

CURRITUCK COUNTY
NORTH CAROLINA
February 21, 2011

The Board of Commissioners met at 5:00 p.m. with the Camden Board of Commissioners to discuss OLF.

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 Etheridge, O'Neal, Gilbert, Etheridge, Rorer and Martin.

Invocation and Pledge of Allegiance

Reverend Scott Finicum was present for the invocation.

Approval of Agenda

Commissioner Martin moved to approve by adding Item 7A, consideration of Proposed Legislation and a closed session to consult with the attorney. Commissioner O'Neal seconded the motion. Motion carried.

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Amy Underhill, Presentation of Currituck Community Health Assessment**
- Item 4 **Janie Mercer, EIC, presentation on the Anti-Poverty Plan**
- Item 5 **Public Hearing and Action:** PB 88-66 Villages at Ocean Hill PUD: Request to amend an SUP to relocate an automobile parking area adjacent to NC 12 (Ocean Trail). The property is located on NC 12 and adjacent to Lakeside Drive and the Villages at Ocean Hill wastewater disposal area, Tax Map 114, Parcel 3P, Poplar Branch - Outer Banks Township.
- Item 6 **Appointments to Senior Citizen Advisory Board**
- Item 7 **Appointments to the Board of Adjustment**
- Item 7A **Consideration of Proposed Legislation**
- Item 8 **Consent Agenda:**
 - 1. Resolution for CWSRF & RLF Funding for utility projects
 - 2. Resolution for ARH to seek Legislation to amend NCGS 136-44.7
 - 3. Approval of February 7, 2011, Minutes
 - 4. Resolution to declare Surplus Property
 - 5. Order the Tax Collector to advertise the 2010 real estate tax liens
 - 6. Approval of State Airport Aid Grant Agreement
 - 7. Budget Amendments
- Item 9 Commissioner's Report
- Item 10 County Manager's Report

Closed Session to Consult with the Attorney

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.

Denton Snider, Moyock, expressed concerns with the UDO that will not allow him to store his personal vehicles on empty lot.

The Board directed staff to look at the UDO and see what can be done.

Roy Hamilton, Raleigh, requested an update on the dredging at the Whalehead Club to allow for a boating access.

The Board stated that they have been working for several years to make this happen and will continue their efforts for an access.

Peter Bishop, Economic Development Director, reminded the Board and citizens of the 10th annual Chamber of Commerce Business Expo on March 5 at the Currituck County High School.

Rachel Younts, requested when county would allow her to have an easement across Ferebee Road. County Attorney McRee, explained the background for this request.

Amy Underhill, Presentation of Currituck Community Health Assessment

Amy Underhill, Albemarle Regional Health Services, presented the 2010 Community Health Assessment. The focus is on obesity and chronic diseases.

Janie Mercer, EIC, presentation on the Anti-Poverty Plan

Janie Mercer, Economic Improvement Council, reviewed the Community Services Block Program for year 2011-2012. Some of the client services are job referral and placement, housing referral, child care assistance and weatherization assistance.

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

Sworn testimony was given prior to making statements.

County Attorney McRee, reviewed the process for a special use permit.

Chairman Aydlett opened the evidential phase of the hearing.

Ben Woody, Planning Director, reviewed the request.

Ocean Hill Commercial, LLC is requesting to amend a Special Use Permit (SUP) to relocate an automobile parking area adjacent to NC 12 (Ocean Trail). Chapter 11 of the Unified Development Ordinance requires major amendments to be approved by the permit issuing authority, which in this case is the Board of Commissioners.

The original SUP was approved by the Board of Commissioners on July 7, 2008. In this approval, the automobile parking area was located to the rear of the property, out of view from NC 12. The applicant has not proceeded with the original approval and is now requesting the parking area be shifted eastward.

Staff has reviewed a conceptual drawing submitted by the applicant; however, a formal site plan has not been submitted. During previous meetings, staff has expressed concern with screening of the automobile parking area if it is located adjacent to NC 12. It may be necessary for the Board to require that existing vegetation be preserved, or additional screening material be established. Should the Board approve the amended SUP, staff recommends a revised site plan be submitted to the Technical Review Committee for approval.

