

CURRITUCK COUNTY  
NORTH CAROLINA  
November 7, 2011

The Board met at 6:00 p.m. to review Beach Driving recommendations

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

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

Reverend Vic Culberson, Moyock, presented the invocation.

### **Approval of Agenda**

Commissioner O'Neal moved to amend the agenda to add a closed session, Item 3A, Resolution to introduce a local bill, a budget amendment for ALAL for \$1600 and approval of Whalehead Board of Trustees to approve funds. Commissioner Gilbert 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            **Resolution Commemorating Veterans Day**
- Item 3A          **Resolution to introduce a local bill requiring voter identification prior to voting in local elections**
- Item 4            **Public Hearing and Action:** PB 11-13 Bonnie K. Fulford-Nahas: Request to rezone 3.921 acres from Heavy Manufacturing to Agricultural. The property is located off Grandy Road approximately 150 north of the Nathan Drive cul de sac., Tax Map 108, Parcel 53C, Poplar Branch Township.
- Item 5            **Public Hearing and Action:** PB 11-14 Pine Island Reserve: Request for a preliminary plat/special use permit for nine lots located on the east side of Ocean Trail approximately 140 feet north of the intersection with Audubon Drive, Tax Map 128, Parcel 1F, Poplar Branch Township.
- Item 6            **Public Hearing and Action:** PB 11-15 Currituck County Community Center Campus: Request for a special use permit for an animal shelter, skate park, fire/rescue station, forestry building, and College of the Albemarle Regional Aviation and Technical Training Center. The property is located at 130 Community Way, Tax Map 52, Parcels 14A, 16, 17, 18, 19, 24 and Tax Map 60, Parcels 15 and 15A, Crawford Township.

- Item 7            **Presentation by North Carolina Power** on Transmission Line addition
- Item 8            **Resolution opposing Dominion Power rate increase**
- Item 9            **Approval of new Insurance Districts for Crawford, Moyock and Lower Currituck FD**
- Item 10          **Consent Agenda:**
1. Approval of easement with Dominion Power for service line to Knotts Island VF structure and approval of County Manager to execute easement.
  2. Resolution Surplus Property Chain Link Fence, Moyock Commons
  3. Budget Amendments
  4. Reappoint Tracy Sample as County Assessor for a Four-Year Term to Expire June 30, 2015
  5. Consideration of license agreement with American Society of Composers , Authors and Publishers for use of music on county premises and at county events and functions
  6. Approval of October 17, 2011, Minutes
  7. Resolution to dispose of surplus vehicles
  8. Budget Amendment for ALAL in the amount of \$1600
  9. Approval of Whalehead Board of Trustees to approve funds
- Item 11          Commissioner's Report
- Item 12          County Manager's Report

Adjourn

**Special Meeting**

Tourism Development Authority

TDA Budget Amendments

Adjourn

**Closed Session**

**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 of Commerce, invited citizens to the Poultry Pardon event in Corolla, November 13.

Meghan Agresto, Corolla Education Foundation, updated the Board on their efforts for a school in Corolla.

Vic Culberson, invited citizens to the county-wide Thanksgiving on Sunday, November 20<sup>th</sup> at 6:00 p.m. Moyock Middle School.

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

**Resolution Commemorating Veterans Day**

Bob Kohler was present to receive the resolution.

**RESOLUTION  
COMMEMORATING VETERANS DAY**

**WHEREAS**, Veterans Day, originally called Armistice Day, is a federal holiday observed on November 11 annually in the United States to honor all military personnel, living and dead, who served their country during times of peace and war, and commemorates the end of World War I; and

**WHEREAS**, Veterans Day was first observed on November 11, 1919, the anniversary of the end of the war in response to a proclamation issued by President Woodrow Wilson that expressed pride in the heroism of those 4,000,000 Americans who served, including 375,000 who died, during the war; and

**WHEREAS**, during the 1920s and 1930s, many states made Veterans Day a state holiday, and in 1938, Congress declared Armistice Day a federal holiday; and

**WHEREAS**, Armistice Day was renamed Veterans Day in 1954 to honor American veterans of World War II and the Korean War, and today veterans of all wars are honored on the holiday; and

