CURRITUCK COUNTY
NORTH CAROLINA
August 2, 2010

The Board of Commissioners met on Monday, August 2, 2010, 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, Aydlett, Gregory, Nelms, Rorer and Taylor.

Invocation Pledge of Allegiance

Mr. Walter Gallop, Retired Military Chaplain, was present to give the invocation.

Approval of Agenda

Commissioner Aydlett moved to remove from the consent agenda, Resolution on eminent domain and discuss in closed session. 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 Moyock Sewer Project**

Item 4 **Public Hearing and Action:** PB 10-21 Gallop Funeral Services, Inc.: Requests a special use permit to operate a crematorium in an existing building located at 100 LeBleu Avenue, Tax Map 123, Parcel 52A, Powells Point, Poplar Branch Township.

Item 5 **Public Hearing and Action:** PB 10-22 Currituck County: Requests a text amendment to correct and clarify language in the following chapters of the Unified Development Ordinance: Chapter 2 Zoning Districts, Chapter 4 Overlay Districts, Chapter 6 Environmental Protection, Chapter 8 Parking & Driveways, Chapter 11 Permit & Site Plan Requirements, Chapter 12 Map & Text Amendments, Chapter 13 Board of Adjustment, and Chapter 16 Nonconforming.

Item 6 **Public Hearing and Action** on the proposed Rural Operating Assistance Program

Item 7 **Appointment to Fire and EMS Advisory Board**

Item 8 **Consent Agenda:**
1. Authorization to acquire easement through eminent domain **(moved to Closed Session)**
2. Approval of Senior Center Policies and Procedures
3. Approval of July 6 and July 19, 2010, Minutes

Item 9 Commissioner's Report

Item 10 County Manager's Report

Closed Session

Item 11 Adjourn

Public Comment

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

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

There being no comments, he closed the public hearing.

Presentation on Moyock Sewer Project

Dan Scanlon, County Manager, made a presentation on the Moyock Sewer Project. Mr. Scanlon stated that the system will be designed and developed to accommodate commercial flows only. He reviewed options under current consideration and challenges with Eagle Creek Wastewater Treatment Plan and the plans for a County built system.

After much discussion Commissioner Etheridge moved to review both options and make a decision at the next meeting. Commissioner Aydlett seconded the motion. Motion carried.

Public Hearing and Action: PB 10-21 Gallop Funeral Services, Inc.: Requests a special use permit to operate a crematorium in an existing building located at 100 LeBleu Avenue, Tax Map 123, Parcel 52A, Powells Point, 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: August 2, 2010
PB 10-21 Gallop Funeral Services, Inc.

ITEM: PB 10-21 Gallop Funeral Services, Inc. request for a special use permit to operate a crematorium in an existing building.

LOCATION: 100 LeBleu Avenue, Powells Point, Poplar Branch Township.

TAX ID: 0123000052A0000

ZONING DISTRICT: Heavy Manufacturing (HM)

PRESENT USE: Office/warehouse

OWNER: Le Bleu Corporation
PO Box 2093
Advance, NC 27006
252-207-7710

APPLICANT: Courtney N. Gallop
Gallop Funeral Services, Inc.
6917 South Croatan Highway
Nags Head, NC 27959
252-499-8695

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	**Zoning**
NORTH:	Residential	A/HM
SOUTH	Residential/Woodland	A
EAST:	Farmland/Residential	A
WEST:	Warehouse	HM

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Services classification within the Point Harbor subarea.

SIZE OF SITE: .92 acre parcel (40,000 square feet)

EXISTING USE: Warehouse with accessory office

PROPOSED USE: Crematorium and office/warehouse

UTILITIES: The building is served by county water and existing on-site septic. Access to the property is provided by a private road.

I. NARRATIVE OF REQUEST:

- The applicant is requesting a special use permit to operate a human crematory in an existing building located at 100 LeBleu Avenue.
- The applicant is requesting a reduction in the required parking standard. Crematoriums require 1 parking space per 200 square feet of floor area. The building was constructed as a warehouse with a parking standard of 1 space per 400 square feet of floor area. The applicant is requesting the parking standard of 1 space per 400 square feet of floor area be applied to this use. The applicant also submitted an engineer's report on crematory parking based on a survey of similar parking models and the subject site. The report suggests a parking reduction for stand along crematoriums as follows:
    - 1 parking space per employee at largest shift;
    - 1 parking space for each vehicle or equipment parked outside; and,
    - 2 parking spaces for management
- The crematorium will operate based on service demand.

