

CURRITUCK COUNTY
NORTH CAROLINA
April 4, 2011

The Board of Commissioners met at 6:00 p.m. to discuss the Foreign Trade Zone and at 6:30 p.m. to discuss draft ordinance to regulate Outdoor Tour Operators through issuance of Franchises.

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 and Rorer.

Invocation and Pledge of Allegiance

The Reverend Glenn McCranie, was present to give the invocation.

Approval of Agenda

Commissioner O'Neal moved to delete Item 6 and 7 and add resolution to support HB-162, and take Item 2 in consent agenda out to be discussed under Item 5A. Commissioner Etheridge seconded the motion. Motion carried.

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 **Proclamation Recognizing Fair Housing Month**

Item 4 **Public Hearing and Action:** PB 10-26 Currituck County Sign Ordinance: Request to amend the Unified Development Ordinance, Chapter 7 Signs and Chapter 17 Definitions of the UDO.

Item 5 **Public Hearing and Action:** PB 10-04 Outer Banks Harley Davidson: Request for a special use permit request for two special events, Outer Banks Bike Week, April 16 - 24, 2011 and Outer Banks Bike Fest, September 30 - October 2, 2011.

Item 5A **Resolution exempting Moyock Wastewater Project from the requirements of Section 143-64.31 of the NC General Statutes**

Item 6 **Public Hearing and Action:** PB 10-23 Quible and Associates: Request to amend the Unified Development Ordinance Chapter 2: Zoning Districts, Chapter 3: Special Requirements, and Chapter 17 Definitions to modify recreational campground requirements.

Deleted

Item 7 **Public Hearing and Action:** PB 11-03 Ocean Meadows RV Resort: Request to rezone 61.58 acres from Residential (R) with a Planned Adult Retirement Overlay(RET) to Conditional District-Residential Recreational District(CD-RR) located in Powells Point on the north side of South Spot Road approximately 1000 feet east of Caratoke

Highway (US 158) intersection, Tax Map 124, Parcel 28, Poplar Branch Township.

Deleted

Item 8 **Discussion on Currituck Chamber Proposal**

Item 9 **Appointments to Tourism Advisory Board**

Item 10 **Appointment to Board of Adjustment**

Item 11 **Appointments to Fire and EMS Board**

Item 12 **Consent Agenda:**

1. Approval of March 21, 2011, Minutes
2. Resolution exempting Moyock Wastewater Project from the requirements of Section 143-64.31 of the NC General Statutes
3. Appointment of Jack Riggle to replace Lee Foreman on the Whalehead Drainage Advisory Board
4. Budget Amendments
5. Ratification of letter to Governor endorsing Jerry Old for Board of Transportation membership
6. Ratification of contract with Carolina Water Services of NC, Inc. to acquire water assets
7. Division of Mental Health, Developmental Disabilities & Substance Abuse Services Quarterly Fiscal Monitoring Report
8. Resolution opposing HB DRH60052-SB-13 "Designation of Coastal Game Fish"
9. **Resolution in Support of HB 162 Exemption Small Farm Processors from Wastewater Requirements**

Item 13 Commissioner's Report

Item 14 County Manager's Report

Adjourn

Public Comment

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

Chairman Aydlett opened the public comment period.

Commissioner Gilbert commended the member of the Airport Advisory Board for the recent function at airport.

Commissioner Etheridge commended the theater students and teacher, Mr. White, at the High School for their recent show.

Commissioner O'Neal discussed the chart that lists the direct hits from a hurricane. Since 1871 there have been no hurricanes that have made landfall in Currituck County. He questioned why the insurance rates were higher in Currituck than any of the sites that have had major hits from hurricanes.

Peter Bishop, ED Director, stated that there would be a Vision meeting at the Waterlily Fire Station on Tuesday, April 5, 2011.

Proclamation Recognizing Fair Housing Month

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

**PROCLAMATION
FOR
FAIR HOUSING MONTH
APRIL 2011**

WHEREAS, April 2011 marks the 43rd anniversary of the Federal Housing Act of 1968 and the 28th anniversary of the North Carolina Fair Housing Act. Both laws prohibit discrimination in housing because of race, color, sex, religion, national origin, handicap and familial status; and

WHEREAS, the Currituck County Board of Commissioners, Albemarle Area Association of Realtors, Elizabeth City State University Community Development Program, and Northeastern Community Development Corporation, and county and local governments, concerned citizens and the housing industry, are working to make fair housing opportunities possible for all our citizens. Through their efforts, they are encouraging others to abide by the letter and the spirit of the fair housing laws; and

WHEREAS, one of the most important concerns of Currituck County citizens is the availability of housing to them as individuals and families. By supporting and promoting fair housing and equal opportunity, we are contributing to the health of our County and our State;

NOW, THEREFORE, the Currituck County Board of Commissioners does hereby proclaim April 2011 as "**Fair Housing Month**" in Currituck County and urges our citizens to rededicate themselves to ensuring that fair housing laws are always upheld and citizens are protected against discrimination.

Public Hearing and Action: PB 10-26 Currituck County Sign Ordinance: Request to amend the Unified Development Ordinance, Chapter 7 Signs and Chapter 17 Definitions of the UDO.

Ben Woody, Planning Director, reviewed the request and changes made after meeting with citizens and business owners on the Outer Banks.

At the March 21st Board of Commissioners meeting, Staff was directed to provide additional information for Outer Banks shopping center signage in relation to the number of businesses. In an email dated Friday, March 25, Staff presented four options to the Board for consideration.

Based on feedback from the Board, the enclosed text amendment reflects the following change:

- The maximum size of Outer Banks shopping center signage was decreased from 128 to 80 square feet.

Additionally, staff corrected several typos in the draft and clarified language for calculating sign height and establishing a landscape area. These changes are not substantive, but are pointed out as a matter of disclosure.

