

CURRITUCK COUNTY  
NORTH CAROLINA  
April 5, 2010

The Board of Commissioners met at 6:00 p.m. prior to the regular meeting to discuss the Community Center Floor Plan.

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 and Taylor. Commissioner Aydlett was absent.

### **Invocation Pledge of Allegiance**

The Reverend Randy Blanchard, Pilmoor Methodist Church, was present to give the invocation.

### **Approval of Agenda**

Commissioner Nelms moved to amend the agenda by adding Item 11A, Discussion on Planned Unit Development, and add to consent agenda a Resolution on new rules for Gill Net fishing and Resolution in support of NC current public alcoholic beverage control system. Commissioner Taylor seconded the motion. Motion carried.

- Item 1            Approval of Agenda
- Item 2            Public Comment  
***Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.***
- Item 3            **Presentation on Fair Housing Month** and adoption of Proclamation
- Item 4            **Wayne Harris & Dave Whitmer**, to discuss a program with the Northeastern Workforce Development to help students prepare for careers
- Item 5            **Public Hearing and Action:** PB 10-05 Corolla Jeep Rentals & Tours: Request for a special use permit for an outdoor tour operator located at 1070 Ocean Trail, Tax Map 115B, Parcel P4B2, Poplar Branch Township.
- Item 6            **Public Hearing and Action:** PB 10-06 Corolla Outback: Request for a special use permit for an outdoor tour operator located at 1148 Ocean Trail, Tax Map 114, Parcel 42A, Poplar Branch Township.
- Item 7            **Public Hearing and Action:** PB 10-04 Outer Banks Harley-Davidson: Request for a special use permit to allow special events (Outer Banks Bike Week and Outer Banks Bike Fest) located at 8739 Caratoke Highway, Tax Map 131, Parcel 88, Poplar Branch Township.
- Item 8            **Public Hearing and Action:** PB 09-28 Maple Commerce Park: Request for a Preliminary Plat/Special Use Permit for an 11 lot commercial subdivision located at 204 Airport Road, adjacent to the Currituck County Airport, Tax Map 52, Parcel 14A, Crawford Township.
- Item 9            **Public Hearing and Action:** PB 10-12 Currituck County: Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts and Chapter 17: Definitions to clarify how Roadside Markets are defined and regulated in Currituck County.
- Item 10           **Consideration of contract** for Child Support Enforcement Services

Item 11            **Consideration of agreement** with Historic Jarvisburg Colored School, Inc.

**Item 11A        Discussion on Planned Unit Development**

- Item 12            **Consent Agenda:**
1. Approval of Water Shortage Response Plan
  2. Re-appointment of Dan Scanlon, County Manager, to RPO Technical Coordinating Committee
  3. Re-Appointment of Commissioner Gregory to RPO Transportation Advisory Committee
  4. Approval to Purge Eligible DSS Files
  5. Approval of March 15, 2010, Minutes
  6. Budget Amendments
  - 7. Resolution on new rules for Gill Net fishing**
  - 8. Resolution in support of NC current public alcoholic beverage control system**

Item 13            Commissioner's Report

Item 14            County Manager's Report

Adjourn

**Special Meeting**

Tourism Development Authority

Call to Order

TDA Budget Amendments

Adjourn

**Public Comment**

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

Chairman O'Neal opened the public comment period.

Andy Keeney, Kitty Hawk, requested the Board to bring the Monterey Shores PUD back for a public hearing. Mr. Keeney feels that there is a legal basis to reconsider.

Ike McRee, County Attorney, stated that there is no legal basis to reconsider this request.

John Snowden, Maple, commented on the grant that he applied for and letters of support from Mr. Bishop and Mr. Woody.

Commissioner Nelms commented on the passing of a fellow soldier and his service at the Arlington Cemetery.

Commissioner Taylor expressed sympathy to the family of Brenda Kleman.

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

**Presentation on Fair Housing Month and adoption of Proclamation**

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

**PROCLAMATION  
FOR  
FAIR HOUSING MONTH  
APRIL 2010**

**WHEREAS**, April 2010 marks the 42nd anniversary of the Federal Housing Act of 1968 and the 27th anniversary of the North Carolina Fair Housing Act. Both laws prohibit discrimination in housing because of race, color, sex, religion, national origin, handicap and familial status; and

**WHEREAS**, the Currituck County Board of Commissioners, Albemarle Area Association of Realtors, City of Elizabeth City, Elizabeth City State University Community Development Program, North Carolina Cooperative Extension Service Pasquotank Center, Northeastern Community Development Corporation, and River City Community Development Corporation, and county and local governments, concerned citizens and the housing industry, are working to make fair housing opportunities possible for all our citizens. Through their efforts, they are encouraging others to abide by the letter and the spirit of the fair housing laws; and

**WHEREAS**, one of the most important concerns of Currituck County citizens is the availability of housing to them as individuals and families. By supporting and promoting fair housing and equal opportunity, we are contributing to the health of our County and our State;

**NOW, THEREFORE**, the Currituck County Board of Commissioners do hereby proclaim April 2010 as "**Fair Housing Month**" in Currituck County and urge our citizens to rededicate themselves to ensuring that fair housing laws are always upheld and citizens are protected against discrimination.

**Wayne Harris & Dave Whitmer, to discuss a program with the Northeastern Workforce Development to help students prepare for careers**

Mr. Harris, Economic Development with the Albemarle Commission, stated that their goal is to generate interest in aerospace careers among the future and existing workforce and increase the pipeline of qualified workers.

Commissioner Nelms is now the Chairman of the Albemarle Commission Board.