II. QUESTION(S) BEFORE THE BOARD:

<u>Special Use Permit Criteria and Staff Findings:</u>

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. Crematoriums are an allowable use within the Heavy Manufacturing (HM) 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 development with recommended conditions meets or exceeds the minimum requirements of this ordinance.

4. The special use will not endanger the public health or safety:
   Suggested Findings:
   a. The proposed development with recommended conditions should have no significant impact on public health or safety.
   b. The proposed human crematory produces less emissions impact than a fast food restaurant, a residential fire place, or a diesel truck.
   c. The proposed human crematory operates without smoke, odor, or noise and includes built-in environmental monitors.

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 human crematory operates without smoke, odor, or noise and would be virtually undetectable from the property lines.
b. Traffic access to the site would be low volume and would consist mainly of professional funeral vehicles, service vehicles, and employee vehicles.
c. The property is zoned heavy manufacturing with an existing structure that operates as a warehouse/office.
d. The activities associated with a crematory, including loading and unloading, would be conducted within the fully enclosed building.
e. The adjacent residential use is buffered by existing vegetation.

6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.
Suggested Findings:
The 2006 Land Use Plan classifies this site as Limited Services within the Point Harbor subarea. The purpose of the Limited Services Area class is to ensure that the existing community character is preserved. Design criteria should be established to ensure to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. Businesses designed to serve the tourist industry should not be prohibited provided the character and intensity of the use is in keeping with the character of the surrounding area.

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 CD6: Appropriate OFFICE AND INSTITUTIONAL DEVELOPMENT, such as professional offices, small churches, individual medical offices, and the like, shall be encouraged to locate as a transitional land use between residential areas and commercial or industrial activities of higher intensity. “Activities of higher intensity” are typically large-scale commercial uses or automobile-oriented commercial development but may also include major thoroughfares.

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 proposed crematorium will not increase the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

Planning, Donna Voliva

Approved with comments

1. The applicant requests a modification of the minimum parking standard for crematoriums. The request must be granted by the Board of Commissioners and should include a parking reduction study prepared by a design professional.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

1. Ok to construct a crematory in the existing building as described as long as no embalming takes place and have a formal letter of approval as to air quality from the NCDENR Division of Air Quality.

IV. PLANNING STAFF RECOMMENDATION:

The proposed development with suggested conditions meets the requirements for special use permit approval. Therefore, the **staff recommends conditional approval** of this special use permit subject to the following conditions that address requirements of the ordinance and policies of adopted plans:

1. The issuance of the special use permit does not constitute site plan approval. The site plan and landscape plan must be approved.
2. The issuance of the special use permit for a human crematorium does not authorize the applicant to operate a funeral home or chapel from this location.
3. All loading and unloading associated with the crematorium shall occur within a fully enclosed building.
4. The usage of the facility shall not exceed the maximum number of cremations exempt under NCDENR, Air Quality permitting rules, as amended. Should the facility increase the number of cremations to a number that requires NCDENR, Air Quality permitting, an amendment to the special use permit shall be required.
5. The crematorium shall operate based on service demand.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval with the findings of fact and staff recommendations in the case analysis and the parking standard of 1 space per 400 square feet of floor area is applied to this use.

PLANNING BOARD DISCUSSION (7/13/10)
Ms. Gallop stated this is an important issue which will give local families more choices in funeral planning. Ms. Gallop brought with her tonight Mr. Ed Brooks, owner of the property, Joe Emory, physical operator of the equipment; and Mr. Ben Andrews, general contractor to answer any questions you may have. Ms. Gallop provided an overview of her business. The crematorium would provide benefits to Currituck County, i.e. it would be an environmentally friendly, high tech business; the re-use of a vacant building; will be contributing to the county tax base; and will hire locally. Ms. Gallop stated cremation is significantly more affordable and it widens the range of funeral options. Ms. Gallop stated the crematory will be a benefit to Currituck as well as Northeastern North Carolina. Ms. Gallop stated they are proposing 200 cremations annually and if they exceeded 533 cases per year then they would need a NCDENR permit.

