

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, October 18, 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 **Public Hearing and Action:** PB 00-06 Robert F. London, Inc.: Pursuant to Order of Currituck County Superior Court rehearing of the application of Robert F. London, Inc. for special use permit for an adult oriented night club at 9098 Caratoke Highway, Point Harbor, Poplar Branch Township, Parcel Identification Number 0132-000-133A-0000.
- Item 4 **Consent Agenda:**
1. Budget Amendments
 2. Approval of October 4, 2010, Minutes
 3. Proclamation declaring October as Community Pride Month
 4. Firefighter's Relief Fund Officers - Moyock VFD
 5. Firefighter's Relief Fund Officers - Knotts Island VFD
- Item 5 Commissioner's Report
- Item 6 County Manager's Report
- Adjourn

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: October 18, 2010
PB 00-06 R.F. London, Inc.**

Request : To operate an adult and sexually oriented business consisting of a “Nightclub offering comedy, pool tables, video games, musicians, dancing, topless dancing, organized parties for businesses or groups.” The property is located on US 158, Point Harbor, in the building now occupied by Mermaids Nightclub, Tax Map 132, Lot 133A, Poplar Branch Township.

I. SPECIAL USE PERMIT CRITERIA AND STAFF FINDINGS

1. Completeness of application. (formerly Section 1402(1)(b))

Suggested Findings:

- a. The completed application was submitted on February 7, 2000.

2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an “S”. (formerly Section 1402(1)(a))

Suggested Findings:

- a. The requested permit, an adult oriented business (presently adult establishment), is within the jurisdiction of the Planning Board/Board of Commissioners according to Section 1310, use number 37.000 (presently Section 2.5 Permitted Uses Table).
- b. An adult oriented business (presently adult establishment) is allowed in the Heavy Manufacturing (HM) zoning district, not in the General Business (GB) zoning district. The subject property is zoned General Business (GB) and the applicant has not applied for a zoning map amendment.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance. (formerly Section 1402(1)(c))

Suggested Findings: The application is not in compliance with the following requirements of the Unified Development Ordinance:

- a. R. F. London, Inc. was granted a conditional use permit on January 26, 1994 to operate a nightclub and billiards/gameroom on US 158, Point Harbor Township, Tax Map 132, Lot 133A, by the Board of Adjustment based on hearings held August 25, 1993 and January 26, 1994. During hearings, Mr. London testifies that the nightclub will not feature topless dancing.
- b. On May 20, 1994, Mr. John W. Halstead, Jr., attorney for R.F. London, Inc., sends a letter to County Attorney William H. Romm advising the county that topless dancing will be offered on a regular basis unless the county believes topless dancing would be grounds for revoking the conditional use permit.
- c. On May 25, 1994 Mr. William H. Romm, Currituck County Attorney, sends a letter to Mr. John W. Halstead advising him that topless dancing would be grounds for the

- county revoking R.F. London, Inc.'s conditional use permit. That determination was not appealed to the Board of Adjustment by Robert F. London, Inc.
- d. On August 13, 1994, an inspection by the county of Mermaids Nightclub verifies that topless dancing was occurring on the premises.
 - e. August 31, 1994 The Currituck County Board of Adjustment revokes R.F. London, Inc.'s conditional use permit.
 - f. September 19, 1994 Currituck County adopts an adult and sexually oriented business regulation (formerly Section 808 and 1310 of the UDO) which, among other conditions, requires such uses to locate in an "Heavy Manufacturing" zoning district with a special use permit granted by the Planning Board and Board of Commissioners and be located 1,000 feet from any dwelling and any R and RA zoning district.
 - g. Robert F. London appeals the Board of Adjustment decision to revoke the conditional use permit on September 28, 1994.
 - h. On December 29, 1994, Superior Court Judge Gary E. Traywick ruled: 1) the public hearing held on Mr. London's conditional use permit was invalid; 2) the Board hold a new hearing to determine if the petitioner's proposed use complies with the ordinances of Currituck County; and 3) that a new hearing be duly advertised as prescribed by ordinance.
 - i. Robert F. London appeals the Superior Court Judge's ruling to the North Carolina Court of Appeals on January 24, 1995.
 - j. North Carolina Court of Appeals dismisses Robert F. London's appeal on January 16, 1996. The Superior Court Judge's ruling of December 29, 1994 stands.
 - k. In letters dated February 12, 1996 and March 11, 1996, Currituck County informs Mr. Robert F. London and Mr. John Halstead, attorney for Mr. London, respectively, that a new application is needed stating the intended use in order to hold a new public hearing in accordance with the December 29, 1994 Superior Court Judge's ruling.
 - l. In a letter dated April 1, 1996, Mr. Robert F. London submits a written statement indicating the type of entertainment being offered at Mermaids Nightclub, including "...music bands and acts, GoGo dancers, topless dancers, televised sporting events, oil wrestling, male revue shows, comedians, karaoki, pool tournaments and other entertainment acts typically associated with nightclubs.". This is the first time Mr. Robert F. London submitted any type of request for topless dancing and adult oriented activities. Prior to April 1, 1996, the county never received a request to operate an adult oriented business.
 - m. In a letter dated May 6, 1996, Currituck County acknowledges acceptance of Mr. Robert F. London's April 1, 1996 letter as an amendment to his original conditional use permit application.
 - n. On May 29, 1996, the Board of Adjustment holds a public hearing and denies R. F. London Inc.'s conditional use permit application for an adult and sexually oriented business based on the reasons stated in the June 4, 1996 order signed by the Chairman of the Board of Adjustment.
 - o. On July 8, 1996 Robert F. London, Inc. appeals the Board of Adjustment decision to Superior Court.
 - p. On September 28, 1999, Superior Court Judge Jerry R. Tillet ruled the Board of Adjustment shall rehear Robert F. London, Inc.'s conditional use permit pursuant to Sections 1304 and 808 of the UDO (presently Sections 2.5 and 3.7.1) AND the Board of Commissioners shall consider the applicant's proposal pursuant to Section 808 (presently Section 3.7.1) of the UDO and make specific findings of fact and conclusions of law to address the following:
 1. The Petitioner's initial intended use;