**Public Hearing and Action: PB 10-05 Corolla Jeep Rentals & Tours: Request for a special use permit for an outdoor tour operator located at 1070 Ocean Trail, Tax Map 115B, Parcel P4B2, 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: April 5, 2010  
Special Use Permit  
PB 10-05 Corolla Jeep Rentals & Tours, Inc.**

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

**LOCATION:** 1070 Ocean Trail

**ZONING DISTRICT:** General Business (GB) - PUD Overlay District

**TAX ID:** 115B000P4B20000

**OWNER:** W.B. Meredith III  
4804 Vista Lane  
Kitty Hawk, NC 27949

**APPLICANT:** W.B. Meredith III  
Corolla Jeep Rentals & Tours, Inc.  
1070 Ocean Trail  
Corolla, NC 27927

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Residential	Zoned R01
<b>SOUTH:</b>	Hotel	Zoned GB
<b>EAST:</b>	Residential	Zoned GB
<b>WEST:</b>	Hotel	Zoned GB

**LAND USE PLAN**

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

**NARRATIVE:**

1. The applicant is requesting a Special Use permit for conducting guided horse tours in the off-road areas of Corolla. This consists of one van seating 14 persons, one SUV seating 7 persons and 5 Jeeps seating 5 persons each.

2. The Board of Commissioners adopted an ordinance on September 21, 2009 that established outdoor tour operators as a specific land use. Subsequently, any business operating as a vehicular tour operator with a base operation within the jurisdiction of Currituck County is required to apply for a new special use permit.
3. The Special Use Permit application pertains to the property located at 1070 Ocean Trail. Associated activities that may occur off-site are subject to the conditions included in the approved Permit.
4. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
  - a. POLICY ED1: new and expanding industries and businesses should be especially encouraged that:
    - 1) diversify the local economy,
    - 2) train and utilize a more highly skilled labor force, and
    - 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
  - b. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

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

**QUESTION(S) BEFORE THE BOARD:**

**Special Use Permit Criteria and Staff Findings:**

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

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

1. COMPLETENESS OF THE APPLICATION  
Suggested Findings:
  - a) The application is complete.
2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

**Suggested Findings:**

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

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

**Suggested Findings:**

- The parcel has adequate on-site parking and is located in a commercial area.

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

**Suggested Findings:**

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

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

**Suggested Findings:**

- The parcel is located in a commercial area and is therefore in keeping with the character of the surrounding area.

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

**Suggested Findings:**

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

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

**Suggested Findings:**

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

**STAFF RECOMMENDATION**

The proposal appears to meet the criteria for granting a Special Use Permit for the property at 1070 Ocean Trail and staff recommends **APPROVAL** with the following conditions:

1. All tours must be guided from Memorial Day to Labor Day. Tag-a-long tours are permitted as long as the lead vehicle is operated by an employee of the tour company and subsequent vehicles are under the employee's supervision.
2. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
3. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
4. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur on-site, additional parking may be required per the Unified Development Ordinance. Currently there is adequate parking available. The owner has requested that parking for unoccupied units be credited to the parking totals for the horse tour operation.

Use	Parking Requirement	Quantity	Parking Total for All Units including vacancies	Owners Requested Parking including all current uses and proposed horse tours
Retail Space #1 Horse Tour Rentals	Tour vehicle seating 1-5 ppl = 1 space per vehicle	5	5	5
	Tour vehicle seating 6 to 10 ppl = 2 parking spaces per vehicle	1	2	2
	Tour vehicle seating 11-15 ppl = 3 parking spaces per vehicle	1	3	3
	1 space/2 employees	5	3	3
Retail Space #2	1 parking space/200 sq. ft.	1028 sq. ft.	5	5
Retail Space #3 Vacant	1 parking space/200 sq. ft.	1175 sq. ft.	6	0
Retail Space #4	1 parking space/200 sq. ft.	771 sq. ft.	4	4

Office Space #1 Vacant	1 parking space/200 sq. ft.	949 sq. ft.	5	0
Office Space #2 Vacant	1 parking space/200 sq. ft.	879 sq. ft.	4	0
Office Space #3 Vacant	1 parking space/200 sq. ft.	630 sq. ft.	3	0
Total Available Parking	27	TOTAL Required:	40	22

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

**PLANNING BOARD RECOMMENDATION:**

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

**PLANNING BOARD DISCUSSION (3-9-10)**

Mr. West asked if the reserved vehicles are only used when one of the other vehicles are out of commission.

Mr. Woody stated yes.

Mr. Midgette asked Mr. Meredith if he was okay with staff recommendations.

Mr. Meredith stated yes.

**ACTION**

Mr. West move to **approve** PB 10-05 Corolla Jeep Rentals & Tours with the findings of fact and staff recommendations included in the case analysis. Mr. Wright seconded the motion. Motion carried unanimously.

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

Commissioner Nelms moved to approve with findings of fact. Commissioner Taylor seconded the motion. Motion carried.

**Public Hearing and Action: PB 10-06 Corolla Outback:  
Request for a special use permit for an outdoor tour  
operator located at 1148 Ocean Trail, Tax Map 114, Parcel  
42A, 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: April 5, 2010  
Special Use Permit  
PB 10-06 Corolla Outback**

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

**LOCATION:** 1148 Ocean Trail

**ZONING DISTRICT:** General Business (GB)

**TAX ID:** 0114000042A0000

**OWNER:** Norris Austin  
PO Box 175  
Corolla, NC 27927

**APPLICANT:** Jay Bender  
Corolla Outback  
PO Box 15  
Corolla, NC 27927

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	General Business	Zoned GB
<b>SOUTH:</b>	General Business	Zoned GB
<b>EAST:</b>	Office	Zoned R01
<b>WEST:</b>	General Business	Zoned GB

**LAND USE PLAN**

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

**NARRATIVE:**

1. The applicant is requesting a Special Use permit for conducting guided horse tours in the off-road areas of Corolla. This consists of two 12-passenger Safari Trucks, one 9-passenger open suburban, four 5-passenger vehicles for tag-a-long tours and two 7-passenger suburbans for reserve use.

