

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, March 01, 2010

Time: 7:00 PM

Work Sessions

6:30 p.m. Discussion on Code Enforcement

Regular Agenda

7:00 p.m. Invocation

Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment

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

Item 3 **Proclamation Girl Scout Week**

Item 4 **Public Hearing and Action:** PB 09-15 A-1 Towing: Request for a special use permit to operate a towing company impound lot at 1221 Ponton Lane in Corolla, Tax Map 114, Parcel 3M, Poplar Branch Township.

Item 5 **Public Hearing and Action:** PB 87-56 Monterey Shores, PUD: Request for an amended special use permit to designate an additional 1.10 acres of commercial zoning within the Planned Unit Development (PUD). The property is located in Monterey Shores, PUD, Tax Map 116, Parcels 3W and 10, Poplar Branch Township.

Item 6 **Public Hearing and Action:** PB 09-38 Corolla Fun Park: Request for a special use permit to establish a 36-hole miniature golf course; go-kart track; spin zone; children's playground area; and arcade with limited retail, snack bar, and office on property located within Monterey Shores, PUD and Buck Island, PUD, Tax Map 116, Parcels 3W and 10 and Tax map 116D, Parcel 3D, Poplar Branch Township.

- Item 7 **Public Hearing and Action** on Intent to Permanently Close
Milburn Sawyer Road in Poplar Branch Township
- Item 8 **Consideration of** ordinance amending Article III, Section 10-134
to allow dogs at the Rural Center (second reading)
- Item 9 **Discussion and Consideration** of Resolution establishing Single
Family Residential Permitting Incentive Plan
- Item 10 **Consideration** of modified Golf Cart Ordinance
- Item 11 **Recommendation of Award** for the Corolla Greenway Multi Use
Path Project
- Item 12 **Appointment** to Library Board of Trustees
- Item 13 **Appointment** to Fire and EMS Advisory Board
- Item 14 **Appointment** to Senior Citizen Advisory Board
- Item 15 **Appointments** to Whalehead Board of Trustees
- Item 16 **Consent Agenda:**
 - 1. Pilmoor Methodist Church Food Bank \$2,500
 - 2. Budget Amendments
 - 3. Order the Tax Collector to advertise the 2009 real estate tax
liens
 - 4. Petition to NCDOT for addition to state maintained system of
sections of Rita Street, Parker Street and Neal Avenue in
Albemarle Sound Beach Estates
 - 5. Resolution Authorizing Sheriff's Office to Dispose of Vehicles by
Trade-in
 - 6. Disposal of Building Permit Files
 - 7. Resolution Surplus property Ocean Sands
 - 8. Approval of February 15, 2010, Minutes
- Item 17 Commissioner's Report
- Item 18 County Manager's Report
- Adjourn

Girl Scout Week Proclamation

WHEREAS, March 12, marks the 98th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character; and,

WHEREAS, through the Girl Scout leadership experience girls develop the skills and lessons that will serve them a lifetime so that they may contribute to their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology and other fields that can expand their horizons; and,

WHEREAS, more than 3 million current Girl Scout members nationwide will be celebrating 98 years of this American tradition, with nearly 50 million women who are former Girl Scouts and living proof of the impact of this amazing Movement;

NOW, THEREFORE, The Board of Commissioners of Currituck County, North Carolina, do hereby applaud the commitment Girl Scouting has made to support the leadership development of America's girls and proudly proclaim the week of March 7, 2010, as Girl Scout Week.

ADOPTED this the 1st day of March, 2010.

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

S. Paul O'Neal,
Chairman

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: March 1, 2010
PB 09-15: A1 Towing
Special Use Permit – Villages at Ocean Hill**

ITEM: PB 09-15 Villages at Ocean Hill, Special Use Permit, Site Plan Approval, Zoning Map Revision for A1 Towing Site

LOCATION: The property is located on Ponton Lane adjacent to the Currituck County future well site in Villages at Ocean Hill.

TAX ID: Tax Map 114, Parcel 3M

ZONING The site is currently located in both General Business and RO1 zoning. The applicant is requesting a special use permit and zoning map revision to remove the A1 Towing site from the county well site and relocate the entire operation within a General Business Zone. The site is also located in a PUD overlay district.

PRESENT USE: A1 towing site, Currituck County future well site

OWNERS: Midlantic Builders, LLC
P.O. Box 2225
Kitty Hawk, NC 27949

ENGINEER: Bissell Professional Group.
P.O. Box 1068
Kitty Hawk, NC 27949.

**LAND USE/ZONING OF SURROUNDING PROPERTY:
SURROUNDING PROPERTY:**

	Land Use	Zoning
NORTH:	Vacant-Ocean Hill Commercial Tract 1	GB
SOUTH	Persimmon Street Residential/Commercial	CD-GB/RO1
EAST:	Vacant-Ocean Hill Commercial Tract 1	GB
WEST:	Vacant	RO1

LAND USE PLAN

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

SIZE OF SITE: Parcel Area: 13.56 acres; SUP Area: 0.36 acres.

STREETS: Existing access road construction is acceptable so long as the commercial parking element is excluded from the use.

UTILITIES: There will be no new utilities associated with the use.

OPEN SPACE: There will be no change in open space.

I. NARRATIVE OF REQUEST:

- The applicant is seeking SUP approval for the A1 Towing site within Villages at Ocean Hill planned unit development.
- The applicant is proposing to shift portions of the existing GB zone and has submitted an amendment to reflect those changes. The applicant is proposing to relocate 31,913 square feet of GB zoning to other areas of the site, resulting in no net increase of commercial area. The A1 Towing site in its entirety will be located within an area zoned for GB.
- All portions of the A1 Towing use including a small amount of GB zoning will be removed from the 100' isolation radius of the Currituck County well site. The well point and its radius will be shifted to resolve an existing encroachment onto Ocean Hill Commercial property.
- The Ponton Ln. access easement will be shifted to avoid the new location of the Currituck County well site.
- This case was reviewed at the May 2009 TRC meeting.

II. UNRESOLVED TRC COMMENTS:

- **Planning Staff Comment #1:** The existing access road does not fall within the boundaries of the legal access easement from NC 12. The legal easement must be relocated to the existing road site (Ocean Hill Commercial, Parcel 2), or the necessary permits must be obtained to improve an access road within the existing legal easement (Ocean Hill Commercial, Tract 1). *Staff Commentary: The owner of Parcel 2 has not agreed to allow legal access through the existing road site. Tract 1, which includes the existing legal easement, is currently under an active Army Corps of Engineers wetland fill violation. In order to improve an access within the legal easement a permit to fill wetlands is required. Due to the outstanding Corps violation, this appears to be unfeasible. As a result, the applicant is proposing to continue using the historic access via the Coral Lane stub located on the west side of NC12.*

III. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

- a. The application is complete.

2. 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 proposed use is permissible with a Special Use Permit

3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.

Suggested Findings:

- a. The conditions proposed meet the minimum requirements of this ordinance except for the unresolved TRC comment concerning the access from NC12.

4. THE SPECIAL USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY:

Suggested Findings:

- a. The proposed use should have little to no impact on public health or safety.

5. THE SPECIAL USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED

Suggested Findings:

- a. The use is not visible from NC12 nor located within close proximity to residential dwellings and should be in harmony with the surrounding area.

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

Suggested Findings:

- a. The 2006 Land Use Plan classifies this site as Full Service area within the Corolla subarea and the proposed use is in keeping with the policies of the plan, such as:
 - i. Policy ID5: WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity, and shall be appropriately designed and/or visually buffered according to the visibility of their location.
7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

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

IV. STAFF RECOMMENDATION:

Since the submittal appears to meet the minimum requirements for SUP approval, staff recommends **conditional approval** of this SUP/Site Plan/Zoning Amendment with the following conditions:

- Evidence must be presented to the Board that establishes Mid-Atlantic Builders, LLC and its assignees as legal users of the Coral Lane right-of-way.
- The proposed use and associated areas of disturbance shall have no direct impact on adjacent wetlands. This shall include but is not limited to the use of vegetated buffers and the treatment of stormwater through vegetative swales.
- The requirements of UDO Chapter 5: Landscaping, Bufferyards, & Shading must be satisfied within two months of site plan approval.
- A lighting plan meeting the requirements of the Outer Banks Overlay District shall be submitted and approved prior to the installation of any lighting on the property.
- No hazardous waste material shall be stored on the site.
- The use permit is limited to a towing operation and impound lot (Automobile Services).
- A revised site plan meeting all requirements of the UDO shall be re-submitted to the Technical Review Committee for review and approval.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the special use permit with the staff recommendations.

PLANNING BOARD DISCUSSION (2/9/10)

Mr. Kovacs asked if the county uses the Coral Road access.

Mr. Woody stated yes.

Mr. Bissell stated that the plan has been modified since the last time the board saw it so there are no impacts on future irrigation areas or green areas which have been confirmed with the state. Mr. Bissell talked about the three possibilities for access which A1 Towing can use. Mr. Bissell stated this request is to go back to the access that was approved in 1989 and to review that part of the A1 Towing application in 1991-2001.

Mr. West asked if Coral Lane is the access that A1 Towing has legal access too.

Mr. Bissell stated yes.

Mr. Weaver stated he owns A1 Towing and the purpose of the storage area is to keep cars and contents in a secure area.

Mr. Cornet stated he is the president of the Ocean Hill Section 1 Property Owners Association (OH1POA). Mr. Cornet stated OH1POA believes that any special use permit that relies on the use of the Coral Lane stormwater area for vehicular access to RT12 should be denied because:

- OH1POA is the owner of the right-of-ways within the OH1 subdivision that include Coral Lane. Although the roads and right-of-ways are dedicated to public use, by court order OH1POA has responsibility for operation and maintenance and has the authority to issue easements. No easement has been granted.
- Vehicles enter by driving over private property on a narrow track that has been created by filling wetlands.
- OH1POA is against issuing an easement until three issues can be resolved.
 - Public health issues due to flooding on Coral Lane and Rt. 12.
 - Public safety issues at a dangerous intersection.
 - Destruction of value and harmony in a residential only subdivision.

Ms. Cole stated she lives adjacent to Coral Lane. Ms. Cole stated A1 Towing has been a good neighbor and does not have any problems with them. A1 Towing was to move the access north of Coral Lane. Right after A1 Towing was approved, in 2001 they did improve the access just north of Coral Lane but it was never recorded. Ms. Cole stated it is important that it gets recorded and a dedicated legal access is moved. Ms. Cole recommended that A1 Towing have a chance to get it straight and continue to operate.

Mr. Bissell stated that ownership and public dedication are two different things. The original developer did a quick claim deed to the property owners association, but the key is that it was dedicated to public use. What they are trying to do is re-approve what was originally approved. Mr. Bissell read a portion of a letter from Starkey Sharp an attorney for Midlantic Builders that states, "The roadway was part of the original Ocean

Hill subdivision. There is a spur of the road which comes west off NC12 at the south end of the Villages at Ocean Hill project. The roadway was dedicated at the time the plat was recorded showing that road. The property into which Coral Lane runs is owned by Midlantic Builders, LLC and is part of the Villages at Ocean Hill PUD. The dedication of the street segment which occurred with the recording of the plat remains effective; In addition, the roadway is necessary to provide access to properties within the PUD and has been in continuous use for many years. I understand a property owners group from the original Ocean Hill subdivision may dispute what I have summarized in the letter. I believe the case law will support the position I have outlined.” Mr. Bissell stated the applicant has the continually legal right to use the road.

Mr. Midgette asked Mr. Bissell if he is okay with staff recommendations.

Mr. Bissell stated yes.

ACTION

Mr. Clark motioned to recommend approval with staff recommendations of PB 09-15 A1 Towing for a special use permit to operate a towing company impound. Mr. West seconded the motion. Motion carried unanimously.



**PB 09-15 A-1 TOWING
Special Use Permit**

0 90 180 360 540 Feet
Currituck County Planning Department



**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS**

DATE: March 1, 2010

PB 87-56 Monterey Shores, Planned Unit Development

ITEM: PB 87-56 Monterey Shores, Planned Unit Development, Amended Special Use Permit, to designate an additional 1.10 acres of commercial zoning within the PUD.

LOCATION: Corolla, Monterey Shores, PUD, Poplar Branch Township.

TAX ID: 0116-000-003W-0000 0116-000-0010-0000

ZONING

DISTRICT: Outer Banks Standard Residential (R01) with PUD overlay.
PUD Overlay (RO1): 320.04 acres
PUD Overlay (GB): 34.46 acres
PUD Overlay (GB): 1.10 acres proposed

PRESENT USE: Planned Unit Development, church site and undeveloped lands

OWNER: Monterey Shores, Inc.
5299 Pennock Point Road
Jupiter, FL

Corolla Worship Center
PO Box 668
Nags Head, NC 27959

DEVELOPER: IG Holdings, LLC
PO Box 120
Kitty Hawk, NC 27949

ENGINEER: Coastal Engineering & Surveying
934 W. Kitty Hawk Road
PO Box 1129
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Open Space/Commercial/Apartments	PUD-RO1/GB
SOUTH	Open Space/Undeveloped Commercial	PUD-RO1/GB
EAST:	Commercial	PUD-RO1/GB
WEST:	Open Space	PUD-RO1

LAND USE PLAN

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

OPEN SPACE: The required open space for Monterey Shores is 35% (124.46 acres). According to the proposed development plan Monterey Shores provides 37.1% (131.94 acres) of open space.

I. NARRATIVE OF REQUEST:

- The developer is seeking to amend the special use permit to allocate an additional 1.10 acres of commercial designation within the Monterey Shores PUD.
- The developer is also seeking a PUD variance that would allow the General Business (GB) zoning designation within the PUD. The UDO currently requires that commercial properties be designated as Limited Business-Hotel (LBH) designation. The request is to provide zoning consistency within the PUD.

II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

A. There is a discrepancy between the dedicated green area and the NC DENR wastewater permit allocations of green area. (*Staff commentary: Green area is land that is set aside for future wastewater needs*). In 2007, the original developer of Monterey Shores, PUD, dedicated easements and recorded green area maps within the PUD. Approximately two months later, Carolina Water submitted a request to NC DENR to expand the wastewater treatment facility. The request included a revised map that dedicated additional green area on property owned by Monterey Shores, Inc. (the original developer). According to Bob Degabrielle, Monterey Shores, Inc., did not provide easements or dedication for the additional green area. It is the opinion of the county attorney and Mr. Degabrielle that this additional allocation is not legally permitted since Monterey Shores, Inc. did not authorize or make available the additional land for wastewater green area. In addition, Carolina Water, permit holder, must modify the green area and legally acquire additional lands suitable for wastewater disposal. Outside of all concerns outlined, it remains uncertain whether Carolina Water has legal authority to locate green area within the utility easement identified on the recorded easement plat (plat cabinet K, slide 49).

III. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP procedure, property uses which

would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

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

1. Completeness of application.
Suggested Findings:
 - a. The application is complete provided assurances for wastewater disposal are submitted from NC DENR and Carolina Water.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".
Suggested Findings:
 - a. Chapters 3 and 10 of the UDO allow a planned unit development as a permissible use with a special use permit.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. The conditions proposed meet the minimum requirements of this ordinance.
4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. The proposed development and conditions should have little to no negative impact on public health or safety.
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located
Suggested Findings:
 - a. The Unified Development Ordinance indicates that a planned unit development is allowed in the RO1 base zoning district and PUD overlay with a special use permit.
 - b. The requested zoning designation meets the UDO maximum commercial designation for a PUD.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.
Suggested Findings:
 - a. The 2006 Land Use Plan classifies this site as Full Service and Conservation (.178 acre) within the Corolla subarea. The Full Service classification supports the density and commercial allocations of a planned unit development provided design criteria is established to ensure commercial development protects and preserves the existing community. The Conservation classification provides for long-term management and protection of significant, limited, or irreplaceable

natural resources. The classification is typically applied to areas that should not be developed (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. With the exception of the proposed .178 acre commercial designation within the Conservation classification, the proposed use and conditions, are in keeping with the LUP Policy statements and the Corolla subarea policy emphasis, some of which are:

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

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

Policy CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

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

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

Suggested Findings:

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

IV. STAFF RECOMMENDATION:

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

1. The commercial designation shall be located within the Full Service classification area and shall not include the .178 acre proposed in Conservation classification area as identified by the 2006 Land Use Plan. This condition excludes the existing 1.03 acre allocation of General Business (GB) approved by the Board of Commissioners May 21, 2001 (See approved Amended Sketch Plan dated May 21, 2001 for specific location).
2. Low Impact Development techniques such as cisterns that capture the rainwater from the roof and rain gardens should be provided in environmentally sensitive areas or lands designated Conservation by the 2006 Land Use Plan. Cisterns should not discharge stormwater as sheet flow or concentrated flow across the ground as a means to drain cisterns. Water captured in cisterns should be reused within the development through building design, for maintenance of the building and grounds, in LID techniques such as rain gardens or constructed wetlands, or other uses approved by the county. (LUP Policy WQ5).
3. All inland, non-tidal and coastal wetlands should remain undisturbed excluding elevated walkways and placed into a conservation easement, preservation trust, or turned over to the homeowner's association (LUP Policy ES2, ES3).
4. Any modification to green area must be approved by Currituck County and NC DWQ prior to implementation. Green area shall be identified by an easement, illustrated on a map, and recorded in the Currituck County Register of Deeds.
5. All projects, residential and non-residential, shall meet the minimum zoning requirements in effect at the time of construction.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** for an amended special use permit with the staff recommendations and omitting #1.

PLANNING BOARD DISCUSSION (2/9/10)

Mr. Delucia stated the plan already has stormwater approval from the Division of Natural Resources and it has already gone through its first technical review with the site plan. Mr. Delucia stated his client wants to build a family resort. Mr. Delucia provided an overview of what has been done.

- The special use permit has been submitted and gotten comments from the Technical Review Committee.
- The area where the low impact development track is located is already approved for general business. They felt this location would be good to minimize noise and also minimize spectators. Mr. Delucia talked about the stormwater situation and it has been taken care of.
- No wetlands are on the property which will be developed.
- Currently the open space is part of the Monterey Shores PUD and if his client purchases it the open space will be maintained the same way it is now.
- On the site plan they show a 10 foot wide path and a 20 foot easement along the highway and they have also offered to extend the path further to the Buck Island entrance.
- Mr. Delucia talked about the recommended hours of operations 9:00 a.m. to 10:00 p.m. as being problematic for them.
- There is no significant vegetation in the area.
- They intend to include preservation along NC 12.
- The architectural style matches the Corolla area.
- Gas powered vs. electrically powered karts. Mr. Delucia stated his client wants to use gas powered karts but is willing to use 4 stroke engines which don't have the noise level that 2 stroke engines have.

Mr. Wright asked if a study was done that says the area has no significant vegetation.

Mr. Delucia stated they went out to the property and compared it with the definition of "significant vegetation".

Mr. Rary stated he represents the TimBuck II Property Association. Mr. Rary stated they already have these entertainment facilities in Corolla. It is their understanding there is an issue between Carolina Water and Bob DeGabrielle regarding the water line crossings which still remain on this property. Until it is settled then the property should not be rezoned. The stormwater drainage at Whalehead cannot handle additional water. Property values will go down while your insurance will increase. They are concerned with the increase in traffic and how it will affect their business. People come to Corolla for the family values and quaintness. Mr. Rary asks the board to deny the request.

Mr. Lynch stated he is representing Monterey Shores Homeowners Association. Mr. Lynch stated that they are concerned that the Corolla Fun Park will make property values go down, safety, noise, lighting, toxic waste removal and the RO water plant. Mr. Lynch is asking the board to deny this request.

Mr. Zabloudil lives in Monterey Shores and is a business owner in TimBuck II. He is concerned with stormwater, environment, noise, lighting, and traffic. For these reasons he is asking that the board deny the request.

Mr. Meredith stated he has a lease with TimBuck II for the miniature golf and in the lease it has a non-compete clause for another miniature golf in the area. Mr. Meredith is asking the board to deny the request.

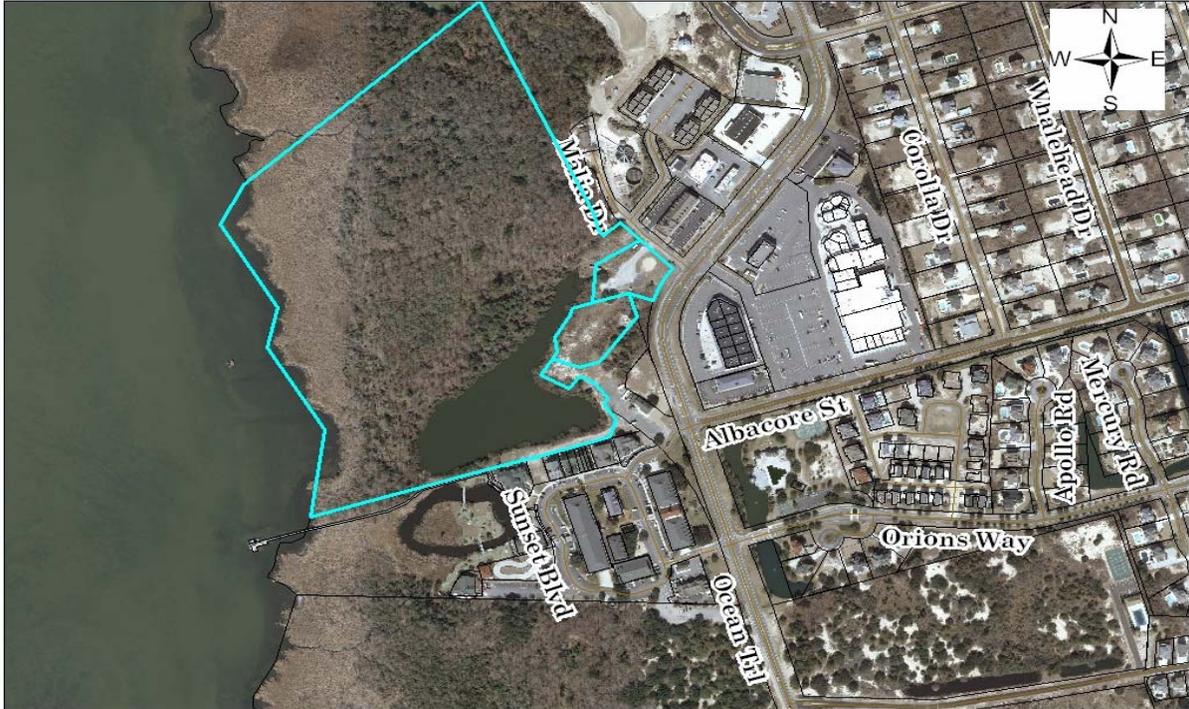
Mr. Wemer stated this is not compatible with Corolla. People come to Corolla for a different experience. Mr. Wemer asked what happens when these fun parks don't do well financially. What are they left with? Mr. Wemer is asking the board to deny the request.

Mr. Delucia stated the driveway connection which is off NC 12 on the site plan has been approved by Department of Transportation. The stormwater will be handled onsite and nothing will go offsite.

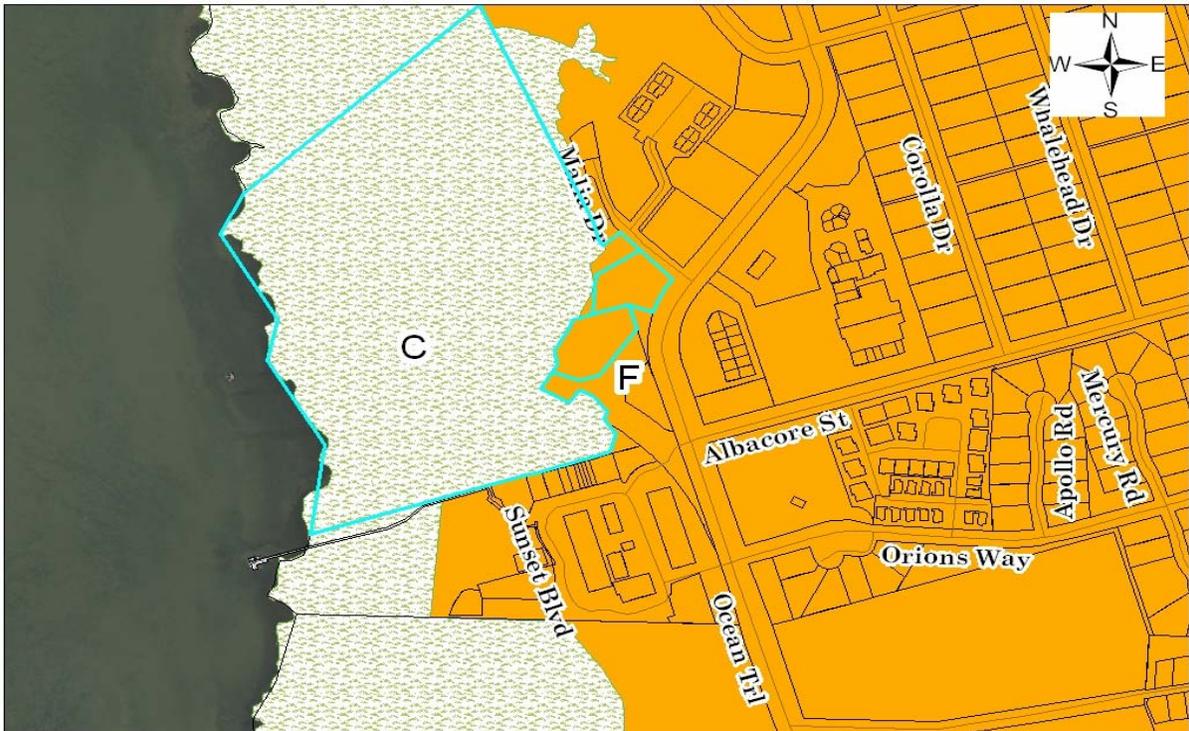
Mr. Gray stated the usages they want to put on this property are permissible usages. Many questions have been brought up which staff has brought to the attention of the developer and they have tried to respond back to staff. Mr. Gray stated Carolina Water showed some real estate on the property that they had no right to do so. Mr. DeGabrielle and Carolina Water have been in litigation and now have settled. Part of the settlement is Mr. DeGabrielle giving Carolina Water certain easement rights. As to the pond, the county is negotiation and going to put an easement and run water into that pond as well. The county has done an engineering study as to what type of capacity the pond is capable of handling. This will cause his client, if this project is approved, to have to raise his property up where the facilities are going to be so they don't have overflow to their property. As to the issue if they are subject to the homeowner's association, this is not before the board. This would be between his client and the homeowner's association if he buys the property. Mr. Gray stated they are not part of the lease agreement with TimBuck II. Mr. Gray stated you are hearing a lot that there are plenty of things to do up in Corolla. If his client thought this, would he be spending this kind of money? His client believes there is a need. Mr. Gray stated his client is putting in 4 stroke engines which are quieter and not 2 stroke engines. These engines are environmental friendly because you don't mix the oil and gas together and they have an automatic shut-off. Mr. Gray stated he can remember when Monterey Shores came to this county and at that point and time there was hardly anything there. The arguments were from the people who lived there were we don't think it is compatible with our community to have such a large subdivision. We are hearing the same argument now.

ACTION

Mr. West motion to recommend approval with staff recommendations with admitting #1 of PB 87-56 Monterey Shores, PUD for an amended special use permit. Ms. Newbern seconded the motion. Motion carried unanimously.



PB 87-56 MONTERAY SHORES, PUD
Amended Special Use Permit



PB 87-56 MONTERAY SHORES, PUD
Land Use Classification Map



MEMORANDUM

To: Carlos Gomez, Coastal Engineering
John Delucia, Albemarle & Associates

From: Donna Voliva, Planner II

Date: September 10, 2009

Subject: Monterey Shores, PUD Amended Sketch Plan, Special Use Permit

The following comments were received for the September 16, 2009 TRC meeting. Additional comments may be received at the meeting, and comments are valid for six months from the TRC meeting date.

The necessary revisions listed below must be submitted to me by September 21, 2009 in order to remain on the October 13, 2009 Planning Board agenda.

Planning, Donna Voliva

Resubmit

Amended Sketch Plan/Special Use Permit

Required Plan Modifications

1. Based on the plans submitted, two PUD overlay variances are required:
 - a. To allow the zoning designation General Business (GB) on parcel 0116000003W0000 that would be consistent with the remaining business property in Monterey Shores, PUD (Section 4.3.2 C. & D.)
 - b. To allow .08 percent reduction in the minimum required open space of 35 percent (Section 10.4.2)
2. The submitted amended sketch plan provides a development summary for Monterey Shores but does not provide a development plan that illustrates the locations of all open space, green space, or business areas. There are several phases of Monterey Shores that are being developed by different applicants; formerly Monterey Shores, Phase 3. All phases of Monterey Shores are combined for open space, green space, and business designations. A clear, illustrated map must be provided that defines all required areas that are subject to the business designations, green space as well as open space. Prior piece-meal project modifications are resulting in non-compliance with the PUD overlay designation. The calculation summary appears inconsistent with the Monterey Shores, PUD amended sketch plan open space and business area calculations approved over the years but specifically 2006 for the tract formally identified as Phase 3. There are fluctuations in acreage and percentages. Please provide a map summary that is consistent with the table summary.
3. The Monterey Shores wastewater treatment plan green spaces maps for Corolla Water Service Inc, of NC (dated December 27, 2006) clearly show areas of the proposed development within existing available green space. Improvements such as a service drive, proposed stormwater pond, portions of the miniature golf, playground, walkway and paddle boat dock, parking and possibly the proposed building appear to be within

the designated green space areas. Please provide the revised plans that have been approved by the utility and the state that exclude the proposed development from green space.

4. Please provide information regarding proposed parcel 6. The submitted amended sketch plan indicates on entire parcel containing 37+ acres; however, the application for the special use permit indicates proposed parcel 6.
5. Please provide a copy of the approved wetland map dated 3-1-05. There appears to be inconsistencies with the map references and the submitted plans.
6. The plat prepared for Carolina Water Service recorded in plat cabinet K, slide 49 indicates the existence of a utility easement in the area of the stormwater pond, gravel service drive, portions of the miniature golf, cart maintenance building, and portions of the go-kart track. Please provide the legal documentation that supports the abandonment of the easement.
7. Please provide written acknowledgement from Carolina Water Service for water and wastewater commitment. A copy of the letter submitted to CWS by Albemarle and Associates was submitted; however, an allocation acknowledgement from CWS must be provided.
8. Stormwater ponds may not be located within 10 feet of any property line.
9. Please indicate the entire Monterey Shores PUD in the vicinity map that is at a scale of 1" = 2000' or larger on the amended sketch plan.
10. The amended sketch plan must be at a scale of 1" = 100' or larger.
11. The zoning classification of the development must be provided on the amended sketch plan.
12. All commercial activities must be located within the General Business zoning designation, including paddle boat dock.
13. Please provide details of the intended ownership of the open space.
14. Understanding the engineering costs for the site plan, the application is requesting the special use permit for the use only and a full site plan must be submitted to the technical review committee at a later date. Although, staff did not evaluate the site plan for full UDO compliance there are some items that do not appear to meet the minimum requirements and must be addressed:
 - a. The dumpster location does not provide for adequate access that will not interfere with proposed parking spaces.
 - b. Proposed parking must meet a 20' vehicular area setback from any street right-of-way (proposed or existing).
 - c. The proposed development will be subject to the Maritime Forest Guide.
 - d. The access for this development is proposed through a NCDOT controlled access right-of-way that has not been abandoned and a deeded parcel to NCDOT. Please provide verification that a full movement access is approved at this location (also see suggested plan modifications below). If this location is approved by NCDOT and the Board of Commissioners, an easement is required.