**WHEREAS**, from the Revolutionary War to the present day, the contributions made to America by her citizen soldiers who stand in our place to defend the freedoms we enjoy cannot be calculated; and

**WHEREAS**, every man, woman, and child in this great Nation owes a debt of gratitude to those who served and are still serving their country so selflessly;

**NOW, THEREFORE, BE IT RESOLVED** that the Currituck County Board of Commissioners recognizes the past and present sacrifices of the men and women of the United States Armed Forces, who willingly stood, and currently stand, in harm's way to protect the freedoms enjoyed by all who live in the United States of America; and

**BE IT FURTHER RESOLVED** that the Board of Commissioners calls upon the citizens of Currituck County to observe November 11, 2011, as Veterans Day in respect for and to honor and remember the great sacrifices and contributions of these heroic men and women who valiantly served this nation and mankind during World War I and previous and subsequent wars.

**Resolution to introduce a local bill requiring voter identification prior to voting in local elections**

Commissioner Martin moved to adopt resolution.  
Commissioner Petrey seconded the motion. Motion carried.

**RESOLUTION TO INTRODUCE A LOCAL BILL REQUIRING VOTER IDENTIFICATION PRIOR TO VOTING IN LOCAL ELECTIONS**

WHEREAS, the Currituck County Board of Commissioners is aware of the Governor's recent veto requiring voter identification to be presented when voting in local elections; this should be a basic requirement to ensure fair and legal elections for future generations; and

WHEREAS, given the current political climate throughout our nation, many of our communities are anxious to ensure that one of our most basic and fundamental rights will continue to be protected. That right is being further diminished through illegal registrations, votes by convicted felons who have lost their right to vote, multiple votes by the same individual, and illegal immigrants. Requiring identification by those who are charting our communities and nation's future is not unreasonable, and giving notice now will provide many months to allow those individuals to secure the required identification; and

WHEREAS, some groups have advised this requirement would place an undue hardship on certain individuals in our communities. Currently, some individuals cannot open bank accounts, nor can they send or receive money transactions without proper identification. Many pay their monthly bills with money orders purchased through local retail shops. All of these require proper identification by the federal government to prevent illegal activity and retailers going through annual mandatory training to ensure compliance.

NOW, THEREFORE, BE IT RESOLVED, that in response to our citizens, the Currituck County Board of Commissioners respectively requests the Currituck County Legislative Delegation to the North Carolina General Assembly to introduce a local bill in the 2012 Short Session, with said bill being patterned after Senate Bill S595 which was adopted by both the Senate and House of Representatives and vetoed by the Governor. This bill would require voter identification in order to participate in future Currituck County elections and would eliminate any future blocks by any Governor of the State of North Carolina.

**Public Hearing and Action: PB 11-13 Bonnie K. Fulford-Nahas: Request to rezone 3.921 acres from Heavy Manufacturing to Agricultural. The property is located off Grandy Road approximately 150 north of the Nathan Drive cul de sac., Tax Map 108, Parcel 53C, Poplar Branch Township.**

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: November 7, 2011  
PB 11-13 Bonnie K. Fulford-Nahas**

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**ITEM:** PB 11-13 Rezone 3.921 acres from Heavy Manufacturing (HM) to Agricultural (A)

**LOCATION:** Off of Grandy Road approximately 150 feet north of the Nathan Drive cul de sac in the Poplar Branch Township.

**TAX ID:** Tax Map 108, Parcel 53C (PIN 0108000053C0000)

**OWNER:** Bonnie K. Fulford-Nahas  
7388 Chardon Court  
Manassas, VA 20111

**APPLICANT:** Bonnie K. Fulford-Nahas  
7388 Chardon Court  
Manassas, VA 20111

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Single Family Residence	Agricultural
<b>SOUTH</b>	Residential Subdivision (Oakwood)	Residential
<b>EAST:</b>	Weeping Radish Brewery	Light Manufacturing
<b>WEST:</b>	Undeveloped/Sparse Residential	Agricultural

**LAND USE PLAN**

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

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. While low-density development may continue to locate in these areas, it is recognized that soil limitations, flood prone areas, and a lack of infrastructure and services may prevent these areas from ever reaching an urban level of development. Residences in these areas usually employ wells and private septic tanks. Because many of the areas identified for Limited Service also include prime farmland efforts should be made to ensure that thriving agricultural operations are protected from encroaching development through the use of buffering, landscaping, and conservation oriented design.

