Activities of higher intensity" are typically large-scale commercial uses or automobile-oriented commercial development but may also include major thoroughfares.

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 proposed crematorium will not increase the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following:

Planning, Donna Voliva

Approved with comments

1. The applicant requests a modification of the minimum parking standard for crematoriums. The request must be granted by the Board of Commissioners and should include a parking reduction study prepared by a design professional.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

1. Ok to construct a crematory in the existing building as described as long as no embalming takes place and have a formal letter of approval as to air quality from the NCDENR Division of Air Quality.

IV. PLANNING STAFF RECOMMENDATION:

The proposed development with suggested conditions meets the requirements for special use permit approval. Therefore, the **staff recommends conditional approval** of this special use permit subject to the following conditions that address requirements of the ordinance and policies of adopted plans:

1. The issuance of the special use permit does not constitute site plan approval. The site plan and landscape plan must be approved.
2. The issuance of the special use permit for a human crematorium does not authorize the applicant to operate a funeral home or chapel from this location.
3. All loading and unloading associated with the crematorium shall occur within a fully enclosed building.
4. The usage of the facility shall not exceed the maximum number of cremations exempt under NCDENR, Air Quality permitting rules, as amended. Should the facility increase the number of cremations to a number that requires NCDENR, Air Quality permitting, an amendment to the special use permit shall be required.
5. The crematorium shall operate based on service demand.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval with the findings of fact and staff recommendations in the case analysis and the parking standard of 1 space per 400 square feet of floor area is applied to this use.

PLANNING BOARD DISCUSSION (7/13/10)

Ms. Gallop stated this is an important issue which will give local families more choices in funeral planning. Ms. Gallop brought with her tonight Mr. Ed Brooks, owner of the property, Joe Emory, physical operator of the equipment; and Mr. Ben Andrews, general contractor to answer any questions you may have. Ms. Gallop provided an overview of her business. The crematorium would provide benefits to Currituck County, i.e. it would be an environmentally friendly, high tech business; the re-use of a vacant building; will be contributing to the county tax base; and will hire locally. Ms. Gallop stated cremation is significantly more affordable and it widens the range of funeral options. Ms. Gallop stated the crematory will be a benefit to Currituck as well as Northeastern North Carolina. Ms. Gallop stated they are proposing 200 cremations annually and if they exceeded 533 cases per year then they would need a NCDENR permit.

Mr. West asked if the people that are hired would need some type of certification or training.

Ms. Gallop stated the new hires would be going to a full day of training as well as training with the company installing the crematory.

Mr. Midgette asked Ms. Gallop if she was okay with staff recommendations.

Ms. Gallop stated yes but she is requesting the parking standard of 1 space per 400 square feet of floor area be applied to this use. Ms. Gallop stated that her engineer stated that parking should not be based on square footage rather employee to vehicle.

Mr. Clark asked if time and weather influence when cremations are done.

Ms. Gallop stated her objective is to have the remains back to the family in the most expeditious way possible. Time and weather have absolutely no bearing in the process.

Mr. Emory stated you will not see any smoke that comes out of the machine but in very rare circumstances you may see steam which looks like a very light gray storm cloud. This is very rare.

ACTION

Mr. West moved to approve PB 10-21 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- Parking standard of 1 space per 400 square feet of floor area be applied to this use.

Mr. Clark seconded the motion. Motion carried unanimously.



PB 10-21 GALLOP FUNERAL SERVICES
Special Use Permit

0 40 80 160 240 Feet
Currituck County Planning Department



PB 10-21 GALLOP FUNERAL SERVICES
Special Use Permit

0 40 80 160 240 Feet
Currituck County Planning Department





**PB 10-21 GALLOP FUNERAL SERVICES
Special Use Permit**

0 40 80 160 240
Feet
Currituck County Planning Department



MEMORANDUM

To: Courtney N. Gallop, Gallop Funeral Services, Inc.

From: Planning Staff

Date: June 10, 2010

Re: Gallop Funeral Services, Inc. Technical Review Committee Meeting Comments

The following comments have been received for the June 16, 2010 TRC meeting. In order to be scheduled for the July 13, 2010 Planning Board meeting, please address all comments by 3:00 p.m. on June 21, 2010. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva
Approved with comments

1. Parcel information located on the site plan is not correct and reflects the parcel data at the time of construction. Staff will make necessary corrections to the submitted plan.
2. Please provide additional information regarding the proposed use of the entire building, including specific square footage dedicated to the crematorium.
3. The application includes a request for a parking reduction. The request must be granted by the Board of Commissioners and should include a parking reduction study prepared by a design professional.
4. The northern property line requires a type B bufferyard. At the time of construction of the office/warehouse the property owner obtained a waiver to allow a reduction in the bufferyard. Since the applicant is requesting a change in use that is more intense, the required landscaping must be installed or a landscape waiver for the proposed use must be submitted.
5. The applicant indicates future plans for a funeral home and possible chapel. The staff review does not include a funeral home or chapel. There could be parking and sewer capacity concerns associated with a funeral home and chapel.
6. The documentation provided by the applicant indicates 200 cremations per year which is exempt from NC DENR Division permitting. Please indicate what type of air quality monitoring will be conducted and how often.
7. Please provide hours of operation.

Currituck Soil and Water, Mike Doxey
Approved

Currituck County Engineer, Michelle Perry
Approved

1. Contact the Health Department to determine future sewer needs.

Currituck County Public Utilities, Pat Irwin
Approved

Currituck County Emergency Management, James Mims
Approved

1. No material may be in the drive aisles or LeBleu Street. This is the fire apparatus access.

Currituck County GIS, Harry Lee
Reviewed

Currituck County Building Inspections, Spence Castello
Approved

Currituck County Parks and Recreation, Jason Weeks
No comment

NCDOT, Gretchen Byrum
No comment

NC Division of Coastal Management, Charlan Owens
No comment

NC State Archaeology, Lawrence Abbot

Approved

1. An archaeological survey is not recommended. No additional concerns.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

2. Ok to construct a crematory in the existing building as described as long as no embalming takes place and have a formal letter of approval as to air quality from the NCDENR Division of Air Quality.

The following departments and agencies did not provide TRC comments or recommendation.

Currituck County Schools, Dr. Megan Doyle

Currituck County Local Volunteer Fire Department

Currituck County Economic Development, Peter Bishop

Currituck County Sheriff, Susan Johnson

Navel Facilities Engineering Command, Community Plans Liaison Officer William DuFault

NCDENR Aquifer Protection, David May

NCDENR, Land Quality, Pat McClain

NCDENR Environmental Health/Onsite Wastewater, Bob Uebler

NCDENR, Environmental Management, Roger Thorpe

NCDENR, Marine Fisheries, Kevin Hart

NCDENR, Public Water, Siraj Chohan

NCDENR Water Quality, Kim Colson

NCDENR Water Quality/Surface Water Protection, Al Hodge

NC Wildlife, Maria Dunn

Centurylink, Kimberly Hoevenair

Charter Communications, Sam Scilabba

Dominion Power, Troy Lindsey

Embarq, Hester Jones

US Army Corps of Engineers, Kyle Barnes



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: July 15, 2010
Subject: PB 10-22 Currituck County Text Amendment

The enclosed text amendment submitted by the Currituck County Planning Department is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO). Staff seeks to correct and clarify the identified discrepancies in the UDO as it relates to:

1. Conditional zoning modifications of approval (clarify the procedure for modifications to conditional zoning approvals).
2. Parapets, uncovered decks, and observation platforms (clarify the height measurement)
3. Outer Banks overlay sign applicability; (correct zoning reference)
4. V-zone certification form; (correct conflicting form name)
5. Outer Banks shopping center parking applicability; (correct zoning reference)
6. Minor and Major amendments to permits and plans; (clarify and revise the major and other amendments to permits and plans procedure)
7. Rezoning application submittal; (require all rezoning applications to be signed by the property owner);
8. Board of Adjustment notification process for variance, appeals, and interpretations; (correct the notification process) and,
9. Nonconforming, off-premise signs (clarify maintenance and illumination requirements).

The Planning Board recommended unanimous approval at their July 13, 2010 meeting. If you have any questions please feel free to contact Donna Voliva at 252-232-6032 or dvoliva@co.currituck.nc.us.

PLANNING BOARD DISCUSSION (7/13/10)

Mr. West recommended that these be handled on an individual basis.

Item 1 – Conditional Zoning Modifications

The Planning Board recommended:

- ∅ The applicant discloses on the application what they will be doing.
- ∅ Staff to put in 1 time only for subsections B(1) and B(2).

Item 2 – Landscaping/Screening for Automotive/Boat/Heavy Equipment/Manufactured and Modular Homes Sales and Service

The Planning Board recommended bring back at a later date.

Item 3 – Outer Banks Overlay Sign Applicability

Okay

Item 4 – V-Zone Certification Form

Okay

Item 5 – Outer Banks Shopping Center Parking Applicability

Okay

Item 6 – Minor and Major Amendments to Permits and Plans

Okay

Item 7 – Rezoning Application Submittal

The Planning Board recommended current property owner(s).

Item 8 – Board of Adjustment Notification Process

Okay

Item 9 – Nonconforming Off-Premise Signs

Okay

Item 10 – Height Requirements

The Planning Board recommended 35 feet to the top of the rail and to put a clause in to exclude alternative energy devices.

ACTION

Mr. West moved to approved PB 10-22 with the modifications as presented. Mr. Bell seconded the motion. Motion carried unanimously.

