

# Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

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**Date: Monday, November 15, 2010    Time: 7:00 PM**

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- 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 **Sharon Tanner, Albemarle Hospital, presentation**
- Item 4 **Public Hearing and Action:** PB 10-28 Turnpike Properties: Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts, Chapter 6: Environmental Protection, and Chapter 8: Parking and Driveways, to modify the zoning requirements for single family residential lots with centralized water and sewer service in the Limited Business with Hotels (LBH) zoning district.
- Item 5 **Consideration of Ordinance** exempting Currituck County from Permit Extension Act
- Item 6 **Consideration of Resolution** requesting State Board of Transportation abandonment of a portion of un-open cul-de-sac on Walnut Island Blvd.
- Item 7 **Consent Agenda:**  
1. Budget Amendments  
2. Approval of November 1, 2010, Minutes
- Item 8 Commissioner's Report
- Item 9 County Manager's Report
- Adjourn

**Special Meeting**

Tourism Development Authority

Budget Amendment

Adjourn



## Currituck County

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

**To:** Board of Commissioners  
**From:** Planning Staff  
**Date:** October 28, 2010  
**Re:** PB 10-28 Turnpike Properties, LLC Text Amendment

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The attached text amendment to the Unified Development Ordinance, submitted by Turnpike Properties, LLC, proposes to modify zoning standards for residential lots in the Limited Business Hotel (LBH) zoning district. The amendment request includes a reduction in:

1. The minimum lot size.
2. The minimum lot width.
3. The minimum driveway and parking space setbacks.
4. The minimum size parking space, and
5. The setback for fill.

The request requires modification of six sections of the Unified Development Ordinance, but is narrowly focused on residential development that is connected to centralized water and sewer in a single zoning district (LBH).

The proposed text amendment allows for higher residential densities and smaller dimensional standards than those currently allowed in comparable, but less restrictive zoning districts such as General Business (GB). In fact, the request results in development patterns typically allowed within planned unit developments (PUD).

Considering the applicant's objectives can be accomplished without a text amendment, planning staff is concerned with the policy implications of this request. While text amendments apply countywide, this particular request is intended to allow small lot single family residential dwellings on property surrounded by the Pine Island Planned Unit Development (staff has no objection to residential development on the subject property).

Zoning and subdivision regulations are broad in scope and amendments to accommodate individual developments create cumbersome standards and often result in unintended consequences. Staff feels the appropriate course of action is for the applicant to develop the subject property using an existing zoning option, and therefore recommends denial based on the following concerns:

1. The proposed text amendment is similar to typical residential development patterns associated with planned unit developments. The type of development proposed can be achieved by incorporation into an existing planned unit development, thereby alleviating the need for a countywide text amendment.
2. The proposed text amendment may undermine the intent of the Limited Business with Hotels (LBH) zoning district by allowing increased density and reductions in regulatory requirements in an area intended for transitional development.
3. The county is currently working on a comprehensive rewrite of the Unified Development Ordinance (UDO). Parcel and/or issue specific text amendments are a primary cause of the inconsistencies that exist in the current UDO. Text amendments during and after the rewrite process should be limited to broad policy objectives.

The Planning Board recommended **approval** at their October 12, 2010 meeting with the condition that the amendment be limited to Oceanfront LBH Districts.

**PLANNING BOARD DISCUSSION (10/12/10)**

Mr. West asked if fill will be within 10 feet of the property line or will they fill right up to the property line.

Mr. Woody stated fill is proposed to be allowed within 10 feet of the property line but the developer will be required to submit an engineered grading plan.

Mr. West stated he is concerned with water run off on neighboring properties if it is connected to centralized water and sewer in a single zoning district (LBH).

Mr. Kovacs stated he is concerned with the parking space dimensions. Mr. Kovacs stated that a minimum of 9 feet wide for parking spaces is inadequate.

Mr. Hollan provided the history of the property. Mr. Hollan stated the property was zoned in error from RO1 to LBH. Turnpike Properties opposed the special use permit approved by the Board of Commissioners. The third party rezoning request was recommended against. This request is a compromise with all parties in agreement that include: Pine Island Association, Turnpike Properties, National Audubon Society and SAGA Development. This is a plan that everyone can live with. There are two lawsuits pending against the county, one with the Pine Island Association and one with Turnpike Properties. Mr. Hollan stated 13 single family homes are proposed to be built on this piece of property. Mr. Hollan stated the Guptas (SAGA Development) have vested rights with the approved special use permit for 2 years. Mr. Hollan is asking that the board recommend approval of the request.

Mr. Clark asked Mr. Hollan what his interest is in the property.

Mr. Hollan stated he has been a developer in Pine Island since the 70's. He has an obligation to how and what can be permitted and what happens in the community. Originally this land was a Natural Heritage Area. This is a win-win for everyone involved.

