

CURRITUCK COUNTY  
NORTH CAROLINA  
AUGUST 20, 2012

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 Rorer, Commissioners Gilbert, O'Neal, Etheridge, Martin and Petrey. Commissioner Aydlett was absent due to illness.

**A) Invocation**

**B) Pledge of Allegiance**

The Reverend Dan Bergey, New Life Church, was present to give the invocation.

**C) Approval of Agenda**

Commissioner O'Neal moved to amend the agenda by adding an appointment to the ED Board, delete Budget Amendments and award of bid for COA Apron. Commissioner Petrey seconded the motion. Motion carried.

**D) Public Comment**

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

Chairman Rorer opened the public comment period.

James Eller, Moyock, requested why there are no fire hydrants on Launch Landing. The Board requested staff to review the projected cost for this.

Allen Forman, opposes the Headlights club near his neighborhood.

Bob White, discussed the Wild Horse Tours and number of vehicles.

Kim Hadrava, discussed the route issue on the Horse Tours and not stopping on the road.

Richard Brown, discussed the times and number of vehicles allowed for the Horse Tours.

Nikki Hise, had several questions regarding the on the amendment for Horse Tours.

Linda Yerich, employee of Richard Brown and supports the Horse Tours.

Wiley Melton, stated that there would be a lot of people out of work if not for Mr. Brown and his Horse Tours.

Dillion Beeker, supports Horse Tours and jobs.

Wes Stallings, WH Herd Manager, supports the Ordinance.

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

### **Public Hearings**

**A) Public Hearing and Action: PB 12-14 Currituck County: Request to update and adopt the zoning map to transition all properties in the county to the zoning districts identified in the Unified Development Ordinance approved by the Board of Commissioners on April 2, 2012.**

Donna Voliva, Senior Planner, reviewed the update on the zoning map.

The Currituck County Unified Development Ordinance (UDO) was approved by the Board of Commissioners on April 2, 2012 with an effective date of January 1, 2013. An official zoning map has been prepared that transitions all properties to the zoning districts identified in the new UDO. Although most of the district changes are considered a text amendment there are new districts that will follow the rezoning procedure of the current UDO.

The following districts translated through the adoption of the UDO and are considered a text amendment and not a rezoning of property:

Current Zoning District	New Zoning District	Comments
A	AG	Not including Gibbs Woods and Knotts Island properties
R	SFM	Not including Gibbs Woods properties
RO1	SFO	Correction of the base district for PUD Overlay
RO2	SFR	All
GB	GB	All
C	GB	All
LBH	LB	All
LM	LI	All
HM	HI	All
PUD Overlay	PUD Overlay	The base district is mapped and the overlay identified with zoning designations.
RAD Overlay	AP Overlay	Adopted by the BOC 10/17/11
RET Overlay	RET Overlay	All
Deleted Districts		
OB Overlay		All uses are regulated through the SFO and SFR Districts

The following district translations are considered a rezoning and will require advertisement and notification of property owners that do not reside in the area of general circulation of the newspaper:

Current Zoning District	New Zoning District	Comments
A/RR/R	SFI	Applies to A and RR zoning districts on Knotts Island and the A and R districts in Gibbs Woods
RA	SFM	As identified on the map properties will translate to SFM, A, GB and MXR.
RR	SFM	Not including Knotts Island (see above)
RMF Overlay	MXR	

The existing conditional districts will remain unchanged.

Some properties identified as employment or mixed use in the Maple-Barco Small Area Plan will be considered for rezoning that are consistent with the plan. These areas include the Maple Campus and Currituck Community Park, Central Elementary School, Ponderosa Mobile Home Park, and the properties currently zoned RA around the intersection of US 158 and NC 168.

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

Commissioner Martin moved to approve PB 12-14 as presented 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. Commissioner Gilbert seconded the motion. Motion carried.

**B) Consideration and Action: PB 06-02 Freedom Forest, Phase II: Request for a preliminary plat extension of a six lot residential subdivision located off Patriot Way in Barco.**

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

On May 13, 2008, the Planning Board voted to approve the preliminary plat for Freedom Forest, Phase II. This is a six lot residential subdivision located off Patriot Way in Barco. The preliminary plat approval was due to expire on May 13, 2010. The North Carolina General Assembly passed a law that suspended the vesting period for development approvals that were valid at any time during January 1, 2008 through December 31, 2010. With the law in effect the preliminary plat expiration date is January 1, 2013.

On June 27, 2012 the agent, J. Larry Gaither, submitted a request for a two year preliminary plat extension of the subdivision citing health reasons (see attached).

In accordance with the UDO Chapter 10, Section 10.3.4 and Chapter 11 Section 11.10.2, the Board of Commissioners may grant an extension of the preliminary plat one time for a period of two years, if they conclude that:

1. The permit has not yet expired.
  - a. The permit has not yet expired and will expire January 1, 2013.
2. The permit recipient has proceeded with due diligence and in good faith; and,
  - a. The permit recipient, Frank Mashuda, developed health problems and has not been able to work until recently.
3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be

granted without resort to the formal processes and fees required for a new permit.

a. There are no changes proposed in the extension request.