**Currituck County
PB 10-22
UDO AMENDMENT REQUEST**

Amendments to the Unified Development Ordinance Chapter 2, Zoning Districts to provide additional language for alterations to conditional zoning approvals, clarify the height measurement of parapets, uncovered decks, and observation platforms; Chapter 4 Overlay Districts to correct sign applicability; Chapter 6 Environmental Protection to correct the name of the V-zone certification form; Chapter 8 Parking & Driveways to correct Outer Banks Shopping Center applicability; Chapter 11 Permit & Site Plan Requirements to correct major amendments to permits; Chapter 12 Map and Text Amendments to require owner authorization for all rezonings; Chapter 13 Board of Adjustment to correct the notification procedure for Variance applications; and, Chapter 16 Nonconforming to provide referenced illumination provisions for nonconforming signs.

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 is amended by deleting the strikethrough language, adding the following underlined language, and adjusting subsequent lettering:

2.3.8 Alterations to Approval

- A. Except as provided below, changes to an approved application or to the conditions attached to the approved application shall be treated the same as amendments ~~to these regulations or~~ to the zoning map and shall be processed in accordance with the procedure in this ordinance.
- B. The Administrator or designee shall have the delegated authority to approve an administrative amendment change to an approved CD site plan no more than one time. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its abutting properties. Any decision must be in writing stating the grounds for approval or denial.
1. An insignificant change for nonresidential development is any change that increases the intensity of the development by no more than 5% of the approved requirement or 500 square feet, whichever is less.
 2. An insignificant change for residential development is any change that decreases density, increases open space, slight lot line realignments, and slight relocation of streets or drive aisles.

3. The Administrator shall have the discretion to decline to exercise the delegated authority and require a public hearing before the Board of Commissioners.
4. Any request for an administrative amendment shall be pursuant to a written letter, signed by the property owner(s), to the Administrator detailing the requested change. Upon request, the applicant must provide any additional information that is requested. Accompanying the letter shall be the applicable fee for administrative review. Upon an approval of an administrative amendment, the applicant must file a sufficient number of copies of a revised site plan as deemed necessary by the administrator.
5. If the Administrator denies the requested amendment, then the applicant can appeal that decision to the Planning Board for its review and decision, pursuant to the standard above. If appealed, this requires notification to adjacent property owners within 15 days of the filed appeal. If the Planning Board denies approval of the requested change, then the applicant must file a rezoning petition for an amendment to the site plan to receive further consideration.

2.6.4 2.6.5 Height Requirements

- B. The height of parapets, uncovered decks, and observation platforms shall be measured from grade plane to the highest uncovered surface, including the rail or bench, and shall meet the district height limitations set forth in the dimensional requirements of this chapter.

Item 2: That Chapter 4 Overlay Districts is amended by deleting the following strikethrough language:

4.7.4.1 Applicability

These regulations shall apply only to the Outer Banks Overlay District (~~RO1~~) within Poplar Branch Township.

Item 3: That Chapter 6 Environmental Protection is amended by deleting the following strikethrough language and adding the following underlined language:

6.4.6 Coastal High Hazard Areas (Zones VE and V1-30)

- E. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in this Chapter on the current version of the ~~North Carolina~~ National

Flood Insurance Program V-Zone Certification” Currituck County V-Zone Certification form.

Item 4: That Chapter 8 Parking & Driveways is amended by deleting the following strikethrough language and adding the following underlined language:

<i>Retail</i>	
Shopping Centers	1 space per 200 square feet of gross floor area for 80% of building RO4 Outer Banks Overlay District: 1 space per 200 square feet gross floor area except for restaurants, theaters, and outdoor recreation uses where applicable standards apply.

Item 5: That Chapter 11 Permit & Site Plan Requirements is amended by adding the following underlined language and deleting the following strikethrough language:

Section 11.9 Admendments to Permits

A developer requesting approval of changes shall submit a written request for such approval to the administrator, which request shall identify the changes. The administrator shall determine if the amendment is minor, or major, ~~or is another type of amendment.~~

11.9.2 Major Amendments

- A. Major amendments to the permit (including approved plans) are permissible with the approval of the permit issuing authority **and shall be processed as new applications.** ~~Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. If such requests are required to be acted upon by the Board of Commissioners, the Planning Board, or Board of Adjustment, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing the request for an amendment and may then proceed in accordance with the previously approved permit.~~
- B. For purposes of this section, major amendments are those that have substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, such as an increase in density, decrease of open space, **changing a zoning designation,** major shifting of lot lines, and major shifting of streets. This is not intended to be an all inclusive list.

~~11.9.3 Other Amendments~~

- ~~A. All other requests or changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Board of Commissioners, the Planning Board or Board of Adjustment, new conditions may be imposed, but the applicant retains the right to reject such additional conditions~~

~~by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.~~

~~B. Whenever a preliminary plat is proposed to be amended or revised either by, but not limited to, changing a zoning designation or for the reallocation of density, the Board of Commissioners shall hold a public hearing prior to amending or revising the plan. Written notification of the public hearing shall be mailed to all recorded property owners whose property will be affected by the change as well as the owners of record of all property any portion of which is within 200 feet of the exterior lines of the phases or areas proposed to be changed.~~

Item 6: That Chapter 12 Map and Text Amendments is amended by adding the following underlined language:

12.5.1 Review Process

B. Application Submittal

The applicant shall submit to the administrator a fee and complete application signed and authorized by the current property owner(s) stating the current and requested zoning of the property. This shall not apply if the applicant is the county or an agent of the county.

Item 7: That Chapter 13 Board of Adjustment is amended by adding the following underlined language and deleting the following strikethrough language:

13.7 Review Process

3. Notice of public hearing shall be given as follows:

- a. The ~~applicant~~ planning staff shall ~~notify by certified mail all provide notice to all~~ property owners within 200 feet of the extreme limits of the subdivision subject site as their names appear in the county tax record at least ~~ten~~ 10 days, but not more than 25 days, prior to the hearing. ~~The applicable names and addresses shall be supplied by the department upon request by the applicant. The applicant shall provide the department with a copy of the notice sent to property owners and post office receipts at least five days prior to the public hearing date.~~ The notice shall include the date, time, place of the board meeting, and nature of the hearing.

Item 8: That Chapter 16 Nonconforming is amended by relocating the following text to a new section by adding the following underlined language and renumbering the remaining text:

16.9.2 Nonconforming, Off-Premise Signs

16.9.2.1 Replacement and Relocation

- A. A nonconforming off-premise sign may be replaced on the same location so long as:
 - 1. The new sign does not exceed the specifications of the nonconforming sign being replaced in terms of height, display surface area, number of sides, setback and illumination.
 - 2. Application for a permit to erect the new sign is made within 180 days after the existing nonconforming sign is removed.
 - 3. The new sign is located within the footprint boundaries of the nonconforming off-premise sign being replaced. In the case of nonconforming on-premise signs, the sign can be relocated on the same property subject to applicable setback standards.

- B. A nonconforming off-premise sign may be relocated on the same lot so long as once relocated, the off-premise sign:
 - 1. Shall not exceed 300 square feet in surface area.
 - 2. Shall not be less than 300 feet from a pre-existing off-premise sign on the same side of the road.
 - 3. Shall not exceed a height, measured from ground level, of 20 feet, unless the sign is placed lower than the road bed, under which circumstances the sign may have a height equal to 20 feet above the road bed, not to exceed 25 feet from ground level.
 - 4. Shall not be located closer than 15 feet to a street right-of-way or within a sight triangle.
 - 5. Shall not be located within the minimum structure side and rear yard setbacks required by Chapter 2.

- C. A nonconforming off-premise sign may be relocated to an adjacent lot so long as once relocated, the off-premise sign:
 - 1. Shall not exceed 300 square feet in surface area.
 - 2. When attached to the wall of a structure shall not exceed 30 percent of the total surface area of the wall on which the sign is located and shall not be located on the same wall as any other off-premise sign.

3. Shall not exceed a height, measured from ground level, of 20 feet, unless the sign is placed lower than the road bed, under which circumstances the sign may have a height equal to 20 feet above the road bed, not to exceed 25 feet from ground level.
4. Shall not extend above any parapet or be placed upon any roof surface, except that for purposes of this subsection, roof surfaces constructed at an angle be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.
5. Shall not be located closer than 15 feet to a street right-of-way or within a sight triangle.
6. Shall not be located within the minimum structure side and rear yard setbacks required by Chapter 2.
7. Shall not be located within 1,500 feet on the same side of the road of any part of another off-premises sign (other than temporary signs regulated under Chapter 7 or exempt signs on the same side of the road or highway). For purposes of determining the permissible location of an off-premises sign:
 - a. A sign for which a permit authorizing initial construction was issued prior to the permit for the off-premises sign in question shall be regarded as existing from the date the permit for such other sign was issued (unless such permit has expired or been revoked); and,
 - b. A nonconforming sign that has been removed for the purpose of being replaced in accordance with Section 16.9.2 shall be regarded as existing, provided that the sign has not been removed for more than 180 days without application for its replacement having been made as required by this ordinance.
8. Shall not result in a net increase of off-premise signs allowed under this section.
9. Shall be demolished prior to a permit being issued for its replacement. The demolition permit issued for the existing sign shall serve as documentation that the adjacent lot contained an off-premise sign.

16.9.2.2 Maintenance

10. **All off-premise signs** shall meet the following maintenance requirements:

- A.** All off-premises signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to off-premises freestanding signs, components (supporting structures, back, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment;
- B.** If an off-premises sign other than a billboard advertises a business, service, commodity, accommodation attraction or other enterprises or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign;
- C.** If the message portion of an off-premises sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be constructed to prevent the changing of the message of a sign; and,
- D.** The area within ten feet in all directions of any part of an off-premises freestanding sign shall be kept clear of all debris and all ~~wide~~ **natural** undergrowth more than 12 inches in height.
- E. For the purpose of increasing or enhancing the visibility of any off-premises sign, a person shall not damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:**
1. **Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;**
 2. **On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and,**
 3. **In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.**

16.9.2.3. Illumination

11. All off-premise signs shall meet the following illumination requirements:

- A.** No off-premises sign within 250 feet of a pre-existing residence not owned by the owner of the sign may be illuminated between the hours of 12:00 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where the sign is located is entirely inconsequential (less than 1.5 foot candles at the lot line). A residence shall be deemed “pre-existing” for the purposes of this subsection if it existed (or construction of the residence had begun) before a permit was issued under the NC State Electrical Code authorizing the installation of the lighting;
- B.** Lighting directed toward an off-premises sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises; and,
- C.** No off-premises sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, weather conditions, or similar information.

