



**BOARD OF COMMISSIONERS  
AGENDA**

**OCTOBER 3, 2011**

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**REVISED**

**Currituck County**  
**Board of Commissioners Agenda**  
Historic Currituck County Courthouse

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**Date: Monday, October 03, 2011**

**Time: 7:00 PM**

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- 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 of Edith and Earl Brickhouse**
- Item 4            **Recognition of Boy Scout Troop 182, Pilmoor United Methodist Church**
- Item 5            **Recognition of Tourism Department**
- Item 6            **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 7            **Public Hearing and Action** on Dissolution of Walnut Island Sanitary District in Currituck County
- Item 8            **Consideration of Ordinance** Amendment Section 10-128 of the Code or Ordinances relating to unattended property on the beach  
**CONTINUED**
- Item 9            **Appointment to Whalehead Board of Trustees**
- Item 10           **Consideration of awarding bids for the Maple Commerce Park Roads & Utilities**
- Item 11           **Consent Agenda:**

1. Resolution and Order staying of demolition of structure on 4358 Caratoke, Hwy, Coinjock, NC
2. Report of Rural Fire Conditions for Moyock VFD and Knotts Island VFD
3. Permission for Inter County Public Transit Authority to transfer unspent portion of Currituck County's supplemental RGP funding in the amount of \$7,941.94
4. Approval of September 19, 2011, Minutes
5. Budget Amendments
6. Conditional Resolution Requesting FEMA Assistance for Cleaning Ditch's for Rowland Creek, Indiantown Creek and Hog Bridge Ditch

Item 12      Commissioner's Report

Item 13      County Manager's Report

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

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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: \_\_\_\_\_

**NOTICE OF PUBLIC HEARING  
ON THE  
DISSOLUTION OF WALNUT ISLAND SANITARY DISTRICT  
IN CURRITUCK COUNTY, NORTH CAROLINA**

Notice is hereby given that pursuant to Section 130A-85 of the General Statutes of North Carolina a public hearing will be held by the Currituck County Board of Commissioners at 7:00 o'clock p.m., or as soon thereafter as reached, on October 3, 2011 at the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina on the dissolution of Walnut Island Sanitary District as created and established by resolution of the Currituck County Board of Commissioners adopted on March 30, 1983.

The area of Walnut Island Sanitary District is composed of the following described real property:

Section One, Block D, Lots 1-41 as delineated on plat recorded in Map Book 4, Page 68 of the Currituck County Registry.

Section Five, Block JJ, Lots 1-55, "Now or Formerly "Faris", and Parcel "D" as delineated on plat recorded in Map Book 3, Page 47E of the Currituck County Registry.

Section Five, Block KK, Lots 1-56, and "Property of Others" as delineated on plat recorded in Map Book 3, Page 47E of the Currituck County Registry.

Section Six, Block PP, Lots 1-19, parcel E, and the unnumbered area between Lot 1 and Walnut Island Boulevard as delineated on plat recorded in Map Book 4, Page 45 of the Currituck County Registry.

Section Seven, all of Blocks AA, BB, CC, DD, EE, FF, GG, HH and II as delineated on plat recorded in Map Book 4, Page 46 of the Currituck County Registry.

Walnut Island Motel Subdivision, Lots 1-30, excluding the Motel Site as delineated on Tax Insert Map 97-B.

At the time and place stated above any interested person may appear and be heard.

This the 11<sup>th</sup> day of September, 2011.

Gwen H. Keene  
Clerk to the Board of Commissioners

Publish 9/11; 9/18 and 9/25

1       **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**  
2       **AMENDING SECTION 10-128 OF THE CURRITUCK COUNTY CODE OF**  
3       **ORDINANCES**

4       WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,  
5 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or  
6 welfare of its citizens and the peace and dignity of the county;

7       WHEREAS, the Board of Commissioners for the County of Currituck finds that it is  
8 advisable to amend Section 10-128 of the Currituck County Code of Ordinances to allow certain  
9 unattended property to remain on the beach at night.

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

12       PART I. Section 10-128 of The Code of Ordinances, Currituck County, North Carolina is  
13 amended by adding a new paragraph so that the section reads as follows :

14       Sec. 10-128. Unattended property on beach.

15       (a) It shall be unlawful for any person to leave between the hours of sunset and sunrise  
16 any property, including but not limited to volleyball, badminton and tennis nets, poles, tents,  
17 horseshoe stakes, croquet courses, grills, umbrellas and recreational equipment, cabanas,  
18 canopies, or any other personal property items on the beach strand as defined in section 10-51 of  
19 this Code of Ordinances.

20       (b) This section does not apply to life guard stands and containers for storage of rental  
21 items intended for use on the beach strand if such containers:

22               1. are placed at the dune line;

23  
24               2. do not exceed a dimension of 4 feet in height by 4 feet in width by 8 feet in  
25 length;

26  
27               3. are located in Poplar Branch Township;

28  
29               4. are approved annually by a property owners' association; and

30  
31               5. do not contain signage exceeding 8 square feet.  
32

33       PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby  
34 repealed.

35       PART III. This ordinance is effective upon adoption.

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
O. Vance Aydlett, Jr., Chairman

ATTEST:

\_\_\_\_\_  
Gwen H. Keene, Clerk to the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Donald I. McRee, Jr., County Attorney

Date adopted: \_\_\_\_\_

Motion to adopt by Commissioner \_\_\_\_\_

Second by Commissioner \_\_\_\_\_

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

WHALEHEAD BOARD OF TRUSTEES

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Cliff Scott	District 1	*	Aydlett	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Kimberlee Hoey	District 2	*	Rorer	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Gary McGee	District 3	*	Petrey	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Jeanne Meiggs	District 4	*	Etheridge	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Josh Bass	District 5	*	Gilbert	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Travis Morris	At-Large	*	Martin	3/1/2010	5/1/2013
				Eff. 5/1/2010	
<b>Bill Richardson***</b>	<b>At-Large</b>	*	<b>O'Neal</b>	3/1/2010	<b>5/1/2013</b>
				<b>Eff. 5/1/2010</b>	
Sharon Twiddy		**		3/1/2010	5/1/2013
				Eff. 5/1/2010	
Allen Ives		**		3/1/2010	5/1/2013
				Eff. 5/1/2010	
Buck Thornton		**		3/1/2010	5/1/2013
				Eff. 5/1/2010	
Andy Newbern		**		Eff. 5/1/2010	5/1/2013

\*\*\*Resigned-To Be Replaced

\* 7 Members Must Be County Residents

\*\* 4 Members May Be Non-Residents

**Commissioner Aydlett**



September 22, 2011

**To:** Vance Aydlett, Chairman  
Board of Commissioners  
Currituck County

Butch Petrey, Commissioner  
Whalehead Preservation Trust Liaison

Dan Scanlon, County Manager  
Currituck County

**From:** Travis Morris, Chairman  
Nominating Committee  
Whalehead Preservation Trust Board

**Re:** Board Vacancy

In order to make a recommendation to fill the vacancy left by Bill Richardson's resignation, I asked the ten remaining board members to submit nominations to me. After nominations were submitted I asked all members to vote on those nominees. One board member did not vote. Seven members voted for Carl Ross and two board members voted for another nominee. Therefore, we would like to recommend Carl Ross to fill the vacancy on our board.

We feel Carl will be a particularly good choice at this time. Over the years the Whalehead Preservation Trust Board has been entrusted with quite a few boats. We have been able to preserve some; others need work and only a few are sheltered in a place available for public viewing. We would like to explore expanding the boat program as a tourist attraction and feel that Carl has the knowledge, time and connections to put together a plan to showcase the boats as an important part of Currituck history.

We thank you for your consideration of this recommendation.



Eric T. Weatherly, P.E.  
County Engineer

**Currituck County**  
153 Courthouse Road, Suite 302  
Currituck, North Carolina 27929  
252-232-6035  
FAX 252-232-3298  
Eric.Weatherly@CurrituckCountyNC.Gov

## MEMORANDUM

**Date:** September 26, 2011

**To:** Board of Commissioners  
Dan Scanlon, County Manager

**From:** Eric T. Weatherly

**RE:** Bid Opening and Recommendation of Award  
Maple Commerce Park

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## PROJECT BACKGROUND

Maple Commerce Park (Commerce Park) is a 113 acre, 11-lot high density industrial subdivision owned by Currituck County. The lot sizes range from 3.8 acres to 24.5 acres. Each of the eleven lots will have a 65% built upon area deed restriction.

The Commerce Park property is a heavily wooded tract, bounded by the north and east by a significant wetland draining to Currituck Sound, to the west by the Currituck Regional Airport, and to the south by County-owned property housing the North Carolina Cooperative Extension, YMCA and Senior Center. The tract of land for the Commerce Park is part of a much larger parcel (535 acres) of land owned by Currituck County.

