

CURRITUCK COUNTY
NORTH CAROLINA
March 19, 2012

The Board of Commissioners met at 5:00 p.m. for dinner,
Cooperative Extension's Report to the People.

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, Martin and Petrey.

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 amended the agenda to move new business
A and B before public comments. Commissioner Aydlett
seconded the motion. Motion carried.

New Business

A) Recognition of Girl Scouts and adopt Proclamation

The Board adopted the following resolution and presented to
the Girl Scouts.

PROCLAMATION

100th ANNIVERSARY OF GIRL SCOUTS

WHEREAS, Juliette Gordon Low founded Girl Scouts of the USA
on March 12, 1912; and,

WHEREAS, Girl Scouting has been inspiring and teaching
girls for 100 years; and,

WHEREAS, throughout its distinguished history, Girl Scouting has welcomed girls and women from every background to join and has inspired them with courage, confidence, and character to make the world a better place; and,

WHEREAS, through the Girl Scout Leadership Experience, girls develop the skills and lessons that will serve them throughout their lives so that they may contribute to their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities in math, science, sports, technology, and many other fields of interest that can expand their horizons;

NOW, THEREFORE, the Currituck County Board of Commissioners does hereby applaud the commitment made by the Girl Scouts of the Girl Scout Council to serve girls in Currituck County and proudly proclaims the month of March 2012 as Girl Scout Month in Currituck.

B) Carolyn J. Self, Executive Director, American Red Cross, Proclamation

The Board approved the following resolution and presented to Ms. Self.

PROCLAMATION

AMERICAN RED CROSS MONTH 2012

The American Red Cross has touched many lives in Currituck County, as well as across the country and around the world.

During American Red Cross Month, we thank those who contribute to the mission of the Red Cross, whether through time, money, or blood, and we invite others to support the Red Cross in helping people in need down the street, across the country and around the world.

The American Red Cross is synonymous with helping people, and has been doing so for more than 130 years. Throughout the past year, the American Red Cross launched hundreds of disaster relief operations in the United States to help people affected by fires, floods, hurricanes and tornadoes. The American Red Cross also supported major international disasters, including the Japan

earthquake and tsunami response, while continuing its work on the 2010 Haiti earthquake response and recovery.

In Currituck County, the Red Cross works tirelessly through its 1 employee and 65 volunteers to support us when disaster strikes, when someone needs life-saving blood or the comfort of a helping hand. It provides 24-hour support to members of the military, veterans and their families and provides training in CPR, aquatics safety and first aid.

For nearly 100 years, United States presidents have called on the American people to support the Red Cross and its humanitarian mission. Our community depends on the American Red Cross and because it is not a government agency, the Red Cross depends on support from the public to continue its humanitarian work. This is especially important in these challenging economic times - which impact the Red Cross and many people in our community and across the nation.

NOW, THEREFORE, the Currituck County Board of Commissioners hereby proclaims March 2012 as American Red Cross Month. It encourages all Americans to support this organization and its noble humanitarian mission.

D) Public Comment

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

Chairman Rorer moved to open the public comment period.

Earl White, commended Mr. Woody, Planning Director, and Commissioner Petrey for their assistance with residents and their issues in Walnut Island.

Jill Rolfes, Moyock, expressed concerns with the process taken with the UDO and thanked the Board for meeting with them earlier.

Toni Tabb, Moyock, expressed concerns with the UDO and the very harsh treatment of the speakers during an earlier meeting.

Commissioner O'Neal reminded citizens of the Ducks Unlimited dinner Saturday at the Hampton Lodge.

Commissioner Etheridge stated that the Shawboro Ruritans will have a prime rib dinner this Saturday.

Commissioner Gilbert, Moyock Ruritans hosting the meeting on incorporation and there will be a pancake breakfast and the Easter Bunny at the Moyock Fire Department.

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

Public Hearings

A) Public Hearing and Action: PB 99-13 Brady Landing, Lot 9A: Request for an amended preliminary plat/special use permit for one additional lot, located at 136 Happy Landing, Tax Map 52C, Parcel 9A, Crawford Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: March 19, 2012
PB 99-13 Brady Landing, Phase 1, Lot 9A
Residential Airpark Subdivision**

ITEM: PB 99-13 Brady Landing, Phase 1, Lot 9A, Amended Preliminary Plat/Special Use Permit, for one additional lot.