Mr. Clark asked if this text amendment was approved what would happen to pending lawsuits.

Mr. Hollan stated the lawsuits would be dropped.

Mr. West asked if the commissioners could create a new district. Mr. West is concerned that this text amendment will apply countywide. Could you create a new oceanfront LBH district? The soil types are different on the OBX vs. the mainland.

Mr. Woody stated the commissioners could create a new district.

The Planning Board discussed this request being allowed within an existing planned unit development (PUD) vs. having the text amendment that would be countywide.

Mr. Kovacs asked what will be the size of the homes.

Mr. Hollan stated they will not exceed 12 bedrooms and will be larger than the largest home already in Pine Island.

Mr. Valdivieso stated this process will be the least painful solution with the property zoned LBH. Mr. Valdivieso stated in the current UDO if property is zoned LBH, technically PUD's are not allowed. Mr. Valdivieso referenced that in the old UDO, utility easements and wastewater infrastructure counted as part of the 35% of required open space. The new UDO does not allow this to be counted in open space. If the property was rezoned to RO1 the lot sizes would be smaller. Mr. Valdivieso talked about parking setbacks.

Mr. Palmer stated this text amendment would solve Turnpike Properties problems, but it will be countywide. Mr. Palmer asked if the request should go before the Board of Adjustment.

The Planning Board discussed an oceanfront LBH district.

Mr. Woody stated that the county has approximately 159.5 acres LBH; OBX has 96.2 acres and the Mainland has 63.3 acres.

Mr. Wright asked if LBH oceanfront would have any play in Carova.

#### **ACTION**

Mr. West moved to approve PB 10-28 request to amend the Unified Development Ordinance as presented with the addition that it be limited to Oceanfront LBH Districts. Ms. Taylor seconded the motion. Ayes: Mr. Bell, Mr. Kovacs, Mr. West, Ms. Wilson, Ms. Taylor, Mr. Wright and Mr. Midgette. Nays: Mr. Clark.

**PB 10-28 Turnpike Properties, LLC  
UDO AMENDMENT REQUEST**

An amendment to the Unified Development Ordinance Chapter 2: Zoning Districts, Chapter 6: Environmental Protection, and Chapter 8: Parking and Driveways, to modify the zoning requirements for single family residential lots with centralized water and sewer service in the Limited Business with Hotels (LBH) zoning district.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Chapter 2: Zoning Districts, Section 2.6 is amended by adding the following underlined language:

**2.6.4 Setback Requirements**

A. Fill is not allowed within ten feet of either side on rear property lines. Fill is not allowed within ten feet of the front (street) property line except for driveway improvements and as approved by the county engineer. Lots within planned unit developments and single family residential lots with centralized water and sewer service in **an oceanfront** LBH zoning district are exempt from these regulations. Fill may be allowed within ten feet of any property line subject to county engineer review and approval of a site specific engineered grading and drainage plan for single family residential lots with centralized water and sewer service in **an oceanfront** LBH zoning district.

**Item 2:** That Chapter 2: Zoning Districts, Section 2.7 is amended by adding the following underlined language:

**Section 2.7 Dimensional Requirements**

Zone							Lot Size	Lot Width	Lot Coverage	FAR	Front S/B	Side S/B	Rear S/B	Height
<b>LBH</b>	-	-	-	-	-	-	40,000 <sup>11</sup>	125 <sup>11</sup>	65	.400	20	15	25	35

<sup>11</sup> The required lot size may be reduced to 20,000 square feet and the required minimum lot width may be reduced to 75 feet when developed as a single family residential lot with centralized water and sewer service.

**Item 3:** That Chapter 6: Environmental Protection, Section 6.9 is amended by adding the following underlined language:

**Section 6.9 Stormwater Management**

F. No fill of any kind shall be allowed within ten feet of any property line, except as associated with a driveway improvements located within ten feet of the front (street) property line and/or a bulkhead for shoreline protection, with the exception of lots within planned unit developments and single family residential lots with centralized water and

sewer service in ***an oceanfront*** LBH zoning district. Single family residential lots with centralized water and sewer service in ***an oceanfront*** LBH zoning district shall be subject to county engineer review and approval of a site specific engineered grading and drainage plan.