Despite the overall low density of these areas, efforts should be made to encourage clusters of residential uses to preserve open space and to provide for a sense of a "community". Base development density should be 1 unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether

service facilities are in place or planned and the potential impact on the surrounding community. In the same instances where slightly higher density is considered appropriate a moderate mix of housing types such as semi-detached would also be considered reasonable.

With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. In general, neighborhood commercial uses are more appropriate than large scale commercial complexes. However, business designed to serve the tourist industry such as small gift shops or agri-tourism related uses should not be prohibited provided the character and intensity of the use is in keeping with the character of the surrounding area.

Very limited municipal-type services, such as fire protection, emergency services, and community water, may be available; centralized sewage collection and treatment systems whether public or community may be appropriate for these areas.

**POLICY AG2:** Farms and woodlands shall be recognized as an integral part of the county's OPEN SPACE SYSTEM. Efforts to keep these areas viable as part of the area's resource-based economic sector, shall be encouraged.

**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.

**CURRENT ZONING:** Heavy Manufacturing

**PROPOSED ZONING:** Agricultural

**CURRENT USE:** Undeveloped/Wooded

- SIZE OF SITE:** 3.921 acres
- ZONING HISTORY:** The parcel was zoned Agricultural (A-40) in 1974. The parcel is shown as Manufacturing (M) on the 1985 zoning map. The current zoning map shows the parcel as Heavy Manufacturing (HM).
- UTILITIES:** Public water is available.
- TRANSPORTATION:** The site is accessible by vehicle on Grandy Road.
- FLOOD ZONE:** The entire site is located in Flood Zone X.
- WETLANDS:** The Currituck County GIS mapping system shows some areas of Cleared Hardwood Flats and Managed Pinelands on the parcel indicating wetlands may be present. These areas comprise approximately 20 percent of the land area.
- SOILS:** The Currituck County Soils Map indicates the property contains (Mu-Munden loamy sand) and (Pt-Portsmouth fine sandy loam) soils, both of which are well suited for pasture forages.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of the request to rezone 3.921 acres from Heavy Manufacturing (HM) to Agricultural (A) for the following reasons:

1. The applicant's request to "down zone" from (HM) to (A) effectively reduces the possible intensity of uses and density for the property making it more compatible with the surrounding Agricultural and Residential uses.
2. The parcel was previously zoned Agricultural and several of the surrounding properties have been rezoned from Heavy Manufacturing (HM) to less intense zoning districts such as Agricultural and Residential (Oakwood Subdivision).

**PLANNING BOARD RECOMMENDATION:**

The Planning Board **recommended approval** of PB 11-13 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.

**PLANNING BOARD DISCUSSION (10/11/11)**

Mr. Wright asked the applicant if there would be any possible reason that the property would go back to Heavy Manufacturing if the request is approved.

Ms. Fulford-Nahas stated no.

**PLANNING BOARD ACTION**

Mr. Kovacs moved to approve PB 11-13 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. Wilson seconded the motion. Motion carried unanimously.

Chairman Aydlett opened the public hearing.

There being no comments, he closed the public hearing.

Commissioner Etheridge moved to approve due to its consistency with the Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Commissioner Petrey seconded the motion. Motion carried.

**Public Hearing and Action: PB 11-14 Pine Island Reserve: Request for a preliminary plat/special use permit for nine lots located on the east side of Ocean Trail approximately 140 feet north of the intersection with Audubon Drive, Tax Map 128, Parcel 1F, Poplar Branch Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: November 7, 2011  
PB 11-14 Pine Island Reserve**

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**ITEM:** PB 11-14 Pine Island Reserve, Preliminary Plat/SUP.

**LOCATION:** East side of Ocean Trail approximately 140 feet north of the intersection with Audubon Drive, Poplar Branch Township.