Finally, the Board discussed the use of flags and banners during the March 21st public hearing. The proposed Mainland flag requirements allow for 5 flags per lot, with a maximum area of 20 square feet, and maximum height of 20 feet. The proposed Outer Banks flag requirements, which were the topic of discussion, allow for 1 open flag, 1 open house flag, and 3 flags for a subdivision entrance. Should the Board decide to amend the flag requirements for the Outer Banks, Staff provides the following alternative (with a total number similar to the Mainland):

- Up to 4 flags per commercial lot; plus 1 flag attached to the building for each individual unit or business.
- Up to 4 flags per subdivision entrance; plus 1 model home banner per subdivision.

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

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

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 4 is amended by deleting Section 4.7.4.

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

Section 7.1 Purpose

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

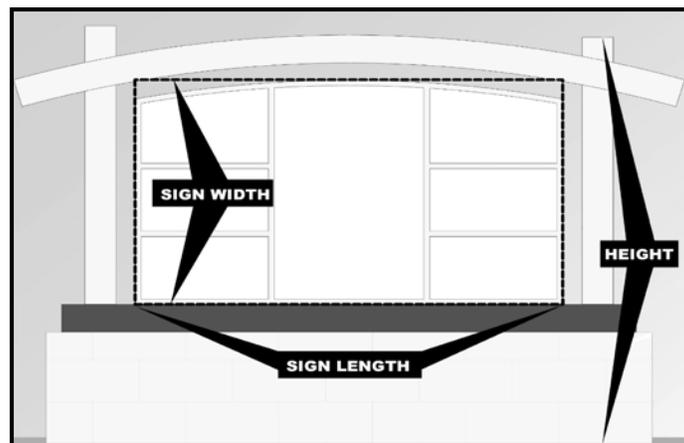
~~roadways. The provisions of this section are also intended to promote the reasonable, orderly, and effective display of such signs, displays, and devices.~~

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

Section 7.2 General Provisions

The following general provisions shall apply to all signs:

- A. No sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with the provisions of this ordinance.
- B. Measurements
 - 1. Sign area shall be determined by drawing the smallest **rectangular or square** geometric form to encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Sign area shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the UDO regulations and is clearly incidental to the display itself.



2. A two-sided or multi-sided sign shall be regarded as one sign **(calculate square feet of one face only)** so long as:
 - a. With respect to V-type signs, **the angle between the faces does not exceed 45 degrees** ~~the two sides are at no point separated by a distance that exceeds 15 feet;~~ and,
 - b. With respect to double faced (back to back) signs, **the signs are structurally attached and** the distance between the backs of each face of the sign does not exceed three feet.
3. **Sign height shall be measured from natural grade or from the nearest adjacent street grade to which the sign is oriented, whichever is higher, to the top of the highest component of the sign.**

C. Illumination

1. ~~Lights shall not shine into the street right-of-way or adjoining properties. If necessary, lights can be shielded by shrubs or decorative features of the sign.~~ **Illuminated signs shall be designed, installed, and maintained in a manner that avoids glare or reflection on adjoining properties and does not interfere with traffic safety.**
2. A sign shall not be erected that contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates.
3. ~~All illuminated signs shall be turned off during non-operating hours to decrease unneeded lighting with the exception of those used for safety or security purposes.~~
3. Outer Banks Overlay **Commercial** Districts Additional Requirements
 - a. All signs, if illuminated, shall be illuminated externally, **with the exception of neon signs.**
 - b. Sign lighting shall not exceed 15 foot candles at any location on the property and shall not exceed 1.5 foot-candles measured at ground level.

D. Clearing of Vegetation

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

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

2. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and /or,
3. In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.

E. Design, Construction, Maintenance

1. All signs shall be adequately secured to meet all applicable building code standards and shall be maintained in good structural condition.
2. Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign **or sign structure** shall be replaced or repaired.
3. A sign that includes a reference to a closed establishment shall remove the reference to the closed establishment within 30 days. The sign shall be altered in such a way as to not detract from the overall appearance of the sign. Exposed lighting, such as occurs with the removal of a transparent panel, is not acceptable under any circumstance.
4. Flags shall be attached to a singular pole or building and shall have no other means of support (i.e. be free-flying). Flags that are shredded, torn, tattered, or frayed must be replaced or removed **within 15 calendar days of receiving written notification upon written notification from the administrator.**

F. **Professional Appearance**

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

G. **Indemnification**

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

H. **Removal by Administrator**

Signs unlawfully placed in any street right-of-way or on any public property, including signs affixed to street and traffic signs or public utility poles, may be removed by the administrator without notice. Each

sign so removed will be held for 10 days and retrieval of each sign will incur a fee as prescribed in the adopted fee schedule. Removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing the signs.

Section 7.3 Exempt Signs

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

- A. Signs **and legal notices** erected by or on behalf of, or pursuant to, the authorization of a governmental body, including **but not limited to**, legal notices **traffic, directional, or regulatory signs**.
- B. Informational signs that identify public property, or convey public information, **or display other identification not having a commercial message**.
- C. Signs **designed to** directing and guiding **vehicular and pedestrian** traffic and parking on private property, but bearing no advertising matter.
- D. ~~Traffic, directional or regulatory signs~~ **Religious or civic symbols for noncommercial purposes, including lights and decorations temporarily displayed on holidays**.
- E. Official signs of a non-commercial nature erected by public utilities.
- F. **Residential flags or** flags, pennants, and insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
- G. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.
- H. **Vendor signs located at convenience stores. Such signs shall not be attached to public utility poles or traffic signs**.
- I. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

Section 7.4 Prohibited Signs

The following signs are expressly prohibited:

- A. Off-premise advertising signs (billboards), **including digital billboards**.
- B. Signs located within the sight distance triangle or public right-of-way.
- C. Signs attached to the structure of a lawfully permitted sign without a permit **except as otherwise provided by this ordinance**.

