

CURRITUCK COUNTY  
NORTH CAROLINA  
October 17, 2011

The Board met at 5:00 p.m. at the Cooperative Extension Center with COA Board of Trustees to review design of Technical Training Center.

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, Martin, Etheridge, Petrey, and Rorer. Commissioner O'Neal was absent.

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

Kimberly Ferebee, New Bethlehem Church of Christ, was present to give the invocation.

### **Approval of Agenda**

Commissioner Gilbert moved to approve the Agenda.  
Commissioner Rorer 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            **Presentation and discussion by Dominion North Carolina** Power regarding a transmission line addition.
- Item 4            **Public Hearing and Action:** PB 11-06 Currituck County: Request to amend the Unified Development Ordinance, Chapter 4: Overlay Districts to establish an Airport Overlay District and an amendment to the zoning map.
- Item 5            **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 6            **Consent Agenda:**
  - 1. Consideration of Lease Agreement with Sentara Life Care as Tenant in Currituck County Community Center
  - 2. Approval of October 3, 2011, Minutes
  - 3. Budget Amendments
- Item 7            Commissioner's Report
- Item 8            County Manager's Report
- Item 9            Adjourn

Special Meeting

Call to Order

Budget Amendments

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.

Teresa McPherson, Walnut Island, thanked the Board for their support with Community Pride Day and reviewed the events scheduled.

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

**Presentation and discussion by Dominion North Carolina Power regarding a transmission line addition.**

Michael Thompson, Dominion Power, reviewed the rate increase proposed. He also reviewed the need for an additional line especially during a storm when service is interrupted.

Commissioner Rorer stated that this was a 10% increase not a 6% increase as stated. He strongly opposes the increase.

Commissioner Martin thanked Mr. Thompson for his presentation.

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

Ben Woody, Planning Director, reviewed the request.

**Currituck County – Airport Overlay District  
PB 11-06  
UDO AMENDMENT REQUEST**

An amendment to the Unified Development Ordinance Chapter 4: Overlay Districts to establish and Airport Overlay District.

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

**Item 1:** That Chapter 4: Overlay Districts, Section 4.4 is amended by deleting the Residential Airpark Development Overlay provisions and adding the following language:

#### **Section 4.4 Airport Overlay (AO)**

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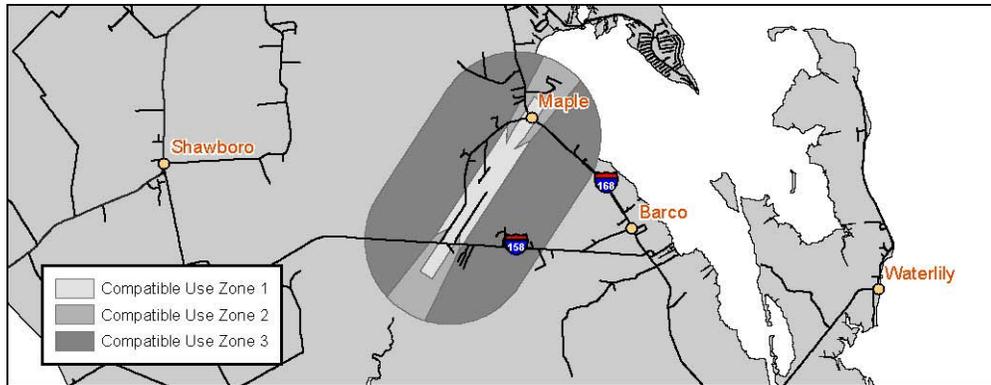
##### **4.4.1 Purpose**

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

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

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

- A. Development and use of properties within the Airport Overlay District shall be subject to the standards of this district. In the case of conflict between the standards of the Airport Overlay District and other standards of this Ordinance, the overlay standards shall control.
- B. The following map depicts the approximate location of the Airport Overlay District. In the case of conflict between the map in this subsection and the Official Zoning Map, the Official Zoning Map shall control.



#### 4.4.3 Airport Compatible Use Zone Requirements

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

- A. Compatible Use Zone 1: Those areas located within the airport runway protection zone.
  1. Major subdivisions shall have a maximum gross density of .25 dwelling units per acre. The maximum gross density may be increased to .5 dwelling units per acre provided residential construction techniques are designed and certified by an acoustical professional to achieve a minimum outside to inside noise reduction level of 25 decibels (dB). This performance measure shall be achieved by any suitable combination of building design, materials, or construction standards and shall be recorded with the final plat and as a restrictive covenant.
  2. Allowable uses shall be limited to detached single-family dwellings, conservation, agriculture, agriculture-supporting businesses, airport operations, aviation related uses, or nonresidential uses that do not exceed an occupancy of ten people per acre.
- B. Compatible Use Zone 2: Those areas located within the airport approach zone.
  1. Major subdivisions shall have a maximum gross density of .33 dwelling units per acre. The maximum gross density may be increased to .66 dwelling units per acre provided residential construction techniques are designed and certified by an acoustical professional to achieve a minimum outside to inside noise reduction level of 25 decibels (dB). This performance measure shall be achieved by any suitable combination of building design, materials, or construction standards and shall be recorded with the final plat and as a restrictive covenant.
  2. Allowable uses shall be limited to detached single-family dwellings, conservation, agriculture, agriculture-supporting businesses, airport

operations, aviation related uses, or nonresidential uses that do not exceed an occupancy of 40 people per acre.

