

CURRITUCK COUNTY  
NORTH CAROLINA  
April 1, 2013

The Board of Commissioners met at 6:00 p.m. to discuss the proposed UDO text regarding internet sweepstakes. After considerable discussion, the Board took no action.

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 Paul O'Neal, Vice-Chair Paul Martin, Commissioners Aydlett, Gilbert, Griggs, Petrey and McCord.

- A) Invocation**
- B) Pledge of Allegiance**

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

**C) Approval of Agenda**

Commissioner Gilbert moved to approve the agenda. Commissioner Martin seconded the motion. Motion carried.

**APPROVED AGENDA**

**7:00 pm Call to Order**

- 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 12-26 Currituck County: Request to amend the Unified Development Ordinance, Chapter 4: Use Standards, Chapter 5: Development Standards and Chapter 10: Definitions and Measurement, to clarify waste related uses and establish standards for Recycling Centers.
- B) **Public Hearing to name a road located in the Caratoke Forest Subdivision from west side of Hwy 168, Crawford Township**

**Administrative Reports**

A) Tracy Sample, Tax Collector, to review the County-wide Revaluation

**New Business**

A) Consent Agenda:

1. Resolution for Fireworks July 4th, Whalehead Club
2. Budget Amendments
3. Resolution supporting Parks and Recreation Grants
4. Resolution Urging Members of the North Carolina General Assembly and Governor McCrory to Revisit and Revise S-191
5. Resolution Surplus Property Social Services
6. Approval of March 18, 2013 Minutes

B) Commissioner's Report

C) County Manager's Report

**Closed Session**

According to G.S. 143-318.11(3) to consult with an attorney in order to preserve the attorney-client privilege, to receive advice from and give direction to the County attorney in the matter of Etheridge v. Currituck County.

Adjourn

D) Public Comment

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

Chairman O'Neal opened the public comment period. There being no comments, he closed the public comment period.

**Public Hearings**

A) Public Hearing and Action: PB 12-26 Currituck County:  
Request to amend the Unified Development Ordinance, Chapter 4: Use Standards, Chapter 5: Development Standards and Chapter 10: Definitions and Measurement, to clarify waste related uses and establish standards for Recycling Centers.

Ben Woody, Planning Director, reviewed the request.

Based on information gathered at the Board of Commissioners' March 4<sup>th</sup> work session, staff has updated a proposal that would clarify waste related uses and establish standards for Recycling Centers. This proposal separates the current use of 'Recycling Center' into two distinct uses: 'Recycling Center, Processing',

and 'Recycling Center, Transfer'; while keeping 'Salvage and Junk Yard' as one use.

This proposal provides the Board options for how to regulate Recycling Centers. Those options include permit and building requirements.

Also proposed are modifications to the Use Table, use standards, and parking standards. Staff used other zoning ordinances, the North Carolina General Statutes, and discussion with Bissell Professional Group, to create the definitions and standards.

Currently, the standards in the UDO do not clearly distinguish a recycling center from a salvage/junk yard. This is because of two main reasons: 1. the uses are both similar in the fact that they actively recycle materials; and 2. the uses are separated based on materials used. For example, a recycling center processes "recyclable and recoverable materials", while a salvage/junk yard processes "metals, wood, slush, lumber, glass, paper, rags, cloth,... building material" etc. The materials processed at salvage/junk yard could also be considered a recyclable material and processed at a recycling center. So what is the true difference between the two uses? And why does the UDO allow recycling center to be approved administratively with a 250 foot setback, and a salvage/junk yard to be approved by the BOC with a 1,000 foot setback?

Staff's proposal would answer the questions above. The difference between the uses is not what materials are used, since they both actively recycle them, but that recycling centers are typically indoor operations and salvage/junk yards are outdoor operations. The recycling center would have lesser zoning restrictions because the building would mitigate impacts to adjacent properties (appearance, noise, smell, etc.).