**Item 4:** That Chapter 6: Environmental Protection, Section 6.11 is amended by adding the following underlined language:

**Section 6.11 Mandatory Standards for Land Disturbance Activities, Excluding Residential Lots within Planned Unit Developments**

C. Fill is not allowed within ten feet of any side or rear property line. Fill is not allowed within ten feet of the front (street property line except for driveway improvements and as approved by the county engineer excluding single family residential lots with centralized water and sewer service in ***an oceanfront*** LBH zoning district. Single family residential lots with centralized water and sewer service in ***an oceanfront*** LBH zoning district shall be subject to county engineer review and approval of a site specific engineered grading and drainage plan

**Item 5:** That Chapter 8: Parking, Section 8.2 is amended by adding the following underlined language:

**8.2.1 Parking Space Dimensions**

All districts and uses except for RO1 and RO2 single family and two family residences and single family residential lots with centralized water and sewer service in ***an oceanfront*** LBH zoning district shall meet the following dimensions:

Space Type	Minimum Width	Minimum Length
Perpendicular or Angled	10 feet	20 feet
Compact	7.5 feet	15 feet
Parallel	9 feet	22 feet

RO1 and RO2 single family and two family residences and single family residential lots with centralized water and sewer service in ***an oceanfront*** LBH zoning district shall meet the following dimensions:

Space Type	Minimum Width	Minimum Length	Minimum Aisle Width
Perpendicular or Angled	8 feet	15 feet	15 feet
Parallel	8 feet	20 feet	15 feet

**Item 6:** That Chapter 8: Parking and Driveways Section 8.10. is amended by deleting the strikethrough language and adding the underlined language:

**8.10.1 General Provisions**

- D. ~~Excluding residential lots within planned unit developments~~ Driveways shall maintain a ten foot setback from any side and rear property line, except for residential lots within planned unit developments, residential lots with centralized water and sewer service in **an oceanfront** LBH zoning district, required shared driveways, cul-de-sac lots, and camper lots where it is determined by the administrator that the setbacks cannot reasonably be met. Residential driveways shall extend ten feet into the property before establishing drive aisles and parking spaces. Commercial and manufacturing driveways shall extend 20 feet into the property before establishing drive aisles and parking spaces.
- E. Driveways, drive aisles, and parking spaces for residential lots with centralized water and sewer service in **an oceanfront** LBH zoning district shall maintain a five foot setback from all side property lines.

**Item 7:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 8:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Gwen H. Keene  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_

VOTE: \_\_\_\_\_AYES\_\_\_\_\_NAYS\_\_\_\_\_

\*\*\*\*\*

PLANNING BOARD DATE: \_\_\_\_\_

PLANNING BOARD RECOMMENDATION: \_\_\_\_\_

VOTE: \_\_\_\_\_AYES\_\_\_\_\_NAYS\_\_\_\_\_

ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_

BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_

BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_

AMENDMENT NUMBER: \_\_\_\_\_

1       **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**  
2       **PROVIDING FOR THE COUNTY OF CURRITUCK TO OPT OUT OF THE FOURTH**  
3       **YEAR OF PERMIT EXTENSION FOR ALL DEVELOPMENT PERMITS ISSUED BY**  
4       **THE COUNTY OF CURRITUCK THAT ARE SUBJECT TO NORTH CAROLINA**  
5       **SESSION LAW 2010-177**

6  
7       WHEREAS, the North Carolina General Assembly adopted the “Permit Extension Act of  
8       2009” in response to the economic conditions affecting the nation and State of North Carolina  
9       and in response to the expiration or pending expiration of certain development permits issued by  
10      the State and local governments; and

11      WHEREAS, the Permit Extension Act of 2009 served to toll the expiration of certain  
12      development permits during the three year period from January 1, 2008 to December 31, 2010;  
13      and

14      WHEREAS, the County of Currituck granted or issued valid, unexpired development  
15      approvals and permits that were outstanding on January 1, 2008 and has granted or issued  
16      additional approvals or permits since that date; and

17      WHEREAS, some permits that had expired under the terms of the Currituck County  
18      Unified Development Ordinance on the date the Permit Extension Act of 2009 were again  
19      deemed active and valid pursuant to that act, will continue to be valid into the year 2011 and will  
20      have reached a permit life of up to five years without any action or activity under the permit; and

21      WHEREAS, certain other development permits issued by the County of Currituck also  
22      have not expired and cannot expire for a period of as many as five years from the time of  
23      issuance or approval because of the Permit Extension Act of 2009 and the permit expiration  
24      requirements that apply; and

25      WHEREAS, the North Carolina General Assembly acted again in 2010 to extend for one  
26      more year the period during which the expiration of development permits is tolled, so that the  
27      running of any applicable expiration period that otherwise would apply does not resume until  
28      January 1, 2012; and

29      WHEREAS, Session Law 2010-177 authorizes a unit of local government to declare that  
30      the one-year extension provided for in the Permit Extension Act of 2009, as amended, shall not  
31      apply to development approvals that it has issued; and

32      WHEREAS, the County of Currituck is in the process of rewriting its Unified  
33      Development Ordinance which is expected to be adopted in the Spring of 2011 and the adoption  
34      of the new Unified Development Ordinance with the existence of extended and unexpired  
35      development permits will create a number of nonconforming land uses under the new Unified  
36      Development Ordinance and create, among other things, the administrative burden of continuing  
37      to utilize the repealed Unified Development Ordinance to regulate and administer land use and  
38      development under extended development permits; and

1 WHEREAS, permit expiration provisions serve a useful public purpose in encouraging  
2 permit holders to complete projects, ending projects that are not well conceived and bringing  
3 closure to the permitting process.