~~12. Shall not necessitate that a person, for the purpose of increasing or enhancing the visibility of any off-premises sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:~~

- ~~i. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;~~
- ~~ii. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and,~~
- ~~iii. In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.~~

Item 9: 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 10: 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: _____



PLANNING DEPARTMENT
FEE SCHEDULE

ADMINISTRATIVE REVIEW	FEES
Minor Subdivision (Conventional)	\$25.00/Lot
Private Access or Family Subdivisions	50.00/Lot
Site Plan (<i>Commercial</i>)	.02/S.F. of gross floor area; 50.00 minimum
BOARD OF ADJUSTMENT	FEES
Appeal	\$150.00
Conditional Use Permit/Amended Conditional Use Permit	150.00
Conditional Use Permit Renewal	25.00
Variance	150.00
LITERATURE AND MATERIALS	FEES
Unified Development Ordinance (UDO)	\$15.00
Amendments to UDO (Quarterly)	12.00
Land Use Plan	20.00
Official Zoning Map (Copy)	7.50
Planning Board Agenda (Yearly)	7.50
Planning Board Minutes (Yearly)	35.00
Board of Adjustment Agenda (Yearly)	7.50
Board of Adjustment Minutes (Yearly)	25.00
PLANNING BOARD	FEES
Sketch Plan:	
Ø *Major Subdivision (Including PUD, RMF)	\$100.00/Lot
Ø Amended Sketch Plan, Preliminary Plat, or Final Plat	250.00
Rezoning	150.00+ \$5.00/acre or part thereof
Text Amendment to UDO	150.00
Amend Land Use Plan	150.00
Special Use Permit (SUP) or Amended SUP	150.00
<u>Continuance Request</u>	<u>125.00</u>
Personal Copies	0.10 (1-sided) 0.15 (2-sided)
<i>*Preliminary, amended preliminary, final, and amended final plats will be assessed at \$33.00 per lot fee if the sketch plan was approved prior to March 3, 2003.</i>	

Public Hearing Notice

This is to inform the public of the opportunity to attend a public hearing on the proposed Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation no later than August 13, 2010, by the county of **Currituck**. The public hearing will be held on **August 2, 2010 at 7:00 p.m.** at the Currituck County Board of Commissioners meeting in the **Currituck County Historic Courthouse** located at **153 Courthouse Rd, Currituck NC 27929.** Currituck County will provide auxiliary aids and services under the ADA for disabled persons who wish to participate in the hearing. Anyone requiring special services should contact **Herb Mullen** (**Transportation Director**) at **252 338-4480** as soon as possible so that arrangements can be made.

The programs included in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the transportation of elderly and disabled citizens.
2. Employment Transportation Assistance Program is intended to provide operating assistance for the transportation of persons with employment related transportation needs.
3. Rural General Public (RGP) Program funds are intended to provide operating assistance for the transportation of individuals who do not have human service agency assistance to pay for their transportation and live in non-urbanized areas.

The period of performance for Rural Operating Assistance Program funds is July 1, 2010 through June 30, 2011. The FY2011 ROAP individual program totals are:

PROGRAM	TOTAL
EDTAP	\$41,403
EMPL	\$4,449
RGP	\$35,395
Supplemental EDTAP	\$23,866
Supplemental EMPL	\$5,579
Supplemental RGP	\$31,360
TOTAL	\$142,052

This application may be inspected at the **Currituck County Manager's office** located at **153 Courthouse Rd, Currituck, NC 27929** from **July 19, 2010 through August 2, 2010 from 8:30 a.m. to 4:30 p.m.** Written comments should be directed to **Herb Mullen 110 Kitty Hawk Lane, Elizabeth City, NC 27909**, before **July 29, 2010**.

Note: The public hearing notices must be published at least once, not less than seven (7) days and not more than fourteen (14) days before the scheduled public hearing. This notice must be published in English and some other language based on the Limited English Proficiency population of the county. An original copy of the published Public Hearing Notice must be attached to a signed Affidavit of Publication. Both the Public Hearing Notice and the Affidavit of Publication must be submitted with the Rural Operating Assistance Program application.

FIRE AND EMS ADVISORY BOARD
2 Year Term

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Hugh McCain-Corolla	District 1			3/1/2010	2nd 4/1/2012
Rick Galganski - Corolla	District 2			5/4/2009	4/1/2011
Carl Soltow-Grandy*	District 3		Any Commissioner	3/1/2010	2nd 4/1/2012
Albert Stegner-Bells Island	District 4			5/4/2009	4/1/2011
Mick Lesinski-Moyock	District 5			3/1/2010	2nd 4/1/2012
Chris Dailey - Moyock				5/4/2009	4/1/2011
Stanley Griggs	At-Large			3/1/2010	1st 4/1/2012
Greg Laput-Moyock	At-Large			3/1/2010	2nd 4/1/2012

***To Be Replaced**

**A RESOLUTION OF THE COUNTY OF CURRITUCK, NORTH CAROLINA
ESTABLISHING A FIRE & EMS ADVISORY BOARD**

Section 1 Advisory Board Established

There is hereby established a County of Currituck Fire & EMS Advisory Board

Section 2 Duties of the Advisory Board

The duties of the Fire & EMS Advisory Board are to serve as the advisory body to the Volunteer Fire Departments and the County Department of Fire-EMS. These duties include: suggesting policies, equipment, fire contracts, delegation of funding, strategic business planning and unification of services throughout the County. Within its powers and responsibilities as stated in this resolution, the Advisory Board shall serve as a liaison to the County and its citizens. The Advisory Board shall consult with the Volunteer Fire Departments, County Department of Fire-EMS and advise the Board of Commissioners, and the County Manager in matters affecting Fire and Emergency Medical Services to include:

- a. Adoption and revision of bylaws for the Advisory Board
- b. Strategic business plan for Fire and EMS Services
- c. Appropriation of funding for Volunteer Fire departments
- d. Construction or renovation proposals of any new public safety building, fire and/or EMS station
- e. Purchase of standardized equipment to include apparatus
- f. Fire Contracts and any amendments
- g. Standardization of policies and procedures

Section 3 Member Composition Appointment and Terms of Office

The Fire-EMS Advisory Board should be made up of eight (8) members appointed by the Board of Commissioners. Five (5) of these members will be Currituck County Citizens, that do not have any direct affiliation with any of the county volunteer fire departments or with the County Department of Fire-EMS. Three (3) members will be representatives from the Volunteer Fire Departments that do not have any direct affiliation with the County Department of Fire-EMS.. The three members of the volunteer fire departments shall be broken into representation as follows: Northern Section (Moyock and Knotts Island representative), Mainland Section (Crawford and Lower Currituck representative) and the Outerbanks Section (Corolla and Carova representative). Each voting member must be a resident of Currituck County, NC. An appointed County Commissioner along with the Department of Fire-EMS Chief shall be permanent non-voting members of the Advisory Board

All terms will begin as of the first Board of Commissioners meeting in March of the year appointed unless the appointment is to fill the unexpired term of a vacant position in which case the appointment would be effective immediately Initial appointments shall be arranged so that one half of the terms will expire at the end of the first year. After the initial appointments each future appointed member will serve for a two (2) year term and shall hold their office until their successors are appointed and qualified. No member shall be allowed to serve for more than two consecutive terms unless extended by the Board of Commissioners under extenuating circumstances.

**RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE
CERTAIN PROPERTY OF ROBERT R. DEGABRIELLE AND WIFE, LAURIE T.
DEGABRIELLE**

WHEREAS, the Board of Commissioners for the County of Currituck, North Carolina hereby determines that it is necessary and in the public interest to acquire an easement over certain property owned by Robert R. DeGabrielle and wife, Laurie T. DeGabrielle for the following purpose:

To establish or improve storm water sewer and drainage systems; and

WHEREAS, the proper officials or representative of the County of Currituck sought to acquire the needed interest in that certain property of Robert R. DeGabrielle and wife, Laurie T. DeGabrielle by negotiated conveyance; and

WHEREAS, unable to acquire the needed interest in that certain property of Robert R. DeGabrielle and wife, Laurie T. DeGabrielle by negotiated conveyance it is necessary to acquire the needed interest through proceedings established by Chapter 40A of the General Statutes of North Carolina.

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

Section 1. The County of Currituck shall acquire through the exercise of eminent domain, for the purposes stated above, the necessary easement for the public purpose described above over property owned by Robert R. DeGabrielle and wife, Laurie T. DeGabrielle more particularly shown on and that plat recorded at Plat Cabinet K, Slide 49 of the Currituck County Registry and the county attorney shall institute the necessary proceedings under Chapter 40A of the General Statutes of North Carolina to acquire an easement over, upon, on and through said property.

Section 2. This resolution is effective upon its adoption.

ADOPTED the 2nd day of August, 2010.