C. Compatible Use Zone 3: Those areas located within the airport traffic pattern zone.

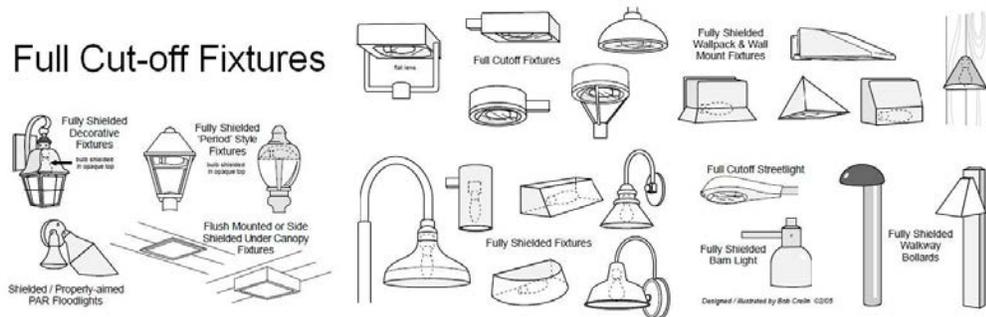
1. The subdivision of land for residential purposes shall be subject to the maximum gross density requirements of the base zoning district.
2. Allowable uses shall be limited to those permitted in the base zoning district.

**4.4.4 Overlay Special Requirements**

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

A. Lighting

1. Floodlights, spotlights, recreational lighting, or other lighting devices that are not shielded or angled to prevent illumination in an upward direction are prohibited. Exterior luminaries installed or utilized for nonresidential uses shall be full cut-off fixtures.



2. Lighting that makes it difficult for pilots to identify airport lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers or interferes with the landing, takeoff, or maneuvering of aircraft intending to use the airport is prohibited.
3. The provisions of this subsection shall not apply to airport lighting used for navigational purposes in accordance with Federal Aviation Administration requirements.

B. Interference

1. Electronic impulses or signals that interfere with radio communications between aircraft and the airport or that interfere with established navigation aids are prohibited.

2. Any operation or use that emits smoke, dust, visible fumes or vapors into the atmosphere that would interfere with the safe navigation of aircraft using the airport is prohibited.

C. Disclosures

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

D. Multimodal Transportation

1. An interconnected multimodal transportation system is necessary to promote alternate forms of travel, allow the safe movement of pedestrians between destinations, and provide for passive recreational opportunities. Multimodal connectivity shall be provided to existing or planned street networks, sidewalks, trail systems, or pedestrian destinations as determined by the Technical Review Committee.
2. Within all subdivisions or nonresidential developments, sidewalks shall be required along one side of proposed streets or private drives. The Technical Review Committee may approve an alternative circulation plan provided similar connectivity and accessibility is achieved within the development.
3. Prior to the issuance of any permit for development, parcels abutting US 158 shall reserve a 20 foot public access easement along the property line adjoining the roadway.

E. Natural Resources

1. In no case shall hazardous materials or other harmful substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant hazard to any surface or groundwater resource.

2. The development and use of land shall meet the requirements of the Currituck County Wellhead Protection Plan. Any use or activity determined by the Administrator to pose a significant groundwater hazard to the county's mainland public water supply shall be prohibited.
3. Stormwater management facilities shall be designed, engineered, constructed, and maintained to detract waterfowl. This may include but is not limited to the use of riparian buffers, vegetative benches, wire gridding, or other techniques approved by the Technical Review Committee.

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

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

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

**4.4.5 Nonconformities**

- A. Any Residential Airpark Development having been given preliminary plat approval prior to October 17, 2011 shall be deemed legally nonconforming and subject to the following requirements:
  - 1. Minimum lot size is 40,000 square feet.
  - 2. Accessory structures (aircraft hangers) shall not be occupied until the principle structure has received a certificate of occupancy.
  - 3. Right-of-ways shall be a minimum of 60 feet in width, accommodate both aircraft and vehicles, and must be properly maintained by the developers of the residential airpark or their assigns.
  - 4. Any associated improvements onto airport property shall be paved and maintenance shall be the responsibility of the developers of the residential airpark or their assigns.

**Chapter 17 Definitions**

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**Airport Approach Zone**

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

**Airport Compatible Use Zone**

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

**Airport Runway Protection Zone**

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

**Airport Traffic Pattern Zone**

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

**Item 2:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Commissioner Petrey moved to recuse Commissioner Etheridge. Commissioner Martin seconded the motion. Motion carried.

Chairman Aydlett opened the public hearing.

