



**BOARD OF COMMISSIONERS
AGENDA**

NOVEMBER 21, 2011

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REVISED

Currituck County
Board of Commissioners Agenda
Historic Currituck County Courthouse

Date: Monday, November 21, 2011 Time: 7:00 PM

Work Sessions

6:00 p.m. Economic Incentive Plan

6:30 p.m. Stormwater Carova

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 **Public Hearing and Action:** PB 11-07 Bissell Professional Group:
Request to amend Chapter 4 of the Unified Development Ordinance to modify the age restriction language for the Planned Adult Retirement Overlay District (RET).

Item 4 **Maple-Barco Small Area Plan Update**

Item 5 **Buy Local Currituck Presentation**

Item 6 **Discussion on Outer Banks water rates**

Item 7 **Appointments to Tourism Advisory Board**

Item 8 **Consent Agenda:**
 1. Budget Amendments
 2. JCPC Funding Plan Revision
 3. Authorize acquisition of in-holding parcel for Brice property at the Airport

4. Division of Mental Health, Developmental Disabilities &
Substance Abuse Services Quarterly Fiscal Monitoring Report

Item 9 Commissioner's Report

Item 10 County Manager's Report

Closed Session according to GS 143-318.11 (5) to discuss acquisition of property located on 5514 Caratoke Road, owned by Thomas White to be used for any public purpose.

Adjourn



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: September 26, 2011
Re: PB 11-07 Bissell Professional Group Text Amendment

The proposed text amendment submitted by Bissell Professional Group would remove the mandatory age restriction from the Planned Adult Retirement (RET) overlay. Currently, the Unified Development Ordinance requires the permanent resident of each unit within the RET overlay to be at least 55 years of age, excluding a spouse or immediate member of the family, live-in domestic, companion, or nurse. However, no person under the age of 18 may reside in any dwelling unit for more than 90 days.

The proposed amendment suggests RET overlay should be targeted toward retired adults. The decision for an age restricted community in the RET overlay would be at the discretion of the developer and the enforcement would be the responsibility of the homeowner's association.

While the proposed text amendment will affect all future RET Overlay district rezonings there are currently two RET Overlays in the county:

- Waterside Villages, Grandy (converted RV park located in a Full Service area)
- Mill Landing, South Spot Road (proposed)

The 2006 Land Use Plan, Policy HN6 supports diversity of housing for senior citizens that would include active adult retirement communities.

The proposed text amendment is consistent with the land use plan and planning staff recommends **approval** of the request.

The Planning Board recommended unanimous approval at their June 14, 2011 meeting.

PLANNING BOARD DISCUSSION (6-14-11)

Mr. Midgette asked if the residents who are residing in Waterside Villages have been made aware of this request.

Mr. Bissell stated there is a possible 250 units that could be available and approximately nine units are occupied and two of those may be in foreclosure. The development is now owned by Wells Fargo Bank. Mr. Bissell stated Wells Fargo had a community meeting a few months ago. What this request does is it gives the developer and homeowner's association an option to restrict or implement the mandatory age restriction.

Mr. Bell asked if any of the residents were in agreement.

Mr. Bissell stated the report he saw stated the majority of residents were okay with the request.

The Planning Board discussed at what point the developer turns over the development to the homeowner's association.

Mr. Woody stated the UDO requires a transfer when fifty percent of the lots are sold.

Mr. Bissell stated that the majority of lots are owned by the bank which gives them voting rights.

Mr. Woody stated that to have a Planned Adult Retirement Overlay District (RET) with a density bonus, the property would previously have had a campground on it. The proposed text amendment will affect all future RET Overlay district rezonings. There are currently two RET Overlays in the county, Waterside Villages and Mill Landing (proposed). Mr. Woody stated in the new UDO the county is proposing to remove the RET zoning designation.

ACTION

Mr. West moved to approve PB 11-07 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. Newbern seconded the motion. Motion carried unanimously.

**Bissell Professional Group
PB 11-07
UDO AMENDMENT REQUEST**

An amendment to Chapter 4 to modify the age restriction for Planned Adult Retirement Overlay Districts.

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

4.5.1 Intent

The Planned Adult Retirement Overlay District (RET) may be used only in conjunction with planned adult retirement and/or assisted living community development subject to the issuance of a special use permit. RET designation can be applied for within the following base zoning districts: A, RA, R, RO1, RR and GB. A planned adult retirement community is a tract of land consisting of 10 acres or more under common ownership, containing residential dwelling units (single family, two-family, apartments, condominiums, and similar multi-family dwellings), necessary accessory buildings, and required or permitted social, cultural, recreational, retail, medical, and other commercial type facilities ~~intended for~~ targeted toward retired adults. Properties located within the planned adult retirement overlay will be subject to the requirements of this section in addition to the requirements of the base zoning district.