LOCATION: In Maple, adjacent to the Currituck County Airport and within Brady Landing, Phase I, Crawford Township.

TAX ID: 052C-000-009A-0000

ZONING

DISTRICT: Airport Overlay Compatible Use Zone 3

PRESENT USE: Single Family Dwelling

OWNERS: Kingfisher Cove, Inc.
PO Box 66
Currituck NC 27929

ENGINEER: Hyman and Robey, PC
PO Box 339
Camden NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Single Family Dwelling	RAD
SOUTH	Vacant	RAD
EAST:	Single Family Dwelling	RAD
WEST:	Vacant	RAD

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service** within the **Barco-Coinjock-Airport** subarea.

SMALL AREA PLAN

CLASSIFICATION: The 2009 Maple-Barco Small Area Plan classifies the site as **Transitional**.

SIZE OF SITE: Total Development: 2.34 acres

NUMBER OF UNITS: 2 residential lots (Bringing total to 16 lots for Phase 1)

PROJECT DENSITY: 1.17 units/ acre

STREETS: The streets are built to NCDOT design and construction standards.

UTILITIES: The development will be served by county water. The proposed water usage is 720 gpd. The applicant is proposing on-site wastewater systems for the new lot.

OPEN SPACE: The UDO does not require this subdivision to dedicate open space.

I. NARRATIVE OF REQUEST:

- The applicant is seeking amended preliminary plat/SUP approval for one additional lot within an approved residential airpark subdivision.
- The sketch plan/SUP for this phase was approved on September 10, 2004.

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 an SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE 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. The conditions proposed meet the minimum requirements of this ordinance.

4. THE SPECIAL USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY:

Suggested Findings:

- a. The proposed subdivision 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 Unified Development Ordinance indicates that a residential airpark development is allowed in the RAD overlay zoning district with a special use permit.
 - b. The parcel is currently within a neighborhood with densities similar to those proposed and should be in harmony with that neighborhood.
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 Full Service within the Barco-Coinjock, Airport subarea and the proposed use is in keeping with the policies of the plan, some of which are:
 - i. This area has many of the ingredients in place to become a significant community center for the mainland over the next 10 to 15 years.
 - ii. The policy emphasis of this plan is for this subarea to emerge as the principal community center serving the central area of the mainland and is therefore included as a Full Service Area.
 - iii. Policy ES1: New development shall be permitted to locate only in areas with suitable soil and where adequate infrastructure is available.
 - iv. Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
 - v. Policy HN8: To protect the county's tax base and to ensure the long-term viability of the county's neighborhoods and housing stock, the county will continue to enforce appropriate construction and site development standards for residential developments.
 - b. The 2009 Maple-Barco Small Area Plan classifies this site as Transitional and the proposed use is in keeping with the policies of the plan, including:
 - i. LU1: Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate 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 county should have adequate public facilities to service this subdivision.

III. STAFF RECOMMENDATION:

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends approval** of this amended plat/SUP as presented. Prior to **final plat** approval, the following items must be addressed:

1. Show minimum finished floor elevation on the plat.
2. Pay tap fee for Lot 9A-2.

Eddie Hyman, Engineer, was present to answer questions.

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

Commissioner O'Neal moved to approve. Commissioner Aydlett seconded the motion. Motion carried.

B) Public Hearing and Action: PB 11-01 Monterey Greens: Requests a special use permit amendment to increase the height of miniature golf course features as measured from natural grade (SUP condition #12) located at 810 Ocean Trail in Monterey Shores and Buck Island, Tax Map 116, Parcel 3W and Tax Map 116D, Parcel 3D, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

John DeLucia, Albemarle and Associates, is requesting an amendment to PB 11-01 Monterey Greens special use permit. The Board of Commissioners approved the permit on March 7,

2011 and included a condition to restrict the maximum height of golf course features. The permit condition states:

12 Maximum height limit, excluding buildings, shall be 15' from natural grade as it currently exists.

The elevations of the features are as follows:

Feature	Existing (Natural) Grade Elevation	Proposed Grade Elevation	Feature Height	Proposed Feature Height Above Natural Grade	As-Built Height Above Natural Grade
Lighthouse	10'	9'	13'	12'	16.1
Rock Cave	5.35'	11'	9'	14.65'	17.25'

Chairman Rorer opened the public hearing.