2. The Board of Commissioners adopted an ordinance on September 21, 2009 that established outdoor tour operators as a specific land use. Subsequently, any business operating as a vehicular tour operator with a base operation within the jurisdiction of Currituck County is required to apply for a new special use permit.
3. The Special Use Permit application pertains to the property located at 1148 Ocean Trail. Associated activities that may occur off-site are subject to the conditions included in the approved Permit.
4. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
  - a. POLICY ED1: new and expanding industries and businesses should be especially encouraged that:
    - 1) diversify the local economy,
    - 2) train and utilize a more highly skilled labor force, and
    - 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
  - b. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

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

**QUESTION(S) BEFORE THE BOARD:**

**Special Use Permit Criteria and Staff Findings:**

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

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

1. **COMPLETENESS OF THE APPLICATION**

**Suggested Findings:**

  - b) The application is complete.

## 2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

**Suggested Findings:**

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

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

**Suggested Findings:**

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

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

**Suggested Findings:**

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

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

**Suggested Findings:**

- The parcel is located in a well established commercial area and is therefore in keeping with the character of the surrounding area.

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

**Suggested Findings:**

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

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

**Suggested Findings:**

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

**STAFF RECOMMENDATION**

The proposal appears to meet the criteria for granting a Special Use Permit for the property at 1148 Ocean Trail and staff recommends **APPROVAL** with the following conditions:

1. All tours must be guided from Memorial Day to Labor Day. Tag-a-long tours are permitted as long as the lead vehicle is operated by an employee of the tour company and subsequent vehicles are under the employee's supervision.
2. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
3. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
4. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur on-site, additional parking may be required per the Unified Development Ordinance. Currently there is adequate parking available.

Use	Parking Requirement	Vehicle Quantity	Parking Total
Horse Tour Rentals	Tour vehicle seating 1-5 ppl = 1 space per vehicle	4	4
Horse Tour Rentals	Tour vehicle seating 6 to 10 ppl = 2 parking spaces per vehicle	1	2
Horse Tour Rentals	Tour vehicle seating 11-15 ppl = 3 parking spaces per vehicle	2	6
Employees (largest shift)	1 space/2 employees	4	2
Total Available:	17	TOTAL Required:	14

5. Vehicles held in reserve in the event of inclement weather or breakdowns may be used as long as the parking requirements and all other conditions of this permit are met. Reserve vehicles must be stored at an approved location.

- 6. The Board of Commissioners may establish a maximum number of vehicles as part of the special use permit approval process.
- 7. This special use permit shall be reviewed administratively on an annual basis and a report shall be filed with the Currituck County Board of Commissioners detailing the nature of any complaints received by the Planning Department. At the discretion of the Code Enforcement Officer or Board of Commissioners, the special use permit shall be subject to revocation or modification by the permit issuing authority following a public hearing.

**PLANNING BOARD RECOMMENDATION:**

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

**PLANNING BOARD DISCUSSION (3-9-10)**

Mr. Midgette asked Mr. Bender if he was okay with staff recommendations.

Mr. Bender stated yes.

**ACTION**

Mr. Clark move to **approve** PB 10-06 Corolla Outback with the findings of fact and staff recommendations included in the case analysis. Mr. Wright seconded the motion. Motion carried unanimously.

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

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

**Public Hearing and Action: PB 10-04 Outer Banks Harley-Davidson: Request for a special use permit to allow special events (Outer Banks Bike Week and Outer Banks Bike Fest) located at 8739 Caratoke Highway, Tax Map 131, Parcel 88, Poplar Branch Township.**

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS**

**DATE: April 5, 2010**

**PB 10-04 Outer Banks Harley Davidson Special Use Permit**

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**ITEM:** PB 10-04 Outer Banks Harley Davidson Special Use Permit request for two special events,

Outer Banks Bike Week, April 18-25, 2010, and  
Outer Banks Bike Fest, October 1-3, 2010.

**LOCATION:** 8739 Caratoke Highway, Harbinger (existing  
Harley Davidson dealership).

**TAX ID:** 0131-000-0088-0000

**ZONING**

**DISTRICT:** General Business (GB)

**PRESENT USE:** Motorcycle Retail

**OWNER:** MDS Investment LLC  
% Maurice Slaughter  
2211 Frederick Blvd  
Portsmouth VA 23704

**APPLICANT:** Same

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Residential	GB
<b>SOUTH</b>	Residential	GB
<b>EAST:</b>	Residential	GB
<b>WEST:</b>	Post Office	GB

**LAND USE PLAN**

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

**SIZE OF SITE:** 3.2 acres

**UTILITIES:** The business is served by county water and  
an on-site septic system. Port-a-johns are  
proposed for the special events.

**I. NARRATIVE OF REQUEST:**

- The applicant is seeing approval for two special events. The first event is Outer Banks Bike Week, April 18-25, 2010, and the second event is Outer Banks Bike Fest, October 1-3, 2010.
- The Outer Banks Harley-Davidson in Harbinger is the hub for all Bike Week activities. The facility is utilized to house additional vendors, live music, and serve as the starting point for poker runs and scenic tours.
- This is the 8<sup>th</sup> year for Outer Banks Bike Week and attendance has grown each year, with last year's attendance reaching over 10,000 attendees.
- Guided tours are proposed around the sound, to Corolla, and to Knotts Island via the ferry.

**II. Special UDO requirements for special events (Section 3.10.4)**

1. The amount of noise generated shall not disrupt the activities of adjacent land uses.
2. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.
3. 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.
4. 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.
5. 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.

### **III. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:**

#### **Currituck County Emergency Management, James Mims**

1. 2403.2 Approval required. Tents and membrane structures having an area in excess of 200 square feet (19 m<sup>2</sup>) and canopies in excess of 400 square feet (37 m<sup>2</sup>) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

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

1. Consult with the Health Department at (252)232-6603 Environmental Health Section concerning rules and regulations regarding temporary food events
2. Event coordinator will need to fill out a coordinator's application for a temporary food event at least two weeks prior to each event.
3. Also, each food vendor will need to fill out a temporary food permit application at least two weeks prior to each event and a \$75 Temporary Permit fee is required for profit food vendors.