Mr. West asked if the people that are hired would need some type of certification or training.
Ms. Gallop stated the new hires would be going to a full day of training as well as training with the company installing the crematory.

Mr. Midgette asked Ms. Gallop if she was okay with staff recommendations.

Ms. Gallop stated yes but she is requesting the parking standard of 1 space per 400 square feet of floor area be applied to this use. Ms. Gallop stated that her engineer stated that parking should not be based on square footage rather employee to vehicle.

Mr. Clark asked if time and weather influence when cremations are done.

Ms. Gallop stated her objective is to have the remains back to the family in the most expeditious way possible. Time and weather have absolutely no baring in the process.

Mr. Emory stated you will not see any smoke that comes out of the machine but in very rare circumstances you may see steam which looks like a very light gray storm cloud. This is very rare.

ACTION
Mr. West moved to approve PB 10-21 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- Parking standard of 1 space per 400 square feet of floor area be applied to this use.

Mr. Clark seconded the motion. Motion carried unanimously.

Chairman O'Neal opened the public hearing.

Courtney Gallop, applicant, agreed with Staff recommendations and introduced staff present to answer any questions.

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

Commissioner Gregory moved to approve with the findings of fact and staff recommendations included in the case analysis. Commissioner Aydlett seconded the motion. Motion carried.

Public Hearing and Action: PB 10-22 Currituck County: Requests a text amendment to correct and clarify language in the following chapters of the Unified Development Ordinance: Chapter 2 Zoning Districts, Chapter 4 Overlay Districts, Chapter 6 Environmental Protection, Chapter 8 Parking & Driveways, Chapter 11 Permit & Site Plan Requirements, Chapter 12 Map & Text Amendments, Chapter 13 Board of Adjustment, and Chapter 16 Nonconforming.

Ben Woody, Planning Director, reviewed the text amendments.

The enclosed text amendment submitted by the Currituck County Planning Department is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO). Staff seeks to correct and clarify the identified discrepancies in the UDO as it relates to:

1. Conditional zoning modifications of approval (clarify the procedure for modifications to conditional zoning approvals).
2. Parapets, uncovered decks, and observation platforms (clarify the height measurement)
3. Outer Banks overlay sign applicability; (correct zoning reference)
4. V-zone certification form; (correct conflicting form name)

5. Outer Banks shopping center parking applicability; (correct zoning reference)
6. Minor and Major amendments to permits and plans; (clarify and revise the major and other amendments to permits and plans procedure)
7. Rezoning application submittal; (require all rezoning applications to be signed by the property owner);
8. Board of Adjustment notification process for variance, appeals, and interpretations; (correct the notification process) and,
9. Nonconforming, off-premise signs (clarify maintenance and illumination requirements).

The Planning Board recommended unanimous approval at their July 13, 2010 meeting.
If you have any questions please feel free to contact Donna Voliva at 252-232-6032 or dvoliva@co.currituck.nc.us.

PLANNING BOARD DISCUSSION (7/13/10)
Mr. West recommended that these be handled on an individual basis.

Item 1 – Conditional Zoning Modifications
The Planning Board recommended:
- The applicant discloses on the application what they will be doing.
- Staff to put in 1 time only for subsections B(1) and B(2).

Item 2 – Landscaping/Screening for Automotive/Boat/Heavy Equipment/Manufactured and Modular Homes Sales and Service
The Planning Board recommended bring back at a later date.

Item 3 – Outer Banks Overlay Sign Applicability
Okay

Item 4 – V-Zone Certification Form
Okay

Item 5 – Outer Banks Shopping Center Parking Applicability
Okay

Item 6 – Minor and Major Amendments to Permits and Plans
Okay
Item 7 – Rezoning Application Submittal
The Planning Board recommended current property owner(s).