**TAX ID:** 0128-000-001F-0000

**ZONING DISTRICT:** Limited Business Hotels Allowed (LBH)

**PRESENT USE:** Undeveloped.

**OWNER:** National Audubon Society  
225 Varick St Floor 7  
New York NY 10014-4396

**APPLICANT:** Pine Island Reserve, LLC  
1314 S Croatan Hwy Ste 301  
PO Box 90  
Kill Devil Hills NC 27948  
252-441-9003

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Pine Island Reserve, Phase 1	LBH
<b>SOUTH</b>	Pine Island Beach Access, Bathhouse, Swimming Pool	LBH
<b>EAST:</b>	Atlantic Ocean	n/a
<b>WEST:</b>	Undeveloped - Audubon Conservation	RO1

**LAND USE PLAN**

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

**SIZE OF SITE:** 8.49 acres

**NUMBER OF UNITS:** 9 lots

**PROJECT DENSITY:** 1.06 units/acre

**UTILITIES:** Public water will be provided by the Currituck County Southern Outer Banks system at a demand of 12,960 gallons per day. Public sewer will be provided by Pine Island Currituck, LLC. to serve a 12 bedroom house per lot.

**I. NARRATIVE OF REQUEST:**

Pine Island Reserve, LLC is proposing to construct a nine lot residential subdivision. The subject parcel is currently undeveloped and represents oceanfront in-fill

development of the area located between the Hampton Inn Oceanfront and the Pine Island subdivision.

## II. QUESTION(S) BEFORE THE BOARD:

### Special Use Permit Criteria and Staff Findings:

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

In order to approve 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. Chapter 10 of the UDO allows a major subdivision as a permissible use with a special use permit.

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

#### Suggested Findings:

- a. As presented, the subdivision meets or exceeds the minimum requirements of the ordinance.

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

#### Suggested Findings:

- a. The subdivisions should have little to no impact on public health or safety.

5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located

#### Suggested Findings:

- a. The UDO indicates that an open space subdivision is allowed in the R01 zoning district with a special use permit.
- b. The proposed residential lots are currently within a neighborhood with densities comparable to those

proposed and should be in harmony with the neighborhood.

6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

**Suggested Findings:**

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The policy emphasis of the plan is to allow for predominately medium density residential development (2 to 3 units per acre) with minimal commercial development arranged in clusters. Development should be capable of being supported by the area's infrastructure and services. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY ES1: New development shall be permitted to locate only in areas with SUITABLE SOIL and where ADEQUATE INFRASTRUCTURE is available.

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

The following policy does address growth concerns for the development of the subject property:

Policy ES8: Areas of the county identified for significant future growth shall avoid NATURAL HERITAGE AREAS (e.g. Great Marsh on Knotts Island, Currituck Banks/Swan Island Natural Area, Currituck Banks Corolla Natural Area, Pine Island/Currituck Club Natural Area, Northwest River Marsh Game Land, and many other marsh areas on the mainland).

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 nine lot subdivision will not exceed the county's ability to provide adequate public facilities.

**III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following plan corrections:

1. The typical "Lot Plan - Lot 9" layout submitted is for stormwater calculations only. Zoning compliance is not granted with this layout as minimum standards such as drive aisle widths are not met.
2. Consult with NC Division of Water Quality (Washing Regional Office) at (252)946-6481 for wastewater approval. (Albemarle Regional Health Services TRC Comment)
3. Any ground disturbance within a CAMA Area of Environmental Concern (AEC) will require a CAMA permit. (NC Division of Coastal Management TRC Comment)
4. As this part of a larger development, an approved erosion and sedimentation control plan will be required, even if less than one acre is to be disturbed. (NCDENR Land Quality TRC Comment)
5. (10/3/11 Engineering TRC Comment based on revised plans.) It is understood that the total available storage is 55,735 cf. Needed storage for roads and open space is 9358 cf leaving 46,377 cf for lot development or 5164 cf available per lot. 5164 cf per lot equates to a 40% coverage. An example was presented for a lot with 44.5% coverage with 1218 cf additional storage required. The lot as laid out has 7351 cf available. I assume the point being there is plenty of storage that can be sited on each lot.
  - a. Under the calculation for Typical Lot: Stormwater Feasibility Design, why wasn't the Simple Method used versus the Rational Method? Under the Simple Method I calculate needed storage of 5708 cf at 44.5% coverage. Why was 44.5% chosen as the example instead of 65%?
  - b. Provide the exact language to be incorporated into the POA documents. Provide documentation of all assumptions including:
    - i. Is the intent to use 2.5' msl as the seasonal high water table for all lots
    - ii. Is the intent to use 30% voids for all lots

- iii. What is the required method to determine saturated hydraulic conductivity
  - iv. What is the required method to demonstrate draw-down in the lots basins
  - v. Provide example calculations using the Simple Method
  - vi. Provide narrative description on how to calculate storage volume provided
  - vii. Describe what is included in imperious coverage
- c. I would like for Quible to develop guidelines that requires an engineer to develop the stormwater needs for each lot but is able to be checked by planning staff as well as the county engineer.