The project contains approximately 3200 feet with roadway with parallel water and sewer mains. The roadway consists of 8" gravel base with 5" of asphalt. One end of the roadway connects to the existing Aviation Parkway which leads to NC Highway 158 and the other end connects to Airport Road which leads to the airport terminal building and back out to NC Highway 158.

Potable water service will be provided by Currituck County. A new 10" water main will be installed through the Commerce Park and connects to existing 10" water mains on each end.

Sewer service will be provided by Currituck County. The county is in the process of constructing the wastewater treatment plant to service the Commerce Park. The plant is a 40,000 gpd high rate infiltration system which is expandable to 160,000 gpd. The

sewer collection system proposed for the Commerce Park consists of a 4" force main parallel to the roadway which will connect directly to the wastewater treatment plant. It is estimated that buildout flow will be approximately 53,600 gpd. As each lot is sold and its specific wastewater needs determined, an individual pump station will be located on the lot which will connect to the force main in the rights-of-way.

Stormwater will be managed by a single stormwater detention pond located at the northern end of the project area. All of the stormwater draining to the detention pond will be conveyed by vegetated lot line and road side swales. The pond will outfall to a wetland to the north of the project.

## **BID ANALYSIS**

Bids were received on September 20, 2011. Attached for your review is a letter from the design engineers, Hyman and Robey, outlining the bid opening process and recommendation of award. Three bids were received. The low bidder was Barnhill Contracting Company of Kitty Hawk in the amount of \$1,812,629.00.

The project was bid with three alternates. One alternate was for the construction of the cul-de-sac street extension and the other two alternates were for planting issues. All three alternates are within our total budget and the recommended bid amount includes all three. Also attached is the Bid Tabulation Results.

It is also pointed out that Currituck County received a grant from the Department of Commerce for this project. The grant was an Industrial Development Fund received on August 19, 2011 in the amount of \$500,000.

## **RECOMMENDATION**

Staff recommends the Maple Commerce Park bid for roadway and utilities be awarded to the low bidder, Barnhill Contracting Company, for the amount of \$1,812,629. With Board of Commissioner approval, staff will move forward with executing contracts and construction of the project.

September 22, 2011

Mr. Eric T. Weatherly, PE - County Engineer  
Currituck County  
P. O. Box 38  
Currituck, NC 27929-0038

**Subject: Bid Opening and Recommendation of Award  
Maple Commerce Park  
H&R Project Number: 090077**

Dear Mr. Weatherly:

On Tuesday, September 20, 2011, at 3:30 pm, bids were opened for the Maple Commerce Park project. Three bids were received from the following contractors: George Raper & Son, Inc., RPC Contracting, Inc., and Barnhill Contracting Company.

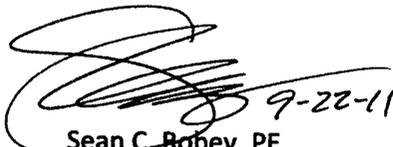
The apparent low bidder was Barnhill Contracting Company with a Base Bid + Total Unit Prices of \$ 1,554,054.00. Hyman & Robey PC engineer's estimate for the work associated with the bid is \$1,995,182.48.

After final review of the bid documents, we recommend the contract be awarded to Barnhill Contracting Company in the amount of the total bid price of \$1,554,054.00 plus the following alternate bids totaling \$258,575.00 for a total contract amount of \$1,812,629.00:

- Alternate 1 - Phase 2 Construction \$219, 945.00;
- Alternate 2 - Wetland Plant Fencing \$32,630.00;
- Alternate 3 - Wet Detention Pond Maintenance (12-month warranty) \$6,000.

Enclosed please find a copy of the Bid Summary sheet. Copies of the actual bid documents will be delivered to your attention within the next few days. If you have additional questions, please do not hesitate to call me directly at (252) 337-8988.

Sincerely,

  
9-22-11  
Sean C. Robey, PE  
Principal Engineer



Attachment(s): Bid Summary Sheet

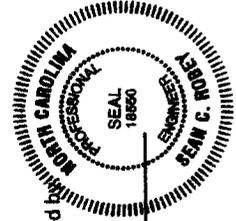
MAPLE COMMERCE PARK  
Bid Tabulation Results

Owner: Currituck County

Date of Bid Opening :

September 20, 2011, 3:30PM

				George Raper & Son, Inc.		RPC Contracting, Inc.		Barnhill Contracting Co.	
Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	
Base Bid	1 EA		\$ 1,720,799.00	\$ 1,720,799.00	\$ 1,903,290.00	\$ 1,903,290.00	\$ 1,501,554.00	\$ 1,501,554.00	
100	1000	CY	\$ 7.84	\$ 7,840.00	\$ 10.10	\$ 10,100.00	\$ 19.00	\$ 19,000.00	
101	1	AC	\$ 5,320.00	\$ 5,320.00	\$ 5,195.00	\$ 5,195.00	\$ 5,500.00	\$ 5,500.00	
102	1	LS	\$ 28,000.00	\$ 28,000.00	\$ 28,000.00	\$ 28,000.00	\$ 28,000.00	\$ 28,000.00	
Total Unit Prices				\$ 41,160.00		\$ 43,295.00		\$ 52,500.00	
Base Bid + Total Unit Prices				\$ 1,761,959.00	As Read	\$ 1,946,525.00	As Read	\$ 1,554,054.00	
A-1				As Calculated	As Calculated	\$ 1,946,585.00	As Calculated	\$ 1,554,054.00	
A-2	1	LS	\$ 206,154.00	\$ 206,154.00	\$ 181,710.00	\$ 181,710.00	\$ 219,945.00	\$ 219,945.00	
A-3	1	LS	\$ 38,591.00	\$ 38,591.00	\$ 31,168.40	\$ 31,168.40	\$ 32,630.00	\$ 32,630.00	
Wetland Plant Protective Fencing									
Wet Detention Pond Maintenance: 12-month warranty	1	LS	\$ 9,000.00	\$ 9,000.00	\$ 2,233.00	\$ 2,233.00	\$ 6,000.00	\$ 6,000.00	
Total Alternates				As Calculated	As Calculated	\$ 253,745.00	As Calculated	\$ 258,575.00	



The above bid results for this project were reviewed and approved by

*[Signature]*  
Engineer--Sean C. Robey, PE

9-22-11

Date

**RESOLUTION AND ORDER STAYING ORDER TO DEMOLISH  
THE DWELLING LOCATED AT 4358 CARATOKE HIGHWAY, COINJOCK,  
NORTH CAROLINA**

WHEREAS, at its regular meeting on August 15, 2011 the Board of Commissioners for the County of Currituck adopted an ordinance entitled “An Ordinance Directing The Building Inspector To Remove Or Demolish The Dwelling Located at 4358 Caratoke Highway, Coinjock, North Carolina As Unfit For Human Habitation And Directing The Placement Of A Notice Thereon That The Same May Not Be Occupied” finding that the dwelling located at 4358 Caratoke Highway, Coinjock, North Carolina is unfit for human habitation pursuant to the May 5, 2011 order of the Chief Building Inspector issued in accordance with Article IV, Chapter 4 of the Code of Ordinances of the County of Currituck, North Carolina, (the “Code of Ordinances”), and that all of the procedures required in the county’s ordinances have been complied with; and

WHEREAS, the Board of Commissioners further found that the dwelling described in the May 5, 2011 order of the Chief Building Inspector should be removed or demolished as directed by the Chief Building Inspector and should be placarded by placing on the dwelling a notice prohibiting use for human habitation and that the owners of the dwelling, Robert Hadden, Robert M. Barrington, Sr., Walter M. Barrington, Jr., Audrey Barrington, Cassandra Barrington Davis, Diane Barrington Reid, Judy Barrington Eure, and Barbara Marshall have been given reasonable opportunity to remove or demolish the dwelling pursuant to Article IV, Chapter 4 of the Code of Ordinances and the order of the Chief Building Inspector and have failed to comply with, respond to or appeal within the time required by the Code of Ordinances, the Chief Building Inspector’s order; and

WHEREAS, at its September 19, 2011 regular meeting the Board of Commissioners heard from Barbara Snowden, Currituck County Historian, that the subject dwelling was of historical interest and a request on behalf of certain community members that the county allow time for stabilization of the dwelling, determination whether it is in condition such that it might be rehabilitated and development of a plan for rehabilitation of the dwelling; and

WHEREAS, the Board of Commissioners finds that it is appropriate to stay the ordinance requiring demolition of the dwelling at 4358 Caratoke Highway in order to allow interested members of the community time for stabilization of the dwelling, determination whether it is in condition such that it might be rehabilitated and development of a plan for rehabilitation of the dwelling.

