

CURRITUCK COUNTY  
NORTH CAROLINA  
December 6, 2010

The Board of Commissioners met at 5:30 p.m. for a reception for out going and newly elected Commissioners.

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

**Invocation and Pledge of Allegiance**

The Reverend Dan Bergey, New Life Church, was present for the invocation.

**Approval of November 15, 2010 Minutes**

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

**Recognition of out going Commissioners Taylor, Gregory and Nelms**

Chairman O'Neal along with Commissioners Rorer, Aydlett and Etheridge recognized the out going Commissioners Taylor, Gregory and Nelms and commended them for their service to Currituck County.

**The Honorable Ray Matusko, Clerk of Superior Court, to give the oath of office for newly elected Commissioners**

The Honorable Ray Matusko, Clerk of Superior Court, presented the oath of office to newly elected Commissioners Petrey, Gilbert and Martin.

**Election of Chairman**

Dan Scanlon, County Manager, presided over the election of Chairman.

Commissioner Rorer nominated Commissioner Aydlett. Commissioner O'Neal seconded the nomination. Nominations were closed. Commissioner Aydlett was selected Chairman by acclamation.

**Election of Vice-Chairman**

Chairman Aydlett opened the floor for nominations.

Commissioner Petrey nominated Commissioner Rorer. Commissioner Etheridge seconded the nomination. Nominations were closed. Commissioner Rorer was selected Vice-Chairman by acclamation.

**Recognition of out going Chairman O'Neal**

The Board of Commissioners commended Commissioner O'Neal for his efforts as Chairman for the last year.

**Approval of Agenda**

Commissioner O'Neal moved to amend the agenda by deleting Item 13 and adding Item 13A Voting Delegate for NCACC Legislative Goals Conference and add to consent agenda Resolution of appreciation for John Forbes, and Public Official Bond for Sheriff. Commissioner Etheridge seconded the motion. Motion carried.

**Public Comment**

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

Chairman Aydlett opened the public comment period.

Elizabeth Vaughan, requested support for Operation Santa at the Social Services Department.

Hank Harrelson, expressed his problems with Mediacom and not having a local news channel.

Vic Culbertson, Moyock, congratulated the new Board members.

Karen Whitfield, Corolla, expressed her concern with the Corolla Small Village Plan.

Jay Bender, opposes the Small Village Plan.

There being no further comments, Chairman Aydlett closed the public comment period.

**Consideration and Action: PB 00-15 Soundside Recycling: Renewal of a special use permit for a demolition landfill operation and a mulch sales stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.**

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

On May 7, 2007 the Board of Commissioners granted Soundside Recycling a six month extension of condition #2 of their Special Use Permit (SUP) for a Demolition Landfill. This condition requires the entire operation be moved east of the VEPCO main power transmission line easement, approximately 1,000' from Caratoke Highway.

At the December 3, 2007 Board of Commissioners work session, Staff was directed to meet with Mr. Racy Newbern to develop a reasonable schedule for compliance with condition #2 of the SUP. Additionally, the Board requested Staff work with Mr. Newbern to develop alternatives to any SUP conditions that may be affected by State permit requirements. Mr. Newbern is working with the State to get his permits. Staff has not developed or recommended any alternatives since a new permit has yet to be issued by the state. This special use permit is set to expire on December 5, 2010 and the applicant is requesting a renewal.

Conditions previously included on the permit are as follows:

1. The applicant shall maintain the development strictly in accordance with the plan submitted to and approved by the Board of Commissioners, a copy of which is filed in the office of the Planning and Inspections Department.  
Approximate Acreages:  
Recycling Area                    3.4 acres  
Compost Area                    2.0 acres  
Hurricane Storage Area       8.5 acres
2. That the special use permit shall be valid until December 5, 2010 with the condition that operation be moved east of the power transmission lines as approved in the attached site plan by June 4, 2007.
3. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
4. That the mulch sales storage area not exceed 6' in height, 100' in length and 60' in width.
5. That no demolition storage pile areas exceed 15' in height.
6. That the applicant maintain substantially high berms to effectively conceal all debris piles from public view from Caratoke Highway (US 158). The height of these berms shall be a minimum of 12 feet but may be higher depending on the height of debris piles.
7. That the berm height be uniform, complete, and continuous.
8. That the applicant will be permitted one (1) permanent sign and one (1) temporary sign for the business.
9. That no transportation equipment (tractors or trailers with or without debris) be parked or stored outside the designated area as shown on the attached site plan.