2. The secondary effects of the Petitioner's initial use;
 3. The Petitioner's amended use;
 4. The secondary effects of the Petitioner's amended use
 5. How the secondary effects are affected by the different intended uses.
- q. Section 2201 (presently Section 11.8) of the Unified Development Ordinance requires a public hearing prior to granting a conditional use permit.
 - r. Since the public hearing for Robert F. London, Inc.'s conditional use permit was revoked, Mermaids Nightclub does not have a conditional use permit to operate an adult business nightclub. Further, Mermaids Nightclub is not considered a nonconforming use under Article 15 of the Unified Development Ordinance because it has no permit to operate under.
 - s. Robert F. London, Inc. does not have a vested right to operate Mermaids Nightclub because Section 2019 (1) and (2) (presently Section 11.12 (A) and (B)) requires a conditional use permit to obtain a vested right "...following notice and public hearing."
 - t. Mermaids Nightclub has continued to operate an adult business by allowing topless dancing. Mr. London was convicted in District Court for operating Mermaids nightclub without a conditional use permit, paid the fine, and was ordered by the court to not operate until he had a valid permit (96CRS532).
 - u. Sections 808 and 1310 (presently Sections 3.7.1 and 2.5) of the Unified Development Ordinance, adopted September 19, 1994, classifies topless nightclubs as "Adult Businesses" which requires such businesses to locate in a Heavy Manufacturing zoning district with a special use permit and 1,000 feet from any dwelling or R and RA zoning district, among other things.
 - v. The property on which Mermaids is located, US Highway 158, Point Harbor, Tax Map 132, Lot 133A, Poplar Branch Township, is zoned General Business. Further, the building in which Mermaids is located is within 1,000 feet of 24 residential dwellings (17 in the year 2000) and immediately adjacent to an R zoning district.
 - w. Because Mr. London did not submit a completed special use permit request for a nightclub offering topless dancing until February 7, 2000, and Currituck County adopted an ordinance on September 19, 1994 classifying such uses as adult businesses, then the provisions of the September 19, 1994 ordinance contained in Sections 808 and 1310 (presently Sections 3.7.1 and 2.5) apply.
 - x. The adult business nightclub application of Robert F. London, Inc. does not comply with the former or present applicable requirements of the Unified Development Ordinance since the property is in a General Business zoning district (former Section 808(5)(a) requires HM zoning district), is immediately adjacent to a residential zoning district (former Section 808(5)(b)(1) requires 1,000 feet spacing) is located within 1,000 feet of 24 buildings (17 in the year 2000) being used as residential dwellings (former Section 808(5)(b)(1) requires 1,000 feet spacing).
4. The special use will not endanger the public health or safety. (formerly Section 1402(2)(a))

Suggested Findings: The proposed use will materially endanger the public health or safety for the following reasons:

- a. Mermaids Nightclub is immediately adjacent to a 29 lot residential subdivision known as Old Oak Estates, which contains 21 dwellings (14 in the year 2000). Old Oak

Estates is zoned R "Residential". Mermaids is within 1,000 feet of 24 residential dwellings (17 in the year 2000).

- b. Mermaids Nightclub does not meet the locational (within a GB zone and needs a Heavy Manufacturing zone) nor the spacing requirements (must be 1,000 feet from any dwelling and R district; there are 24 dwellings (17 in the year 2000) within 1,000 of Mermaids) of Section 808 (presently Section 3.7.1) established for adult businesses.

5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located. (formerly Section 1402(2)(b) and (c))

Suggested Findings: The proposed use will substantially injure the value of adjoining or abutting property and will not be in harmony with the particular neighborhood or area in which it is to be located for the following reasons:

- a. Mermaids Nightclub is immediately adjacent to a 29 lot residential subdivision known as Old Oak Estates, which contains 21 dwellings (14 in the year 2000). Old Oak Estates is zoned R "Residential". Mermaids is within 1,000 feet of 24 residential dwellings (17 in the year 2000).
- b. Mermaids Nightclub does not meet the locational (within a GB zone and needs a Heavy Manufacturing zone) nor the spacing requirements (must be 1,000 feet from any dwelling and R district; there are 24 dwellings (17 in the year 2000) within 1,000 of Mermaids) of Section 808 (presently Section 3.7.1) established for adult businesses.
- c. A review of county tax office property valuations histories between 1990 and 2000 for 27 lots in Old Oak Estates shows 24 properties decreased in value a total of \$88,895.00 and 3 properties increased in value a total of \$5,321.00. The net decrease in tax base for Old Oak Estates between 1990 and 2000 is \$83,574.00. Mermaids Nightclub began offering topless dancing in the summer of 1994.

6. The special use will be in conformity with the Land Use Plan or other officially adopted plan. (formerly Section 1402(2)(d))

Suggested Findings:

- a. The proposed use does conflict with the County's Unified Development Ordinance but does not conflict with other plans.

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

Suggested Findings:

- a. The proposed use is commercial and will not generate additional school children.