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

6 PART I. The County of Currituck shall not be subject to the one-year permit extension  
7 provisions of Session Law 2010-177, as that act amends the Permit Extension Act of 2009, with  
8 respect to all development permits that have been issued by the County of Currituck that are  
9 otherwise subject to those acts.

10 PART II. If any section, phrase, or provision of this ordinance is for any reason declared to be  
11 invalid, such declarations shall not affect the validity of the remainder of the sections, phrases or  
12 provisions of this ordinance.

13 PART III. This ordinance shall take effect immediately upon its adoption.

14 .  
15 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

17 \_\_\_\_\_  
18 S. Paul O’Neal, Chairman

19  
20 ATTEST:  
21 \_\_\_\_\_  
22  
23 Gwen H. Keene  
24 Clerk to the Board

25  
26 APPROVED AS TO FORM:  
27 \_\_\_\_\_  
28  
29 Donald I. McRee, Jr.  
30 County Attorney

31  
32 Date adopted: \_\_\_\_\_  
33  
34 Motion to adopt by Commissioner \_\_\_\_\_  
35 Second by Commissioner \_\_\_\_\_  
36 Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS



**COUNTY OF CURRITUCK**

R E S O L U T I O N

REQUEST FOR ABANDONMENT TO STATE MAINTAINED SECONDARY ROAD SYSTEM

NORTH CAROLINA  
COUNTY OF CURRITUCK

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Currituck requesting that the described road be abandoned from the state maintained system, and

WHEREAS, the Board of County Commissioners is of the opinion that the requested area should be abandoned,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Currituck that the Division of Highways, North Carolina Department of Transportation, is hereby authorized to abandon approximately \_\_\_\_\_ ft/miles at Walnut Island Blvd - Cul-de-Sac - Un. Open of Secondary Road \_\_\_\_\_ from the state maintained system, in accordance with Department of Transportation Form SR-3 enclosed.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of County Commissioners of the County of Currituck at a meeting on the 15 day of Nov, 192010.

WITNESS my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Clerk, Board of Commissioners  
County of Currituck



**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK  
COUNTY, NORTH CAROLINA REQUESTING NORTH CAROLINA STATE  
BOARD OF TRANSPORTATION ABANDONMENT FROM THE SECONDARY  
ROAD SYSTEM AN UNOPENED PORTION OF WALUNT ISLAND  
BOULEVARD (S.R. 1186)**

WHEREAS, pursuant to N. C. Gen. Stat. §136-63 the board of county commissioners of any county may, on its own motion or on petition by a citizen, request the Board of Transportation to abandon any road in the secondary road system when the best interest of the people of the county will be served thereby; and

WHEREAS, the petition attached to this resolution as Exhibit A and incorporated herein by reference has been filed with the Board of Commissioners for the county of Currituck requesting that an unopened portion of Walnut Island Boulevard (S.R. 1186) be abandoned from the state maintained secondary road system; and

WHEREAS, the portion of Walnut Island Boulevard (S.R. 1186) proposed for abandonment, as shown on Exhibit B attached to this resolution and incorporated herein by reference, is an unopened portion of a cul-de-sac that if abandoned will not prevent the free flow of motor vehicle traffic along Walnut Island Boulevard (S.R. 1186) and should be abandoned.

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

Section 1. The County of Currituck requests that the North Carolina Board of Transportation abandon from the secondary road system the unopened portion of a cul-de-sac along Walnut Island Boulevard (S.R. 1186) as more particularly shown on Exhibit B attached to this resolution.

Section 2. This resolution is effective immediately upon its adoption.

ADOPTED the 15<sup>th</sup> day of November, 2010.

\_\_\_\_\_  
S. Paul O'Neal, Chairman

ATTEST:

\_\_\_\_\_  
Gwen H. Keene,  
Clerk to the Board

(COUNTY SEAL)

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of November, 2010 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10541-532000	Supplies	\$ 1,000	
10330-449900	Miscellaneous Grants		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

**Explanation:** *Fire Services (10541)* - Increase appropriations for a 2009 Fire Prevention and Safety Grant awarded by the Federal Emergency Management Agency (FEMA) for a live flashover and sprinkler burn demonstration that must be completed by December 31, 2010.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,000.