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

Section 1. The order contained in the ordinance requiring the Chief Building Inspector to remove or demolish the dwelling located at 4358 Caratoke Highway in accordance with his May 5, 2011 order and in accordance with Article IV, Chapter 4 of the Code of Ordinances and N.C. Gen. Stat. §160A-443 is stayed until December 31, 2012.

Section 2. This resolution shall be in full force and effect upon its adoption.

Adopted the 3<sup>rd</sup> day of October, 2011.

---

O. Vance Aydlett, Jr., Chairman  
Board of Commissioners

ATTEST:

---

Clerk to the Board of Commissioners

(COUNTY SEAL)

**Name of Fire District:** Knotts Island

**County:** Currituck

**District is Served By:** Knotts Island Fire Dept., Inc.

NOTE: This report must be filled out completely before October 31st or no later than January 31. Reports filed after this date are in non-compliance and the fire department will not be eligible to receive their Firefighter's Relief Fund monies.



**NORTH CAROLINA  
RURAL FIRE DISTRICT  
REPORT OF FIRE CONDITIONS**



As required by General Statute 58-84-46 of North Carolina, I clerk do hereby make the following report on the Rural Fire District **Knotts Island**. County of **Currituck**.

**LOCAL FIREFIGHTER'S RELIEF FUND BOARD**

N.C. General Statutes: 8-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firefighter's Relief Fund Trustees appointed by Fire Department (2)

1. Ms. Barbara Hill  
171 Brumley Road  
Knotts Island, NC 27950

2. Mr. Nathan A. Thorn  
340 Knotts Island Road  
Knotts Island, NC 27950

Firefighter's Relief Fund Trustees appointed by County Commissioners (2)

3. Mr. Scott Morrison  
109 West Blackfoot Road  
Knotts Island, NC 27950

4. Ms. Marion VanNostrand  
365 South End Road  
Knotts Island, NC 27950

Firefighter's Relief Fund Trustees appointed by the Insurance Commissioner (1)

5. Mr. William A Thorn  
332 Knotts Island Road  
Knotts Island, NC 27950

Same as last Year?  Yes  No

If no, attach a copy of former Insurance Commissioner appointee's letter of resignation AND a copy of Fire Chief's letter of recommendation.

Select position of Firefighter's Relief Fund Treasurer:  1  2  3  4  5

I, Sandra Hill Clerk/Finance Officer of Currituck County, NC do hereby certify that the foregoing is a true, full and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

09/23/2011

\_\_\_\_\_  
Date

Name of Fire District: Moyock

County: Currituck

District is Served By: Moyock V.F.D. & Rescue Squad, Inc.

NOTE: This report must be filled out completely before October 31st or no later than January 31. Reports filed after this date are in non-compliance and the fire department will not be eligible to receive their Firefighter's Relief Fund monies.



NORTH CAROLINA  
RURAL FIRE DISTRICT  
REPORT OF FIRE CONDITIONS



As required by General Statute 58-84-46 of North Carolina, I clerk do hereby make the following report on the Rural Fire District **Moyock**. County of **Currituck**.

LOCAL FIREFIGHTER'S RELIEF FUND BOARD

N.C. General Statutes: 8-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firefighter's Relief Fund Trustees appointed by Fire Department (2)

- |  |   |
|--|---|
| 1. Mrs Rayanne Trader<br>214 Beechwood Shores Dr<br>Moyock, NC 27958 | 2. Mr. Joshua Maestas<br>162 Ranchland Dr<br>Moyock, NC 27928 |
|--|---|

Firefighter's Relief Fund Trustees appointed by County Commissioners (2)

- |   |  |
|---|--|
| 3. Mrs. Lisa Gadkowski<br>100 Lanhorn Dr.<br>Moyock, NC 27958 | 4. Mrs. Alicia Lane<br>110 Oakdale Dr.<br>Moyock, NC 27958 |
|---|--|

Firefighter's Relief Fund Trustees appointed by the Insurance Commissioner (1)

- |  |  |
|--|--|
| 5. Mr. John Wheeler<br>544 Poyner's Road<br>Moyock, NC 27958 | Same as last Year? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>If no, attach a copy of former Insurance<br>Commissioner appointee's letter of resignation AND<br>a copy of Fire Chief's letter of recommendation. |
|--|--|

Select position of Firefighter's Relief Fund Treasurer:     1     2     3     4     5

I, Sandra Hill Clerk/Finance Officer of Currituck County, NC do hereby certify that the foregoing is a true, full and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

09/21/2011

\_\_\_\_\_  
Date



CURRITUCK COUNTY BOARD OF COMMISSIONERS AGENDA ITEM #

Meeting Date

**ITEM TO BE CONSIDERED**

**SUBJECT**

**FY 2009/2010 EMPL AND EMPL SUPPLEMENTAL FUNDS**

**REQUESTED ACTION**

**Permission for Inter County Public Transit Authority to transfer the unspent portion of Currituck County's Supplemental RGP funding, in the amount of \$7,941.94 to Pasquotank County.**

Submitted By  Department

Date  Attachments: Yes  No

**REVIEW PROCESS**

	<u>Approved</u>		<u>Attachment</u>
Finance Director	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
County Attorney	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
County Manager	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>

**REVIEW COMMENTS**

**All eligible clients were served that met the RGP criteria in Currituck County.**

CURRITUCK COUNTY  
NORTH CAROLINA  
September 19, 2011

The Board of Commissioners met at 6:00 p.m. prior to the regular meeting to discuss the Beach Driving Committee Report.

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, Martin, Etheridge, Petrey, and Rorer.

### **Invocation and Pledge of Allegiance**

Glenn McCranie, Navy Chaplain, retired, presented the invocation.

### **Approval of Agenda**

Commissioner Martin moved to amend the agenda to add Item 3A, Presentation by Sentara Foundation. Commissioner Gilbert seconded the motion. Motion carried.

- Item 2**            **Public Comment**  
*Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.*
- Item 3**            **Dr. Edward Houser, presentation on free Dental Clinic**
- Item 3A**           **Presentation by Sentara Foundation**
- Item 4**            **Public Hearing and Action:** PB 11-06 Currituck County: Request to amend the Unified Development Ordinance, Chapter 4: Overlay Districts to establish an Airport Overlay District and an amendment to the zoning map.
- Item 5**            **Appointment to Jury Commission**
- Item 6**            **Appointments to Stormwater Advisory Board**
- Item 7**            **Appointments to Whalehead Solid Waste Service District Advisory Board**
- Item 8**            **Consent Agenda:**
1. Resolution to declare 2002 Jeep surplus
  2. Joint Lease Agreement for School and County Facility
  3. Resolution to approve Branch Bank and Trust as Financing bank for the Southern Outer Banks expansion and refinancing of existing loan.
  4. Resolution designating Finance Director and County Manager as authorized agents for the County of Currituck for items relating to Hurricane Irene
  5. Firemen's Relief Fund appointments for Carova Beach, Corolla, Crawford and Lower Currituck Fire Departments

6. Resolution Authorizing withdrawal of Ocean Hill I, streets from Public Dedication
7. Purge DSS Eligible files
8. Confirmation of Order to deny SUP for R.F. London, Inc.
9. Approval of August 15, 2011, Minutes
10. Approval of ITT Exelis-Assignment of Lease Agreements
11. Ratification and Authorization of County Manager to execute easement for Dominion Power service to Community Center Building
12. Budget Amendments

**Item 9            Commissioner's Report**

**Item 10          County Manager's Report**

**Item 11          Closed Session:**

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

**Adjourn**

**Public Comment**

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

Chairman Aydlett opened the public comment period.

Josh Bass, Currituck Chamber President, presented the Board with an Award from the Chamber of Commerce.

Chairman Aydlett thanked Josh for his attendance at the Washington, DC, Economic meeting.

Barbara Snowden, Historical Society, reviewed the history of the Rosenwald Schools in the County. Ms. Snowden is requesting the Board not to demolish the school in Coinjock to give the community time to stabilize building and raise funding to renovate the school.

Ike McRee, County Attorney, reviewed the process of condemnation and actions that led up to this request.

Commissioner Martin requested that the Board stay the action on order to demolish this historic school building. Commissioner Gilbert seconded the motion. Motion carried.

The order will be on the next agenda for Board's approval.

**Dr. Edward Houser, presentation on free Dental Clinic**

Dr. Houser, stated that this was a non-profit organization that would be volunteering their services to the people in

need. Funding will come from grants and donations. Dr. Houser hopes to have the mobile unit up by November.

Commissioner Rorer commended Dr. Houser for his efforts and to meet with the county on possible locations for the mobile unit.

### **Presentation by Sentara Foundation**

The Executive Director of the Sentara Foundation presented the Board with an award for their contribution to the Nightingale Air Ambulance. The Nightingale helicopter will be in Currituck County on October 8<sup>th</sup> from 1:00 to 3:00 p.m. for the citizens to visit.