10. That the following comments from the county's Fire Marshall be incorporated within this approval:
  - a. No Smoking except in designated areas is allowed. Signage should indicate appropriate areas.
  - b. Fire operations will require an all weather surface and 20' access width to all areas of the compound. Would recommend 2 ingress/egress points.
  - c. Each fuel-fired vehicle shall be equipped with a 2-A:20-B:C or higher fire extinguisher.
  - d. A fire hydrant must be within 400' of all portions of any structure.
  - e. Plant growth must be maintained in order to prevent wind blown debris escaping the site.
11. That the hours of operation be set at 7:30 a.m. to 5 p.m. weekdays and 7:30 a.m. to 12 noon on Saturdays with no operations allowed on Sundays.
12. That all material must be kept on site at all times and that necessary steps are taken to keep material from blowing off the property.
13. Suggested Staff Findings of Fact:
  1.
 

<p><i>OWNER</i>                HD (Racy) Newbern IV                P. O. Box 277                Powells Pt, NC 27966                (252) 491-5744</p>	<p><i>APPLICANT</i>                HD/Marlene Newbern                PO Box 176                Aydlett, NC 27916                (252) 453-3032</p>
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  2. The tract is located on the east side of Caratoke Hwy. approximately 200' south of the intersection with SR 1156 (North River Rd.) in Powells Point, Tax Map 110, parcels 38 & 39, Poplar Branch (ML) Township.
  3. The property is being utilized as a recycling center.
  4. The applicant received the original special use permit on May 1, 2000 and a renewals on April 16, 2001, June 17, 2002, and June 6, 2005 to temporarily store untreated demolition waste (treated & untreated wood products, cardboard, plastic, vinyl, wallboard, metal and shingles) on two (2) acres of land in an "Agriculture" zoning district which is permitted in an A district with a SUP.
  5. The applicant currently recycles demolition waste using a tub grinder. Since the UDO does not specifically list this use in the Table of Permissible Uses, the staff determined this use had impacts similar to a

- demolition landfill which required a special use permit in an "A" zoning district.
6. According to county Zoning Maps, the nearest dwelling to the existing recycling area is approximately 300 feet west.
  7. The mulch stockpile sales area will be located east of the power line right-of-way.
  8. No burning of waste will be permitted on the site unless a special use permit is granted for an incinerator. Further, all necessary state permits must be obtained prior to burning waste.
  9. The site is surrounded by the following land uses:
    - West (Front)Commercial(Antique Store)-zoned "GB"
    - East (Rear)Farmland - zoned "A"
    - North (Side)Farmland(agricultural operations)-zoned "A"
    - South (Side)Farmland - zoned "A"
  10. The 1990 Land Use Plan classifies this land as "Limited Transition".
  11. The proposed site is located along a Minor Arterial in the County's Thoroughfare Plan.
  12. According to the application, the storage area will not increase the county's ability to provide facilities in anyway.

Chairman Aydlett opened the public hearing.

Racy Newbern, applicant, stated that he has applied for his state permit.

There being no further comments, Chairman Aydlett closed the public hearing.

Commissioner Rorer moved to grant a one year extension with the following conditions:

All previously approved conditions shall be included in the permit; All state permits needed to move the operation east of the power transmission lines shall be issued within one year; Quarterly progress reports shall be filed with the Planning Department; and, the applicant shall be in compliance with all county ordinances within 90 days. Commissioner Martin seconded the motion. Motion carried.

### **Presentation on Currituck County Rural Center**

Terry Temple, Rural Center Director, made a presentation to the Board about the 105 acre Rural Center and all the programs that are offered at the center.



**Explanation:** *Animal Control (10512); Sheriff (10510)* - To transfer budgeted funds for increases in contract costs and for the Sheriff public official bond that renews every election cycle.

**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	
10950-585003	Food Bank	\$	2,500		
10446-526200	Promotional Efforts			\$	2,500
		\$	2,500	\$	2,500

**Explanation:** *Agency Appropriations (10950); Public Information (10446)* - To eliminate to County Employee Christmas luncheon and increase appropriations to the County Food Banks.