II. STAFF RECOMMENDATION

Staff recommends denial based on the following:

1. The proposed use does not meet the requirements of the Unified Development Ordinance, a required finding under Section 1402(1)(c) (presently Section 11.7.1(F)(12)(c)), because the zoning is improper (property currently zoned GB, former Section 1310 and 808(5)(a) requires HM zoning); and the adult business building is within 1,000 feet of a residential zoning district and within 1,000 feet of 24 buildings (17 in the year 2000) used as residential dwellings (former Section 808(5)(b)(1)).
2. In accordance with the directive of Judge Tillet, the following findings are provided:
 - a. The applicant's initial intended use was a nightclub and billiards/gameroom. A conditional use permit application to appear before the Board of Adjustments for the initial use was submitted on 8/4/93 .
 - b. The secondary impacts of the initial intended use were encompassed in the findings of fact adopted by the Board of Adjustments on January 26, 1994 and included in the attached exhibit.
 - c. On February 7, 2000, Robert F. London, Inc. submitted a special use permit application to operate an adult and sexually oriented business consisting of a "Nightclub offering comedy, pool tables, video games, musicians, dancing, topless dancing, organized parties for businesses or groups." The property is located on US 158, Point Harbor, in the building now occupied by Mermaids Nightclub, Tax Map 132, Lot 133A, Poplar Branch Township.
 - d. Secondary affects of the amended use are considered under the special use permit criteria of Section 1402(2) (presently Section 11.7.1(F)(12)). However, the secondary affects do not apply because the controlling statues, former Sections 808 and 1310 (referred to in former Section 1402(1)(c)), requires adult oriented businesses to locate in a Heavy Manufacturing zoning district (presently required in Section 2.5 Permitted Uses Table). Further, Section 808 (presently Section 3.7.1) requires a minimum 1,000 feet spacing between any building housing an adult oriented business and an R zoning district and any building used as a dwelling. The proposed adult use building is located within a GB (General Business) zoning district, is immediately adjacent to an R zoning district, and is within 1000 of 24 buildings (17 in the year 2000) used as residential dwellings.

III. PLANNING BOARD RECOMMENDATION

On April 11, 2000 the Planning Board recommended denial (9-0) of this request subject to the following:

1. The proposed use does not comply with the requirements of the Unified Development Ordinance (formerly Section 808 and Section 1310) because the zoning district, GB, does not allow adult and sexually oriented businesses with a special use permit and because the building in which the nightclub is in is within 1,000 feet of 17 residential dwelling units and immediately adjacent to an R zoning district.
2. The proposed use will not be in general conformity with the Unified Development Ordinance, which is officially adopted by the Board of Commissioners, due to violation of former Sections 808 and 1310.

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of October, 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>
10750-557700	Crisis Intervention	\$ 26,345	
10330-431000	DSS Admin		\$ 26,345
		<u>\$ 26,345</u>	<u>\$ 26,345</u>

Explanation: *Social Services Administration (10750)* - Increase appropriations due to additional federal funding.

Net Budget Effect: Operating Fund (10) - Increased by \$26,345.

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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>
10531-532000	Supplies	\$ 7,485	
10531-545000	Contracted Services	\$ -	\$ 7,485
		<u>\$ 7,485</u>	<u>\$ 7,485</u>

Explanation: Emergency Management (10531) - Transfer of Emergency Management Planning Grant (EMPG) funds to contracted services for a fence to protect the Communications Tower behind the Communication building, WebEOC training and an update to the ID system.

Net Budget Effect: Operating Fund (10) - 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>
18609-545000	Contracted Services	\$ 2,000	
18390-499900	Appropriated Fund Balance	\$ -	\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Hog Bridge Ditch Watershed Improvement District (18609) - To appropriate funds for drainage improvements in the Hog Bridge Ditch Watershed Improvement Service District.

Net Budget Effect: Hog Bridge Ditch Watershed Improvement District Fund (18) - Increased by \$2,000.

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10640-532004	Supplies - Home Economics	\$ 4,332	
10330-449900	Miscellaneous Grants	\$ -	\$ 4,332
		<u>\$ 4,332</u>	<u>\$ 4,332</u>

Explanation: Cooperative Extension (10640) - To record Senior Health Insurance Information Program (SHIIP) grant funding by the NC Department of Insurance.

Net Budget Effect: Operating Fund (10) - Increased by \$4,332.

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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>
10480-557303	Archives & Records Mgmt Fee	\$ 6,000	
10540-557002	Permit Incentive Plan	\$ 15,000	
10380-488400	ABC Profits		\$ 21,000
		<u>\$ 21,000</u>	<u>\$ 21,000</u>

Explanation: *Register of Deeds (10480); Inspections (10540)* - To appropriate funds for the Archives & Records Management Fee require by the NC Department of Cultural Resources to fund archiving of deeds and for the permit incentive plan implemented by the County during FY 2010.

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

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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>
61818-590441	Capital Outlay	\$ 60	
61818-590003	Fire Hydrants		\$ 60
65858-532000	Supplies	\$ 8,000	
65858-516000	Repairs and Maintenance		\$ 8,000
62828-532000	Supplies	\$ 600	
62828-516000	Repairs and Maintenance		\$ 600
		<u>\$ 8,660</u>	<u>\$ 8,660</u>

Explanation: *Mainland Water Water (61818); Moyock Commons Sewer (65858); Newtown Road Sewer (62828) - Transfer to reclassify budgeted funds.*

Net Budget Effect: Mainland Water Fund (61) - No change.
 Moyock Commons Sewer Fund (65) - No change.
 Newtown Road Sewer Fund (62) - No change.

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 Clerk to the Board

CURRITUCK COUNTY
NORTH CAROLINA
October 4, 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

Reverend Renee Edwards, Sharon United Methodist Church, was present for the invocation.

