

CURRITUCK COUNTY
NORTH CAROLINA
January 17, 2012

The Board of Commissioners met at 6:00 p.m. with the Crawford VFD to discuss funding.

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, Aydlett, Etheridge, and Petrey. Commissioner Martin was absent.

Invocation

Pledge of Allegiance

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

Approval of Agenda

Commissioner O'Neal moved to amend the agenda by adding to consent agenda, Authorize County Manager to execute deed of easement with Corolla Light Community Association for the Whalehead Drainage Improvement Project and delete Item 8. Commissioner Gilbert seconded the motion. Motion carried.

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** Recognition of Commissioner Aydlett for his service as Chairman of the Board for 2011
- Item 4** Ronnie Hayes, Currituck County Athletic Director, to accept recognition of all athletic teams
- Item 5** Presentation by Dominion Power on the Shawboro to Aydlett proposed transmission line
- Item 6** **Public Hearing and Action:** PB 11-19 Shaun Moore: Request for a zoning map amendment to rezone 20.12 acres from Agricultural (A) to Conditional District-Residential (CD-R) on property located in Moyock at the terminus of Thayne Drive, Tax Map 22, Parcels 63R and 63S, Moyock Township.
- Item 7** **Public Hearing and Action:** PB 10-04 Outer Banks Harley Davidson: Request to renew a special use permit for special events located at 8739 Caratoke Hwy., Tax Map 131, Parcel 88, Poplar Branch Township.
- Item 8** Consideration of Economic Development Incentive Guidelines

DELETED

- Item 9 **Appointment to Recreation Board**
- Item 10 **Appointment to Economic Development Board**
- Item 11 **Appointment to Board of Adjustment**
- Item 12 **Appointment of EMS Operational Medical Director**
- Item 13 **Appointment to Fire and EMS Advisory Board**
- Item 14 **Award Bid for Whalehead Subdivision Drainage Improvements Project-Phase II**
- Item 15 **Consent Agenda:**
 - 1. Approve and authorize County Manager to execute license agreement with Robert Glenn and Eden Glenn for accessway on Barracuda Street, Whalehead Drainage Improvement District Project
 - 2. Petitions to Add Savannah Avenue, Charleston Drive, Carolina Club Drive and Richmond Court to NCDOT System for Maintenance.
 - 3. Budget Amendments
 - 4. Approval of January 3, 2012, Minutes
 - 5. Approval of Maple Park Expansion PARTF Grant Application
 - 6. Authorize County Manager to execute deed of easement with Corolla Light Community Association for the Whalehead Drainage Improvement Project
- Item 16 Commissioner's Report
- Item 17 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 Rorer opened the public comment period.

Josh Bass, President, Currituck Chamber of Commerce, invited citizens to the Chamber Business Expo on February 25.

John Jasinski, American Legion Post 288, requested the Board to consider amending the code of ordinances to allow the discharge of firearms at a target 300 yards from a residence without having to have written permission from the property owner or occupant.

The Board directed staff to review and bring back for a public hearing.

Earl Rountree, Gates County, commented on voter registration and the state law and for the Board to support Voter ID State law that will be presented for approval.

Commissioner Etheridge stated that the Board adopted this resolution on November 7.

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

Recognition of Commissioner Aydlett for his service as Chairman of the Board for 2011

The Board presented Commissioner Aydlett a plaque in recognition of his dedicated commitment as Chairman of the Board in 2011.

Ronnie Hayes, Currituck County Athletic Director, to accept recognition of all athletic teams

deleted

Presentation by Dominion Power on the Shawboro to Aydlett proposed transmission line

Michael Thompson, Dominion Power, introduced staff that would make the presentation.

Jonathan Schultis, reviewed where the proposed transmission line would be located and date construction would begin and be completed.

Dan Scanlon, County Manager, questioned why Dominion could not begin the design and construction of power lines that will be installed at the county airport now instead of later. In other words, the County pays now or pays later.