Staff has applied the UDO so that recycling centers can currently only use single stream recyclables (household items like newspapers and milk jugs) and not scrap metal or construction and demolition materials (which are processed at a salvage/junk yard). However, this proposal would allow similar materials to be processed at both recycling centers and salvage/junk yards, while distinguishing the uses through development standards. Under no circumstances can recycling centers or salvage/junk yards accept or process solid, hazardous, toxic, or biodegradable waste.

Staff presented the previous proposal at the December Planning Board meeting. The Planning Board **recommended approval** at their January 8, 2013 meeting as written, but with a change to 'Recycling Center, Transfer' requirement of a fully enclosed building to a 3-sided building. Motion carried unanimously.

Chairman O'Neal opened the public hearing.

Commissioner Aydlett questioned the construction debris and odor at the site.

Commissioner Griggs, questioned the garbage that would be created and opposed expanding the building.

Commissioner Martin stated that the setbacks were not adequate.

Commissioner Petrey also commented on the garbage and odor.

H.D. Newbern, Aydlett, stated that the setback should be more than 250 ft.

James Shawback, Bay Disposal, in Suffolk, Va., stated he would answer any questions the Board may have.

Commissioner Petrey, requested him to explain his procedures.

Mike Norris, property owner and Manager of Bay Disposal, stated that he would bring jobs to the county and was running a clean operation.

Chairman O'Neal stated that having a building would be better than what they have now.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Griggs moved to deny request and not allow expansion and not to change the definitions. Commissioner Martin seconded the motion. Motion failed with Commissioners Aydlett, Petrey, Gilbert and McCord voting no.

Commissioner Aydlett moved to approve the request as submitted. Commissioner McCord seconded the motion. Motion carried.

Chairman O'Neal stated that they will come back to the Board for their Special Use Permit.

**B) Public Hearing to name a road located in the Caratoke Forest Subdivision from west side of Hwy 168, Crawford Township**

Ike McRee, County Attorney, stated that the applicant Kevin Baiko, would like to name a street in the Caratoke Forest Subdivision next to Laurel Woods Subdivision. The name requested is Enchanted Forest Drive.

Chairman O'Neal opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Aydlett moved to approve the name Enchanted Forest Drive. Commissioner Petrey seconded the motion. Motion carried.

**Administrative Reports**

**A) Tracy Sample, Tax Collector, to review the County-wide Revaluation**

Tracy Sample, Tax Collector, reviewed the new preliminary 2013 tax base and how it compares to last year, along with the percentage change by geographical areas. He also provided information about the appeals process and further explained the breakdown of the County Tax Base between the Outer Banks and the Mainland.

Mr. Sample stated that the new tax rate will be available during the budget process.

**New Business**

**A) Consent Agenda:**

1. Resolution for Fireworks July 4th, Whalehead Club

2. Budget Amendments
3. Resolution supporting Parks and Recreation Grants
4. Resolution Urging Members of the North Carolina General Assembly and Governor McCrory to Revisit and Revise S-191
5. Resolution Surplus Property Social Services
6. Approval of March 18, 2013 Minutes

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

**RESOLUTION  
APPROVING THE EXHIBITION, USE AND DISCHARGE OF  
PYROTECHNICS AT THE WHALEHEAD CLUB IN  
COROLLA, NORTH CAROLINA**

**WHEREAS**, pursuant to N.C. Gen. Stat. §14-410 and §14-413, a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the board of commissioners for a county; and

**WHEREAS**, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

**WHEREAS**, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as The Whalehead Club in Corolla, North Carolina, on July 4, 2013, which will be a public exhibition, and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners for Currituck County, North Carolina that:

Section 1. Dominion Fireworks, Inc. is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as The Whalehead Club in Corolla, North Carolina on July 4, 2013.