Suggested Plan Modifications

1. The proposed go-kart tract is located within the Conservation land use classification and is considered environmentally significant. Preservation of areas of significant existing vegetation shall be encouraged. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)

2. Low Impact Development techniques such as cisterns that capture the rainwater from the roof and rain gardens should be provided. Such cisterns should not directly discharge stormwater to the ground but should be reused within the development. The use of rain gardens should also be considered throughout the project and within the miniature golf and parking areas. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
3. Staff recommends all inland, non-tidal and coastal wetlands to remain undisturbed excluding elevated walkways and placed into a conservation easement, preservation trust or turned over the homeowner's association. (Conserve Environmentally Sensitive Areas Policies, Water Quality Policies)
4. The access to the proposed development is within the NCDOT controlled access right-of-way and close to a signalized intersection. Staff recommends accessing the proposed development from Malia Drive. Should NCDOT and the Board of Commissioners allow the NC 12 connection, the access should be restricted to right-in and right-out. (Transportation Policies)
5. The county has initiated the Corolla Greenway multi-use path along the west side of Ocean Trail. It is anticipated that over time the path will extend the length of Ocean Trail. Staff would request the dedication of a 20 foot pedestrian easement for future multi-use path. (Parks and Recreation Policies)
6. Based on the elevation information provided with the site plan there are several elevated portions on this property, preservation of the significant existing vegetation and topography is encouraged (i.e. Along NC 12 and interior of the site). Please preserve natural features of this property when developing the site. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
7. Staff recommends a reduction in parking spaces that would effectively reduce the amount of impervious material by providing bike racks to encourage alternate modes of transportation (Rate: 1 bike rack [each rack accommodating a minimum of 5 bicycles] for every 20 spaces – 1 to 1 reduction with a maximum of 3 parking space reduction). (Transportation Policies and Water Quality Policies)
8. This site is located at the gateway to Corolla. Should this site be selected for the Mid-County Bridge, it will be the first northbound site as you enter the Outer Banks. Extensive, native landscape improvements should be used on this site (Community Appearance Policies).
9. Staff encourages the integration of the area's architectural and cultural heritage when designing the buildings on this site. (Historic Preservation Policies)

County Engineer, Eric Weatherly

Approved with corrections

1. CWS provided me with a map indicating their green space and easements which I have forwarded to you. I do not agree that stormwater features and access roads should be allowed on green space.
2. Please indicate all utility and green space information from the information I provided on your site plans for clarity.
3. Provide easements for the existing groundwater discharge and 48 inch pipe.
4. It would appear the 48 inch pipe will be in the way of the future stormwater pond.
5. Provide the commitment letter from CWS.

Utilities, Pat Irwin

Approved

GIS, Harry Lee

Approved

1. Addresses for arcade building and manager's residences will be assigned by GIS at the time of building permit application.

Fire Marshal, James Mims

Approved.

1. Site plan will require additional review.

Soil and Water, Mike Doxey

Approval with corrections

1. Need state erosion and sedimentation control permit and stormwater permit.

Currituck County Schools, Bruce McDonald

Approved

1. No comment.

Albemarle Regional Health Services, Joe Hobbs

Denied/Resubmit

1. Any wastewater approvals for these proposed developments will need to be approved by the NC Division of Water Quality (Washington, NC office 252-946-6481). Consult with Health Department concerning pool and restaurant approvals at 252-232-6603.

NCDOT, Roger Ward

Approval with corrections

1. Not sure if access is allowed across a controlled access right-of-way. May have to go before control of access committee in Raleigh.

US Army Corps of Engineers, Tom Steffens

Denied/Resubmit

1. "New Wetlands Line" noted near the WWTP requires documentation as to origin, verification by USACE with Action ID#, if different from wetland line verified 03/2005. Please submit to USACE before finalizing.

NC Division of Coastal Management, Charlan Owens

No comment

NC DENR, Land Quality, Pat McClain

Approval with corrections

1. An erosion and sedimentation control plan for this project must be approved prior to initiating any land disturbance associated with this project.

The following agencies did not provide a recommendation for this project:

Currituck County Emergency Management, MaryBeth Newns

Currituck County Sheriff Department, Susan Johnson

Currituck County Building Inspections, Spence Castello

Currituck County Parks and Recreation, Jason Weeks

Corolla Fire and Rescue, Richard Galganski

NCDENR Environmental Management, Roger Thorpe

NCDENR Public Water, Siraj Chohan

NC State Archaeology, Lawrence Abbot

Embarq, Hester Jones

Charter Communications, Sam Scilabba

Dominion Power, Troy Lindsey

Resubmittal Items:

- 3 - full size copies of all revised plans.
- 10 - 11"x17" copies of the amended sketch plan and special use permit plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: March 1, 2010
PB 09-38 Corolla Fun Park, Special Use Permit**

ITEM: PB 09-38 Corolla Fun Park request for Special Use Permit to establish a 36-hole miniature golf course; go kart track; spin zone; children's playground area; and arcade with limited retail, snack bar, and office on property located within Monterey Shores, PUD and Buck Island, PUD.

LOCATION: Corolla, Ocean Trail (NC12) and Malia Drive, Poplar Branch Township.

TAX ID: 0116-000-003W-0000
0116-000-0010-0000
116D-000-003D-0000

ZONING DISTRICT: General Business (GB) and Outer Banks Standard Residential (RO1) with PUD Overlay. A separate request is under review to designate areas of the proposed development as General Business (GB).

PRESENT USE: Undeveloped land (including a church site) and open space

OWNER: Monterey Shores, Inc.
5299 Pennock Point Road
Jupiter, FL

IG Holdings, LLC
PO Box 120
Kitty Hawk, NC 27949

Corolla Worship Center
PO Box 668
Nags Head, NC 27959

DEVELOPER: IG Holdings, LLC
PO Box 120
Kitty Hawk, NC 27949

ENGINEER: Albemarle & Associates
PO Box 3989
Kill Devil Hills, NC 27948

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Open Space/Commercial/Apartments	RO1/GB
SOUTH	Open Space/Commercial	RO1/GB
EAST:	Commercial	GB
WEST:	Open Space	RO1

LAND USE PLAN

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

SIZE OF SITE: 38.253 acres

UTILITIES: The development will be served by a private water and wastewater treatment facility.

I. NARRATIVE OF REQUEST:

- The developer is seeking a special use permit to identify a commercial use within the Monterey Shores, PUD and Buck Island, PUD.
- The developer requests to construct a 36 hole miniature golf course; a go-kart track; spin zone; children's playground area; and arcade and limited retail, snack bar and office.
- In a separate request, the developer is seeking approval to designate portions of the property as General Business (GB).

II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

A. There is a discrepancy between the dedicated green area and the NC DENR wastewater permit allocations of green area. . (*Staff commentary: Green area is land that is set aside for future wastewater needs*). In 2007, the original developer of Monterey Shores, PUD, dedicated easements and recorded green area maps within the PUD. Approximately two months later, Carolina Water submitted a request to NC DENR to expand the wastewater treatment facility. The request included a revised map that dedicated additional green area on property owned by Monterey Shores, Inc. (the original developer). According to Bob Degabrielle, Monterey Shores, Inc., did not provide easements or dedication for the additional green area. It is the opinion of the county attorney and Mr. Degabrielle that this additional allocation is not legally permitted since Monterey Shores, Inc. did not authorize or make available the additional land for

wastewater green area. In addition, Carolina Water, permit holder, must modify the green area and legally acquire additional lands suitable for wastewater disposal. Outside of all concerns outlined, it remains uncertain whether Carolina Water has legal authority to locate green area within the utility easement identified on the recorded easement plat (plat cabinet K, slide 49).

NC DENR, DWQ

- A. Based on the Corolla Fun Park Site Plan map provided, part of the project does encroach on designated green space area for Monterey Shores' WWTP. (Please see the attached file for what we have on record as designated green space). The green space would have been approved based on information provided to the Division at the time. If there are plans to develop green space area, it will be necessary for new green space to be identified to replace any area that will be lost. Any new green space must be usable as a wastewater application area. Approval would need to be obtained from DWQ for relocation of any green space to ensure that DWQ concurs that the proposed area is suitable. DWQ would look to the permit holder, Carolina Water Services, to ensure that compliance is maintained with the Monterey Shores permit. If a relocation of green space is necessary, any request to approve a new area would need to come through and/or be coordinated with Carolina Water Services since they hold the wastewater permit.

County Engineer, Eric Weatherly

1. The revised plans are under review.

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

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

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

1. Completeness of application.
Suggested Findings:
 - a. The application is complete provided assurances for wastewater disposal (green area) are submitted from NC DENR and Carolina Water.
 - b. The application is complete provided the General Business (GB) zoning designation is approved by the Board of Commissioners.
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 proposed use is listed as a permissible use in the Table of Permissible Uses.
- b. Chapter 4 of the UDO requires a special use permit for specific uses located in commercial areas of a PUD.

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

Suggested Findings:

- a. The conditions proposed meet the minimum requirements of this ordinance.

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

Suggested Findings:

- a. Provided assurances for wastewater disposal (green area) are submitted from NC DENR and Carolina Water, the proposed commercial area should have little to no negative impact on public health or safety.

- 5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located

Suggested Findings:

- a. Existing commercial uses are located within the vicinity of the proposed development.
- b. An existing miniature golf and go-kart facility is located within TimBuck II commercial area, immediately to the south.

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

Suggested Findings:

- a. The 2006 Land Use Plan classifies this site as Full Service and Conservation within the Corolla subarea. The go-kart building and track, as proposed, is **not** consistent with the Conservation land use classification. The remaining uses located in the Full Service area is in keeping with the policies of the plan, some of which are:

Policy CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

Policy OB2: So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

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

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

Suggested Findings:

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

IV. STAFF RECOMMENDATION:

In an effort to reduce the conflict with the proposed use and the conservation land use classification, the developer and engineer have agreed to install vegetative bio-retention areas inside the go-kart track, use 4-stroke go-kart engines, use permeable concrete/eco-pavers in the pedestrian areas, reduce commercial area, and replant areas with native, salt tolerant vegetation. The mitigation efforts appear to lessen the environmental impacts of the proposed use; however, staff is not confident that the changes are sufficient to meet the criteria for a Special Use Permit and staff recommends **denial** until such time as the following items can be addressed:

1. The Currituck County 2006 Land Use Plan does not support the proposed go-kart building and track located in the Conservation area. The Conservation class is applied to areas that should not be developed at all (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. Actions to mitigate the conflict with the Land Use Plan may include but are not limited to:
 - o Low Impact Development techniques such as cisterns that capture the rainwater from the roof, constructed wetlands, use of porous pavement (go-kart track), and rain gardens (decentralized bio-retention areas) should be provided in environmentally sensitive areas or areas designated Conservation by the 2006 Land Use Plan. *(Staff commentary: The developer and engineer are proposing to install bio-retention areas and use permeable concrete/eco-pavers in pedestrian areas.)*
 - o The landscape plantings shall consist of native, salt tolerant vegetation. *(Staff commentary: The developer and engineer are proposing to use native, salt tolerant vegetation.)*
 - o The preservation of existing, significant vegetation. *(Staff commentary: Areas of existing, significant vegetation has not been identified.)*
 - o Inland, non-tidal and coastal wetlands remain undisturbed, excluding elevated walkways, and placed into a conservation easement, preservation trust, or turned over to the homeowner's association. *(Staff commentary: The developer will retain ownership of the wetlands/open space.)*
 - o All karts and cars shall be electrically powered to minimize noise and environmental impacts associated with gas powered engines. *(Staff commentary: The developer and engineer are proposing the use of 4-stroke gas powered go-kart engines.)*
 - o The use of vegetative buffers between limits of disturbance and wetland areas.

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

1. The issuance of the special use permit does not constitute site plan approval. The site plan, lighting plan, and landscape plan must be approved by the technical review committee.
2. The landscape plantings shall consist of native, salt tolerant vegetation.
3. Low Impact Development techniques such as cisterns that capture the rainwater from the roof and rain gardens should be provided in environmentally sensitive areas or areas designated Conservation by the 2006 Land Use Plan. Cisterns should not discharge stormwater as sheet flow or concentrated flow across the ground as a means to drain cisterns. Water captured in cisterns should be reused within the development through building design, for maintenance of the building and grounds, in LID techniques such as rain gardens or constructed wetlands, or other uses approved by the county. (LUP Policy WQ5).
4. Staff recommends all inland, non-tidal and coastal wetlands remain undisturbed, excluding elevated walkways, and placed into a conservation easement, preservation trust, or turned over to the homeowner's association (LUP Policy WQ5)
5. The county initiated the Corolla Greenway multi-use path along the west side of Ocean Trail. It is anticipated that over time the path will extend the length of Ocean Trail. Staff would request the dedication of a 20 foot pedestrian easement for the future multi-use path. Should the developer install a portion of the path that is located along Ocean Trail, all state permits and encroachment agreements must be obtained prior to site plan approval.
6. Hours of operation shall not exceed 9:00 a.m. until 10:00 p.m.
7. The proposed go-kart track is located within the Conservation land use classification and the designation is applied to properties that are considered environmentally significant. In an effort to reduce the noxious impacts within this sensitive area, the following shall apply to development within the Conservation land use classification:
 - a. Preservation of existing, significant vegetation. (LUP Policy ES2, ES3, ES4, WQ5)
 - b. All karts and cars shall be electrically powered to minimize noise and environmental impacts associated with gas powered engines.
8. The development plans should include preservation of the existing features of the site including topography along NC 12 as well as and significant vegetation. (LUP Policy WQ5)
9. The architectural style and materials of all proposed buildings shall preserve the existing coastal community character of the Currituck Outer Banks. The proposed development shall be established to protect and preserve the existing community in scale, architectural style, materials, landscaping, and site design (emphasis on uniformity and outer banks style architecture, native, salt tolerant plants. (Full Service LUC)

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended denial** for a special use permit with the staff recommendations.

PLANNING BOARD DISCUSSION (2/9/10)

Mr. Delucia stated the plan already has stormwater approval from the Division of Natural Resources and it has already gone through its first technical review with the site plan. Mr. Delucia stated his client wants to build a family resort. Mr. Delucia provided an overview of what has been done.

- The special use permit has been submitted and gotten comments from the Technical Review Committee.
- The area where the low impact development track is located is already approved for general business. They felt this location would be good to minimize noise and also minimize spectators. Mr. Delucia talked about the stormwater situation and it has been taken care of.
- No wetlands are on the property which will be developed.
- Currently the open space is part of the Monterey Shores PUD and if his client purchases it the open space will be maintained the same way it is now.
- On the site plan they show a 10 foot wide path and a 20 foot easement along the highway and they have also offered to extend the path further to the Buck Island entrance.
- Mr. Delucia talked about the recommended hours of operations 9:00 a.m. to 10:00 p.m. as being problematic for them.
- There is no significant vegetation in the area.
- They intend to include preservation along NC 12.
- The architectural style matches the Corolla area.
- Gas powered vs. electrically powered karts. Mr. Delucia stated his client wants to use gas powered karts but is willing to use 4 stroke engines which don't have the noise level that 2 stroke engines have.