#### **IV. PLANNING STAFF RECOMMENDATION:**

The planning staff recommends **conditional approval** of this request subject to all TRC comments being satisfactorily addressed, findings of fact, and the following:

1. This proposed phase of development is considered a Natural Heritage Area as identified in the Land Use Plan policy statement ES8 and significant growth shall avoid these areas.
2. Land Use Plan policy statement WQ5 encourages developments to preserve the natural features of the site including existing topography and significant existing vegetation.
3. Bulkheads or retaining walls shall not be allowed as a method to stabilize or contain fill, except bulkheads established for the purpose of shoreline protection or as otherwise permitted by the county engineer. This shall not include retaining walls used to stabilize or contain existing natural grade when a driveway or walkway is cut into a lot at an elevation lower than existing natural grade.

#### **V. PLANNING BOARD RECOMMENDATION:**

The Planning Board **recommended approval** of PB 11-14 with the findings of fact and staff recommendations included in the case analysis.

Chairman Aydlett opened the public hearing.

Derek Deil, Engineer with Quible, was present to answer questions.

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

Commissioner Etheridge moved to approve with findings of fact and staff recommendations included in the case analysis. Commissioner Gilbert seconded the motion. Motion carried.

**Public Hearing and Action: PB 11-15 Currituck County Community Center Campus: Request for a special use permit for an animal shelter, skate park, fire/rescue station, forestry building, and College of the Albemarle Regional Aviation and Technical Training Center. The property is located at 130 Community Way, Tax Map 52, Parcels 14A, 16, 17, 18, 19, 24 and Tax Map 60, Parcels 15 and 15A, Crawford Township.**

Sworn testimony was given prior to making comments.

Holly White, Planner, reviewed the request.

**CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: November 7, 2011**

**PB 11-15 Currituck County Community Center Campus**

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**ITEM:** PB 11-15 Currituck County Community Center Campus - Currituck County is seeking a special use permit for an animal shelter, skate park, fire/rescue station, forestry building, and College of the Albemarle Regional Aviation and Technical Training Center.

**LOCATION:** 130 Community Way Barco, Crawford Township.

**TAX ID:** 005200000160000, 005200000170000,  
005200000180000, 005200000190000,  
005200000240000, 00520000014A0000,  
006000000150000, 00600000015A0000

**ZONING DISTRICT:** Agricultural, (A), General Business (GB), Heavy Manufacturing (HM)

**PRESENT USE:** Woodland, Cultivated Farmland, County facilities

**OWNER:** Currituck County

**APPLICANT:** Currituck County

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Airport/Wooded Area	A
<b>SOUTH</b>	Cultivated Farmland	A
<b>EAST:</b>	Cultivated Farmland/Wooded Area	A
<b>WEST:</b>	Single Family Dwellings/Airport/Wooded Area	A

**LAND USE PLAN**

**CLASSIFICATION:** The Maple Barco Small Area Plan classifies the site as Employment.

**SIZE OF SITE:** 627.9 Acres

**NUMBER OF UNITS:** NA

**UTILITIES:** The County will provide connection to a sanitary sewer facility onsite.

**IV. NARRATIVE OF REQUEST:**

The applicant is requesting a special use permit for the following uses at the multi use, community center facility: College of the Albemarle Regional Aviation and Technical Training Center, Fire/Rescue/Forestry Building, Animal Shelter, and Skate Park. This community center will provide both recreation and educational opportunities. College of the Albemarle will construct a hands on aviation training center that utilizes aircraft to teach students. Construction of this multi use campus facility will mean relocating the current fire/rescue station. Other planned facilities include sports fields, picnic areas, and walking trails.