### **Public Hearing and Action: PB 11-06 Currituck County: Request to amend the Unified Development Ordinance, Chapter 4: Overlay Districts to establish an Airport Overlay District and an amendment to the zoning map.**

Ben Woody, Planning Director, reviewed the request.

#### **Re: Proposed Airport Overlay District**

The attached amendment to the Unified Development Ordinance, submitted by the Currituck County Planning Department, proposes to establish an Airport Overlay District. The general purpose of the proposed overlay district is to protect and preserve the Currituck County Regional Airport and surrounding properties from incompatible land uses. Continued growth of the airport, including investment in the surrounding area, plays an important role in the future economic prosperity of the county. The overlay district is a planning tool intended to implement this vision.

Overlay districts are zoning designations that modify or establish additional use restrictions or standards for a defined geographic area. This request includes a text amendment to the UDO and a zoning map amendment. Both actions are required to create an overlay district. The boundaries of the overlay district are based on recommendations from the Federal Aviation Administration and will be shown on the Currituck County Official Zoning Map.

Establishment of the airport overlay is an implementation step in the recently adopted Maple-Barco Small Area Plan. In developing the overlay, county staff held two public input meetings, met with the Airport Advisory Board, conducted a public hearing with the Planning Board, and held a work session with the Board of Commissioners. Proposed standards include limiting the height of structures within airport approach zones, requiring full cut-off light fixtures for nonresidential uses, requiring airport disclosure statements to accompany land transactions, promoting vehicle and pedestrian interconnectivity among parcels of land, prohibiting uses that may affect the county potable water supply, and limiting incompatible uses and residential densities in close proximity to the airport

Enclosed is a copy of the Planning Board meeting minutes, draft ordinance, boundary map of the overlay district, and frequently asked questions. Should you have additional questions, please contact the Planning Department at your convenience.

#### **PLANNING BOARD DISCUSSION (March 8, 2011 meeting)**

Mr. Klemt stated his biggest concerns are the disclosure statement. Property values will decrease within the overlay boundaries.

Mr. Snowden stated he mailed out 300 cards to residents to speak out against this request. Mr. Snowden stated this request does not protect surrounding properties it solely protects the airport. Restrictions are being put on the surrounding property owners, i.e. height, lighting, and density. Buffering is a major concern. This is zoned heavy manufacturing and there are no hours of operation and no limitation on traffic. This is a business. Mr. Snowden is concerned how this will affect property values. Mr. Snowden talked about residents who own property within Zone 1 which will be impacted because the residents will not be able to subdivide. Value is being taken away. Mr. Snowden talks about Zones 2 and 3 and how residents will be affected. Bells Island should be apart of the overlay district. Mr. Snowden is concerned with the interference, disclosure statement, the Airport Board has not made a recommendation on the request and no more airpark neighborhoods. The county is protecting their assets but they are not protecting the citizens around the airport. Mr. Snowden is asking that this request be denied to protect the neighbors of the airport and not the applicant.

Ms. Marshall stated she lives in Wooded Acres and is asking the board to deny this request.

Ms. Snowden stated she does not have a problem with the airplanes and has lived on Maple Road for over 50 years. The county took property from her to lengthen the airport. Ms. Snowden is not in support of the overlay request and she doesn't like the county telling her what she can and cannot do with the rest of her property.

Mr. Jefferies stated the small planes don't bother him. He is concerned with property values decreasing.

Mr. Porter stated the sound factor has increased over the 26 years since they have lived here. He is concerned with property values decreasing. Mr. Porter stated the county has not been fair in the way they have handled this request.

Mr. Woody stated the county has held several public meetings over the past 2 years. Disclaimers seem to be a big issue. An option is to record a disclaimer with the Register of Deeds, or disclaimers may be recorded on a plat. Determining how the airport will grow responsibly and continue to be an economic impact for the county, and be respectful to neighbors is a challenge. Mr. Woody talked about subdivision density and flight paths. Mr. Woody stated the Airport Advisory Board suggested Bells Island be included in the overlay district and the boundaries proposed by staff are taken directly from FAA recommendations.

Mr. West stated the airport is an economic tool for the county and it will grow. Mr. West stated he does sympathize with the property owners that are affected. Mr. West stated some disclosure statements have been put on subdivisions which are next to farm land so the buyer would know there may be dust, noise, or agricultural activity. Mr. West stated he is concerned that the Airport Advisory Board has not had time to discuss this request.

#### **ACTION**

Mr. West moved to table PB 11-06 until the next scheduled meeting. Ms. Newbern seconded the motion. Motion carried unanimously.

#### **PLANNING BOARD DISCUSSION** (May 10, 2011 meeting)

Mr. Woody stated staff met with the Airport Advisory Board on April 20 and the following issues were discussed: impact zone terminology, residential densities and property values, expansion of the existing Airpark, airport buffering, stormwater ponds and waterfowl, and disclosure requirements. The Airport Advisory Board did not take action on the Overlay District, and staff subsequently requested an additional meeting. This request will be brought back to the Planning Board once the Airport Advisory Board has taken action.

Mr. West stated he received a call from Joanne Snowden concerning being able to give her children or grandchildren property to build a home on that she owns. Ms. Snowden is in a unique situation in that the county acquired some of her property to extend the runway a time back. Now if she wants to give her children or grandchildren property she could only do it one time with the amount of acreage she has. Mr. West is asking that Ms. Snowden be

grandfathered and use the same restrictions that are used for any other family subdivision in the county so she can give her children or grandchildren land to build on.

Mr. Woody stated this request is reasonable.

Mr. Clark asked since her property is in the red zone will the FAA have anything to say about it. Mr. Woody stated the county wants to create an airport environment that allows the county to continue to get funding and promotes compatibility with the surrounding area. Ninety percent of the funding for the airport typically comes from the state through the FAA. Mr. Woody stated that when the airport runway is extended to 7,000 feet and it has a parallel taxi lane this will facilitate an increased amount of air traffic. The Planning Board talked about the flight path.

**ACTION**

No action taken.

**PLANNING BOARD DISCUSSION** (June 14, 2011 meeting)

Mr. Woody reviewed the impact zone terminology, residential densities, expansion of the existing Airpark, stormwater ponds and waterfowl and disclosure requirements.

Mr. Midgette asked Mr. Woody to explain what has been done for Ms. Snowden.

Mr. Woody stated Ms. Snowden’s property is located in the red area which is Zone 1. Family subdivisions have been excluded from this requirement so Ms. Snowden would have the ability to divide her property into one acre lots provided these lots are given to her family.

Mr. West asked if this requirement is part of the Unified Development Ordinance (UDO) that specifies in Zone 1 family subdivisions shall have a minimum lot size of five acres. Mr. Woody stated it is in another part but clarification could be made with this section of the UDO.

Mr. West asked that Zone 2 also be included.

**ACTION**

Mr. West moved to approve PB 11-06 with the zoning clarification to Zone 1 and Zone 2 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. Mr. Clark seconded the motion. Motion carried unanimously.

**Airport Overlay District  
UDO AMENDMENT REQUEST**

An amendment to the Unified Development Ordinance Chapter 4: Overlay Districts to establish and Airport Overlay 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 Chapter 4: Overlay Districts, Section 4.4 is amended by deleting the Residential Airpark Development Overlay provisions and adding the following language:

**Section 4.4 Airport Overlay (AO)**

**4.4.1 Purpose**

The purpose of the Airport Overlay District is to protect and preserve the Currituck County Regional Airport and surrounding properties from incompatible land uses and to:

- A. Protect and promote the general health, safety, welfare, and economy of the airport area;

- B. Promote and encourage aviation related industries and compatible nonresidential uses to locate in close proximity to the airport;
- C. Protect the character and stability of existing land uses in the vicinity of the airport;
- D. Promote interconnectivity among parcels that encourages the use of multimodal transportation and creates an integrated transportation network;
- E. Preserve natural resources that may be affected by harmful land uses or airport operations;
- F. Promote sustainable development patterns that are consistent with the Maple-Barco Small Area Plan and Airport Layout Plan Update.

#### **4.4.2 Establishment and Applicability**

- A. Development and use of properties within the Airport Overlay District shall be subject to the standards of this district. In the case of conflict between the standards of the Airport Overlay District and other standards of this Ordinance, the overlay standards shall control.

