

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, May 03, 2010

Time: 7:00 PM

- 7:00 p.m. Invocation
Pledge of Allegiance
- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Proclamation - National Day of Prayer**
- Item 4 **Public Hearing and Action:** PB 10-08 Tres Beau, Ltd. d/b/a Back Country Outfitters & Segway of the Outer Banks: Request for a special use permit for an outdoor tour operator located at 102-A Austin Street, Tax Map 115B, Parcel 2P2B, Poplar Branch Township.
- Item 5 **Public Hearing and Action:** PB 10-11 Tres Beau, Ltd.: Request for a special use permit for a private outdoor recreational facility located at Wild Horse Lane, Wild Horse Estates II, Tax Map 99D, Parcel OPAR, Poplar Branch Township.
- Item 6 **Public Hearing and Action** to approve a resolution allowing the dissolution of Albemarle Mental Health Center and Development Disabilities and Substance Abuse Services as an area mental health authority
- Item 7 **Consideration of an Ordinance amending Section 8-34 and Section 8-35 of the Code or Ordinances to provide for licensure consistency with County Ordinances**
- Item 8 **Approval of July 4th Fireworks Display**
- Item 9 **Appointment to Whalehead Stormwater Drainage Service District**
- Item 10 **Consent Agenda:**

1. Approval of April 19, 2010, Minutes
2. Budget Amendments
3. Revised JCPC funding plan to transfer SOS assets to Restitution
4. Division of Mental Health, Development, Disability and Substance abuse quarterly fiscal monitoring report
5. Resolution General Surplus and Vehicle Surplus property and Auction to be held May 15, 2010

Item 11 Commissioner's Report

Item 12 County Manager's Report

Adjourn

59th Annual Observance

PRAYER

FOR SUCH A TIME AS THIS



"The LORD is good, a refuge in times of trouble.
He cares for those who trust in Him" *Nahum 1:7*

www.NationalDayofPrayer.org

THURSDAY
MAY 6
2010

Dear Commissioners,

Please find attached a proposal for the Proclamation for the National Day of Prayer for Currituck County. The format and wording of this proclamation is the same as it has been in the past with exceptions to date and theme. As is stated in this document, the act of prayer has been an important part of Currituck County's history and we, the Christian community which live in Currituck, hope and pray you will continue to support the National Day of Prayer. If you would please place this item on an upcoming agenda and if possible, please contact me when this will be read, so I can be on the program to personally thank you. I would appreciate it.

Thank you for your service to our county and please know that there are people who pray for you on a regular basis. Also know that we would like to give you a special invitation to join us at the Currituck Governmental Center at 12:00 noon on Thursday, May 6th, 2010 for a National Day of Prayer program, as we join together to pray for our nation. The keynote speaker this year will be Bob Kohler, retired Navy Man and Vice President of the Currituck Lion's Club. We will have students from Currituck High School and others from our area to participate in songs and prayers.

If you would like more information about this event, please contact me at 435-6508 or email at jwadams@embarqmail.com. May the Almighty God grant you wisdom and health all year.

Because of Christ!

Janis Adams

National Day of Prayer Coordinator for Currituck County



COUNTY OF CURRITUCK

PROCLAMATION NATIONAL DAY OF PRAYER May 6, 2010

WHEREAS, National Days of Prayer have been part of our country's heritage since the first one was declared by the Continental Congress in 1775; and

WHEREAS, leaders of our Nation have relied upon the power of prayer throughout American history; and

WHEREAS, May 6, 2010, marks the 59th consecutive observance of National Day of Prayer, as mandated by both Houses of Congress and by our President in Public Law 100-307; and May 6, 2010, has been set aside as our National Day of Prayer; and

WHEREAS, it is good that we acknowledge that we are all God's handiwork and that it is appropriate to call upon Him in prayer; and

WHEREAS, National Day of Prayer's theme is "PRAYER...FOR SUCH A TIME AS THIS" and the scripture is "The Lord is good, a refuge in times of trouble. He cares for those who trust in Him"— Nahum 1:7; and

WHEREAS, while American troops fight for democracy and freedom around the globe and battle the war on terror, citizens of the United States will gather on May 6, 2010, to worship and pray for the American troops, our nation, churches, families, schools, businesses, media and governmental leaders, asking the Lord to grant them wisdom for the challenges they face on a daily basis;

NOW, THEREFORE, the Board of Commissioners of Currituck County, North Carolina, do hereby proclaim May 6, 2010, as "NATIONAL DAY OF PRAYER" in Currituck, North Carolina, and urge our citizens to join together in their homes, places of work, and places of worship to pray for the unity of the hearts of all mankind and to continue in prayer for our State and our Nation.

S. Paul O'Neal, Chairman

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: May 3, 2010
Special Use Permit
PB 10-08 Tres Beau Ltd. d/b/a Back Country Outfitters &
Segway of the Outer Banks**

ITEM: SPECIAL USE PERMIT - OUTDOOR TOUR OPERATOR

LOCATION: 102-A Austin Street

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

TAX ID: 115B0002P2B0000

OWNER: Corolla Light Town Center, LLC
PO Box 1237
Nags Head, NC 27959-1237

APPLICANT: Scott Trabue
Tres Beau, Ltd. d/b/a Back Country Outfitters &
Segway of the Outer Banks
PO Box 1630
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN

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

NARRATIVE:

1. The applicant is requesting a Special Use permit for conducting guided vehicular horse tours, kayak tours and segway tours in the off-road areas of Corolla as well as walking segway tours of the Whalehead Club grounds.
2. All tours and tour vehicles will originate from the Corolla Light Town Center location.
3. 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.

4. The Special Use Permit application pertains to the property located at 102-A Austin Street. Associated activities that may occur off-site are subject to the conditions included in the approved Permit.
5. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
 - a. POLICY ED1: new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
 - b. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

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

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

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

- i. The proposed use **will not** materially endanger the public health or safety for the following reasons:
Suggested Findings:
 - The parcel has adequate on-site parking and is located in a well established commercial area.

- ii. The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:
Suggested Findings:
 - The Unified Development Ordinance indicates that outdoor tour operators are a permitted land use with a Special Use Permit in a General Business (GB) zoning district.

- iii. The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.
Suggested Findings:
 - The parcel is located in Corolla Light Town Center which is a well established commercial area and is therefore in keeping with the character of the surrounding area.

- iv. The proposed use **will** be in general conformity with the Land Use Plan, and any other plan officially adopted by the Board of Commissioners.
Suggested Findings:
 - The 2006 Land Use Plan classifies this site as Full Service in the Corolla Subarea and the proposed use is in keeping with the policies of the plan.

- v. The proposed use **will not** exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available.
Suggested Findings:
 - Approval of this request should have no impact on public facilities.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit for the property at 102-A Austin Street and staff recommends **APPROVAL** with the following conditions:

- 1. The guided horse tours and segway walking tours are approved.

2. The guided kayak and off-road segway tours are approved on condition that a valid Special Use Permit for an Outdoor Recreation Facility is issued for the launch site at Wild Horse Estates (PB10-11).
3. All tours must be guided from Memorial Day to Labor Day. Tag-a-long tours are permitted on condition that the lead vehicle is operated by an employee of the tour company and subsequent vehicles are under the employee's supervision.
4. 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.
5. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
6. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur on-site, additional parking may be required per the Unified Development Ordinance. Currently there is adequate onsite parking.

Use	Parking Requirement	Quantity	Parking Total
Horse Tours	Tour vehicle seating 6 to 10 ppl = 2 parking spaces per vehicle	5	10
Kayak Tours	Tour vehicle seating 6 to 10 ppl = 2 parking spaces per vehicle	1	2
Segway Tours	Tour vehicle seating 1-5 ppl = 1 space per vehicle	1	1
Segway Walking Tour	1 parking space/3ppl	10	3
Employees	1 parking space/2 employees	6	3
		TOTAL Required:	19

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

PLANNING BOARD RECOMMENTION:

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

PLANNING BOARD DISCUSSION (4-13-10)

Mr. West asked Mr. Trabue how many segways he has.