Item 2: That Section 4.5.4.A. is amended by deleting the following strikethrough language and adding the following underlined language:

~~A. Permanent residents of such facilities must be at least 55 years of age, except that the spouse or an immediate member of the family, or a live-in domestic, companion, or nurse may be a permanent resident regardless of age except in the case of a child. No person under 18 years of age shall reside in any dwelling unit for a period of time exceeding 90 days. The homeowners' association documents and restrictive covenants shall state the age restrictions within the development in order that the association shall enforce those provisions. It is the responsibility of the residents/association to provide evidence that the age restrictions are being met.~~

A. A planned adult retirement community may be age-restricted or age-targeted at the discretion of the developer. The homeowner's association documents and restrictive covenants shall establish the restrictions or targets within the

development. It is the responsibility of the community association to manage and enforce the restrictions that are in effect for the community.

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: 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: _____
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: _____

TOURISM ADVISORY BOARD
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Petrina Ramey	District 1		Vance Aydlett	4/4/2011	November 2013
Lori London	District 2		John Rorer	11/16/09	November 2012
Cindy Seymour*	District 3		Butch Petrey	Reappointed 9/5/2008	November 2011
Paul Robinson**	District 4		Owen Etheridge	Unexpired Term 10/19/09	November 2011
Jeff Nelson	District 5		Marion Gilbert	appointed 5/2/11	May 2013
Don Cheek	At-Large		Paul Martin	Reappointed 11/16/09	November 2012
Janice Farr*	At-Large		Paul O'Neal	Reappointed 9/15/08	November 2011

* To Be Replaced

** May Be Reappointed

Commissioner O'Neal



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 10-15-11
Name: Ted A. Jagucki
Address: 102 Savannah Ave.
GRANDY, NC 27939
Phone: 252-619-1166 Email: tedj1@aol.com

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

Please check

- | | |
|--|--|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input type="checkbox"/> Library Board | |

Qualifications and reasons you would like to serve: As a small business
owner in Currituck County, I understand and value
the tourism importance and financial benefits they
provide us with. I feel my experience could help this board.

Please return to: County Manager's Office
153 Courthouse Road, Suite 204
Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 9-7-11

Name: Suzanne Everhart

Address: 759 South Bayview Road

Jarvisburg, NC 27947

Phone: 252-491-2185 cell 252-202-4316 Email: smeverhart@mchsi.com

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

Please check

- | | |
|--|--|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input checked="" type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input type="checkbox"/> Library Board | |

Qualifications and reasons you would like to serve:

Own a business and property in the county and would like to be involved.

Please return to: County Manager's Office
153 Courthouse Road, Suite 204
Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of November , 2011, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
62828-533200	Lab Test	\$ 1,600	
62828-516000	Repairs and Maintenance		\$ 800
62828-545000	Contracted Services		\$ 800
		<u>\$ 1,600</u>	<u>\$ 1,600</u>

Explanation: *Newtown Road Sewer District (62828)* - Transfer funds for additional lab testing costs for the Newtown Road Sewer.

Net Budget Effect: Newtown Road Sewer District (62) - No change.

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10530-526000	Advertising		\$ 500
10530-514500	Training & Education		\$ 508
10530-514800	Fees Pd to Officials		\$ 900
10530-514000	Travel	\$ 1,908	
		<u>\$ 1,908</u>	<u>\$ 1,908</u>

Explanation: *Emergency Medical Services (10530)* - To transfer funds for EMS personnel to attend conference on new software for patient care reporting.

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

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<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10795-576010	Community League Cheerleading	\$ 560	
10350-469002	Cheerleading		\$ 560
		<u>\$ 560</u>	<u>\$ 560</u>

Explanation: ***Parks & Recreation (10795)*** - Increase budget for Cheerleading due to increased participation.

Net Budget Effect: Operating Fund (10) - Increased by \$560.

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10750-557700	Crisis Intervention	\$ 55,151	
10760-585001	Donations-Currituck Kids	\$ 1,100	
10330-431000	DSS Admin		\$ 55,151
10380-487001	Donations-Currituck Kids		\$ 1,100
		<u>\$ 56,251</u>	<u>\$ 56,251</u>

Explanation: SOCIAL SERVICES ADMIN (750) - Adjust budget for Program Allocation received. COUNTY ASSISTANCE (760) - Adjust budget for donations received for Currituck Kids Funding.

Net Budget Effect: Operating Fund (10) - Increased by \$56,251.

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<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10794-545001	Teen Court	\$ 12	
10794-545004	Improving Outcomes for Our Youth	\$ 2,000	
10794-545005	JCPC Council	\$ 427	
10794-545000	PASS		\$ 4,720
10545-545002	Restitution		\$ 773
10330-449900	Miscellaneous Grants		\$ 2,000
10390-499900	Appropriated Fund Balance	\$ 5,054	
		<u>\$ 7,493</u>	<u>\$ 7,493</u>

Explanation: *Juvenile Crime Prevention Control (10794)* - To reallocate funds to JCPC programs to match actual State grant appropriations and to add funding for Improving Outcomes for Youth, which will be a forum to introduce tools and strategies that will aid cimmunity partners in developing and utilizing alternative resources when considering detention for undisciplined and/or low risk offenders.

Net Budget Effect: Operating Fund (10) - Decreased by \$3,054.

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Clerk to the Board