**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	
10752-519700	HCCBG In Home			\$	3,260
10330-432200	HCCBG	\$	2,346		
10390-499900	Fund Appropriated Balance	\$	914		
		\$	3,260	\$	3,260

**Explanation:** *Public Assistance (10752)* - To adjust budget to reflect actual funding allocation.

**Net Budget Effect:** Operating Fund (10) - Decreased by \$3,260.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10430-514801	Fees Paid to Precinct Officials	\$	4,220		
10430-503000	Salaries-Part Time			\$	4,000
10430-514000	Travel			\$	220

\$	4,220	\$	4,220
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**Explanation:** *Elections (10430) - Transfer budgeted funds for poll workers.*

**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 Expense	Increase Revenue or Decrease Expense	Decrease Expense
60808-533601	System supplies - sewer	\$	6,069		
60808-590001	Capital Outlay-sewer	\$	18,931		
60808-516001	Repairs and Maintenance			\$	25,000
		\$	25,000	\$	25,000

**Explanation:** *Ocean Sands Water and Sewer District (60808) - Transfer funds to replace a blower at the Ocean Sands Sewer Plant.*

**Net Budget Effect:** Ocean Sands Water and Sewer District Fund (60) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense	Increase Expense	Increase Revenue or Decrease Expense	Decrease Expense
10531-514000	Travel	\$	1,000		
10531-532000	Supplies	\$	3,305		
10531-532441	Technology under \$1000	\$	500		
10531-545000	Contracted Services	\$	6,650		
10531-590000	Capital Outlay	\$	14,500		
10330-445000	Emergency Management			\$	25,955
		\$	25,955	\$	25,955

**Explanation:** *Emergency Management (10531) - To record 2010 Emergency Management Planning Grant. Technology under \$1000 will be used for a printer and the capital outlay will be used for four call taker phones (\$1,000), mobile command trailer upgrades (\$6,000), and a security system for the communications tower behind the communications building (\$7,500).*

**Net Budget Effect:** Operating Fund - Increased by \$25,955.

**R E S O L U T I O N**

**WHEREAS,** the Board of Commissioners of Currituck County, North Carolina, during its regularly scheduled meeting held

on 12/6/10 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be disposed of at a public auction

Veh I.D.	Year	Make	Model	VIN	Color	Mileage	Condition/Remarks	Dept
4409	1999	Ford	Explorer	IFMZU34X7XUB50206	White		very well used	Fire/EMS
6523	2004	Jeep	Cherokee	1J4GW48S24C198167	White		frame damage	Fire/EMS

**WHEREAS**, the volunteer fire and rescue departments within the county shall have the option to obtain the list of surplus property prior to auction in accordance with the adopted **Surplus Property Disposal Policy for Volunteer Fire and Rescue Departments**; and

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

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

### **RESOLUTION OF APPRECIATION**

**WHEREAS**, the Currituck County Board of Commissioners wishes to acknowledge and express its appreciation to John W. Forbes, Jr., for his dedicated service to the citizens of Currituck County as Treasurer of the Crawford Volunteer Fire Department; and

**WHEREAS**, Mr. Forbes will be retiring from this volunteer position on December 17, 2010, having served as a volunteer for 36 years; and

**WHEREAS**, Mr. Forbes has devoted his time, energy and talents to this community and provided experience and sound judgment on its behalf with integrity and dignity;

**NOW THEREFORE, BE IT RESOLVED**, that the Currituck County Board of Commissioners commends Mr. Forbes for exhibiting professionalism at its best and strong commitment to serving the citizens of Currituck County as Treasurer of the Crawford Volunteer Fire Department.

**FURTHER BE IT RESOLVED**, Currituck County has been most fortunate to have had a person in this position with Mr. Forbes' capabilities and amazing dedication to the task. The Board of Commissioners extends to him best wishes in the future.

**Commissioner's Report**

Commissioner Martin questioned if the County could sponsor a paint day at the convenience center.

Commissioner Etheridge welcomed the new Commissioners.

Commissioner O'Neal commented on how great the Christmas Parade was last Saturday. He also requested Staff to send a letter to our Legislators regarding the closing of the post office located at the County Seat; meeting with Chesapeake regarding increase in tolls; and the Small Area Plan for Corolla Village.

Commissioner Petrey commented on the Lower Currituck Food Pantry.

Commissioner Rorer reminded citizens to shop locally.

**County Manager's Report**

Dan Scanlon, County Manager, stated that WRC had contacted the office on the repair for the Brumley Road Boating Access; DOT objects to the Bear signs posted on their right of way; and contacting the Postal Service on closing of the post office.

The December 20 Board of Commissioners' meeting was cancelled. A work session was discussed for either December 13 or 20. It was to be scheduled for Monday, December 13, 2010.

**Closed Session:**

6. According to GS 143-318.11 (3) to consult with an attorney in order to preserve the attorney client privilege
7. and (6) to discuss personnel

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

**Adjourn**

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.