

CURRITUCK COUNTY
NORTH CAROLINA
October 15, 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 Dennis Crehan, Jarvisburg Church of Christ, was present to give the invocation.

C) Approval of Agenda

Commissioner O'Neal moved to amend the agenda by adding to the consent agenda a resolution to apply for certain state and federal grant funding. Commissioner Martin seconded the motion. Motion carried.

A) Invocation

B) Pledge of Allegiance

C) Approval of Agenda

D) Public Comment

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

Public Hearings

- A) **Public Hearing and Action:** PB 12-19 Barry Nelms: Request to amend the new Unified Development Ordinance Chapter 5: Development Standards to allow off-premise directional signs for properties located adjacent to the Currituck Sound.
- B) **Public Hearing and Action:** PB 12-18 Currituck County Unified Development Ordinance Administrative Manual: Request to approve the Administrative Manual for the new Unified Development Ordinance.
- C) **Consideration and Action:** PB 07-39 Nicholson's Point, Planned Unit Development: Request for a preliminary plat/special use permit extension for 140 residential units in Maple, Crawford Township.

Administrative Reports

- A) **Presentation by the Currituck County Joint Community Advisory Committee, Proclamation for National Alzheimer's Disease and National Family caregiver Awareness Month**

New Business

A) Consent Agenda:

1. Adoption of CDBG Program Manual
2. Change Order for a decrease in the amount of \$61,255.31, to the wastewater treatment plant at Maple Commerce Park
3. Approval of Mutual Aid Agreement with Emergency Management Agencies
4. Budget Amendments
5. Request for Finance Record Disposal per record retention schedule
6. Resolution to apply for certain State and Federal Grant Funding
7. Approval of October 1, 2012 Minutes

B) Commissioner's Report

C) County Manager's Report

Adjourn

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.

Barbara Snowden, County Historian, presented the Board with a poster of Charles Johnson Civil War sketches of Currituck County from 1862. Ms. Snowden said that they would be on sale for the county to place in the county offices and schools.

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

Public Hearings

- A) Public Hearing and Action: PB 12-19 Barry Nelms: Request to amend the new Unified Development Ordinance Chapter 5: Development Standards to allow off-premise directional signs for properties located adjacent to the Currituck Sound.**

Ben Woody, Planning Director, reviewed the request.

The enclosed text amendment, submitted by Barry Nelms of Barry's on Walnut Island Restaurant and Lodge, proposes to allow off-premise directional signage for businesses located adjacent to the Currituck Sound. This request is being reviewed as an amendment to the new Unified Development Ordinance (UDO).

The UDO was recently amended to allow off-premise directional signage for businesses located adjacent to the Atlantic Intracoastal Waterway. This request would allow off-premise directional signage for businesses along Currituck Sound under the same standards and procedures.

While staff is sympathetic to the difficult economic times that exist for businesses, increasing the frequency of off-premise directional signage is not consistent with the policy objectives of the 2006 Land Use Plan (Policies CA1, CA4, CA5). Policy CA5 states: "...that an attractive, less commercialized landscape, particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional billboards and off-site advertising signs shall not be permitted in Currituck County."

Due to the policy direction included in the Land Use Plan, staff cannot support this text amendment request as it would only strengthen the precedent to allow off-premise signage in the county.

The Planning Board ***recommended denial*** of PB 12-19 with staff recommendations, potential impact of number of businesses on the Currituck Sound vs. number of businesses on the Atlantic Intracoastal Waterway, and due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promote orderly growth and development.

PLANNING BOARD DISCUSSION (September 11, 2012)

The Planning Board asked staff the number of businesses on the Mainland and Outer Banks located on the Currituck Sound which would be affected by this request. Staff did not have this information available. The Planning Board also noted that new businesses located on the sound would benefit from this request.

Ms. Wilson stated this could transfer to the Outer Banks since there are many businesses that are located on the Currituck Sound. This makes it different from the Atlantic Intracoastal Waterway.