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

### **Administrative Reports**

#### **A) Mr. Steve Murray, Albemarle Food Bank, Proclamation for Hunger Action Month**

Mr. Murray, stated that the Albemarle Food Bank serves 15 counties.

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

#### **Proclamation for HUNGER ACTION MONTH "30 Ways in 30 Days" September, 2012**

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WHEREAS, Feeding America is the nation's leading domestic hunger-relief organization with a mission to feed and advocate for America's hungry through a nationwide network of member food banks; and

WHEREAS, the Food Bank of the Albemarle is a member of Feeding America and fights hunger and poverty in 15 northeast North Carolina counties by partnering with more than 130 local agencies to distribute food to the hungry; and

WHEREAS, both the Food Bank of the Albemarle and Feeding America seek to engage our citizens locally, statewide, and nationally in the fight to end hunger; and

WHEREAS, the number of people in the Albemarle area who need assistance is increasing as reflected in more households in poverty and more individuals being unemployed; and

WHEREAS, the fight against hunger is a fight that concerns each of us; and

WHEREAS, the contribution of our time, talent and treasure moves us ever closer to an answer to issues of hunger and poverty in our communities; and

WHEREAS, the citizens of Currituck County can visit the Food Bank of the Albemarle's website ([www.afoodbank.org](http://www.afoodbank.org)) for ideas of ways to make a difference for local emergency feeding programs, for the Food Bank, and especially for our hungry and needy during these thirty days of opportunities;

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners do hereby proclaim September 2012, as Hunger Action Month in Currituck County.

- B) Thom Leahy, Director of Public Utilities-Va. Beach, presentation on the dangers of uranium mining in Virginia to Currituck County.**

Mr. Thom Leahy, Director of Utilities in Va. Beach, reviewed the Uranium Mining Impact Study. Mr. Leahy stated that on June 12, 2012, Virginia Beach City Council reaffirmed its opposition to uranium mining in Virginia.

- C) Recommendation of Award for COA Apron**  
deleted

### **Old Business**

- A) Approval of Ordinance Amendment on Unattended Property on Beach, 2nd reading**

Ike McRee, County Attorney, reviewed the ordinance.

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

Commissioner Etheridge moved to add additional language and clarify the Property Owners Association responsibility and other items at a work session. Commissioner O'Neal seconded the motion. Motion carried.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
AMENDING SECTION 10-128 OF THE CURRITUCK COUNTY CODE OF  
ORDINANCES**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county;

WHEREAS, the Board of Commissioners for the County of Currituck finds that it is advisable to amend Section 10-128 of the Currituck County Code of Ordinances to allow certain unattended property to remain on the beach at night.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck, North Carolina as follows:

PART I. Section 10-128 of The Code of Ordinances, Currituck County, North Carolina is amended by adding a new paragraph so that the section reads as follows:

Sec. 10-128. Unattended property on beach.

(a) It shall be unlawful for any person to leave unattended between the hours of sunset and sunrise any property, including but not limited to volleyball, badminton and tennis nets, poles, tents, horseshoe stakes, croquet courses, grills, umbrellas and recreational equipment, cabanas, canopies, or any other personal property items on the beach strand as defined in section 10-51 of this Code of Ordinances. All property unattended and remaining on the beach strand between sunset and sunrise shall be considered litter and may be subject to removal and disposal.

(b) This section does not apply to life guard stands and accessory uses regulated by the Currituck County Unified Development Ordinance.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**New Business**

- A) **An Ordinance of the Currituck Board of Commissioners amending the Code of Ordinances to regulate Outdoor Tour**

After much discussion Commissioner Etheridge moved to have a work session to address issues raised during public

comment. Commissioner Martin seconded the motion. Motion carried.

**B) Board Appointments:**

**1. Appointment to Board of Adjustment**

Commissioner Martin moved to appoint Mike Painter. Commissioner Etheridge seconded the motion. Motion carried.

**2. Appointment to Economic Development Board.**

Commissioner Gilbert moved to appoint Rosaria Thompson. Commissioner Martin seconded the motion. Motion carried.

**C) Consent Agenda:**

1. Change Order for Maple Commerce Park, time extension only
2. Project Ordinance for Connector Taxiway and Parking Apron: DOA Grant 36244.10.5.2

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

**D) Commissioner's Report**

Commissioners expressed their thoughts and prayers for Commissioner Aydlett.

Commissioner Martin reminded citizens school starts on August 27<sup>th</sup> and watch out for the children.

Commissioner O'Neal requested the Planning Director to make a presentation to the Board on the re-organization of his department.

Commissioner Rorer commented on the improvements at the Rural Center.

Commissioner Etheridge requested citizens to write to the Transportation Committee regarding the Mid County Bridge.

**E) County Manager's Report**

Dan Scanlon, County Manager, reviewed the COA Federal Loan update.

**Adjourn**

There being no further business, the meeting adjourned.