#### **4.4.3 Airport Compatible Use Zone Requirements**

In order to promote and encourage aviation related industries and compatible nonresidential uses to locate in close proximity to the airport, the Airport Overlay District is hereby further divided into compatible use zones as recommended by the Federal Aviation Administration and depicted on the Official Zoning Map. The zones and special requirements are hereby established as follows:

- A. Compatible Use Zone 1: Those areas located within the airport runway protection zone.
  - 1. The subdivision of land for residential purposes, excluding family subdivisions, shall have a minimum lot size of four acres.
  - 2. Allowable uses shall be limited to detached single-family dwellings, conservation, agriculture, agriculture-supporting businesses, airport operations, aviation related uses, or nonresidential uses that do not exceed an occupancy of five people per acre.
- B. Compatible Use Zone 2: Those areas located within the airport approach zone.
  - 1. The subdivision of land for residential purposes, excluding family subdivisions, shall have a minimum lot size of three acres.
  - 2. Allowable uses shall be limited to detached single-family dwellings, conservation, agriculture, agriculture-supporting businesses, airport operations, aviation related uses, or nonresidential uses that do not exceed an occupancy of 40 people per acre.
- C. Compatible Use Zone 3: Those areas located within the airport traffic pattern zone.
  - 1. The subdivision of land for residential purposes shall be subject to the minimum lot size requirements of the base zoning district.
  - 2. Allowable uses shall be limited to those permitted in the base zoning district, provided gross residential density does not exceed one dwelling unit per acre.

#### **4.4.4 Overlay Special Requirements**

The following general standards shall apply to all development in the Airport Overlay District:

## A. Lighting

1. Floodlights, spotlights, recreational lighting, or other lighting devices that are not shielded or angled to prevent illumination in an upward direction are prohibited. Exterior luminaries installed or utilized for nonresidential uses shall be full cut-off fixtures.
2. Lighting that makes it difficult for pilots to identify airport lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers or interferes with the landing, takeoff, or maneuvering of aircraft intending to use the airport is prohibited.
3. The provisions of this subsection shall not apply to airport lighting used for navigational purposes in accordance with Federal Aviation Administration requirements.

## B. Interference

1. Electronic impulses or signals that interfere with radio communications between aircraft and the airport or that interfere with established navigation aids are prohibited.
2. Any operation or use that emits smoke, dust, visible fumes or vapors into the atmosphere that would interfere with the safe navigation of aircraft using the airport is prohibited.

## C. Disclosures

1. Final subdivision plats, master plans, site specific development plans, or any other document filed as part of any approval process with Currituck County shall contain the following disclosure statement: "All or a portion of this property lies within the Airport Overlay District. Persons on the premises may be exposed to noise and other effects as may be inherent in airport operations. Currituck County has placed certain restrictions on development and use of property within this overlay."
2. Real estate transactions involving properties either wholly or partially located within the Airport Overlay District shall give full written disclosure of the restrictions on development and use of property within this overlay to the prospective purchaser in accordance with the N.C. Residential Property Disclosure Act (NCGS 47E). An Airport Overlay Disclosure Form is available in the Currituck County Development Review Process Manual.

## D. Multimodal Transportation

1. An interconnected multimodal transportation system is necessary to promote alternate forms of travel, allow the safe movement of pedestrians between destinations, and provide for passive recreational opportunities. Multimodal connectivity shall be provided to existing or planned street networks, sidewalks, trail systems, or pedestrian destinations as determined by the Technical Review Committee.
2. Within all subdivisions or nonresidential developments, sidewalks shall be required along one side of proposed streets or private drives. The Technical Review Committee may approve an alternative circulation plan provided similar connectivity and accessibility is achieved within the development.
3. Prior to the issuance of any permit for development, parcels abutting US 158

shall reserve a 20 foot public access easement along the property line adjoining the roadway.

E. Natural Resources

1. In no case shall hazardous materials or other harmful substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant hazard to any surface or groundwater resource.
2. The development and use of land shall meet the requirements of the Currituck County Wellhead Protection Plan. Any use or activity determined by the Administrator to pose a significant groundwater hazard to the county's mainland public water supply shall be prohibited.
3. Stormwater management facilities shall be designed, engineered, constructed, and maintained not to attract waterfowl. This may include but is not limited to the use of riparian buffers, vegetative benches, wire gridding, or other techniques approved by the Technical Review Committee.

F. Height Restrictions: in order to carry out the height requirements of this subsection there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. The location and boundaries of the height restriction zones established by this ordinance are shown on a geographic coverage layer "Airport Height Restriction Zones" that is maintained as part of the County's geographic information system (GIS) under the direction of the Planning Director. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones and height limitations are hereby established and defined as follows:

Zone	Description
Run-way Approach Zone	The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
	Height Restriction
Transitional Zones	Description
	The transitional zones are the areas beneath the transitional surfaces.
	Height Restriction
	Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 18 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical

	zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
Horizontal Zone	Description
	The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transition zones.
	Height Restriction
	One hundred fifty feet above the established airport elevation.
Conical Zone	Description
	The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.
	Height Restriction
	Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

**4.4.5 Nonconformities**

- A. Any Residential Airpark Development having been given preliminary plat approval prior to INSERT ADOPTION DATE shall be deemed legally nonconforming and subject to the following requirements:
  - 1. Minimum lot size is 40,000 square feet.
  - 2. Accessory structures (aircraft hangers) shall not be occupied until the principle structure has received a certificate of occupancy.
  - 3. Right-of-ways shall be a minimum of 60 feet in width, accommodate both aircraft and vehicles, and must be properly maintained by the developers of the residential airpark or their assigns.
  - 4. Any associated improvements onto airport property shall be paved and maintenance shall be the responsibility of the developers of the residential airpark or their assigns.

**Chapter 17 Definitions**

**Airport Approach Zone**

An area that is longitudinally centered on the runway centerline and extends outward and upward from each end of the primary surface. An approach zone is applied to each end of each runway based on the type of approach available or planned for that runway end.

**Airport Compatible Use Zone**

Defined areas on and off airport property that are zoned to ensure airport compatible land uses. In "Land Use Compatibility and Airports," the Federal Aviation Administration recommends this approach to identify and implement land use controls for low-activity airports without significant aircraft noise exposure contours. The compatible use zones include the airport runway protection zone, the airport approach zone, and the airport traffic pattern zone.

**Airport Runway Protection Zone**

An area centered along the extended runway centerline that is used to enhance the safety of aircraft operations. The runway protection zone dimensions are functions of the design aircraft, airport conditions, and future development projections.

**Airport Traffic Pattern Zone**

An area centered on the runway protection zone that is used to enhance the compatibility of uses in close proximity to an airport. The traffic pattern protection zone dimensions are based on total runway length and airport capacity.

**Item 2:** 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.

Chairman Aydlett opened the public hearing.

John Snowden, Maple, stated that this was a flawed process, that the county should be protecting the residents, not the county assets. He also requested that the Board look at issuing NOTAMS on establishment of approaches and departures of planes. He also stated that the Board needed to send a letter to the NAVY on their use of airport.

Joann Snowden, commented on the exemption of family subdivisions in this plan.

Ben Taylor, requested, if the county would consider allowing offices and other non residential use or other mixed use options with this overlay request.

Commissioner O'Neal requested to continue this public hearing to the next agenda so staff could review Mr. Taylor's requests. Commissioner Gilbert seconded the motion. Motion carried.

**Appointment to Jury Commission**

Commissioner O'Neal moved to appoint Vivian Simpson. Commissioner Gilbert seconded the motion. Motion carried.

**Appointments to Stormwater Advisory Board**

Commissioner O'Neal moved to reappoint members recommended by staff - Wade Morgan, Michael Cherry and Charlie Dozier for three year terms ending June 30, 2013. Commissioner Gilbert seconded the motion. Motion carried.

**Appointments to Whalehead Solid Waste Service District  
Advisory Board**

Commissioner O'Neal moved to appoint members recommended by staff. Commissioner Gilbert seconded the motion. Motion carried.