S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Town Clerk

(COUNTY SEAL)

**RESOLUTION AFFIRMING CERTAIN POLICIES FOR PARTICIPATION IN
ACTIVITIES AT COUNTY SENIOR CENTERS AS RECOMMENDED BY THE
SENIOR CITIZENS ADVISORY BOARD**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-169 a county may by ordinance regulate the use of county property; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-149 a county may establish, support and maintain programs of supervised recreation; and

WHEREAS, the Currituck County Senior Citizens Advisory Board has considered and recommended the adoption of certain policy to ensure the appropriate use and access of county senior centers and to ensure health, safety and welfare of senior citizens participating in county sponsored senior citizen recreational activities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina that the following policy amendment for use of county senior centers and senior citizen activities is hereby adopted:

**“POLICIES AND PROCEDURES FOR DEALING WITH DISRUPTIVE
BEHAVIOR OF SENIOR CENTER PARTICIPANTS**

In order to provide senior citizens with pleasant, enriching, and healthful activities, the Senior Center staff shall act as necessary to prevent disruption by individual participants.

Unfortunately, from time to time, individual participants may act in such a way as to disrupt programs or activities of the Center or on an outing. Because of that, there is a need for the center to develop policies and procedures that guide the staff in dealing with those who are disruptive.

1. When a participant’s behavior disrupts activities or programs of the Center or on outings, or when a participant is verbally abusive, that behavior will be reported to the Senior Center Coordinator and/or the Director of Parks and Recreation.
2. A written brief incident report will be completed and maintained in a confidential file.
3. The written account will be presented to the Senior Citizen’s Advisory Board, and if that Board is of the opinion that an individual’s behavior is so disruptive or could be a safety hazard to self or others that it is depriving other participant’s of pleasant experiences, or if that individual is disruptive, abusive or would cause harm to participants or staff, the board will then instruct the Senior Center Coordinator to inform the disruptive participant of his or her behavior, and how it impacts negatively on the other participants and staff. The individual will then be informed that such behavior will not be

tolerated in the Center or on outings in the future, and he/she will be clearly warned that any further disruptive behavior on his/her part will result in his/her being excluded from the Center's activities, programs and outings.

4. If the participant demonstrates disruptive behavior, the Board will review the report of the specific incident. If there is a unanimous agreement that the behavior is disruptive or a safety hazard to self and others to the point of depriving other participants, the Board will inform the disruptive participant that he/she cannot attend further activities, programs or outings for a period of sixty days.
5. If the participant returns to the Center following the sixty day exclusion, and the disruptive behavior continues, the Board can, by unanimous agreement, permanently exclude the participant.
6. If the participant feels that the permanent exclusion is unfair, he/she may appeal for a fair hearing before the Board. The Board will hear the participant's appeal and the staff's reason for exclusion. The Board's decision regarding sixty day exclusion and the disruptive behavior is continued, the Board can, by unanimous agreement, permanently exclude the participant.

APPEAL: If the participant disagrees with permanent exclusion, he/she may appeal to the Center's Board for a hearing. The Executive Committee and the Director of the Nutrition Program will hear the participant's appeal and the staff's reasons for exclusion. The Board's decision regarding exclusion shall be final.

Policy for Age Participation in the Currituck County Senior Centers

Currituck County recognizes seniors that are age 55 years and older to participate in activities and programs at the three Senior Centers in Currituck County, Currituck, Powells Point and Knotts Island.

Currituck County appreciates residents that would like to join in on the activities but you must be 55 years of age or older.

Policy for Participation

Currituck Senior Centers are intended for active older adults 55 years and older who can participate in activities and programs of their choice.

Criteria for senior citizens to be considered appropriate for senior center programs, services and activities include but not limited to:

1. Being able to toilet themselves.

2. Being able to feed themselves.
3. Being oriented to their current surroundings.
4. Being able to behave in a non-aggressive or non-disruptive manner.
5. Being able to participate in a program, activity or service that is appropriate for them.
6. Having the desire to participate in a program, or service.

Persons not meeting these criteria are welcome but must be escorted at all times by their personal care giver, for their well-being, while participating in activities on or off site. When the personal care giver attends with his/her client they should be knowledgeable of the program, activity or service so that the instructor will not need to individually instruct the escort.

The Currituck Senior Centers do not provide adult day care.”

ADOPTED and effective the 2nd day of August, 2010.

S. Paul O’Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

CURRITUCK COUNTY
NORTH CAROLINA
July 6, 2010

The Board of Commissioners met on Tuesday July 6, 2010, 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, Aydlett, Gregory, Nelms and Taylor. Commissioner Rorer was absent.

Invocation Pledge of Allegiance

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

Approval of Agenda

Commissioner Etheridge moved to approve. 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 Currituck County Community Center**
- Item 4 **Public Hearing and Action:** PB 10-19 OBX Monster Bus & Limo Service: Request for a special use permit for an outdoor tour operator located at 795 Sunset Blvd., Tax Map 116D, Parcel 6A, Poplar Branch Township.
- Item 5 **Public Hearing and Action:** PB 10-20 Andrew Copeland: Request for a conditional zoning from RA (Mixed Residential) to CD-GB (Conditional District - General Business) for 2.59 acres located at 1617 Caratoke Highway, Tax Map 23, Parcel 33H, Moyock Township.
- Item 6 **Appointment to Fire and EMS Advisory Board**
- Item 7 **Appointment to Stormwater Advisory Board**
- Item 8 **Consent Agenda:**
 - 1. Budget Amendments
 - 2. Approval of June 21, 2010, Minutes
 - 3. Resolution to declare obsolete property surplus as requested by Lower Currituck VFD
 - 4. Approval of Knotts Island VFD new map indicating the 5 mile insurance district
 - 5. Resolution to DOT for funding improvements for Pine Circle
- Item 9 Commissioner's Report
- Item 10 County Manager's Report
- Item 11 **Closed Session:**

1. According to 143-318.11(5) to discuss acquisition of real property located on Shortcut Road, Property owner, Doc Horace Etheridge Jr., to be used for any public purpose

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.

Jim Wierzbicki, Grandy, requested the Board's assistance with the deceptive advertising by Century Link. The Board directed staff to meet him to draft a letter to Century Link.

Butch Petrey, Grandy, commented on his support for the YMCA and the county's due diligence on this project.

Chairman O'Neal, commended the Finance Staff for receiving the Award on their excellence in financial reporting.

Dan Scanlon, County Manager, stated that the county bid out banking service and it was not due to any concerns with the financial institution the county was with.

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

Presentation on Currituck County Community Center

Dan Scanlon, County Manager, made a presentation on the history and planning that has been done over several years for a Community Center.

Billy George, YMCA, reviewed all that the YMCA can offer the citizens of Currituck County.

This presentation will be put on the web for review by the public.

Public Hearing and Action: PB 10-19 OBX Monster Bus & Limo Service: Request for a special use permit for an outdoor tour operator located at 795 Sunset Blvd., Tax Map 116D, Parcel 6A, 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
DATE: July 6, 2010
PB 10-19 OBX Monster Bus & Limo**

ITEM: PB 10-19 OBX Monster Bus & Limo – Special Use Permit for Outdoor Tour Operator

LOCATION: 795 Sunset Blvd. Suite D, Corolla, NC

TAX ID: 116D-000-006A-0000

ZONING DISTRICT: General Business (GB)

PRESENT USE: Office

OWNER: Karichelle Realty
795 Sunset Blvd. Suite A
Corolla, NC 27927

APPLICANT: Jennifer Marshall
111 Evans Street
Grandy, NC 27939

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Natural State	RO1
SOUTH:	Commercial	GB
EAST:	Commercial	GB
WEST:	Commercial	GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Corolla subarea.

SIZE OF SITE: .12 acres

NUMBER OF UNITS: N/A

PROJECT DENSITY: N/A

UTILITIES: Southern Outer Banks Water System & Monterey Shores Wastewater Treatment Plant

PUD ALLOCATION: Buck Island PUD Land Area: 70.8 acres, Open Space: 27.23 acres, Commercial Allocation: 8.66 acres

I. NARRATIVE OF REQUEST:

1. The applicant is seeking a Special Use Permit for the operation of Horse Tours from two 26-passenger vehicles as well as the use of the same vehicles as limousine/shuttle buses.

2. The applicant will operate from the office located at 795 Sunset Blvd in TimBuck II Shopping Center; the buses will be parked at the Harbinger Center at 8845 Caratoke Highway.
3. Loading and unloading of passengers will occur at rental homes and/or hotels and not from the property at TimBuck II Shopping Center.
4. The Special Use Permit application pertains to the property located at 795 Sunset Boulevard. Associated activities that may occur off-site are subject to the conditions included in the approved Permit.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

In order to approve 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. 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 conditions proposed meet or exceed the minimum requirements of this ordinance.
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.
 - b. Adequate parking is not available at the TimBuck II Shopping Center; therefore, the applicant cannot load or unload patrons from their business location.
4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. The parcel is located in TimBuck II Shopping Center which is a well-established commercial area.
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 parcel is located in TimBuck II Shopping Center which is a well-established commercial area.
 - b. Since loading and unloading of patrons cannot occur at TimBuck II Shopping Center, the applicant must pick-up patrons at single family dwellings within residential areas. Considering the size of the transport vehicles, this may create compatibility issues within established residential areas.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

Suggested Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. Insert LUP classification narrative. The proposed use is in keeping with the policies of the plan, 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.
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. This application should have no impact on the County's ability to provide public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following plan corrections:

Planning

- 1. Provide site plan with adequate parking for both tour buses.

Albemarle Regional Health Services

- 1. Approved as long as business provides customer access to a public restroom facility when needed

IV. PLANNING STAFF RECOMMENDATION:

The proposed development appears to not meet the criteria for granting a Special Use Permit for an Outdoor Tour Operator in TimBuck II Shopping Center and therefore staff recommends **denial** until such time as the following items can be corrected or addressed:

- Adequate parking must be provided for employees, patrons and tour vehicles at the office location in TimBuck II Shopping Center.