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\_\_\_\_\_  
Clerk to the Board

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<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10796-590000	Capital Outlay	\$ 12,000	
10796-532000	Supplies		\$ 12,000
		<u>\$ 12,000</u>	<u>\$ 12,000</u>

**Explanation:** *Rural Center (10796)* - To transfer funds for additional electrical costs at the Rural Center.\

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

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\_\_\_\_\_  
Clerk to the Board

**BUDGET AMENDMENT**

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Account Number	Account Description	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10440 502000	Salaries	\$	1,692		
10440 505000	FICA	\$	129		
10440 507000	Retirement	\$	193		
10441 502000	Salaries	\$	868		
10441 505000	FICA	\$	66		
10441 507000	Retirement	\$	99		
10446 502000	Salaries	\$	803		
10446 505000	FICA	\$	61		
10446 507000	Retirement	\$	92		
10450 502000	Salaries	\$	3,455		
10450 505000	FICA	\$	264		
10450 507000	Retirement	\$	394		
10510 502000	Salaries	\$	9,339		
10510 505000	FICA	\$	714		
10510 507000	Retirement	\$	1,066		
10511 502000	Salaries	\$	14,423		
10511 505000	FICA	\$	1,103		
10511 507000	Retirement	\$	1,646		
10512 502000	Salaries	\$	337		
10512 505000	FICA	\$	26		
10512 507000	Retirement	\$	38		
10530 502000	Salaries	\$	13,189		
10530 505000	FICA	\$	1,009		
10530 507000	Retirement	\$	1,505		
10540 502000	Salaries	\$	586		
10540 505000	FICA	\$	45		
10540 507000	Retirement	\$	67		
10541 502000	Salaries	\$	915		
10541 505000	FICA	\$	70		
10541 507000	Retirement	\$	104		
10606 502000	Salaries	\$	333		
10606 505000	FICA	\$	25		
10606 507000	Retirement	\$	38		
10640 502000	Salaries	\$	814		
10640 505000	FICA	\$	62		
10640 507000	Retirement	\$	93		
10750 502000	Salaries	\$	2,391		
10750 505000	FICA	\$	183		
10750 507000	Retirement	\$	273		
10775 502000	Salaries	\$	3,834		
10775 505000	FICA	\$	293		
10775 507000	Retirement	\$	437		
10795 502000	Salaries	\$	2,469		
10795 505000	FICA	\$	47		
10795 507000	Retirement	\$	282		
10796 502000	Salaries	\$	1,866		
10796 505000	FICA	\$	143		
10796 507000	Retirement	\$	213		
10960-509000	Salary - Future Appropriations			\$	66,062
10390-499900	Appropriated Fund Balance			\$	2,032
61818 502000	Salaries	\$	2,644		
61818 505000	FICA	\$	202		
61818 507000	Retirement	\$	302		
61818-509000	Salary - Future Appropriations			\$	2,799
61360-467000	Sale of Material			\$	349
66868 502000	Salaries	\$	1,446		
66868 505000	FICA	\$	111		
66868 507000	Retirement	\$	165		
66868-509000	Salary - Future Appropriations			\$	1,722
		<b>\$</b>	<b>72,964</b>	<b>\$</b>	<b>72,964</b>

**Explanation:** Various Departments - To allocate funds between department for the pay study done in last fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$2,032.  
 Mainland Water Fund (61) - Increased by \$349.  
 Southern Outer Banks Water Fund (66) - No change.

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<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
20609-545000	Contract Services	\$ 100,000	
20609-590000	Capital Outlay	\$ 1,160,000	
20609-588000	Contingency	\$ 140,000	
20390-499900	Appropriated Fund Balance		\$ 1,400,000
		<u>\$ 1,400,000</u>	<u>\$ 1,400,000</u>

**Explanation:** *Whalehead Subdivision Watershed Drainage Service District (20609) - To appropriate fund balance for Stormwater Drainage improvements - Phase II.*

**Net Budget Effect:** Whalehead Subdivision Watershed Drainage Service District (20) - Increased by \$1,400,000.

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\_\_\_\_\_  
 Clerk to the Board

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10640-521100	Equipment Lease	\$ 319	
10640-532000	Supplies	\$ 5,000	
10640-545002	Contract Services - NCSU Salary		\$ 5,319
		<u>\$ 5,319</u>	<u>\$ 5,319</u>