#### **Currituck County Sheriff (Susan Johnson, 252-453-8204)**

1. Sheriff's Office staff has advised that parking is an issue at this location after all of the vendors utilize the parking lot. This leaves vehicles and bikes parking alongside the road which creates a hazardous situation. Bikes and cars utilize the south bound shoulder and run across traffic to reach the event location.

2. Recommend alternate parking location with possible shuttle to the store location or if possible, moving the vendors out of the parking area to sites around the side or back if property permits.
3. The event itself has caused no issues with the exception of parking being minimal for the numbers attending the event. When the cars and bikes park along the road visibility in both directions from the parking lot is compromised.
4. Parking on Church Road and East Mobile Road is always a problem and generates complaints every year. The residents have repeatedly requested that we block that portion of the roadway to parking.
5. We have also had complaints from residents of not being able to leave their property from event traffic blocking their drives.

**NOTE:** The existing building was required to provide 46 parking spaces. 102 parking spaces were installed. The applicant is proposing satellite parking for customers at Harbinger Post Office and Mutiny Tattoo and has written permission from those property owners. The applicant also has written permission from Barrier Island OBX Vacation Station for satellite parking for employees.

The applicant also stated that he will provide "No Parking" signs along Caratoke Highway and Church Road and towing will be enforced.

#### **IV. QUESTION(S) BEFORE THE BOARD:**

##### **Special Use Permit Criteria and Staff Findings:**

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

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

1. Completeness of application.  
**Suggested Findings:**
  - a. The application is complete.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".  
**Suggested Findings:**
  - a. Special events are an allowable use within the General Business (GB) zoning district with a special use permit.

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

**Suggested Findings:**

- a. The proposed plan meets the minimum requirements of the ordinance.

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

**Suggested Findings:**

- a. The proposed events should have little impact on public health or safety with the proposed precautions in place (no parking signs in right-of-ways, private security (off-duty deputies), and satellite parking areas).

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

**Suggested Findings:**

- a. The Unified Development Ordinance indicates that special events are allowed in the GB zoning district with a special use permit.
- b. The special events will take place at an existing retail business.

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

**Suggested Findings:**

- a. The 2006 Land Use Plan classifies this site as Limited Service within the Point Harbor subarea. The policy emphasis is to allow portions of the Point Harbor area to continue to evolve as a full service community. 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 ED4: In addition to the recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions, and spin-offs shall also be recognized.

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

**Suggested Findings:**

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

**IV. STAFF RECOMMENDATION:**

- A. The submittal does appear to meet all of the requirements for approval, so **staff recommends approval** of this special use permit subject to the findings of fact and TRC comments. It should be noted that this approval is valid only for the two events listed. Events held in subsequent years will require renewal of the special use permit.

**V. PLANNING BOARD RECOMMENDATION:**

The Planning Board **recommended approval** of the special use permit with the findings of fact and staff recommendations included in the case analysis and the following condition:

- Satellite parking on the west side of US158 is low priority and only utilized when the parking areas on the east side of highway are full.

**NOTE: NCDOT has agreed to place two Variable Message Signs warning motorist of potential traffic congestion at this location.**

Chairman O'Neal opened the public hearing.

Lori London, stated that her daughter has a problem with the noise and parking on her property.

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

Commissioner Etheridge moved to approve with additional signage, security being provided and review parking on Church Road. Commissioner Rorer seconded the motion. Motion carried.

**Public Hearing and Action: PB 09-28 Maple Commerce Park: Request for a Preliminary Plat/Special Use Permit for an 11 lot commercial subdivision located at 204 Airport Road, adjacent to the Currituck County Airport, Tax Map 52, Parcel 14A, Crawford Township.**

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

**ITEM:** PB 09-28 Maple Commerce Park, Preliminary Plat/Special Use Permit, for an 11 lot commercial subdivision.

**LOCATION:** 204 Airport Road, adjacent to the Currituck County Airport and behind the Currituck County Cooperative Extension Building, Crawford Township.

**TAX ID:** 0052-000-014A-0000

**ZONING**

**DISTRICT:** Heavy Manufacturing (HM) Zoning

**PRESENT USE:** Open Space/Recreation Area/County Wellfield

**OWNER:** Currituck County  
PO Box 39  
Currituck, NC 27929

**DEVELOPER:** Currituck County, Peter Bishop  
PO Box 39  
Currituck, NC 27929

**ENGINEER:** Hyman & Robey  
PO Box 339  
Camden, NC 27921

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Farmland/Woodland/Single Family	A/GB/RA
<b>SOUTH</b>	Farmland/ Woodland /Single Family	A/GB/C/RA/HM
<b>EAST:</b>	Farmland/ Woodland /Single Family	A/GB
<b>WEST:</b>	Woodland	A/RAD Overlay

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as **Full Service** within the **Barco-Coinjock-Airport** subarea.

**SIZE OF SITE:** 109.68 acre subdivision, part of 530 acre tract.

**STREETS:** The streets will be built to NCDOT design and construction standards utilizing road side swales. The developer intends to offer the streets for public dedication.

**UTILITIES:** The development will be served by county water. A commitment letter and generalized wastewater plan has been submitted confirming the county's commitment to providing wastewater for the commerce park.

**OPEN SPACE:** Open space is not a requirement for commercial subdivisions. However, 2.68 acres of open space are being provided.

**COMMUNITY**

**FACILITIES:** Although not required, approximately 8,872 linear feet of pedestrian/multi use trail will be provided around the perimeter of the subdivision. This amenity has the ability to be used by the public as well as the tenants of the commerce park.