**V. 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. The proposed use is allowed in the A, GB, & HM 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 use meets the minimum requirements of the ordinance.
4. The special use will not endanger the public health or safety:

**Suggested Findings:**

- a. The proposed uses will be designed to meet all State, Local, and FAA requirements. This includes meeting height restrictions.
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 proposed use should have no negative impact on the value of adjoining property.
- b. The proposed uses will be designed in conformance with the Maple Barco Small Area Plan and provide additional recreation and learning opportunities for nearby community.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

**Suggested Findings:**

- a. The Maple Barco Small Area Plan classifies the site as Employment. Areas designated as employment are anticipated for land uses that will generate economic activity or job growth. This includes uses such as offices, technology research and development, aviation related industries, and environmentally friendly manufacturing and industrial uses such as assembly, wholesaling, and distribution. Areas designated as employment should be encouraged to develop in a mixed use or campus like setting with generous, linked open space to maximize value, promote visual quality, and encourage pedestrian activity between employment

areas and areas of supporting uses such as retail, restaurants, and residential.

The proposed use is in keeping with the policies of the plan, some of which are:

Policy ED1: Actively promote and establish aviation related businesses in the Maple Commerce Park and Currituck Airport

Policy TR2: Promote interconnectivity among parcels to provide direct access to nearby roadways.

Policy LU1: Provide for a very low density development in close proximity to the airport and in designated approach zones. Additionally, promote an approximate mix of development types in the Maple/Barco area.

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 use should have no negative impact on public facilities.

**VI. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval.

**VII. PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of this request.

**V. PLANNING BOARD RECOMMENDATION:**

The Planning Board **recommended approval** of PB 11-15 as presented.

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

Commissioner O'Neal moved to approve with findings of fact and staff recommendations included in the case analysis.

**Presentation by North Carolina Power on Transmission Line addition**

Michael Thompson, introduced the Dominion staff.

Stephanie Harrington, Dominion Power, stated that there would be an open house for the citizens to come out and get information on the proposed project. This will be held on November 16<sup>th</sup> at the Extension building.

Jonathan Shultis, Dominion Power, reviewed the permitting process and construction should begin by 2013 and line should be in service by 2015. They will be using existing right of way.

**Resolution opposing Dominion Power rate increase**

Peter Bishop, Economic Development Director, reviewed the resolution that would be presented to the Utilities Commission on November 9, 2011.

Michael Thompson, Dominion Power, disputed some of the information presented.

Commissioner O'Neal moved to adopt resolution.  
Commissioner Petrey seconded the motion. Motion carried.

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY OPPOSING FUEL RATE INCREASE REQUESTED BY DOMINION NORTH CAROLINA POWER**

**WHEREAS**, Currituck County, and its neighbors throughout Northeast North Carolina within the Dominion service area, are experiencing protracted economic hardship and recession; and

**WHEREAS**, Currituck County residents and businesses continue to weather plummeting real estate values, decreased sales and revenues, record-breaking foreclosures, increased delinquencies in tax and utility payments and increases in unemployment insurance claims, food stamps and other public assistance; and,

**WHEREAS**, electricity service is one of the basic necessities required by all County residents regardless of economic condition to live a safe and healthy life; and,

**WHEREAS**, the proposed fuel rate increase of approximately 9.55% on the average residential customer proposed by Dominion North Carolina Power will exacerbate the economic hardship already felt by the residents and businesses of Currituck County and Northeast North Carolina and place an undue burden on them; and,

**WHEREAS**, the hardships imposed by any rate increase at this time is easily demonstrated and the resulting, severe negative impact upon Currituck County's businesses and residents can be clearly forecast, and Dominion Resources is already experiencing a 10.31% profit margin ranking it in the top two-thirds of utility companies as to earnings, with net income of \$392 Million, and a return on equity of 12.68%, all of which far exceed any reasonable profit to Dominion and its shareholders at a time when its North Carolina customer base can least afford it, Dominion's request for a fuel rate increase should be denied; and, **WHEREAS**, County Staff shall be instructed to present this resolution and additional public comment to the North Carolina Utilities Commission and the office of the Attorney General of North Carolina.