Item 8 – Board of Adjustment Notification Process
Okay

Item 9 – Nonconforming Off-Premise Signs
Okay

Item 10 – Height Requirements
The Planning Board recommended 35 feet to the top of the rail and to put a clause in to exclude alternative energy devices.

ACTION
Mr. West moved to approved PB 10-22 with the modifications as presented. Mr. Bell seconded the motion. Motion carried unanimously.

Currituck County
PB 10-22
UDO AMENDMENT REQUEST

Amendments to the Unified Development Ordinance Chapter 2, Zoning Districts to provide additional language for alterations to conditional zoning approvals, clarify the height measurement of parapets, uncovered decks, and observation platforms; Chapter 4 Overlay Districts to correct sign applicability; Chapter 6 Environmental Protection to correct the name of the V-zone certification form; Chapter 8 Parking & Driveways to correct Outer Banks Shopping Center applicability; Chapter 11 Permit & Site Plan Requirements to correct major amendments to permits; Chapter 12 Map and Text Amendments to require owner authorization for all rezonings; Chapter 13 Board of Adjustment to correct the notification procedure for Variance applications; and, Chapter 16 Nonconforming to provide referenced illumination provisions for nonconforming signs.

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 is amended by deleting the strikethrough language, adding the following underlined language, and adjusting subsequent lettering:

2.3.8 Alterations to Approval

A. Except as provided below, changes to an approved application or to the conditions attached to the

approved application shall be treated the same as amendments ~~to these regulations or~~ to the zoning map and shall be processed in accordance with the procedure in this ordinance.

B. The Administrator or designee shall have the delegated authority to approve an administrative amendment change to an approved CD site plan no more than one time. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and that the change does not have a significant impact upon abutting properties. Any decision must be in writing stating the grounds for approval or denial.

1. An insignificant change for nonresidential development is any change that increases the intensity of the development by no more than 5% of the approved requirement or 500 square feet, whichever is less.

2. An insignificant change for residential development is any change that decreases density, increases open space, slight lot line realignments, and slight relocation of streets or drive aisles.

3. The Administrator shall have the discretion to decline to exercise the delegated authority and require a public hearing before the Board of Commissioners.

4. Any request for an administrative amendment shall be pursuant to a written letter, signed by the property owner(s), to the Administrator detailing the requested change. Upon request, the applicant must provide any additional information that is requested. Accompanying the letter shall be the applicable fee for administrative review. Upon an approval of an administrative amendment, the applicant must file a sufficient number of copies of a revised site plan as deemed necessary by the administrator.

5. If the Administrator denies the requested amendment, then the applicant can appeal that decision to the Planning Board for its review and decision, pursuant to the standard above. If appealed, this requires notification to adjacent property owners within 15 days of the filed appeal. If the Planning Board denies approval of the requested change, then the

applicant must file a rezoning petition for an amendment to the site plan to receive further consideration.

~~2.6.4~~ 2.6.5 Height Requirements

B. The height of parapets, uncovered decks, and observation platforms shall be measured from grade plane to the highest uncovered surface, including the rail or bench, and shall meet the district height limitations set forth in the dimensional requirements of this chapter.

Item 2: That Chapter 4 Overlay Districts is amended by deleting the following strikethrough language:

4.7.4.1 Applicability
These regulations shall apply only to the Outer Banks Overlay District **~~(RO1)~~** within Poplar Branch Township.

Item 3: That Chapter 6 Environmental Protection is amended by deleting the following strikethrough language and adding the following underlined language:

6.4.6 Coastal High Hazard Areas (Zones VE and V1-30)

E. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in this Chapter on the current version of the **~~North Carolina "National Flood Insurance Program V-Zone Certification~~**" **Currituck County V-Zone Certification** form.

Item 4: That Chapter 8 Parking & Driveways is amended by deleting the following strikethrough language and adding the following underlined language:

Retail	
Shopping Centers	1 space per 200 square feet of gross floor area for 80% of building **~~RO1~~ Outer Banks Overlay** District: 1 space per 200 square feet gross floor area except for restaurants, theaters, and outdoor recreation uses where applicable standards apply.