Should the Board of Commissioners approve this request, staff recommends the following permit conditions:

1. This special use permit shall be valid provided that satellite parking for the tour buses is consistently maintained with staff approval.
2. The tour buses shall not at any time be parked or standing on the property at TimBuck II Shopping Center.
3. Loading and unloading of tour participants shall not occur from the property at TimBuck II Shopping Center, or any other commercial location where patrons are leaving unauthorized personal vehicles.
4. There shall be a maximum of 6 tours per day.
5. All horse tours must be guided from Memorial Day to Labor Day.
6. 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.
7. 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.
8. The Board of Commissioners may establish a maximum number of vehicles as part of the special use permit approval process.
9. 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.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board moved to deny PB 10-19 request for a special use permit because it will endanger the public health and will injure the value of abutting property and will not be in harmony with the area in which it is located.

PLANNING BOARD DISCUSSION (6-8-10)

Mr. West stated he has some concern with giving a Special Use Permit for someone to operate at TimBuck II and then they cannot load or unload at TimBuck II. A lot of the streets and cul-de-sacs where the rental homes are may not allow for such a large bus to turn around without going on adjacent properties.

Ms. Wilson stated that if renters are in a private community how would the bus get access to pick them up.

Ms. Marshall stated that Currituck Club did allow them to come in and pick up customers.

Mr. Midgette asked Ms. Marshall if she has read all the staff recommendations and if she was in agreement with them.

Ms. Marshall stated yes. Ms. Marshall stated they are trying to establish closer parking. The office space at TimBuck II is for reservations only.

Mr. Wright asked in regards to the UDO that when the taxi service is not in service, vehicles shall be stored in a secure compound, fully enclosed with a fence and gate

and the taxi service compound shall be fully screened from adjacent rights-of-way. Does this request meet these requirements?

Mr. Woody stated the Harbinger Center does.

Ms. Wilson asked Ms. Marshall if they have ever encountered a problem with the first customers who are picked up being on the bus too long to the end of the tour.

Ms. Marshall stated that most cases customers are picked up at one house or two houses at the most. Ms. Marshall stated they try to very respectful of people who live in Corolla, mind all traffic laws and try not to block anyone's right of passage.

Ms. Wilson asked if the same routes would be used for the tours as in the past in the four wheel drive area.

Ms. Marshall stated yes.

Ms. Wilson stated that several residents in the Carova beach area who live on dead end streets that have limited turn around have asked that this be addressed. Ms. Wilson suggested the route be altered so the tours not go down dead end streets.

Mr. Wright stated that in the staff recommendations tour bus(s) shall not be parked or standing and loading and unloading cannot be done at TimBuck II. Mr. Wright stated this will take away from the core of the business.

Ms. Taylor stated she has concerns that residential neighborhoods will turn into businesses as the bus comes through.

Mr. Midgette asked Ms. Marshall if she would agree that this case be tabled until a resolution to the parking situation is reached.

Ms. Marshall stated she is working on a resolution and would like to pick up customers at their residents if allowed.

ACTION

Mr. Clark moved to *deny* PB 10-19 that the special use permit will endanger the public health and will injure the value of abutting property and will not be in harmony with the area in which it is located. Ms. Taylor seconded the motion. Motion carried unanimously.

MEMORANDUM

To: Jennifer Marshall, OBX Monster Bus & Limo Service

From: Jennie Newbern, Planning

Date: May 13, 2010

Re: PB 10-19 Special Use Permit – Outdoor Tour Operator

The following comments have been received for the May 19, 2010 TRC meeting. In order to be scheduled for the June 8, 2010 Planning Board meeting, please address all comments by 3:00 p.m. on May 24, 2010. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jennie Newbern

1. Provide the total number of parking spaces in TimBuck II. Provide parking spaces required for existing businesses in TimBuck II.
2. Buses may not be parked on Parcel #0116-000-0010-0000 that is zoned RO1 and is not part of TimBuck II Shopping Center. Please show where both buses will be parked.
3. Provide the number of employees that will operate on the largest shift.
4. A traffic impact analysis may be performed by a professional traffic engineer or licensed professional for a potential parking reduction justification and determination.
5. Please specify the nature and use of the proposed taxi service.
6. The UDO specifies the following conditions for taxi services:
 - The taxi shall display no form of advertising other than that of the taxi company itself.
 - When not in service, vehicles shall be stored in a secure compound, fully enclosed with a fence and gate. The compound surface area shall be paved or graveled to not less than three inches deep and compacted and graded for proper drainage.
 - The taxi service compound shall be fully screened from adjacent rights-of-way and residentially zoned properties using a combination of opaque fencing and/or evergreen plant materials.
7. Provide the number of horse tours that will operate each day.
8. Provide the duration of each horse tour.
9. All horse tours must be guided from Memorial Day to Labor Day.
10. 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.
11. 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.
12. 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.

Currituck Soil and Water, Mike Doxey
Approved

Currituck County Utilities, Pat Irwin
No Comment

Currituck County Engineer, Eric Weatherly
Approved

Currituck County GIS, Harry Lee

Reviewed

Currituck County Parks and Recreation, Jason Weeks
Reviewed

NCDOT, Roger Ward
Reviewed - No Comment

NC Division of Coastal Management, Charlan Owens
No Comment

NC DENR, Land Quality, Pat McClain
Reviewed –No erosion and sedimentation control plan submission required.

Albemarle Regional Health Services, Joe Hobbs
Reviewed - Approved as long as business provides customer access to a public restroom facility when needed

Office of State Archaeology, Lawrence Abbott
Approved - The general area has already been surveyed for archaeological sites. No previously recorded sites are noted in the project area. An archaeological survey is not recommended. No additional comments.

Chairman O’Neal opened the public hearing.

Jennifer Marshall, stated that she has been looking for a place to park, but due to finances has been unable to find an area to park her one bus.

Chairman O’Neal closed the public hearing.

Commissioner Etheridge moved to continue to June 19th.
Commissioner Aydlett seconded the motion. Motion carried.

**Public Hearing and Action: PB 10-20 Andrew Copeland:
Request for a conditional zoning from RA (Mixed Residential) to CD-GB (Conditional District - General Business) for 2.59 acres located at 1617 Caratoke Highway, Tax Map 23, Parcel 33H, Moyock Township.**

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: JULY 6, 2010
Conditional District Zoning Map Amendment:
PB 10-20 Andrew Copeland**

TYPE OF REQUEST: To rezone 2.59 acres from RA to CD-GB (does not include site plan approval).

LOCATION: Located at 1617 Caratoke Highway, Moyock, NC.

TAX ID: Tax Map 23, Parcels 33H
0023000033H0000

OWNER: Andrew Copeland
1406 Elm Avenue
Chesapeake VA 23325

APPLICANT: Same

CURRENT ZONING: Mixed Residential (RA)

PROPOSED ZONING: Conditional District-General Business (CD-GB)

ZONING CONDITIONS: Excluded uses include: ABC Stores, Animal Services, Automotive Service and Repair, Boat Service and Repair, Car Washes, Drive-thru Uses (office and service), Dry Cleaning and Laundromats, Funeral Homes, Hotels/Motels; Tattoo and Body Piercing Studios, Taxi Service, Automotive Sales and Rentals, Boat Sales and Rentals, Convenience Stores; Drive-thru Uses (Retail), Farmer or Craft Markets, Flea Markets, Heavy Equipment Sales and Rental, Manufactured/Modular Home sales; Restaurants (with drive-thru), Restaurants (without drive-thru), Retail Uses, Shopping Centers, Bars and Nightclubs, Landfills (all types), Mini Warehousing, Automobile Parking, Temporary Tents and Tent Sales, Telecommunications Towers, Utility Facilities.

Outdoor storage shall be completely screened from view from street or adjacent properties.

DENSITY: The General Business (GB) zoning district allows a residential gross density of 1.09 du/acre.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Vacant	A
SOUTH:	Single Family Dwelling	RA
EAST:	Church	GB
WEST:	Single Family Dwelling	RA

EXISTING LAND USE: Unpermitted transportation and outdoor storage operation. A notice of violation was sent to the owner on September 14, 2009 for placing a construction trailer on the property without proper zoning permits. The land was also clear-cut and filled which is being investigated

by the US Army Corps of Engineers for potential violations. NCDENR Division of Land Quality issued a grubbing and clearing permit after the work was complete. An erosion and sedimentation control permit is necessary for work to continue.

PURPOSE LAND USE: Warehouse-Offices

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as **Rural** within the **Moyock Sub-Area**.

The purpose of the Rural class is to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area.

Heightened development interest in the Moyock area has brought with it pressure for more subdivisions, as well as the retail services that follow such development. It also brings with it concerns about heavier traffic, increased stormwater runoff, and drainage issues. The policy emphasis is that it is not the County's intention to develop all of Moyock intensely but rather create specific service centers.

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

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

POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

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 CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

COMMUNITY MEETING: Community meeting was held on March 9, 2010, and the report is attached.

PUBLIC SERVICES AND UTILITIES: The Moyock Fire Department provides fire protection for this area. Electric, telephone, cable television, and public water are available.

FLOOD ZONE: Flood Zone AE (5.4).

WETLANDS: According to the US Army Corps of Engineers, the site may contain wetlands. The Corps is requiring a wetland delineation and will visit the site to see if a violation occurred during the clearing and filling of the lot. The site visit date has not been set as of the mailing of this case analysis.

SOILS: The Currituck County Soils map indicates the entire property contains not suitable soils.

DRAINAGE: Two major drainage ditches as defined by Soil and Water run along this property. The Willie Lead Ditch follows the eastern property line and the South Ditch follows the northern property line.