Mr. Trabue stated approximately 15 segways, 8 are used for the in town tours and 5 in off road area tours. All tours are guided.

Ms. Wilson stated when she was doing horse training with the children at the Wild Horse Fund schoolhouse she was impressed with the educational component of the tours.

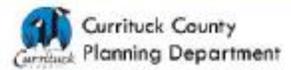
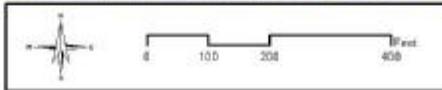
Mr. Trabue stated the in town tours are historical and the off road tours are ecological as well as historical.

ACTION

Mr. Clark move to **approve** PB 10-08 with the findings of fact and staff recommendations included in the case analysis. Ms. Wilson seconded the motion. Motion carried unanimously.



PB 10-08
Tres Beau LTD - SUP



MEMORANDUM

To: Scott Trabue, Tres Beau Ltd. d/b/a Back Country Outfitters and Segway of the Outer Banks

From: Jennie Newbern

Date: February 12, 2010

Re: PB 10-08 Special Use Permit – Outdoor Tour Operator

The following comments have been received for the February 17, 2010 TRC meeting. In order to be scheduled for the March 9, 2010 Planning Board meeting, please address all comments by 3:00 p.m. on February 22, 2010. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jennie Newbern
Approved with conditions

1. The guided horse tours and segway walking tours are approved.
2. The guided off-road kayak and off-road segway tours are approved on condition that a valid Special Use Permit for an Outdoor Recreation Facility is issued for the launch site.
3. All tours must be guided from Memorial Day to Labor Day. Tag-a-long tours are permitted on condition that the lead vehicle is operated by an employee of the tour company and subsequent vehicles are under the employee's supervision.
4. Tour/Rental 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.
5. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
6. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur on-site, additional parking may be required per the Unified Development Ordinance. Currently there is adequate onsite parking.

Use	Parking Requirement	Quantity	Parking Total
Horse Tours	Tour vehicle seating 6 to 10 ppl = 2 parking spaces per vehicle	5	10
Kayak Tours	Tour vehicle seating 6 to 10 ppl = 2 parking spaces per vehicle	1	2
Segway Tours	Tour vehicle seating 1-5 ppl = 1 space per vehicle	1	1
Segway Walking Tour	1 parking space/3ppl	10	3
Employees	1 parking space/2 employees	6	3
TOTAL Required:			19

7. Vehicles held in reserve in the event of inclement weather or breakdowns may be used as long as the parking requirements and all other conditions of this permit are met. Reserve vehicles must be stored at an approved location.
8. 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.
9. The Board of Commissioners may establish a maximum number of vehicles as part of the special use permit approval process.

Currituck Soil and Water, Mike Doxey
Approved

Currituck County Engineer, Eric Weatherly
Approved –No Comments

Currituck County Utilities, Pat Irwin
No Comment

Currituck County GIS, Harry Lee
Reviewed

Currituck County Building Inspections, Spence Castello

Approval with corrections – Accessible parking must be closest to door 45671

Currituck County Parks and Recreation, Jason Weeks

Reviewed – As with other outdoor tour agencies, there should be a clear plan of how customers dispose of garbage and use restrooms, the County Park should not be a dumpsite for the business customers

NCDOT, Roger Ward

No Comment

NC Division of Coastal Management, Charlan Owens

No Comment

NCDENR, Land Quality, Pat McClain

Reviewed – An erosion and sedimentation control plan is required

Albemarle Regional Health Services, Joe Hobbs

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

Currituck County Emergency Management, James Mims

No Comment – No Comments at this time

Currituck County Economic Development, Peter Bishop

No Comment

Please note that comments were not received from the following:

Charter Communications, Sam Scilabba

Dominion Power, Troy Lindsey

US Army Corps of Engineers, Tom Steffens

Embarq, Hester Jones

NCDENR, Environmental Management, Roger Thorpe

NCDENR, Public Water, Siraj Chohan

Currituck County Sheriff, Susan Johnson

Currituck County Local Volunteer Fire Department

Currituck County Schools, Bruce MacDonald

Office of State Archaeology, Lawrence Abbott

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: May 3, 2010
Special Use Permit
PB 10-11 Tres Beau Ltd.**

ITEM: SPECIAL USE PERMIT – PRIVATE OUTDOOR RECREATIONAL FACILITY

LOCATION: Wild Horse Lane – Open Area of Wild Horse Estates II

ZONING DISTRICT: Outer Banks Limited Access Residential (RO2)

TAX ID: 099D-000-OPAR-0000

OWNER: Wild Horse Estates LLC
76 Spindrift Trail
Kitty Hawk, NC 27949

APPLICANT: C. Scott Trabue
Tres Beau Ltd.
PO Box 1630
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	RO2
SOUTH:	Residential	RO2
EAST:	Residential	RO2
WEST:	Residential	RO2

LAND USE PLAN

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

NARRATIVE:

1. The applicant is requesting a Special Use permit for a Private Outdoor Recreational Facility that includes launching kayak tours and conducting off-road segway tours from the property and on the “Conservation and Limited Use Easement”.
2. All tours and tour vehicles will originate from the Back Country Outfitters and Segway of the Outer Banks storefronts at the Corolla Light Town Center. There is a special use permit application for Outdoor Tour Operator pending for that location (PB10-08).

3. Use of the property will consist of parking and loading/unloading patrons, kayaks and segways.
4. There are no proposed structural improvements to the property.
5. There is a "Conservation and Limited Use Easement" recorded that allows for this specific use on and across 70-acres of the 140-acre subdivision as well as any of the easements and open space of Wild Horse Estates.
6. The Segway tour will be conducted in the easement/open space no longer than 1 hour and 15 minutes
7. The Kayak tour is approximately 1 hour and 30 minutes of paddling time.
8. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. These policies include:

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

Policy PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County. (Also see Outer Banks Policy Section.)

Policy PA2: The County supports MANY FORMS OF "ACCESS" to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals

Policy HP3: Development of 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 use of the property for launching kayak and initiating segway tours are conducted in an environmentally sustainable manner.

OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

The Conservation & Limited Use Easement recorded in Deed Book 699 Pages 219 - 223 states that the easement is shown on the Plat (Plat Cabinet H, Slide 169-173). We are unable to determine from the recorded plats where the easement is located. The Plat should be amended and re-recorded within 30 days from issuance of the Special Use Permit.

Parks & Recreation

Business should make appropriate arrangements for patrons to use restrooms and should not be using Carova Beach Park to serve as restrooms for their business.

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 site has direct access from Ocean Pearl Road, which will be improved as part of the established Carova Service District.
- There are no proposed permanent structures and the site will remain in its natural state.

- 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 private outdoor recreational facilities are a permitted land use with a Special Use Permit in the Outer Banks Limited Access Residential (RO2) zoning district.
- There is a "Conservation and Limited Use Easement" recorded that allows for this specific use on and across 70-acres of the 140-acre subdivision as well as any easements.
- At most, there will be vehicular traffic of 5 motor vehicles per day associated with this use.

- At most, there will be 6 segways on the property for a maximum of 3 hours per day.
- iii. The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.
- Suggested Findings:**
- There are five (5), one and a half acre residential lots and thirteen (13) lots that are larger than 10 acres in Wild Horse Estates. Overall, Residential density in this area is low.
 - The public County-owned “Carova Park” is located in the open space of Wild Horse Estates.
 - Noise associated with this use will be minimal.
- 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 Limited Service in the Carova Subarea and the proposed use is in keeping with the policies of the plan as Private Outdoor Recreational Facilities are allowed with a Special Use Permit.
 - No commercial activity will take place on the property.
- v. The proposed use **will not** exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available.
- Suggested Findings:**
- This application should have no impact on the County's ability to provide public facilities.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit for the property at Wild Horse Lane (Parcel # 099D-000-OPAR-0000) and staff recommends **APPROVAL** with the following conditions:

1. This Special Use Permit is valid only in conjunction with a valid Special Use Permit for Outdoor Tour Operator from the Corolla Light Town Center Property (PB 10-08).
2. The Conservation & Limited Use Easement recorded in Deed Book 699 Pages 219 -223 states that the easement is shown on the Plat (Plat Cabinet H, Slide 169-173). We are unable to determine from the recorded plats where the

easement is located. The Plat should be amended and re-recorded within 30 days from issuance of the Special Use Permit.