Approval of Agenda

Commissioner Aydlett moved to amend the agenda by adding a discussion on the Currituck Sound Restoration Study. 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 **Proclamation Declaring Vietnam Veterans Recognition Week**
- Item 4 **Public Hearing and Action:** PB 10-27 Currituck County: Request for a special use permit - special event for the Veterans Moving Wall. This site is located at Sound Park, 8955 Caratoke Highway, Tax Map 132, Parcel 43A, Poplar Branch Township.
- Item 5 **Public Hearing and Action:** PB 10-25 Thomas Newbern: Request for a special use permit to continue a mining operation at 7635 Caratoke Highway in Powells Point, Tax Map 110, Parcel 18, Poplar Branch Township.
- Discussion on Currituck Sound Ecosystem Restoration Feasibility Study**
- Item 6 **Discussion and Action** on Hurricane Mitigation Plan
- Item 7 **Consent Agenda:**
1. Approval of contract to purchase Winslow Property for Moyock Waste Water in the amount of \$638,000.
 2. Budget Amendments
 3. Proclamation Community Planning Month
 4. Firefighter's Relief Fund Officers - Carova Beach
 5. Approval of September 20, 2010, Minutes
 6. Resolution Surplus Property Sheriff's Department
- Item 8 Commissioner's Report
- Item 9 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 opened the public comment period.

Marion Gilbert, requested the Board's permission on a Community Project to get the grass cut and cleaned up around the railroad property in front of the Moyock Baptist Church.

Teresa MacPherson, Grandy, stated that the Walnut Island residents were going to have a Community Pride Day beginning on October 21 to clean up the community.

The Board requested that the County adopt a proclamation proclaiming a County Community Pride day.

Jessica Penson-Heyder, Jarvisburg, opposes the proposed Rachel's Ranch.

Wanda Wise, Jarvisburg, opposes the proposed Rachel's Ranch.

David Palmer, ED Board Member, commented on the successful tourism year due to county funding for more advertising.

Dan Scanlon, County Manager, reviewed the CAMA rules and advised citizens with storm damage to property, such as docks or bulkheads, to call the Elizabeth City office for further information.

Chairman O'Neal stated that there was a very critical safety problem on Waterlily Road. The shoulders have been washed away and the school buses will not pick up children on this road.

Chairman O'Neal requested a letter to the Governor, Secretary of Transportation and local legislators requesting emergency funding for the repairs. Commissioner Aydlett seconded the motion. Motion carried.

Chairman O'Neal also requested a letter to DOT for a time line and scope of work for Waterlily Road. Commissioner Aydlett requested to add the Knotts Island Causeway to the list.

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

Proclamation Declaring Vietnam Veterans Recognition Week

The Board presented the following resolution to Bob Kohler. Mr. Kohler invited the public to visit the Vietnam Moving Wall at the Sound Park on October 14 at 6:00 p.m. until October 18 at 1:00 p.m.

VIETNAM VETERANS RECOGNITION WEEK

PROCLAMATION

WHEREAS, American men and women during the period 1959 to 1975 were engaged in the longest military conflict in U.S. history, the Vietnam War; and

WHEREAS, Americans, devoted to liberty and freedom answered the nation's call to arms to help a country thousands of miles away to gain freedom; and

WHEREAS, we still believe today that the blessings of liberty require constant vigilance and sacrifice; and

WHEREAS, every man, woman, and child in this great Nation owes a debt of gratitude to those who served their country so selflessly; and

WHEREAS, these brave Soldiers, Sailors, Marines, Coast Guardsmen and Airmen were the beloved sons and daughters of our land; and

WHEREAS, more than 58,000 Americans made the supreme sacrifice, laying down their lives so others could live free;

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners declares the **week of October 11, 2010, Vietnam Veterans Recognition Week** in Currituck County; and

BE IT FURTHER RESOLVED, that all citizens are asked to commemorate the contributions and sacrifices of these men and women who placed their lives in harm's way protecting American values and preserving democracy for the world; and

BE IT FINALLY RESOLVED, the observances of **Vietnam Veterans Recognition Week** appropriately commemorate the events of the Vietnam War and express gratitude to those who gave so much for the citizens of South Vietnam and the world.

Signed this 4th day of October, 2010.

**Public Hearing and Action: PB 10-27 Currituck County:
Request for a special use permit - special event for the**

Veterans Moving Wall. This site is located at Sound Park, 8955 Caratoke Highway, Tax Map 132, Parcel 43A, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: October 4, 2010
Special Use Permit
PB 10-27 Veterans Moving Wall**

ITEM: SPECIAL USE PERMIT - SPECIAL EVENT

LOCATION: Sound Park
8955 Caratoke Highway
Harbinger, NC

ZONING DISTRICT: Residential (R)

TAX ID: 0132-000-043A-0000

OWNER: Currituck County
PO Box 39
Currituck, NC 27929

APPLICANT: Currituck County
PO Box 39
Currituck, NC 27929

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential - Point Harbor Beach	Zoned R
SOUTH:	Vacant	Zoned R
EAST:	Vacant/Currituck Sound	Zoned R
WEST:	General Business	Zoned GB

LAND USE PLAN

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

I. NARRATIVE:

1. The applicant is requesting a special use permit to host a visit of the Moving Wall for a Vietnam Veterans Memorial on October 14-18, 2010 at Sound Park in Harbinger, NC.
2. It will be open for public viewing daily from 7:00 am to 10:00 pm. A closing ceremony will be held on Monday, October 18, at 1:00 pm.
3. The site will consist of the moving wall, existing building for check-in, a 10x10 tent with cot for emergency purposes, and a merchandise table.
4. All parking will be onsite with all buses to be parked in the truck and trailer parking area.
5. Special UDO requirements for special events (Section 3.10.4):
 - A. The hours of operation allowed shall be compatible with the uses adjacent to the activity.
 - B. The amount of noise generated shall not disrupt the activities of adjacent land uses.
 - C. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.
 - D. Parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
 - E. In cases where it is deemed necessary, the board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
 - F. If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

II. 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 proposed use is for 5 days and will be monitored by Currituck County EMS and law enforcement agencies.

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

Suggested Findings:

- A special event at a county park will not injure the value of adjoining properties.

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

Suggested Findings:

- A special event will be in harmony with the surrounding uses and single family dwellings.

- 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 Point Harbor 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.

III. TECHNICAL REVIEW COMMITTEE and PLANNING STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit for the property at 8955 Caratoke Highway and staff recommends **APPROVAL** with the following conditions:

- 1. Approval subject to all TRC comments.

IV. PLANNING BOARD RECOMMENDATION

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

PLANNING BOARD DISCUSSION (9/14/10)

No discussion.

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

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

Public Hearing and Action: PB 10-25 Thomas Newbern: Request for a special use permit to continue a mining operation at 7635 Caratoke Highway in Powells Point, Tax Map 110, Parcel 18, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: October 4, 2010
PB 10-25 Thomas Newbern**

ITEM: PB 10-25 Thomas Newbern request a special use permit to continue a mining operation.

LOCATION: 7635 Caratoke Highway in Powells Point, Poplar Branch Township.

TAX ID: 0110-000-0018-0000

ZONING DISTRICT: General Business (GB) and Agricultural (A).

PRESENT USE: Sand mining operation.

OWNER: Thomas E. Newbern, Sr.
PO Box 368
Powells Point NC 27966

APPLICANT: Same

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Golf Course	GB/A
SOUTH	Farmland	A
EAST:	Vacant	A
WEST:	Automobile Sales/Single Dwelling	Family GB

LAND USE PLAN

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

SIZE OF SITE: 25 Acres

I. NARRATIVE OF REQUEST:

The applicant operates an existing sand mining operation at this location. The special use permit has expired and must be renewed. The proposed modification includes an access road to Caratoke Highway.

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

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

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

1. Completeness of application.

Suggested Findings:

- a. The application is complete.

2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".

Suggested Findings:

- b) A mine is allowed in the Agricultural zoning district with a special use permit according to the Table of Permissible Uses.

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

Suggested Findings:

- a. The applicant plans to meet or exceed the minimum requirements of this ordinance. The applicant has applied to NCDENR for permit renewal.

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

Suggested Findings:

- a. This is an existing mine and should have no impact on public health or safety.
- b. The closest residential lot to this lot is approximately 375' away.

- c. "No Trespassing" signs will be posted every 250' around the site to indicate a mining operation is being conducted on the property.
 - d. Limited access is being provided to Caratoke Highway and a gate is installed at the mine entrance to prevent inadvertent public entry.
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located

Suggested Findings:

- a. This is an existing mine, so the value of adjoining or abutting property will not change, nor will the harmony with the area in which the mine is located change.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

Suggested Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Point Harbor subarea. The policy emphasis for this sub area requires stricter controls over mining to assure that such operations do not adversely impact nearby areas and that vegetated buffers be required around non-residential uses to protect existing and planned neighborhoods. The proposed use is in keeping with the policies of the plan, some of which are:

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

POLICY ID8: MINING ACTIVITIES to be addressed may include, but not be limited to, the adequacy of roads serving the mine site, visual impacts during operation and after closing of the mine site, noise and dust considerations, etc.

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

Suggested Findings:

- a. Since this is an existing mining operation, there should be no change in the need for public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

Zoning (Tammy Glave 252-232-6025):

1. Special UDO Requirements
 - a. If at any time a state agency suspends or revokes any permits it has issued for the mining operation, the revocation or suspension shall cause the special use permit to become void until such permit is reinstated by the state.
 - b. No more than 30 percent of the total site shall be excavated at any given time during the mining operation and after completion.
 - c. All state permits and applications for state permits associated with the mining activity, including permit modifications, shall be filed within ten working days of issuance or submittal in the Planning Department by the applicant.
 - d. The special use permit shall be valid for a period of ten years from the date it is approved.
 - e. The hours of operation of all mining related facilities and activities on the mining site shall not exceed dawn to dusk nor shall mining activity occur on Sundays.
 - f. Appropriate buffers and screens for mining activities shall be maintained to minimize the negative impacts on adjoining properties and street right-of-ways. The use of earth berms and vegetation for visual screening shall be encouraged where appropriate. In order to establish a visual screen, mined materials shall not be stored in excess of 25 feet in height.
 - g. No activities associated with the mine, including but not limited to excavation activities, vehicular access (except for driveways providing access to the site) and detention ponds shall be located within 50 feet of any property line and 300 feet of any residence, school, church, hospital, commercial or industrial building, public road or cemetery.
 - h. At least 200 feet of continuous pavement shall be maintained onsite starting at the point the access road intersects with a public street or

highway unless such public street is not paved. Acceleration and deceleration lanes shall be required by the county when it determines, subject to input from the North Carolina Department of Transportation, that such lanes will enhance public safety. All streets and roads utilized to access the mining site shall be maintained free of dust and sediment and shall be properly graded and drained.

- i. All trucks hauling mined materials (i.e. sand, clay, topsoil) shall be covered with a tarpaulin.
- j. Overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion. Use of overburden for earth berms is encouraged to reduce the impact of the mining operation on adjoining properties.
- k. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on site.
- l. Discharging of water from the mine site shall be permitted subject to obtaining a state permit. The county may take random samples and have the results tested for settable solids, turbidity, and pH at the operators' expense. Such testing shall not exceed six tests per year. Discharging without proper state permits will result in initiating procedures to revoke the special use permit.
- m. No trespassing signs shall be maintained around the site being mined at a minimum distance of 250 feet apart indicating that a mining operation is being conducted on the property.
- n. Reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning Department within ten days of being filed with the state.
- o. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation.
- p. All provisions of state and local permits issued for the operation shall be met.
- q. No mining activities shall adversely affect surrounding in use wells.
- r. A reserve fund shall be established, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall

include estimates of the amount of such capital expenses, based upon present costs and an assumed inflationary rate of five percent per year and timetable showing the expected life of the mining site. The estimates shall be reviewed for reasonableness by the county. At minimum, the estimated capital expense shall be in amount equal to \$1,000 times the number of acres in the total site. The owner shall place funds in the reserve annually in amounts equal to the capital cost estimates provided above divided by the number of years the mining site will be open. The first payment shall be made prior to commencement of excavation activities and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the administrator. Such evidence shall be submitted annually, along with the total balance of reserve funds, to the administrator on or before the anniversary of the initial notarized statement.