Mr. Wright asked if a study was done that says the area has no significant vegetation.

Mr. Delucia stated they went out to the property and compared it with the definition of "significant vegetation".

Mr. Rary stated he represents the TimBuck II Property Association. Mr. Rary stated they already have these entertainment facilities in Corolla. It is their understanding there is an issue between Carolina Water and Bob DeGabrielle regarding the water line crossings which still remain on this property. Until it is settled then the property should not be rezoned. The stormwater drainage at Whalehead cannot handle additional water. Property values will go down while your insurance will increase. They are concerned with the increase in traffic and how it will affect their business. People come to Corolla for the family values and quaintness. Mr. Rary asks the board to deny the request.

Mr. Lynch stated he is representing Monterey Shores Homeowners Association. Mr. Lynch stated that they are concerned that the Corolla Fun Park will make property values go down, safety, noise, lighting, toxic waste removal and the RO water plant. Mr. Lynch is asking the board to deny this request.

Mr. Zabloudil lives in Monterey Shores and is a business owner in TimBuck II. He is concerned with stormwater, environment, noise, lighting, and traffic. For these reasons he is asking that the board deny the request.

Mr. Meredith stated he has a lease with TimBuck II for the miniature golf and in the lease it has a non-compete clause for another miniature golf in the area. Mr. Meredith is asking the board to deny the request.

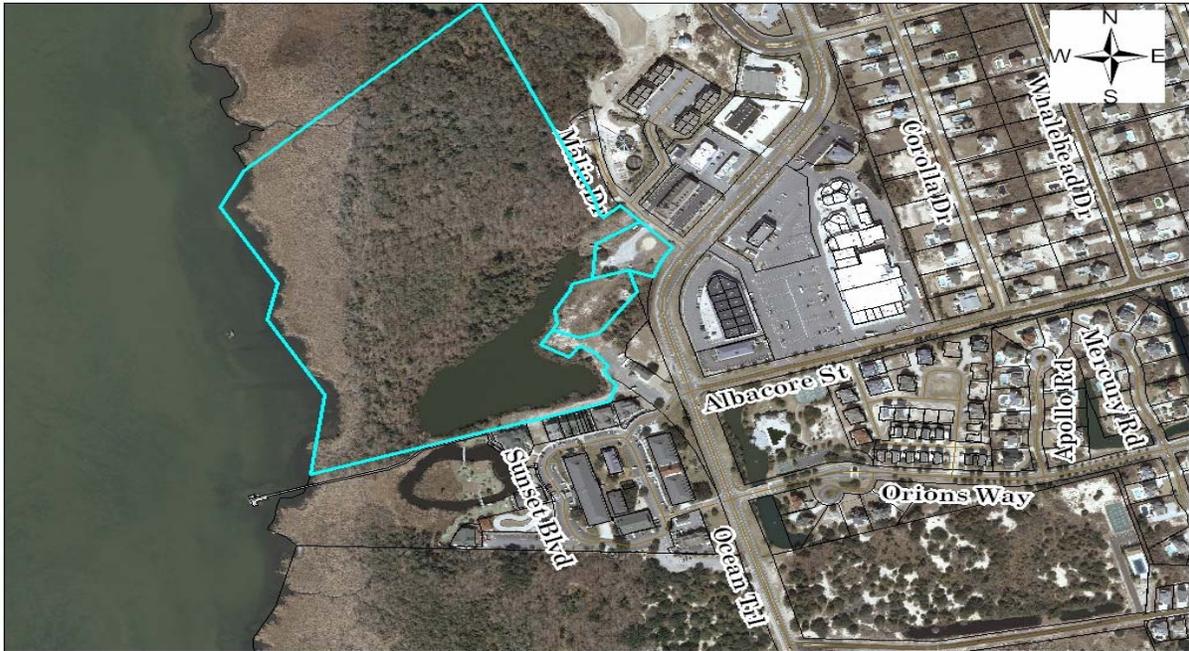
Mr. Wemer stated this is not compatible with Corolla. People come to Corolla for a different experience. Mr. Wemer asked what happens when these fun parks don't do well financially. What are they left with? Mr. Wemer is asking the board to deny the request.

Mr. Delucia stated the driveway connection which is off NC 12 on the site plan has been approved by Department of Transportation. The stormwater will be handled onsite and nothing will go offsite.

Mr. Gray stated the usages they want to put on this property are permissible usages. Many questions have been brought up which staff has brought to the attention of the developer and they have tried to respond back to staff. Mr. Gray stated Carolina Water showed some real estate on the property that they had no right to do so. Mr. DeGabrielle and Carolina Water have been in litigation and now have settled. Part of the settlement is Mr. DeGabrielle giving Carolina Water certain easement rights. As to the pond, the county is negotiation and going to put an easement and run water into that pond as well. The county has done an engineering study as to what type of capacity the pond is capable of handling. This will cause his client, if this project is approved, to have to raise his property up where the facilities are going to be so they don't have overflow to their property. As to the issue if they are subject to the homeowner's association, this is not before the board. This would be between his client and the homeowner's association if he buys the property. Mr. Gray stated they are not part of the lease agreement with TimBuck II. Mr. Gray stated you are hearing a lot that there are plenty of things to do up in Corolla. If his client thought this, would he be spending this kind of money? His client believes there is a need. Mr. Gray stated his client is putting in 4 stroke engines which are quieter and not 2 stroke engines. These engines are environmental friendly because you don't mix the oil and gas together and they have an automatic shut-off. Mr. Gray stated he can remember when Monterey Shores came to this county and at that point and time there was hardly anything there. The arguments were from the people who lived there were we don't think it is compatible with our community to have such a large subdivision. We are hearing the same argument now.

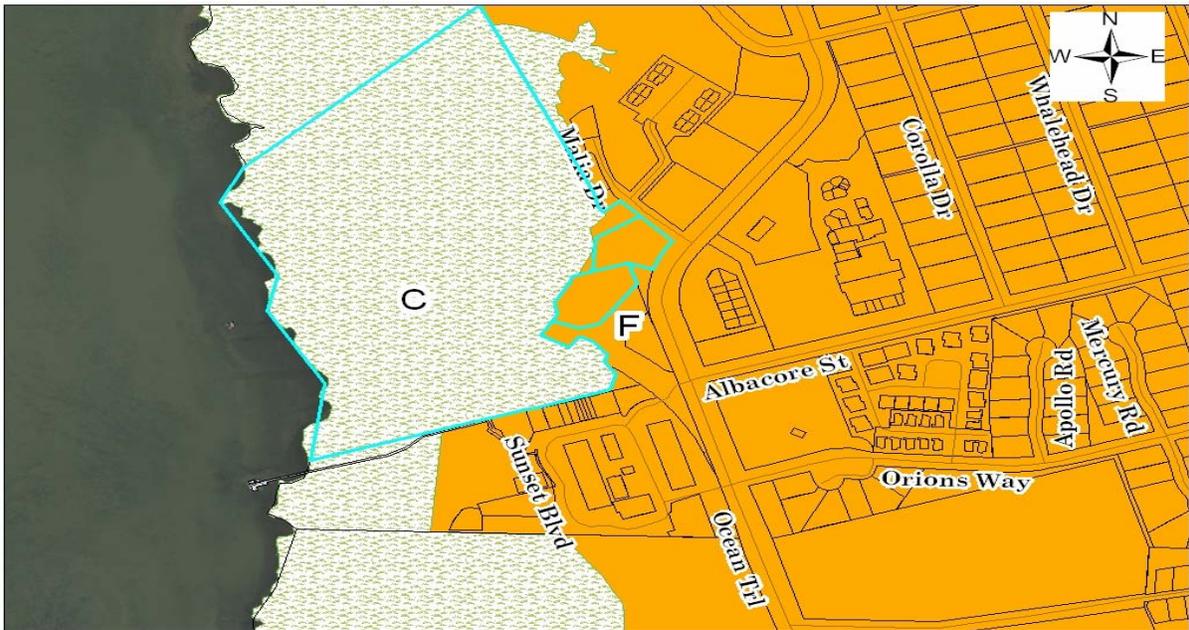
ACTION

Mr. Clark motion to recommend denial with staff recommendations for PB 09-38 Corolla Fun Park for a special use permit. Ms. Taylor seconded the motion. Motion carried unanimously.



**PB 09-38 COROLLA FUN PARK
Special Use Permit**

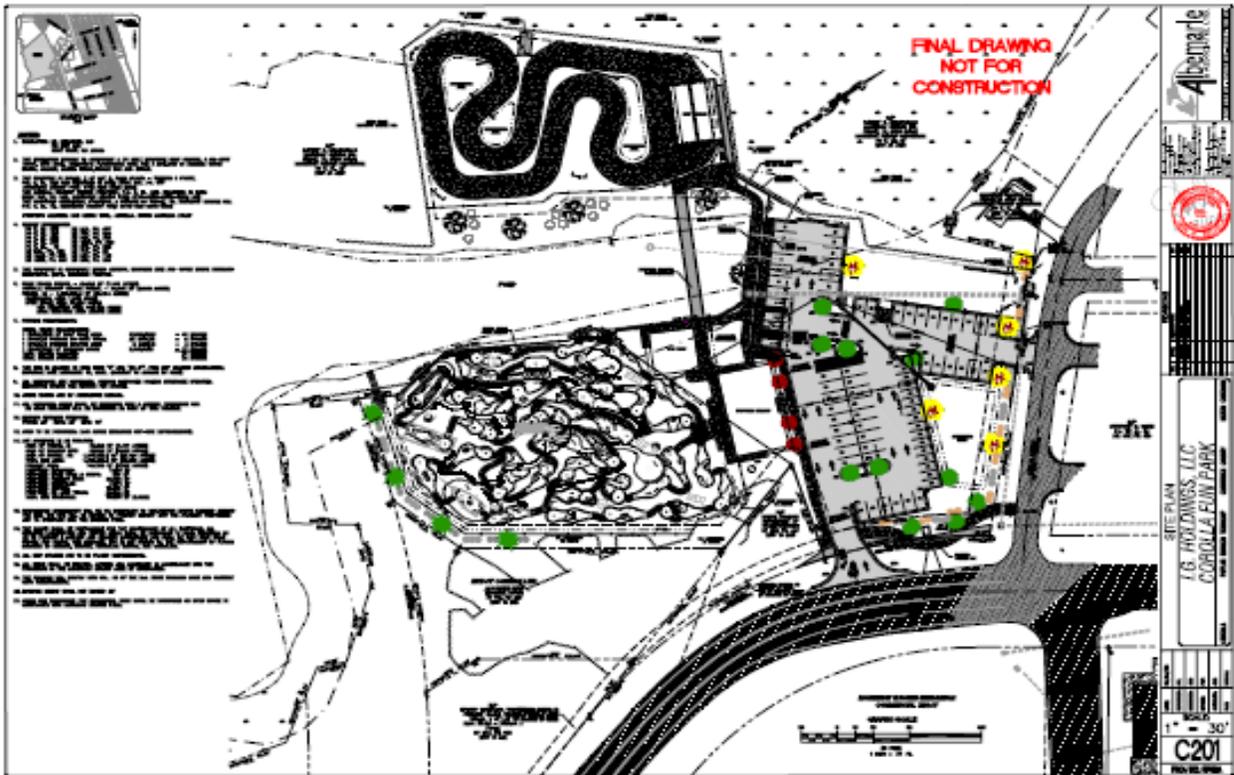
0 175 350 700 1,050 Feet
Currituck County Planning Department



**PB 09-38 COROLLA FUN PARK
Land Use Classification Map**

0 175 350 700 1,050 Feet
Currituck County Planning Department





BEACHMART DEVELOPMENT
 MONTREY HEIGHTS
 COROLLA, NC

MD
 davensport
 ARCHITECTS - INTERIORS

NEW COMMERCIAL BUILDING
 BEACHMART DEVELOPMENT

10/12/2016

Scale: 1/8" = 1'-0"

1" = 30'

C201

PRELIMINARY DRAWING
 NOT FOR CONSTRUCTION

A2

MEMORANDUM

To: John Delucia, Albemarle & Associates
From: Donna Voliva, Planner II
Date: October 14, 2009
Subject: Corolla Fun Park Site Plan

The following comments were received for the October 21, 2009 TRC meeting. Additional comments may be received at the meeting, and comments are valid for six months from the TRC meeting date.

Planning, Donna Voliva

Resubmit

1. Prior to approval of the site plan the following must be issued or approved:
 - a. PUD overlay variances:
 1. To allow the zoning designation General Business (GB) on parcel 0116000003W0000 that would be consistent with the remaining business property in Monterey Shores, PUD (Section 4.3.2 C. & D.)
 2. To allow .08 percent reduction in the minimum required open space of 35 percent (Section 10.4.2)
 - b. Amended Special Use Permit
 - c. Amended Sketch Plan
2. The plat prepared for Carolina Water Service recorded in plat cabinet K, slide 49 indicates the existence of a utility easement in the area of the parking lot and portions of the go-kart track. Please provide the legal documentation that supports the abandonment of the easement.
3. All commercial activities must be located within the General Business zoning designation.
4. Please provide details of the intended ownership of the open space.
5. The ownership verification sheet (page 3 of application) for G. A. Thornton must be notarized.

Required Plan Corrections

1. The trash collection shall be designed for front loading trucks. The county has not received information that would support an alternate collection method. In addition, the dumpster must be screened.
2. Please show open space and green area on site plan once finalized.
3. The proposed parking layout provides additional parking spaces. Please clarify if the excess spaces will be allocated for an off-site use.
4. Handicap parking spaces shall be indicated on the site plan.
5. Wheel stops should be installed along parking spaces 1-11.
6. Please indicate a loading/unloading space(s) that is sufficient size to accommodate the types of vehicles that will service the uses.

7. Please demonstrate the function of the access connection on Ocean Trail and whether this is in compliance with NCDOT design standards.
8. Please provide 10' x 35' site triangle along Ocean Trail and the 10' x 70' site triangle for Malia Drive that affects this property.
9. The landscape plan indicates five proposed Bradford Pear trees and one Weeping Willow within the parking lot. The trees are not considered salt tolerant (NCSU) and different plant types should be selected.
10. A type C bufferyard shall be installed along all existing and proposed street rights-of-way.
11. The site shall be developed in conformance with the maritime forest guide (Section 4.7.7.). Please provide information regarding the existence of maritime forest or shrubs within the development area.
12. The parking calculations indicated on sheet 1, Site Plan, Note 14 is not the same calculation indicated on the Landscape Plan. Please clarify the calculations.
13. One Weeping Willow tree appears to be indicated in the pond. Please clarify if this is correct.
14. The proposed miniature golf and pedestrian area of the go kart track are close to the existing pond. Please provide safety measures that will be installed to prevent accidental contact with the pond.
15. The site lighting shall meet the requirements of the UDO. Please provide information regarding reduction of site lighting after operating hours. Light levels shall not exceed 1.5 foot-candles measured at ground level at property lines. The lighting plan shall be drawn at a scale of 1"=50' and shall include data (location and foot-candle) for building lighting, site lighting, sign lighting, and hours of operation.