3. No equipment, kayaks, segways or vehicles shall be stored on site.
4. There shall be a maximum of three (3) Kayak Tours and two (2) Segway Tours per day.
5. Kayaks and Segways shall be labeled with decals or paint markings that clearly display the company name.
6. Kayak tours shall be limited to one 9-passenger vehicle carrying 8 patrons/trip and a maximum of 4 tandem kayaks plus the guide.
7. Segway tours shall be limited to one 6-passenger vehicle carrying 5 patrons/trip plus the guide.
8. Tour Vehicles and Segways shall not be operated outside of the easement boundaries.
9. Kayak tour participants shall not enter upon private property along the canals or the Currituck Sound.
10. Tours shall operate during daylight hours only.
11. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with State and Federal Laws.
12. All commercial transactions shall occur at the Corolla Storefront in the Corolla Light Town Center.
13. Tour patrons have access to restrooms at the Corolla Light Town Center Storefront.

PLANNING BOARD RECOMMENTION

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

PLANNING BOARD DISCUSSION (4-13-10)

Mr. West asked if the vehicles and trailers are parked at the park during the tours or if they go back to Corolla.

Mr. Trabue stated the vehicles and trailers stay at the park during the tours. The landowners have established a parking area for the vehicles and trailers.

Mr. West asked if the path that the segways use is sand.

Mr. Trabue stated yes.

Ms. Wilson asked Mr. Trabue what ramp he uses off the beach to access.

Mr. Trabue stated twenty-one.

Ms. Wilson stated she understands the property itself is a protected area for the wild horses. If the Wild Horse Fund and the horses are the steward of this sanctuary the presence of tours is a concern. Ms. Wilson asked for clarification between the Conservation & Limited Use Easement Agreement and covenant as to Mr. Trabue being allowed to transverse over the property.

Mr. Trabue stated in the covenants it states Corolla Outback Adventures can grant right of access to "others". Mr. Trabue stated he has a contract with Corolla Outback Adventures.

Mr. Bender confirmed this.

Ms. Wilson asked Mr. Trabue if he has had any problems when taking the segways out and wild horses.

Mr. Trabue stated they view the horses from a distant. The segways do not startle the horses and the tours move along at a slow rate.

Mr. Clark asked Mr. Trabue if he has had any trouble with motor boats where the kayaks tours are in the canal.

Mr. Trabue stated the canal is so shallow that no one brings their motor boats in.

Mr. Clark asked Mr. Woody is a private business allowed to use the boat ramp at the park to launch kayaks?

Mr. Woody stated he would have to ask the Parks and Recreation Director.

ACTION

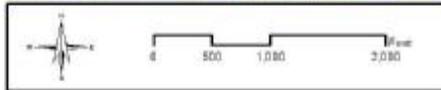
Ms. Wilson move to **approve** PB 10-11 with the findings of fact and staff recommendations included in the case analysis and the following condition:

- Clarification of the conservation easement when it goes before the Board of Commissioners.

Ms. Newbern seconded the motion. Motion carried unanimously.

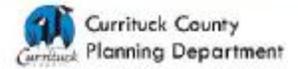
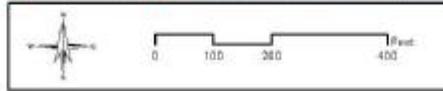


PB 10-11
Tres Beau LTD - SUP

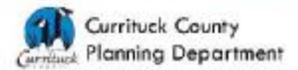
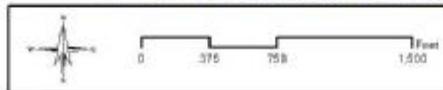




PB 10-11
Tres Beau LTD - SUP



PB 10-11
Tres Beau LTD - SUP



MEMORANDUM

To: Scott Trabue, Tres Beau Ltd.

From: Jennie Newbern

Date: March 11, 2010

Re: PB 10-11 Special Use Permit – Recreational Facility, Outdoor Private

The following comments have been received for the March 17, 2010 TRC meeting. In order to be scheduled for the April 13, 2010 Planning Board meeting, please address all comments by 3:00 p.m. on March 22, 2010. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jennie Newbern

1. The Conservation & Limited Use Easement recorded in Deed Book 699 Pages 219 -223 states that the easement is shown on the Plat (Plat Cabinet H, Slide 169-173). We are unable to determine from the recorded plats where the easement is located. Please provide legal documents that show the Conservation and Limited Use Easement Area.
2. Label the loading/unloading zones and the parking spaces for tour vehicles.
3. Label the segway route from start to finish.
4. Label the launch site for kayaks.
5. Provide the duration of each tour.
6. Provide the number of tours that will be operated each day.
7. Kayaks and Segways shall be labeled with decals or paint markings that clearly display the company name.
8. Kayak tours are limited to one 8-passenger vehicle carrying 8 persons/trip including the guide and a maximum of 4 tandem kayaks.
9. Segway tours are limited to one 6-passenger vehicle carrying 6 persons/trip including the guide.
10. Tour Vehicles and Segways should not be operated outside of the easement boundaries.
11. Kayak tour participants shall not enter upon private property along the canals or the Currituck Sound.
12. Tours shall operate during daylight hours only.
13. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with State and Federal Laws.
14. All commercial transactions shall occur at the Corolla Storefront in the Corolla Light Town Center.

Currituck Soil and Water, Mike Doxey

Approved

Currituck County Engineer, Eric Weatherly

Reviewed

Currituck County Utilities, Pat Irwin

Reviewed - No Comment

Currituck County GIS, Harry Lee

Reviewed – No Comment

Currituck County Parks and Recreation, Jason Weeks

Approval with corrections – Business should make appropriate arrangements for patrons to use restrooms. Should not be using Carova Beach Park to serve as restrooms for their business. If corrections are not made I would recommend denial of project.

NC Division of Coastal Management, Charlan Owens

No Comment

Albemarle Regional Health Services, Joe Hobbs

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

Currituck County Economic Development, Peter Bishop

Reviewed

Office of State Archaeology, Lawrence Abbott

Approved – No concerns in terms of archaeological resources. An archaeological survey is not recommended.

Please note that comments were not received from the following:

Charter Communications, Sam Scilabba
Dominion Power, Troy Lindsey
US Army Corps of Engineers, Tom Steffens
Embarq, Hester Jones
NCDENR, Environmental Management, Roger Thorpe
NCDENR, Public Water, Siraj Chohan
Currituck County Sheriff, Susan Johnson
Currituck County Local Volunteer Fire Department
Currituck County Schools, Bruce MacDonald
Currituck County Building Inspections, Spence Castello
NCDOT, Roger Ward
NCDENR, Land Quality, Pat McClain
Currituck County Emergency Management, James Mims

**RESOLUTION WITHDRAWING COUNTY OF CURRITUCK FROM
ALBEMARLE MENTAL HEALTH AREA AUTHORITY**

WHEREAS, Albemarle Mental Health Center, an area mental health, developmental disabilities and substance abuse authority (“AMHC”), has experienced financial difficulties rendering it incapable of exercising its duties and responsibilities; and

WHEREAS, as a consequence of AMHC financial difficulties the North Carolina Department of Health and Human Services, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, (the “Division”), assumed management of AMHC in January 2009; and

WHEREAS, since July 1, 2009 East Carolina Behavioral Health has contracted with the Division to provide Local Management Entity, (“LME”), mental health services to Currituck County; and

WHEREAS, it is apparent that at some date beyond July 1, 2010 AMHC will be dissolved and no longer have the authority to provide LME mental health services to Currituck County and that the Secretary of the North Carolina Department of Health and Human Services will approve the dissolution of AMHC; and

WHEREAS, Currituck County has ensured the continuity of LME mental health services through a continuing contract with East Carolina Behavioral Health and the pending adoption of an agreement to join the area authority constituting East Carolina Behavioral Health.