**III. NARRATIVE OF REQUEST:**

- Currituck County proposes to subdivide 109.68 acres for the development of an eleven (11) lot commercial subdivision adjacent to the Currituck County Airport.
- A 32.32 acre residual parcel that is mostly wetland will be protected and ownership maintained by the County. Thirteen (13) existing wells, which are utilized by the county to provide water, are located in the residual tract along the eastern and northern borders. The county designed the subdivision to prevent lots and any other development within the 100' wellhead protection setback. Additional requirements for a 500' wellhead protection setback are included in the restrictive covenants for the subdivision.
- The subdivision was designed in a way that minimizes clearing, allows stormwater to work with the natural topography, utilizes native plant species, and low impact development (LID) stormwater techniques.

**IV. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:**

**Planning:**

- Provide a Traffic Analysis.
- Indicate the surface material of the path.
- Consider a connection for the trail along the northwest corner of the property. The trail dead ends into Terminal Road adjacent to lot 5 and lots 11.

**County Engineer:**

- A stormwater pond downstream analysis should be provided with recommendations for improvements at least to the south side of Short Cut Road.
- Make sure there are adequate drainage easements along lot lines for properly sloped drainage swales and maintenance needs.

**III. QUESTION(S) BEFORE THE BOARD:**

**Special Use Permit Criteria and Staff Findings:**

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

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

1. Completeness of application.  
Suggested Findings:  
 b. The application is complete.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".  
Suggested Findings:  
 a. Section 10.3 of the UDO requires that all major subdivisions obtain a special use permit at the time of preliminary plat.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.  
Suggested Findings:  
 b. The conditions proposed meet and exceed the minimum requirements of this ordinance.
4. The special use will not endanger the public health or safety:  
Suggested Findings:  
 c. The proposed subdivision should have little to no impact on public health or safety.
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located  
Suggested Findings:  
 a. The proposed subdivision is adjacent to the airport and is zoned Heavy Manufacturing (HM). The proposed development is consistent with the vision in the 2006 Land Use Plan as well as the Maple-Barco Small Area Plan.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.  
Suggested Findings:  
 a. The 2006 Land Use Plan classifies this site as Full Service within the Barco-Coinjock-Airport subarea. The proposed development is consistent with both the Land Use Plan and Subarea classifications.

The sub area policy emphasis for the Barco/Coinjock/Airport area envisions this area

emerging as the principal community center serving the central mainland.

b. The proposed use is in keeping with the policies of the Land Use 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 ED2: CAPITAL EXPENDITURES for the purpose of economic development shall be targeted toward areas that are most suited for development. Targeted areas should include raw land as well as the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure. Targeted areas primarily include those located within the Full Service Areas identified on the Future Land Use Map and to a lesser extent those included in the Limited Service Areas.

c. This development is located within and consistent with the Employment Classification of the Maple-Barco Small Area Plan. Areas designated as employment are anticipated for land uses that will generate economic activity or job growth. This includes uses such as offices, technology research and development, aviation related industries, and environmentally friendly manufacturing and industrial uses such as assembly, wholesaling, and distribution. Areas designated as employment should be encouraged to develop in mixed use or campus like settings with generous, linked open space to maximize value, promote visual quality, and encourage pedestrian activity between employment areas and areas of supporting uses such as retail, restaurants, and residential.

d. The proposed use is in keeping with the policies of the Maple-Barco Small Area Plan, some of which are:

- **ED4**: To encourage economic development and job creation, pursue expansion projects consistent with those outlined in the Airport Master Plan including: runway expansion, parallel taxiway, instrument approach, construction of new passenger terminal facility, and additional commercial hanger space.
- **ED1**: Actively promote and establish aviation related businesses in the Maple Commerce Park and Currituck Airport.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not

limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

**Suggested Findings:**

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

**IV. STAFF RECOMMENDATION:**

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

1. A traffic analysis should be conducted prior to final plat approval.
2. Indicate the surface material of the path.
3. Reflect a connection for the path along the northwest corner of the property. The trail dead ends into Terminal Road adjacent to lot 5 and lots 11.
4. A stormwater pond downstream analysis should be provided with recommendations for improvements to the south side of Short Cut Road.
5. Make sure there are adequate drainage easements along all lot lines for properly sloped drainage swales and maintenance needs.
6. For so long as the wells within the Maple Commerce Park exist for public water resources, the following conditions shall apply:
  - In no case shall hazardous materials or other deleterious substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant groundwater hazard within the Maple Commerce Park.
  - Land uses or activities for the designated lots that pose a significant hazard to the County's groundwater resources resulting from storing, handling, treating, using, producing, recycling or disposing of hazardous materials or other deleterious substances shall be prohibited within the 500' wellhead protection area shown on the preliminary plat. These land uses and activities include, but are not limited to:
    - (a) On-site community sewage disposal systems.
    - (b) Hazardous liquid pipelines.
    - (c) Solid waste landfills.
    - (d) Solid waste transfer stations.
    - (e) Liquid petroleum refining, reprocessing and storage.
    - (f) Bulk storage facilities for petroleum products and chemicals.
    - (g) The storage or distribution of gasoline.
    - (h) Hazardous waste treatment, storage and disposal facilities.

- (i) Chemical manufacturing, including but not limited to organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals.
  - (j) Dry cleaning establishments using the solvent perchloroethylene.
  - (k) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals from molten materials.
  - (l) Wood preserving and wood products preserving.
  - (m) Mobile fleet fueling operations.
  - (n) Other uses and activities determined by the County Manager or designee to pose a significant groundwater hazard to the County Mainland groundwater supply.
7. The required improvements shall be installed and accepted prior to submission of final plat approval for each phase.
  8. In accordance with the UDO, the applicant shall create a sewer district for the proposed development.
  9. Low impact development techniques should be integrated in the project to manage treatment of stormwater. (WQ3, WQ6, WQ7)
  10. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways. (CD8, CD9)
  11. Landscape islands shall be incorporated into parking areas. (LUP CD7, CD8, CA3)

#### **V. PLANNING BOARD RECOMMENDATION:**

The Planning Board **recommended approval** of the preliminary plat/special use permit with the findings of fact and staff recommendations included in the case analysis and the following condition:

- Check to ensure the water quality will not be affected by the old landfill.