Item 5: That Chapter 11 Permit & Site Plan Requirements is amended by adding the following underlined language and deleting the following strikethrough language:

Section 11.9 Admendments to Permits

A developer requesting approval of changes shall submit a written request for such approval to the administrator, which request shall identify the changes. The administrator shall determine if the amendment is minor~~,~~ **or** major, ~~or is another type of amendment.~~

11.9.2 Major Amendments

A. Major amendments to the permit (including approved plans) are permissible with the approval of the permit issuing authority **and shall be processed as new applications**. ~~Such permission may be obtained without a formal application, public hearing, or payment of any additional fee~~. **If such requests are required to be acted upon by the Board of Commissioners, the Planning Board, or Board of Adjustment, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing the request for an amendment and may then proceed in accordance with the previously approved permit.**

B. For purposes of this section, major amendments are those that have substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, such as an increase in density, decrease of open space, **changing a zoning designation,** major shifting of lot lines, and major shifting of streets. This is not intended to be an all inclusive list.

~~**11.9.3 Other Amendments**~~

~~A. All other requests or changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Board of Commissioners, the Planning Board or Board of Adjustment, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.~~

~~B. Whenever a preliminary plat is proposed to be amended or revised either by, but not limited to, changing a zoning designation or for the reallocation of density, the~~

~~Board of Commissioners shall hold a public hearing prior to amending or revising the plan. Written notification of the public hearing shall be mailed to all recorded property owners whose property will be affected by the change as well as the owners of record of all property any portion of which is within 200 feet of the exterior lines of the phases or areas proposed to be changed.~~

Item 6: That Chapter 12 Map and Text Amendments is amended by adding the following underlined language:

12.5.1 Review Process

B. Application Submittal
The applicant shall submit to the administrator a fee and complete application **signed and authorized by the current property owner(s)** stating the current and requested zoning of the property. This shall not apply if the applicant is the county or an agent of the county.

Item 7: That Chapter 13 Board of Adjustment is amended by adding the following underlined language and deleting the following strikethrough language:

13.7.1 Review Process

3. Notice of public hearing shall be given as follows:

a. The ~~**applicant**~~ **planning staff** shall ~~**notify by certified mail all**~~ **provide notice to all** property owners within 200 feet of the extreme limits of the ~~**subdivision**~~ **subject site** as their names appear in the county tax record at least ~~**ten**~~ **10** days**, but not more than 25 days,** prior to the hearing. ~~**The applicable names and addresses shall be supplied by the department upon request by the applicant. The applicant shall provide the department with a copy of the notice sent to property owners and post office receipts at least five days prior to the public hearing date.**~~ The notice shall include the date, time, place **of the board meeting**, and nature of the hearing.

Item 8: That Chapter 16 Nonconforming is amended by relocating the following text to a new section by adding the following underlined language and renumbering the remaining text:

16.9.2 Nonconforming, Off-Premise Signs

16.9.2.1 Replacement and Relocation

A. A nonconforming off-premise sign may be replaced on the same location so long as:

1. The new sign does not exceed the specifications of the nonconforming sign being replaced in terms of height, display surface area, number of sides, setback and illumination.

2. Application for a permit to erect the new sign is made within 180 days after the existing nonconforming sign is removed.

3. The new sign is located within the footprint boundaries of the nonconforming off-premise sign being replaced. In the case of nonconforming on-premise signs, the sign can be relocated on the same property subject to applicable setback standards.

B. A nonconforming off-premise sign may be relocated on the same lot so long as once relocated, the off-premise sign:

1. Shall not exceed 300 square feet in surface area.

2. Shall not be less than 300 feet from a pre-existing off-premise sign on the same side of the road.

3. Shall not exceed a height, measured from ground level, of 20 feet, unless the sign is placed lower than the road bed, under which circumstances the sign may have a height equal to 20 feet above the road bed, not to exceed 25 feet from ground level.

4. Shall not be located closer than 15 feet to a street right-of-way or within a sight triangle.

5. Shall not be located within the minimum structure side and rear yard setbacks required by Chapter 2.

C. A nonconforming off-premise sign may be relocated to an adjacent lot so long as once relocated, the off-premise sign:

1. Shall not exceed 300 square feet in surface area.

2. When attached to the wall of a structure shall not exceed 30 percent of the total surface area of the wall on which the sign is located and shall not be located on the same wall as any other off-premise sign.