STAFF RECOMMENDATION: Staff recommends **denial** of the request to establish 2.59 acres to Conditional District- General Business (CD-GB) from Mixed Residential (RA) based on the following:

1. There appears to be ample land zoned General Business in the county to meet existing needs and uses. This request does not appear to comply with

Section 12.5.2 of the UDO, which requires an extraordinary showing of public need or demand.

- a. Total GB zoned property = 4,278 acres
 - b. Total GB zoned property developed for commercial use = 1,167 acres (27%)
 - c. Percentage of GB zoned property currently vacant or not used for commercial purposes = 73%
2. The proposed request is not in general compliance with the Rural Service designation of the 2006 Land Use Plan and the Moyock Sub-Area Policy Emphasis.
 3. The proposed zoning conditions appear to be inconsistent with the objectives of the 2006 Land Use Plan. (LUP Policies ES1, CD4, CD9, CD5, ED1, CA1)
 4. Property was evaluated by ARHS(Currituck County Health Dept.) on May 21, 2008 for septic system approval and was determined to be UNSUITABLE for sewage treatment and disposal due to unsuitable soil structure and unsuitable soil wetness. The site may be suitable for a sand lined trench system.
 5. Kyle Barnes, Army Corps – Property appears to be wetlands. Wetland delineation required. Potential wetland violation since property was cleared and filled without permit. Site visit required.

PLANNING BOARD RECOMMENDATION: The Planning Board moved to deny PB 10-20 due to inconsistency with the 2006 Land Use Plan and staff recommendations.

PLANNING BOARD DISCUSSION (6-8-10)

Mr. Hyman stated he represented Mr. Copeland. Mr. Hyman stated Mr. Copeland will not be running a distribution center from this site rather Mr. Copeland's business will be a truck broker. Mr. Hyman stated the site plan will show screening will be put up so it would not be visible from the sides. The building will look like a house from the front. Mr. Hyman provided pictures of the site from the church side and from the inside of the property looking out. Mr. Hyman stated they did have a community meeting where he explained what a conditional zoning is and what they are asking for. If the property was sold the conditions still apply to the property. Mr. Hyman stated again that this will be a truck broker business and not a distribution center.

Mr. Midgette asked if his client knew from the start what the property was zoned.

Mr. Copeland stated that when he purchased the property it was being sold as a commercial property that could be rezoned.

Mr. Hyman provided a flood elevation and septic permit for commercial property.

Ms. Spellman stated there was no application on file with the county for Mr. Copeland to clear the land in 2009. Ms. Spellman stated the trucks are very loud and next to a daycare facility. Ms. Spellman stated she is against this request.

Mr. Woody stated you would not need a permit from the county to clear land on property you own. You may need one from the State of NC depending on what you will be doing.

Mr. West stated that you do not need a permit to clear your land, but if you are disturbing more than one acre you would need a Sediment Control Plan from the Sediment Control Board so that any dirt that is disturbed will not run off into adjoining properties.

Ms. White stated that you can remove trees but if you remove the tree stumps then that is considered land disturbing and then you are in need of a permit from the Sediment and Erosion Board from the State of NC.

Ms. Dozier stated she lives within 100 yards of Mr. Copeland property. There is no barrier between her property and Mr. Copeland's. Ms. Dozier stated Mr. Copeland hauled tons of sand onto the property. Ms. Dozier stated one Friday evening there was loud music, slamming of doors and lights shining into her house. Another night after 10:00 p.m. Mr. Copeland started his truck which was very loud. Ms. Dozier stated their community has been a quiet community. Ms. Dozier is asking the planning board to deny this request.

Mr. Powell stated he would like to keep their community a quiet and safe one. Mr. Powell stated he has lived in this community over 30 years and has seen fires over on Mr. Copeland's property. Mr. Powell is asking that this request be denied.

Bishop Powell stated that he is speaking for the church which is adjacent to Mr. Copeland's property. Bishop Powell stated he is opposed to Mr. Copeland having a commercial lot next to the church and this would be detrimental to the community if this was approved. Bishop Powell stated Mr. Copeland came onto the church property without permission last week to take pictures. A staff member was afraid to get out of her car because she thought he was taking pictures of her and the Child Care Center that operates at the church which has thirty to forty children per day. Bishop Powell stated he is deeply concerned as the pastor of the church and owner of the Child Care Center and asked that this request be denied.

Mr. Hyman stated his client is a truck broker. Mr. Hyman stated since this is a conditional district zoning request conditions could be recommended. Mr. Hyman stated if this request was approved a site plan would come back to the Planning Board for review.

ACTION

Mr. Kovacs moved to **deny** PB 10-20 due to inconsistency with the 2006 Land Use Plan and staff recommendations. Mr. West seconded the motion. Motion carried unanimously.

SUBJECT: Andrew Copeland, Conditional Zoning
May 19, 2010 TRC Comments (**Post TRC Comments**)

The following comments have been received for the May 19, 2010 TRC meeting. In order to be scheduled for the June 8, 2010 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on May 24, 2010. TRC comments are valid for six months from the date of the TRC meeting.

Zoning (Tammy Glave 252-232-6025):

Denied:

1. The proposed request is not in general compliance with the Rural Service designation of the 2006 Land Use Plan and the Moyock Sub-Area Policy Emphasis.
2. The proposed zoning conditions appear to be inconsistent with the objectives of the 2006 Land Use Plan. (LUP Policies ES1, CD4, CD9, CD5, ED1, CA1)
3. There appears to be ample land zoned General Business in the county to meet existing needs and uses. This request does not appear to comply with Section 12.5.2 of the UDO, which requires an extraordinary showing of public need or demand.
 - § Total GB zoned property = 4,278 acres
 - § Total GB zoned property developed for commercial use = 1,167 acres (27%)
 - § Percentage of GB zoned property currently vacant or not used for commercial purposes = 73%

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

Denied:

1. Property was evaluated by ARHS on May 21, 2008 for septic system approval and was determined to be UNSUITABLE for sewage treatment and disposal due to unsuitable soil structure and unsuitable soil wetness conditions. Please consult with Kevin Carver, R.S. at 252-232-6603. ***(Mr. Copeland said that Kevin Carver had approved the site for a sand lined trench system and would change the perk test to read 'provisionally suitable.' He will provide paper work once he receives it from Mr. Carver. Mr. Hobbs will talk to Mr. Carver)***

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

Reviewed with comment:

1. An erosion and sedimentation control plan must be submitted to and approved by Land Quality prior to commencing any land disturbing activity. Note: Erosion Sedimentation Control permit not obtained prior to clearing, grading, and filling lot. Potential Violation. Site visit required. ***(Mr. Hyman said that a Clearing and Grubbing permit was recently issued. If the site is not developed, Mr. Copeland must stabilize the site with seed/sod. If site work will continue, Mr. Copeland must obtain an Erosion and Sedimentation Control permit.)***

US Army Corps of Engineers (Kyle Barnes, 910-251-4584)

Reviewed with comment:

1. The property carries the potential to have wetlands jurisdictional by the US Army Corps of Engineers (USACE). It is my recommendation that the

property be reviewed for jurisdictional wetlands. Any impacts to jurisdictional wetlands will require a permit from the USACE. Note: Potential wetland violation since property was cleared, graded, and filled without permit. Site visit required.

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

Approved with corrections:

1. State stormwater and erosion control permits will be required.
2. It appears that more than an acre of the site has already been disturbed. Provide additional information on permitting requirements to date.

Public Utilities (Pat Irwin, 252-232-2769)

Approved with comment:

1. Commercial buildings require 1" meters. The nearest fire hydrant is 470' from the northwest corner of the property.

Currituck County Emergency Management (James Mims, 252-232-4024)

Approved with corrections:

1. Need to see fire hydrant located within 400' of all portions of structure measured as hose would come off the back of the truck.
2. Need to see template of fire apparatus turnaround.
3. Need to see a specification noted that the fire apparatus access will hold 75,000 lbs. in all weather conditions.
4. Need the location and specifications for any proposed above ground tanks.
5. Note: Any security fence must have no less than a 20' opening. The opening shall not be encumbered by latches, hinges, or wheels.

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

Approved with correction:

1. If fill has been brought in or will be brought in higher than adjoining properties a Land Dist. Permit required. Comply with county and state stormwater, sediment and erosion requirements.

NCDOT (Roger Ward, 252-331-4737)

Approved with comment:

1. Will require a driveway permit from DOT.

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

Reviewed without comment.

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

Reviewed without comment.

NC Division of Coastal Management (Charlan Owens, 252-264-3901)

Reviewed without comment.

Chairman O'Neal opened the public hearing.

Eddie Hyman, Engineer, reviewed the project.

Easter Dozier, adjacent property owner, opposes request and they had no permit.

Beulah Spellman, stated they cleared the property with no permit and expressed concerns with noise and lights.

Ronald Powell, opposes request.

Joe Powell, Jr., Pastor of the Church, submitted a petition with 84 signatures opposing the project.

Marita Powell, was there to speak for Nellie Bailey opposing the project.

Donna Connor, presented an e-mail supporting the project. She also stated that there was no traffic or noise.

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

Commissioner Gregory moved to deny request 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. Commissioner Taylor seconded the motion. Motion carried.

Appointment to Fire and EMS Advisory Board

continued

Appointment to Stormwater Advisory Board

Commissioner Aydlett moved to reappoint Michael Cherry. Commissioner Etheridge seconded the motion. Motion carried.

Consent Agenda:

1. Budget Amendments
2. Approval of June 21, 2010, Minutes
3. Resolution to declare obsolete property surplus as requested by Lower Currituck VFD
4. Approval of Knotts Island VFD new map indicating the 5 mile insurance district
5. Resolution to DOT for funding improvements for Pine Circle

Debit

Credit

<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10390-499900	Fund Balance Appropriated	\$ 21,000	
10420-589000	OSD Reserve		\$ 21,000
		<u>\$ 21,000</u>	<u>\$ 21,000</u>

Explanation: Governing Body (10420) - To decrease appropriations for reserve funds.