Jerry Jackson, Planner, Dominion Power, stated that this was not being planned now but at a later date when the Airport expands. The cost will be the County's responsibility.

Commissioner O'Neal stated that this should be paid by Dominion Power, not the County.

Mr. Thompson, Dominion Power, stated that he would meet further with the County to discuss these issues.

Commissioner Etheridge moved to direct the County Attorney to contact the Utilities Commission to discuss options the County has and Dominion Power's plans not to construct the power line located at the county airport to allow for runway expansion now instead of later. Commissioner Gilbert seconded the motion. Motion carried.

Public Hearing and Action: PB 11-19 Shaun Moore: Request for a zoning map amendment to rezone 20.12 acres from Agricultural (A) to Conditional District-Residential (CD-R) on property located in Moyock at the terminus of Thayne Drive, Tax Map 22, Parcels 63R and 63S, Moyock Township.

Ben Woody, Planning Director, stated that he met with staff and Engineer to further discuss the drainage issues.

DATE: January 3, 2012
PB 11-19 R. Shaun Moore

ITEM: PB 11-19 R. Shaun Moore requests a zoning map amendment to rezone 20.12 acres from A (Agricultural) to CD-R (Conditional District-Residential).

LOCATION: Moyock, located at the terminus of Thayne Drive, Moyock Township.

TAX ID: 0022-000-063R-0000
0022-000-063S-0000

OWNER: R. Shaun Moore
1253 Tulls Creek Road
Moyock, NC 27958

APPLICANT: Eddie Hyman
PO Box 339
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Active Farmland	A/R-PUD Overlay
SOUTH	Low Density Residential	A
EAST:	Low Density Residential	A
WEST:	Low Density Residential/Farmland	R-PUD Overlay

LAND USE PLAN

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

CURRENT ZONING: Agricultural (A)

PROPOSED ZONING: Conditional District - Residential (CD-R)

CURRENT USE: Low Density Residential/Undeveloped

SIZE OF SITE: 20.12 acres

ZONING HISTORY: 1989: A (Agricultural District)

UTILITIES: County water does not service this property. An individual on-site septic system is located the property.

TRANSPORTATION: The proposed development is accessed by Thayne Drive, an unpaved, privately maintained road.

FLOOD ZONE: The property is located within the 100-year floodplain; AE with a base flood elevation of 5.4 feet.

WETLANDS: According to NC Division of Coastal Management maps, wetland characteristics do not exist on this property.

SOILS: According to the Soil Survey for Currituck County, the soils are considered unsuitable for on-site septic systems due to soil wetness and slow percolation.

PROPOSED ZONING CONDITIONS:

The applicant is proposing the following uses and zoning conditions:

- o 13-lot residential subdivision
- o Minimum lot size shall be 40,000 square feet.
- o 60 foot buffer provided along the eastern boundary.
- o Street interconnection will be provided to adjacent properties to the north and west.
- o Stick built single family dwellings will be constructed on the lots.

COMMUNITY MEETING:

The community meeting was held on November 29, 2011, and the community meeting report is provided in the packet.

TECHNICAL STAFF RECOMMENDATION:

The technical review committee reviewed the plan on November 16, 2011 and recommended approval of the rezoning request.

PLANNING STAFF RECOMMENDATION:

The planning staff recommends approval of the proposed conditional zoning request based on the following Land Use Plan policies:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.

POLICY AG3: County ACTIONS CONCERNING INFRASTRUCTURE (e.g. schools, parks, and utilities) and regulations shall serve to direct new development first to targeted growth areas near existing settlements indicated as Full Service Areas on the Future Land Use Map, rather than "leapfrogging" to locations in the midst of farmland and greenspace identified as Rural and Conservation areas on the Future land Use Map.

PLANNING BOARD RECOMMENDATION:

Mr. Kovacs moved to approve PB 11-19 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 with the findings of fact and staff recommendations included in the case analysis. Mr. Bell seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (12-13-11)

Ms. Voliva provided a summary of the community meeting held on November 29, 2011.