Suggested Plan Modifications as part of Special Use Permit submittal

1. The proposed go-kart tract is located within the Conservation land use classification and is considered environmentally significant. Preservation of areas of significant existing vegetation shall be encouraged. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
2. Low Impact Development techniques such as cisterns that capture the rainwater from the roof and rain gardens should be provided. Such cisterns should not directly discharge stormwater to the ground but should be reused within the development. Rain gardens should be considered throughout the project and within the miniature golf and parking areas. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
3. Staff recommends all inland, non-tidal and coastal wetlands to remain undisturbed excluding elevated walkways and placed into a conservation easement, preservation trust or turned over the homeowner's association. (Conserve Environmentally Sensitive Areas Policies, Water Quality Policies)
4. The access to the proposed development is within the NCDOT controlled access right-of-way and close to a signalized intersection. Staff recommends accessing the proposed development from Malia Drive. Should NCDOT and the Board of Commissioners allow the NC 12 connection, the access should be restricted to right-in and right-out. (Transportation Policies)
5. The county has initiated the Corolla Greenway multi-use path along the west side of Ocean Trail. It is anticipated that over time the path will extend the length of Ocean Trail. Staff would request the dedication of a 20 foot pedestrian easement for future multi-use path. Should the owner install the multi-use path as part of the development of

the property it should be sized consistently with the county planned multi-use path which is designed at ten feet in width. All street plantings should be located between sidewalk and the public street. (Parks and Recreation Policies)

6. Based on the elevation information provided with the site plan there are several elevated portions on this property, preservation of the significant existing vegetation and topography is encouraged (i.e. Along NC 12 and interior of the site). Please preserve natural features of this property when developing the site. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
7. Staff recommends a reduction in parking spaces that would effectively reduce the amount of impervious material by providing bike racks to encourage alternate modes of transportation (Rate: 1 bike rack [each rack accommodating a minimum of 5 bicycles] for every 20 spaces – 1 to 1 reduction with a maximum of 3 parking space reduction). (Transportation Policies and Water Quality Policies)
8. This site is located at the gateway to Corolla. Should this site be selected for the Mid-County Bridge, it will be one of the first sites as you enter the Outer Banks. Extensive, native landscape improvements should be used on this site (Community Appearance Policies).
9. Staff encourages the integration of the area's architectural and cultural heritage when designing the buildings on this site. (Historic Preservation Policies)

County Engineer, Eric Weatherly

Denied/Resubmit

1. I am recommending denial until the sewer green area designations on the parcel are properly located and approval for any new locations are provided by DWQ and CWS.
2. Provide stormwater narrative and calculations for pre-post runoff based on a 10-year, 24 hour storm event.
3. Provide stormwater pond details.
4. Provide stormwater, erosion control and DOT permits.
5. Provide verification of state permitting requirements referred to in the DWQ flow commitment letter.
6. What is the purpose of the existing utility easement shown on the plans and how will the new development affect the easement.
7. Easements should be provided for the existing 48 inch culvert and the sewer plan dewatering pipe line.
8. Sheet C301 indicates removal of existing debris and sand stockpile that is not on the project property.
9. Stormwater ponds are not to be located closer than 10 feet from a property line.
10. No fill within 10 feet of a property line.

Utilities, Pat Irwin

Approved

1. Recommend tapping into 8 inch line on Ocean Trail to avoid running 1 inch service line under the asphalt driveway.

GIS, Harry Lee

Approved

1. Proposed building address 810 Ocean Trail.

Fire Marshal, James Mims

Approved with corrections

1. Fire hydrant should be moved closer to the main structure while still within 400 feet of the track structure. By NC General Statutes one cannot park within 15 feet of a fire hydrant.

Soil and Water, Mike Doxey

Approved

NCDOT, Roger Ward

Approved

1. Driveway permit and encroachment agreement required.

NC Division of Coastal Management, Charlan Owens

1. Sheet C201 indicates that there are 8.073 acres of CAMA wetlands. Clarify that no CAMA wetlands will be disturbed as part of this project. Please contact Ron Renaldi, DCM Field Representative, at 252-264-3901.

Currituck County Economic Development, Peter Bishop

Approved

Currituck County Parks and Recreation, Jason Weeks

Approved

US Army Corps of Engineers, Tom Steffens

Denied/Resubmit

1. Proposed go cart track will require USACE 404 wetland fill permit as designed. Valid USACE jurisdictional plat signed 3/1/2005 for Monterey Shores PUD WWTP indicates wetlands within cart track envelope.

Currituck County Building Inspections, Spence Castello

Approved

1. Four accessible spaces are required and one to be van accessible. All buildings and activities must be accessible.

The following agencies did not provide a recommendation for this project:

Albemarle Regional Health Services, Joe Hobbs

Currituck County Emergency Management, MaryBeth News

Currituck County Sheriff Department, Susan Johnson

Currituck County Schools, Bruce McDonald

Volunteer Fire Department

NC State Archaeology, Lawrence Abbot

NC DENR, Land Quality, Pat McClain

NC DENR Environmental Management, Roger Thorpe

NC DENR Public Water, Siraj Chohan

Embarq, Hester Jones

Charter Communications, Sam Scilabba

Dominion Power, Troy Lindsey

Resubmittal Items:

- 3 - full size copies of plans.
- 1- PDF digital copy of all revised documents.

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**RESOLUTION OF INTENT TO PERMANENTLY CLOSE
MILBURN SAWYER ROAD IN POPLAR BRANCH TOWNSHIP**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-241 a county may permanently close any street, whether opened or unopened; and

WHEREAS, the Board of Commissioners for the County of Currituck, North Carolina has determined that it is desirable, necessary and appropriate to permanently close Milburn Sawyer Road in Poplar Branch Township in order to relocate the road as an entrance from N. Spot Road into the 4-H Rural Life Center.

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

Section 1. A public hearing shall be held on March 1, 2010 at 7:00 p.m., or as soon thereafter as the matter can be reached, to hear any person on the question of whether or not to permanently close Milburn Sawyer Road in Poplar Branch Township as more particularly described and shown on that plat recorded at Plat Cabinet E, Page 161 of the Currituck County Registry.

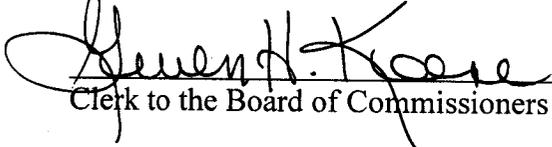
Section 2. The Clerk to the Board of Commissioners shall cause the publication of this Resolution once a week for four successive weeks prior to the public hearing and a notice of the proposed permanent closing of Milburn Sawyer Road and public hearing shall be prominently posted in two locations along Milburn Sawyer Road.

Adopted this 1st day of February, 2010.

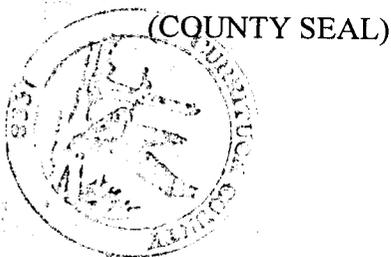


S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:



Clerk to the Board of Commissioners



**AN ORDINANCE OF THE
CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING ARTICLE III, SECTION 10-134 OF THE CURRITUCK COUNTY CODE
OF ORDINANCES**

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

WHEREAS, pursuant to N.C.Gen. Stat. Sect. 153A-169 a county may by ordinance adopt regulations concerning the use of county property.

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

PART 1. Section 10-134. Dogs, of the Code of Ordinances for Currituck County is amended to read as follows:

(a) Except as permitted herein, dogs are not permitted in county parks except service dogs for the disabled. Notwithstanding the foregoing, dogs are permitted in the county park located at 140 Gabbard Lane, Spot, North Carolina when in compliance with the conditions set forth in paragraphs (1) through (7) of Section 10-134(b) of this Code.

(b) Dogs may be permitted in county parks for a particular purpose sponsored by a group, association or organization that has obtained a permit under Section 10-148 of this Code and with the following conditions:

- (1) Dogs must have current vaccinations and licenses. Proof of vaccinations and licensure is required upon request of the group, association or organization permitted to use a county park for a particular purpose, law enforcement officer or animal control officer.
- (2) Dogs under four (4) months of age or female dogs in heat are not permitted.
- (3) Dogs must be under the control of an adult at all times, must wear a collar with any required tags and must be on a leash unless part of a specially trained performing group under the voice control which specially trained performing group is included in the permit of the sponsoring group, association or organization.
- (4) Each dog owner or adult in control of a dog shall remove and dispose of their dog's fecal matter in containers provided for such disposal.
- (5) Aggressive dogs are not permitted and any dog displaying aggression shall

be immediately removed from the county park.

- (6) No dog shall be left unattended.
- (7) Dog owners or adults in control of a dog shall provide potable drinking water for their dog.

PART 2. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, or paragraph of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutional or invalid phrase, clause, sentence, or paragraph shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the remaining provisions would have been enacted by the Board of Commissioners without the incorporation into this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

PART 3. All ordinances in conflict with this ordinance are hereby repealed.

PART 4. This ordinance is effective upon its adoption.

ADOPTED this ____ day of February, 2010.

S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board

(COUNTY SEAL)

RESOLUTION ESTABLISHING SINGLE-FAMILY RESIDENTIAL
PERMITTING INCENTIVE PLAN

WHEREAS, pursuant to N.C. Gen. Stat. §153A-102 a county's board of commissioners may fix the fees and commissions charged by county officers and employees for performing duties or services; and

WHEREAS, there currently exists an economic environment not experienced since the Great Depression that nationally and locally is causing low economic investment and performance and high unemployment to the detriment of the public health, safety and welfare; and

WHEREAS, the Board of Commissioners for Currituck County finds that it is in the public's interest to adopt a building permit incentive plan to promote and increase employment, economic growth through the purchase and use of construction supplies and material and the county's tax base.

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

Section 1. The following plan is established:

SINGLE-FAMILY RESIDENTIAL PERMITTING INCENTIVE PLAN

- Sec. 1.1 The Single-Family Residential Permitting Incentive Plan is applicable to construction, renovation or improvement of single-family residential structures and accessory or appurtenant structures incidental to the use of a single-family residential structure with value, excluding land value, in an amount not exceeding \$250,000.
- Sec 1.2 Every applicant for a building permit with value in an amount not exceeding \$250,000 shall pay at the time of building permit fee application the fees required by the Currituck County Fee Schedule then in effect. The applicant will be issued a certificate and checklist of requirements set forth in Sec. 1.3 that will qualify the applicant for a refund of building permit fees paid at the time of application.
- Sec. 1.3 To qualify for refund of building permit fees under this plan the applicant must present to the county's chief building inspector or designee the certificate and checklist of requirements issued with the building permit and documentation satisfactory to the chief building inspector or designee evidencing the following criteria:

- a. Construction under the building permit issued for a project began and received one inspection required by the chief building inspector or designee within 30 days of the issuance of the building permit and a certificate of occupancy or completion issued within one year of the issuance of the building permit.
- b. The contractor performing work on the project under the building permit is a North Carolina based contractor.
- c. Sixty-percent of subcontractors on the project under the building permit are North Carolina based subcontractors.
- d. Sixty-percent of supplies and materials used in the construction of the project under the building permit are purchased in North Carolina.

Sec. 1.4 No applicant may receive and have outstanding more than five incentive plan certificates at a time.

Sec. 1.5 Upon certification by the chief building inspector or designee that the applicant meets the requirements set forth in this plan the building permit fees paid by the applicant shall be refunded within thirty days from the date of certification.

Section 2. This resolution shall be effective upon its adoption and shall be valid for twelve months thereafter.

ADOPTED the 1st day of March 2010.

S. Paul O’Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

1 AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
2 AMENDING THE CURRITUCK COUNTY CODE OF ORDINANCES TO PERMIT
3 AND REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS AND
4 ROADS WITHIN THE COUNTY

5 Ordinance No. 10-02
6

7 WHEREAS, pursuant to N.C. Gen. Stat. §153A-245 a county may regulate the operation
8 of golf carts on any public street, road or highway where the speed limit is 35 miles per hour or
9 less;

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

12 PART I. That the Code of Ordinances, Currituck County, North Carolina is amended by adding
13 an article and section to Chapter 12 to read as follows:

14 ARTICLE V. OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS

15 **Sec. 12-64. Definitions.**

16 The following words and phrases when used in this article shall have the definitions
17 respectively ascribed to them in this section. Whenever any words or phrases used in this chapter
18 are not defined but are defined in the North Carolina General Statutes, Chapter 20 and
19 amendments thereto, such definitions shall apply.

20 Driver means the operator of a vehicle, as defined in subdivision (25). The terms "driver" and
21 "operator" and their cognates are synonymous.

22 Golf cart means a vehicle designed and manufactured for operation on a golf course for
23 sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20)
24 miles per hour.

25 Highway means the entire width between property or right-of-way lines of every way or place
26 of whatever nature, when any part thereof is open to the use of the public as a matter of right for
27 the purposes of vehicular traffic. The terms "highway", "road", "street", and "public vehicular
28 area (PVA)" and their cognates are synonymous.

29 Insurance means a liability insurance policy or financial security deposit or by qualification
30 as a self-insurer, as these terms are defined and described in Article 9A, Chapter 20 of the
31 General Statutes of North Carolina, as amended.

32 Operator means a person in actual physical control of a vehicle which is in motion or which
33 has the engine running. The terms "operator" and "driver" and their cognates are synonymous.

1 **Sec. 12-65. Operation of golf carts on public streets not otherwise designated for such**
2 **operation.**

3 It shall be unlawful for any person to operate a golf cart on or over any public road in the
4 County, except as provided in this article.

5 **Sec. 12-66. Designation of public streets for operation of golf carts.**

6 Except for U.S. Highway 168, U.S. Highway 158, N.C. State Highway 34, N.C. State
7 Highway 12, Tull's Creek Road and Poplar Branch Road, a golf cart may be operated on all
8 public streets, roads, highways and public vehicular areas where the speed limit is 35 miles per
9 hour or less. Upon receipt of a petition signed by 67% of residents and/or property owners in an
10 area requesting designation of public streets, roads, highways or public vehicular areas on which
11 golf carts are prohibited, the County Board of Commissioners may adopt an ordinance
12 designating the area and public streets, roads, highways or public vehicular areas within the
13 designated area on which golf carts may not be operated.

14 **Sec. 12-667. Limitations and safety criteria.**

15 Golf cart operation on designated public streets of the County shall be in accordance with the
16 following limitations:

17 (1) No golf cart shall be driven across any road at an intersection where the road being
18 crossed has a posted speed limit of more than thirty-five (35) miles per hour **except for the sole**
19 **purpose of crossing such street in a perpendicular direction at the intersection of a through street**
20 **or at a signalized location in accordance with the direction of the signal.**

21 (2) The maximum occupancy of a golf cart traveling on streets will be one (1) person per
22 designated seat. No occupants of a golf cart shall stand at any time while the golf cart is in
23 motion.

24 (3) Golf carts must be operated in accordance with all applicable state and local laws and
25 ordinances, including all laws, regulations and ordinances pertaining to the possession and use of
26 alcoholic beverages.

27 (4) No person may operate a golf cart unless that person is licensed to drive upon the streets
28 and highways of North Carolina and then, only in accordance with such driver's license. An
29 operator of golf cart must be at least sixteen (16) years of age, with the exception that operators
30 under the age of sixteen (16) years may operate golf cart if they possess a valid learner's permit
31 issued by the state of North Carolina and are accompanied by a licensed driver as required by
32 state law.

33 (5) If the operator is over the age of sixteen (16) and qualifies for a handicapped parking
34 space the operator may operate a golf cart on public streets upon the submission of a certificate
35 signed by a licensed physician that the driver is able to operate a motorized golf cart on the
36 roadways designated. The operator must have the certificate and handicap parking tag in their
37 possession while operating a golf cart.