Jack Riggle and Tim Bostaph - 3 year terms

Robert P. Collins and Sandra LaRue - 2 year terms

Dennis Umberger - 1 year term

**Consent Agenda:**

1. Resolution to declare 2002 Jeep surplus
2. Joint Lease Agreement for School and County Facility
3. Resolution to approve Branch Bank and Trust as Financing bank for the Southern Outer Banks expansion and refinancing of existing loan.
4. Resolution designating Finance Director and County Manager as authorized agents for the County of Currituck for items relating to Hurricane Irene
5. Firemen's Relief Fund appointments for Carova Beach, Corolla, Crawford and Lower Currituck Fire Departments
6. Resolution Authorizing withdrawal of Ocean Hill I, streets from Public Dedication
7. Purge DSS Eligible files
8. Confirmation of Order to deny SUP for R.F. London, Inc.
9. Approval of August 15, 2011, Minutes
10. Approval of ITT Exelis-Assignment of Lease Agreements
11. Ratification and Authorization of County Manager to execute easement for Dominion Power service to Community Center Building
12. Budget Amendments

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

**RESOLUTION**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on September 19, 2011 authorized the following,

pursuant to GS 160A and 270(b), that the property listed below, be sold at auction or by advertised sale:

<u>Asset Tag</u>	<u>Description</u>	<u>Serial Number</u>
5623	2002 Jeep	1J4GW48S72C304819

### **Resolution Approving Financing Terms**

**WHEREAS:** The County of Currituck (the “County”) has previously determined to undertake a project for financing of the purchase of two existing water systems (Carolina Water Service, Inc. and Turnpike Properties LLC and Pine Island Water LLC) and the refinancing of the loan for initial construction of the Southern Outer Banks Water System (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The County hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated August 18, 2011. The amount financed shall not exceed \$8,500,000, the annual interest rate shall not exceed 2.38%, and the financing term shall not exceed ten (10) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document’s final form.
4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The County intends that the adoption of this resolution will be a declaration of the County’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County’s general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF  
COMMISSIONERS AUTHORIZING DECLARATION OF WITHDRAWAL  
FROM PUBLIC DEDICATION AND USE STREETS WITHIN SUBDIVISION OF  
OCEAN HILL, SECTION 1**

WHEREAS, pursuant to N.C. Gen. Stat. §136-96.2 a property owners association that owns subdivision streets or segments of streets that meet criteria set forth in the aforesaid statute may file in the office of the register of deeds where the streets are located a declaration withdrawing any purported dedication to public use or offer of dedication to public use of such streets and declaring such streets to be private; and

WHEREAS, the declaration withdrawing any purported dedication to public use or offer of dedication to public use of such streets and declaring such streets to be private may not be recorded unless it bears the signature of the clerk to the board of commissioners of the county where the streets are located attesting to the adoption by the board of commissioners of a resolution approving such declaration which resolution may be adopted by the board of commissioners only upon a finding that each of the criteria set forth in the aforesaid statute exists and with certain conditions as further provided by the aforesaid statute; and

WHEREAS, Ocean Hill I Property Owners Association, Inc. has petitioned the Currituck County Board of Commissioners to adopt a resolution authorizing the clerk to the board of commissioners to sign a declaration withdrawing streets and roads within Ocean Hill I Subdivision in Corolla, North Carolina from public use; and

WHEREAS, in accordance with N.C. Gen. Stat. §136-96.2 the Currituck County Board of Commissioners finds that:

- (1) Ocean Hill I Subdivision is located entirely outside the corporate limits of any municipality and is bounded on the east by the Atlantic Ocean as more particularly shown on that plat entitled "Subdivision of Ocean Hill, Section 1, Currituck County, North Carolina" dated April 11, 1978 recorded in Plat Cabinet A, Pages 136 to 140 of the Currituck County Registry, (the "Plat").
- (2) Subdivision of Ocean Hill, Section 1 was created by plat recorded on July 31, 1978 as appears on the Plat and is a date 30 years prior to the date on which a declaration of withdrawal will be recorded.
- (3) The Plat bears a certificate signed by the Currituck County Clerk and Chairman of the Currituck County Board of Commissioners accepting on behalf of Currituck County the dedication of the streets shown on the Plat.
- (4) At least two-thirds of the total of all the streets shown on the Plat have been paved, opened and used for vehicular traffic for a period of at least 25 years prior to the date on which a declaration of withdrawal will be recorded as shown by letter from R.E. West, District Engineer of the North Carolina Department of Transportation dated July 25, 1983

informing that streets within Subdivision of Ocean Hill, Section 1 “meet the construction standards and specifications of the North Carolina Department of Transportation, Division of Highways” and “have been constructed and completed in a manner acceptable to said standards, requirements and specifications.”

- (5) The streets within Subdivision of Ocean Hill, Section 1 have only one means of ingress and egress intersecting with North Carolina Highway 12 (Ocean Trail), a state highway, as more particularly shown on the Plat.
- (6) The streets within Subdivision of Ocean Hill, Section 1 have never been maintained by Currituck County and Currituck County claims no interest in the streets to be withdrawn from public use.
- (7) The North Carolina Department of Transportation has never maintained the streets or accepted the streets within Subdivision of Ocean Hill, Section 1 as shown by letter from Gretchen Byrum, P.E., District Engineer with the North Carolina Department of Transportation.
- (8) The developer of Subdivision of Ocean Hill, Section 1, Ocean Hill Joint Venture, deeded the streets to Ocean Hill I Property Owners Association by deed dated March 24, 1993 and recorded in Book 362, Page 428 of the Currituck County Registry.
- (9) The streets within Subdivision of Ocean Hill, Section 1 are, as represented by Ocean Hill I Property Owners Association, Inc., maintained by the property owners association and are insured by the property owners association as shown by the policy declaration issued by Travelers Indemnity Company for Ocean Hill I Property Owners Association under policy number ISF-CUP-0680Y253-IND-11 dated March 4, 2011.
- (10) The Declaration of Withdrawal was approved by more than two-thirds vote of all members of the Ocean Hill I Property Owners Association, Inc. at a duly called meeting of the membership on July 24, 2011.

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

Section 1. As provided herein, the Clerk to the Board of Commissioners is authorized to sign the declaration withdrawing the dedication to public use of streets within Subdivision of Ocean Hill, Section 1 as more particularly shown on that plat entitled “Subdivision of Ocean Hill, Section 1, Currituck County, North Carolina” dated April 11, 1978 recorded in Plat Cabinet A, Pages 136 to 140 of the Currituck County Registry, and known as Coral Lane, Pacific Avenue, Bismark Drive, Atlantic Avenue, Ionian Lane, Adriatic Avenue, and Tasman Drive.

Section 2. This resolution shall not apply to that portion of Coral Lane located on the west side of North Carolina Highway 12 (Ocean Trail) which is a segment

of a street where withdrawal from public dedication would terminate all reasonable legal means of access to property adjacent to that portion of Coral Lane.

- Section 3. No gate or other obstruction may be placed across any street or segment of streets within Subdivision of Ocean Hill, Section 1 unless approved by the Board of Commissioners for Currituck County upon a finding that other methods of preventing unauthorized parking or preserving public safety on the streets have proved inadequate.
  
- Section 4. The Clerk to the Board of Commissioners shall sign the Declaration of Withdrawal only upon completion of the improvements to the streets within Subdivision of Ocean Hill, Section 1 in accordance with the plan submitted by Ocean Hill I Property Owners Association, Inc. prepared by Engineering Services, Inc., which plan is incorporated herein by reference, and upon certification by Engineering Services, Inc. and the Currituck County Engineer that the streets have been improved in accordance with said plan.
  
- Section 5. The Declaration of Withdrawal shall not apply to public pedestrian access on, over, and upon the roads or easements within Subdivision of Ocean Hill, Section 1 as existed immediately before recordation of the Declaration of Withdrawal and any public utility use or facility located on, over, or under the road easement within Subdivision of Ocean Hill, Section 1 immediately prior to recordation of the Declaration of Withdrawal until Ocean Hill 1 Property Owners Association, Inc. or its successor pays to the utility involved, and the utility accepts, the reasonable cost of removing and relocating the facility.

**COUNTY OF CURRITUCK  
SPECIAL USE PERMIT APPLICATION DENIED**

On October 18, 2010, the Currituck County Board of Commissioners met and held a public hearing to consider the following application:

Applicant: Robert F. London, Inc.

Property Location: 9098 Caratoke Highway (Tax Map 132, Parcel 133A)

Proposed Use of Property: Adult oriented nightclub offering comedy, pool tables, video games, musicians, dancing, topless dancing, and organized parties for businesses or groups.

Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

- 1. R. F. London, Inc. was granted a conditional use permit on January 26, 1994 to operate a nightclub and billiards/gameroom on US 158, Point Harbor Township, Tax

Map 132, Lot 133A, by the Board of Adjustment based on hearings held August 25, 1993 and January 26, 1994. During the hearing before the Board of Adjustment, R. F. London testified that the nightclub would not feature topless dancing.

2. On May 20, 1994, Mr. John W. Halstead, Jr., attorney for R.F. London, Inc., sent a letter to County Attorney William H. Romm advising the county that topless dancing would be offered on a regular basis at the R.F. London, Inc. establishment unless the county believed topless dancing would be grounds for revoking the conditional use permit.

3. On May 25, 1994 Mr. William H. Romm, Currituck County Attorney, sent a letter to R.F. London, Inc. attorney Mr. John W. Halstead advising him that topless dancing would be grounds for the county revoking R.F. London, Inc.'s conditional use permit. That determination was not appealed to the Board of Adjustment by Robert F. London, Inc.

4. On August 13, 1994, an inspection by the county of the R.F. London, Inc. establishment, known as Mermaids Nightclub, verified that topless dancing was occurring on the premises.

5. On August 31, 1994 the Currituck County Board of Adjustment revoked R.F. London, Inc.'s conditional use permit issued on January 26, 1994 to operate a nightclub and billiards/gameroom.