Mr. West asked about the drainage and stormwater runoff.

Mr. Hyman addressed the drainage issue. Preventative maintenance can be done, i.e. clean trash in culvers and keeping them clean. Mr. Hyman stated the development will have modified swales that are sloped to scale so they can be easily maintained.

Mr. Moore stated he hopes the Planning Board will approve this request.

Mr. Clark asked if retention ponds were considered for this development.

Mr. Hyman stated they did consider them, but since this is a low density development they will not be using them.

Mr. West stated that since the soils are considered unsuitable for on-site septic systems due to soil wetness and slow percolation could Mr. Hyman addressed this issue.

Mr. Hyman stated a suitable site evaluation of every lot will be required by the Unified Development Ordinance and will have sand filled trenches.

Mr. West stated that a sand filled trench is where you dig down until you find sand within six feet and then you put the drainage pipe.

PLANNING BOARD ACTION

Mr. Kovacs moved to approve PB 11-19 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 with the findings of fact and staff recommendations included in the case analysis. Mr. Bell seconded the motion. Motion carried unanimously.

Chairman Rorer opened the public hearing.

Mr. Hyman, Engineer, reviewed the drainage on this property.

Carlton Smith, adjacent property owner, stated that he is satisfied with the plan.

Commissioner Gilbert moved to approve with added zoning conditions 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 Petrey seconded the motion. Motion carried.

Commissioner Etheridge moved to direct staff to move forward with the Rowland Creek Drainage District. Chairman Rorer seconded the motion. Motion carried.

Public Hearing and Action: PB 10-04 Outer Banks Harley Davidson: Request to renew a special use permit for special events located at 8739 Caratoke Hwy., Tax Map 131, Parcel 88, 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: January 17, 2012
PB 10-04 Outer Banks Harley Davidson
Special Use Permit Renewal**

ITEM: PB 10-04 Outer Banks Harley Davidson Special Use Permit renewal request for special events associated with the dealership.

LOCATION: 8739 Caratoke Highway, Harbinger (existing Harley Davidson dealership).

TAX ID: 0131-000-0088-0000

ZONING DISTRICT: General Business (GB)

PRESENT USE: Motorcycle Retail

OWNER: MDS Investment LLC
% Maurice Slaughter
2211 Frederick Blvd
Portsmouth VA 23704

APPLICANT: Same

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	GB
SOUTH:	Residential	GB
EAST:	Residential	GB
WEST:	Post Office	GB

LAND USE PLAN

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

SIZE OF SITE: 3.2 acres

UTILITIES: The business is served by county water and an on-site septic system. Port-a-johns are proposed for the special events.

I. NARRATIVE OF REQUEST:

- The Outer Banks Harley-Davidson in Harbinger is the hub for activities such as OBX Bike Week each spring and fall. The facility is utilized to house additional

vendors, live music, and serves as the starting point for poker runs and scenic tours.

- This is the 10th year for Outer Banks Bike Week and attendance has grown each year, reaching over 10,000 attendees some years.
- The applicant has received annual special use permits for Bike Week events since 2004. Staff supports approval of a perpetual special use permit.

II. Special UDO requirements for special events (Section 3.10.4)

1. The amount of noise generated shall not disrupt the activities of adjacent land uses.
2. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.
3. Parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
4. In cases where it is deemed necessary, the board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
5. If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

III. 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. Special events are an allowable use within the General Business (GB) 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 plan meets the minimum requirements of the ordinance.

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

Suggested Findings:

- a. So long as the non-motorcycle parking is adequately addressed, the events should have little impact on public health or safety with the proposed precautions in place [no parking signs in right-of-ways, private security (off-duty deputies), designation of satellite parking areas across Caratoke Highway for employees only, and satellite parking for customers only on the same side of Caratoke Highway as the event].