1 (6) Golf carts may be operated only during daylight hours. ~~with the exception that golf carts~~
2 ~~equipped with operating lights meeting the requirements set forth below may operate only~~
3 ~~between the hours of 7:00 a.m. to 10:00 p.m.~~

4 ~~— a. Two (2) lighted lamps, one (1) on each side of the front of the golf cart visible under~~
5 ~~normal atmospheric conditions from a distance of at least three hundred (300) feet in front of~~
6 ~~such golf cart and a red lamp on the rear, exhibiting a red light visible under like conditions from~~
7 ~~a distance of at least two hundred (200) feet to the rear of such golf cart.~~

8 (7) Golf carts must be operated at the extreme right of the roadway and must yield to all
9 vehicular and pedestrian traffic.

10 (8) Golf carts shall not be operated on any sidewalk, pedestrian walkway, multi-use path,
11 jogging path, greenway, park or trail except by law enforcement or by County employees or
12 contractors while on County business who carry on their person County issued credentials
13 evidencing work for the County.

14 (9) Golf carts shall not be operated during inclement weather or when visibility is impaired
15 by weather, smoke, fog or other conditions.

16 (10) Golf cart operators shall maintain manufacturer installed safety devices and equipment on
17 the golf cart in good repair and operable condition and ensure that an unobstructed view to the
18 rear is maintained at all times the golf cart is in operation on public streets.

19 (11) Golf carts operating on public streets of the County pursuant to this article shall be
20 insured as required by G.S. 20-309.

21 (12) All golf carts shall have the following equipment: locking brake, reverse warning
22 device, main power switch, horn, either hip restraints or hand holds, front and rear reflectors, and
23 a manufacturer's serial number plate. Manufacturer-installed safety labels shall be visible and
24 readable.

25 (13) In no instance may a golf cart be operated at a speed greater than 20 miles per hour.
26 Even at speeds at or below 20 mile per hour, no golf cart may be operated at a speed greater than
27 is reasonable and prudent for the existing conditions.

28 (14) No golf cart may be operated in a careless or reckless manner.

29 (15) Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of
30 any kind including a person on roller skates, skateboards or bicycle . ~~Notwithstanding the~~
31 ~~foregoing, a golf cart may be used to tow watercraft, utility carts or utility trailers on public~~
32 ~~streets or public vehicular areas on which the operation of golf carts is authorized by this article~~
33 ~~but towed watercraft, utility carts or utility trailers shall not be occupied by any person while the~~
34 ~~golf cart is in operation.~~

35 **Sec. 12-678. Exceptions.**

36 The limitations set forth in section 12-667 shall not apply to golf carts being operated as
37 follows:

1 County Attorney
2
3 Date adopted: _____
4
5 Motion to adopt by Commissioner _____
6 Second by Commissioner _____
7 Vote: _____ AYES _____ NAYS
8 S:\Legal\Ordinances\



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252.232.6028
(Fax) 252.232.6026

MEMORANDUM

To: Board of Commissioners

From: Holly B. White, Senior Planner

Date: February 22, 2010

Re: Recommendation of Award for the Corolla Greenway Multi Use Path Project

In August 2009, Currituck County received a \$500,000, 50/50 matching grant from the NC Parks and Recreation Trust Fund (PARTF) to design and construct the Corolla Greenway Multi Use Path. The proposed Corolla Greenway project encompasses a trailhead at Heritage Park (Whalehead Club), 1.06 mile greenway (10' wide, multi use path), pocket park, and two (2) elevated wildlife observation platforms.

In order to determine and secure the most fiscally reasonable alternative for a small portion of path between the entrance of Heritage Park to Corolla Village Road, bidders were asked to submit a base bid as well as an alternative bid. The base bid includes widening 575 linear feet of existing six (6) feet wide concrete sidewalk to ten (10) feet in width from the entrance of Heritage Park to Corolla Village Road. The alternative bid provides for removal of the existing six (6) foot wide sidewalk and replacement of all 575 linear feet with a continuous ten (10) foot wide multi use path.

This project was advertised and a pre-bid meeting held on January 26, 2010. Bids were opened on February 2, 2010. A total of eight (8) competitive bids were received. As suggested by Rivers & Associates in the attached Engineer's Memorandum, County Attorney Ike McRee reviewed the bids submitted by RPC Contracting and Hatchell Concrete for acceptance or rejection. It is Mr. McRee's opinion that both firms should be rejected as nonresponsive for failure to comply with the requirements of the bid instructions.

Based on the certified bid tabulation by Rivers and Associates, Inc, **Barnhill Contracting was the low bidder of both the base bid, at \$398,000, and the alternative bid, at \$413,640.** For a more detailed breakdown of the bids submitted, please see the attached Memorandum from Mark Garner. Based on the price, staff would like to select the base bid with the alternative bid option. Staff concurs with the recommendation from Rivers and Associates for award of the project construction contract to **Barnhill Contracting Company in the amount of \$413,640.**

February 17, 2010

Mr. Ben Woody, County Planning Director
County of Currituck
P. O. Box 70
Currituck, N.C. 27929

SUBJECT: Currituck County Multi-Use Path
Corolla Greenway Trail Project
Rivers File 2009133

Dear Mr. Woody:

The subject project was advertised in a newspaper of general circulation at least seven (7) days prior to receipt of bids, a pre-construction conference was held at least ten (10) days prior to the advertised date of the bid opening, and bids were received and opened at the prescribed time, place, and manner all as required by North Carolina's general statutes. Sealed bids were received and thereafter publicly opened and read at 2:00 PM on February 9, 2010 in the Conference Room at the Currituck County Corolla Satellite Office.

Plans and specifications were mailed to eight (8) contractors upon their request in addition to numerous plan rooms. The project was very competitively bid with a total of eight (8) bids received.

The submitted bids have been tabulated and have been corrected where necessary. The bids have been reviewed for compliance with requirements set forth in the Contract Documents. A copy of the certified Bid Tabulation is attached for your records. Upon verification/correction of bids received, the low bid was submitted by Barnhill Contracting Company of Kitty Hawk, NC whether in consideration of only the Base Bid, or in consideration of the Base Bid with the Alternate Bid. A summary list of bidders and their corresponding total Base Bid and total Base Bid with Alternate selected are provided below:

<u>Bidder:</u>	<u>Certified Total Base Bid</u>	<u>Certified Total Bid w/ Alternate</u>
Barnhill Contracting	\$398,000.00	\$ 413,640.00
RPC Contracting	\$411,645.59*	\$ 414,566.59*
Hatchell Concrete, Inc.	\$430,883.22*	\$ 442,900.72*
Paul Howard Construction Co., Inc.	\$530,000.00	\$ 544,375.00
Construction Supervision Services, Inc.	\$549,806.20*	\$ 559,581.20*
Hine Sitework, Inc.	\$623,047.00	\$ 626,267.00
Burney & Burney Construction Co., Inc.	\$763,813.00	\$ 775,313.00
T.A. Loving Company	\$995,815.00	\$1,021,690.00

* *Indicates corrected figure*

Barnhill Contracting Company was formally notified on February 11, 2010 as to their being the verified apparent low bidder. In accordance with the bidding documents, Barnhill Contracting provided additional MBE documentation within 72 hours of being notified as being the apparent low bidder.

Mr. Ben Woody
February 17, 2010
Page 2

Our review of documents submitted with their bid, and those required within the required 72 timeframe after notification of being the apparent low bidder, indicates that Barnhill Contracting Company has documented their good faith efforts to utilize MBE subcontractors to reach the project's 10% utilization goal. Although the bidder did not reach that goal, he did secure a MBE subcontractor. Enclosed for your review and files is a copy of the MBE documents submitted by Barnhill Contracting Company.

We did not request a statement of qualifications from Barnhill Contracting Company as the Owner is allowed by the bid documents due to our long-standing knowledge of the company and their record of successfully completing smaller and larger sized projects of similar nature engineered by Rivers as well as others.

While preparing the official Bid Tabulation, we noted that the second and third low bidders, RPC Contracting and Hatchell Concrete, Inc., respectively, failed to comply with requirements for Bid Item No. 1 (Mobilization & Bonding) as set forth in the Bid Schedule and Payment section of the specifications. Specifically, these two bidders did not price Mobilization & Bonding such that the bid price for this item did not exceed three percent (3%) of their total price bid. In accordance with Article 19.01 of the Instructions to Bidders, "Owner...reserves the right to waive all informalities not involving price..." Since the non-compliant act impacts the bid price, we recommend that you consult the County Attorney to determine whether or not these two bids should be rejected as non-responsive.

It is our understanding that the County has yet to receive concurrence from NCDOT as to acceptance of the construction plans for the previously issued encroachment agreement, although 50% plans, as well as final plans, were submitted on schedule to NCDOT on the County's behalf. As you are aware, to allow the contractor to achieve the County's goal of substantially completing the path portion of the project prior to June 1, 2010, the construction contract needs to be awarded early in March with a goal of issuing a notice to proceed with construction as soon as possible before the first of April. We recommend that the County continue communications with NCDOT in attempts to secure their final plan acceptance.

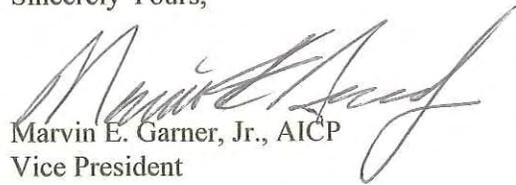
We recommend the County accept the bids as verified, subject to the County Attorney's opinion regarding acceptance or rejection of the bids submitted by RPC Contracting and Hatchell Concrete, Inc.

Further, as a result of verification of the bids received, review of other submitted documentation and our knowledge of the low bidder's qualifications to perform the work, we recommend the County award the project construction contract to Barnhill Contracting Company as the low responsive bidder subject to receipt of NCDOT's acceptance of the final plans. It is our understanding that the County intends to select the Base Bid with the Alternate Bid in awarding the project contract which will result in a contract award amount of \$413,640.00.

Mr. Ben Woody
February 17, 2010
Page 3

We appreciate the opportunity to work with Currituck County and look forward to our continuing relationship during the construction phase of this important project.

Sincerely Yours,



Marvin E. Garner, Jr., AICP
Vice President

Enclosures

cc: Ms. Holly White, Currituck County Senior Planner, w/o encl.
Mr. David Webb, PE, Rivers & Associates, Inc., w/o encl.
File

CURRITUCK COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES – Membership Revised July 2009

POSITION	NAME	ADDRESS	EMAIL	HOME	WORK	CELL	1 ST term	2 ND term
CHAIR	Stephanie Miller	172 Lands End Rd Knotts Is, NC 27950	carova_girl@yahoo.com	429-9177	429-3327	757- 544-1416	6/09	6/13
VICE-CHAIR	Dr. Norman Dahm	P. O. Box 207 Harbinger, NC 27941	Leenorm777@juno.com	491-8339	491-8550	267-3064	6/09	6/13
SECRETARY								
MEMBER								
MEMBER	Joann Dibello	124 Sound Shore Dr. Currituck, NC 27929		232-2550			10/13	
MEMBER	Lisa Rose	P. O. Box 456, Moyock, NC 27958	hrose@currituck.k12.nc.us	435-2652	333-8362		6/13	
MEMBER	George Gregory	444 NW Backwoods Rd. Moyock, NC 27958		435-2554			6/13	
MEMBER	Marion Thorn	P. O. Box 430 Moyock, NC 27958	Marion_thorn@embarqmail.com	435-6323		757- 630-4196	6/08	6/12
MEMBER	Dr. Alison Boone-Heyder	102 Continental Court Point Harbor, NC 27964	Alison.heyder@gmail.com	491-2550	261-7700		6/12	
MEMBER	Rhonda Cheek	1131 Gray Court Corolla, NC 27927	sunseekers@earthlink.net	453-3064		202-4772	6/06	6/10
EX-OFFICIO	Vicky Hagemeister	115 Scotland Road Camden, NC 27921	vhagemeister@earlibrary.org	331-2026	453-8345	Fax 453-8717		
EX-OFFICIO	Nancy Bass	126 Mariners Way Moyock, NC 27958	Nbass105@hotmail.com	453-6910				
EX-OFFICIO	Jessica Wemer	P. O. Box 306 Corolla, NC 27927	ewemer@embarqmail.com	457-0808				
EARL	Becky Callison	100 E. Colonial Ave. Elizabeth City, NC 27909	bcallison@earlibrary.org	335-0444	335-2511	340-4838		

LIBRARY BOARD OF TRUSTEES
4 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Stephanie Miller	District 1			5/18/2009	2nd 6/30/2013
Dr. Norman Dahm	District 2			5/18/2009	2nd 6/30/2013
Cynthia Brodersen*	District 3		Barry Nelms	7/20/2009	1st 6/30/2013
Joann DiBello	District 4			7/20/2009	1st 6/30/2013
Lisa Rose	District 5			6/15/2009	1st 6/30/2013
George Gregory	At-Large			5/18/2009	1st 6/30/2013
Rhonda Cheek	At-Large				2nd 6/30/2010
Marion Thorn					2nd 6/30/2012
Dr. Alison Boone-Heyder					1st 6/30/2012

* Resigned-Appointment Needed for Unfulfilled Term



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 2/14/10
Name: Colleen Umphlett
Address: 118 WOODHOUSE DR
GRANDY NC 27939
Phone: 252-453-6483

Board(s) or Committee(s) on which you would like to serve:

Please check

- | | |
|--|--|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Airport Advisory Authority | <input type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input checked="" type="checkbox"/> Library Board | |

Qualifications and reasons you would like to serve:

I am a successful business owner that understands
what it takes to meet the needs of our citizens.
The libraries serve our communities extremely well.
They are an incredible resource. I would be honored
to help guide them in their growth.

Please return to
County Manager's Office
P.O. Box 39
Currituck, NC 27929

FIRE AND EMS ADVISORY BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Hugh McCain-Corolla*	District 1		Aydlett		4/1/2010
Rick Galganski - Corolla	District 2			5/4/2009	4/1/2011
Carl Soltow-Grandy*	District 3		Nelms		4/1/2010
Albert Stegner-Bells Island	District 4			5/4/2009	4/1/2011
Mick Lasinski-Moyock*	District 5		Taylor		4/1/2010
Chris Dailey - Moyock				5/4/2009	4/1/2011
Stanley Griggs*	At-Large		O'Neal	10/19/2009	4/1/2010
Greg Laput-Moyock*	At-Large		Gregory		4/1/2010

***May be Reappointed**

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.

SENIOR CITIZEN ADVISORY BOARD
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Shirley Falls	District 1				2nd 1/11/2012
Jo Stepp	District 2				7/20/2012
William Freethy*	District 3		Nelms		2nd 1/14/2010
Grace Yingling	District 4			7/12/2009	2nd 7/12/2012
Rosalie Rose	District 5				1st 1/1/2011
Martha Burns	At-Large			6/15/2009	1st 1/19/2011
Gerri Andrews	At-Large			6/15/2009	1st 4/15/2011

*** COMPLETING SECOND TERM - NOT ELIGIBLE FOR REAPPOINTMENT**

WHALEHEAD BOARD OF TRUSTEES

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
	District 1	*	Aydlett		
	District 2	*	Rorer		
	District 3	*	Nelms		
	District 4	*	Etheridge		
	District 5	*	Taylor		
	At-Large	*	O'Neal		
	At-Large	*	Gregory		
		**			
		**			
		**			
		**			

* 7 Members Must Be County Residents

** 4 Members May Be Non-Residents



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
10390-499900	Fund Appropriated Balance	6,899	
10750-511000	Telephone & Postage	6,500	
10750-513000	Utilities	2,500	
10750-557700	Crisis Intervention	17,900	
10750-561000	Professional Services	15,000	
10752-519202	Title IV-E Adoption Assistance	16,200	
10752-519600	Child Daycare	75,000	
10752-519601	Smart Start Daycare	7,955	
10752-545003	Contracted Services-Special Adop	23,250	
10752-561003	Professional Services-Special Adc	23,250	
10330-430200	Adoption Assistance		46,500
10330-431000	DSS Admin		24,799
10330-432800	Day Care		82,955
10750-519800	TANF Transportation		6,000
10750-531000	Gas, Oil, Etc.		3,300
10750-590441	Technology Over \$1,000		14,700
10752-519100	Title IV-E Foster Care		16,200
		<u>\$ 194,454</u>	<u>\$ 194,454</u>

Explanation: SOCIAL SERVICES ADMINISTRATION (750) and PUBLIC ASSISTANCE (752) - Adjust to reflect actual spending in operating expenses; new allocations received from the state and the Smart Start partnership; funds received for finalized adoptions since July 2009; and IV-E Adoption Assistance county payback.