Teresa Martin, adjacent property owner, expressed concerns with the overlay and the taking of property. Ms. Martin and her family that own 550 acres, oppose this request.

Andy Keeney, Attorney, for Doc Etheridge family, stated that this overlay would split the Etheridge land in half and would impact the value. He requested the Board to continue request.

Mack McKinney, Brady Landing Airpark, made a presentation on how the Airport will grow and the need for the overlay district. If this is not approved we could end up like Oceana NASA in Virginia Beach, with lawsuits, relocations and miserable homeowners. He supports the proposed Overlay District.

Keith Darden, this request will diminish the value of his land.

Mark Leuzinger, Airpark, stated that the airport will grow and there will be a safety and noise concern and staff has done a great job with the proposed overlay.

Ben Taylor, property owner, supports the proposed overlay as presented.

Commissioner Rorer stated that there will need to be a compromise and the need to protect public interest.

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

Commissioner Gilbert moved to approve due to its consistency with the 2006 Land Use Plan and the request is reasonable and in the public interest and promotes orderly growth and development. Commissioner Rorer seconded the motion. Motion carried.

**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).**

Commissioner Etheridge returned to meeting.

Ben Woody, Planning Director, stated that he had no further input since last meeting.

Chairman Aydlett opened the public hearing.

Mark Bissell, Engineer, stated that he has contacted the Bank and is still working on a meeting with the residents.

Commissioner Petrey is opposed to delaying this item any longer.

Commissioner Rorer would like for staff to poll all the residents and property owners on what they would like to happen.

Chairman Aydlett closed the public hearing.

Commissioner Martin moved to continue this until December 7 and polling the property owners. Commissioner Rorer seconded the motion. Motion carried with Commissioner Petrey voting no.

**Consent Agenda:**

1. Consideration of Lease Agreement with Sentara Life Care as Tenant in Currituck County Community Center
2. Approval of October 3, 2011, Minutes
3. Budget Amendments

Commissioner Etheridge moved to approve. Commissioner Martin 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
60808-590001	Capital Outlay	\$ 5,261	
60808-516001	Repairs and Maintenance		\$ 5,261
		\$ 5,261	\$ 5,261

**Explanation:** Ocean Sands Water and Sewer Fund (60808) - Transfer funds to replace one lift pump and have one for a back-up. There are 8 pumps required to operate the system.

**Net Budget Effect:** Ocean Sands Water and Sewer District Fund (60) - 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
10750-502000	Salary		\$ 7,595
10750-545000	Contracted Services	\$ 7,595	
		\$ 7,595	\$ 7,595

**Explanation:** SOCIAL SERVICES ADMINISTRATION (10750) - Contract with a temporary staffing agency for SW II Intake worker while current employee is out on FMLA.

**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
10330-433000	Sr Center Grants	\$ 1,748	
10775-531000	Gas, Oil, etc		\$ 1,000
10775-516200	Vehicle Maintenance		\$ 748
		\$ 1,748	\$ 1,748

**Explanation:** *Senior Citizens Centers - To record reduction in Albemarle Commission General Purpose Grant of \$1,554 and Tital IIID Grant of \$194.*

**Net Budget Effect:** Operating Fund (10) - Decreased by \$1,748.

**Commissioner's Report**

Commissioner Gilbert, commented on the Airport event.

Commissioner Petrey, thanked Teresa McPherson for her work in Walnut Island.

Commissioner Etheridge commented on the people that have passed away in Currituck and to keep the families in their prayers.

Commissioner Rorer commented on the event that was sponsored by Dennis Anderson and thanked him for all his efforts.

Chairman Aydlett stated that the county has received the Army Corps permit for the road maintenance in Carova. He also requested staff to get status on boat ramp on Knotts Island and Carova Beach.

**County Manager's Report**

**No comments**

**Adjourn**

There being no further business, the meeting adjourned.

**Special Meeting**

Call to Order

Budget Amendments

Commissioner Etheridge 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
15447-545002	Historic Preservation	\$ 41,235	
15447-561000	Professional Services	\$ 3,635	
15447-592000	Whalehead Projects	\$ 97,681	
15390-499900	Appropriated Fund Balance		\$ 142,551
		<u>\$ 142,551</u>	<u>\$ 142,551</u>

**Explanation:** Occupancy Tax - Tourism Related Expenses (15447) - To carry-forward funds for purchase orders outstanding as of June 30, 2011.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$142,551.

<b>20110441</b>	Barbara Snowden	Historic Overviews	\$ 2,000
<b>20110443</b>	Mary Greene Malvasi	Historic Overviews Schematic	\$ 8,000
<b>20110444/694</b>	Hagersmith Design	Design/Jail	\$ 16,451
<b>20110445</b>	Penne Smith Sandbeck	Historic Overviews	\$ 5,000
<b>20110824</b>	RRMM Architects PC	Jarvisburg School	\$ 9,784
<b>20111416</b>	Hazen & Sawyer	OBX Wastewater Whalehead Dredging	\$ 3,635 \$ 97,681

**Adjourn**

There being no further business, the meeting adjourned.