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 Unified Development Ordinance indicates that special events are allowed in the GB zoning district with a special use permit.
- b. The special events will take place at an existing retail business.

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

Suggested Findings:

- a. The 2006 Land Use Plan classifies this site as Limited Service within the Point Harbor subarea. The policy emphasis is to allow portions of the Point Harbor area to continue to evolve as a full service community. The proposed use is in keeping with the policies of the plan, some of which are:

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.

POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions, and spin-offs shall also be recognized.

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 county has adequate public facilities to service this use.

IV. STAFF RECOMMENDATION:

Staff recommends approval of this request subject to the findings of fact and the following:

1. The original site plan approval was for three additional buildings. The existing building was required to have 46 parking spaces (approved at 1:400 instead of 1:200), so there are extra parking spaces available at this time. Please note that drive aisles cannot be blocked. The applicant plans to restrict this parking area to motorcycles only.
2. Overflow and non-motorcycle parking must be adequately addressed. The applicant has signed permission for satellite parking at Carolina Designs Realty, Barrier Island Welcome Center, Mutiny Tattoo, and Harbinger Post Office. Mutiny Tattoo is the only location approved for customer satellite parking. All other listed locations are either greater than 300' from the subject property or are considered unsafe for pedestrians (crossing Caratoke Highway). Carolina Designs Realty, Barrier Island Welcome Center, and Harbinger Post Office may be used for employee satellite parking only.
3. That each separate event be coordinated with applicable county and state agencies, including, but not limited to: Currituck Fire Marshal, Currituck Sheriff's Department, NCDOT, and Albemarle Regional Health Services.

Chairman Rorer opened the public hearing.

Kevin Johnson, Harley Davidson, was present to answer questions.

Commissioner Etheridge moved to approve with findings of fact, TRC comments and staff recommendations. Commissioner Aydlett seconded the motion. Motion carried.

Consideration of Economic Development Incentive Guidelines

deleted

Appointment to Recreation Board

Chairman Rorer appointed Neel Smith and Commissioner O'Neal stated that Cynthia Hampton's term is not up so she will continue to serve. Commissioner Etheridge appointed Janet Rose. Commissioner O'Neal seconded the motion. Motion carried.

Appointment to Economic Development Board

Commissioner Petrey moved to table. Commissioner Aydlett seconded the motion. Motion carried.

Appointment to Board of Adjustment

Commissioner O'Neal moved to appoint Miles Riddick and Vivian Simpson. Commissioner Aydlett seconded the motion. Motion carried.

Appointment of EMS Operational Medical Director

Commissioner O'Neal moved to appoint Dr. Scott Polsky and Dr. Samantha Furia. Commissioner Aydlett seconded the motion. Motion carried.

Appointment to Fire and EMS Advisory Board

Commissioner Aydlett moved to appoint John Wheeler. Commissioner O'Neal seconded the motion. Motion carried.

Award Bid for Whalehead Subdivision Drainage Improvements Project-Phase II

Commissioner O'Neal moved to award bid to George Raper & Sons in the amount of \$1,183,681.55. Commissioner Aydlett seconded the motion. Motion carried.

Consent Agenda:

1. Approve and authorize County Manager to execute license agreement with Robert Glenn and Eden Glenn for accessway on Barracuda Street, Whalehead Drainage Improvement District Project
2. Petitions to Add Savannah Avenue, Charleston Drive, Carolina Club Drive and Richmond Court to NCDOT System for Maintenance.
3. Budget Amendments
4. Approval of January 3, 2012, Minutes
5. Approval of Maple Park Expansion PARTF Grant Application
6. Authorize County Manager to execute deed of easement with Corolla Light Community Association for Whalehead Drainage Improvement Project.