Net Budget Effect: Operating Fund (10) - Decreased by \$21,000.

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on July 6, 2010, authorized the following, pursuant to GS 160A and 270(b), that the property list attached, be declared surplus property:

See attached list from Lower Currituck Volunteer Fire

- | | |
|------------------------------|--------------------------|
| 1) 1950 Chevrolet pumper | Vin/HEA803777-14TWG-4313 |
| 2) 1965 Ford/Howe hose wagon | Vin/F70MU665904 |
| 3) 1984 Ford/Grumman pumper | Vin/1FDPF82K2EVA36868 |
| 4) 1989 Chevrolet Step Van | Vin/1GCHP32KXK3309166 |
| 5) 1990 Chevrolet Suburban | Vin/1GNGV26KOLF38649 |
| 6) 1992 Mercury Sedan | Vin/2MELM75W4NX696554 |
| 7) 1992 Ford Ambulance | Vin/1FDKE30M7NHB50612 |
| 8) 1978 20' Boston Whaler | Ser/9937 |

**Resolution
Requesting Secondary Road Improvement Funding
Pine Circle, Wedgewood Lakes**

WHEREAS, Pine Circle, Wedgewood Lakes is in need of repairs to bring the road to minimum NCDOT standards; and

WHEREAS, the total estimated cost for the repairs is \$20,000.00.

NOW, THEREFORE BE IT RESOLVED, the Currituck County Board of Commissioners supports funding from the Secondary Road Improvement funds in the amount of \$20,000.00 for Pine Circle, in Wedgewood Lakes, as long as it does not impact previously programmed projects.

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

Commissioner's Report

No comments

County Manager's Report

Dan Scanlon, County Manager, commended the county staff that worked on the July 4th fireworks at the Whalehead Club.

Closed Session:

According to 143-318.11(5) to discuss acquisition of real property located on Shortcut Road, Property owner, Doc Horace Etheridge Jr., to be used for any public purpose

Commissioner Aydlett moved to go into closed session as stated above. Commissioner Nelms seconded the motion. Motion carried.

Commissioner Etheridge requested to be recused from this discussion because his father is the property owner. Commissioner Nelms moved to recuse Commissioner Etheridge. Commissioner Taylor seconded the motion. Motion carried

Adjourn

After reconvening from closed session Commissioner Nelms moved not to proceed with purchase of property. Commissioner Taylor seconded the motion. Motion carried.

There being no further business, the meeting adjourned.

CURRITUCK COUNTY
NORTH CAROLINA
July 19, 2010

The Board of Commissioners met on Tuesday, July 19, 2010, 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, Aydlett, Gregory, Nelms, Rorer and Taylor.

Invocation Pledge of Allegiance

Mr. Bob Henley, was present to give the invocation.

Approval of Agenda

Commissioner Etheridge moved to add a budget amendment to the Consent Agenda. Commissioner Gregory seconded the motion. Motion carried.

Item 2 Public Comment

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

Item 3 **Consideration and Action:** PB 10-19 OBX Monster Bus & Limo Service: Request for a special use permit for an outdoor tour operator located at 795 Sunset Blvd., Tax Map 116D, Parcel 6A, Poplar Branch Township.

Item 4 **Public Hearing and Action:** An Ordinance of the Currituck County Board of Commissioners imposing a moratorium on the acceptance, processing or consideration of applications for outdoor tour operators pursuant to N.C. Gen. Stat. Section 153A-340(h).

Item 5 **Consent Agenda:**

1. Charge Levy on Motor Vehicles for March, Assessment \$18,520,882
Tax Amount \$59,279.78
2. Budget Amendment for Recreation Department

Item 6 Commissioner's Report

Item 7 County Manager's Report

Item 8 **Closed Session:**

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

Adjourn

Public Comment

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

Chairman O'Neal moved to open the public comment period. There being no comments, he closed the public comment period.

Consideration and Action: PB 10-19 OBX Monster Bus & Limo Service: Request for a special use permit for an outdoor tour operator located at 795 Sunset Blvd., Tax Map 116D, Parcel 6A, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Chairman O'Neal opened the evidence phase of the hearing.

Ben Woody, Planning Director, reviewed the application.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: July 19, 2010
PB 10-19 OBX Monster Bus & Limo**

ITEM: PB 10-19 OBX Monster Bus & Limo - Special Use Permit for Outdoor Tour Operator

LOCATION: 795 Sunset Blvd. Suite D, Corolla, NC

TAX ID: 116D-000-006A-0000

ZONING DISTRICT: General Business (GB)

PRESENT USE: Office

OWNER: Karichelle Realty
795 Sunset Blvd. Suite A
Corolla, NC 27927

APPLICANT: Jennifer Marshall
111 Evans Street
Grandy, NC 27939

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Natural State	RO1
SOUTH	Commercial	GB
EAST:	Commercial	GB
WEST:	Commercial	GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Corolla subarea.

SIZE OF SITE: .12 acres

NUMBER OF UNITS: N/A

PROJECT DENSITY: N/A

UTILITIES: Southern Outer Banks Water System & Monterey Shores Wastewater Treatment Plant

PUD ALLOCATION: Buck Island PUD Land Area: 70.8 acres, Open Space: 27.23 acres, Commercial Allocation: 8.66 acres

I. NARRATIVE OF REQUEST:

1. The applicant is seeking a Special Use Permit for the operation of Horse Tours from one 26-passenger vehicle as well as the use of the same vehicle as a limousine/shuttle bus.
2. The applicant will operate from the office located at 795 Sunset Blvd in TimBuck II Shopping Center; the bus will be parked at the Harbinger Center at 8845 Caratoke Highway.
3. Loading and unloading of passengers will occur at rental homes and/or hotels and not from the property at TimBuck II Shopping Center.
4. The Special Use Permit application pertains to the property located at 795 Sunset Boulevard. Associated activities that may occur off-site are subject to the conditions included in the approved Permit.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

In order to approve 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. 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 conditions proposed meet or exceed the minimum requirements of this ordinance.

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.
- b. Adequate parking is not available at the TimBuck II Shopping Center; therefore, the applicant cannot load or unload patrons from their business location.

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

Suggested Findings:

- a. The parcel is located in TimBuck II Shopping Center which is a well-established commercial area.

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 parcel is located in TimBuck II Shopping Center which is a well-established commercial area.
- b. Since loading and unloading of patrons cannot occur at TimBuck II Shopping Center, the applicant must pick-up patrons at single family dwellings within residential areas. Considering the size of the transport vehicle, this may create compatibility issues within established residential areas.

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

Suggested Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. Insert LUP classification narrative. The proposed use is in keeping with the policies of the plan, 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.

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. This application should have no impact on the County's ability to provide public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following plan corrections:

Planning

1. Provide site plan with adequate parking for one tour bus.

Albemarle Regional Health Services

2. Approved as long as business provides customer access to a public restroom facility when needed

IV. PLANNING STAFF RECOMMENDATION:

The proposed development appears to not meet the criteria for granting a Special Use Permit for an Outdoor Tour Operator in TimBuck II Shopping Center and therefore staff recommends **denial** until such time as the following items can be corrected or addressed:

- Adequate parking must be provided for employees, patrons and tour vehicles at the office location in TimBuck II Shopping Center.

Should the Board of Commissioners approve this request, staff recommends the following permit conditions:

1. This special use permit shall be valid provided that satellite parking for the tour bus is consistently maintained with staff approval.
2. The tour bus shall not at any time be parked or standing on the property at TimBuck II Shopping Center.
3. Loading and unloading of tour participants shall not occur from the property at TimBuck II Shopping Center, or any other commercial location where patrons are leaving unauthorized personal vehicles.
4. There shall be a maximum of 6 tours per day.
5. All horse tours must be guided from Memorial Day to Labor Day.
6. 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.
7. 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.

8. The Board of Commissioners may establish a maximum number of vehicles as part of the special use permit approval process.
9. 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.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board moved to deny PB 10-19 request for a special use permit because it will endanger the public health and will injure the value of abutting property and will not be in harmony with the area in which it is located.

PLANNING BOARD DISCUSSION (6-8-10)

Mr. West stated he has some concern with giving a Special Use Permit for someone to operate at TimBuck II and then they cannot load or unload at TimBuck II. A lot of the streets and cul-de-sacs where the rental homes are may not allow for such a large bus to turn around without going on adjacent properties.

Ms. Wilson stated that if renters are in a private community how would the bus get access to pick them up.

Ms. Marshall stated that Currituck Club did allow them to come in and pick up customers.

Mr. Midgette asked Ms. Marshall if she has read all the staff recommendations and if she was in agreement with them.

Ms. Marshall stated yes. Ms. Marshall stated they are trying to establish closer parking. The office space at TimBuck II is for reservations only.

Mr. Wright asked in regards to the UDO that when the taxi service is not in service, vehicles shall be stored in a secure compound, fully enclosed with a fence and gate and the taxi service compound shall be fully screened from adjacent rights-of-way. Does this request meet these requirements?

Mr. Woody stated the Harbinger Center does.

Ms. Wilson asked Ms. Marshall if they have ever encountered a problem with the first customers who are picked up being on the bus too long to the end of the tour.

Ms. Marshall stated that most cases customers are picked up at one house or two houses at the most. Ms. Marshall stated they try to very respectful of people who live in Corolla, mind all traffic laws and try not to block anyone's right of passage.

Ms. Wilson asked if the same routes would be used for the tours as in the past in the four wheel drive area.

Ms. Marshall stated yes.