- D. Signs attached to any traffic sign, utility pole, or tree except as otherwise provided by this ordinance.
- E. A sign that by its location, color, illumination, size, shape, nature, or message would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- F. Signs that emit a sound, odor, or visible matter such as smoke or vapor.
- G. Signs that exhibit statements, suggestive words, or pictures of an obscene or pornographic nature.
- H. Banners, inflatable signs or balloons, flags (except those exempted by this ordinance), pennants, streamers, propellers, whirligigs, umbrellas with logos or commercial messages, and animated display boards.
- I. Signs or portions of signs designed to move by any means or give the appearance of movement in any manner except for **suspended signs intended for pedestrians and** flags as described in this ordinance.
- J. Roof signs.
- K. **Vehicle signs on vehicles or trailers that are not currently licensed and registered by the Department of Motor Vehicles.**
- L. Outer Banks Overlay District Additional Requirements
 - 1. Signs located on any land subject to periodic inundation by tidal saltwater.
 - 2. Signs with reflective lettering **except those exempted by this ordinance.**
 - 3. Any sign abandoned for more than six months and dilapidated signs where the cost to renovate or repair the sign is **50 percent or** more of the sign replacement cost.
 - 4. Internally illuminated signs or signs which contain a visible light source **except as otherwise provided by this ordinance.**
 - 5. Portable signs (mobile marquees).
 - 6. **Electronically controlled message signs.**

Section 7.5 Signs Allowed without a Zoning Permit

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

- A. Signs allowed by this section shall have a minimum setback of 10 feet from side property lines ~~except as otherwise provided.~~

B. Signs allowed by this section shall not be illuminated **except as otherwise provided.**

~~C. Sign height shall be determined by measuring from natural grade.~~

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

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Community Identification ¹	2 per entrance	60	15
Contractor ²	1 per lot	32	10
Church-Directional	1 per street or intersection	8	8
Flags	<u>One flag per 40' of street frontage, 5/lot</u> <u>One flag per pole.</u>	<u>One square foot for every two linear foot of road frontage.</u> <u>3620 each</u>	20
Home Occupation	1	6	6
Special Event ³	10	32	10
Political ⁴	n/a	32	10
Real Estate, Commercial	1 per lot	32	10
Real Estate, Residential Lot	1 per lot	8	4
Real Estate, Subdivision	500' apart	75	10
Roadside Market ⁵	n/a	32	n/a
Window (<u>including neon signs</u>)	n/a	25% of glass pane	n/a

1. May be externally illuminated and located within a private right-of-way, but not within the sight distance triangle.
2. Shall be removed upon issuance of the Certificate of Occupancy or completion of work.
3. Shall not be erected earlier than 30 days before the event and must be removed no later than 10 days after the event and must be in conjunction with an approved special event.
4. ~~Shall be erected no more than 60 days prior to~~ and must be removed within 10 days following each separate election date.
5. May not be erected more than 30 days before the seasonal opening of such enterprise and shall be removed no later than 30 days after the enterprise closes for the season.

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

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Agent On Duty	1 per lot	6 <u>8</u>	3 <u>4</u>
Community Identification ¹	1 per entrance	48	6
Contractor ²	1 per lot	6	3
Cottage Name	1 per lot/unit	12	n/a
<u>Cottage For Rent</u>	<u>1 per lot/unit</u>	<u>2</u>	<u>n/a</u>
Church Directional	1 per street or intersection	2 <u>8</u>	6 <u>8</u>
Flag, Open ³	1	24 <u>15</u>	Eave of roof
Flags, Open House ⁴	3	24	10 for flags at entrance
<u>Flags, Subdivision</u>	<u>1 pole per major entrance with up to 3 flags per pole</u>	<u>24 per flag</u>	<u>35</u>
Heritage Park Community Event ¹²	3	32	6
Home Occupation	1	6	6
Landscape Contractor	1 per lot	2	2
Local Event ⁵	6	6	4
Special Event ⁶	3	32	6
Open House	4	6 <u>8</u>	3 <u>4</u>
Open House Directional ¹³	n/a	6	4
Political ⁷	n/a	32	10
For Sale or Lease, Subdivision or Commercial Lot <u>Real Estate, Commercial or Subdivision</u> ¹⁴	1	32	6
For Sale, Individual Residential Lot <u>Real Estate, Residential Lot</u> ⁸	1 per lot	6 <u>8</u>	3 <u>4</u>
Roadside Market ⁹	n/a	32	n/a
Shopping Center, Directional	Up to a total of 32 sq. ft.	32	6
Security	1 per lot	2	2
Tent/Sandwich ¹⁰	1 per business unit	40 <u>8</u>	4
Window (<u>including neon signs</u>)	n/a	25% of glass pane	n/a

- 1. May be externally illuminated and located within a private right-of-way, but not within the sight distance triangle.**
- 2. Shall be removed upon issuance of the Certificate of Occupancy or completion of work.**
- 3. Shall be anchored to wall, porch post, or railing of subject business. Shall be removed at the close of each business day.**
- Two at entrance to subdivision and one attached to open house.
- Up to a maximum of 4 off-premise and 2 on-premise. May be erected up to 72 hours before event and shall be removed within 48 hours after event. Signs shall display no commercial messages or logos.
- 6. Shall not be erected earlier than ~~30~~ 7 days before the event and must be removed no later than 48 hours after the event and must be in conjunction with an approved special event.**
- 7. Shall be erected no more than 60 days prior to and must be removed within 10 days following each separate election date.**