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

Section 1. Currituck County hereby withdraws from Albemarle Albemarle Mental Health Center, an area mental health, developmental disabilities and substance abuse authority.

Section 2. This resolution shall be effective on June 30, 2010.

ADOPTED the 3rd day of May, 2010.

S. Paul O’Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

1 **AN ORDINANCE AMENDING SECTION 8-34 AND SECTION 8-35 OF THE**
2 **CURRITUCK COUNTY CODE OF ORDINANCES TO PROVIDE FOR LICENSURE**
3 **CONSISTENCY WITH COUNTY ORDINANCES**
4
5

6 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
7 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
8 welfare of its citizens; and
9

10 WHEREAS, pursuant to N.C. Gen. Stat. §§153A-134 and 160A-181.1 a county may
11 regulate and license businesses, forms of amusement and entertainment and regulate sexually
12 oriented businesses through zoning regulations, licensing requirements or other appropriate local
13 ordinances; and
14

15 WHEREAS, on July 7, 2003 a Currituck County ordinance was enacted regulating
16 Sexually Oriented Businesses and the Board of Commissioners for the County of Currituck now
17 finds that it is necessary and advisable to ensure that the licensure of sexually oriented businesses
18 and adult live entertainers is consistent with other county ordinances.
19

20 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
21 County of Currituck as follows:
22

23 Part I. **Section 8-34(b)** of the Currituck County Code of Ordinances is amended to read as
24 follows:
25

26 (b) An application for a license must be made by the owner of the business on a
27 form prescribed by the sheriff, and submitted to the county sheriff's office. The
28 completed application shall contain the following information and shall be accompanied
29 by the following documents:
30

- 31 (1) The full true name of the applicant;
- 32
- 33 (2) The full true name under which the sexually oriented business will be operated
34 and, if the business will be operated in a name other than that of the applicant, a
35 certified copy of the assumed name certificate prepared and recorded in the
36 county register of deeds office pursuant to G.S. 66-68 et seq.;
- 37
- 38 (3) The type of sexually oriented business the applicant intends to operate;
- 39
- 40 (4) Whether the applicant intends to serve alcoholic beverages at the sexually
41 oriented business and/or apply for an ABC permit;
- 42
- 43 (5) The address where the sexually oriented business is to be operated and where the
44 books and records are maintained for examination by the Office of Currituck

1 County Sheriff, County Planning Inspector, or County Manager, or their lawful
2 agents;

3
4 (6) If the owner of the real property upon which the sexually oriented business is to
5 be operated is not the applicant, the name and address of the owner of the real
6 property upon which the business is to be operated and a copy of the lease or
7 rental agreement;

8
9 (7) The principal telephone number to be used by the sexually oriented business;

10
11 (8) If the applicant is an individual, the applicant shall appear in person and deliver a
12 completed and signed application form and provide the following information:

13
14 a. His or her present residence and business addresses and telephone numbers;

15
16 b. A valid driver's license or other government issued picture identification; and

17
18 c. Social security number;

19
20 If the applicant is a partnership or corporation, the applicant shall designate one of
21 its general partners or officers to act as its agent. Such person shall appear in
22 person and deliver a completed and signed application form and shall provide the
23 following information: (a) his or her present residence and business addresses and
24 telephone numbers, (b) a valid driver's license or other government issued picture
25 identification, and (c) social security number;

26
27 If the applicant is a partnership: (a) the name, residence address and telephone
28 number, and social security number of each partner, including limited partners,
29 and (b) a copy of the partnership agreement. If one or more of the partners is a
30 corporation, the provisions of this subsection pertaining to corporations shall
31 apply;

32
33 If the applicant is a corporation: (a) a certified copy of the articles of
34 incorporation, a certified copy of the certificate of authority, and a certified copy
35 of the most recent annual report filed with the secretary of state, and (b) the name,
36 residence address and telephone number, and social security number of each of its
37 current officers and directors, and of any stockholder holding 50 percent or more
38 of the stock of the corporation;

39
40 (9) The name, residence address and telephone number, and social security number of
41 each individual who will be an operator of the business;

42
43 (10) A federal tax identification number assigned to the sexually oriented business and
44 a completed tax information authorization form (IRS Form 8821) authorizing only
45 the verification of said number;

1 (11) A sketch or diagram showing the configuration of the premises, including a
2 statement of total floor space occupied by the business. The sketch or diagram
3 need not be professionally prepared but must be drawn to a designated scale or
4 drawn with marked dimensions of the interior of the premises to an accuracy of
5 plus or minus six inches. The requirements of this subsection shall not apply for
6 renewal applications if the applicant adopts a sketch or diagram that was
7 previously submitted for the license sought to be renewed and if the licensee
8 certifies that the licensed premises has not been altered since the immediately
9 preceding issuance of the license and that the previous sketch or diagram
10 continues to accurately depict the layout of the licensed premises;

11
12 (12) Copies of all permits issued under the county's Unified Development Ordinance
13 evidencing compliance with the county's Unified Development Ordinance.
14

15 ~~(12)~~ If the applicant wishes to operate an adult live entertainment business or an adult
16 mini motion picture theatre then said applicant shall comply with the application
17 requirements stated in sections herein.
18

19 PART II. **Section 8-35(b)** of the Currituck County Code of Ordinances is amended to read
20 as follows:
21

22 (b) The sheriff shall deny the application for any of the following reasons:

23 (1) An applicant or any individual identified in the application is under 18 years of
24 age; or

25
26 (2) The application and investigation fee has not been paid; or
27

28 (3) An applicant or any individual identified in the application has refused to allow an
29 inspection of the premises; or
30

31 (4) An applicant or any individual identified in the application has overdue license
32 fees associated with the operation of a sexually oriented business; or
33

34 (5) An applicant or any individual identified in the application has a license under
35 this article which is suspended or revoked; or
36

37 (6) An applicant failed to provide the information necessary to determine the
38 qualifications of the applicant or any individual identified in the application for
39 issuance of the license, or provided materially false or misleading information on
40 the application form; or
41

42 (7) An applicant or any individual identified in the application has been convicted of
43 any sexually oriented crime and less than five years have elapsed since the latter
44 of the date of conviction or the date of release from confinement, if the conviction
45 is for a felony, or less than two years have elapsed since the latter of the date of

conviction or the date of release from confinement, if the conviction is for a misdemeanor. The fact that the conviction is being appealed shall have no effect on the denial of the license; or

(8) The application demonstrates or reveals information showing that the proposed business location or location of the adult live entertainment business at which an adult live entertainer intends to perform fails to meet the requirements of the county's Unified Development Ordinance.

~~(89)~~ The application demonstrates or reveals information showing that the proposed business fails to meet the requirements of this article.

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

PART IV. This ordinance is effective upon its adoption.

ADOPTED this _____ day of _____, 2010.

S. Paul O'Neal, Chairman

ATTEST:

Gwen H. Keene
Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr.
County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS

**RESOLUTION APPROVING THE EXHIBITION, USE AND DISCHARGE OF
PYROTECHNICS AT THE WHALEHEAD CLUB
IN COROLLA, NORTH CAROLINA**

WHEREAS, pursuant to N.C. Gen. Stat. §§14-410 and 14-413 a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the board of commissioners for a county; and

WHEREAS, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

WHEREAS, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as The Whalehead Club in Corolla, North Carolina on July 4, 2010 which will be a public exhibition and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc. is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as The Whalehead Club in Corolla, North Carolina on July 4, 2010.

Section 2. This resolution shall be effective upon adoption

ADOPTED the 3rd day of May, 2010.