Net Budget Effect: Operating Fund (10) - Increased by \$147,355.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
62828-533200	Lab Tests	500	
62828-532000	Supplies	1,900	
62828-561000	Professional Services		2,000
62828-516000	Repair/Maintenance		400
		<u>\$ 2,400</u>	<u>\$ 2,400</u>

Explanation: *Newtown Road Sewer (62828)* - Transfer funds for lab tests and supplies needed for operations.

Net Budget Effect: Newtown Road Sewer (62) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10461-514000	Travel	1,000	
10461-516200	Vehicle Maintenance		1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: *Public Utilities (10461)* - Transfer funds to allow wastewater operator to attend the Grade IV biological Treatment School.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10531-590000	Capital Outlay	\$ 7,831	
10531-502000	Salaries - Regular		\$ 7,831
		<u>\$ 7,831</u>	<u>\$ 7,831</u>

Explanation: *Emergency Management (10531)* - Transfer funds to purchase equipment necessary for 800Mhz radios.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10790-511000	Telephone & Postage	\$ 1,500	
10790-532000	Supplies		\$ 1,500
		<u>\$ 1,500</u>	<u>\$ 1,500</u>

Explanation: *Library (10790) - Transfer funds for additional supplies needed for start-up at Moyock library.*

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10535-590441	Technology over \$1,000	\$ 1,252	
10535-532441	Technology under \$1,000		\$ 1,252
		<u>\$ 1,252</u>	<u>\$ 1,252</u>

Explanation: *Communications (10535)* - Transfer funds to replace headsets for telecommunicators.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10560-519701	HCCBG - Access Service	\$ 2,222	
10330-432200	HCCBG - Transportation		\$ 2,222
		<u>\$ 2,222</u>	<u>\$ 2,222</u>

Explanation: *Inter-County Transportation (10560) - Adjust to final grant approval.*

Net Budget Effect: Operating Fund (10) - Increased by \$2,222.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12547-545000	Contract Services	\$ 45,000	
12547-590007	Capital Outlay		\$ 45,000
		<u>\$ 45,000</u>	<u>\$ 45,000</u>

Explanation: *Carova Beach Volunteer Fire Department (12547)* - To transfer funds from Capital outlay to operations. The Swan Beach reserve will not be used this year since there was a loan with the County approved at the February 15, 2010 meeting.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10531-526000	Advertising	\$ 100	
10531-514000	Travel	\$ 1,000	
10531-532000	Supplies	\$ 13,689	
10531-590000	Capital Outlay	\$ 7,000	
10330-445000	Emergency Mgmt Grant		\$ 21,789
		<u>\$ 21,789</u>	<u>\$ 21,789</u>

Explanation: *Emergency Management (10531)* - To record additional Emergency Management Planning Grant for FY 2010, this is the 2009 grant cycle. Capital purchases will be for portable lights and explosive ordinance containers.

Net Budget Effect: Operating Fund (10) - Increased by \$21,789.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



CURRITUCK COUNTY BOARD OF COMMISSIONERS

ITEM TO BE CONSIDERED

Meeting Date: Agenda #

SUBJECT:

Advertise 2009 Tax Year Liens
The total unpaid 2009 real estate taxes as of February 19, 2010 on 2009 is \$1,950,096.
The Tax Collector must advertise the unpaid tax liens in a newspaper having general circulation in the County during the period March 1 - June 30 pursuant to G.S. 105-369

REQUESTED ACTION:

Order the Tax Collector to advertise the 2009 real estate tax liens

Submitted by: Department:

Date submitted: Attachments: Yes No

REVIEW PROCESS:

	<u>Approved</u>	
County Manager	Yes <input type="checkbox"/>	No <input type="checkbox"/>
County Attorney	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Finance Director	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

REVIEW COMMENTS:



COUNTY OF CURRITUCK

Tax Department
P.O. Box 9
Currituck, North Carolina 27929

Tracy Sample
Tax Administrator
(252) 232-3005
(252) 232-3568 (FAX)

Report of Unpaid 2009 Real Estate Taxes Advertisement of Tax Liens

To: Board of County Commissioners
From: Tracy Sample, Tax Administrator
Date: February 19th 2010

.....

As of February 19th 2010, there are \$1,950,096 in unpaid taxes that are a lien on real estate for fiscal year 2009-2010.

North Carolina General Statute 105-369 requires that unpaid real estate tax liens be advertised in one or more newspapers having a general circulation in the county and by posting a notice of the tax liens at the County Courthouse. This statute requires that the Board of Commissioners order the tax collector to advertise the tax liens.

North Carolina Department of Transportation
Division of Highways
Petition for Road Addition

ROADWAY INFORMATION: (Please Print/Type)

County: Currituck Road Name: Sections of Rita Parker Neal
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Albemarle Sound Beach Estates Length (miles): _____
owners

Number of occupied homes having street frontage: 27 Located (miles): .3
13

miles N S E W of the intersection of Route _____ and Route Colonial Beach Rd
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of ASB Estates in
Currituck County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: Barbara D. Otto Phone Number: 252.491.4290

Street Address: 110 Neal Ave

Mailing Address: Jarvisburg, NC 27947

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>



Currituck County Sheriff's Office

SUSAN D. JOHNSON, Sheriff

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on 3/1/2010 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be disposed of by trade in: to J & J Wholesale, 670 N Hwy 343, Camden, NC 27921. Owner: Donnie Jones 252-338-1516

Trading In:

1998 Ford Explorer - VIN# 1FMZU35PXWZA68969
1988 Chevy Cavalier - VIN# 1G1JC1113J7129456
1992 Chevy Truck - VIN# 2GCEK19K5N1161045
2004 Chevy Express Van - VIN# 1GBJG31U941209521
1994 Ford Crown Vic - VIN# 2FALP74W0RX144913

Getting:

2004 Ford Crown Vic - VIN# 2FAFP73W64X183531

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of County of Currituck reserves the right to reject any and all bids.

ADOPTED, this _____ day of _____, 2010.

S Paul O'Neal
Currituck County Board of
Commissioners

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board



**Sheriff
Susan Johnson**

CURRITUCK COUNTY SHERIFF'S OFFICE

407 Maple Road ■ Maple, N.C. 27956
Tel: 252-453-8204 ■ Fax 252-453-2238

To: Currituck County Board of Commissioners

Date: 02/12/10

The five vehicles referenced in this resolution, were turned over to the Currituck County Sheriff's Office as a result of felonious involvement in crimes. Three of these vehicles were related to illegal narcotics cases. Only one vehicle, the(1994 Crown Victoria) was donated to the Currituck County Sheriff's Office.

Currently only one vehicle is in running condition but has mechanical issues. If this resolution is passed, the Sheriff's Office will be able to trade these vehicles and receive a 2004 Ford Crown Victoria to be utilized as an assigned patrol vehicle.

We are in desperate need of this vehicle due to budget cuts. In the 2009/2010 budget we were cut 3 replacement patrol vehicles and in the 2010/2011 budget we had to cut 2 more replacement vehicles, so we would not cut personnel. This will be hard to overcome but the addition of this vehicle will help.

We would greatly appreciate your assistance and cooperation in this request.

Sincerely,


Susan Johnson

Sheriff



Post Office Box 70
Currituck, North Carolina 27929

252-232-3378
Fax 252-232-3470

County of Currituck

Inspections Department

To: Gwen Keene, Clerk to the Board
From: Spence W. Castello, Director of Inspections 
CC: Dan Scanlon, County Manager; Ike McRee, County Attorney
Date: 2/15/2010
Re: Disposal of Building Permit files

As you are aware, we have moved mold contaminated Building Permit files from the second floor of the historical jail building to the compound adjacent to the County airport.

Since these files are contaminated and pose a health risk, we would like to request that these files be destroyed. The files originated during the years 2001-2003 and have been retained longer than the time required by the state's retention policy.

If you would, please include this request on the agenda of the next Commissioner's meeting.

If you have any questions or need anything additional, please let me know.

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on 3/1/2010 authorized the following, pursuant to GS 160A and 270(b), that the property listed below be disposed of:

Asset 2912 Iron Treatment Filters: Part of old Ocean Sands Water Plant that has been demolished.

Asset 2913 Ground Water Storage Tank: Part of old Ocean Sands Water Plant that has been demolished.

Asset 3041 High Water Signal Control Unit: Unit no longer in working condition, not repairable.

Asset 3180 4" Flanged Water Valve: Part of old Ocean Sands Water Plant that has been demolished.

Asset 6108 8 Bull Horn Alarms (Lift Station): Unit no longer in working condition, not repairable.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of County of Currituck reserves the right to reject any and all bids.

ADOPTED, this _____ day of _____, 2010.

S Paul O'Neal
Currituck County Board of
Commissioners

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

CURRITUCK COUNTY
NORTH CAROLINA
February 15, 2010

The Board of Commissioners met at 6:00 p.m. with the Planning Board.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman O'Neal, Commissioners Etheridge, Aydlett, Gregory, Nelms and Taylor. Commissioner Rorer was absent.

Invocation Pledge of Allegiance

Reverend Dan Bergey, New Life Church, was present to give the invocation.

Approval of Agenda

Commissioner Aydlett moved to amend the agenda by adding Item 2A, Resolution for OLF and add to consent agenda Agreement for wastewater master plan with Currituck Utilities and Currituck County. Commissioner Gregory 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 2A Resolution for OLF

Item 3 **Audit Presentation, June 30, 2009** Chris Burton will present the audit for the period ended June 30, 2009

Item 4 **Public Hearing and Action:** PB 09-37 Corolla Wild Horse Fund: Request for a special use permit for an outdoor tour operator located at 1126 Schoolhouse Lane, Tax Map 114, Parcel 53, Poplar Branch Township.

Item 5 **Public Hearing and Action:** PB 09-03 Wild Horse Adventure Tours: Request for an amended special use permit for outdoor tour operator. The property is located at 600 Currituck Club Drive, Corolla, Tax Map 126, Parcel 3D, Poplar Branch Township.

Item 6 **Consideration of Carova Beach Volunteer Fire Department to purchase land**

Item 7 **Consideration of amendment to Parks & Recreation Ordinance Article III Section 10-134 to allow dogs at Rural Center**

Item 8 **Appointment to Library Board of Trustees**

Item 9 **Consent Agenda:**

1. Currituck County Rural Center User Agreement
2. Rural Center Rules & Regulations
3. Amendment to Rate Schedule -user fees for Rural Center
4. Application for State Aid for Mosquito Control and Resolution designating County Manager to sign contract
5. Recommendation for Banking Services by the Finance Director
6. Budget Amendments
7. Approval of February 1, 2010, Minutes
8. Agreement for wastewater master plan with Currituck Utilities and Currituck County

Item 10 Commissioner's Report

Item 11 County Manager's Report

Adjourn

Special Meeting

Tourism Development Authority

Call to Order

TDA Budget Amendments

Adjourn

Public Comment

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

Chairman O'Neal opened the public comment period.

Ashley Drexler, North Spot Road, expressed concerns with the egress and ingress on Gabbard Road for the Rural Center.

The Board directed staff to bring back other options.

Commissioner Etheridge moved to send a resolution to Legislators opposing the request to teach history in schools beginning with the year 1877. Commissioner Aydlett seconded the motion. Motion carried.

Resolution opposing inclusion of Northeastern NC localities of Currituck and Camden within the Hampton Roads Joint Land Use Study.

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

Linda Knox, Wildwood Acres, supports resolution.

Juanita Krause, Moyock, thanked the Board for their support of this resolution and requested a letter be sent why we

have not had any response from the letter written on November 17, 2009.

Jim Dempsey, RiversEdge, supports efforts opposing the OLF.

Troy Breathwaite, thanked the Board and citizens for their continued support opposing OLF.

Chairman O'Neal thanked the citizens for their support.

Commissioner Aydlett requested a letter be sent to Senator Basnight and Representative Owens along with the Hampton Roads Planning Commission.

**RESOLUTION OPPOSING INCLUSION OF THE NORTHEASTERN NORTH CAROLINA
LOCALITIES OF CAMDEN AND CURRITUCK WITHIN THE HAMPTON ROADS JOINT LAND
USE STUDY**

WHEREAS, the Boards of Commissioners of the counties of Camden and Currituck, North Carolina do hereby find as follows;

WHEREAS, The Hampton Roads Joint Land Use Study (HRJLUS) was initiated in 2004 as part of DoD's nationwide JLUS program. It addresses land use compatibility issues among the three jurisdictions of the cities of Norfolk, Virginia Beach and Chesapeake, Virginia, to develop and administer a land use system which would balance community interests with the military mission in the Hampton Roads region; and

WHEREAS, the United States Navy (the Navy) and the cities of Virginia Beach, Chesapeake, and Norfolk have entered into a joint land use planning agreement/partnership known as the Final Hampton Roads Joint Land Use Study (HRJLUS) dated April 2005; and

WHEREAS, the land use recommendations of the Final HRJLUS were passed into Virginia law on March 30, 2006, through adoption of HB 975 and SB 565, respectively, and incorporated into Chapters 266 and 328 of the Virginia Code by the Virginia General Assembly; and

WHEREAS, the Executive Summary of the Final HRJLUS states that the goal of the study is to "explore opportunities to reduce noise impacts on communities surrounding NAS Oceana, NALF Fentress, and Chambers Field while accommodating necessary growth and maintaining regional economic sustainability"; and

WHEREAS, the Executive Summary of the Final HRJLUS outlines recommendations that "focus on specific policies to address land use, noise, and economic concerns of the surrounding communities"; and

WHEREAS, two of the recommendations found in the Executive Summary of the Final HRJLUS in pursuit of the study goal include 1) the pursuit of an additional Outlying Landing Field (OLF) in North Carolina "to allow additional flight training in undeveloped areas outside Hampton Roads" and 2) to "implement/continue all flight ops modifications feasible to reduce air ops to minimal feasible to support mission over Hampton Roads developed areas"; and

WHEREAS, one of the proposed OLF sites is located in Camden and Currituck counties, North Carolina; and

WHEREAS, the Executive Summary of the Final HRJLUS states that the recommendations found therein "would result in a decreased level of community impacts from noise"; and

WHEREAS, the Final HRJLUS utilized two primary committees for decision-making throughout the process representing city officials from Virginia Beach, Chesapeake and Norfolk; military installation leaders; and Federal agency representatives; and

WHEREAS, the elected governments of the localities of Camden and Currituck counties, North Carolina, were not invited to participate in, enter into collaborative partnership with, nor consulted for input with respect to the recommendations of the portions of the Final HRJLUS that directly impact the localities (OLF in North Carolina); and

WHEREAS, the counties of Camden and Currituck, North Carolina, exercise their sovereign rights to exclusive land use decisions within their respective jurisdictions;

BE IT RESOLVED THAT Camden and Currituck counties affirm their strong opposition to inclusion in the Final Hampton Roads Joint Land Use Study and also affirm that any actions to reduce noise impacts on communities surrounding NAS Oceana, NALF Fentress, and Chambers Field while accommodating necessary growth and maintaining regional economic sustainability must not be waged at the expense of the fundamental civil liberties, rights, and freedoms of the people of Camden and Currituck counties, North Carolina.