**NOW, THEREFORE BE IT RESOLVED THAT** the Currituck County Board of Commissioners strongly opposes the rate increase requested by Dominion North Carolina Power for its customers in Currituck County and throughout Northeast North Carolina and respectfully request that the North Carolina Utilities Commission deny Dominion's request.

**Approval of new Insurance Districts for Crawford, Moyock and Lower Currituck FD**

Chief Robert Glover, EMS Director, reviewed the new ISO rating which will be a saving in Fire Insurance costs for residents within the new districts.

The Board thanked the Fire Departments and volunteers for their efforts in getting these changes.

Commissioner O'Neal moved to approve the recommendations by staff. Commissioner Etheridge seconded the motion. Motion carried.

**Consent Agenda:**

1. Approval of easement with Dominion Power for service line to Knotts Island VF structure and approval of County Manager to execute easement.
2. Resolution Surplus Property Chain Link Fence, Moyock Commons
3. Budget Amendments
4. Reappoint Tracy Sample as County Assessor for a Four-Year Term to Expire June 30, 2015
5. Consideration of license agreement with American Society of Composers, Authors and Publishers for use of music on county premises and at county events and functions
6. Approval of October 17, 2011, Minutes

7. Resolution to dispose of surplus vehicles
8. ALAL budget amendment for \$1600
9. Approval of Whalehead funding

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

### RESOLUTION

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on November 7, 2011, authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be disposed of:

Asset 6297 Chain link fence around Moyock Commons Sewer Plant beyond repair to be disposed of

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of County of Currituck reserves the right to reject any and all bids.

<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 507000	Retirement	\$ 30.00	
10415 507000	Retirement	\$ 22	
10430 507000	Retirement	\$ 8	
10440 507000	Retirement	\$ 22	
10441 507000	Retirement	\$ 24	
10445 507000	Retirement	\$ 10	
10446 507000	Retirement	\$ 4	
10450 507000	Retirement	\$ 30	
10460 507000	Retirement	\$ 44	
10461 507000	Retirement	\$ 11	
10480 507000	Retirement	\$ 22	
10510 507000	Retirement	\$ 299	
10510 508000	Retirement	\$ 9	
10511 507000	Retirement	\$ 107	
10512 507000	Retirement	\$ 13	
10530 507000	Retirement	\$ 363	
10531 507000	Retirement	\$ 7	
10535 507000	Retirement	\$ 51	
10540 507000	Retirement	\$ 35	
10541 507000	Retirement	\$ 5	
10550 507000	Retirement	\$ 6	
10606 507000	Retirement	\$ 9	
10640 507000	Retirement	\$ 9	



<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense	
10750-557701	LIEAP	\$	18,957		
10750-561000	Professional Services	\$	13,000		
10752-519600	Child Daycare	\$	43,268		
10752-532003	Supplies-Special Adopt	\$	45		
10752-545003	Contract Serv-Special Adopt Prof Services-Special			\$	5,705
10752-561003	Adopt			\$	1,134
10330-431000	DSS Admin	\$	13,251		
10330-432800	Daycare Fund Appropriated			\$	43,268
10390-499900	Balance			\$	38,414
			<u>\$ 88,521</u>	<u>\$ 88,521</u>	

**Explanation:** **SOCIAL SERVICES ADMIN (750)** - Adjust budget for New LIEAP Program Allocation and Child Support Service Fees. **PUBLIC ASSISTANCE (752)** - Adjust budget for Special Adoption Funding adjustments and the Daycare State Funding Authorization. **REVENUE (330)**-Adjust to the State Funding Authorizations for DSS Admin funds.

**Net Budget Effect:** Operating Fund (10) - Increased by \$68,431.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense	
10480-514000	Travel	\$	500		
10480-516000	Maintenance & Repair			\$	250
10480-540000	Worker's Compensation			\$	49
10480-545700	Microfilm Processing			\$	201
			<u>\$ 500</u>	<u>\$ 500</u>	

**Explanation:** **Register of Deeds (10480)** - To transfer budgeted funds to attend annual Register of Deeds conference.