3. Shall not exceed a height, measured from ground level, of 20 feet, unless the sign is placed lower than the road bed, under which circumstances the sign may have a height equal to 20 feet above the road bed, not to exceed 25 feet from ground level.

4. Shall not extend above any parapet or be placed upon any roof surface, except that for purposes of this subsection, roof surfaces constructed at an angle be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

5. Shall not be located closer than 15 feet to a street right-of-way or within a sight triangle.

6. Shall not be located within the minimum structure side and rear yard setbacks required by Chapter 2.

7. Shall not be located within 1,500 feet on the same side of the road of any part of another off-premises sign (other than temporary signs regulated under Chapter 7 or exempt signs on the same side of the road or highway). For purposes of determining the permissible location of an off-premises sign:

   a. A sign for which a permit authorizing initial construction was issued prior to the permit for the off-premises sign in question shall be regarded as existing from the date the permit for such other sign was issued (unless such permit has expired or been revoked); and,

   b. A nonconforming sign that has been removed for the purpose of being replaced in

accordance with Section 16.9.2 shall be regarded as existing, provided that the sign has not been removed for more than 180 days without application for its replacement having been made as required by this ordinance.

8. Shall not result in a net increase of off-premise signs allowed under this section.

9. Shall be demolished prior to a permit being issued for its replacement. The demolition permit issued for the existing sign shall serve as documentation that the adjacent lot contained an off-premise sign.

16.9.2.2 Maintenance

~~10.~~ **All off-premise signs ~~S~~s**hall meet the following maintenance requirements:

A. All off-premises signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to off-premises freestanding signs, components (supporting structures, back, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment;

B. If an off-premises sign other than a billboard advertises a business, service, commodity, accommodation attraction or other enterprises or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign;

C. If the message portion of an off-premises sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of

the sign. This subsection shall not be constructed to prevent the changing of the message of a sign; and,

D. The area within ten feet in all directions of any part of an off-premises freestanding sign shall be kept clear of all debris and all ~~wide~~ **natural** undergrowth more than 12 inches in height.

E. For the purpose of increasing or enhancing the visibility of any off-premise~~s~~ sign, a person shall not damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

1. **Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;**

2. **On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and,**

3. **In any area where such trees or shrubs are required to remain under a permit issued under this ordinance**.

16.9.2.3. Illumination

~~11.~~ **All off-premise signs ~~S~~s**hall meet the following illumination requirements:

A. No off-premises sign within 250 feet of a pre-existing residence not owned by the owner of the sign may be illuminated between the hours of 12:00 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where the sign is located is entirely inconsequential (less than 1.5 foot candles at the lot line). A residence shall be deemed “pre-existing” for the purposes of this subsection if it existed (or construction of the residence had begun) before a permit was issued under the NC State Electrical Code authorizing the installation of the lighting;

B. Lighting directed toward an off-premises sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into

a public right-of-way or residential premises; and,

C. No off-premises sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, weather conditions, or similar information.

~~**12. Shall not necessitate that a person, for the purpose of increasing or enhancing the visibility of any off-premises sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:**~~

~~**i. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;**~~

~~**ii. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and,**~~

~~**iii. In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.**~~

Item 9: 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.

PLANNING DEPARTMENT
FEE SCHEDULE

ADMINISTRATIVE REVIEW	FEES
Minor Subdivision (Conventional)	$25.00/Lot
Private Access or Family Subdivisions	50.00/Lot
Site Plan ***(Commercial)***	.02/S.F. of gross floor area; 50.00 minimum