BE IT FURTHER RESOLVED THAT the counties of Currituck and Camden, North Carolina, urge our State Representatives and Senators, and United States Representative and Senators to enact legislation and actively work for the repeal of those provisions that are found in the Final Hampton Roads Joint Land Use Study that unlawfully infringe upon civil rights and liberties on jurisdictions outside Virginia.

Audit Presentation, June 30, 2009 Chris Burton will present the audit for the period ended June 30, 2009

Sandra Hill, Finance Director, reviewed the 2009 audit.

Mr. Burton, stated that the County Bond rating was unchanged and there were good internal controls.

Commissioner Aydlett commended staff for being good stewards of county funds.

Chairman O'Neal commended this Board and previous Boards for their vision.

Public Hearing and Action: PB 09-37 Corolla Wild Horse Fund: Request for a special use permit for an outdoor tour operator located at 1126 Schoolhouse Lane, Tax Map 114, Parcel 53, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

ITEM: **SPECIAL USE PERMIT - OUTDOOR TOUR OPERATOR**

LOCATION: 1126 Schoolhouse Lane, Corolla

ZONING DISTRICT: General Business (GB)

TAX ID: 011400000530000

OWNER: Duck Land Company, LLC
PO Box 369
Corolla, NC 27927

APPLICANT: Corolla Wild Horse Fund, Inc.
PO Box 361
Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Commercial	Zoned GB
SOUTH:	Parking Lot	Zoned RO1
EAST:	Office	Zoned RO1
WEST:	Commercial	Zoned GB

LAND USE PLAN

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

NARRATIVE:

1. The 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.
2. The Special Use Permit application pertains to the property located at 1126 Schoolhouse Dr. Associated activities that may occur off-site are subject to the conditions included in the approved Permit.

3. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
- a. POLICY ED1: new and expanding industries and businesses should be especially encouraged that:
 - 1) diversify the local economy,
 - 2) train and utilize a more highly skilled labor force, and
 - 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
 - b. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

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

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to Conditions of Approval to minimize any negative effects they might have on surrounding properties.

In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION
Suggested Findings:
 - a) The application is complete.
2. COMPLIANCE WITH ORDINANCE REQUIREMENTS
Suggested Findings:
 - a) The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.

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

Suggested Findings:

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

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

Suggested Findings:

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

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

Suggested Findings:

- The parcel is located in Historic Corolla Village in a well established commercial area which includes retail shops and is therefore in keeping with the character of the surrounding area.

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

Suggested Findings:

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

- v. The proposed use **will not** exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the

sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in.

Suggested Findings:

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

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit for the property at 1126 Schoolhouse Lane and staff recommends **APPROVAL** with the following conditions:

1. 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.
2. Tours shall operate only during Corolla Wild Horse Museum hours of operation.
3. Tours must be accompanied by a guide.
4. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches, and all other applicable other provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
5. There shall be one parking space required for every vehicle seating 1-5 persons and two parking spaces required for every vehicle seating 6-10 persons.
 - a. 1 vehicle seating 1-5 persons = 1 space required
 - b. 949 sq. ft. Museum = 3 spaces required
 - c. Total Required Parking = 4 spaces
6. This special use permit is valid for one year from the date of approval and shall remain valid so long as the conditions under which it is granted are met.
7. The Board of Commissioners may establish a maximum number of vehicles as part of the special use permit approval process.

PLANNING BOARD RECOMMENDATION

The Planning Board recommended approval of the special use permit with staff recommendations.

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

Commissioner Nelms moved to approve with findings of fact and staff recommendations as presented and the permit could

be renewed administratively if no complaints had been received during the year. Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action: PB 09-03 Wild Horse Adventure Tours: Request for an amended special use permit for outdoor tour operator. The property is located at 600 Currituck Club Drive, Corolla, Tax Map 126, Parcel 3D, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

ITEM: AMENDED SPECIAL USE PERMIT - OUTDOOR TOUR OPERATOR

LOCATION: 600 Currituck Club Drive, Corolla

ZONING DISTRICT: Limited Business - Hotel Allowed (LBH)

TAX ID: 0126000003D0000

OWNER: James Holdings
88 E Main Street, #202
Mendham, NJ 07945

APPLICANT: Richard Brown
600 Currituck Club House Drive
Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Commercial	Zoned LBH
SOUTH:	Residential	Zoned LBH
EAST:	Open Space	Zoned RO1
WEST:	Residential	Zoned LBH

LAND USE PLAN

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

NARRATIVE:

1. Wild Horse Adventure Tours was issued a special use permit for outdoor recreation on June 15, 2009.

2. The Board of Commissioners adopted an ordinance on September 21, 2009 that established outdoor tour operators as a specific land use. Subsequently, any business operating as a vehicular tour operator with a base operation within the jurisdiction of Currituck County is required to apply for a new special use permit.
3. The amended Special Use Permit application pertains to the property located at 600 Currituck Club Drive. Associated activities that may occur off-site are subject to the conditions included in the approved Permit.
4. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
 - a. POLICY ED1: new and expanding industries and businesses should be especially encouraged that:
 - 1) diversify the local economy,
 - 2) train and utilize a more highly skilled labor force, and
 - 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
 - b. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

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

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to Conditions of Approval to minimize any negative effects they might have on surrounding properties.

In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

a)The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

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

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

Suggested Findings:

- According to County Tax Maps, nearest residential dwellings to the tract are 250 feet from the proposed use.
- The parcel has adequate on-site parking and is located in a well established commercial area that includes retail shops.

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

Suggested Findings:

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

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

Suggested Findings:

- The parcel is currently in a well established commercial area which includes retail shops and is therefore in keeping with the character of the surrounding area.
- When not in use, all horse tour vehicles shall be parked in a properly marked space toward the rear of the building in order to improve traffic flow and preserve roadside aesthetics.

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

Suggested Findings:

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

v. The proposed use **will not** exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in.

Suggested Findings:

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

CURRENT SPECIAL USE PERMIT CONDITIONS

The following conditions were included in the special use permit for outdoor recreation approved by the Board of Commissioners on June 15, 2009:

1. When not in use, all horse tour vehicles shall be parked in a properly marked space toward the rear of the building in order to improve traffic flow and preserve roadside aesthetics.
2. Each side of horse tour vehicles shall be labeled with decals that clearly display the company name. The decal shall be of a size that is clearly legible (minimum of four inches in height).
3. All tours must be accompanied by a guide. The independent rental of jeeps shall be prohibited.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting an amended Special Use Permit for the property at 600

Currituck Club Drive and staff recommends **APPROVAL** with the following conditions:

1. When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure in order to improve traffic flow and preserve roadside aesthetics.
2. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
3. Tours must be accompanied by a guide. The independent rental of outdoor tour vehicles shall be prohibited.
4. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches, and all other applicable other provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
5. 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, 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.
 - a. 7 vehicles seating 1-5 persons = 7 spaces required
 - b. 3 vehicles seating 6-10 persons = 6 spaces required
 - c. 8 employees on largest shift = 4 spaces required
 - d. Required parking = 17 spaces (The total required parking including Wild Horse Adventure Tours is 66 spaces...the parking provided on-site is 66 spaces)

This special use permit is valid for one year from the date of approval and shall remain valid so long as the conditions under which it is granted are met.

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

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

Commissioner Aydlett moved to approve with findings of fact and staff recommendations as presented and the permit could be renewed administratively if no complaints had been

received during the year. Commissioner Taylor seconded the motion. Motion carried.

Consideration of Carova Beach Volunteer Fire Department to purchase land

Dan Scanlon, County Manager, stated that the Carova Beach Volunteer Fire Department has requested to purchase 5 acres of land for \$150,000 and the County to loan them \$60,000 and pay back \$12,000 each year for the next 5 years.

Commissioner Nelms moved to approve contingent upon an independent appraisal. Commissioner Aydlett seconded the motion.

Consideration of amendment to Parks & Recreation Ordinance Article III Section 10-134 to allow dogs at Rural Center

Ike McRee, County Attorney, reviewed the following ordinance:

**AN ORDINANCE OF THE
CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING ARTICLE III, SECTION 10-134 OF THE CURRITUCK
COUNTY CODE OF ORDINANCES**

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

WHEREAS, pursuant to N.C.Gen. Stat. Sect. 153A-169 a county may by ordinance adopt regulations concerning the use of county property.

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

PART 1. Section 10-134. Dogs, of the Code of Ordinances for Currituck County is amended to read as follows:

- (a) Except as permitted herein, dogs are not permitted in county parks except service dogs for the disabled. Notwithstanding the foregoing, dogs are

permitted in the county park located at 140 Gabbard Lane, Spot, North Carolina when in compliance with the conditions set forth in paragraphs (1) through (7) of Section 10-134(b) of this Code.

(b) Dogs may be permitted in county parks for a particular purpose sponsored by a group, association or organization that has obtained a permit under Section 10-148 of this Code and with the following conditions:

- (1) Dogs must have current vaccinations and licenses. Proof of vaccinations and licensure is required upon request of the group, association or organization permitted to use a county park for a particular purpose, law enforcement officer or animal control officer.
- (2) Dogs under four (4) months of age or female dogs in heat are not permitted.
- (3) Dogs must be under the control of an adult at all times, must wear a collar with any required tags and must be on a leash unless part of a specially trained performing group under the voice control which specially trained performing group is included in the permit of the sponsoring group, association or organization.
- (4) Each dog owner or adult in control of a dog shall remove and dispose of their dog's fecal matter in containers provided for such disposal.
- (5) Aggressive dogs are not permitted and any dog displaying aggression shall be immediately removed from the county park.
- (6) No dog shall be left unattended.
- (7) Dog owners or adults in control of a dog shall provide potable drinking water for their dog.

PART 2. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, or paragraph of this ordinance shall be declared unconstitutional or invalid by the valid judgment

or decree of a court of competent jurisdiction, such unconstitutional or invalid phrase, clause, sentence, or paragraph shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the remaining provisions would have been enacted by the Board of Commissioners without the incorporation into this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

PART 3. All ordinances in conflict with this ordinance are hereby repealed.

PART 4. This ordinance is effective upon its adoption.

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

This ordinance will go for a second reading on March 1, 2010, since Commissioner Rorer was absent.

Appointment to Library Board of Trustees

tabled

Consent Agenda:

1. Currituck County Rural Center User Agreement
2. Rural Center Rules & Regulations
3. Amendment to Rate Schedule -user fees for Rural Center
4. Application for State Aid for Mosquito Control and Resolution designating County Manager to sign contract
5. Recommendation for Banking Services by the Finance Director
6. Budget Amendments
7. Approval of February 1, 2010, Minutes
8. Agreement for development of wastewater master plan between Currituck Utilities & Currituck County.

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

Debit

Credit

Decrease Revenue

Increase Revenue

<u>Account Number</u>	<u>Account Description</u>	or <u>Increase Expense</u>	or <u>Decrease Expense</u>
10530-511000	Telephone & Postage	\$ 2,100	
10530-511010	Data Transmission		\$ 2,100
		<u>\$ 2,100</u>	<u>\$ 2,100</u>

Explanation: Emergency Medical Services (10530) - Transfer funds for additional telephone & postage for operations for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or <u>Increase Expense</u>	Credit Increase Revenue or <u>Decrease Expense</u>
60808-545001	Contract Services - Sewer	\$ 190,000	
60808-561001	Professional Services - Sewer	\$ 60,000	
60390-499900	Appropriated Retained Earnings		\$ 250,000
		<u>\$ 250,000</u>	<u>\$ 250,000</u>

Explanation: Ocean Sands Water and Sewer (60808) - Increase appropriations to correct sewer drainage in Sea Loft Village.

Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - Increased by \$250,000.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or <u>Increase Expense</u>	Credit Increase Revenue or <u>Decrease Expense</u>
10541-545000	Contract Services	\$ 1,731	
10541-516200	Vehicle Maintenance		\$ 1,731
		<u>\$ 1,731</u>	<u>\$ 1,731</u>

Explanation: Fire Services (10541) - Transfer for Eastern Data door access in the Knotts Island Fire Station.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-502000	Salaries		\$ 3,297
10750-545000	Contracted Services	\$ 3,297	
		\$ 3,297	\$ 3,297

Explanation: Social Services Administration (750) - Use lapsed salary to continue contract with Vanguard Professional Services for temporary Food Stamp Intake Income Maintenance Caseworker.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10511-531000	Gas,Oil,Etc.	\$ 6,000	
10511-561000	Professional Services	\$ 3,000	
10511-554000	Insurance & Bonds	\$ 54	
10511-557100	Software License Fee	\$ 1	
10511-547000	Meals		\$ 9,055
		\$ 9,055	\$ 9,055

Explanation: Jail (10511) - Gas,Oil,Etc.- Increased cost from budgeted amount. Professional Services- Increased cost is for Court ordered D.N.A. tests of convicted offenders and an increase in the maintenance agreement of the fingerprint machine. Insurance & Bonds- pursuant to contract price for insurance for the inmate work crew.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10752-558200	LINKS - Special	\$ 15,000	
10752-561003	Professional Serv-Spec		\$ 15,000

Adopt

\$	15,000	\$	15,000
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Explanation: Public Assistance (10752) - To adjust to State funding.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10330-445000	EM Grants	\$ 50,000	
10531-545000	Contract Services		\$ 50,000
		<u>\$ 50,000</u>	<u>\$ 50,000</u>

Explanation: Emergency Management (10535) - To reduce appropriations for an Emergency Management Hazards Mitigation grant that was not funded.

Net Budget Effect: Operating Fund (10) - Reduced by \$50,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10460-545000	Contract Services	\$ 20,325	
10460-592000	Courthouse Projects		\$ 20,325
		<u>\$ 20,325</u>	<u>\$ 20,325</u>

Explanation: Public Works (10460) - Transfer budgeted funds for lawn maintenance contracts through June 30, 2010.

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

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

<u>Number</u>			<u>Expense</u>
10775-514800	Fees Paid to Officials	\$ 950	
10775-516000	Maintenance & Repair		\$ 950
		<u>\$ 950</u>	<u>\$ 950</u>

Explanation: Senior Citizen's Centers (10775) - Transfer funds for Senior Center advisory board fees.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12547-590007	Capital Outlay Fund Balance	\$ 60,000	
12390-499900	Appropriated		\$ 60,000
		<u>\$ 60,000</u>	<u>\$ 60,000</u>

Explanation: Carova Beach VFD (12547) - Increase appropriations for a loan to Carova Beach VFD for purchase of land in Carova Beach. This will be repaid at \$12,000 per year for five years from the annual appropriation.

Net Budget Effect: Fire Services Fund (12) - Increased by \$60,000.

Commissioner's Report

Commissioner Taylor requested staff to send a letter to DOT regarding the condition of pavement on Puddin Ridge Road.

Commissioner Gregory requested staff to send a letter regarding the lack of State Troopers for Currituck County. The county has been allocated 6, but we have only 3.

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.

Special Meeting

Tourism Development Authority

Call to Order

Chairman O'Neal called the Tourism Development Authority meeting to order.

TDA Budget Amendments

Commissioner Nelms moved to approve. Commissioner Taylor 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
15442-521100	Equipment Lease	\$ 3,145	
15442-590441	Technology > \$1,000	\$ 6,854	
15320-415000	Occupancy Tax		\$ 9,999
		<u>\$ 9,999</u>	<u>\$ 9,999</u>

Explanation: *Tourism Promotion (15442)* - To increase appropriations for pole and installation for public information radio and for postage meter rental for the Tourism Department.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$9,999.

Adjourn

There being no further business, the meeting adjourned.