6. September 19, 1994 Currituck County adopted an adult and sexually oriented business regulation (formerly Section 808 and 1310 of the Currituck County Unified Development Ordinance, (the "UDO")) which, among other conditions, requires adult and sexually oriented business uses to locate in an "Heavy Manufacturing" (HM) zoning district with a special use permit granted by the Planning Board and Board of Commissioners and be located 1,000 feet from any dwelling and any "Residential" (R) and "Residential Agricultural" (RA) zoning district.

7. R.F. London, Inc. appealed the Board of Adjustment decision to revoke the conditional use permit on September 28, 1994.

8. On December 29, 1994, Superior Court Judge Gary E. Traywick entered an order holding that: 1) the public hearing held on Mr. London's conditional use permit was invalid; 2) the Board hold a new hearing to determine if the petitioner's proposed use complies with the ordinances of Currituck County; and 3) that a new hearing be duly advertised as prescribed by ordinance.

9. R.F. London, Inc. appealed Judge Traywick's order to the North Carolina Court of Appeals on January 24, 1995.

10. On January 16, 1996 the North Carolina Court of Appeals dismissed the R.F. London, Inc. appeal on January 16, 1996.

11. In letters dated February 12, 1996 and March 11, 1996, Currituck County informed R.F. London, Inc. and its attorney Mr. John Halstead, that a new application

was needed stating the intended use for the R.F. London, Inc. property in order to hold a new public hearing in accordance with Judge Traywick's December 29, 1994 ruling.

12. By letter dated April 1, 1996, R.F. London, Inc. submitted a written statement indicating the type of entertainment being offered at Mermaids Nightclub, including "...music bands and acts, GoGo dancers, topless dancers, televised sporting events, oil wrestling, male revue shows, comedians, karaoki, pool tournaments and other entertainment acts typically associated with nightclubs.". This was the first time R.F. London, Inc. submitted any type of request for topless dancing and adult oriented activities. Prior to April 1, 1996, the county never received a request from R.F. London, Inc. to operate an adult oriented business.

13. In a letter dated May 6, 1996, Currituck County acknowledged acceptance of R.F. London, Inc.'s April 1, 1996 letter as an amendment to its original conditional use permit application.

14. On May 29, 1996, the Board of Adjustment held a public hearing and denied R. F. London Inc.'s conditional use permit application for an adult and sexually oriented business based on the reasons stated in the June 4, 1996 order signed by the Chairman of the Board of Adjustment.

15. On July 8, 1996 R.F. London, Inc. appealed the Board of Adjustment decision to Currituck County Superior Court.

16. On September 28, 1999, Superior Court Judge Jerry R. Tillett entered an order that the Board of Adjustment rehear R.F. London, Inc.'s conditional use permit pursuant to Sections 1304 and 808 of the UDO (now Sections 2.5 and 3.7.1) and that the Board of Commissioners consider R.F. London, Inc.'s proposal pursuant to Section 808 (now Section 3.7.1) of the UDO and make specific findings of fact and conclusions of law addressing the following:

- a. Petitioner's initial intended use of its property;
- b. the secondary effects of the Petitioner's initial use of its property;
- c. Petitioner's amended use for its property;
- d. the secondary effects of the Petitioner's amended use
- e. how the secondary effects are affected by the different intended uses.

17. Section 2201 (now Section 11.8) of the UDO requires a public hearing prior to granting a conditional use permit.

18. Since the public hearing for R.F London, Inc.'s conditional use permit was revoked, Mermaids Nightclub does not have a conditional use permit to operate an adult business nightclub. Further, Mermaids Nightclub is not considered a nonconforming use under Article 15 of the Unified Development Ordinance because it has no permit to operate under.

19. R.F. London, Inc. does not have a vested right to operate a nightclub and billiards/gameroom because Section 2019 (1) and (2) (now Section 11.12 (A) and (B)) of the UDO requires a conditional use permit to obtain a vested right "...following notice and public hearing."

20. R.F. London, Inc. continued to operate an adult business by allowing topless dancing at its establishment known as Mermaids Nightclub. Mr. London was convicted in Currituck County District Court for operating Mermaids Nightclub without a conditional use permit, paid the fine, and was ordered by the court to not operate until he had a valid permit (96CRS532).

21. Sections 808 and 1310 (presently Sections 3.7.1 and 2.5) of the UDO, adopted September 19, 1994, classifies topless nightclubs as "Adult Businesses" which requires such businesses to locate in a Heavy Manufacturing zoning district with a special use permit and 1,000 feet from any dwelling or R and RA zoning district, among other things.

22. The property on which the R.F. London, Inc. establishment known as Mermaids Nightclub is located, US Highway 158, Point Harbor, Tax Map 132, Lot 133A, Poplar Branch Township, is zoned General Business. Further, the building in which Mermaids is located is within 1,000 feet of 24 residential dwellings (17 in the year 2000) and immediately adjacent to an R zoning district.

23. R.F. London, Inc.'s initial intended use was a nightclub and billiards/gameroom. A conditional use permit application to appear before the Board of Adjustments for the initial use was submitted on August 4, 1993 .

24. The secondary impacts of the initial intended use were encompassed in the findings of fact adopted by the Board of Adjustment on January 26, 1994 and included in Exhibit A attached hereon and incorporated herein by reference.

25. On February 7, 2000, Robert F. London, Inc. submitted a special use permit application to operate an adult and sexually oriented business consisting of a "Nightclub offering comedy, pool tables, video games, musicians, dancing, topless dancing, organized parties for businesses or groups." The property is located on US 158, Point Harbor, in the building now occupied by Mermaids Nightclub, Tax Map 132, Lot 133A, Poplar Branch Township.

26. Secondary effects of the amended use are considered under the special use permit criteria of Section 1402(2) (presently Section 11.7.1(F)(12)). However, the secondary affects do not apply because the controlling statues, former Sections 808 and 1310 (referred to in former Section 1402(1)(c)), requires adult oriented businesses to locate in a Heavy Manufacturing zoning district (presently required in Section 2.5 Permitted Uses Table). Further, Section 808 (presently Section 3.7.1) requires a minimum 1,000 feet spacing between any building housing an adult oriented business and an R zoning district and any building used as a dwelling. The proposed adult use building is located within a GB (General Business) zoning district, is immediately adjacent to an R zoning district, and is within 1000 of 24 buildings (17 in the year 2000) used as residential dwellings.

Based on the foregoing FINDINGS OF FACT the Board makes the following CONCLUSIONS OF LAW:

1. Because R.F. London, Inc. did not submit a completed special use permit request for a nightclub offering topless dancing until February 7, 2000, and Currituck County adopted an ordinance on September 19, 1994 classifying such uses as adult businesses, then the provisions of the September 19, 1994 ordinance contained in Sections 808 and 1310 (now Sections 3.7.1 and 2.5) apply.

2. The adult business nightclub application of Robert F. London, Inc. does not comply with the former or present applicable requirements of the Unified Development Ordinance since the property is in a General Business zoning district (former Section 808(5)(a) requires HM zoning district), is immediately adjacent to a residential zoning district (former Section 808(5)(b)(1) requires 1,000 feet spacing) is located within 1,000 feet of 24 buildings (17 in the year 2000) being used as residential dwellings (former Section 808(5)(b)(1) requires 1,000 feet spacing).

3. R.F. London, Inc.'s application is complete but the application should be denied for failure to comply with Sections 808 (presently Section 2.5 Permitted Uses Table) and 1310 (presently Section 3.7.1) of the Unified Development Ordinance. Specifically, if completed as proposed, the use will not comply with Section 808 (presently Section 2.5 Permitted Uses Table) and Section 1310 (presently Section 3.7.1).

NOW, WHEREFORE, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW the application of R.F. London, Inc. for special use permit is hereby DENIED.

The foregoing decision was rendered by the Board of Commissioners on the 18<sup>th</sup> day of October, 2010, and a written copy of this decision was filed in the Currituck County Planning Department and served on the day below by certified mail, return receipt requested:

This the 19th day of September, 2011.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10440-545000	Contract Services	\$ 5,000	
10511-590000	Capital Outlay	\$ 8,700	
10350-468000	Sale of Fixed Assets		\$ 28,490
10390-499900	Appropriated Fund Balance	\$ 14,790	
		\$ 28,490	\$ 28,490

**Explanation:** Finance (10440); Jail (10511) - To record July and August 2011 sales of assets on GovDeals, to appropriate funds to pay the GovDeals fees and to replace Jail audio recording system in the Jail.