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

Section 7.6 On-Premise Signs Allowed with a Zoning Permit

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

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

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

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Freestanding, Individual Lot	1 per street frontage. ^{1,2}	250 <u>128</u> ³	25 <u>20</u>
Shopping Center, Freestanding	1 per street frontage. ¹	# of Businesses	<u>25</u>
		<u>4-10 = 200</u>	
		<u>>10 = 160-300</u>	
Shopping Center, Outparcel	1 per lot	400 <u>64</u>	<u>10</u>
Wall	n/a	<p><u>20 percent of wall surface to which sign is attached, not to exceed 400 square feet.</u></p> <p>• 30% of wall area not to exceed:</p> <p>200-sf max. for each building less than 5,000 sf of gross floor area.</p> <p>400-sf max. for each building between 5,000 square feet and 9,999 square feet of gross floor area.</p> <p>600-sf max. for each building greater than 10,000 square feet of gross floor area.</p>	n/a

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

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

Sign Type¹	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Freestanding, Individual Lot	1 per street frontage ²	48	<u>6 8</u>
Shopping Center, Freestanding	1 per street frontage ²	48- <u>80</u> ³	<u>6 12</u>
Shopping Center, Outparcel	<u>1 per lot</u>	32	<u>6</u>
Wall	<u>n/a</u>	32 ⁴	<u>Eave of Roof</u>

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

E. Landscaping Requirements

This section shall apply to all shopping center and freestanding signs:

1. Landscaping shall be required that encompasses the entire base of the sign at a minimum rate of two square feet of landscape area per one square foot of sign area.
2. Required landscaping shall contain an appropriate combination of shrubs and ground cover. Ground cover must consist of vegetation and/or mulch.

Item 3: That Chapter 17 is amended as follows:

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

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

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

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

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

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

Shopping Center, Outparcel: A lot located on the perimeter of a shopping center development, with frontage on the arterial street serving the shopping center, that is subordinate to the shopping center development for access, parking, and drainage.

Sign:

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

Site-triangle Sight Distance Triangle

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign, Off Premise Direction Sign

~~A sign authorized by the Board of Commissioners in the Outer Banks Overlay District in Corolla Village, businesses located within 1200' of Caratoke Highway, and businesses located along the Atlantic Intracoastal Waterway (Coinjock~~

Canal) that displays the name of the business only and the direction in which it is located. The off-premises directional sign is similar in size and style to street name signs.

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

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

Sign, Railing: Any sign attached to a railing.

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

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

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

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

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

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

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

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

Special Events

Circuses, fairs, carnivals, festivals, or other types of special events that:
a. run for longer than one day but not longer than two weeks,

- ~~b. are intended to or likely to attract substantial crowds; and,~~
- ~~c. are unlike the customary or usual activities generally associated with the property where the special event is to be located.~~

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

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

Chairman Aydlett opened the public hearing.

Alicia McDonnell, Corolla, stated that she supports the ordinance as amended.

David Singletary, supports digital billboards and offered the county a special rate for events.

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

Commissioner Petrey moved to approve 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. The following substantive changes outlined by staff are to be included:

1. Maximum size of 80 Sq. ft. for OBX shopping center signage.
2. Signage within residential subdivisions limited to:
 - a. Maximum of 4 flags at each major entrance.
 - b. Open House directional signage at internal intersections.
 - c. Maximum of 1 flag at the model home.
 - d. Maximum of 1 banner or sign attached to model home.
 - e. Permanent flagpole is permitted at substantial subdivision build out.

Commissioner Martin seconded the motion. Motion carried.

Public Hearing and Action: PB 10-04 Outer Banks Harley Davidson: Request for a special use permit request for two

special events, Outer Banks Bike Week, April 16 - 24, 2011 and Outer Banks Bike Fest, September 30 - October 2, 2011.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
Date: April 4, 2011**

PB 10-04 Outer Banks Harley Davidson Special Use Permit

ITEM: PB 10-04 Outer Banks Harley Davidson Special Use Permit request for two special events, Outer Banks Bike Week, April 16 -24, 2011, and Outer Banks Bike Fest, September 30 - October 2, 2011.

LOCATION: 8739 Caratoke Highway, Harbinger (existing Harley Davidson dealership).

TAX ID: 0131-000-0088-0000

ZONING DISTRICT: General Business (GB)

PRESENT USE: Motorcycle Retail
OWNER: MDS Investment LLC
% Maurice Slaughter
2211 Frederick Blvd
Portsmouth VA 23704

APPLICANT: Same

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	GB
SOUTH	Residential	GB
EAST:	Residential	GB
WEST:	Post Office	GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service within the Point Harbor subarea.

SIZE OF SITE: 3.2 acres

UTILITIES: The business is served by county water and an on-site septic system. Port-a-johns are proposed for the special events.

I. NARRATIVE OF REQUEST:

- The Outer Banks Harley-Davidson in Harbinger is the hub for all Bike Week activities. The facility is utilized to house additional vendors, live music, and serves as the starting point for poker runs and scenic tours.
- This is the 9th year for Outer Banks Bike Week and attendance has grown each year, with last year's attendance reaching over 10,000 attendees.
- Guided tours are proposed around the sound, to Corolla, and to Knotts Island via the ferry.

II. Special UDO requirements for special events (Section 3.10.4)

1. The amount of noise generated shall not disrupt the activities of adjacent land uses.
2. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.
3. Parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
4. In cases where it is deemed necessary, the board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
5. If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

III. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Zoning (Tammy Glave 252-232-6025):

Approved with corrections:

1. The original site plan approval was for three additional buildings. The existing building was required to have 46 parking spaces (approved at 1:400 instead of 1:200), so there are extra parking spaces available at this time. Please note that drive aisles cannot be blocked. The applicant plans to restrict this parking area to motorcycles only.
2. Overflow and non-motorcycle parking must be adequately addressed. The applicant has signed permission for satellite parking at Carolina Designs Realty, Barrier Island Welcome Center, Mutiny Tattoo, and Harbinger Post Office. Mutiny Tattoo is the only location approved for customer satellite parking. All other listed locations are either greater than 300' from the subject property or are considered unsafe for pedestrians

(crossing Caratoke Highway). Carolina Designs Realty, Barrier Island Welcome Center, and Harbinger Post Office may be used for employee satellite parking only.

Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

Reviewed with comments:

1. Event Coordinator needs to consult with health department concerning these 2 proposed events(OUTER BANKS BIKE WEEK APRIL 16-24 2011 and OUTER BANKS BIKE FEST SEPT. 30 thru OCT. 2 2011).
2. Event Coordinator needs to fill out one COORDINATOR'S APPLICATION for a TEMPORARY FOOD EVENT PER EVENT and submit application to health dept. 4 weeks prior to event.
3. Each FOOD VENDER will need to consult with health dept., fill out a required application with a \$75.00 dollar fee and submit to health dept. at least 2 weeks before event.
4. An approved public water supply must be available to serve the vendors. Consult with Health Department concerning this issue.
5. Port-a-Jons will be required and maintained properly by a NC Licensed Portable Sanitation Management firm.
6. PLEASE CONSULT WITH HEALTH DEPT. AS SOON AS POSSIBLE FOR HELPFUL ASSISTANT WITH THESE PROPOSED EVENTS.
*PLEASE CONTACT MS. ANGELA RODRIGUEZ REHS
ENVIROMENTAL HEALTH SPECIALIST AT (252)232-6603 THANK YOU.

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Approved with corrections:

1. Park Rental Fees will not be waived for this event as it is my opinion that the number of vehicles could in fact hinder the public's use of the park facility. I recommend approval if the overflow parking is addressed properly. Signage will need to be posted at the park 1 week in advance of the event date.

Currituck County Emergency Management (James Mims, 252-232-4024)

Approved with comment:

1. Maintain designated egress from property and structures.
2. Acquire proper permits for any tents, canopies, and air supported structures.
3. Respond to the following Emergency Managers comments: From the EM perspective...the 2nd of the two weeks is in the height of hurricane season. 1st, do they have a "rain date" or alternate plans in the event of a hurricane and a plan to convey these possible schedule changes? 2nd, do they understand the resources they are counting on could be otherwise occupied if we are in the midst of preparing for and conducting an evacuation? 3rd, will they comply with our evacuation orders and be proactive in conveying the information to their attendees?

IV. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

In order to approve a SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. Completeness of application.
Suggested Findings:
 - a. The application is complete.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".
Suggested Findings:
 - a. Special events are an allowable use within the General Business (GB) zoning district with a special use permit.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. The proposed plan meets the minimum requirements of the ordinance.
4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. So long as the non-motorcycle parking is adequately addressed, the events should have little impact on public health or safety with the proposed precautions in place [no parking signs in right-of-ways, private security (off-duty deputies), designation of satellite parking areas across Caratoke Highway for employees only, and satellite parking for customers only on the same side of Caratoke Highway as the event].
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located
Suggested Findings:
 - a. The Unified Development Ordinance indicates that special events are allowed in the GB zoning district with a special use permit.
 - b. The special events will take place at an existing retail business.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.
Suggested Findings:
 - a. The 2006 Land Use Plan classifies this site as Limited Service within the Point Harbor subarea. The policy emphasis is to allow portions of the Point Harbor area to continue to evolve as a full service community. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY ED1: New and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity based economy of Currituck County.

POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions, and spin-offs shall also be recognized.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

- a. The county has adequate public facilities to service this use.

IV. STAFF RECOMMENDATION:

- A. The submittal does appear to meet all of the requirements for approval, so **staff recommends conditional approval** of this special use permit subject to the findings of fact, TRC comments, and non-motorcycle parking being addressed. **If non-motorcycle parking is not adequately addressed prior to the Board of Commissioners' Public Hearing, then staff recommends denial of this special use permit.** It should be noted that this approval is valid only for the two events listed. Events held in subsequent years will require renewal of the special use permit.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of PB 10-04 with staff recommendations, facts of finding, and the parking must be addressed by the applicant.

NOTE: The county has requested that NCDOT and Emergency Management provide Variable Message Signs warning motorists of potential traffic congestion at this location.

PLANNING BOARD DISCUSSION (3-8-11)

Mr. West asked if staff has received any recommendation from Mr. Johnson on the non-motorcycle parking.

Mr. Woody stated no but the applicant may address this tonight. Mr. Woody stated the sheriff's department offered to work with Mr. Johnson to find parking on private property.

Mr. Johnson stated they are actively looking for alternate parking for non-motorcycle vehicles. The event is spread out over 10 days which will stretch out parking. They have submitted a request to use Sound Park for parking April 21-23. Major events have been

moved to the Nags Head dealership. Mr. Johnson stated they will conform to the parking requirements. The first weekend will have limited activities.

Mr. Midgette asked is security has been addressed.

Mr. Johnson stated they have been in touch with Currituck County Sheriff's Department and they will have their own security as well.

Mr. Stone stated this event will overlap Easter weekend and he has concerns with it during this weekend.

Mr. Hunsicker is opposing this request.

Mr. Kovacs asked if the dates could be changed.

Mr. Johnson stated no.

ACTION

Ms. Newbern moved to approve PB 10-04 with staff recommendations, findings of facts, and the parking must be addressed by the applicant. Ms. Taylor seconded the motion. Ayes: Mr. Kovacs, Mr. Clark, Mr. Bell, Ms. Newbern, Ms. Taylor and Mr. Midgette. Nays: Ms. Wilson and Mr. West.

The following comments have been received for the February 16, 2011 TRC meeting. In order to be scheduled for the March 8, 2011 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on February 21, 2011. TRC comments are valid for six months from the date of the TRC meeting.