S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

WHALEHEAD

PROPERTY OWNERS ASSOCIATION

April 06, 2010

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

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

Dear Mr Scanlon:

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

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

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

703.573.4725
LeeForeman3400@hotmail.com

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

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

Sincerely,



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

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

CURRITUCK COUNTY
NORTH CAROLINA
April 19, 2010

The Board of Commissioners met at 5:30 p.m. prior to the regular meeting to discuss Ordinance restricting use of sandbags and beach pushes on the Currituck Ocean Beaches. At 6:00 p.m. the Board discussed drainage issues. Commissioner Aydlett moved to approve the storm water plan in the amount of \$88,760. Commissioner Etheridge seconded the motion. Motion carried. Commissioner Nelms was absent.

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

Invocation Pledge of Allegiance

The Reverend David Coxson, Powells Point Christian Church, was present to give the invocation.

Approval of Agenda

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

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Presentation by Albemarle Hopeline**
- Item 4 **Public Hearing and Action:** PB 10-10 Currituck Chamber of Commerce: Request to amend the Unified Development Ordinance, Chapter 4: Overlay Districts to allow the display of sandwich board and real estate signs in Corolla year round.
- Item 5 **Consideration and Action:** PB 05-13 Kitty Hawk Watersports, Inc.: Renewal of Special Use Permit to operate a privately owned water related recreational rental activity business located at Buck Island, TimBuck II Commercial Area, Tax Map 116D, Parcel 9, Fruitville Outer Banks Township.
- Item 6 **Appointment to Whalehead Stormwater Drainage Service District**
- Item 7 **Consent Agenda:**
 - 1. Resolution designating number of members to be appointed to the Whalehead Board of Trustees
 - 2. Resolution to authorize County Manager to declare county property surplus
 - 3. Approval of April 5, 2010, Minutes

4. Budget Amendments

Item 8 Commissioner's Report

Item 9 County Manager's Report

Item 10 **Closed Session:**

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

Adjourn

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.

Earl and Edith Brickhouse, Senior Tar Heel Legislative representatives, reviewed the new goals and legislation for the 2010 General Assembly.

Shannon Kinser, President, Currituck Chamber of Commerce, invited citizens to attend the Rotary Club "C.R.A.W.L." for Saturday from 7:00 am to 5:00 pm.

Commissioner Taylor commented on article in The Virginian-Pilot to clarify that she does not support OLF for the site operated by Presidential Airways.

Dan Scanlon, County Manager, commented on the county budget for the 2010-2011 fiscal year. Mr. Scanlon stated that the sales tax is down, insurance has increased along with contribution to the retirement system. This reflects the downturn in the economy and this budget will be the most challenging in the past 20 years.

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

Presentation by Albemarle Hopeline

Patricia Youngblood, Executive Director, Albemarle Hopeline, reviewed the statistics for 2009 year end. They have provided 448 shelter nights, conducted 1093 counseling sessions, offered 1403 advocacy services and served 199 domestic violence victims. They have provided these services for over 28 years. They are requesting the County to continue its generous support of Hopeline with an allocation of \$25,000.

The Board thanked Ms. Youngblood for her presentation.

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

Ben Woody, Planning Director, reviewed the request.

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

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

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

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

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

PLANNING BOARD DISCUSSION (3-9-10)

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

Mr. Woody stated one sign per business.

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

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

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

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

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

Mr. Clark asked Ms. Kinser to define temporary.

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

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

Ms. McDonnell stated that the timeframe sandwich boards are allowed has been in the ordinance since 1990. When they had the rewrite the business community had no objections so it was put back in. Ms. McDonnell provided a list of 31 people

who worked on the rewrite of the ordinance which took over four years. Ms. McDonnell stated the sign ordinance is not the bad guy; it is the economy and competition. Ms. McDonnell suggested using Channel 16 on public television to advertise. Ms. McDonnell provided pictures of various sandwich board signs on NC12. The signs will create a safety problem during high winds and create more work for the Code Enforcement Officer. Ms. McDonnell is asking that this request be denied.

Ms. MacKenzie stated she was reading USA Weekend which said Corolla is one of the most desirable upscale vacation destinations in the country. This upscale town is paid for by 90% of homeowners who rent their property. Ten percent of the population lives year round and several hundred businesses who own shops. The majority of the tax dollars comes from homeowners who rent their homes. Ms. MacKenzie provided an overview of why Corolla is desirable. If the commissioners need a comprehensive sign ordinance on the mainland, they can do what Corolla did, and spend four years and come up with one for their needs. Corolla already has a sign ordinance in place as a dedication of the residents and businesses. Ms. MacKenzie stated to educate the tourist there is a phone book available in each rental property, the tourist can use the internet, and each rental company provides a package that list the businesses in Corolla. Ms. MacKenzie is asking that the request be denied.

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

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

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

boards increase his business by 20% that helps them. Mr. Smith is in favor of sandwich signs year round.

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

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

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

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

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

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

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

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

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

ACTION

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

Chairman O'Neal opened the public hearing.

Shannon Kinser, Currituck County Chamber, presented why they support the amendment for this year.

Alicia McDonnell, presented pictures of signs already up for the businesses. She stated that they should not make the sign ordinance or sandwich signs the bad guy. She opposes this amendment.

Commissioner Aydlett questioned if there could be any flexibility with the regulations.

Rachel Schrote, Corolla, opposes the amendment.

Ed McCarthy, Corolla, opposes the amendment.

Bonnie McCarthy, has safety concerns and that you cannot read the sandwich board signs.

Earl Wemer, Corolla, questions how effective these signs are.

Doug Schmoyer, business owner, stated that, without the sandwich board signs, no one would have found his restaurant.

Vickie Edson, Baccus Wine & Cheese, supports this amendment.

Mike Painter, Currituck Chamber, supports this amendment.

Bob Schultz, Corolla, opposes the amendment.

Mike Florez, business owner, supports the amendment.

Karen Ish, opposes the amendment.

Marie Baecher, Corolla, opposes the amendment.

Gary Smith, business owner, supports the amendment and has a petition with 41 other businesses that also support the amendment.

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

Commissioner Rorer moved to approve on a temporary basis for the season and a report to the Board by February. Commissioner Aydlett seconded the motion. Motion carried. Commissioner Taylor voted no.

Consideration and Action: PB 05-13 Kitty Hawk Watersports, Inc.: Renewal of Special Use Permit to operate a privately

owned water related recreational rental activity business located at Buck Island, TimBuck II Commercial Area, Tax Map 116D, Parcel 9, Fruitville Outer Banks Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

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

Conditions previously included in the permit are as follows:

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

Mr. Meredith's Engineer was present to answer questions.

Mike Meredith was present to answer questions.

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

Appointment to Whalehead Stormwater Drainage Service District

Commissioner Rorer moved to table. Commissioner Taylor seconded the motion. Motion carried.

Consent Agenda:

1. Resolution designating number of members to be appointed to the Whalehead Board of Trustees
2. Resolution to authorize County Manager to declare county property surplus
3. Approval of April 5, 2010, Minutes
4. Budget Amendments

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

RESOLUTION AFFIRMING WHALEHEAD PRESERVATION TRUST BOARD OF TRUSTEE APPOINTMENTS

WHEREAS, pursuant to the Articles of Incorporation of The Whalehead Preservation Trust and The Currituck Wildlife Museum, trustees of the corporation shall be appointed by the Currituck County Board of Commissioners; and

WHEREAS, in the exercise of its authority the Currituck County Board of Commissioners at its March 1, 2010 regular meeting appointed certain persons to constitute the Board of Trustees of the corporation with terms beginning on the date of the 2010 Annual Meeting of the corporation.

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

Section 1. The appointment of Bill Richardson, Kimberlee Hoey, Cliff Scott, Josh Bass, Jeanne Meiggs, Gary McGee, Travis Morris, Sharon Twiddy, Allen Ives and Buck Thornton to the Board of Trustees for The Whalehead Preservation Trust and The Currituck Wildlife Museum is hereby affirmed and those persons shall be and will constitute the Board of Trustees with terms beginning on the date of the 2010 Annual Meeting of the corporation.