**Net Budget Effect:** Operating Fund (10) - Increased by \$13,700.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-561000	Professional Services	\$ 35,000	
10796-590000	Capital Outlay		\$ 35,000
		\$ 35,000	\$ 35,000

**Explanation:** Rural Center (10796) - Transfer budgeted funds to professional services for Albemarle RC&D Council Inc to manage Rural Center boardwalk, picnic pavilion and kayak launch project.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531-532000	Supplies	\$ 2,025	
10390-499900	Appropriated Fund Balance		\$ 2,025
		\$ 2,025	\$ 2,025

**Explanation:** Emergency Management (10531) - To carry-forward 2010 Emergency Management Planning Grant funds remaining at June 30, 2011. This grant expires September 30, 2011.

**Net Budget Effect:** Operating Fund (10) - Increased by \$2,025.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
62828-532000	Supplies	\$ 1,500	
62828-561000	Professional Services		\$ 1,500
		\$ 1,500	\$ 1,500

**Explanation:** Newtown Road Sewer (62828) - Pumps for home sites in the Newtown Road Sewer District.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10640-532007	Backpacks for Kids Appropriated Fund	\$ 219	
10390-499900	Balance		\$ 219
		<u>\$ 219</u>	<u>\$ 219</u>

**Explanation:** Cooperative Extension (10640) - To carry-forward funds donated for the Backpacks for Kids program.

**Net Budget Effect:** Operating Fund (10) - Increased by \$219.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10640-590000	Capital Outlay	\$ 3,600	
10640-532005	AG Supplies	\$ 493	
10330-449900	Miscellaneous Grants		\$ 4,093
		<u>\$ 4,093</u>	<u>\$ 4,093</u>

**Explanation:** Cooperative Extension (10640) - To record Pesticide Grant. The capital purchase is a shed to store the pesticide containers.

**Net Budget Effect:** Operating Fund (10) - Increased by \$4,093.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10640-532004	FCS Supplies	\$ 8,712	
10330-449900	Miscellaneous Grants		\$ 8,712
		<u>\$ 8,712</u>	<u>\$ 8,712</u>

**Explanation:** Cooperative Extension (10640) - To record SHIIP Grant for Medicare Counseling.

**Net Budget Effect:** Operating Fund (10) - Increased by \$8,712.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10410-561000	Professional Services	\$ 4,600	
10441-514500	Training & Education	\$ 1,175	
10441-557100	Software License Fees	\$ 3,948	
10441-590000	Capital Outlay	\$ 21,062	
10460-545000	Contract Services	\$ 755	
10460-561000	Professional Services	\$ 725	
10510-545000	Contract Services	\$ 29,381	
10512-545001	Contract Services	\$ 6,156	
10650-526200	Promotional Efforts	\$ 14,604	
10660-561000	Professional Services	\$ 109,398	
10795-590441	Tech > \$1000	\$ 13,275	
10390-499900	Appropriated Fund Balance		\$ 205,079
20609-545000	Contract Services	\$ 32,434	
20609-590000	Capital Outlay	\$ 272,643	
20390-499900	Appropriated Fund Balance		\$ 305,077
29690-590000	Capital Outlay	\$ 98,503	
29390-499900	Appropriated Fund Balance		\$ 98,503
60808-545001	Contract Services	\$ 8,698	
60808-561000	Professional Services	\$ 13,294	
60808-561001	Professional Services	\$ 20,750	
60390-499900	Appropriated Retained Earnings		\$ 42,742
61818-561000	Professional Services	\$ 8,000	
61390-499900	Appropriated Retained Earnings		\$ 8,000
66868-561000	Professional Services	\$ 1,524	
66390-499900	Appropriated Retained Earnings		\$ 1,524
		\$ 660,925	\$ 660,925

**Explanation:** To carry-forward funds for outstanding purchase orders at 6/30/2011.

<u>PO</u>	<u>Vendor</u>	<u>Amount</u>
20111447	McDowell & Assoc	4,600
20111349	Tyler Tech/Emp SS	9,335

	Virtual Desktop	15,063
20111378	Vermont Systems	15,063
20110683	Gordon Sheet Metal	755
20111281	Hyman & Robey	725
20111427	Northrop Grumman	29,381
20110607	ALAL-SNIP Grant	6,156
20110179	Artillery Marketing	14,604
20110496	Clarion	65,914
20110497	Moffat & Nichol	43,484
20110031	Moffat & Nichol	32,434
20110413	RPC Contracting	272,643
20110505	Corolla Fire/Truck	98,503
20110523	Arcadis	8,698
20110971	Arcadis	13,294
20110516	Coastal Engineering	17,400
20110456	QC by Zeke	3,350
20111414	McDowell & Assoc	8,000
20110969	Quible & Assoc	1,523
		\$ 660,925

**Net Budget Effect:** Operating Fund (10) - Increased by \$8,712.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>  Decrease Revenue or Increase Expense	<b>Credit</b>  Increase Revenue or Decrease Expense
50512-596100	Professional Services	\$ 95,000	
50545-545000	Contract Services		\$ 6,818
50548-545000	Contract Services		\$ 32,386
50548-561000	Professional Services		\$ 3,433
50548-588000	Contingency		\$ 24,514
50548-590000	Capital Outlay		\$ 347
50640-545004	Contract Services		\$ 8,888
50640-561004	Professional Services		\$ 12,340
50380-481000	Investment Earnings		\$ 6,274
		\$ 95,000	\$ 95,000

**Explanation:** To increase appropriations for design of the Animal Shelter and to close out projects for the Kilmarlic Fire Station, the Knotts Island Fire Station and the Cooperative Extension Building.

**Net Budget Effect:** County Governmental Facilities Fund (50) - Increased by \$6,274.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50535-590001	800 MHz Project	\$ 1,689,178	
50390-495042	Transfer from Transfer Tax		\$ 1,689,178
		\$ 1,689,178	\$ 1,689,178

**Explanation:** To record amounts appropriated from Transfer Tax in Multi-year fund for 800 MHz project.

**Net Budget Effect:** County Governmental Facilities Fund (50) - Increased by \$1,689,178.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50650-596100	Professional Services	\$ 162,000	
50795-561000	Professional Services	\$ 486,100	
50795-590000	Furnishings	\$ 625,600	
50795-545000	Contract Services	\$ 697,348	
50380-481000	Investment Earnings		\$ 697,348
50390-495040	Transfer from Capital Imp		\$ 1,273,700
		\$ 1,971,048	\$ 1,971,048

**Explanation:** To appropriate funds for additional site work for Sussex/ID8 and services approved in the second amendment to the YMCA lease.

**Net Budget Effect:** County Governmental Facilities Fund (50) - Increased by \$1,971,048.

**Commissioner's Report**

Commissioner O'Neal commented on completing the Historic Jarvisburg Colored School.

Commissioner Rorer commented on Fun Day at the Rural Center.

Commissioner Gilbert commented on the 9-11 ceremony at the Veterans Park and reminded citizens of Bark in the Park on October 8<sup>th</sup>.

Commissioner Martin requested a sign for the Rural Center.

**County Manager's Report**

Dan Scanlon, County Manager, commended staff and volunteers during Hurricane Irene. He also updated the Board on mosquito spraying, debris pickup, etc.

**Closed Session:**

1. According to GS 143-318.11.(6)to discuss  
personnel

Chairman Aydlett moved to go into closed session as stated above and added Section (3) to preserve the attorney client privilege. Commissioner Gilbert seconded the motion. Motion carried.

**Adjourn**

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of October , 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>
10550-516200	Vehicle Maintenance	\$ 1,758	
10380-484001	Insurance Recovery		\$ 1,758
		<u>\$ 1,758</u>	<u>\$ 1,758</u>

**Explanation:** Airport (10550) - To record insurance proceeds from Nationwide Insurance for repairs to the Airport Jeep involved in an accident on 8/25/2011.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,758.

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Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of October , 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>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50650-590000	Roadway & Utilities	\$ 1,812,629	
50330-447000	Grant - Dept of Commerce		\$ 500,000
50390-459015	T F - Occupancy Tax		\$ 556,218
50390-495040	T F - Capital Improvements		\$ 756,411
		<u>\$ 1,812,629</u>	<u>\$ 1,812,629</u>

**Explanation:** Maple Commerce Park (50650) - To increase project for Barnhill Contract for roads and utility infrastructure at the Maple Commerce Park.

**Net Budget Effect:** County Governmental Construction (50) - Increased by \$1,812,629.

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Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of October , 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>
61818-590000	Capital Outlay	\$ 6,300	
61818-511010	Data Transmission	\$ 1,000	
61818-545000	Contract Services	\$ 2,500	
61360-473000	Reconnection Fees		\$ 9,800
		<u>\$ 9,800</u>	<u>\$ 9,800</u>

**Explanation:** Mainland Water (61818) - Increase appropriations to Mainland Water for repairs/replacement to communications systems for the SCADA system that was damaged during Hurricane Irene. This may be reimbursed by insurance and/or FEMA at a future date.

**Net Budget Effect:** Mainland Water (61) - Increased by \$9,800.

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Clerk to the Board