BOARD OF ADJUSTMENT	FEES
Appeal	$150.00
Conditional Use Permit/Amended Conditional Use Permit	150.00
Conditional Use Permit Renewal	25.00
Variance	150.00
LITERATURE AND MATERIALS	**FEES**
Unified Development Ordinance (UDO)	$15.00
Amendments to UDO (Quarterly)	12.00
Land Use Plan	20.00
Official Zoning Map (Copy)	7.50
Planning Board Agenda (Yearly)	7.50
Planning Board Minutes (Yearly)	35.00
Board of Adjustment Agenda (Yearly)	7.50
Board of Adjustment Minutes (Yearly)	25.00
PLANNING BOARD	**FEES**
Sketch Plan: ➢ *Major Subdivision (Including PUD, RMF) ➢ Amended Sketch Plan, Preliminary Plat, or Final Plat	 $100.00/Lot 250.00
Rezoning	150.00+ $5.00/acre or part thereof
Text Amendment to UDO	150.00
Amend Land Use Plan	150.00
Special Use Permit (SUP) or Amended SUP	150.00
Continuance Request	***125.00***
Personal Copies	0.10 (1-sided) 0.15 (2-sided)
Preliminary, amended preliminary, final, and amended final plats will be assessed at $33.00 per lot fee if the sketch plan was approved prior to March 3, 2003.	

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

Commissioner Aydlett moved to approve due to its consistency with the 2006 Land Use Plan. Commissioner Gregory seconded the motion. Motion carried.

Public Hearing and Action on the proposed Rural Operating Assistance Program

Dan Scanlon, County Manager, reviewed the funding for July 1, 2010 through June 30, 2011, in the amount of $142,052.

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

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

Appointment to Fire and EMS Advisory Board

tabled

Consent Agenda:

1. Authorization to acquire easement through eminent domain (was removed to closed session)
2. Approval of Senior Center Policies and Procedures
3. Approval of July 6 and July 19, 2010, Minutes

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

RESOLUTION AFFIRMING CERTAIN POLICIES FOR PARTICIPATION IN ACTIVITIES AT COUNTY SENIOR CENTERS AS RECOMMENDED BY THE SENIOR CITIZENS ADVISORY BOARD

WHEREAS, pursuant to N.C. Gen. Stat. §153A-169 a county may by ordinance regulate the use of county property; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-149 a county may establish, support and maintain programs of supervised recreation; and

WHEREAS, the Currituck County Senior Citizens Advisory Board has considered and recommended the adoption of certain policy to ensure the appropriate use and access of county senior centers and to ensure health, safety and welfare of senior citizens participating in county sponsored senior citizen recreational activities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina that the following policy amendment for use of county senior centers and senior citizen activities is hereby adopted:

"POLICIES AND PROCEDURES FOR DEALING WITH DISRUPTIVE BEHAVIOR OF SENIOR CENTER PARTICIPANTS

In order to provide senior citizens with pleasant, enriching, and healthful activities, the Senior Center staff shall act as necessary to prevent disruption by individual participants.

Unfortunately, from time to time, individual participants may act in such a way as to disrupt programs or activities of the Center or on an outing. Because of that, there is a need for the center to develop policies and procedures that guide the staff in dealing with those who are disruptive.

1. When a participant's behavior disrupts activities or programs of the Center or on outings, or when a participant is verbally abusive, that behavior will

be reported to the Senior Center Coordinator and/or the Director of Parks and Recreation.

2. A written brief incident report will be completed and maintained in a confidential file.

3. The written account will be presented to the Senior Citizen's Advisory Board, and if that Board is of the opinion that an individual's behavior is so disruptive or could be a safety hazard to self or others that it is depriving other participant's of pleasant experiences, or if that individual is disruptive, abusive or would cause harm to participants or staff, the board will then instruct the Senior Center Coordinator to inform the disruptive participant of his or her behavior, and how it impacts negatively on the other participants and staff. The individual will then be informed that such behavior will not be tolerated in the Center or on outings in the future, and he/she will be clearly warned that any further disruptive behavior on his/her part will result in his/her being excluded from the Center's activities, programs and outings.

4. If the participant demonstrates disruptive behavior, the Board will review the report of the specific incident. If there is a unanimous agreement that the behavior is disruptive or a safety hazard to self and others to the point of depriving other participants, the Board will inform the disruptive participant that he/she cannot attend further activities, programs or outings for a period of sixty days.