Commissioner Etheridge moved to approve all items on the consent agenda as listed. Commissioner O'Neal seconded the motion. Motion carried.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-503500	Temporary Salaries	\$ 70,000	
10530-553000	Dues & Subscriptions	\$ 18	
10530-502000	Salaries		\$ 70,000
10530-532000	Supplies		\$ 18
		<u>\$ 70,018</u>	<u>\$ 70,018</u>

Explanation: *Emergency Medical Services (10530)* - To transfer regular salary funds to temp services to cover employees out on Family Medical Leave and to dues & subscriptions for unanticipated price increase.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10980-545000	Contract Services	\$ 93,058	
10440-514000	Travel	\$ 122	
10460-531000	Gas	\$ 73	
10330-445100	Public Assistance (FEMA)		\$ 93,253
		<u>\$ 93,253</u>	<u>\$ 93,253</u>

Explanation: *Disaster Assistance (10980); Finance (10440); Public Works (10460)* - To increase appropriations for mosquito spraying after Hurricane Irene, Project Worksheet 00428(0).

Net Budget Effect: Operating Fund (10) - Increased by \$93,253.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense

66868-516200	Vehicle Maintenance	\$	207	
66868-590000	Capital Outlay	\$	5,000	
66868-516000	Maintenance & Repair			\$ 207
66868-516001	Maintenance & Repair			\$ 5,000
			<u>\$ 5,207</u>	<u>\$ 5,207</u>

Explanation: *Southern Outer Banks Water (66868)* - Transfer for vehicle maintenance needs for the Southern Outer Banks Water truck and for repairs to the Control Cabinets at Corolla Light and the Currituck Club.

Net Budget Effect: Southern Outer Banks Water System Fund (66) - No change.

<u>Account Number</u>	<u>Account Description</u>		Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10660-516200	Vehicle Maintenance	\$	750	
10660-526000	Advertising	\$	1,500	
10660-514800	Fees Paid to Officials			\$ 750
10660-532000	Supplies			\$ 1,500
			<u>\$ 2,250</u>	<u>\$ 2,250</u>

Explanation: *Planning (10660)* - Transfer funds for brakes and oil pan for Planning Jeep in Corolla and for additional printing of the UDO.

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

<u>Account Number</u>	<u>Account Description</u>		Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
61818-590000	Capital Outlay	\$	800	
61818-516200	Vehicle Maintenance			\$ 800
			<u>\$ 800</u>	<u>\$ 800</u>

Explanation: *Mainland Water (61818)* - Transfer funds for additional funds needed for a sensor for Mainland Water.

Net Budget Effect: Mainland Water Fund (61) - No change.

<u>Account Number</u>	<u>Account Description</u>		Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
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10760-585000	DSS Donations	\$	3,000	
10380-487000	DSS Donations	\$	500	
	Fund Balance			
10380-499900	Appropriated			\$ 3,500
			<u>\$ 3,500</u>	<u>\$ 3,500</u>

Explanation: *Social Services - Public Assistance (10760)* - To increase appropriations for additional donations for this year.

Net Budget Effect: Operating Fund (10) - Increased by \$3,000.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense	
20609-590000	Capital Outlay	\$	1,183,684		
20609-588000	Contingency			\$	568,150
	Fund Balance				
20390-499900	Appropriated			\$	615,534
			<u>\$ 1,183,684</u>	<u>\$ 1,183,684</u>	

Explanation: *Whalehead Subdivision Drainage(20609)* - To increase appropriations to award Phase II of drainage project to George Raper & Sons Inc per bids opened 12/22/2011.

Net Budget Effect: Whalehead Drainage District (20) - Increased by \$615,534.

Commissioner's Report

Commissioner O'Neal requested that a State flag be placed in all county meeting rooms.

Commissioner Aydlett thanked the Board and citizens for their support during the death of his mother in-law.

Commissioner Gilbert announced that there will be an event at the Rural Center on Saturday that everyone should attend.

Chairman Rorer expressed his appreciation for all the thoughts and wishes for his wife.

Commissioner Petrey questioned the sign for the Rural Center.

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned