



**BOARD OF COMMISSIONERS
AGENDA**

MARCH 21, 2011

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Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, March 21, 2011

Time: 7:00 PM

Work Sessions

6:00 Whalehead Board of Trustees to present Master Plan

Regular Agenda

- 7:00 p.m. Invocation
Pledge of Allegiance
- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Recognition, Currituck Chapter of Ducks Unlimited**
- Item 4 **Public Hearing and Action:** PB 10-31 Currituck County: Request to amend the Unified Development Ordinance, Chapter 2, Section 2.7 and Chapter 11, Section 11.5 to address land disturbance permitting requirements for existing lots and reduce minimum widths for lots in the RO1 zoning district.
- Item 5 **Public Hearing and Action:** PB 10-26 Currituck County Sign Ordinance: Request to amend the Unified Development Ordinance, Chapter 7 Signs and Chapter 17 Definitions of the UDO to reflect changes proposed by the staff and the Sign Ordinance Evaluation Committee.
- Item 6 **Discussion and Consideration of amendment to Article 4, Section 12-62(4) parking restrictions, Currituck Code of Ordinances, to authorize parking west end of Herring Street.**
- Item 7 **Discussion on Ocean Hill I Property Owners, proposed legislation to withdraw streets from public dedication**
- Item 8 **Appointments to Board of Adjustment**

Item 9

Consent Agenda:

1. Resolution opposing tolls for Knotts Island Ferry
2. Approval of March 7, 2011, Minutes
3. Budget Amendments

Item 10

Commissioner's Report

Item 11

County Manager's Report

Item 12

Closed Session:

1. According to GS 143-318.11 (3) to consult with attorney in order to preserve the attorney-client privilege and (4) to discuss matters relating to the location or expansion of industries or other businesses

Adjourn

**RESOLUTION
RECOGNIZING DUCKS UNLIMITED**

WHEREAS, Ducks Unlimited is the world's leader in wetlands and waterfowl conservation; and

WHEREAS, Ducks Unlimited got its start in 1937 during the Dust Bowl when North America's drought-plagued waterfowl populations had plunged to unprecedented lows; and

WHEREAS, determined not to sit idly by as the continent's waterfowl dwindled beyond recovery, a small group of sportsmen joined together to form an organization that became known as Ducks Unlimited; and

WHEREAS, one of these sportsmen, Joseph Palmer Knapp, a resident and businessman of New York, spent part of every year at his home on Mackay Island in Currituck County; and

WHEREAS, Mr. Knapp founded "More Game Birds in America Foundation," which later became Ducks Unlimited; and

WHEREAS, Ducks Unlimited conserves, restores, and manages wetlands and associated habitats for North America's waterfowl; and

WHEREAS, the vision of Ducks Unlimited is wetlands sufficient to fill the skies with waterfowl today, tomorrow and forever; and

WHEREAS, the local Currituck Chapter of Ducks Unlimited is ranked in the top 100 out of 3,600 chapters in the United States.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners recognizes the Currituck Chapter of Ducks Unlimited for its support of the conservation of North America's waterfowl; and

BE IT FURTHER RESOLVED, on behalf of the residents and visitors to Currituck County, that the Board of Commissioners expresses its appreciation to the Currituck Chapter of Ducks Unlimited for its dedication to the preservation of Currituck County's waterfowl habitats.

ADOPTED this the 21st day of March, 2011.

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

O. Vance Aydlett, Jr.
Chairman



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners
From: Planning Staff
Date: March 8, 2011
Re: PB 10-31 Currituck County Text Amendment

The enclosed county sponsored text amendment is intended to address land disturbance permitting requirements for existing lots and reduce minimum widths for lots in the RO1 zoning district.

At present, land disturbance permits are required for all lots graded higher than the highest adjacent grades on adjoining properties. After several years of permitting and assessing, Currituck Soil and Water determined lots with existing side lot line swales generally do not have a negative drainage impact on adjacent properties.

The Unified Development Ordinance was amended on April 21, 2003 and required all lots within major subdivisions after that date to install side property line swales. The proposed amendment will allow lots that received sketch plan approval after April 21, 2003 and have existing lot line swales to be exempt from Land Disturbance Permits. The lot line swales will capture the runoff from the higher lot before draining to the adjacent property.

This request also addresses provisions in which the county engineer will approve additional coverage (up to 15%) for lots in subdivisions that have a state permitted and functional stormwater management system, or individual lots that install an engineered stormwater management system. The requirements of the stormwater management system are also clarified in the proposed amendment.

Another component of the request includes a reduction in the minimum lot width for lots created in the RO1 zoning district. This request will decrease the current lot width standard of 125 feet to 100 feet. Existing lot widths in the RO1 zoning district, not including lots located within planned unit developments, vary from 100 feet to greater than 200 feet.

It appears the request is consistent with the Land Use Plan and staff supports the text amendment as submitted.

The Planning Board recommended unanimous **approval** at their February 8, 2011 meeting.

PLANNING BOARD DISCUSSION (2-8-11)

Mr. Doxey stated that the Land Disturbance Permit (LDP) was a Unified Development Ordinance (UDO) requirement since 2004. In the original UDO it did not specify what was needed for a stormwater management plan. Mr. Doxey stated this text amendment will spell out the requirements which will make it easier for the engineer/applicant as well as for staff.

Mr. West stated that a 4 inch rainfall is being proposed but should it be a 10 year, 24 hour storm with six inches.

Mr. Doxey stated that a 4 inch rainfall is sufficient since the lots are small on the Outer Banks. Mr. Doxey stated that new subdivisions platted since 2004, currently do not require a LDP because the lots have a pre-determine elevation set, base flood or a 10 year storm in place.

Ms. Wilson stated that since the sand roads in the RO2 district are not addressed in this text amendment will it be addressed in the future.

Mr. Doxey stated it is not typically an issue with the elevation.

Ms. Wilson stated that when people remove vegetation from the lot then adjoining property owners have an issue with stormwater runoff.

Mr. Woody stated that in the proposed text amendment under 6.12.2, (B) the word "pavement" will be changed to "street grade".

Mr. Doxey stated the stormwater section in the current UDO will be completely rewritten with the rewrite of the UDO and this will be addressed.

ACTION

Mr. Clark moved to approve PB 10-31 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Ms. Taylor seconded the motion. Motion carried unanimously.

**Currituck County
PB 10-31
UDO AMENDMENT REQUEST**

An amendment to the Unified Development Ordinance Chapter 2, Section 2.7 Dimensional Requirements, Chapter 6, Section 6.12 Stormwater Management Systems for Individual Lots, and Chapter 11, Section 11.5. Land Disturbance Permits to clarify requirements for the land disturbance permits and include additional requirements for the stormwater management plans associated with land disturbance permits and requests submitted to the county engineer for increased lot coverage. In addition, an amendment to Chapter 2, Section 2.7 Dimensional Requirements to reduce the minimum lot width for lots in the RO1 zoning district.

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 Section 2.7 is amended by adding the following underlined language and deleting the following strikethrough language:

Zone	Individual Lots & Minor Subdivisions		Conventional Subdivisions		Conservation Subdivisions		Other		Max. Lot Coverage Percentage ⁽⁹⁾			Floor Area Ratio ⁽¹⁰⁾	Minimum Setbacks ⁽⁷⁾			Max. Height
	Lot Size ⁽¹⁾	Lot Width ⁽²⁾	Lot Size ⁽³⁾	Lot Width ⁽⁸⁾	Lot Size ⁽⁴⁾	Lot Width	Lot Size	Lot Width	<10,000 sf	10,000-19,000sf	>19,000 sf		Front	Side	Rear	
RO1	20,000	125 100	20,000 ⁽⁶⁾	125 100	20,000	100	40,000	125 100	45	35	30	-	20	15	25	35

(9) The total lot coverage may be increased by up to 15 percent if: (i) ~~50 percent of the maximum allowable lot coverage is in Turfstone or equivalent porosity as determined by the county engineer; or, (ii) the development subdivision is served by a state permitted an approved and functional stormwater management plan system as provided in this ordinance as determined by the county engineer; or, (ii) the individual lot is served by an engineered stormwater system as provided in this ordinance.~~ The approval of additional lot coverage shall not exceed the state permit or a 15% increase, whichever is less. See Chapter 6 for additional submittal requirements.

Item 2: That Chapter 6 is amended by adding Section 6.12 and the following underlined language:

Section 6.12 Stormwater Management System for Individual Lots

6.12.1 General Provisions

A. The provisions of this section shall apply to individual lot development that exceeds the maximum allowed lot coverage as provided in Chapter 2 of this ordinance.

- B. The county engineer may authorize up to 15 percent increase in the maximum allowed lot coverage percentage for lots in subdivisions that have a state permitted and functional stormwater management system, or for an individual lot that installs an engineered stormwater management system. A request to exceed the maximum allowed lot coverage percentage shall be submitted to the county engineer and include the following:
1. A valid North Carolina State Stormwater Permit for the development that specifies allowable lot coverage. Approval of additional lot coverage shall not exceed the state permit or 15 percent increase, whichever is less; or,
 2. A stormwater management system to serve the individual lot, prepared by a North Carolina licensed professional engineer, licensed surveyor, or landscape architect.

6.12.2 Standards for Stormwater Management System on Individual Lots

The stormwater management system to serve the individual lot shall include architectural and engineering drawings, maps, assumptions, calculations and narrative statements as needed to adequately describe the proposed development of the property and the measures proposed to comply with the county ordinance and the below requirements:

- A. Existing elevations sufficient to determine the drainage patterns on-site and on adjoining site (i.e. contours in one foot intervals).
- B. Locations and elevations of the adjoining street pavement, shoulder ditches, drainage systems, upstream and downstream driveway culverts.
- C. Approximate depth of seasonal high water table.
- D. Stormwater detention to capture a four inch rainfall event from the built-upon area within the drainage area. The drainage area for the purpose of the detention sizing shall include all built-upon area on the subject lot and any runoff received from built-upon areas within 30 feet of the subject property line.
- E. All runoff from built-upon area must be directed into the stormwater management system.
- F. The proposed methods for stabilizing and maintaining stormwater management improvements.
- G. An operational and maintenance plan, approved by the county and maintained by the property owner. The operation and maintenance shall include but is not limited to sediment removal mowing and revegetation of all areas, immediate repair of eroded areas, debris removal and unclogging of any structures.

H. Engineers Certification (certification must be on the plan):

On the site plan entitled _____, stormwater drainage improvements shall be installed according to these plans and specifications and approved by Currituck County. Currituck County assumes no responsibility for the design, maintenance or the guaranteed performance of the stormwater drainage improvements.

Registered Land Surveyor/Civil Engineer Date

I. Certification of Maintenance (certification must be on the plan):

I hereby certify that I am the owner of the property at _____, Currituck County, North Carolina, and I have received the Operation and Maintenance Plan and I am responsible for the continuing maintenance of all required stormwater improvements in accordance to the approved site plan and Operation and Maintenance Plan.

Property Owner Date

6.12.2 Certification of Completion

Upon completion of the stormwater improvements, the engineer must submit the following certification:

Engineers Certification (certification must be on the plan):

On the site plan entitled _____, stormwater drainage improvements have been installed according to the plans and specifications and approved by Currituck County. Currituck County assumes no responsibility for the design, maintenance or the guaranteed performance of the stormwater drainage improvements.

Registered Land Surveyor/Civil Engineer Date

Item 3: That Section 11.5 is amended by adding the following underlined language, deleting the following strikethrough language:

Section 11.5 Land Disturbance Permits

A. A land disturbance permit, ~~excluding residential lots in a PUD~~, shall be required for filling and/or grading a lot above adjacent grades. This permit shall be issued by

the county engineer or his/her designee. The following shall be exempt from this section:

1. Residential lots in planned unit developments.
2. Lots that received sketch plan approval after April 21, 2003 that have existing lot line swales.

B. The land disturbance permit application shall be filed with the county engineer or his designee prior to any site work being done. ~~Five~~ Two copies of the ~~land disturbance permit plan~~ stormwater management plan shall be filed with the permit application.

C. ~~All land disturbance permit plans~~ A stormwater management plan shall be prepared by a North Carolina licensed Professional Engineer (PE), licensed surveyor, or landscape architect, and contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the property and the measures proposed to comply with the county ordinance. ~~The land disturbance plan~~ stormwater management plan shall include, but not be limited to:

1. Adjacent property grades;
2. Approximate depth of seasonal high water table;
3. Existing elevations sufficient to determine the drainage patterns on site and on adjoining sites (i.e. contours in one foot intervals);
4. Locations and elevations of the adjoining street pavement, shoulders, ditches, drainage systems, upstream and downstream driveway culverts;
5. Proposed elevations of the top of bank and toe of slope and limits for fill necessary to construct the dwelling, including driveway access, shall be delineated;
6. Detention shall be provided to capture a four inch rainfall event from the built-upon area within the drainage area. Drainage area for the purpose of the detention sizing shall include all built-upon area on the subject lot and any runoff received from built-upon areas within 30 feet of the subject property line. All runoff from built-upon area must be directed into the stormwater management system;
7. Proposed methods for stabilizing and maintaining stormwater management improvements;
8. Proposed stormwater management improvements;

PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

MEMORANDUM

To: Board of Commissioners

From: Planning Staff

Date: March 10, 2011

Re: Sign Ordinance Text Amendment

In the spring of 2010, the planning staff was directed by the Board of Commissioners to assemble a committee of citizens and business owners to review and recommend changes to the Mainland and Outer Banks sign ordinances. The committee was comprised of county staff, Planning Board and Economic Development Advisory Board members, citizens, and business representatives. As a group, the committee met three times. A smaller group of Outer Banks representatives met an additional three times. The draft ordinance was presented at the January Board of Commissioners retreat and February 7 work session. The enclosed text amendment reflects the comments received at those meetings.

In this final draft, substantive changes to dimensional requirements or policies are indicated with **bold-underlined** and ~~striketrough~~ text. The proposed ordinance also relies on tables to reduce the overall amount of text. The process of combining the ordinances for the Mainland and Outer Banks makes it difficult to highlight administrative or minor changes; however, the intent of the attached document is to capture significant modifications.

Should you have any additional questions, please contact Tammy Glave at (252) 232-6025.

PLANNING BOARD DISCUSSION (11-9-10)

Section 7.1 Purpose:

No change.

Section 7.2 General Provisions:

Mr. Woody stated when the ordinance refers to the Outer Banks, it is just Corolla. Carova, Knotts Island, Gibbs Woods and the Mainland are grouped together.

Mr. Woody stated ordinance changes apply to new signage but flags or temporary signage could apply retroactively.

The Planning Board discussed illuminated signs being turned off during non-operating hours vs. leaving them on once the business has closed. Ms. Smith stated that in the committee meetings the business owners wanted to be allowed to keep signs on so when travelers come through they are able to see where the business is located.

Mr. Woody stated the Code Enforcement Officer will determine if a sign is in violation of peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, or other damage to a sign or sign structure.

The Planning Board recommended the following changes.

C. Illumination

2. A sign shall not be erected that contains, ***excluding LED signs...***
3. All illuminated signs shall be turned off during non-operating hours to decrease unneeded lighting with the exception of those used for safety or security purposes.
Back to sign committee.

E. Design, Construction, Maintenance

1. All signs shall be adequately secured, ***including portable signs...***
2. Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign or sign structure shall be replaced or repaired ***upon written notification from the Administrator.***

Section 7.3 Exempt Signs

No change.

Section 7.4 Prohibited Signs

No changes to Mainland.

L. Outer Banks Overlay District Additional Requirements

5. **Portable signs (mobile marquees) prohibited.**

Section 7.5 Signs Allowed without a Zoning Permit

Mr. Kovacs asked if each business in a strip mall is allowed 5 flags.

Mr. Woody stated the entire lot is allowed 5 flags.

The Planning Board discussed political sign size in comparison to the size of the road and signs obstructing view in Corolla.

Ms. Taylor talked about signage on parked trucks.

Mr. Woody stated staff will look into why home occupation signage shall only be located along US 158, NC 168, NC 34, or NC 615.

Table 7.5.1

Flags – 5 *per lot* – one flag per pole.

Table 7.5.2

Political – Max. Area (sq. ft.) **6** and Max. Height (ft.) **3**

Staff will look into Shopping Center, Directional maximum number up to a total of 32 sq. ft. (*Make sure it is clear.*)

Section 7.6 On-Premise Signs Allowed with a Zoning Permit

Mr. Woody stated that staff has tried to be more consistent with what other counties have in place and use benchmarks for freestanding sign size and height.

Mr. Kovacs asked if you have wall signage not to exceed 20 percent of wall surface, should you have a maximum.

Mr. Woody stated staff will look at maximum for wall signage.

The Planning Board discussed doing away with portable signs (mobile marquees) in favor of permanent signage.

Mr. Wright thanked staff for a good job and that the ordinance was put together very well.

ACTION

Mr. Kovacs move to approve PB 10-26 as presented and with Planning Board recommendations. Mr. Clark seconded the motion. Motion carried unanimously.

**Currituck County
PB 10-26
UDO AMENDMENT REQUEST**

An amendment to Chapter 4 Overlay District, Chapter 7 Signs, and Chapter 17 Definitions of the UDO to reflect changes proposed by the Sign Ordinance Evaluation Committee.

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 4 is amended by deleting Section 4.7.4.

Item 2: That Chapter 7 is amended by adding the bold underline text and deleting the strike through text as follows:

Section 7.1 Purpose

~~The purpose of this ~~section~~ chapter is to support and complement the various land uses allowed in Currituck County by the adoption of policies and regulations concerning the placement of signs in order to: ~~The erection of signs is controlled and regulated in order to promote the healthy, safety, welfare, convenience, and enjoyment of travel on roadways, as well as protect the public investment in such roadways. The provisions of this section are also intended to promote the reasonable, orderly, and effective display of such signs, displays, and devices.~~~~

- A. Promote the general health, safety, and welfare of the community;
- B. Protect the public investment in roadways, as well as individual property values;
- C. **Minimize visual distractions to motorists** by promoting the reasonable, orderly, and effective display of signs;
- D. **Preserve the environment from excessive and obtrusive signs in support of the Currituck resort and tourism industry; and,**
- E. **Enhance the image, appearance, and economic vitality of the community.**

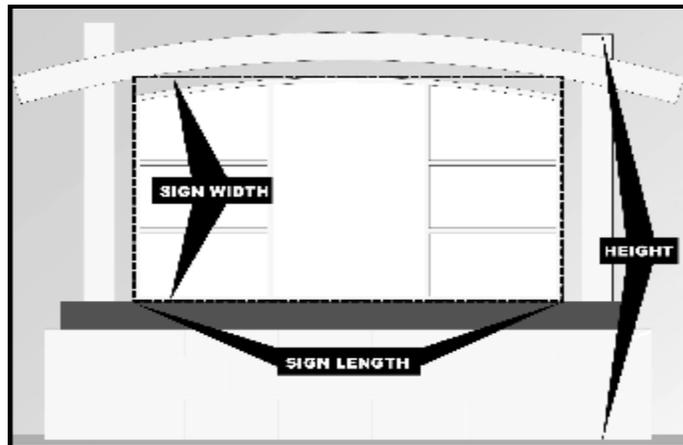
Section 7.2 General Provisions

The following general provisions shall apply to all signs:

- A. No sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with the provisions of this ordinance.

B. Measurements

1. Sign area shall be determined by drawing the smallest **rectangular or square** geometric form to encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Sign area shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the UDO regulations and is clearly incidental to the display itself.



2. A two-sided or multi-sided sign shall be regarded as one sign (**calculate square feet of one face only**) so long as:
 - a. With respect to V-type signs, **the angle between the faces does not exceed 45 degrees** ~~the two sides are at no point separated by a distance that exceeds 15 feet;~~ and,
 - b. With respect to double faced (back to back) signs, **the signs are structurally attached and** the distance between the backs of each face of the sign does not exceed three feet.

C. Illumination

1. ~~Lights shall not shine into the street right-of-way or adjoining properties. If necessary, lights can be shielded by shrubs or decorative features of the sign.~~ **Illuminated signs shall be designed, installed, and maintained in a manner that avoids glare or reflection on adjoining properties and does not interfere with traffic safety.**
2. A sign shall not be erected that contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates.

3. ~~All illuminated signs shall be turned off during non-operating hours to decrease unneeded lighting with the exception of those used for safety or security purposes.~~

3. Outer Banks Overlay **Commercial** Districts Additional Requirements

a. All signs, if illuminated, shall be illuminated externally, **with the exception of neon open signs.**

b. Sign lighting shall not exceed 15 foot candles at any location on the property and shall not exceed 1.5 foot-candles measured at ground level.

D. Clearing of Vegetation

No person may, for the purpose of increasing or enhancing the visibility of any sign, 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 /or,

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

E. Design, Construction, Maintenance

1. All signs shall be adequately secured to meet all applicable building code standards and shall be maintained in good structural condition.

2. Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign **or sign structure** shall be replaced or repaired.

3. A sign that includes a reference to a closed establishment shall remove the reference to the closed establishment within 30 days. The sign shall be altered in such a way as to not detract from the overall appearance of the sign. Exposed lighting, such as occurs with the removal of a transparent panel, is not acceptable under any circumstance.

4. Flags shall be attached to a singular pole or building and shall have no other means of support (i.e. be free-flying). Flags that are shredded, torn, tattered, or frayed must be replaced or removed within 15 calendar days of receiving written notification upon written notification from the administrator.

F. Professional Appearance

All signs shall present a professional appearance by being designed and constructed using material, lettering, and graphic standards commonly used in the sign industry. Hand crafted and lettered signs are not prohibited in their entirety, but are subject to removal if in the opinion of the administrator the sign does not meet the spirit of this ordinance.

G. Indemnification

All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify the County of Currituck, its officers, agents, and employees against any and all claims of negligence resulting from such work.

H. Removal by Administrator

Signs unlawfully placed in any street right-of-way or on any public property, including signs affixed to street and traffic signs or public utility poles, may be removed by the administrator without notice. Each sign so removed will be held for 10 days and retrieval of each sign will incur a fee as prescribed in the adopted fee schedule. Removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing the signs.

Section 7.3 Exempt Signs

The following signs are exempt from the requirements of this chapter:

- A. Signs and legal notices erected by or on behalf of, or pursuant to, the authorization of a governmental body, including but not limited to, legal notices traffic, directional, or regulatory signs.
- B. Informational signs that identify public property, ~~or~~ convey public information, or display other identification not having a commercial message.
- C. Signs designed to directing and guiding vehicular and pedestrian traffic and parking on private property, but bearing no advertising matter.
- D. ~~Traffic, directional or regulatory signs~~ Religious or civic symbols for noncommercial purposes, including lights and decorations temporarily displayed on holidays.
- E. Official signs of a non-commercial nature erected by public utilities.

- F. **Residential flags or** flags, pennants, and insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
- G. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.
- H. **Vendor signs located at convenience stores. Such signs shall not be attached on public utility poles or traffic signs.**
- I. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

Section 7.4 Prohibited Signs

The following signs are expressly prohibited:

- A. Off-premise advertising signs (billboards), **including digital billboards.**
- B. Signs located within the sight distance triangle or public right-of-way.
- C. Signs attached to the structure of a lawfully permitted sign without a permit **except as otherwise provided by this ordinance.**
- D. Signs attached to any traffic sign, utility pole, or tree except as otherwise provided by this ordinance.
- E. A sign that by its location, color, illumination, size, shape, nature, or message would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- F. Signs that emit a sound, odor, or visible matter such as smoke or vapor.
- G. Signs that exhibit statements, suggestive words, or pictures of an obscene or pornographic nature.
- H. Banners, inflatable signs or balloons, flags (except those exempted by this ordinance), pennants, streamers, propellers, whirligigs, umbrellas with logos or commercial messages, and animated display boards.
- I. Signs or portions of signs designed to move by any means or give the appearance of movement in any manner except for **suspended signs intended for pedestrians and** flags as described in this ordinance.
- J. Roof signs.

- K. **Vehicle signs on vehicles or trailers that are not currently licensed and registered by the Department of Motor Vehicles.**
- L. Outer Banks Overlay District Additional Requirements
 - 1. Signs located on any land subject to periodic inundation by tidal saltwater.
 - 2. Signs with reflective lettering **except those exempted by this ordinance.**
 - 3. Any sign abandoned for more than six months and dilapidated signs where the cost to renovate or repair the sign is **50 percent or** more of the sign replacement cost.
 - 4. Internally illuminated signs or signs which contain a visible light source **except as otherwise provided by this ordinance.**
 - 5. Portable signs (mobile marquees).
 - 6. **Electronically controlled message signs.**

Section 7.5 Signs Allowed without a Zoning Permit

The signs listed in Tables 7.5.1 and 7.5.2 are allowed without issuance of a zoning permit provided the requirements of this chapter are met.

- A. Signs allowed by this section shall have a minimum setback of 10 feet from side property lines ~~except as otherwise provided.~~
- B. Signs allowed by this section shall not be illuminated **except as otherwise provided.**
- C. Sign height shall be determined by measuring from natural grade.

**Table 7.5.1 Signs Allowed WITHOUT a Zoning Permit
Excluding Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Community Identification ¹	2 per entrance	60	15
Contractor ²	1 per lot	32	10
Church-Directional	1 per street or intersection	8	8
Flags	<u>One flag per 40' of street frontage, 5/lot -One flag per pole.</u>	<u>One square foot for every two linear foot of road frontage, 3620 each</u>	20
Home Occupation	1	6	6
<u>Mass Gathering³ Special Event</u>	10	<u>32</u>	10
Political ⁴	n/a	32	10
<u>Real Estate, Commercial</u>	<u>1 per lot</u>	<u>32</u>	<u>10</u>
<u>Real Estate, Residential Lot</u>	<u>1 per lot</u>	<u>8</u>	<u>4</u>
<u>Real Estate, Subdivision</u>	<u>500' apart</u>	<u>75</u>	<u>10</u>
Roadside Market ⁵	n/a	32	n/a
Window (<u>including neon signs</u>)	n/a	25% of glass pane	n/a

1. **May be externally illuminated and located within a private right-of-way, but not within the sight distance triangle.**
2. **Shall be removed upon issuance of the Certificate of Occupancy or completion of work.**
3. Shall not be erected earlier than 30 days before the event and must be removed no later than 10 days after the event **and must be in conjunction with a valid Mass Gathering permit. The signs may be on-premise or off-premise.**
4. Shall be erected no more than 60 days prior to ~~and must~~ **be removed within 10 days following each separate election date.**
5. 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.

**Table 7.5.2 Signs Allowed WITHOUT a Zoning Permit
Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Agent On-Duty	1 per lot	6 <u>8</u>	3 <u>4</u>
Community Identification ¹	1 per entrance	48	6
Contractor ²	1 per lot	6	3
Cottage Name	1 per lot/unit	12	n/a
<u>Cottage For Rent</u>	<u>1 per lot/unit</u>	<u>2</u>	<u>n/a</u>
Church Directional	1 per street or intersection	2-8	<u>6</u> <u>8</u>
Flag, Open ³	1	24 <u>15</u>	Eave of roof
Flags, Open House ⁴	3	24	10 for flags at entrance
<u>Flags, Subdivision</u>	<u>1 pole per major entrance with up to 3 flags per pole</u>	<u>24 per flag</u>	<u>35</u>
Heritage Park Community Event ¹²	3	32	6
Home Occupation	1	6	6
Landscape Contractor	1 per lot	2	2
Local Event ⁵	6	6	4
<u>Mass Gathering</u> ⁶ Special Event	<u>3</u>	<u>32</u>	<u>6</u>
Open House	4	6 <u>8</u>	3 <u>4</u>
Open House Directional ¹³	n/a	6	4
Political ⁷	n/a	<u>32</u>	<u>10</u>
For Sale or Lease, Subdivision or Commercial Lot <u>Real Estate, Commercial or Subdivision</u> ¹⁴	1	32	6
For Sale, Individual Residential Lot <u>Real Estate, Residential Lot</u> ⁸	1 per lot	6 <u>8</u>	3 <u>4</u>
Roadside Market ⁹	n/a	32	n/a
Shopping Center, Directional	Up to a total of 32 sq. ft.	32	6
Security	1 per lot	2	2
Tent/Sandwich ¹⁰	1 per business unit	4 <u>8</u>	<u>4</u>
Window (<u>including neon signs</u>)	n/a	25% of glass pane	n/a

- 1. May be externally illuminated and located within a private right-of-way, but not within the sight distance triangle.**
- 2. Shall be removed upon issuance of the Certificate of Occupancy or completion of work.**
- Shall be anchored to wall, porch post, or railing of subject business. Shall be removed at the close of each business day.
- Two at entrance to subdivision and one attached to open house.
- Up to a maximum of 4 off-premise and 2 on-premise. May be erected up to 72 hours before event and shall be removed within 48 hours after event. Signs shall display no commercial messages or logos.

6. Shall not be erected earlier than ~~30~~ **7** days before the event **and must be removed no later than 48 hours after the event and must be in conjunction with a valid Mass Gathering permit.**
7. ~~Shall be erected no more than 60 days prior to and must be~~ **removed within 10 days following each separate election date.**
8. **One additional on-premise sign shall be allowed for an open house and one open house directional sign shall be allowed at the subdivision entrance and each intersection**
9. 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.
10. ~~The sign may be displayed only from October 1st thru May 15th.~~ **The sign may be displayed one day before the store is open for business, and does not have to be removed daily if the store remains open on consecutive days. If the store is closed for three or more consecutive days the sign must be removed until the store is again open. Sign height shall be determined by measuring from natural grade.**
11. ~~May be erected up to 7 days prior to event and shall be removed within 48 hours after event. Signs shall display no commercial messages or logos.~~
12. ~~One at entrance to subdivision and one at each intersection.~~
13. ~~One permitted per new subdivision, new shopping center, or vacant commercial lot excluding vacant commercial units and out parcels. Limited to three years from permit issuance and sign must be installed parallel to NC-12.~~

Section 7.6 On-Premise Signs Allowed with a Zoning Permit

The signs listed in Tables 7.6.1 and 7.6.2 are allowed on lots containing at least one approved non-residential use upon issuance of a zoning permit provided the requirements of this chapter are met.

- A. All signs allowed by this section shall have a minimum setback of 10 feet from side property lines ~~except as otherwise provided.~~ Signs exceeding 10 feet in height shall have a minimum 10 foot setback from a **public or private** right-of-way ~~except as otherwise provided.~~
- B. Sign height shall be determined by measuring from natural grade.
- C. ~~Portable signs displayed longer than 30 days become freestanding signs and must be anchored according to the Building Code and meet all requirements of this ordinance.~~
- D. No more than 50 percent of the area of a sign can be a message board, reader board, or electronically controlled message sign. The message must remain stationary for a minimum of five seconds, except for time and temperature. **Electronically controlled message signs are prohibited in the Outer Banks Overlay District.**

**Table 7.6.1 On-Premise Signs Allowed WITH a Zoning Permit
Excluding Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Freestanding, Individual Lot	1 per street frontage. ^{1,2}	250 128 square feet ³	25 20 ' above road bed but in no case greater than 30' 25 '
Shopping Center, Freestanding	1 per street frontage. ¹	# of Businesses	25' above road bed but in no case greater than 30'
		4-10 = 200 square feet	
		>10 = 160-300 square feet	
Shopping Center, Outparcel	1 per lot	400 64 square feet	10'
Wall	n/a	<p>20 percent of wall surface to which sign is attached, not to exceed 400 square feet.</p> <ul style="list-style-type: none"> 30% of wall area not to exceed: <ul style="list-style-type: none"> 200-sf max. for each building less than 5,000 sf of gross floor area. 400-sf max. for each building between 5,000 square feet and 9,999 square feet of gross floor area. 600-sf max. for each building greater than 10,000 square feet of gross floor area. 	n/a

- One additional sign shall be permitted for frontages that exceed 500 feet. The signs shall be spaced a minimum of 250 feet apart or at approved access points.**
- A total of two temporary signs are permitted per property. The total maximum size of one sign or two signs combined cannot exceed 40 square feet. If the property contains more than one street front, one additional temporary sign is permitted not to exceed 40 square feet.
- For frontages that exceed 160 feet an additional 32 square feet of signage shall be permitted.**

**Table 7.6.2 On-Premise Signs Allowed WITH a Zoning Permit
Outer Banks Overlay District**

Sign Type¹	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Freestanding, Individual Lot	1 per street frontage ²	48	<u>6 8</u>
Shopping Center, Freestanding	1 per street frontage ²	48- <u>128</u> ³	<u>6 12</u>
Shopping Center, Out Parcel	<u>1 per lot</u>	32	<u>6</u>
Wall	<u>n/a</u>	32 ⁴	<u>Eave of Roof</u>

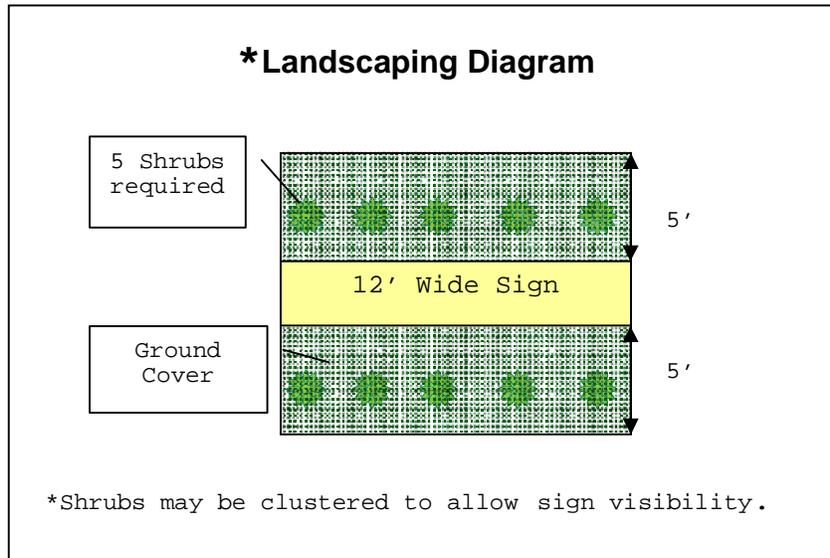
1. Monopole signs are prohibited.
2. One additional sign shall be permitted for frontages that exceed 500 feet. The signs shall be spaced a minimum of 250 feet apart or at approved access points.
3. Freestanding signage for a secondary road frontage shall not exceed 24 square feet in area and 8 feet in height.
4. The maximum square footage is an allowance per wall of a business or business unit. Businesses with 5,000 square feet or greater of gross floor area may have wall signage up to 54 square feet in area per wall.

E. Landscaping Requirements

This section shall apply to all shopping center signage and freestanding signage except as otherwise provided:

1. Install landscape border a minimum of five feet in depth and a minimum width equal to the greatest width of the sign.
2. Landscape border shall contain an average of one shrub per three linear feet of border perimeter with an appropriate combination of ground cover such as vegetation and mulch.
3. No portion of the sign shall project beyond the landscape border.

4. No portion of the sign shall project beyond the landscape border.



Item 3: That Chapter 17 is amended as follows:

Awning/Canopy: A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway or window

Commercial: Any activity involving the sale of goods or services carried out for profit.

Convenience Store: A retail store that is a part of a gas station.

Mass Gathering: A performance or special event which is expected to draw 100 or more participants and spectators.

Public Institution: an organization that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control and that is supported primarily by public funds.

Shopping Center: A development consisting of four or more establishments that share signage, pedestrian circulation, vehicle access, and parking facilities on a tract of land at least four acres in area. A group of commercial establishments planned, developed and/or managed as a unit with off-street parking provided on the property that is located on a tract of land at least four acres in area.

Shopping Center, Out Parcel: A lot located on the perimeter of a shopping center lot that is subordinate to the shopping center lot for access, parking, and drainage.

Sign:

Any device that is sufficiently visible to persons not located on the lot where such device is located ~~to accomplish either of the objectives set forth in subdivision two~~ **part b.** of this definition; and is designed to attract the attention of such persons or to communicate information to them.

Site-triangle Sight Distance Triangle

A triangular-shaped portion of land established at street and driveway intersections in which nothing is erected or placed in such a manner as to limit or obstruct the line of sight of motorists entering or leaving an intersection or business. **A sight distance triangle of 10 feet by 35 feet is required where vehicular areas intersect with street rights-of-way and 10 feet by 70 feet at street intersections. Nothing over 24 inches or less than 7 inches in height shall be located within this area.**

Sign, Awning/Canopy: Any message printed on an awning or canopy.

Sign, Community Identification: A sign located at the entrance of a subdivision or multi-family development.

Sign, Contractor: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, Cottage For Rent: A sign placed on a residentially zoned dwelling that is in a rental program offered by a rental company or private owner.

Sign, Cottage Name: A sign placed on a dwelling displaying the name of the house or cottage.

Sign, Digital Billboard: Billboards that can electronically change their images or text.

Sign, Directional: An off-premise sign that displays the name and direction to an institutional use, religious use, or historic property.

Sign, Externally Illuminated: A sign where the source of illumination is outside the sign and light is reflected off the surface of the sign from an external source.

Sign, Freestanding: A sign that is attached to, erected on, or supported by some structure (such as pole, mast, frame or other structure) that is not itself an integral part of a building or other structure whose principle function is something other than the support of a sign. ~~A sign that stands without supporting elements, such as "sandwich sign", is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.~~

Sign, Governmental: A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

Sign, Inflatable: Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Sign, Informational: Any on-premise sign containing no other message, copy, announcement, or decoration other than instructions or directions to the public. Such signs include but are not limited to the following: handicapped parking, loading area, restrooms, property address, building identification, and other noncommercial courtesy messages.

Sign, Internally Illuminated: A sign, including neon signs, where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

Sign, Local Event: A sign that identifies a local event such as a library book sale, art exhibit, or other noncommercial event expected to attract less than 100 participants and spectators.

Sign, Monument: A sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports. The entire bottom of the sign is affixed to the ground.

Sign, Off Premise Direction Sign

~~A sign authorized by the Board of Commissioners in the Outer Banks Overlay District in Corolla Village, businesses located within 1200' of Caratoke Highway, and businesses located along the Atlantic Intracoastal Waterway (Coinjock Canal) that displays the name of the business only and the direction in which it is located. The off-premises directional sign is similar in size and style to street name signs.~~

Sign, Political: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Sign, Portable (Mobile Marquee): A temporary freestanding, on-premise sign which is not designed to be permanently affixed to a base or ground.

Sign, Railing: Any sign attached to a railing.

Sign, Real Estate: A sign indicating that a property is available for sale, lease, or rent.

Sign, Roadside Market: A temporary sign advertising: 1) a farm or tract upon which are grown fruits or vegetables that may be picked or gathered by the purchaser; 2) an approved roadside market selling fruits or vegetables; or 3) produce, seafood, or related agricultural products offered for sale at an approved roadside market.

Sign, Roof: A sign that is mounted on the roof of a building between the roof eave and roof peak.

Sign, Suspended: A sign suspended or hanging down from a marquee, awning, or porch.

Sign, Vehicle: Any sign attached to or painted on a vehicle, motorized or drawn, parked and visible from a public right-of-way intended to advertise a product or service.

Sign, Vendor: An incidental sign advertising the sale of goods or rendering of services available at a commercial establishment on the same lot as the establishment.

Sign, Wall: A sign fastened to or painted on the wall, canopy, or awning of a building or structure in such a manner that the wall, canopy, or awning becomes the supporting structure for or forms the background surface of the sign. A sign fastened to a wall shall not project more than 12 inches from such building or structure. A canopy or awning sign may project more than 12 inches from such building or structure.

Sign, Window: Any sign attached to the window glass of a commercial building.

Special Events

~~Circuses, fairs, carnivals, festivals, or other types of special events that:~~

- ~~a. run for longer than one day but not longer than two weeks;~~
- ~~b. are intended to or likely to attract substantial crowds; and,~~
- ~~c. are unlike the customary or usual activities generally associated with the property where the special event is to be located.~~

Item 3: 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.

Item 4: The date reference in Table 7.5.2 for Tent/Sandwich signs (*The sign may be displayed only from October 1st thru May 15th.*) shall be restored on the 1st day of October 2011.

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2011.

Board of Commissioners' Chairman

Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS_____

PLANNING BOARD DATE: 11/9/10
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES_____NAYS_____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

PLANNING DEPARTMENT

FEE SCHEDULE

ADMINISTRATIVE REVIEW	FEEES
Minor Subdivision (Conventional)	25.00/Lot
Private Access or Family Subdivisions	50.00/Lot
<u>Sign Removal Fee (Unlawfully placed signs)</u>	<u>25.00/sign</u>
Site Plan (<i>Commercial</i>)	.02/S.F. of gross floor area; 50.00 minimum
<u>Zoning/Flood Determination Letter</u>	<u>25.00</u>
BOARD OF ADJUSTMENT	FEEES
Appeal	\$150.00
Conditional Use Permit/Amended Conditional Use Permit	150.00
Conditional Use Permit Renewal	25.00
Variance	150.00
LITERATURE AND MATERIALS	FEEES
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	FEEES
Sketch Plan:	
Ø *Major Subdivision (Including PUD, RMF)	\$100.00/Lot
Ø Amended Sketch Plan, Preliminary Plat, or Final Plat	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	100.00
Personal Copies	0.10 (1-sided) 0.15 (2-sided)
<i>*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.</i>	

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APPROVED AS TO FORM:

Donald I. McRee, Jr., County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 2-22-11

Name: Theresa L.R. Dozier

Address: PO Box 52, Barco NC 27917

physical (245 S Currituck Rd, Currituck NC 27929)

Phone: 252-232-3895 Email: tisa8790@gmail.com

Board(s) or Committee(s) on which you would like to serve:

Please check

- ABC Board
- Agricultural Advisory Board
- Airport Advisory Board
- Board of Adjustment
- Economic Development Board
- Game Commission
- Jury Commission
- Land Transfer Tax Appeals Board
- Library Board
- Nursing Home Advisory Committee
- Planning Board
- Recreation Advisory Board
- Senior Citizens Advisory Board
- Social Services Board
- Tourism Advisory Board
- Whalehead Preservation Trust
- Workforce Development Board

Qualifications and reasons you would like to serve:

I have over 17 years banking with over half my career in real estate and construction lending. I have a common sense approach to problem solving and decision making.

1987 Graduate of CCHS 1990 Graduate of Randolph Co. College

Please mail the completed form to: County Manager's Office
P.O. Box 39
Currituck, NC 27929

BOARD OF ADJUSTMENT

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Christian Conner	District 1				12/1/2012
Bryan Bass	District 2				12/31/2011
Earl Wemer (1) (Alternate)*	District 3		Butch Petrey		2nd Term 12/31/2010
Paul Beaumont (4)*	District 4		Owen Etheridge		2nd Term 12/31/2010
Cameron Tabor	District 5			2/21/2011	1st Term 12/31/2013
Ralph Jones	At Large				12/31/2011
Donald Ferebee	At-Large			12/31/2009	12/31/2011

* **May Not Be Reappointed**

CURRITUCK COUNTY
NORTH CAROLINA
March 7, 2011

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 Aydlett, Commissioners O'Neal, Gilbert, and Rorer. Commissioners Martin and Etheridge were in Washington, DC, to attend the NACo conference.

Invocation and Pledge of Allegiance

The Reverend Dennis Crehan, Jarvisburg Church of Christ, was present to give the invocation.

Approval of Agenda

Commissioner Gilbert moved to amend the agenda by adding Item 8A, appointment to Airport Board and delete Item 6. Commissioner Petrey 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 **Public Hearing and Action:** PB 11-01 Monterey Greens: Request for a special use permit to establish a 27-hole miniature golf course and an 8-car spin zone on property located within Monterey Shores, PUD, and Buck Island, PUD, at the intersection of Ocean Trail (NC 12) and Malia Drive, Tax Map 116, Parcel 3W and Tax Map 116D, Parcel 3D, Poplar Branch Township.
- Item 4 **Public Hearing and Action:** PB 88-66 Villages at Ocean Hill PUD: Request to amend an SUP to relocate an automobile parking area adjacent to NC 12 (Ocean Trail). The property is located on NC 12 and adjacent to Lakeside Drive and the Villages at Ocean Hill wastewater disposal area, Tax Map 114, Parcel 3P, Poplar Branch - Outer Banks Township.
- Item 5 **Approval of amendment to rules for the Fire and EMS Advisory Board**
- Item 6 **Discussion and Consideration of amendment to Article 4, Section 12-62(4) parking restrictions, Currituck Code of Ordinance, to authorize parking west end of Herring Street. (Deleted)**
- Item 7 **Offer to Purchase Real Property Due to the Acquisition of Right of Way**
- Item 8 **Appointments to Board of Adjustment**
- Item 8A **Appointment to Airport Board**
- Item 9 **Consent Agenda:**
 - 1. Approval of February 21, 2011, Minutes
 - 2. Budget Amendments

Item 10 Commissioner's Report

Item 11 County Manager's Report

Adjourn

Public Comment

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

Chairman Aydlett opened the public comment period.

Cindy Overton, Tulls Bay Colony Homeowners Association, opposes changing the UDO to allow storage on empty lots as Mr. Snider has requested.

Ricardo Fuciarelli, Tulls Bay Colony, opposes storage on vacant lots.

Heide Fuciarelli, Tulls Bay Colony, opposes amendment to UDO to allow storage on vacant lots.

David Thayer, opposes change in UDO requested by Mr. Snider.

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

Public Hearing and Action: PB 11-01 Monterey Greens: Request for a special use permit to establish a 27-hole miniature golf course and an 8-car spin zone on property located within Monterey Shores, PUD, and Buck Island, PUD, at the intersection of Ocean Trail (NC 12) and Malia Drive, Tax Map 116, Parcel 3W and Tax Map 116D, Parcel 3D, Poplar Branch Township.

Ike McRee, County Attorney, reviewed the special use permit process.

Sworn testimony was given prior to making comments.

Chairman Aydlett, opened the evidentiary phase of the hearing.

Ben Woody, Planning Director, reviewed the request and update from the last meeting.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: March 7, 2011**

PB 11-01 Monterey Greens, Special Use Permit

ITEM: PB 11-01 Monterey Greens request for Special Use Permit to establish a 27-hole miniature golf course and an 8-car spin zone on property located within Monterey Shores, PUD and Buck Island, PUD.

