

CURRITUCK COUNTY
NORTH CAROLINA
April 19, 2010

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

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

Invocation Pledge of Allegiance

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

Approval of Agenda

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

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Presentation by Albemarle Hopeline**
- Item 4 **Public Hearing and Action:** PB 10-10 Currituck Chamber of Commerce: Request to amend the Unified Development Ordinance, Chapter 4: Overlay Districts to allow the display of sandwich board and real estate signs in Corolla year round.
- Item 5 **Consideration and Action:** PB 05-13 Kitty Hawk Watersports, Inc.: Renewal of Special Use Permit to operate a privately owned water related recreational rental activity business located at Buck Island, TimBuck II Commercial Area, Tax Map 116D, Parcel 9, Fruitville Outer Banks Township.
- Item 6 **Appointment to Whalehead Stormwater Drainage Service District**
- Item 7 **Consent Agenda:**
 - 1. Resolution designating number of members to be appointed to the Whalehead Board of Trustees
 - 2. Resolution to authorize County Manager to declare county property surplus
 - 3. Approval of April 5, 2010, Minutes
 - 4. Budget Amendments
- Item 8 Commissioner's Report
- Item 9 County Manager's Report
- Item 10 **Closed Session:**

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

Adjourn

Public Comment

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

Chairman O'Neal opened the public comment period.

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

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

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

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

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

Presentation by Albemarle Hopeline

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

The Board thanked Ms. Youngblood for her presentation.

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

Ben Woody, Planning Director, reviewed the request.

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

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

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

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

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

PLANNING BOARD DISCUSSION (3-9-10)

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

Mr. Woody stated one sign per business.

Ms. Kinser stated the Chamber is looking for a long-term solution but in order to assist the businesses during these economic times the Chamber is requesting that sandwich board and real estate signs be year round in Corolla. Ms. Kinser stated that businesses don't have enough exposure and they are tucked away in the back of the shopping centers.

Visitors have one week to find businesses and without signage the businesses are losing business. The Chamber is looking at this as a temporary solution to help the businesses make money this season and then look for a long-term option as part of the UDO rewrite to assist businesses with visibility issues.

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

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

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

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

Mr. Clark asked Ms. Kinser to define temporary.

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

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

Ms. McDonnell stated that the timeframe sandwich boards are allowed has been in the ordinance since 1990. When they had the rewrite the business community had no objections so it was put back in. Ms. McDonnell provided a list of 31 people who worked on the rewrite of the ordinance which took over four years. Ms. McDonnell stated the sign ordinance is not the bad guy; it is the economy and competition. Ms. McDonnell suggested using Channel 16 on public television to advertise. Ms. McDonnell provided pictures of various sandwich board signs on NC12. The signs will create a safety problem during high winds and create more work for the Code Enforcement Officer. Ms. McDonnell is asking that this request be denied.

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

businesses. Ms. MacKenzie stated to educate the tourist there is a phone book available in each rental property, the tourist can use the internet, and each rental company provides a package that list the businesses in Corolla. Ms. MacKenzie is asking that the request be denied.

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

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

Mr. Smith stated he is a business owner in Corolla and they are not asking that the sign ordinance be rewritten, but to allow sandwich signs year round. Mr. Smith stated the signs weigh approximately 40 pounds and most businesses take them up during a storm. Mr. Smith stated as a business owner they want to reach the market when the people are in Corolla during the peak months. Mr. Smith stated the sandwich boards won't fix the economy but if the sandwich boards increase his business by 20% that helps them. Mr. Smith is in favor of sandwich signs year round.

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

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

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

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

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

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

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

that would show that sandwich boards prompt new spending or if spending was just moved around.

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

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

ACTION

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

Chairman O'Neal opened the public hearing.

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

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

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

Rachel Schrote, Corolla, opposes the amendment.

Ed McCarthy, Corolla, opposes the amendment.

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

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

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

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

Mike Painter, Currituck Chamber, supports this amendment.

Bob Schultz, Corolla, opposes the amendment.

Mike Florez, business owner, supports the amendment.

Karen Ish, opposes the amendment.

Marie Baecher, Corolla, opposes the amendment.

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

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

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

Consideration and Action: PB 05-13 Kitty Hawk Watersports, Inc.: Renewal of Special Use Permit to operate a privately owned water related recreational rental activity business located at Buck Island, TimBuck II Commercial Area, Tax Map 116D, Parcel 9, Fruitville Outer Banks Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

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

Conditions previously included in the permit are as follows:

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

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

Mike Meredith was present to answer questions.

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

Appointment to Whalehead Stormwater Drainage Service District

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

Consent Agenda:

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

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

RESOLUTION AFFIRMING WHALEHEAD PRESERVATION TRUST BOARD OF TRUSTEE APPOINTMENTS

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

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

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

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

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

Section 3. The Clerk to the Board of Commissioners is directed to forward a letter to those persons named in Section 1 of this resolution notifying them of appointment to the Board of Trustees for The Whalehead Preservation

Trust and The Currituck Wildlife Museum and a letter to that class of persons named in Section 2 of this resolution thanking them for their service.

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

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

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

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

PART I.

Section 1. Authorization of county manager to dispose.

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

(1) The item or group of items has a fair market value of less than \$5,000.00;

(2) The property is no longer necessary for the conduct of public business; and

(3) Sound and property management principles and financial consideration indicate that the interests of the county would best be served by disposing of the property.

Section 2. Methods of disposal.

(a) The county manager may dispose of any such surplus personal property by any means which the county manager judges reasonably calculated to yield the highest attainable sale price in money or consideration including, but not limited to, the methods of sale provided in G.S. ch. 160A, art. 12 and G.S. ch. 15, art. 2 (G.S. 160A-265--160A-280 and 15-11--15-17). Such sale may be public or private, and with or without notice and minimum waiting period as the county manager determines.

(b) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the county if greater value may be

obtained in that manner, and the county manager is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the county manager may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material.

Section 3. Records to be kept.

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

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

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

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

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

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10660-514500	Training & Education	\$ 500	
10660-514000	Travel		\$ 500

\$	500	\$	500
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Explanation: Planning (10660) - Transfer funds for Planning staff training on Adobe Suites software.

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

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

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

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense	Increase Expense	Increase Revenue or Decrease Expense	Decrease Expense
10760-585000	Donations	\$	1,970		
10380-487000	DSS Donations			\$	1,970
		\$	1,970	\$	1,970

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

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

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

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

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

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

Explanation: Knotts Island VFD (12548) - To increase operating contract and reduce debt payment. The USDA loan was not executed and there is no debt payment for this facility.

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

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

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

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

Commissioner's Report

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

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

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

County Manager's Report

No comments

Closed Session:

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

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

Adjourn

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