Zoning (Tammy Glave 252-232-6025):

Approved with corrections:

1. The original site plan approval was for three additional buildings. The existing building was required to have 46 parking spaces (approved at 1:400 instead of 1:200), so there are extra parking spaces available at this time. Please note that drive aisles cannot be blocked. The applicant plans to restrict this parking area to motorcycles only.
2. Overflow and non-motorcycle parking must be adequately addressed. The applicant has signed permission for satellite parking at Carolina Designs Realty, Barrier Island Welcome Center, Mutiny Tattoo, and Harbinger Post Office. Mutiny Tattoo is the only location approved for customer satellite parking. All other listed locations are either greater than 300' from the subject property or are considered unsafe for pedestrians (crossing Caratoke Highway). Carolina Designs Realty, Barrier Island Welcome Center, and Harbinger Post Office may be used for employee satellite parking only. (*The applicant is trying to obtain parking from Powells Point Christian Church for non-motorcycle vehicles. They are to provide how many vehicles are expected and the number of spaces available at the church.*)
3. According to Section 3.10.4 of the UDO, the following special requirements must be met:

- a. The amount of noise generated shall not disrupt the activities of adjacent land uses.
- b. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.
- c. Parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
- d. In cases where it is deemed necessary, the board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
- e. If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

Information Technology (Harry Lee, 252-232-2034)

Reviewed without comment.

Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

Reviewed with comments:

1. Event Coordinator needs to consult with health department concerning these 2 proposed events(OUTER BANKS BIKE WEEK APRIL 16-24 2011 and OUTER BANKS BIKE FEST SEPT. 30 thru OCT. 2 2011).
2. Event Coordinator needs to fill out one COORDINATOR'S APPLICATION for a TEMPORARY FOOD EVENT PER EVENT and submit application to health dept. 4 weeks prior to event.
3. Each FOOD VENDER will need to consult with health dept., fill out a required application with a \$75.00 dollar fee and submit to health dept. at least 2 weeks before event.
4. An approved public water supply must be available to serve the vendors. Consult with Health Department concerning this issue.
5. Port-a-Jons will be required and maintained properly by a NC Licensed Portable Sanitation Management firm.
6. PLEASE CONSULT WITH HEALTH DEPT. AS SOON AS POSSIBLE FOR HELPFUL ASSISTANT WITH THESE PROPOSED EVENTS.
*PLEASE CONTACT MS. ANGELA RODRIGUEZ REHS
ENVIROMENTAL HEALTH SPECIALIST AT (252)232-6603 THANK YOU.

Soil and Water (Mike Doxey, 252-232-3360)

Approved without comment.

NCDENR Land Quality (Pat McClain, 252-946-6481)

Reviewed without comment.

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Approved with corrections:

1. Park Rental Fees will not be waived for this event as it is my opinion that the number of vehicles could in fact hinder the public's use of the park facility. I recommend approval if the overflow parking is addressed properly. Signage will need to be posted at the park 1 week in advance of the event date.

Currituck County Emergency Management (James Mims, 252-232-4024)

Approved with comment:

1. Maintain designated egress from property and structures.
2. Acquire proper permits for any tents, canopies, and air supported structures.
3. Respond to the following Emergency Managers comments: From the EM perspective...the 2nd of the two weeks is in the height of hurricane season. 1st, do they have a "rain date" or alternate plans in the event of a hurricane and a plan to convey these possible schedule changes? 2nd, do they understand the resources they are counting on could be otherwise occupied if we are in the midst of preparing for and conducting an evacuation? 3rd, will they comply with our evacuation orders and be proactive in conveying the information to their attendees? *(In the event of a hurricane, the event will be cancelled. They will follow evacuation orders and advise participants of those orders)*

NC Division of Coastal Management (Charlan Owens, 252-264-3901)

Reviewed without comment.

Public Utilities (Pat Irwin, 252-232-2769)

Approved without comment.

County Engineering Department (Eric Weatherly, 252-232-6035)

Reviewed without comment.

Please note that comments were not received from the following:

Currituck County Sheriff (Susan Johnson, 252-453-8204)

Currituck County Economic Development (Peter Bishop, 252-232-6015)

Currituck County Code Enforcement/CAMA (Stacey Smith, 252-232-6027)

Currituck County Building Inspections (Spence Castello, 252-232-6020)

Currituck County Schools (Megan Doyle, 252-232-2223)

Local Volunteer Fire Chief

NCDOT (Jim Hoadley, 252-331-4737)

NC State Archeology (Lawrence Abbott, 919-807-6554)

US Army Corps of Engineers (Kyle Barnes, 910-251-4584)

NC DENR Public Water (Siraj Chohan, 919-715-3235)

NC DENR Water Quality, (Kim Colson 919-733-5083, Ext. 540)

NC DENR Environmental Management (Roger Thorpe, 252-948-3923)

NC DENR Aquifer Protection, David May

NCDENR Environmental Health/Onsite Wastewater, Bob Uebler
NCDENR, Marine Fisheries, Kevin Hart
NCDENR Water Quality/Surface Water Protection, Al Hodge
NC Wildlife, Maria Dunn
Embarq, Hester Jones
Dominion Power, Troy Lindsey
Charter Communications, Sam Scilabba
Centurylink, Kimberly Hoevenair

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans, if applicable.
- 1- 8.5"x11" copy of all revised plans, if applicable.
- 1- PDF digital copy of all revised documents and plans.

**POST EVENT REPORT FOR THE
BOARD OF COMMISSIONERS
May 17, 2010**

PB 10-04 Outer Banks Harley Davidson Special Use Permit

The Outer Banks Harley Davidson held its Outer Banks Bike Week on April 18-25, 2010. On May 12, 2010, Kevin Johnson, President and Chief Operating Officer, met with Mary Beth Newns, Emergency Management Director; Sandy Casey, Chief Deputy; Jason Banks, Lieutenant; Ben Woody, Planning Director; and Tammy Glave, Planner II.