Chairman O'Neal opened the public hearing.

John Snowden, Maple, expressed concerns regarding the old landfill and traffic on Maple Road. He also raised concerns with ground water contamination.

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

Commissioner Nelms moved to approve with finding of facts and staff recommendations. Commissioner Taylor seconded the motion. Motion carried.

Chairman O'Neal requested what the impact of truck traffic on Maple Road.

**Public Hearing and Action: PB 10-12 Currituck County: Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts and Chapter 17: Definitions to clarify how Roadside Markets are defined and regulated in Currituck County.**

Ben Woody, Planning Director, reviewed the request.

**PB 10-12 Currituck County  
Roadside Markets  
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts, Chapter: 7 Signs, and Chapter 17: Definitions to establish a definition of Roadside Markets and clarify the signage exemption.

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 2.5 Permitted Uses Table is amended by adding the following underlined language:

**Section 2.5 Permitted Uses Table**

Use	LUC	Zoning Districts											Special Requirements
		A	RA	R	RO 1	RO 2	RR	GB	C	LB H	LM	HM	
<u>Roadside, Farmer, or Craft Markets</u>	III	C						Z	Z	Z	Z	Z	

**Item 2:** That Chapter 7: Signs, Section 7.6 is amended by deleting the strikethrough language, adding the following underlined language and renumbering accordingly:

**Section 7.6 Temporary, Off-Premise Signs**

A. The following temporary off-premise signs are permitted without a sign permit or the payment of fees:

3. Temporary ~~Off-premise~~ signs advertising ~~the existence of~~:
  - a. An approved roadside stand market selling fruits or vegetables.
  - b. A farm or tract upon which are grown fruits or vegetables that may be picked or gathered by the purchaser.

- c. Produce, seafood, or related agricultural products offered for sale at an approved roadside market.
- d. No sign may exceed 32 square feet in surface area and must be well maintained. Such signs may not be erected more than 30 days before the seasonal opening of such enterprise and shall be removed no later than 30 days after the enterprise closes for the season.

**Item 3:** That Chapter 17: Definitions is amended by deleting the strikethrough language, adding the underlined language and reordering in alphabetical order the following definitions:

**Farmers or Craft Market**

An open air market where individual vendors offer for sale to the public for the sale of agricultural and aquaculture products or hand made goods. The products or goods offered for sale are generally produced by the individual vendors.

**Roadside Market**

A building or open air market used for the seasonal retail sale of agricultural and aquaculture products. A minimum 75 percent of floor space shall be devoted to selling produce, seafood, or related agricultural products.

**Item 4:** 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.

Chairman O'Neal opened the public hearing.

Commissioner Rorer stated that these markets were retail stores, not roadside markets.

Eddie Jo Powell, stated that they do grow some of their crops.

John Snowden, stated that Currituck County needed to maintain their heritage as agricultural.

David Palmer, opposed grandfathering signage.

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

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

**Consideration of contract for Child Support Enforcement Services**

Dan Scanlon, County Manager reviewed the 5 year contract with Young Williams.

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

**Consideration of agreement with Historic Jarvisburg Colored School, Inc.**

Ike McRee, County Attorney, reviewed the agreement.

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

**Review of Planned Unit Development in Corolla**

Ben Woody, Planning Director, reviewed all of the PUD's located in Corolla. Mr. Woody stated that there are 165 acres of commercial property left between all the PUDs that can be developed.

**Consent Agenda:**

Approval of Water Shortage Response Plan  
Re-appointment of Dan Scanlon, County Manager, to RPO  
Technical Coordinating Committee  
Re-Appointment of Commissioner Gregory to RPO Transportation Advisory Committee  
Approval to Purge Eligible DSS Files  
Approval of March 15, 2010, Minutes  
Budget Amendments  
Resolution on new rules for Gill Net fishing  
Resolution in support of NC current public alcoholic beverage control system

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

**RESOLUTION  
WATER SHORTAGE RESPONSE PLAN**

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Currituck County Mainland Water System, has been developed and submitted to the Currituck County Board of Commissioners for approval; and

WHEREAS, the Currituck County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (1) and that it will provide appropriate guidance for the future management of water supplies for Currituck County Mainland Water System, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Currituck County Board of Commissioners of Currituck County Mainland Water System that the Water Shortage Response Plan entitled, Currituck County Mainland Water System Water Shortage Response Plan dated \*\*\*\*\*, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Currituck County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

<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	\$ 28,350	
57878-588000	Contingency		\$ 28,350
		<u>\$ 28,350</u>	<u>\$ 28,350</u>

**Explanation:** *Moyock Wastewater Construction (57878) - Transfer funds from contingency for Arcadis Amendment #1 dated 4/5/2010 for design of the Newtown Wastewater pump station, as well as permitting and administration of this phase of construction and for Hazen & Sawyer preliminary site evaluations.*

**Net Budget Effect:** Moyock Wastewater Construction (50878) - 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
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10531-532000	Supplies	\$	6,744		
10330-445000	Emergency Mgmt Grant			\$	6,744
			<u>\$</u>	<u>6,744</u>	<u>\$</u> <u>6,744</u>

**Explanation:** *Emergency Management (10531)* - To record grant received for te Community Emergency Response Team (CERT). These funds will be used to purchase equipment and promotional items.

**Net Budget Effect:** Moyock Wastewater Construction (50878) - No change.

<u>Account Number</u>	<u>Account Description</u>		<b>Debit</b>		<b>Credit</b>
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
			<u>                    </u>		<u>                    </u>
10797-590000	Capital Outlay	\$	13,750		
10330-448600	FIT Communities			\$	13,750
			<u>\$</u>	<u>13,750</u>	<u>\$</u> <u>13,750</u>

**Explanation:** *FIT Communities (10797)* - To increase FY 2010 grant funding for FIT Communities multi-use path in Currituck.