LOCATION: Corolla, Ocean Trail (NC12) and Malia Drive, Poplar Branch Township.

TAX ID: 0116-000-003W-0000
116D-000-003D-0000

ZONING

DISTRICT: Designated General Business (GB) in the PUD Overlay

PRESENT USE: Undeveloped land (including a former church site)

OWNER/

APPLICANT: G. Holdings
P. O. Box 120
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Open Space/Commercial/Apartments	R01/GB
SOUTH	Open Space/Commercial	R01/GB
EAST:	Commercial	GB
WEST:	Open Space	R01

LAND USE PLAN

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

SIZE OF SITE: 2.01 acres

UTILITIES: The development will be served by a private water and wastewater treatment facility.

PUD ALLOCATION: Total Land Area: 355.6 acres
Total Open Space: 131.94 acres
GB Allocation: 35.56 acres

I. NARRATIVE OF REQUEST:

- The developer is seeking a special use permit to establish a commercial use within the Monterey Shores, PUD and Buck Island, PUD.
- The developer requests to construct a 27-hole miniature golf course and an 8-car spin zone.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

In order to approve an 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. The proposed use is listed as a permissible use in the Table of Permissible Uses.
- b. Chapter 4 of the UDO requires a special use permit for specific uses located in commercial areas of a PUD.

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

Suggested Findings:

- a. The conditions proposed meet the minimum requirements of this ordinance.

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

Suggested Findings:

- a. The proposed commercial area should have little to no negative 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. Existing commercial uses are located within the vicinity of the proposed development.
 - b. An existing miniature golf and go-kart facility is located within TimBuck II commercial area, immediately to the south.
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 Corolla subarea. The uses are in keeping with the policies of the plan, some of which are:

Policy CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

Policy OB2: So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

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 development.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

The technical review committee recommends conditional approval of the development plan subject to the following:

Planning

- A. Carolina Water Service previously submitted letters of commitment to supply water and wastewater to the Corolla Fun Park proposal. Since that proposal has been withdrawn, the county requests revised letters of

commitment that accurately reflect the current Monterey Greens proposal.

B. The following comments are related to the development plan submitted with the special use permit and must be corrected prior to site plan approval:

1. Parcel Z of Lot 3 in Buck Island does not have final plat approval. Prior to site plan approval the lot must receive final plat approval from the technical review committee.
2. Please submit written documentation and authorization from NCDOT for the driveway access across NCDOT property (*Staff has received an email confirmation from NCDOT*).
3. The lighting plan must comply with section 4.7.5. of the UDO.
4. A NCDOT encroachment agreement for the sidewalk and improvements in the NCDOT right-of-way must be submitted.
5. The sidewalk (adjacent to parking spaces 10-22) must maintain a 10 foot setback.

County Engineer, Eric Weatherly

A. Because of flooding issues near this property in front of Stan White, Burger King and Wings, we have concerns about stormwater runoff. We recommend a soil scientist verify the Seasonal High Water Table since the stormwater design uses infiltration as a means of storage on this site.

IV. STAFF RECOMMENDATION:

The proposed development meets the criteria for granting a Special Use Permit and therefore staff recommends **conditional approval** provided the following items can be addressed:

- A. Carolina Water Service previously submitted letters of commitment to supply water and wastewater to the Corolla Fun Park proposal. Since that proposal has been withdrawn, the county requests revised letters of commitment that accurately reflect the current Monterey Greens proposal.
- B. Because of flooding issues near this property in front of Stan White, Burger King and Wings, we have concerns about stormwater runoff. We recommend a soil scientist verify the Seasonal High Water Table since the

stormwater design uses infiltration as a means of storage on this site.

Staff recommends the following permit conditions:

1. The issuance of the special use permit does not constitute site plan approval. The site plan, lighting plan, and landscape plan must be approved by the technical review committee.
2. The landscape planting shall consist of native, salt tolerant plants.
3. Low Impact Development techniques such as cisterns that capture the rainwater from the roof, bio-retention areas/rain gardens, and constructed wetlands should be considered on this site. Water captured in cisterns should be reused within the development through building design, for maintenance of the building and grounds, in LID techniques such as rain gardens or constructed wetlands, or other uses approved by the county. (LUP Policy WQ5).
4. The county initiated the Corolla Greenway multi-use path along the west side of Ocean Trail. It is anticipated that over time the path will extend the length of Ocean Trail. Staff would request the dedication of a 20 foot pedestrian easement for the future multi-use path. Should the developer install a portion of the path that is located along Ocean Trail, all state permits and encroachment agreements must be obtained prior to site plan approval. The design shall be consistent with the Corolla Greenway multi-use path and construction of the path must be of concrete.
5. The proposed development is located approximately 400 feet from Monterey Pines, a condominium development. The board should give consideration to establishing hours of operation and/or limiting amplified sound. *Staff commentary: It should be noted that the Currituck County Code of Ordinances, Noise Control Ordinance, exempts sound emanating from events for which a special use permit has been issued by the Board of Commissioners (Sec. 9-35).*
6. The development plans should include preservation of the existing features of the site including topography along NC 12 as well as vegetation. (LUP Policy WQ5)
7. The architectural style and materials of all proposed buildings shall preserve the existing coastal community character of the Currituck Outer Banks. The proposed development shall be established to protect and preserve the existing community in scale,

architectural style, materials, landscaping, and site design (emphasis on uniformity and outer banks style architecture, fencing, native, salt tolerant plants. (Full Service LUC)

8. Fencing visible from NC 12, including but not limited to areas located along the NCDOT Controlled Access Right-of-Way, NC DOT property, NC 12, and Malia Drive should be designed in an architectural style and of materials emphasizing the coastal community character of the Currituck Outer Banks. Use of chainlink fencing along these areas shall be prohibited. (Full Service LUC).
9. Because of flooding issues near this property in front of Stan White, Burger King and Wings, we have concerns about stormwater runoff. We recommend a soil scientist verify the Seasonal High Water Table since the stormwater design uses infiltration as a means of storage on this site.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the special use permit with staff recommendations and the following conditions:

- Provide storage for the 10 year, 24 hour storm
- Hours of operations from 9:00 a.m. to 10:00 p.m.

PLANNING BOARD DISCUSSION (2/8/11)

Mr. Kovacs stated should a deceleration lane along NC12 be required for the access since it is in a curve.

Ms. Voliva stated NCDOT will review the access and make sure it is safe.

Mr. Delucia explained what a spin zone is and provided an overview of the project. Mr. Delucia stated a soil scientist will verify the Seasonal High Water Table since the stormwater design uses infiltration as a means of storage on this site. The lighting plan will comply with the UDO requirements.

Ms. Taylor asked what the hours of operation are.

Mr. Delucia stated from 9:00 a.m. to midnight.

Mr. A. Meredith stated he and his brother own the existing putt-putt golf course in the TimBuck II shopping center which is located in the back. They have a lease with Buck Island Inc. which has a non-competition clause to prevent another putt-putt golf course. The request before you is not in harmony with the area; signage will not fit the charm of the area; there are public health and safety issues; and stormwater runoff is a concern. Mr. Meredith is asking the planning board to deny this request.

Mr. Sides stated he represented the Corolla Civic Association and presented a power point presentation. The proposed putt-putt golf course it not in harmony with the community, concerns with lighting, hours of operations, noise, pollution, stormwater runoff which will add to the flooding problem, environmental issues, traffic congestion, pedestrian traffic. Mr. Sides is asking the planning board to table the request until certain things are resolved.

Mr. Reary stated there are stormwater runoff issues, traffic issues and does not want Corolla to become a Myrtle Beach or Virginia Beach. Mr. Reary is asking the board deny this request.

Mr. M. Meredith is concerned this request will decrease property values, increase stormwater runoff, is not in harmony with Corolla. Mr. Meredith is asking the board to deny this request and keep the natural beauty of Corolla.

Mr. Wright asked how high the tallest prop will be on the course.

Mr. Delucia stated seventeen feet which includes fill.

Mr. West stated the original proposal was 38 acres and now we are at 2 acres. What happen to the other 36 acres?

Mr. Delucia stated the property was not purchased. Mr. Delucia also talked about the stormwater runoff.

The Planning Board discussed the hours of operation, the stormwater runoff issues, and using pervious surfaces vs. concrete surfaces.

Ms. Voliva stated the facilities in Buck Island do not have established hours.

PLANNING BOARD ACTION

Ms. Wilson moved to approve PB 11-01 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- Provide storage for the 10 year, 24 hour storm
- Hours of operations from 9:00 a.m. to 10:00 p.m.

Ms. Taylor seconded the motion. Motion carried unanimously.

John Delucia, Engineer, for the applicant, reviewed the request and outlined the conditions proposed by staff.

Crouse Gray, Attorney, for the applicant, addressed the noise concerns.

Testimony phase was opened.

Bobby Hornic, Attorney for Bob DeGabrielle, reviewed the title limitations, drainage issues and requested the Board to defer action until issues have been resolved.

Guy Sides, Corolla Civic Association, made a presentation on items to be addressed, such as drainage, lighting, traffic study, pedestrian walk way, noise and appearance.

Bob Shultz, Corolla, supports a lower profile for parking area.

Crouse Gray, Attorney, reviewed the lighting.

Applicant rebuttal:

John Delucia, Engineer, stated storm water has been approved by the State and SCS.

Commissioner O'Neal stated drainage was a priority and lighting addressed.