**Explanation:** *Cooperative Extension (10640)* - Transfer funds for additional copy charges and lease for mail meter.

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

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\_\_\_\_\_  
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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10795-532000	Supplies	\$ 4,500	
10795-545000	Contract Services	\$ 1,200	
10795-576008	Grass Cutting	\$ 2,165	
10795-576015	Tackle Football	\$ 2,048	
10795-590000	Capital Outlay	\$ 5,281	
10350-469001	Flag Football Revenue		\$ 55
10350-469002	Cheerleading Revenue		\$ 110
10350-469011	Volleyball Revenue		\$ 45
10350-469015	Tackle Football Revenue		\$ 1,612
10390-495015	T F - Occupancy Tax		\$ 9,500
10795-516001	Repairs & Maintenance - Maple Park		\$ 3,872
		<u>\$ 15,194</u>	<u>\$ 15,194</u>

**Explanation:** *Parks & Recreation (10795)* - Increase appropriations due to increased participation in Tackle Football and increased use of Carova Beach park. Also, installation of hand dryers in restrooms at Carova Beach Park.

**Net Budget Effect:** Operating Fund (10) - Increased by \$11,322.

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 Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of November, 2010 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10490-545003	Contract Services - Court/Jail	\$ 6,000	
10460-592000	Courthouse Projects		\$ 6,000
		<u>\$ 6,000</u>	<u>\$ 6,000</u>

**Explanation:** *Court Facility Fees (10490); Public Works (10460)* - To transfer funds for door system contract for this fiscal year.

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

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Clerk to the Board

## BUDGET AMENDMENT

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 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50550-592011	Airport Runway Grant	\$ 507,266	
50330-448000	State Aid to Airports		\$ 456,539
50551-561000	Professional Services		\$ 50,727
		<u>\$ 507,266</u>	<u>\$ 507,266</u>

**Explanation:** *Airport Construction (50550)* - Increase appropriations to reallocate airport grant for runway extension.  
 This is funded 90% by the NC Division of Aviation and 10% County match.

**Net Budget Effect:** County Governmental Facilities Construction Fund (50) - Increased by \$456,539.

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 Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of November, 2010 ,  
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50795-561000	Professional Services	\$ 160,000	
50795-594500	Site Work	\$ 2,015,017	
50390-495015	T F - Occupancy Tax		\$ 2,015,017
		<u>\$ 2,175,017</u>	<u>\$ 2,015,017</u>

**Explanation:** *YMCA/Community Facility/Senior Center (50795)* - To increase appropriations for site work and additional fees approved on 11/1/2010.

**Net Budget Effect:** County Governmental Facilities Construction Fund (50) - Increased by \$2,015,017.

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CURRITUCK COUNTY  
NORTH CAROLINA  
November 1, 2010

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

### **Invocation and Pledge of Allegiance**

Boy Scout Troop 169 was present to give the invocation and Pledge of Allegiance.

### **Approval of Agenda**

Commissioner Etheridge approved the agenda to add to consent agenda to waive tipping fees for Diane Johnson. 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            Recognition of Brandon Crawford
- Item 4            Recognition of Eagle Scout Jerry Allen Ball
- Item 5            Resolution proclaiming November as Lung Cancer Awareness Month
- Item 6            Presentation on Veterans Administration Rural Health Initiative
- Item 7            Approval of YMCA Construction Contract Community Center
- Item 8            Approval of amendment to YMCA Lease Agreement
- Item 9            Recommendation of bid award    for parallel taxiway, Currituck Airport
- Item 10          Consent Agenda:
  - 1. Budget Amendments
  - 2. Approval of October 18, 2010, Minutes
  - 3. Request to dispose of Finance Records
  - 4. Petition for Addition of Algonquin Trail, Olathe Street and Donoma Court to State System
  - 5. George Raper & Son Inc - Change order #3, Moyock Sewer Forcemain - additional telemetry at water treatment plant in Maple to serve the Moyock Central Sewer.
  - 6. Resolution Requesting supporting Sectarian Prayers in the NC House of Representatives
  - 7. Firefighter's Relief Fund Trustees - Crawford VFD
  - 8. Approve waiving tipping fees for Diane Johnson
- Item 11          Commissioner's Report

Item 12 County Manager's Report

Adjourn

**Public Comment**

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

Chairman O'Neal moved to open the public comment period.

Marion Gilbert, Moyock, updated the Board on progress of the project Mow in Moyock.

Bob Kohler, reminded the public that November 11<sup>th</sup> is Veterans Day and will be celebrated at the Veterans Park. Mr. Kohler, gave an update on visitors to The Moving Wall.

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

**Recognition of Brandon Crawford**

The Board of Commissioners read the resolution recognizing Brandon Crawford.