Chip Friedman, applicant, stated he wanted to reserve the right for rebuttal until after comments.

James Blalock, Villages of Ocean Hill, would like the development be within the character of the neighborhood.

Fran Hamilton, VOH, would like for there to be a buffer and landscaping in harmony.

Karen Ish, VOH, questioned why there was no long term vision and questioned the access.

Chip Friedman, applicant, did not agree with providing any additional access, there also was no wetlands and stated that he found the County Attorney's comments offensive.

Commissioner Aydlett questioned if the request meets the UDO regulations.

Commissioner Etheridge stated that the parking lot would provide for additional parking and keep traffic down on the beach.

Commissioner Martin asked why applicant did not use site already approved. Mr. Friedman stated the road to site was too expensive.

Chairman Aydlett closed the public hearing.

Commissioner Etheridge moved to continue the public hearing while staff met with Mr. Friedman to review landscaping, set backs and buffer. Commissioner O'Neal seconded the motion. Motion carried.

Appointments to Senior Citizen Advisory Board

Commissioner O'Neal moved to reappoint Martha Burns, Gerri Andrews and Rosalie Rose. Commissioner Martin seconded the motion. Motion carried.

Appointments to the Board of Adjustment

Commissioner Gilbert appointed Cameron Tabor. Commissioner Martin seconded the motion. Motion carried.

Commissioner Petrey and Etheridge continued their appointments to next meeting.

Proposed Legislation

Commissioner Etheridge moved to adopt resolution. Commissioner Martin seconded the motion. Motion carried with Commissioner O'Neal voting no.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA ESTABLISHING LEGISLATIVE AGENDA AND REQUEST FOR THE INTRODUCTION OF A LOCAL ACT BY THE COUNTY'S LEGISLATIVE DELEGATION

WHEREAS, the North Carolina General Assembly convened its 2011-2012 Session on January 26, 2011; and

WHEREAS, the Board of Commissioners for the County of Currituck desires that the county's legislative delegation introduce and support the adoption of a local act beneficial to the citizens of Currituck County.

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

Section 1. The County of Currituck requests that Representative Bill Owens and Senator Stan White sponsor and introduce the following legislation:

Use of Electronic Means to Provide Public Notice for Certain Public Hearings

Legislation to authorize the county, by ordinance, to provide notice of public hearings through electronic means including, but not limited to, the county website but that such ordinance may not supersede requirements for mailed notice, the posting of signs on property or the required time frame for public notice.

Section 2. The County Manager, County Attorney and Clerk to the Board of Commissioners are directed to forward a copy of this resolution to Representative Bill Owens and Senator Stan White with supporting documentation.

Section 3. This resolution shall be effective upon its adoption.

Consent Agenda:

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2. Resolution for ARH to seek Legislation to amend NCGS 136-44.7
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6. Approval of State Airport Aid Grant Agreement
7. Budget Amendments

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

**RESOLUTION TO SUPPORT CURRITUCK COUNTY APPLICATION
TO CLEAN WATER STATE REVOLVING FUNDS PROGRAM &
NORTH CAROLINA REVOLVING LOAN & GRANT FUND PROGRAMS
FOR:
MOYOCK CENTRAL WWTP EXPANSION & MAPLE COMMERCE PARK
WWTP**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater treatment system, and

WHEREAS, Currituck County has need for and intends to construct a wastewater treatment system project described as the Moyock Central WWTP Expansion & Maple Commerce Park WWTP, and

WHEREAS, Currituck County intends to request State grant and loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CURRITUCK:

That Currituck County the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper

operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the County of Currituck to make scheduled repayment of the loan, to withhold from the County of Currituck any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Daniel F. Scanlon II, Currituck County Manager the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 21st day of February at Currituck, North Carolina.

RESOLUTION FOR ALBEMARLE REGIONAL HEALTH SERVICES
d/b/a INTER-COUNTY PUBLIC TRANSPORTATION AUTHORITY
TO SEEK LEGISLATION TO AMEND N.C.G.S 136-44.27
NORTH CAROLINA ELDERLY AND DISABLED
TRANSPORTATION ASSISTANCE PROGRAM

WHEREAS, Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority is a Public Transportation Authority created under N.C.G.S 160-575, which serves the counties of Chowan, Perquimans, Pasquotank, Camden, and Currituck.