**Net Budget Effect:** Operating Fund (10) - Increased by \$13,750.

<u>Account Number</u>	<u>Account Description</u>		<b>Debit</b>		<b>Credit</b>
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
			<u>                    </u>		<u>                    </u>
61818-532000	Supplies	\$	7,500		
61818-514000	Travel	\$	300		
61818-514500	Training and Education	\$	400		
61818-516200	Vehicle Maintenance			\$	500
61818-516000	Maintenance and Repair			\$	3,000
61818-533200	Lab Tests			\$	700
61818-545000	Contracted Services			\$	4,000
			<u>\$</u>	<u>8,200</u>	<u>\$</u> <u>8,200</u>

**Explanation:** *Mainland Water (61818)* - To transfer funds for operations for the remainder of this fiscal year.

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

<b>Debit</b>	<b>Credit</b>
Decrease Revenue	Increase Revenue

<u>Account Number</u>	<u>Account Description</u>	or	
		Increase Expense	Decrease Expense
10440-561000	Professional Services	\$ 1,174	
10320-411000	Article 39 Sales Tax		\$ 4,694
10390-499900	Fund Balance Appropriated	\$ 3,520	
		\$ 4,694	\$ 4,694

**Explanation:** *Finance (10440)* - To record additional sales tax recovered through the reallocation contract with Tax Reduction Specialists and increase professional services for the contract fee.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,174.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
50790-570000	Reimbursable Expenses	\$ 2,000			
50790-594500	Contracted Services	\$ 366			
50790-596100	Professional Services	\$ 7,094			
50790-590000	Capital Outlay			\$ 7,154	
50380-481000	Investment Earnings			\$ 2,306	
		\$ 9,460		\$ 9,460	

**Explanation:** *Moyock Library (50790)* - To transfer funds and appropriate investment earnings for final change orders and signage at the Moyock Library.

**Net Budget Effect:** Governmental Construction Fund (50) - Increased by \$2,306.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10750-545000	Contract Services	\$ 5,541			
10330-431000	DSS Admin			\$ 11,547	
10390-499900	Fund Appropriated Balance	\$ 6,006			
		\$ 11,547		\$ 11,547	

**Explanation:** *Social Services Administration (10750)* - Increased funds to extend Vanguard contract for Temporary Food and Nutrition Services Intake Worker to assist with

the current volume of applicants and expected 40% increase when the income threshold is raised significantly in June or July 2010. This contract will be fund 100% by the Department of Defense Appropriations Act of 2010 per letter dated March 17, 2010.

**Net Budget Effect:** Operating Fund (10) - Increased by \$5,541.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868-532000	Supplies	\$ 9,000	
66868-516000	Repairs and Maintenance		\$ 8,000
66868-545000	Contracted Services		\$ 1,000
		<u>\$ 9,000</u>	<u>\$ 9,000</u>

**Explanation:** Southern Outer Banks Water (66868) - Request to transfer funds to restock our supply of emergency repair parts needed in the event of a main line leak/break.

**Net Budget Effect:** Southern Outer Banks Water (66) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10560-519701	HCCBG-Access Service	\$ 2,222	
10750-519503	Domestic Violence	\$ 2,500	
10760-585000	Donations	\$ 1,000	
10330-431000	DSS Admin		\$ 2,500
10330-432200	HCCBG-Transportation		\$ 2,222
10380-487000	DSS Donations		\$ 1,000
		<u>\$ 5,722</u>	<u>\$ 5,722</u>

**Explanation:** **Inter-County Transportation (560)** - Adjust to reflect final grant award amount. **Social Services Administration (750)** - Increase to reflect state funding authorization. **County Assistance (760)** - Adjust to reflect actual amount of funds received as donations.

**Net Budget Effect:** Operating Fund (10) - Increased by \$5,772.

<b>Debit</b>	<b>Credit</b>
Decrease Revenue or	Increase Revenue or

<u>Account Number</u>	<u>Account Description</u>	<u>Increase Expense</u>	<u>Decrease Expense</u>
10461-514500	Training and Education	\$ 100	
10461-540000	Worker's Compensation		\$ 76
10461-514000	Travel		\$ 24
		<u>\$ 100.00</u>	<u>\$ 100.00</u>

**Explanation:** Public Utilities (10461) - To transfer funds for wastewater school.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
57878-588000	Contingency T F - Newtown Road	\$ 191,880	
57390-495062	Sewer		\$ 91,880
57330-449900	Miscellaneous Grants		\$ 100,000
62330-449900	Miscellaneous Grants T T - Moyock Central	\$ 100,000	
62828-587057	Sewer	\$ 91,880	
62828-590000	Capital Outlay		\$ 185,000
62828-561000	Professional Services		\$ 5,880
62380-481000	Investment Earnings		\$ 1,000
		<u>\$ 383,760</u>	<u>\$ 383,760</u>

**Explanation:** *Moyock Wastewater Construction (57878)* - Transfer Rural Center Grant funds and County Matching funds from Newtown Road Sewer District to the Moyock Central Sewer Project to connect Newtown Road to the Moyock Central Sewer.

**Net Budget Effect:** Moyock Wastewater Construction (50878) - Increased by \$191,880.  
Newtown Road Sewer District (62) - Decreased by \$99,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868-59000	Capital Outlay	\$ 2,000	
66868-516000	Repairs and Maintenance		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

**Explanation:** Southern Outer Banks Water System (66868) - Transfer funds to replace burned out pump.

**Net Budget Effect:** Southern Outer Banks Water System (66) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10795-553002	Tournament Fees	\$	1,446		
10795-576002	Youth Basketball	\$	3,861		
10350-469003	Youth Basketball			\$	3,851
10350-469012	Adult Basketball			\$	10
10795-540000	Worker's Comp			\$	186
10795-531400	Equipment Fuel			\$	1,260
			<u>\$ 5,307</u>		<u>\$ 5,307</u>

**Explanation:** Recreation (10795) - Increase appropriations for basketball and tournament fees to record revenues received for hosting the basketball All-stars tournament.