PLANNING BOARD ACTION

Mr. Clark moved to deny PB 12-19 with staff recommendations, potential impact of number of businesses on the Currituck Sound vs. number of businesses on the Atlantic Intracoastal Waterway, and due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public

interest and does not promote orderly growth and development. Ms. Newbern seconded the motion. Motion carried unanimously.

Barry Nelms, applicant, reviewed the history of his restaurant and why directional signs were needed for all businesses on the sound. He also stated that the Board previously granted permission for Crabbie's Restaurant to have a directional sign.

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

Chairman Rorer stated that the current ordinance has flaws and supports directional signs for businesses.

Commissioner Petrey moved to return this to the Planning Board.

Commissioner O'Neal requested that this ordinance amendment go back to staff for further study.

Commissioner Petrey amended his motion to have this ordinance go back to staff for a comprehensive study and bring back recommendations to the Board. Commissioner Martin seconded the motion. Motion carried.

**B) Public Hearing and Action: PB 12-18 Currituck County
Unified Development Ordinance Administrative Manual:
Request to approve the Administrative Manual for the new
Unified Development Ordinance.**

Ben Woody, Planning Director, reviewed the request.

The purpose of the administrative manual is to assist in the administration of the new Unified Development Ordinance (UDO). It is similar to the development review process manual of the current UDO. The administrative manual's primary goal is to explain the review procedures of development applications established in the UDO. The manual contains, among other things: application forms, staff review checklist, planting details, and submittal and fee schedules. The manual consolidates information in the development review process, and

helps applicants understand the procedures and requirements. The intent of the manual is more specifically to:

- A. Establish a process that is clear and understandable to all interested parties, applicants and staff;
- B. Clarify the standards and procedures for submitting complete and relevant information for development applications;
- C. Provide information and tools to assist applicants during the review process;
- D. Provide official interpretations of the UDO; and
- E. Establish planting standards that promote health and survival of landscaping installed in the county.

The administrative manual is divided into three parts:

1. Introduction

The introduction provides background on the manual and its purpose, and recognizes it as part of the UDO.

2. Procedures and Applications

Contains detailed review processes, applications, and design and submittal checklists for all development applications established in the UDO.

3. Appendices

Contain standards that are applicable to all development applications, specifically, flood damage prevention, planting standards, and official interpretations. Also included are items that may assist applicants in the development review process including links to useful tools (UDO, Land Use Plan, online mapping) and staff review checklist. Finally, the appendices establish submittal and fee schedules for development applications.

The administrative manual will be available on the county's website for review. The direct link will be emailed to you once it is posted. Should you have any questions on the manual, please contact Brad Schuler, Planner I, at 232-6033 or Brad.Schuler@CurrituckCountyNC.gov.

The Planning Board **recommended approval** of PB 12-18 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.

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

Commissioner O'Neal requested to continue so that he could have more time to review the manual.

Commissioner Martin moved to continue to next meeting.

Commissioner Gilbert seconded the motion. Motion carried.

C) Consideration and Action: PB 07-39 Nicholson's Point, Planned Unit Development: Request for a preliminary plat/special use permit extension for 140 residential units in Maple, Crawford Township.

On December 7, 2009, the Board of Commissioners voted to approve the preliminary plat/special use permit for Nicholson's Point, a 140 lot planned unit development located in Maple, Crawford Township. The preliminary plat/special use permit approval was due to expire on December 7, 2011. 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/special use permit expiration date is January 1, 2013.

On August 20, 2012 James N. Owens submitted a request for a two year preliminary plat/special use permit extension of the subdivision.

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/special use permit 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 developer has proceeded with due diligence to move this project forward and has a significant investment in the proposed development.

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 approve the extension.
Commissioner O'Neal seconded the motion. Motion carried.

Administrative Reports

A) Presentation by the Currituck County Joint Community Advisory Committee, Proclamation for National Alzheimer's Disease and National Family caregiver Awareness Month

Barbara Courtney reviewed some of the statistics of Alzheimer's disease. She invited citizens to a candlelight vigil on November 1st at 6:00 p.m. at the Senior Center.

Chairman Rorer moved to adopt the resolution. Commissioner Martin seconded the motion. Motion carried.

NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH AND NATIONAL FAMILY CAREGIVER MONTH

WHEREAS, Currituck North Carolina joins in recognizing National Alzheimer's Disease Awareness and Family Caregiver month beginning November 1, 2012 through November 30, 2012, and;

WHEREAS, Alzheimer's disease is a progressive degenerative disease of the brain causing deterioration in memory and thinking, as well as judgment and reasoning ability; while it also affects behavior, emotions and the ability to perform self-care; and

WHEREAS, national research shows that over 5 million Americans in the United States are living with the disease, and additionally that 1,252 Americans are diagnosed daily. According to the National Institute on Aging, the total national cost per year for Alzheimers care is estimated at over \$100 billion for diagnosis, extended care, and family caregiver illness; and

WHEREAS, according to the North Carolina Department of Health and Human Services it is estimated more than 170,000 older adults currently have Alzheimer's disease or other types of dementia; and

WHEREAS, Alzheimer's disease is the sixth leading cause of death for people of all ages and the fifth leading cause for adults over age 65, and;

WHEREAS, it is estimated that for every individual with Alzheimer's disease - up to four family members act as caregivers, and their care giving, on average, will be 8 years, but may be as long as 20 years, and;

WHEREAS, more than 70% of the people with Alzheimer's disease live at home and are cared for by family and friends, and;

WHEREAS, in Currituck County, based on the 2010 census, it is estimated that 424 persons have the disease, and over 1700 caregivers are affected;

WHEREAS, the County of Currituck recognizes individuals, families, friends, and caregivers dealing with the devastating effects of Alzheimer's disease, the researchers who are seeking a cause or causes and cure, and the educational programs and support services provided by North Carolina Alzheimer's organizations and the Area Agency on Aging;

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners, do hereby proclaim November 2012 as "Alzheimer's Disease Awareness Month" in Currituck, North Carolina and commit its observance to all citizens.

New Business

A) Consent Agenda:

- 1) Adoption of CDBG Program Manual
- 2) Change Order for a decrease in the amount of \$61,255.31, to the wastewater treatment plant at Maple Commerce Park
- 3) Approval of Mutual Aid Agreement with Emergency Management Agencies
- 4) Budget Amendments
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- 6) Resolution to apply for certain State and Federal Grant Funding
- 7) Approval of October 1, 2012 Minutes

Commissioner Martin moved to approve. Commissioner Etheridge 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
26535-514000	Travel	\$ 1,210	
26535-514500	Training & Education	\$ 2,200	
26535-590000	Capital Outlay		\$ 3,410
		\$ 3,410	\$ 3,410

Explanation: Emergency Telephone System (26535) - Transfer capital funds from capital outlay to travel/training for Center Manager Certification Program. Residual funds available from cost savings on recorder purchase.

Net Budget Effect: Emergency Telephone System Fund (26) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550-516400	Equipment Maintenance	\$ 1,722	
10550-532000	Supplies	\$ 1,190	
10550-545000	Contract Services	\$ 7,590	
10380-484001	Insurance Recovery		\$ 9,502
10550-516000	Maintenance & Repair		\$ 1,000
		\$ 10,502	\$ 10,502

Explanation: Airport (10550) - Increase appropriations to record insurance recovery due to lightning damage at the airport.

Net Budget Effect: Operating Fund (10) - Increased by \$9,502.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868-545000	Contract Services		\$ 2,200
66868-590000	Capital Outlay	\$ 2,200	
		\$ 2,200	\$ 2,200

Explanation: Southern Outer Banks Water (66868) - Transfer funds for well pump and motor at Shad Street.

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

B) Commissioner's Report

Commissioner Petrey reminded citizens to get out and vote.

Commissioner Gilbert stated that the Moyock Small Area Plan was on the web.

Commissioner Martin stated that there would be a meet the candidates forum at the Bells Island Club House, October 21st.

Commissioner Etheridge commented on the insurance premium increase for homeowners on the coast.

Commissioner O'Neal stated that someone should attend the public comment period on October 19th in Raleigh regarding this insurance increase of 30%.

C) County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.