**RESOLUTION  
RECOGNIZING  
BRANDON CRAWFORD**

WHEREAS, Brandon Crawford, a Currituck County resident, has been selected to represent the United States in the 2011 Special Olympics World Summer Games in Greece; and

WHEREAS, Brandon Crawford is one of the five athletes from North Carolina chosen for the national team; and

WHEREAS, in Greece, Brandon will compete against Special Olympians from more than 185 countries; and

WHEREAS, the 2011 summer games will be held from June 25 – July 4, 2011; and

WHEREAS, Brandon will compete in bowling, having previously represented Currituck County at the North Carolina Special Olympics competition; and

WHEREAS, prior to making the trip to Greece, the U.S. team will have the opportunity to meet in San Diego for a training camp from March 28 – April 1, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners acknowledges the talents, skills, and teamwork of Brandon Crawford,

and does hereby extend this expression of its pride and wishes him the best in the 2011 Special Olympics.

**Recognition of Eagle Scout Jerry Allen Ball**

The Board of Commissioners recognized Eagle Scout Jerry Allen Ball.

**RESOLUTION  
RECOGNIZING  
JERRY ALLEN BALL**

**WHEREAS**, the Currituck County Board of Commissioners would like to take this opportunity to congratulate Jerry Allen Ball for having attained the coveted rank of Eagle Scout, and

**WHEREAS**, Jerry Allen Ball is one of only 4% of overall Scout membership who have claimed the rank of Eagle Scout; and

**WHEREAS**, Jerry is a member of Scout Troop 169 sponsored by the Moyock Ruritan Club; and

**WHEREAS**, this is also the culmination of the patriotic concern and devoted efforts of numerous adult Scout leaders and caring parents who have worked with Jerry to this end.

**NOW, THEREFORE BE IT RESOLVED**, the Currituck County Board of Commissioners joins with others in the recognition of Jerry Allen Ball for his outstanding accomplishment and wishes him continued success in his life's endeavors.

**Resolution proclaiming November as Lung Cancer Awareness Month**

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

**LUNG CANCER AWARENESS MONTH  
Proclamation**

**WHEREAS**, Lung cancer is the leading cause of cancer death in both men and women in the United States; and

**WHEREAS**, Lung cancer takes the lives of more Americans each year than breast, prostate, colon, liver, and kidney cancers combined; and

WHEREAS, former smokers and people who have never smoked comprise the majority of new cases of lung cancer each year; and

WHEREAS, 70% of new lung cancer cases will be diagnosed at late stage, with a 15% 5 year survival rate; and

WHEREAS, early lung cancer diagnosis and management protocols exist, yet have not been embraced as the standard of care; and

WHEREAS, funding for lung cancer research falls far short of that for other less fatal diseases; and

WHEREAS, the National Lung Cancer Partnership is a group of leading doctors, researchers, patient advocates, and lung cancer survivors, who are working together to improve treatments for lung cancer patients. We are dedicated to raising public awareness of the disease and generating funding for lung cancer research.

THEREFORE, the Currituck County Board of Commissioners does hereby officially proclaim the month of November as **LUNG CANCER AWARENESS MONTH** in the County of Currituck.

Furthermore, we urge all citizens of our County to do all we can to make lung cancer a national public health priority and offer compassion to people with lung cancer.

#### **Presentation on Veterans Administration Rural Health Initiative**

Kevin Amick, Hampton Roads Veterans Hospital, reviewed the new initiative program for veterans in rural areas. There will be a new veterans clinic in Elizabeth City on 1845 West City Drive, which means that veterans will not have to travel to Hampton Virginia. There will be a presentation of this program on November 9<sup>th</sup> at the American Legion Post 288 in Coinjock to sign up new veterans.

#### **Approval of YMCA Construction Contract Community Center**

Ike McRee, County Attorney, reviewed the contract and requested the Board to approve.

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

#### **Approval of amendment to YMCA Lease Agreement**

Ike McRee, County Attorney, reviewed the 4 amendments to lease agreement.

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

**Recommendation of bid award for parallel taxiway, Currituck Airport**

Dan Scanlon, County Manager, reviewed the bids received for the parallel taxiway at the airport.

Commissioner Rorer moved to award to the lowest bidder RPC Contracting in the amount of \$1,544,960.70. Commissioner Gregory seconded the motion. Motion carried.