Staff concludes that the following special use permit and fire code requirements were not met at this event:

Parking

1. Parking generated by the event was to be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.

Violation: The Sheriff's office advised that vehicles were parked along Caratoke Highway, Church Road, and East Mobile Road. Pedestrians were crossing Caratoke Highway to access the event creating a safety hazard. Vehicles parked along Church Road and East Mobile Road blocked access to some of the dwellings along those roads.

Potential Solution: Applicant to provide satellite parking lots (possibly County park) and shuttle customers to the event. The applicant will also pursue using the parcel across from the Powells Point Christian Church (0131-000-0093-0000).

2. The application was to provide "No Parking" signs along Caratoke Highway and Church Road and enforce towing.
Violation: Upon inspection, there were no "No Parking" signs along Caratoke Highway and only a few along Church Road. The applicant had

placed "No Parking" signs along the sides of the roads, but the customers ran over them or removed them. The applicant did not enforce towing in the no parking areas. The Sheriff's office subsequently enforced towing.

Potential Solution: The applicant will contact NCDOT about divided lanes (one lane for bikes and another for cars), temporary stop light, barricading roads, etc. Ultimately, the applicant wishes to provide a satellite parking lot with a shuttle service.

Security

1. The applicant was to provide adequate security for the event.

Violation: The Sheriff's office provided one deputy for the event. One deputy was not able to adequately protect the public health and safety.

Potential Solution: The Sheriff's office determined that a minimum of two deputies will be required on weekdays and three or four deputies would be required on the weekends. Hiring a private security firm was also encouraged.

Fire Code

1. There were sheds, a fuel tank, etc. in the fire lane that were to be removed prior to the event.

Violation: The fire lane was not cleared prior to the event.

Potential Solution: The fire lane is to be cleared immediately.

In conclusion, everyone is in agreement that Bike Week was a success and will be encouraged to continue so long as the above issues are adequately addressed. The applicant said they had about 12,000 people at this event and expect it to grow to 25,000-30,000 people.

Commissioner Aydlett opened the public hearing.

Kevin Johnson, representing applicant, stated that he was addressing the parking and other safety concerns. There will be 2 deputies and most of the events will be in Dare County.

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

Commissioner Martin moved to approve both events with findings of fact, TRC comments and staff recommendations included in the case analysis. Commissioner Etheridge seconded the motion. Motion carried.

Discussion on Resolution exempting Moyock Wastewater Project from the requirements of Section 143-64.31 of the NC General Statutes.

Commissioner O'Neal asked Ike McRee, County Attorney, to review why the county was requesting such legislation.

Commissioner O'Neal moved to approve because this would save money and time. Commissioner Etheridge seconded the motion. Motion carried.

**RESOLUTION EXEMPTING MOYOCK WASTEWATER PROJECT
FROM THE REQUIREMENTS OF SECTION 143-64.31
OF THE NORTH CAROLINA GENERAL STATUTES**

WHEREAS, N.C. Gen. Stat. §143-64.31 requires the initial selection of firms to perform architectural, engineering, and surveying services without regard to price; and

WHEREAS, Currituck County proposes to enter into a contract for engineering services related to the design, permitting and construction of a county wastewater treatment plant facility in Moyock; and

WHEREAS, Currituck County has identified qualified, reputable and capable engineering firms interested in providing engineering services for the Moyock Wastewater Project and the Board of Commissioners for Currituck County finds that negotiation with the identified engineering firms is necessary and expedient for the timely completion of the Moyock Wastewater Project.

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

Section 1. The Moyock Wastewater Project is hereby exempt from the provisions of N.C. Gen. Stat. §143-64.31 for the reasons stated in this resolution.

Public Hearing and Action: PB 10-23 Quible and Associates: Request to amend the Unified Development Ordinance Chapter 2: Zoning Districts, Chapter 3: Special Requirements, and Chapter 17 Definitions to modify recreational campground requirements.

deleted

Public Hearing and Action: PB 11-03 Ocean Meadows RV Resort: Request to rezone 61.58 acres from Residential (R) with a Planned Adult Retirement Overlay(RET) to Conditional District-Residential Recreational District(CD-RR) located in Powells Point on the north side of South Spot Road approximately 1000 feet east of Caratoke Highway (US 158) intersection, Tax Map 124, Parcel 28, Poplar Branch Township.

deleted

Discussion on Currituck Chamber Proposal

Commissioner Gilbert moved to table and meet with staff and Chamber staff to review proposal. Commissioner Rorer seconded the motion. Motion carried.

Appointments to Tourism Advisory Board

Chairman Aydlett moved to reappoint Petrina Ramey. Commissioner Gilbert seconded the motion. Motion carried.

Commissioner Gilbert requested to table her appointment. Commissioner Petrey seconded the motion. Motion carried.

Appointment to Board of Adjustment

Commissioner Etheridge moved to table. Commissioner O'Neal seconded the motion. Motion carried.

Appointments to Fire and EMS Board

Commissioner O'Neal moved to table. Commissioner Gilbert seconded the motion. Motion carried.