Ms. Wilson stated that several residents in the Carova beach area who live on dead end streets that have limited turn around have asked that this be addressed. Ms. Wilson suggested the route be altered so the tours not go down dead end streets.

Mr. Wright stated that in the staff recommendations tour bus(s) shall not be parked or standing and loading and unloading cannot be done at TimBuck II. Mr. Wright stated this will take away from the core of the business.

Ms. Taylor stated she has concerns that residential neighborhoods will turn into businesses as the bus comes through.

Mr. Midgette asked Ms. Marshall if she would agree that this case be tabled until a resolution to the parking situation is reached.

Ms. Marshall stated she is working on a resolution and would like to pick up customers at their residents if allowed.

ACTION

Mr. Clark moved to **deny** PB 10-19 that the special use permit will endanger the public health and will injure the value of abutting property and will not be in harmony with the area in which it is located. Ms. Taylor seconded the motion. Motion carried unanimously.

Commissioner Aydlett stated that the bus and the LLC is in Mr. Clayton's name, not Ms. Marshall's name.

Commissioner Nelms questioned the parking.

Ms. Marshall, applicant, states that she was not aware that Mr. Clayton used the bus for tours over the weekend.

Chairman O'Neal closed the evidence phase of the hearing.

Commissioner Aydlett moved to continue to next meeting when Ms. Marshall could show proof of ownership of the bus and staff to approve the parking. Commissioner Etheridge seconded the motion. Motion carried with Commissioner Nelms and Taylor voting no.

Public Hearing and Action: An Ordinance of the Currituck County Board of Commissioners imposing a moratorium on the acceptance, processing or consideration of applications for outdoor tour operators pursuant to N.C. Gen. Stat. Section 153A-340(h).

Ben Woody, Planning Director, reviewed the ordinance.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
IMPOSING A MORATORIUM ON THE ACCEPTANCE, PROCESSING OR
CONSIDERATION OF APPLICATIONS FOR OUTDOOR TOUR OPERATORS
PURSUANT TO N.C. GEN. STAT. SECTION 153A-340(h)**

The Board of Commissioners for the County of Currituck, North Carolina, at its regularly scheduled July 19, 2010 meeting, after due advertisement as by law required, conducted a public hearing and heard from the interested public and county officials for the purpose of gathering information and taking appropriate action within the confines of applicable law regarding imposition of a moratorium on the acceptance, processing or consideration of applications for Outdoor Tour Operators that operate in the R02 Zoning District as a principle component of their business. From the same, the Board of Commissioners makes the following findings of fact, conclusions and legislative determination:

**I. STATEMENT OF THE CONDITION NECESSITATING A MORATORIUM;
THE COURSES OF ACTION ALTERNATIVE TO A MORATORIUM
CONSIDERED AND THEIR INADEQUACY ~ NCGS 153A-340(h)(1)**

- A. Pursuant to Policy OB7 of the 2006 Land Use Plan, vehicular access to the off-road area (R02 Zoning District) shall not compromise the environmental integrity of ecologically sensitive areas or habitat for wild horses.
- B. Pursuant to Policy ED1 of the 2006 Land Use Plan, new and expanding industries and businesses should be

especially encouraged that are compatible with the environmental quality and natural amenity-based economy of Currituck County.

- C. In response to concerns expressed by residents of the off-road area and conflict with the policies of the 2006 Land Use Plan, the Currituck County Planning Department formed a Wild Horse Advisory Group and held a series of meetings in 2009 with outdoor tour operators, off-road area residents, and members of the Corolla Wild Horse Fund. The meetings were convened to discuss the operating procedures of vehicular wild horse tours. The concerns raised at the meetings included: trespassing on private property, speeding along the beach and residential streets, blocked intersections and driveways, degradation of roads, violations of the Wild Horse Ordinance, operation of tours during adverse weather conditions and poor tide patterns, and increasing numbers and frequency of vehicular wild horse tours.
- D. The outdoor tour operators agreed to operate during the 2009 season under voluntary compliance with a series of recommendations of the Wild Horse Advisory Group. The recommendations were intended to mitigate the original concerns raised by the advisory group and help determine the true impact of wild horse tours on the off-road area.
- E. Following the 2009 season, the Wild Horse Advisory Group and county staff determined that voluntary compliance was not successful and the original concerns were not adequately addressed or mitigated.
- F. The Unified Development Ordinance (UDO) was amended on September 21, 2009 to create a formal regulatory structure and allow for outdoor tour operators with the issuance of a special use permit. An outdoor tour operator is defined as a company or individual that arranges travel tours associated with outdoor recreation, including but not limited to, guided or independent horse, bicycle, segway, aviation, boat, or vehicle tours. For the purposes of the definition, the term vehicle includes any self-propelled device or structure used for transporting persons.
- G. The amendment to the UDO included an amortization provision that required all vehicular outdoor tour operators with a base operation within the

jurisdiction of Currituck County to apply for a special use permit within four months from the passage of the ordinance.

- H. The amendment to the UDO standardized the requirements under which an outdoor tour operator can exist and provided a clear permitting and approval process. The amortization period was intended to ensure all outdoor tour operators are treated equitably.
- I. Following the amortization period, during the 2010 season, the Currituck County Board of Commissioners approved eight special use permits for outdoor tour operators, totaling 45 tour vehicles with a cumulative capacity of 325 persons.
- J. Despite the goals and policies set forth in the 2006 Land Use Plan and special use permit requirements of the UDO, the proliferation and expansion of wild horse tours has continued and the original concerns have not been adequately addressed or mitigated.
- K. Potential modification of the regulatory approach for outdoor tour operators and development of a mitigation strategy will be compromised if additional outdoor tour operators are approved prior to the time required to address the concerns set forth herein and the impacts outdoor tours may have on the environmental quality and natural amenity-based economy of Currituck County.

II. STATEMENT OF DEVELOPMENT APPROVAL SUBJECT TO THE MORATORIUM AND HOW SUCH MORATORIUM WILL ADDRESS THE EXISTING PROBLEMS ~ NCGS 153A-340(h)(2)

Imposition of a moratorium on the acceptance, processing or consideration of applications for Outdoor Tour Operators that operate in the R02 Zoning District as a principle component of their business will prevent the proliferation and expansion of tour operators. Any

additional increase in outdoor tour operators will most certainly exacerbate their impact on the environmental quality and natural amenity-based economy of Currituck County. Said moratorium will provide the county with adequate time to study the concerns set forth herein and determine the most appropriate regulatory approach or mitigation strategy

III. DATE FOR TERMINATION AND THE REASONABLE NECESSITY FOR ITS LENGTH TO ADDRESS THE PROBLEMS GIVING RISE TO THE IMPOSITION OF A MORATORIUM ~ NCGS 153A-340(h)(3)

Regulation to limit Outdoor Tour Operators or devise a mitigation strategy will require amendment of the Unified Development Ordinance and/or County Code of Ordinances. Therefore, time is required to review existing ordinances, study the impact of vehicular tours on the environs of the off-road area (during the summer season), draft proposed amendments or develop mitigation strategies, and process any proposed amendment or policy changes through relevant county boards or agencies. It is anticipated that a minimum of one year will be required to complete that process.

IV. STATEMENT OF ACTIONS AND SCHEDULE FOR THOSE ACTIONS PROPOSED TO BE TAKEN DURING THE EXISTENCE OF A MORATORIUM REASONABLY NECESSARY TO ADDRESS THE PROBLEMS

**AND CONDITIONS LEADING TO THE IMPOSITION OF THE
MORATORIUM ~ NCGS 153A-340(h)(4)**

*During the existence of this moratorium the appropriate
Currituck County staff shall:*

- A. Review the Outdoor Tour Operator concept and existing Unified Development Ordinance language to determine amendment to the Unified Development Ordinance and/or County Code of Ordinances that is advisable to limit outdoor tour operators and/or to modify their use through a mitigation strategy. Any actions taken shall meet and preserve the stated goals established by the Currituck County 2006 Land Use Plan; and*
- B. Process any land use ordinance amendments through the Currituck County Planning Board so that a public hearing may be held on any amendments prior to the expiration of this ordinance.*

IV. IMPOSITION OF MORATORIUM

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CURRITUCK that after careful, deliberate and studied contemplation of the above does hereby implement and impose, effective from the date and time of the adoption of this ordinance, to and including the end of July 19, 2011, a moratorium prohibiting the acceptance, processing or consideration by any appointed or elected board an application for Outdoor Tour Operators that operate in the RO2 Zoning District as a principle component of their business.

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

Commissioner Rorer moved to allow staff the additional time to review and bring recommendations back to the Board for

recommendations. Commissioner Gregory seconded the motion. Motion carried.

Consent Agenda:

1. Charge Levy on Motor Vehicles for March, Assessment \$18,520,882 Tax Amount \$59,279.78
2. Budget Amendment for Recreation Department.

Commissioner Taylor moved to approve. Commissioner Nelms 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
10795-590000	Capital Outlay Appropriated Fund	\$ 12,250	
10390-499900	Balance		\$ 12,250
		\$ 12,250	\$ 12,250

Explanation: Recreation (10795) - Increase appropriations to replace lawn mower purchased in 2001 that is now inoperable and replacement is needed to maintain recreation facilities for the remainder of this season.

Net Budget

Effect: Operating Fund (10) - Increased by \$12,250.

Commissioner's Report

Commissioner Nelms stated that the Albemarle Commission through the Work Force Development will be providing seminars for local businesses in the county. He also extended sympathy to Don Austin's family.

Commissioner Rorer commented on the programs at the 4-H Center.

County Manager's Report

Dan Scanlon, County Manager, reviewed the storm water project at the Cooperative Extension Center.

Closed Session:

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

Chairman O'Neal moved to go into closed session as stated above. Commissioner Etheridge seconded the motion. Motion carried.

Adjourn

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.