

CURRITUCK COUNTY  
NORTH CAROLINA  
November 21, 2011

The Board met at 6:00 p.m. for a work session on the Economic Incentive plan and Stormwater in Carova.

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**

#### **Pledge of Allegiance**

The Reverend Dennis Crehan, Jarvisburg Church of Christ was present for the invocation.

The Board expressed their sympathy to the family of Bobby Henley, who passed away earlier this week.

### **Approval of Agenda**

Commissioner Gilbert moved to amend the agenda by adding a closed session to discuss land acquisition. Commissioner Rorer seconded the motion. Motion carried.

7:00 p.m.      Invocation  
                  Pledge of Allegiance

Item 1            Approval of Agenda

Item 2            Public Comment  
***Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.***

Item 3            **Public Hearing and Action:** PB 11-07 Bissell Professional Group: Request to amend Chapter 4 of the Unified Development Ordinance to modify the age restriction language for the Planned Adult Retirement Overlay District (RET).

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

Item 5            **Buy Local Currituck Presentation**

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

Item 7            **Appointments to Tourism Advisory Board**

Item 8            **Consent Agenda:**  
                  1. Budget Amendments  
                  2. JCPC Funding Plan Revision

3. Authorize acquisition of in-holding parcel for Brice property at the Airport
4. Division of Mental Health, Developmental Disabilities & Substance Abuse Services Quarterly Fiscal Monitoring Report

Item 9 Commissioner's Report

Item 10 County Manager's Report

**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.

Doris Flora, Moyock, questioned concerns with internet cafés and how much funding the county receives from this activity.

County Manager Dan Scanlon, stated that the principal use of internet gambling is not allowed in the county. The Board requested a work session at the next meeting.

Marie Long, Ocean Pearl Drive, is opposed to the proposed Safe Zone area for the 4-wheel drive area in Carova. The county needs to enforce its current rules.

Commissioner O'Neal commented that the citizens do not like what the Board is proposing to help with the traffic and safety of the tourists.

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

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

Ben Woody, Planning Director, reviewed the results of the survey. There were 112 responses, 87 said yes, remove the restriction, and 5 said no.

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

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

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

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

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

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

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

#### **PLANNING BOARD DISCUSSION (6-14-11)**

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

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

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

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

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

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

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

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

## PLANNING BOARD ACTION

Mr. West moved to approve PB 11-07 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Ms. Newbern seconded the motion. Motion carried unanimously.

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

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

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

**Item 1:** That Section 4.5.1 is amended by adding the following underlined language and deleting the following strikethrough language:

#### 4.5.1 Intent

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

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

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

- A. A planned adult retirement community may be age-restricted or age-targeted at the discretion of the developer. The homeowner's association documents and restrictive covenants shall establish the restrictions or targets within the development. It is the responsibility of the community association to manage and enforce the restrictions that are in effect for the community.

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

Chairman Aydlett opened the public hearing.

Mark Bissell, Engineer, was present to answer any questions.

Bill Honaker, Wells Fargo representative, stated that the bank had met with the residents.

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

Commissioner Petrey moved to approve. Commissioner Rorer seconded the motion. Motion carried with Commissioner Martin voting no.

### **Maple-Barco Small Area Plan Update**

Holly White, Planner, reviewed the progress to date on the Maple-Barco Small Area Plan.

Commissioner O'Neal stated that it would be good if the Airport Board and Economic Development Board were combined and work together on this plan.

Commissioner Rorer stated that the Chairman of each Board should meet on a regular basis to review the plan.

Chairman Aydlett suggested a work session on this.

### **Buy Local Currituck Presentation**

Josh Bass, Chamber of Commerce President, reviewed the things the Chamber is doing to promote the Buy Local Plan.

Diane Nordstrom, Travel & Tourism Director, reviewed the web site for Buy Local.

Peter Bishop, Economic Development Director, commented on the businesses that have signed up for discounts they will provide customers.

The Board commended the staff for their efforts on the Buy Local Plan.

**Discussion on Outer Banks water rates**

Dan Scanlon, County Manager, reviewed the wastewater bills that were from Carolina Water, not the County. The County opposes the increase by Carolina Water. He requested that the impact fee for water rates be lowered from \$4,500 to \$3,000.

Commissioner O'Neal moved to lower the impact fee for water from \$4,500 to \$3,000 as of January 2012. Commissioner Etheridge seconded the motion. Motion carried.

The Board commended the County Manager for his efforts to have the impact fee reduced.

**Appointments to Tourism Advisory Board**

Commissioner Petrey moved to appoint Ted A. Jagucki. Commissioner Etheridge re-appointed Paul Robinson and Commissioner O'Neal tabled his appointment. Commissioner Gilbert seconded the motion. Motion carried.

**Consent Agenda:**

1. Budget Amendments
2. JCPC Funding Plan Revision
3. Authorize acquisition of in-holding parcel for Brice property at the Airport
4. Division of Mental Health, Developmental Disabilities & Substance Abuse Services  
Quarterly Fiscal Monitoring Report

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

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

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

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

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

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

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

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

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



**Commissioner's Report**

The Board wished everyone a very happy and safe Thanksgiving.

Commissioner Martin commented on the Veterans Day ceremony on November 11.

**County Manager's Report**

County Manager Scanlon stated that staff would be meeting with the NC Public Utilities Commission next week.

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

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

**Adjourn**

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.