John DeLucia, Engineer, requested the Board to consider the mistake that was made and allow for the variance due to the time it would take to correct.

Dennis Umberger, Corolla, requested county to survey the site and opposes the request.

Earl Wemer, Corolla, stated that this is a height issue which was the action of the applicant.

Fran Rosemary, requested the Board to hold firm the standard that was agreed to.

Commissioner Petrey questioned how the error occurred.

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

Commissioner Petrey moved to deny the request for a variance. Commissioner Aydlett seconded the motion. Motion carried.

**C) Public Hearing Community Development Block Grant:
Currituck County is accepting citizens comment on the
grant application. A list of applicants will be
presented at the hearing.**

Ben Woody, Planning Director, stated that this is the second CDBG public hearing and is required to allow citizens an opportunity to comment on the grant application going forward to NC Commerce. The County is considering the submittal of a \$400,000 Scattered Site Housing (SSH) application to assist low income (50% or less of area median income) homeowners with major home repairs including reconstruction/replacement of homes beyond repair.

The County advertised the housing assistance program and received 18 applications for assistance. Applications had to include proof of income and proof of ownership. Applications were ranked for assistance based on several rating factors including income, elderly, physically handicapped, minor children, and single parent status.

The highest ranked households were interviewed at their homes, a housing needs assessment was completed, photos were taken, and an estimated construction cost was developed by a rehabilitation specialist. SSH funds will be sufficient to complete from 3 to 5 houses depending on severity of housing need and rehabilitation costs.

Attached is a list of 11 applicants (includes alternates) for consideration. Alternates are necessary in case a household elects at a later date not to participate or is determined to not be eligible.

Name Address

Beneficiary List

Mable S. McLane 729 S. Bayview Road
Gladys B. Dunston 509 NW Backwoods Road
Sylvia S. Outlaw 6315 Caratoke Highway
Katie J. Ware 4322 Caratoke Highway

Alternate List

Icey S. Owens 5665 Caratoke Highway
Edna Mae Winslow 189 N River Landing Road
Lena A. Gallop 144 Snow's Lane
Sandra F. Harvey 111 Colonial Beach Road
Laura R. Saunders 155 Macedonia Church Road
Eugenia Taylor-Perkins 2072 Caratoke Highway
Norma J. Owens 5665A Caratoke Highway

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

Commissioner O'Neal moved to submit grant application and authorize Chairman to sign. Commissioner Etheridge seconded the motion. Motion carried.

New Business

C) Consent Agenda:

1. Resolution to approve filing an application for a Financing Agreement to the Local Government Commission for the Moyock Sewer Project to correct contractor from Sussex Development Corp to George Raper & Son Inc.
2. Approval of March 5, 2012 Minutes

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Currituck, North Carolina desires to design, construct and interconnect Central Sewer in Moyock, NC (the "Project") to better serve the citizens of the County of Currituck; and

WHEREAS, The County of Currituck desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioner of Currituck, North Carolina, meeting in regular session on the 19th of March 2012, make the following findings of fact:

1. The proposed contract is necessary or expedient because the County desires to design and construct a Central Sewer System in Moyock, NC and to interconnect system with existing sewer systems in Moyock, NC;
2. The proposed contract is preferable to a bond issue for the same purpose this financing will not exceed \$3,000,000 which is under the threshold for bank qualified debt. In the current rate environment, bank qualified debt is more favorable than a bond issue due to costs involved with a bond issue. In addition, the process of having a bond referendum and going through the approval process would delay the project by six to eight months and the County desires to move forward with the installment purchase contract.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the County has reviewed the Design/Build contract proposed by George Raper & Son Inc and concurs that the costs are acceptable for the proposed project.
4. The County of Currituck's debt management procedures and policies are good because the County has identified revenue sources to make debt payments and invests and monitors all funds to assure that debt payments are made when due.
5. The County does not anticipate an increase in property tax due to this financing.
6. The County of Currituck is not in default in any of its debt service obligations.
7. The attorney for the County of Currituck has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to act on behalf of the County of Currituck in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

Commissioner Aydlett moved to approve the consent agenda. Commissioner Etheridge seconded the motion. Motion carried.

D) Commissioner's Report

Commissioner O'Neal requested staff to contact Congressman Jones in support of overturning Beach Driving Permits and include the Currituck Northern Beaches in the bill. Commissioner Etheridge seconded the motion. Motion carried.

E) County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.