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

Reviewed with comment.

1. An application to renew the state mining permit is currently under review. Pending renewal, he may continue to mine, unless in violation of any county or local ordinance.

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

Reviewed with comment.

1. ANY POND MUST BE LOCATED A MINIMUM 50 FEET FROM ANY PRIVATE WELL OR SEPTIC TANK SYSTEM.

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

Approved with comments.

1. Please provide a copy of the NCDENR permits when approval is obtained.
2. Mr. Newbern requests to waive the hydrological report due to the following: There is no change in the mining procedures from the previous years; the consultant attests that any water removed from the current excavation will be pumped into adjacent ponds, therefore, local groundwater levels will not

be affected; if Mr. Newbern operates the mine site in a manner that adversely affects in-use wells through contamination or diminution of groundwater, he will provide the well owner with a replacement water supply of equal quantity and quality.

IV. PLANNING STAFF RECOMMENDATION:

Planning staff recommends **approval** of this request subject to the findings of fact and TRC comments.

V. PLANNING BOARD RECOMMENDATION:

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

PLANNING BOARD DISCUSSION (9/14/10)

Mr. Kovacs stated that 30 percent of the total site shall be excavated. Where are we with this site?

Mr. Elliott stated that 30 percent of this property would be 7 acres and they are at 6.6 acres.

Mr. Elliott provided an overview of the site and history.

Mr. Midgette asked if the applicant is okay with staff recommendations.

Mr. Elliott stated yes.

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

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

Discussion on Currituck Sound Ecosystem Restoration Feasibility Study

Commissioner Aydlett attended the meeting with State officials and the Army Corps of Engineering on the sound study.

Commissioner Aydlett moved to send a resolution requesting continued support of funding this study. Commissioner Nelms seconded the motion. Motion carried.

Discussion and Action on Hurricane Mitigation Plan

Mary News, Emergency Management Director, reviewed the Mitigation Plan.

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

RESOLUTION
HAZARD MITIGATION PLAN
COUNTY OF CURRITUCK

WHEREAS, certain areas of Currituck County are subject to periodic flooding and other natural hazards with the potential to cause damages to people and properties within the area; and

WHEREAS, the County of Currituck desires to prepare and mitigate for such circumstances; and

WHEREAS, under the Disaster Mitigation Act of 2000, the United States Federal Emergency Management Agency (FEMA) and North Carolina Senate Bill 300 require that local jurisdictions have in place a FEMA-approved Hazard Mitigation Action Plan as a condition of receipt of certain future Federal and State disaster funding sources after November 1, 2004;

NOW, THEREFORE BE IT RESOLVED, that this Board of County Commissioners hereby:

Adopts the Currituck County Hazard Mitigation Plan; and

Vests the County Emergency Management Coordinator with the responsibility, authority, and the means to inform all concerned parties of this action and to promote the goals specified in the plan.

Appoints the County Emergency Management Coordinator to assure that the Hazard Mitigation Plan be reviewed at least annually and that any needed adjustment to the County's Hazard Mitigation Plan be developed and presented to the Board of Commissioners for consideration.

Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Consent Agenda:

1. Approval of contract to purchase Winslow Property for Moyock Waste Water in the amount of \$683,800.

Dan Scanlon, County Manager, reviewed the purchase of property for the Moyock Waste Water System. Final closing would be contingent upon appraisal and hydrological studies.

Commissioner Rorer stated he did not feel the county was being honest with citizens that tax dollars would not be used to pay for project.

Chairman O'Neal stated that this was a user pay system.

David Palmer, ED Board, stated that sewer was needed to encourage business development.

- 2. Budget Amendments
- 3. Proclamation Community Planning Month
- 4. Firefighter's Relief Fund Officers - Carova Beach
- 5. Approval of September 20, 2010, Minutes
- 6. Resolution Surplus Property Sheriff's Department

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-514500	Training & Education	\$ 1,000	
61818-514000	Travel	\$ 2,000	
61818-536000	Uniforms	\$ 500	
61818-590003	Hydrants		\$ 3,500
		<u>\$ 3,500</u>	<u>\$ 3,500</u>

Explanation: Mainland Water (61818) - Transfer funds into Travel and Training for a B-Well School, an A-Well School, and for Continuing Education Courses need to maintain certifications. Money transferred into Uniforms for new employees and also to replace worn out existing uniforms.

Net Budget Effect: Mainland Water Fund (61) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50550-592007	DOA Grant 86237.8.6.1	\$ 333,334	
50550-592009	DOA Grant 86237.10.3.1		\$ 430,670
50330-448000	State Aid to Airports	\$ 87,603	
50550-592010	Airport Projects	\$ 9,733	
		<u>\$ 430,670</u>	<u>\$ 430,670</u>

Explanation: Airport Construction Projects (50550) - To allocated the 2009 & 2010 Vision funds to grant 86237.8.6.1 for a partial parallel taxiway, stub taxiway and apron expansion and to reduce grant 36244.10.3.1 to change the scope of the project per meeting with the DOA. The funds not used for this part of the grant will be available for future projects at the Currituck airport.

Net Budget Effect: County Governmental Construction (50550) - Reduced by \$87,603.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10980-502100	Salaries - OT	\$ 14,050	
10980-505000	FICA	\$ 1,075	
10980-507000	Retirement	\$ 1,603	
10980-514000	Travel	\$ 2,871	
10980-532000	Supplies	\$ 711	
10980-545000	Contract Services	\$ 3,120	
10980-540000	Worker's Comp	\$ 449	
10330-445100	FEMA - Public Assistance		\$ 23,879
		<u>\$ 23,879</u>	<u>\$ 23,879</u>

Explanation: Disaster Recovery (10980) - To record expenses incurred and expected reimbursement from FEMA and NC Emergency Management for Hurricane Earl on September 1-4, 2010.