Section 2. The term of office for those persons serving as a member of the Board of Trustees for The Whalehead Preservation Trust and The Currituck Wildlife Museum on the date this resolution is adopted shall end on the date of the 2010 Annual Meeting of the corporation.

Section 3. The Clerk to the Board of Commissioners is directed to forward a letter to those persons named in Section 1 of this resolution notifying them of appointment to the Board of Trustees for The Whalehead Preservation Trust and The Currituck Wildlife Museum and a letter to that class of persons named in Section 2 of this resolution thanking them for their service.

**RESOLUTION AUTHORIZING SALE AND DISPOSAL OF PERSONAL
PROPERTY WORTH LESS THAN \$5,000**

WHEREAS, at times Currituck County owns certain personal property that has become surplus for the county's needs; and

WHEREAS, pursuant to N.C. Gen. Stat. §160A-266(c) a board of commissioners may adopt regulations prescribing procedures for disposing of personal property valued at less than \$30,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina that the following procedure is adopted for the disposal of surplus personal property valued at less than \$5,000:

PART I.

Section 1. Authorization of county manager to dispose.

The county manager is hereby authorized to dispose of any surplus personal property owned by the county, whenever the county manager determines, in the county manager's discretion, that:

- (1) The item or group of items has a fair market value of less than \$5,000.00;
- (2) The property is no longer necessary for the conduct of public business; and
- (3) Sound and property management principles and financial consideration indicate that the interests of the county would best be served by disposing of the property.

Section 2. Methods of disposal.

(a) The county manager may dispose of any such surplus personal property by any means which the county manager judges reasonably calculated to yield the highest attainable sale price in money or consideration including, but not limited to, the methods of sale provided in G.S. ch. 160A, art. 12 and G.S. ch. 15, art. 2 (G.S. 160A-265--160A-280 and 15-11--15-17). Such sale may be public or

private, and with or without notice and minimum waiting period as the county manager determines.

(b) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the county if greater value may be obtained in that manner, and the county manager is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the county manager may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material.

Section 3. Records to be kept.

The county manager shall keep a record of all property sold under authority of this resolution and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

Section 4. Disposition of surplus by private sale; disclosure required.

The county manager may dispose of surplus property described in Section 1 of this resolution and in accordance with G.S. 160A-279. Any disposal of personal property in accordance with this section shall be disclosed in writing to the board of commissioners not later than 30 days following consummation of any such private sale.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10540-516200	Vehicle Maintenance	\$ 5,163	
10540-526000	Advertising	\$ 21	
10540-540000	Worker's Comp		\$ 184
10540-531000	Gas, Oil, etc		\$ 3,000
10540-532000	Supplies		\$ 2,000
		\$ 5,184	\$ 5,184

Explanation: Inspections (10540) - Transfer funds for unanticipated vehicle maintenance for inspections vehicles.

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
10660-514500	Training & Education	\$ 500	
10660-514000	Travel		\$ 500
		\$ 500	\$ 500

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

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

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

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

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

<u>Number</u>			<u>Expense</u>
10760-585000	Donations	\$ 1,970	
10380-487000	DSS Donations		\$ 1,970
		<u>\$ 1,970</u>	<u>\$ 1,970</u>

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

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

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

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

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

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

Explanation: Knotts Island VFD (12548) - To increase operating contract and reduce debt

payment. The USDA loan was not executed and there is no debt payment for this facility.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10660-561000	Professional Services	\$ 88,760	
10460-561000	Professional Services		\$ 44,780
10380-488400	ABC Profits		\$ 43,980
		\$ 88,760	\$ 88,760

Explanation: Planning (10660) - Increase appropriations for a stormwater manual.

Net Budget Effect: Operating Fund (10) - Increased by \$43,980.

Commissioner's Report

Commissioner Aydlett requested staff to contact DOT on the Knotts Island Causeway.

Commissioner Gregory, requested an update on the lights for the Moyock Library.

Chairman O'Neal stated there will be a Town Meeting at the Corolla Fire Station on May 10 at 6:00 p.m.

County Manager's Report

No comments

Closed Session:

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

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

Adjourn

After reconvening from closed session, no action was taken. There being no further business, the meeting adjourned.

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 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>
12543-532003	Supplies	\$ 1,800	
12543-536103	PPE	\$ 2,500	
12543-553003	Dues & Subscriptions	\$ 1,500	
12543-590003	Capital Outlay	\$ 3,290	
12543-516003	Repairs & Maintenance		\$ 9,090
		<u>\$ 9,090</u>	<u>\$ 9,090</u>

Explanation: Moyock VFD (12543) - Transfer for operations for the remainder of this fiscal year.

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 3rd day of May 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>
10441-545000	Contracted Services	\$ 6,000	
10441-514500	Training & Education		\$ 6,000
		<u>\$ 6,000</u>	<u>\$ 6,000</u>

Explanation: Information Technology (10441) - To transfer funds for software installation and configuration.

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 3rd day of May 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>
10330-432200	HCCBG - In Home	\$ 2,222	
10560-519701	HCCBG Access Service		\$ 2,222
		<u>\$ 2,222</u>	<u>\$ 2,222</u>

Explanation: Inter-County Transportation (10560) - To adjust budget to grant authorization.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 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>
10530-532441	Technology < \$1,000	\$ 585	
10530-532000	EMS Supplies	\$ 1,850	
10530-514500	Training & Education		\$ 585
10541-590000	Capital Outlay		\$ 1,850
		<u>\$ 2,435</u>	<u>\$ 2,435</u>

Explanation: Emergency Medical Services (10530); Fire Services (10541) - To transfer funds for expendible parts of personal protective equipment and to purchase a portable projector for training.

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 3rd day of May 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

Account Number	Account Description	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10775-516200	Vehicle Maintenance	\$	22		
10775-531000	Gas			\$	22
10795-532000	Supplies	\$	1,000		
10795-516001	Maintenance & Repairs			\$	1,000
10430-553000	Dues & Subscriptions	\$	20		
10430-532000	Supplies			\$	20
10900-582400	Notes Payable	\$	52		
10960-554000	Insurance & Bonds			\$	52
60808-557100	Software License Fees	\$	81		
60808-516000	Maintenance & Repair			\$	81
61818-557100	Software License Fees	\$	104		
61818-511000	Telephone and Postage	\$	4,600		
61818-516200	Vehicle Maintenance			\$	1,000
61818-531000	Gas, Oil, Etc.			\$	1,000
61818-532000	Supplies			\$	1,000
61818-545000	Contracted Services			\$	1,600
61818-540000	Workers Comp			\$	104
66868-511010	Data Transmission	\$	1,020		
66868-516200	Vehicle Maintenance			\$	1,020
50640-570004	Reimbursable Expenses	\$	1,532		
50640-545004	Contract Services			\$	1,532
55818-562000	Professional Services	\$	595		
55818-563000	Professional Services			\$	595
63838-545000	Contract Services	\$	5,000		
63838-545800	White Goods Disposal	\$	7,500		
63838-558400	Solid Waste Disposal Tax	\$	15,000		
63838-545900	Tire Disposal	\$	8,500		
63838-545001	Contract Services-Collection			\$	36,000
		<u>\$</u>	<u>45,026</u>	<u>\$</u>	<u>45,026</u>

Explanation: Transfers within departments for operations for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - No change.
 Ocean Sands Water and Sewer District (60) - No change.
 Mainland Water (61) - No change.
 Southern Outer Banks Water (66) - No change.
 County Governmental Construction Fund (50) - No change.
 Mainland Water Construction (55) - No change.
 Solid Waste (53) - No change.