5. If the participant returns to the Center following the sixty day exclusion, and the disruptive behavior continues, the Board can, by unanimous agreement, permanently exclude the participant.

6. If the participant feels that the permanent exclusion is unfair, he/she may appeal for a fair hearing before the Board. The Board will hear the participant's appeal and the staff's reason for exclusion. The Board's decision regarding sixty day exclusion and the disruptive behavior is continued, the Board can, by unanimous agreement, permanently exclude the participant.

APPEAL: If the participant disagrees with permanent exclusion, he/she may appeal to the Center's Board for a hearing. The Executive Committee and the Director of the Nutrition Program will hear the participant's appeal and the staff's reasons for exclusion. The Board's decision regarding exclusion shall be final.

Policy for Age Participation in the Currituck County Senior Centers

Currituck County recognizes seniors that are age 55 years and older to participate in activities and programs at the three Senior Centers in Currituck County, Currituck, Powells Point and Knotts Island.

Currituck County appreciates residents that would like to join in on the activities but you must be 55 years of age or older.

Policy for Participation

Currituck Senior Centers are intended for active older adults 55 years and older who can participate in activities and programs of their choice.

Criteria for senior citizens to be considered appropriate for senior center programs, services and activities include but not limited to:

1. Being able to toilet themselves.
2. Being able to feed themselves.
3. Being oriented to their current surroundings.
4. Being able to behave in a non-aggressive or non-disruptive manner.
5. Being able to participate in a program, activity or service that is appropriate for them.
6. Having the desire to participate in a program, or service.

Persons not meeting these criteria are welcome but must be escorted at all times by their personal care giver, for their well-being, while participating in activities on or off site. When the personal care giver attends with his/her client they should be knowledgeable of the program, activity or service so that the instructor will not need to individually instruct the escort.

The Currituck Senior Centers do not provide adult day care."

Commissioner's Report

Commissioner Taylor requested a sign from DOT reminding traffic that schools are open in Currituck County August 25th.

Commissioner Nelms commented on the golf cart ordinance.

Commissioner Gregory commended the County Attorney on his efforts to get North River open for fishing. He directed staff to send a letter to Mr. Daniels on his efforts also.

Commissioner Etheridge commended the Corolla Ocean Rescue and the Currituck County School system.

Commissioner Aydlett requested signs on the beach regarding new ordinance and location of trash cans.

Chairman O'Neal reminded citizens to be cautious during the heavy traffic on the weekends.

County Manager's Report

No comments

Closed Session according to GS 143-318.11(3) to consult with attorney in order to preserve the attorney client privilege.

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

Adjourn

After reconvening from closed session, Commissioner Nelms moved to adopt the following resolution. Commissioner Aydlett seconded the motion. Motion carried.

RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF ROBERT R. DEGABRIELLE AND WIFE, LAURI T. DEGABRIELLE

WHEREAS, the Board of Commissioners for the County of Currituck, North Carolina hereby determines that it is necessary and in the public interest to acquire an easement over certain property owned by Robert R. DeGabrielle and wife, Laurie T. DeGabrielle for the following purpose:
To establish or improve storm water sewer and drainage systems; and

WHEREAS, the proper officials or representative of the County of Currituck sought to acquire the needed interest in that certain property of Robert R. DeGabrielle and wife, Laurie T. DeGabrielle by negotiated conveyance; and

WHEREAS, unable to acquire the needed interest in that certain property of Robert R. DeGabrielle and wife, Laurie T. DeGabrielle by negotiated conveyance it is necessary to acquire the needed interest through proceedings established by Chapter 40A of the General Statutes of North Carolina.

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

Section 1. The County of Currituck shall acquire through the exercise of eminent domain, for the purposes stated above, the necessary easement for the public purpose described above over property owned by Robert R. DeGabrielle and wife, Laurie T. DeGabrielle more particularly shown on and that plat recorded at Plat Cabinet K, Slide 49 of the Currituck County Registry and the county attorney shall institute the necessary proceedings under Chapter 40A of the General Statutes of North Carolina to acquire easement over, upon, on and through said property.

Section 2. This resolution is effective upon its adoption.

There being no further business, the meeting adjourned.