Net Budget Effect: Operating Fund (10) - Increased by \$23,879.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
26535-587010	T T - Operating Fund	\$ 19,343	
26535-511000	Telephone & Postage	\$ 900	
26535-588000	Contingency		\$ 20,243
10535-557100	Software License Fee	\$ 16,264	
10535-521000	Rent	\$ 900	
	Appropriated Fund		
10390-499900	Balance	\$ 2,179	
10390-495026	T F - Emergency Telephone Fund		\$ 19,343
		<u>\$ 39,586</u>	<u>\$ 39,586</u>

Explanation: Emergency Telephone System Fund (26535); Communications (10535): Transfer funds from the Emergency Telephone System Fund for costs paid in prior fiscal years from the operating fund that are allowable under the Emergency Telephone System funding and for increased tower rent fees.

Net Budget Effect: Operating Fund (10) - Increased by \$17,164.
Emergency Telephone System Fund (26) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550-511010	Data Transmission	\$ 900	
10550-506000	Health Insurance		\$ 900
		<u>\$ 900</u>	<u>\$ 900</u>

Explanation: Airport (10550) - To transfer funds to data transmission for Hughes Net at the Airport.

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
20609-516000	Maintenance & Repair	\$ 5,000	
20609-532000	Supplies	\$ 3,000	
20609-531400	Equipment Fuel	\$ 4,000	
20609-545000	Contract Services	\$ 189,975	
20609-590000	Capital Outlay	\$ 545,261	
20609-588000	Contingency Appropriated Fund		\$ 104,577
20390-499900	Balance		\$ 642,659
		<u>\$ 747,236</u>	<u>\$ 747,236</u>

Explanation: Whalehead Watershed Drainage District (20609) - To establish an operating budget and carry-forward funds for the Whalehead Watershed Drainage project, phase I.

Net Budget Effect: Whalehead Watershed Drainage District Fund (20) - Increased by \$642,659.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10330-431000	DSS Admin			\$	2,435
10330-431700	Special LINKS			\$	39,000
10330-432200	HCCBG			\$	1,173
10380-487001	Donations-Currituck Kids			\$	1,000
10390-499900	Fund Appropriated Balance			\$	146,183
10560-519701	HCCBG Access Services	\$	681		
10750-521000	Rent	\$	11,700		
10750-532000	Supplies	\$	16,000		
10750-545000	Contracted Services	\$	24,055		
10752-511003	Telephone & Postage-Special Adopt	\$	240		
10752-514003	Travel-Special Adopt	\$	4,909		
10752-514503	Training & Educ-Special Adopt	\$	3,000		
10752-519700	HCCBG In Home	\$	1,630		
10752-526003	Advertising-Special Adopt	\$	1,552		
10752-532003	Supplies-Special Adopt	\$	7,648		
10752-545003	Contract Serv-Special Adopt	\$	37,875		
	Dues & Subscriptions-Special				
10752-553003	Adopt	\$	200		
10752-558200	Special LINKS	\$	39,000		
10752-561003	Prof Services-Special Adopt	\$	35,251		
10760-585000	Donations	\$	5,050		
10760-585001	Donations-Currituck Kids	\$	1,000		
		\$	189,791	\$	189,791

Explanation: SOCIAL SERVICES ADMIN (750) - Adjust budget for Child Support Rent and Department of Defense funding carry-forward. PUBLIC ASSISTANCE (752) - Adjust budget for Special Adoption Funding carry-forward and Special LINKS funding not originally budgeted. Special LINKS funds are 100% reimbursed. Adjust HCCBG In Home to reflect actual allocation amount. COUNTY ASSISTANCE (760) - Adjust budget for grant funding received from Currituck Kids Organization and to carry-forward donations funds. INTER-COUNTY TRANSPORTATION (560) - Adjust budget to reflect HCCBG Transportation actual allocation amount.

Net Budget Effect: Operating Fund (10) - Increased by \$189,791.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
57878-596100	Professional Services	\$	5,000		
57878-590000	Capital Outlay	\$	686,591		
57390-495043	T F - Land Banking Fund			\$	691,591

43848-587057	T T - Moyock Central Sewer	\$	691,591	
	Appropriated Fund			
43390-499900	Balance			\$ 691,591
		\$	1,383,182	\$ 1,383,182

Explanation: *Land Banking Fund (43; Moyock Central Sewer (57) - To appropriate funds to purchase Winslow property for the Moyock Central Sewer System.*

Net Budget Effect: Land Banking Fund (43) - Increased by \$691,591.
 Moyock Central Sewer System Fund (57) - Increased by \$691,591.

COMMUNITY PLANNING MONTH PROCLAMATION

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the County of Currituck; and

WHEREAS, we recognize the many valuable contributions made by professional community and planners of the County of Currituck and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2010 is hereby designated as **Community Planning Month** in the County of Currituck in conjunction with the celebration of National Community Planning Month.

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on October 4, 2010, authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be disposed of at a public auction

6025		2005	JEEP	CHEROKE	1J4GR48KX5C539971	WHITE
5687		2003	FORD	CROWN VIC	2FAHP71W03X198262	WHITE
5958		2005	FORD	CROWN VIC	2FAFP71W75X137064	WHITE
5739		2004	FORD	CROWN VIC	2FAFP71WX4X112271	WHITE
5964		2005	FORD	CROWN VIC	2FAFP71W25X137070	WHITE
5740		2004	FORD	CROWN VIC	2FAFP71W14X112272	WHITE
4407		1999	FORD	RANGER	1FTZR15V2XTA92681	WHITE
4349		1998	CHEVY	BLAZER	IGNDT13WXW2157876	PUTER
5834		1992	DIDGE	VAN	1B4GH44R0NX295409	WHITE
Military Surplus		1979	INTER	STAKE	AA162KHB20669	WHITE
Military Surplus		1988	INTER	SEMI	1HSLCZWL1JH599544	WHITE

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**; and

WHEREAS, the public auction will be held _____
(date, places and time).