Minute Book # _____, Page # _____

Journal # _____

 Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 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>	
12546-513006	Utilities	\$	1,000		
12546-514506	Travel, training & education			\$	1,000
12546-516106	Building & Grounds	\$	750		
12546-531006	Gas			\$	750
12546-532006	Supplies	\$	1,500		
12546-532106	Fire supplies	\$	3,500		
12546-536106	Personal protective equipment			\$	2,000
12546-554006	Insurance			\$	3,000
		<u>\$</u>	<u>6,750</u>	<u>\$</u>	<u>6,750</u>

Explanation: Corolla Fire & Rescue (12546) - Operating transfers for Corolla Fire & Rescue Squad Inc contract.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Revised 4/21/2010

Currituck
DJJDP County Funding Plan

Revised Available Funds: \$81,830 Local Match: \$29,001 Rate: 30%

A **Program Agreement Form** for each program listed below is included as an attachment to the Community Prevention and Intervention Plan.

#	Program Provider	DJJDP Funding	LOCAL FUNDING		OTHER	OTHER	Total
			Local Cash Match	Local In- Kind	State/ Federal	Funds	
1	JCPC Certification	\$12,423					\$12,423
2	PASS	\$46,959	\$14,285				\$61,244
3	Teen Court	\$14,440	\$4,482				\$18,922
4	Restitution	\$8,008	\$2,553	\$7,681			\$18,242
5							\$0
6							\$0
7							\$0
8							\$0
9							\$0
10							\$0
	TOTALS:	\$81,830	\$21,320	\$7,681	\$0	\$0	\$110,831

The above plan was derived through a planning process by the Currituck County
Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2009-10 .

Chairperson, Juvenile Crime Prevention Council (Date)

Chairperson, Board of County Commissioners (Date)

**Division of Mental Health, Developmental Disabilities & Substance Abuse Services
Quarterly Fiscal Monitoring Report**

Area Program: Albemarle Mental Health Center

for the period ending: March 31, 2010
 # of month in the fiscal year=====> 9
 (July = 1, August = 2, . . . , June = 12)

1. REPORT OF BUDGET VS. ACTUAL

ITEM	Basis of Accounting:		(1)	(2)	(3)	(4)		(5)		(6)
	Cash	Accrual				CURRENT YEAR		BALANCE	ANNUALIZED	
	X					BUDGET	ACTUAL	(Col. 3-4)	PERCENTAGE **	
			PRIOR YEAR							
			2008-2009							
			BUDGET	ACTUAL	BUDGET	YR-TO-DATE	BALANCE	ANNUALIZED		
REVENUE										
Client Fees						2,837	(2,837)			
Medicaid - "Regular Fee-for-Service"			2,735,109	2,226,798	2,500,000	1,288,724	1,211,276	68.73%		
Medicaid - CAP/MRDD			1,696,868	1,268,001	300,000	176,089	123,911	78.26%		
Medicare			152,470	135,726		-				
Insurance			170,405	135,656	9,500	6,018	3,482	84.46%		
Other Local			653,612	427,477	44,540	14,953	29,587	44.76%		
Appropriation of Fund Balance *										
Total Local Funds			5,408,464	4,193,658	2,854,040	1,488,621	1,365,419	69.54%		
County Appropriations (by county):										
Camden County			13,902	13,484	24,056	22,328	1,728	123.76%		
Chowan County			37,112	18,922	37,111	27,867	9,244	100.12%		
Currituck County			34,576	36,413	59,864	25,158	34,706	56.03%		
Dare County			86,350	62,950	76,630	12,320	64,310	21.44%		
Hyde County			6,988	7,141	19,239	12,563	6,676	87.07%		
Martin County			30,431	27,141	50,862	52,116	(1,254)	136.62%		
Pasquotank County			48,790	54,023	83,044	60,948	22,096	97.86%		
Perquimans County			14,879	14,037	28,690	21,389	7,301	99.40%		
Tyrrell			6,282	5,581	8,750	7,429	1,321	113.20%		
Washington County			16,453	16,441	28,562	29,782	(1,220)	139.03%		
Cumberland County			91,231	19,495						
Total County Funds			386,994	275,628	416,808	271,900	144,908	86.98%		
Service Management Funds			4,441,158	3,825,728	4,257,238	2,817,761	1,439,477	88.25%		
Service Delivery Funds			11,150,403	10,845,576	9,968,235	6,341,964	3,626,271	84.83%		
All Other State/Federal Funds					100,034	100,034	-	133.33%		
Total State and Federal Funds			15,591,561	14,671,304	14,325,507	9,259,759	5,065,748	86.18%		
TOTAL REVENUE			21,387,019	19,140,590	17,596,355	11,020,280	6,576,075	83.50%		
EXPENDITURES:										
Service Management			5,346,016	5,166,642	4,058,460	2,993,673	1,064,787	98.35%		
Directly Provided Services			10,350,653	8,565,123		-	-			
Provider Payments			3,620,686	3,712,899	13,117,034	6,394,829	6,722,205	65.00%		
All Other			2,069,664	1,728,091	420,861	160,640	260,221	50.89%		
TOTAL EXPENDITURES			21,387,019	19,172,755	17,596,355	9,549,142	8,047,213	72.36%		
CHANGE IN CASH BALANCE				(32,165)		1,471,138				
Beginning Unrestricted Fund Balance							(333,837)			
Current Estimated Unrestricted Fund Balance and percent of budgeted expenditures			-1.56%	(333,837)	6.59%	1,158,949				

* "Appropriation of Fund Balance" represents the Area Program Fund Balance that has been incorporated as part of the Approved Budget. Actual Yr-To-Date should reflect Fund Balance utilized to date and an explanation needs to be provided for the specific uses of fund.
 ** annualized Revenue percentage less than 90% and Expenditure percentages greater than 110% must be explained on the attachment and submitted with the Fiscal Monitoring Report

2. CURRENT CASH POSITION:	(1)	(2)	(3)	(4)	(5)	Receivables net of Allowance for Uncollectible Receivables
	30 DAYS	60 DAYS	90 DAYS	OVER 90 DAYS	TOTAL	
Accounts Payable (Accrual Method)		-				
Account Receivable (Accrual Method)		-				

Current Cash in Bank 3,966,972

3. SERVICE EXCEPTIONS: (Provided Based on System Capability)

Services authorized but not billed

* We certify (a) this report to contain accurate and complete information, (b) explanations are provided for any expenditure item with an annualized expenditure rate greater than 11% and for any revenue item with an annualized receipt rate of less than 90%, and (c) a copy of this report has been provided to each county manager in the catchment area".

Area Director date Area Finance Officer date Area Board Chair date
CC: County Manager for each county within the catchment area.

**Division of Mental Health, Developmental Disabilities & Substance Abuse Services
 Quarterly Fiscal Monitoring Report - Explanation of Revenue and Expenditure Variances**

enter LME name Albemarle Mental Health Center Local Management Entity
 for the period ending: March 31, 2010

ITEM

Explanation

Revenues

Medicaid - "Regular Fee-for-Service"	Medicaid revenues lower than expected
Medicaid CAP	CAP MR revenues lower than anticipated budgeted amount
Insurance	Patient Insurance fees lower than expected
Other Local	Interest income lower than anticipated budgeted amount
Currituck County	No ABC funds have been received yet
Dare County	No ABC Funds have been received
Hyde County	Only a portion of ABC funds have been received for this year
Service Management Funds	AMHC has only received 8 months of LME funding for year
Service Delivery Funds	Providers are slow to bill for IPRS services

Expenditures

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 May 3, 2010, authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be disposed of at a public auction:

SEE Vehicle Surplus and General Surplus listings attached.

WHEREAS, the volunteer fire and rescue departments within the county shall have the option to obtain the attached list of surplus property prior to auction in accordance with the adopted **Surplus Property Disposal Policy for Volunteer Fire and Rescue Departments**;

WHEREAS, the public auction will be held Saturday, May 15, 2010, at the Currituck County Public Works Storage Compound, behind the transfer station located at 216 Airport Road, Maple, NC 27956 at 9:00 a.m. (Rain date to be determined.)