Mike Meredith, Kitty Hawk, questioned if this business was in harmony with area.

Andrew Meredith, Kitty Hawk, stated that he signed a no compete clause with landlord regarding a similar business not be placed in the area. He requested the Board to deny request.

Commissioner O'Neal requested the County Attorney to validate comments made by Mr. DeGabrielle's attorney.

Ike McRee, County Attorney, stated that there was no limitation on property, drainage has been reviewed and the legal issues concerning rezoning, does not allocate ownership of commercial designation. The County is not a party to the litigation.

Crouse Gray, Attorney for client, stated that there were no restrictions on the property, will work on drainage, there is no evidence that traffic does not meet the ordinance, and request hours of operation not be limited.

The evidentiary hearing was closed.

Commissioner O'Neal moved to approve staff recommendations and findings of fact, the use shall close no later than 11:00 p.m., maximum height limit, excluding buildings, shall be 15' from natural grade as it currently exists, existing vegetation shall be preserved adjacent to NC 12. Commissioner Rorer seconded the motion. Motion carried.

Public Hearing and Action: PB 88-66 Villages at Ocean Hill PUD: Request to amend an SUP to relocate an automobile parking area adjacent to NC 12 (Ocean Trail). The property is located on NC 12 and adjacent to Lakeside Drive and the Villages at Ocean Hill wastewater disposal area, Tax Map 114, Parcel 3P, Poplar Branch - Outer Banks Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

Ocean Hill Commercial, LLC is requesting to amend a Special Use Permit (SUP) to relocate an automobile parking area adjacent to NC12 (Ocean Trail). Chapter 11 of the Unified Development Ordinance requires major amendments to be approved by the permit issuing authority, which in this case is the Board of Commissioners.

The original SUP was approved by the Board of Commissioners on July 7, 2008. In this approval, the automobile parking area was located to the rear of the property, out of view from NC12. The applicant has not proceeded with the original approval and is now requesting the parking area be shifted eastward.

During previous meetings with the applicant, staff has expressed concern with screening of the automobile parking area if it is located adjacent to NC12. At a minimum, it may be necessary for the Board to require that existing vegetation be preserved, or additional screening material be established.

After a preliminary review of the revised site plan submitted February 21, staff notes the following changes from the previously approved plan:

- The parking lot is proposed approximately 685 feet eastward of the original location leaving 20 feet of setback from NC 12.
- The proposed parking lot shows an increase in parking from 57 spaces to 128 spaces.
- The original plan showed an extensive existing vegetative buffer to shield the parking lot from view. The new plan does not indicate existing vegetation and no buffer has been proposed.

Staff recommends the following conditions be included should the Board approve the amended SUP (conditions from the original SUP are noted with a *).

- * The Technical Review Committee shall approve the plan prior to the use of the property beginning. The revised plan shall be submitted to the TRC for a second review.
- * The plan shall be revised to meet the requirements of UDO Chapter 5, Landscaping, Bufferyards, & Shading; Chapter 6, Environmental Protection, and Chapter 8, Parking.
- The relocation of the parking lot will now have direct visual impacts to NC 12. LUP Policy CA1, CA2, and CA3 support increased landscaping and street trees along major highways. Existing vegetation shall be preserved in the bufferyard, and installation of native, salt tolerant street trees and an opaque buffer along NC 12 shall be provided. A minimum of 2 inch caliper trees and 3 gallon shrubs shall be used where bufferyards are required along NC 12 and adjacent to residential developments.

- * Prior to the use beginning, the applicant shall obtain from the Corps of Engineers a letter and map stating that the proposed lot development is not a part of the violation area as described in a letter dated September 21, 2006. This shall be done before any land disturbing activities are authorized.
- A wetland delineation map shall be submitted to ensure wetland soils will not be disturbed during development.
- * The applicant shall submit documentation and/or revised permit from the NC Division of Water Quality that the proposed new commercial area is no longer needed as a green area for drain fields.
- All vehicles parked in the parking lot shall be licensed and road ready. The site shall be for transient parking of non-commercial automobiles. The lot may not be used as an automobile impound lot.
- There shall be no outdoor storage of equipment or materials.
- * All lot lines shall reflect their current boundaries as approved by previous subdivision maps on a revised site plan.
- * The applicant shall record a boundary line agreement with Currituck County or execute a quitclaim deed to settle the disputed property ownership prior to the use beginning.
- * The parking lot shall directly access NC 12 and NCDOT shall grant a driveway permit prior to the use beginning.
- The site plan shall include shading calculations.
- * Indicate the species of trees to be used for plantings.
- * Indicate how the parking spaces shall be marked.
- * Indicate that the driveway meets the minimum 18' drive aisle requirements.
- The plan shall be revised to show how the outermost north and south spaces will be able to turn out onto improved parking area.
- The site plan shall include lot coverage information.
- No exterior lighting shall be permitted at the proposed parking lot.
- The permit shall expire in two years from the date of issuance. The applicant must renew the special use permit prior to the expiration to continue.

Commissioner O'Neal wanted a summary of the cattle dip.

Chip Friedman, applicant, questioned Planning Director on the cattle dip and the deed. He also stated there was 20 ft. setback and he would work with existing screening. There is no easement for green space.

Commissioner Petrey questioned the extra 5 ft. set back and if commercial vehicles would use the area.

Chairman Aydlett questioned what the dimension of the parking area would be.

Chairman Aydlett opened the evidentiary phase.

Fran Hamilton, stated that they do not understand the plan, landscaping be in harmony with area and no fence.

John Doub, VOH Homeowners Association, stated the proposal was incomplete and opposes this request.

Chip Friedman, applicant, questioned Mr. Doub's comments.

Bill Robinson, questioned the pathway.

Chip Friedman, Applicant, stated that the area is zoned commercial and would work with other recommendations from Planning.

The evidentiary phase was closed.

Commissioner O'Neal stated that there would be more demands for commercial in Corolla.

Commissioner Petrey, moved to approve with staff findings and recommendations, buffering shall be opaque and there shall be a minimum 25' setback from NC 12, with a 2 year permit. Commissioner Rorer seconded the motion. Motion carried with Chairman Aydlett voting no.

Approval of amendment to rules for the Fire and EMS Advisory Board

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

**A Resolution of the County of Currituck, North Carolina
Establishing a Fire & EMS Advisory Board**

Section 1 Advisory Board Established

There is hereby established a County of Currituck Fire & EMS Advisory Board

Section 2 Duties of the Advisory Board

The duties of the Fire & EMS Advisory Board are to serve as the advisory body to the Volunteer Fire Departments and the County Department of Fire-EMS. These duties include: suggesting policies, equipment, fire contracts, delegation of funding, strategic business planning and unification of services throughout the County. Within its powers and responsibilities as stated in this resolution, the Advisory Board shall serve as a liaison to the County and its citizens. The Advisory Board shall consult with the Volunteer Fire Department, County Department of Fire-EMS and advise the Board of Commissioners, and the county manager in matters affecting Fire and Emergency Medical Services to include:

- a. Adoption and revision of bylaws for the Advisory Board
- b. Strategic business plan for Fire and EMS Services
- c. Appropriation of funding for Volunteer Fire Departments
- d. Construction or renovation proposals of any new public safety building, fire and/or EMS station
- e. Purchase of standardized equipment to include apparatus
- f. Fire Contracts and any amendments
- g. Standardization of policies and procedures

Section 3 Member Composition Appointment and Terms of Office

The Fire-EMS Advisory Board should be made up of eight (8) members appointed by the Board of Commissioners. Five(5) of these members will be Currituck County Citizens, that do not have any direct affiliation with any of the county volunteer fire departments and are not fulltime employees with the County Department of Fire-EMS. Three (3) members will be representatives from the Volunteer Fire Departments that do not have any direct affiliation and are not fulltime employees with the County Department of Fire-EMS. The three members of the volunteer fire departments shall be broken into representation as follows: Northern Section (Moyock and Knotts Island representative), Mainland Section (Crawford and Lower Currituck representative) and the Outer Banks Section (Corolla and Carova Representative). Each voting member must be a resident of Currituck County, NC.

An appointment of County Commissioner along with the Department of Fire-EMS Chief shall be permanent non-voting members of the Advisory Board.

All terms will begin as of the first Board of Commissioners meeting in March of the year appointed unless the appointment is to fill the unexpired term of a vacant position in which case the appointment would be effective immediately. Initial appointments shall be arranged so that one half of the terms will expire at the end of the first year. After the initial appointments each future appointed member will serve for a (2) year term and shall hold their office until their successors are appointed and qualified. No member shall be allowed to serve for more than two consecutive terms unless extended by the Board of Commissioners under extenuating circumstances.

Section 4 Officers Adoption of Rules Meeting

The Fire-EMS Advisory Board shall select from its membership its officers each year at its March meeting. The officers shall include a Chairman and a Vice Chairman shall conduct the orderly business of the Advisory Board. The Fire-EMS Chief shall be the acting Secretary and shall take minutes and cause the minutes to be printed and made available to the county manager, Board of Commissioners and the Volunteer/Career members of the Fire-EMS system.

The Advisory Board may adopt rules and regulations covering its meetings as deemed necessary to conduct orderly business. A quorum will be necessary to conduct official business. A simple majority of those present will be required to adopt resolutions and/or give recommendations to the Board of Commissioners. The Fire-EMS Advisory Board will meet at least monthly during the year unless the chairman declares the meeting cancelled for lack of business. Meetings will be held in the Historic Currituck Courthouse Meeting Room. Members who miss two consecutive meetings in a calendar year may be removed from the Advisory Board at recommendation of the Chairman and ultimately the Board of Commissioners.