**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
10460-532160	PW - Maint Supplies	\$ 10,000	
10460-592000	PW - Courthouse Projects	\$ 29,000	
10460-516000	PW - Repairs & Maint		\$ 10,000
10380-484001	Insurance Proceeds		\$ 29,000
		<u>\$ 39,000</u>	<u>\$ 39,000</u>

**Explanation:** *Public Works (10460)* - To increase appropriations to upgrade the roof replacement of the Historic Courthouse damaged in Hurricane Irene.

**Net Budget Effect:** Operating Fund (10) -Increased by \$29,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868-582000	Interest on Debt	\$ 74,872	
66868-582200	Loan Principal		\$ 550,000
66868-582400	Note Principal	\$ 425,000	
66868-554000	Insurance	\$ 8,506	
66390-499900	Appropriated Retained Earnings	\$ 1,523	
66390-495056	T F - SOBWS Construction		\$ 1,159,901
66390-490300	Contributed Capital	\$ 1,200,000	
		<u>\$ 1,709,901</u>	<u>\$ 1,709,901</u>

**Explanation:** *Southern Outer Banks Water (66868)* - To record actual loan balances after closing loan from BB & T.

**Net Budget Effect:** Southern Outer Banks Water Fund (66) -Decreased by \$41,622.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10790-532001	Library Materials	\$ 1,347	
10790-545000	Contracted Services		\$ 1,347
		\$ 1,347	\$ 1,347

**Explanation:** *Library (10790)* - Transfer funds due to EARL paying circulation system licensing for FY 2012.

**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
68888-511000	Telephone & Postage	\$ 4,000	
68888-513000	Utilities	\$ 6,000	
68888-516000	Repairs & Maintenance	\$ 12,000	
68888-531000	Gas	\$ 1,200	
68888-532000	Supplies	\$ 5,000	
68888-533200	Lab Tests	\$ 1,200	
68888-533800	Chemicals	\$ 1,200	
68888-545000	Contract Services	\$ 35,400	
68888-545100	Credit Card Fees	\$ 200	
68888-553000	Dues & Subscriptions	\$ 1,200	
68888-557000	Refunds	\$ 300	
68888-554000	Insurance	\$ 5,400	
68888-561000	Professional Services	\$ 50,000	
68888-561900	Administration	\$ 5,000	
68888-590000	Capital Outlay	\$ 78,713	
68330-448800	Walnut Island Sanitary District Funds		\$ 100,000
68330-449900	Grant Funds		\$ 106,813
		\$ 206,813	\$ 206,813

**Explanation:** *Walnut Island Sewer District (68888)* - Initial County budget for the Walnut Island Sewer District. Capital Outlay is for final payments for sewer construction project.

**Net Budget Effect:** Walnut Island Sewer District (68) - Increased by \$206,813.

**Commissioner's Report**

Commissioner Martin stated that the county's website now has a page where all the veterans in the county may be identified.

Commissioner Etheridge commented on the need for food at our local food banks.

Commissioner O'Neal stated that the veterans park needs a permit from the corps and funding is in the budget.

Commissioner Petrey, stated that the YMCA is looking for at least 120 part time jobs to fill.

Commissioner Gilbert stated that the YMCA is taking charter memberships until Friday.

Chairman Aydlett stated that the Carova Park dredging is completed.

**County Manager's Report**

County Manager stated that the UDO rewrite meeting will be November 14<sup>th</sup> at the Towne Bank of Currituck in Grandy.

**Adjourn**

There being no further business, the meeting adjourned.

**Special Meeting**

Tourism Development Authority

**TDA Budget Amendments**

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
15442-507000	Retirement	\$ 29	
15320-415000	Occupancy Tax		\$ 29
		\$ 29	\$ 29

**Explanation:** Occupancy Tax - Promotion (15442) - To provide additional 0.01% retirement to match the mandated law enforcement increase that became effective 10/1/2011.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$29.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-532160	Occ. Tax - Maint Supplies	\$ 9,000	
15447-516000	Occ. Tax - Repairs & Maint.		\$ 9,000
		<u>\$ 9,000</u>	<u>\$ 9,000</u>

**Explanation:** Occupancy Tax - Tourism Related (15447) -To transfer budgeted funds to maintenance supplies.

**Net Budget Effect:** Occupancy Tax Fund (15) -No change.

**Adjourn**

There being no further business, the meeting adjourned.