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, Chairman
Currituck County Board of
Commissioners

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

CURRITUCK COUNTY Surplus Vehicle List

<u>Veh. ID</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>	<u>Color</u>	<u>Milage</u>
5404	01	Ford	Crown Vic	2FAFP71W71X109548	White	161,279
5505	02	Dodge	Durango	1B4H528N51F69043	White	
5629	03	Ford	Crown Vic	2FAHP71W93X146192	White	107,125
5625	03	Ford	Crown Vic	2FAHP71W03X146193	White	160,249
5620	02	Dodge	Durango	1B4H538N52F132442	White	
5662	02	Dodge	Intrepid	2B3HD46R72H210681	Green	106,000
5403	01	Ford	Crown Vic	2FAFP71W51X109547	White	137,310
4380	99	Ford	Crown Vic	2FAFP71W0xx175707	White	151,971
5508	02	Ford	Crown Vic	2FAFP71W52X105466	White	156,357
5628	03	Ford	Crown Vic	2FAFP71W73X146191	White	103,431
5729	04	Dodge	Intrepid	2B3HD46Y24H606856	White	111,922
5924	05	Jeep	Cherokee	154GR48K55C549502	White	96,305
5528	93	Ford	SuperDuty	2FDLF47M4PCA69719	White	
5513	02	Ford	Crown Vic	2FAFP71W72x105467	White	124,187
5831	04	Ford	Crown Vic	2FAHP71W84X161154	White	129,614
5738	04	Ford	Crown Vic	2FAFP71W84x112270	White	148,540
5895	99	Ford	Expedition	1FMPU18L7XLA16482	White	182,355
	88	Boston Whaler		6286E11889	Gray	
		Evinrude Motor		G3152484	Blue	
		Evinrude Motor		E0D0002	Blue	
5952	05	Ford	Crown Vic	2FAFP73W85X113045	White	167,099
4349	98	Chevy	Blazer	1GNDT13WXW2157876	Pewter	163,908
4404	98	Ford	F350	1FDSF34LIXEC19670	White	185,675
3104	95	Ford	Taurus	1FALP52U9SA216972	White	
	98	Ford	Explorer	1FMYU24XOXVA37512	White	120,961
	01	Dodge	Durango	1B4H528NXif56954	White	
	95	Ford	F250	1FTHF25H6SNa73357	White	
	92	Chevy	Caprice	1G1B15370NR134279	White	
	91	Chevy	Caprice	1G1B15374MR238625	White	
	00	Ford	Ambulance	1FDXE45F8YHB968633	White	159,517
	95	Ford	Taurus	1FALP52UBSA21973	White	101,549
	98	Ford	Taurus	1FAFP52U9XA143106	White	70,422
	04	Jeep	Laredo	1J4GR48K55L549503	White	
1992		Ford	Van	1FBJS31H5NHA49092	Red	
1999		Ford	Taurus	1FAFP53U3XG31886	White	159,244

<u>Condition/Remarks</u>	<u>From Dept</u>
Fair	Sheriff
Fair/Rust	Sheriff
Good Body	Sheriff
Fair	Sheriff
Fair	Sheriff
Fair/Body Paint	Sheriff
Fair/Axle Bad	Sheriff
Motor Bad	Sheriff
Transmission Bad	Sheriff
Motor Good	Sheriff
Fair	Sheriff
Fair	Sheriff
Emission/Converters	Sheriff
Transmission	Sheriff
Fair	Sheriff
Parts/120hp	Sheriff
Parts/100hp	Sheriff
Transmission Bad	Sheriff
Motor Bad	Jail
Fair	Utilities
Power Steering Bad	Tax
	Sheriff
Left Door/Fender Missing	Sheriff
Utility Bed	Water
	Rescue
	Rescue
	Rescue
	Planning
	Sheriff
	Airport
Very Poor/Blown Head Gasket	DSS

CURRITUCK COUNTY
SURPLUS PROPERTY
FY 2009-2010

<u>Asset Tag #</u>	<u>Item Description</u>	<u>Model #</u>	<u>Serial #</u>	<u>Condition of item</u>
803	1 Singer Sewing Machine		534 J8156114	Needs Work
	1 Bunn Coffe Machine	PW04275-00	UPS0043739-02	No Good
	1 Couch (Flower Print)			Good
	1 Pro Form Treadmill		831299230 K457	
	1 Trainer Exercise Machine	WLAW55073	H21654042	Good
	1 Water Fountain	A112108F	S0T0T012240	
	1 Drafting Table			Fair
	1 Coca Cola Cooler on wheels			
	1 Field Kitchen W/box			
	1 Emerson Microwave	AR502	S0571052	
1612	1 Kenmore Microwave		5648888620 S5H1F17015	
	1 Electric Range Kenmore			
	1 Gas Range Fridgedair	FGFL79DSE	VF3932287	New
2664	1 Refrigerator			Unknown
	1 Washing Machine GE	WDSR208	DH916003G	
	1 Large Chalk Board			Good
	7 Glass cabinets with stands			
	1 Kenmore vacuum cleaner			Unknown
	1 GE VHS Video Recorder	GE9806	GR1207609	
	4 Air Registers			
	8 Windows and frames			
	1 Sliding Glass door			
	4 wood doors			
	1 Gate Closer Stanley		540	
	1 Corian Table top and cabinet			Good
2998, 1928, 1579, 158/1, 1612	5 dictaphones with assoc. elec. Equipment			
1578, 1577	2 IBM Electric Typewriters	M6787	S11-011053, S11-0111034	
	1 Panasonic Recorders	RR-980	7ECIAO2752	
	4 Brother Fax Machines	FAX 620, Fax 950M, FAX 1270, FAX 2600	SE41570715, SB41292149, SM 77680429, SV56515D10561613	
	3 Hewlett Packard Laser Printers	MC 4224A & MC5886A	SUSHP059868, SUSLF060210, SSG7AJIPIGJ	
	1 Panasonic Fax Machine	KX-FHD301	PFGT18522A	
	3 Key boards Mitsumi			
	1 Brother Typewriter	GX8250	K9D982210	
	2 Radio Antennas			
	2 Incinolet Toilets	TR	2805 & 40713	
	8 - 2 drawer file cabinets			
	7 - 4 drawer File Cabinets			
	2 wood folding tables			
	10 wood desks			
	5 wood chairs			
	1 coat rack			
	1 5 slot steel locker			
	2 wood tables			

CURRITUCK COUNTY
SURPLUS PROPERTY
FY 2009-2010

<u>Asset Tag #</u>	<u>Item Description</u>	<u>Model #</u>	<u>Serial #</u>	<u>Condition of item</u>
	15 office chairs and parts			
	4 wood shelving units			
	1 General Air compressor	L340-75A	49256	
	1 wood Storage cabinet	.		
	1 computer stand (Silver)			
	1 20,000 BTU Air Conditioner			
	3 Large wood cabinets			
	1 Ford 4000 Tractor			
	1 Ecco 25 KVA Generator			
	1 Rogers 1987 12 X 60' Office Trailer	RO1260	VIN # 35131	Poor Condition/floor rotting thru
	1 Rogers 1988 12 X 60' Office Trailer	RO1260	VIN # 36643	Poor Condition/floor rotting thru
4204	1 Drafting Table			
2901	1 Blueprint Machine			
	1 Drag Rake 3 pt hitch			
	1 Drag Box Blade 3 pt hitch			
	1 Drag Tool 3 pt hitch.			
	1 GE Dryer	DSR453EB2WW	RG710050A	
	1 Whirlpool AC Unit	308600		
	1 Steel Cabinet			
	1 Wood Table			
	5 10x6" Black Iron Tees			
	7 6" Black iron Pipe 3 to 4' in length			
	15 4" pipe clamps			
	5 Hydrant Leg Ells			
	1 Hydrant body			
	1 Cummins Onan Propane Generator	15JC	H930517755	Unknown
	1 Rohn 45G Radio Tower			Good
	1 Rohn 55G Radio Tower			Good
	1 Steel Pipe gate (2pcs)			Good
	1 Steel truck cab protector.			Good