WHEREAS, this amendment will, by local resolution, allow the member counties of a Regional Public Transportation Authority created under N.C.G.S 160-575 to apply for the county's Elderly & Disabled Transportation Assistance Program funding regionally through the Regional Public Transportation Authority and combine the funding to seamlessly serve the entire region.

WHEREAS, by assuming the responsibility of completing the grant application, directly receiving, and reporting on this funding regionally, the Regional Public Transportation Authority created under N.C.G.S 160-575 will assume all fiduciary, reporting, public notification, and audit requirements associated with the N.C.G.S 136-44.27.

WHEREAS, the purpose is to amend N.C.G.S 136-44.27 North Carolina Elderly and Disabled Transportation Assistance Program to accomplish the following objectives:

- ✓ Reduce the number of Rural Operating Assistance Program (ROAP) accounts ARHS-ICPTA manages from thirty (30) down to six (6).
- ✓ Allow a Regional Public Transportation Authority created under N.C.G.S 160-575 to leverage the region's current EDTAP allocation against the FTA Section 5310 Grant for Elderly Individuals and Individuals with Disabilities created under SAFETEA-LU, which is a 50/50 grant.
- ✓ Reduce the number of grant applications and reports NCDOT will have to review concerning North Carolina's ROAP program.

NOW, THEREFORE, be it resolved; that Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority will seek Legislation to amend N.C.G.S 136-44.27 North Carolina Elderly and Disabled Transportation Assistance Program.

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on February 21, 2011 authorized the following, pursuant to GS 160A and 270(b), the property listed below be declared surplus and sold at a public auction to be scheduled.

- 1999 Ford Taurus 1FAFP5309XA284157**
- 1995 Ford CR VIC 2FALP71WOSX159535**
- 1999 Ford Explorer 1FMZU34X7XUB50206**
- 2004 Jeep 1J4GW48S24C198167**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of County of Currituck declare these items as surplus.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or
10752-519601	Smart Start Daycare	\$ 25,238	
10330-432800	Daycare	\$ 16,393	
10752-519600	Child Daycare		\$ 41,631
		\$ 41,631	\$ 41,631

Explanation: *Public Assistance (10752) - Adjust Daycare budget to the State's funding reversions.*

Net Budget Effect: Operating Fund (10) - Decreased by \$16,393.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or
10796-516000	Maintenance & Repair		\$ 622
10796-516200	Vehicle Maintenance	\$ 622	
		<u>\$ 622</u>	<u>\$ 622</u>

Explanation: Rural Center (10796) - Transfer funds for trailer hitch for truck at the Rural Center.

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
10446-526200	Promotional Efforts		\$ 4,800
10446-511000	Telephone & Postage	\$ 4,800	
		<u>\$ 4,800</u>	<u>\$ 4,800</u>

Explanation: Public Information (10446) - Transfer funds for postage for the Focus for the remainder of this fiscal year.

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

Commissioner's Report

Commissioner Martin, stated the Board would continue future planning of the animal shelter and discuss more during budget meetings.

Commissioner Etheridge attended the Moyock VFD breakfast and the demonstration of sprinkler systems.

Commissioner O'Neal stated that the Board would meet with the Board of Education on Thursday and will continue to fulfill the county's commitment to education but would not be able to fund the cuts from the State School Budget.

Chairman Aydlett, commented on the cuts in the state budget.

Commissioner Rorer, attended the Albemarle Commission meeting and discussed the job training offered with this program.

Commissioner Petrey, commented that the Currituck County Schools rank 16 out of 115 school districts for funding.

Commissioner Gilbert stated there would be a work session with the Airport Board on Saturday at 11:00 a.m.

County Manager's Report

No comments

Closed Session pursuant to GS 143-328.11(a)(3) to consult with Attorney and to preserve the attorney client privilege

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

Adjourn

After reconvening from closed session, no action was taken.