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

Commissioner's Report

Commissioner Etheridge commented on Heritage Day at the Whalehead Club.

Commissioner Aydlett requested staff to research ways that Library service could be provided for Knotts Island.

Commissioner Nelms stated that the District Albemarle Commission meeting will be held at the Hampton Inn at Corolla.

Commissioner Rorer commented on the cost of utilities.

Commissioner Taylor reminded citizens of MVFD breakfast Saturday.

Chairman O'Neal read a letter from the Utilities Commission granting only a 2.6% increase in Dominion Power rates instead of the 14% they asked for.

County Manager's Report

Bark in the Park will be Saturday from 11:00a.m.-3:00 p.m.

Dennis Anderson, Grave Digger, has been selected to be honored by Make a Wish Foundation for participating in this good cause.

Adjourn

There being no further business, the meeting adjourned.

PROCLAMATION
CURRITUCK COUNTY
COMMUNITY PRIDE

WHEREAS, Currituck County is fortunate to be rich in natural resources and beauty; and

WHEREAS, many of us have been blessed with the privilege of living in this beautiful coastal county and;

WHEREAS, the awareness of protecting our environment and keeping our county clean are vital; and

WHEREAS, Currituck County has the auspicious honor of being home to a multitude of caring individuals who give unselfishly of their time and talents to benefit our County; and

WHEREAS, the reduction of litter along with augmented beautification will not only benefit the health and well being of Currituck County but will also enhance the aesthetics of our surroundings.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners proclaims the month of October as Community Pride Month and the Board applauds the efforts of the citizens of Currituck County and the many volunteers who work to protect our environment and keep our County free of litter.

ADOPTED this the 18th day of October, 2010.

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

S. Paul O'Neal
Chairman

Name of Fire District: Moyock

County: Currituck

District is Served By: Moyock V.F.D. & Rescue Squad, Inc.

NOTE: This report must be filled out completely before October 1st or no later than January 31. Reports filed after this date are in non-compliance and the fire department will not be eligible to receive their Firefighter's Relief Fund monies.



NORTH CAROLINA
RURAL FIRE DISTRICT
REPORT OF FIRE CONDITIONS



As required by General Statute 58-84-46 of North Carolina, I clerk do hereby make the following report on the Rural Fire District **Moyock**. County of **Currituck**.

LOCAL FIREFIGHTER'S RELIEF FUND BOARD

N.C. General Statutes: 8-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firefighter's Relief Fund Trustees appointed by Fire Department (2)

- | | |
|---|--|
| 1. Mrs. Ashley Laput
130 Kings Way
Moyock, NC 27958 | 2. Mr. Austin Ruscoe
111 Trout St
Moyock, NC 27958 |
|---|--|

Firefighter's Relief Fund Trustees appointed by County Commissioners (2)

- | | |
|--|--|
| 3. Mr. Richard Trader
164 Eagleton Circle
Moyock, NC 27958 | 4. Mrs. Alicia Lane
110 Oakdale Dr.
Moyock, NC 27958 |
|--|--|

Firefighter's Relief Fund Trustees appointed by the Insurance Commissioner (1)

- | | |
|---|---|
| 5. Mr. John Wheeler
544 Poyners Rd
Moyock, NC 27958 | Same as last Year? () Yes (X) No
If no, attach a copy of former Insurance
Commissioner appointee's letter of resignation AND
a copy of Fire Chief's letter of recommendation. |
|---|---|

Select position of Firefighter's Relief Fund Treasurer: (X)1 () 2 () 3 () 4 () 5

I, Sandra Hill Clerk/Finance Officer of Currituck County, NC do hereby certify that the foregoing is a true, full and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

10/07/2010

Date

Name of Fire District: Knotts Island

County: Currituck

District is Served By: Knotts Island Fire Dept., Inc.

NOTE: This report must be filled out completely before October 1st or no later than January 31. Reports filed after this date are in non-compliance and the fire department will not be eligible to receive their Firefighter's Relief Fund monies.



NORTH CAROLINA
RURAL FIRE DISTRICT
REPORT OF FIRE CONDITIONS



As required by General Statute 58-84-46 of North Carolina, I clerk do hereby make the following report on the Rural Fire District **Knotts Island**. County of **Currituck**.

LOCAL FIREFIGHTER'S RELIEF FUND BOARD

N.C. General Statutes: 8-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firefighter's Relief Fund Trustees appointed by Fire Department (2)

- | | |
|--|---|
| 1. Barbara Hill
171 Brumley Rd
Knotts Island, NC 27950 | 2. Mr. William Thorn
332 Knotts Island Rd
Knotts Island, NC 27950 |
|--|---|

Firefighter's Relief Fund Trustees appointed by County Commissioners (2)

- | | |
|---|--|
| 3. Mr. Jerit VanAuker
149 Wards Rd
Knottos Island, NC 27950 | 4. Marion VanNostrand
365 South End Rd
Knotts Island, NC 27950 |
|---|--|

Firefighter's Relief Fund Trustees appointed by the Insurance Commissioner (1)

- | | |
|---|--|
| 5. Mrs. Mary King
125 Williams Dr
Knotts Island, NC 27950 | Same as last Year? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If no, attach a copy of former Insurance
Commissioner appointee's letter of resignation AND
a copy of Fire Chief's letter of recommendation. |
|---|--|

Select position of Firefighter's Relief Fund Treasurer: 1 2 3 4 5

I, Sandra Hill Clerk/Finance Officer of Currituck County, NC do hereby certify that the foregoing is a true, full and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

10/11/2010

Date