Section 5 Compensation

The voting members of the Fire-EMS Advisory Board shall be paid the sum of \$50.00 per meeting. Members shall be reimbursed for approval of travel and subsistence in compliance with the general policies of the County subject to the availability of funds.

Section 6 Effective Date

This resolution shall be effective upon its adoption.

Adopted on the 18th day of February, 2008.

Amended on the 7th day of March, 2011

Discussion and Consideration of amendment to Article 4, Section 12-62(4) parking restrictions, Currituck Code of Ordinance, to authorize parking west end of Herring Street.

Deleted

Offer to Purchase Real Property Due to the Acquisition of Right of Way

Dan Scanlon, County Manager, stated that the property was located on Poyner's Road and was for the Bridge replacement. DOT needed additional right of way with the purchase price of \$6,195.00.

Commissioner Petrey moved to approve and to authorize County Manager to sign the deed on behalf of the County. Commissioner Gilbert seconded the motion. Motion carried.

Appointments to Board of Adjustment

Commissioner Petrey moved to appoint Theresa Dozier. Commissioner Gilbert seconded the motion. Motion carried.

Appointment to Airport Board

Chairman Aydlett moved to appoint Alvin Keel. Commissioner Petrey seconded the motion. Motion carried.

Consent Agenda:

- 1. Approval of February 21, 2011, Minutes
- 2. Budget Amendments

Commissioner O'Neal moved to approve. Commissioner Rorer seconded the motion. Motion carried.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10760-585000	DSS Donations	\$ 2,220	

10380-487000	DSS Donations	\$	1,155
	Appropriated Fund		
10390-499900	Balance	\$	1,065
		<u>\$</u>	<u>2,220</u>
		<u>\$</u>	<u>2,220</u>

Explanation: *Public Assistance (10760)* - Increase appropriations to account for additional DSS donations collected.

Net Budget Effect: Operating Fund (10) - Increased by \$2,220.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10960-539000	Unemployment Compensation	\$ 31	
10960-554000	Insurance and Bonds		\$ 31
		<u>\$ 31</u>	<u>\$ 31</u>

Explanation: *Central Services (10960)* - Transfer funds for additional unemployment compensation.

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
10530-561000	Professional Services	\$ 385	
10380-484001	Insurance Recovery		\$ 385
		<u>\$ 385</u>	<u>\$ 385</u>

Explanation: *Emergency Medical Services (10530)* - To record insurance payment for post-accident drug screening.

Net Budget Effect: Operating Fund (10) - Increased by \$385.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10460-516300	Street Signs	\$ 2,698	

10380-484001	Insurance Recovery		\$	2,698
			\$	2,698

Explanation: *Public Works (10460)* - To appropriate funds to replace the Grandy community sign.

Net Budget Effect: Operating Fund (10) - Increased by \$2,698.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
10511-531000	Gas		\$ 1,359
10511-514000	Travel		\$ 3,864
10511-590000	Capital Outlay	\$ 1,359	
10511-554000	Insurance & Bonds	\$ 114	
10511-532000	Supplies	\$ 3,000	
10511-536000	Uniforms	750	
		\$ 5,223	\$ 5,223

Explanation: *Jail (10511)* - Transfer funds 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>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
10560-545000	Contract Services	\$ 672	
10330-430600	Elderly & Disabled Transportation		\$ 610
10390-499900	Fund Appropriated Balance		\$ 62
		\$ 672	\$ 672

Explanation: *Inter-County Transportation (10560)* - Adjust to State funding allocation.

Net Budget Effect: Operating Fund (10) - Increased by \$672.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
10750-516200	Vehicle Maintenance		\$ 3,000

10750-531000	Gas		\$	4,000
10750-545000	Contract Services		\$	3,000
10750-561000	Professional Services	\$	10,000	
			<u>\$</u>	<u>10,000</u>
			<u>\$</u>	<u>10,000</u>

Explanation: *Social Services Administration (10750)* - Transfer funds for increases in drug screenings and child team meetings due to increased number of foster children.

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

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
61818-590000	Capital Outlay	\$ 3,100	
61818-532000	Supplies	\$ 10,000	
61818-516000	Repairs & Maintenance		\$ 13,100
		<u>\$ 13,100</u>	<u>\$ 13,100</u>

Explanation: *Mainland Water (61818)* - Transfer funds for an automatic hydrant flusher and for increased cost of supplies for the remainder of this year.

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

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10535-521000	Rent	\$ 78	
10535-553000	Dues & Subscriptions	\$ 32	
10541-514500	Training & Education	\$ 32	
10541-514000	Travel		\$ 32
10535-545000	Contract Services		\$ 78
10535-557100	Software License Fees		\$ 32
		<u>\$ 142</u>	<u>\$ 142</u>

Explanation: *Communications (10535); Fire Services (10541)* -Transfer funds for operations.

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

Debit	Credit
Decrease Revenue	Increase Revenue

<u>Account Number</u>	<u>Account Description</u>	or <u>Increase Expense</u>	or <u>Decrease Expense</u>
10660-516200	Vehicle Maintenance	\$ 300	
10660-532000	Supplies	\$ 1,700	
10660-526000	Advertising		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: *Planning (10660) -Transfer funds for operations.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10510-516200	Vehicle Maintenance	\$ 5,106	
10380-484001	Insurance Recovery		\$ 5,106
		<u>\$ 5,106</u>	<u>\$ 5,106</u>

Explanation: *Sheriff (10660) -To appropriate insurance funds to repair vehicle damaged in an accident.*

Net Budget Effect: Operating Fund (10) - Increased by \$5,106.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10750-557700	Crisis Intervention	\$ 10,000	
10330-431000	DSS Admin		\$ 10,000
		<u>\$ 10,000</u>	<u>\$ 10,000</u>

Explanation: *SOCIAL SERVICES ADMIN (750) - Adjust budget to the state's Funding Authorization.*

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

Commissioner's Report

Commissioner O'Neal requested that Ben Woody and Ike McRee attend the next ED Board meeting.

Commissioner Petrey, reminded everyone of the fund raising event for the Wild Horses.

Commissioner O'Neal directed staff to prepare a resolution opposing the lifting of the gas tax cap.

**RESOLUTION
OPPOSING
LIFTING GAS-TAX CAP**

WHEREAS, the North Carolina tax on gasoline is based on a variable tax rate that in January, 2011, climbed to a record high level of 32.5 cents per gallon; and

WHEREAS, when current law expires, the North Carolina tax on gasoline will revert to the gasoline tax formula that was in effect until 2007, providing for a minimum gasoline tax of 21 cents per gallon and no maximum; and

WHEREAS, the North Carolina Department of Transportation's proposed budget includes revenue based on the expectation of a continued rise in the gasoline tax above the current record high level; and

WHEREAS, with the continued impact of a down economy and rising gasoline taxes, a reprieve from additional tax on gasoline tax is warranted to maintain economic recovery and lessen financial burden on citizens.

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

Section 1. The Currituck County Board of Commissioners opposes a modification in the gasoline tax rate formula with no cap.

Section 2. The Clerk to the Board of Commissioners shall forward a copy of this resolution to Governor Beverly Perdue and the county's state legislative delegation.

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of March, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12546-516006	Repairs & Maintenance		\$ 5,000
12546-516106	Buildings & Grounds	\$ 15,000	
12546-536106	Personal Protective Equipment	\$ 1,500	
12546-554006	Insurance		\$ 5,000
12546-590006	Capital Outlay		\$ 6,500
		<u>\$ 16,500</u>	<u>\$ 16,500</u>

Explanation: *Corolla Volunteer Fire Department (12546)* - Transfer budgeted funds per request of Corolla Volunteer Fire Department.

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

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of March, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10794-545005	JCPC		\$ 1,020
10794-545000	PASS		\$ 3,896
10794-545001	Teen Court	\$ 122	
10794-545002	Restitution		\$ 500
10390-499900	Fund Balance Appropriated	\$ 5,294	
		<u>\$ 5,416</u>	<u>\$ 5,416</u>

Explanation: *Juvenile Crime Prevention Control (10794)* - To reduce appropriations to reflect State funding.

Net Budget Effect: Operating Fund (10) - Decreased by \$5,294.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of March, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10461-514500	Training & Education	\$ 11	
60808-533200	Lab Tests - Water	\$ 247	
10461-526000	Advertising		\$ 11
60808-561000	Professional Services		\$ 247
61818-514500	Training & Education	\$ 300	
61818-516000	Repairs & Maintenance		\$ 300
62828-533200	Lab Tests	\$ 1,000	
62828-561000	Professional Services		\$ 1,000
65858-545100	Credit Card Fees	\$ 150	
65858-533800	Chemicals		\$ 150
		<u>\$ 1,708</u>	<u>\$ 1,708</u>

Explanation: *Public Utilities (10461); Ocean Sands Water & Sewer (60808); Mainland Water (61818); Newtown Road Sewer (62828); Moyock Commons Sewer (65858) - Operating transfers for the remainder of this fiscal year.*

Net Budget Effect: Operating Fund (10) - No change
 Ocean Sands Water & Sewer Fund (60) - No change
 Mainland Water Fund (61)- No change
 Newtown Road Sewer Fund (62) - No change
 Moyock Commons Sewer Fund (65) - No change

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Clerk to the Board