Consent Agenda:

1. Approval of March 21, 2011, Minutes
2. Resolution exempting Moyock Wastewater Project from the requirements of Section 143-64.31 of the NC General Statutes-**see Item 5A.**
3. Appointment of Jack Riggle to replace Lee Foreman on the Whalehead Drainage Advisory Board
4. Budget Amendments
5. Ratification of letter to Governor endorsing Jerry Old for Board of Transportation membership
6. Ratification of contract with Carolina Water Services of NC, Inc., to acquire water assets
7. Division of Mental Health, Developmental Disabilities & Substance Abuse Services Quarterly Fiscal Monitoring Report
8. Resolution opposing HB DRH60052-SB-13 "Designation of Coastal Game Fish"
9. **Resolution in Support of HB 162 Exemption Small Farm Processors from Wastewater Requirements**

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10450-516000	Repairs & Maintenance		\$ 475
10450-516200	Vehicle Maintenance	\$ 475	
		\$ 475	\$ 475

Explanation: Tax (10450) - Transfer funds to repair appraiser's vehicle.
Net Budget Effect: Operating Fund (10) - No change

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-503500	Salaries - Temporary Services	\$ 6,100	
10530-514000	Travel		\$ 200
10530-514500	Training & Education		\$ 6,100
10530-531000	Gas, Oil, etc	\$ 10,000	
10530-526000	Advertising		\$ 500
10530-545000	Contract Services		\$ 3,300
10530-536000	Uniforms		\$ 6,000
		<u>\$ 16,100</u>	<u>\$ 16,100</u>

Explanation: *Emergency Medical Services (10530) - Transfer operating funds for additional temporary services and fuel for the remainder of this fiscal year.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-533800	Chemicals	\$ 8,650	
61818-545000	Contract Services	\$ 1,500	
61818-532000	Supplies		\$ 8,650
61818-590003	Fire Hydrants		\$ 1,500
		<u>\$ 10,150</u>	<u>\$ 10,150</u>

Explanation: *Mainland Water (61818) - Operating transfer for Mainland Water to purchase additional chemicals and for additional required Consumer Confidence reporting.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense

Services fund and to close the fire district funds.

Net Budget Effect: Fire Services Fund (12) - Increased by \$10,336.
 Poplar Branch Fire District Fund (21) - Increased by \$2,163.
 Fruitville Fire District Fund (22) - Increased by \$6,243.
 Crawford Fire District Fund (24) - Increased by \$1,930.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10460-532000	Supplies	\$ 1,500	
10460-516000	Maintenance & Repair		\$ 1,500
63838-545900	Tire Disposal	\$ 6,600	
63838-571500	Recycling		\$ 6,600
		\$ 8,100	\$ 8,100

Explanation: *Public Works (10460); Solid Waste (63838)* - To transfer funds for supplies and tire disposal for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - No change.
 Solid Waste Fund (63) - No change.

**RESOLUTION OPPOSING THE HOUSE BILL DRH60052-SB-13
 "DESIGNATION OF COASTAL GAME FISH"**

WHEREAS, the Fisheries Reform Act (FRA) recognizes that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State while struggling to earn a living in an industry whose resources are managed by both the State and Federal agencies and whose labor accounts for revenue, jobs and is significant to the tax base; and

WHEREAS, designating "Game Fish Status" for Red Drum, Striped Bass, Spotted Sea Trout and other fish species will deprive consumers in North Carolina and the nation of access to fresh, locally harvested seafood; and

WHEREAS, allocating 100% of the resources to less than 3% of the population of our state and to specific user groups would be a travesty of fairness, a violation of the Fisheries Reform Act, and devastating to the economies of coastal communities; and

WHEREAS, designating a resource to "Game Fish Status Only" has never enhanced the resource, and will threaten coastal communities with the loss of jobs and access for all citizens; and

WHEREAS, North Carolina, as a recognized leading producer of seafood, has one of the most diverse fisheries in the United States and should be allowed to continue harvesting wild caught fish species in order to bring to market a wonderfully fresh, sustainably managed, revenue producing, proven resource for all its citizens;

NOW, THEREFORE BE IT RESOLVED that the Currituck County Board of Commissioners strongly oppose imposing "Game Fish Status" by the legislature, and ask that they honor the Fisheries Reform Act by continuing to make all fish species available for the benefit and enjoyment of all North Carolina citizens.

**RESOLUTION IN SUPPORT OF HB 162
EXEMPTION SMALL FARM PROCESSORS FROM WASTEWATER REQUIREMENTS**

WHEREAS, Small farms and agricultural processors are key components to Currituck County's business landscape, cultural heritage and overall character; and,

WHEREAS, Currituck County is well represented by small agricultural producers, including but not limited to: greenhouses & nurseries, canning operations, breweries, organic farms, wineries, vineyards, roadside markets and truck-crop farming; and,

WHEREAS, Several individual Currituck County businesses have faced the burden of the State's permitting process for small amounts of agricultural use wastewater, only to discover expensive treatment and disposal options that are often prohibitive for business start-up, growth and new ventures; and,

WHEREAS, Certain types of rinsewater and wastewater, specifically in fermenting and brewing operations, can provide nutrients and act as fertilizer to on-premises crop production, enhancing yields while simultaneously re-using water and establishing a greener product cycle; and,

WHEREAS, the establishment of HB 162 would provide relief for small agricultural producers and farmers while simultaneously protecting surface waters such as Currituck Sound through prohibitions in direct discharge and non-treatment of certain animal waste products; and,

WHEREAS, HB 162 carries the support and endorsement of the NC Winegrowers Association and several Currituck County businesses, including the Weeping Radish Farm Brewery and Sanctuary Vineyards.

NOW THERE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY NORTH CAROLINA THAT:

Currituck County strongly supports HB 162 "Exempt Small Farm Processing from Wastewater Permit Requirements" and respectfully requests its passage by the North Carolina General Assembly during the 2011 Legislative Session.

Commissioner's Report

Commissioner Gilbert stated that the Moyock Volunteer Fire Department will have a breakfast and Easter egg hunt next Saturday. Relay for Life will be on April 15th, at the High School.

Commissioner Petrey thanked all the Veterans in the county for their service.

Commissioner Rorer commended the Master Gardener program.

Commissioner Martin stated that there would be a prayer breakfast at the Coinjock Baptist Church on April 30, 2011.

Commissioner O'Neal stated he was opposed to the use of alcohol on county property such as the Cooperative Extension Center, Rural Center.

County Manager's Report

Dan Scanlon, County Manager, stated that he had received a letter recognizing the staff at the Water Department, Bud Norton and David Hamm.

Adjourn

There was no further business, the meeting adjourned.