**Net Budget Effect:** Operating Fund (10) - Increased by \$3,861.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10480-557300	Excise Tax on Deeds	\$	175,000		
10480-557301	Floodplain Mapping Fees Deed of Trust Fee SB	\$	10,000		
10480-557302	202 Domestic Violence	\$	3,500		
10480-558100	Center	\$	4,000		
10320-410000	Excise Tax on Deeds Fund Balance			\$	350,000
10390-499900	Appropriated	\$	157,500		
			<u>\$ 350,000</u>		<u>\$ 350,000</u>

**Explanation:** Register of Deeds (10480) - To increase appropriations for Register of Deeds Fees that have been received above initial appropriations.

**Net Budget Effect:** Operating Fund (10) - Increased by \$192,500.

**NORTH CAROLINA  
DIVISION OF MARINE FISHERIES  
NEW RULES ON GILL NET FISHERY**

WHEREAS, the N.C. Marine Fisheries Commission adopted measures to address interactions with sea turtles in the state's gill net fishery; and

WHEREAS, prior to this year fisherman have been able to set 3000 yards of net over 5 and ½ inch mesh with no limit on depth and able to fish 7 days a week; and

WHEREAS, the new rules limit fishing to 4 days and only night time sets with no consideration for weather and only 2,000 yards of net per commercial fishing operation; and

WHEREAS, these regulations without any prior notice, are going to take jobs away from Currituck County; and

WHEREAS, commercial fishing in Currituck County has been the livelihood for many of our residents for many years; and

WHEREAS, with the current economy this will be very expensive to replace the gill nets; and

WHEREAS, these new rules will be effective May 15, 2010 and will be enforced in the Currituck Sound and Albemarle Sound year round.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners request the N.C. Division of Marine Fisheries to please reconsider allowing more time for the commercial fishermen in the coastal counties to prepare for the new regulations. This season is already underway and they have already purchased their nets.

FURTHER BE IT RESOLVED, that copies of this resolution be transmitted to Senator Basnight and Representative Owens.

**RESOLUTION IN SUPPORT OF NORTH CAROLINA'S CURRENT  
PUBLIC ALCOHOLIC BEVERAGE CONTROL SYSTEM**

WHEREAS, Chapter 18B of the North Carolina General Statutes addresses the regulation of alcoholic beverages in our state; and

WHEREAS, current North Carolina law establishes a uniform system of control over the sale, purchase, transportation, manufacture, consumption and possession of alcoholic beverages in North Carolina; and

WHEREAS, local government control is central to the current alcoholic beverage control system; it is a local decision to establish and operate ABC stores, and local

government, acting through an appointed local ABC Board, balances the control, profits and availability of spirits in its jurisdiction; and

WHEREAS, when local voters approved liquor sales for off-premises consumption, the voters did not vote to allow liquor to be sold in private retail establishments, but only through publicly controlled local ABC stores; and

WHEREAS, current law provides that profits from ABC store sales are returned to local government, and this revenue stream is a critical source of local government funding; and

WHEREAS, it is a priority to maintain current sources of revenue, especially in the current challenging economic times; and

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners does hereby support the continuance of the Alcoholic Beverage Control System, and opposes any efforts to privatize the ABC system, diminish local control or to diminish the local government revenue stream afforded from local ABC store profits.

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

Commissioner Taylor reminded the public of the Moyock VFD pancake breakfast.

Chairman O'Neal requested if staff could move forward with a small area plan for Aydlett. Mr. Jimmy Ferebee was appointed to the Toll Authority.

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

Mr. Scanlon stated that the EIS study has been completed on the Mid-Currituck Bridge and a copy is on file in his office.

#### **Adjourn**

There being no further business, the meeting adjourned.

#### **Special Meeting**

#### **Tourism Development Authority**

#### **Call to Order**

Chairman O'Neal called the meeting to order.

#### **TDA Budget Amendments**

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545005	Carova Beach Service Dist	\$ 300,000	
15390-499900	Fund Balance Appropriated		\$ 300,000
		\$ 300,000	\$ 300,000

**Explanation:** *Tourism Related Expenditures (15447)* - To appropriate funds for road maintenance in the Carova Beach Service District.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$300,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587050	T T - Govt Construction Fund Balance	\$ 368,170	
15390-499900	Appropriated		\$ 368,170
		\$ 368,170	\$ 368,170

**Explanation:** *Tourism Related Expenditures (15447)* - To appropriate funds design of Maple Commerce Park for Economic Development.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$368,170.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-590000	Capital Outlay	\$ 15,240	
15447-526201	Playground Incentive		\$ 15,240
		\$ 15,240	\$ 15,240

**Explanation:** *Tourism Related Expenditures (15447)* - To transfer funds to capital outlay for community signs for Moyock, Jarvisburg, Coinjock, Powells Point, Grandy and

Knotts Island.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-526201	Economic Dev Promotion Appropriated Fund	\$ 50,000	
15390-499900	Balance		\$ 50,000
		<u>\$ 50,000</u>	<u>\$ 50,000</u>

**Explanation:** *Tourism Promotion (15442)* - To transfer funds to Economic Development Promotion for promotion of local business, business travel, and general County promotion and marketing to a business audience.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$50,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-526000	Advertising	\$ 1,000	
15442-590000	Capital Outlay	\$ 155	
15442-526200	Promotional Efforts		\$ 1,155
		<u>\$ 1,155</u>	<u>\$ 1,155</u>

**Explanation:** *Tourism Promotion (15442)* - To transfer funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$1,155.

**Adjourn**

There being no further business, the meeting adjourned.