**Consent Agenda:**

1. Budget Amendments
2. Approval of October 18, 2010, Minutes
3. Request to dispose of Finance Records
4. Petition for Addition of Algonquin Trail, Olathe Street and Donoma Court to State System
5. George Raper & Son Inc - Change order #3, Moyock Sewer Forcemain - additional telemetry at water treatment plant in Maple to serve the Moyock Central Sewer.
6. Resolution Requesting supporting Sectarian Prayers in the NC House of Representatives
7. Firefighter's Relief Fund Trustees - Crawford VFD
8. Approve waiving tipping fees for Diane Johnson.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10530-561000	Professional Services	\$ 530	

10380-484001	Insurance Claims		\$	530
66868-516000	Repairs & Maintenance	\$	4,203	
66380-484001	Insurance Claims		\$	4,203
		\$	<u>4,733</u>	<u>4,733</u>

**Explanation:** *Emergency Services (10530); Southern Outer Banks Water System (66868) - Increase appropriations for insurance claim for an ambulance accident and lightning strike at the Southern Outer Banks Water system.*

**Net Budget Effect:** Operating Fund (10) - Increased by \$530.  
Southern Outer Banks Water Fund (66) - Increased by \$4,203.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
10550-516000	Repairs & Maintenance	\$ 1,000	
10550-531000	Gas	\$ 500	
10550-516400	Equipment Repair		\$ 500
10550-531400	Equipment Fuel		\$ 1,000
		\$ <u>1,500</u>	\$ <u>1,500</u>

**Explanation:** *Airport (10550) - To transfer funds for emergency repair of hangar door and to reclassify fuel budget.*

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
57878-596100	Professional Services	\$ 267,352	
57878-590000	Capital Outlay		\$ 267,352
		\$ <u>267,352</u>	\$ <u>267,352</u>

**Explanation:** *Moyock Central Sewer (57878) - 600,000 GPD Soil/Hydrogeologic Site Assessment and engineering services for a 99,000 GPD Wastewater Treatment Plant with support building design and permitting for the Moyock Central Sewer system.*

**Net Budget Effect:** Moyock Central Sewer Fund (57) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
10531-532000	Supplies	\$ 60	



WHEREAS, for many years the North Carolina House of Representatives has requested, but not required, that guest chaplains deliver nonsectarian prayers; and

WHEREAS, during the week of May 31, 2010 a guest chaplain was invited to give the opening prayer at each of that week's House sessions and after giving a sectarian prayer on the first day was told his services were no longer needed; and

WHEREAS, Speaker of the House Joe Hackney and Minority Leader Paul Stam have jointly stated that they intend to review North Carolina House of Representatives procedures and guidelines concerning guest chaplains to make sure that the North Carolina House of Representatives abides by applicable constitutional procedures; and

WHEREAS, while the First Amendment to the United States Constitution provides that there shall not be law respecting establishment of religion, the First Amendment further provides that there shall not be law prohibiting the free exercise of religion or abridging the freedom of speech.

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

Section 1. Currituck County supports the North Carolina House of Representatives' review of its rules and procedures concerning guest chaplains and the form of prayer and encourages the North Carolina House of Representatives to allow guest chaplains to pray in accordance with their traditions.

Section 2. This resolution is effective upon its adoption.

#### **Commissioner's Report**

Commissioner Taylor thanked Marion Gilbert for mowing the grass in Moyock including in front of Moyock Baptist Church.

Commissioner Nelms thanked Senator Basnight and Representative Owens for their continued support of Currituck County.

Commissioner Rorer, commented on the Airport progress and advisory board.

Commissioner Aydlett requested the Recreation Board come up with an idea to honor Bob Koontz.

Chairman O'Neal requested staff to contact our legislators opposing the closing of the Currituck Post Office.

#### **County Manager's Report**

No comments

**Adjourn**

There being no further business, the meeting adjourned.

## BUDGET AMENDMENT

The Currituck County Board of Commissioners as the Currituck County Tourism Development Authority, at a meeting on the 15th day of November, 2010 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-502000	Salaries	\$ 2,076	
15442-505000	FICA	\$ 159	
15442-507000	Retirement	\$ 237	
15442-509000	Salary - For future appropriations		\$ 2,472
		<u>\$ 2,472</u>	<u>\$ 2,472</u>

**Explanation:** Tourism Promotions (15442) - To allocate funds for the pay study that was done in last fiscal year.

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

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## BUDGET AMENDMENT

The Currituck County Board of Commissioners as the Currituck County Tourism Development Authority, at a meeting on the 15th day of November, 2010 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-587010	T T - Operating Fund	\$ 9,500	
15390-499900	Appropriated Fund Balance		\$ 9,500
		<u>\$ 9,500</u>	<u>\$ 9,500</u>

**Explanation:** Tourism Related Expenditures (15447) - To transfer funds for Carova Beach Park supplies and hand dryers.

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

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Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners as the Currituck County Tourism Development Authority, at a meeting on the 15th day of November, 2010 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-521100	Equipment Lease	\$ 9,800	
15447-590000	Capital Outlay	\$ 58	
15442-526200	Promotional Efforts		\$ 9,800
15447-526201	Playground Incentive		\$ 58
		<u>\$ 9,858</u>	<u>\$ 9,858</u>

**Explanation:** Tourism Promotion (15442);Tourism Related Expenditures (15447) - To transfer funds for equipment lease replacement.

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

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