<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
64848-511010	Data Transmission	\$ 2,000	
64848-532000	Supplies	\$ 1,000	
64848-511000	Telephone & Postage		\$ 600
64848-513000	Utilities		\$ 2,400
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

**Explanation:** *Maple Commerce Park Sewer (64848) - Transfer for operations for the remainder of this fiscal year.*

**Net Budget Effect:** Maple Commerce Parks (64) - 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
67878-511010	Data Transmission	\$ 300	
67878-513000	Utilities	\$ 10,500	
67878-532000	Supplies	\$ 5,000	
67878-533200	Lab Tests	\$ 3,500	
67878-545100	Credit Card Fees	\$ 100	
67878-561000	Professional Services	\$ 500	
67878-582000	Interest on Debt	\$ 82,040	
67878-582200	Debt Service		\$ 46,290
67360-450500	Administrative Revenue		\$ 25,000
67360-470000	Utilities Charges		\$ 30,650
		<u>\$ 101,940</u>	<u>\$ 101,940</u>

**Explanation:** *Moyock Central Sewer System (67878) - Increase appropriation to establish an operating budget for the Moyock Central Wastewater system. This system has been operational since January 2013.*

**Net Budget Effect:** Moyock Central Sewer System Fund (67) - Increased by \$55,650.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
68888-532000	Supplies	\$ 1,250	
68888-533200	Lab Tests	\$ 1,500	
68888-561000	Professional Services	\$ 7,500	
68350-468000	Sale of Fixed Assets		\$ 1,475
68360-480700	Penalties & Interest Fund Balance		\$ 500
68390-499900	Appropriated		\$ 6,325
68888-511000	Telephone & Postage		\$ 700
68888-516000	Repairs & Maintenance		\$ 750
68888-531000	Gas		\$ 500
		\$ 10,250	\$ 10,250

**Explanation:** *Walnut Island Sewer System (68888) - Increase appropriations for operations for the remainder of this fiscal year.*

**Net Budget Effect:** Walnut Island Sewer District Fund (68) - Increased by \$8,300.

**A RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT  
INTEGRITY AND FUNDING  
FOR THE PARKS AND RECREATION TRUST FUND (PARTF)**

**WHEREAS**, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

**WHEREAS**, The Parks and Recreation Trust Fund (PARTF) was established with bi-partisan support on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches and coastal waterways; and

**WHEREAS**, since its inception, The Parks and Recreation Trust Fund has provided \$161 million via 722 grants to 370 local governments in 99 counties and has been matched with \$312 million of local and private dollars for the purchase of local park land, building and renovation of facilities and development of greenways and trails; and

**WHEREAS**, North Carolina's population has grown to make it the 10<sup>th</sup> most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

**WHEREAS**, parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

**WHEREAS**, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

**WHEREAS**, The Parks and Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

**WHEREAS**, The Parks and Recreation Trust Fund has funded capital improvement projects in the state parks such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

**WHEREAS**, the annual economic impact to local economies of all tourists visiting the state parks system was estimated at more than \$400 million in sales and income, as well as nearly 5,000 jobs according to a 2008 study.

**WHEREAS**, a portion of The Parks and Recreation Trust Fund is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beaches accesses; and

**WHEREAS**, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes and high blood pressure; and

**WHEREAS**, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people; and

**WHEREAS**, dedicated, recurring funding of The Parks and Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

**WHEREAS**, the success of The Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Currituck County Board of Commissioners does call on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for The Parks and Recreation Trust Fund.

**A RESOLUTION URGING MEMBERS OF THE NORTH CAROLINA GENERAL ASSEMBLY AND GOVERNOR MCCRORY TO REVISIT AND REVISE THE REQUIREMENTS IN S-191 CONCERNING THE APPOINTMENT OF BOARD MEMBERS TO THE LME BOARD**

**WHEREAS**, Senate Bill 191 has been approved and passed into law in the waning hours of the 2012 Session of the General Assembly; and

**WHEREAS**, the new membership rules for the Boards of Local Management Entities(LMEs) limit the required designation to only one county commissioner from the nineteen (19) participating counties comprising the EAST CAROLINA BEHAVIORAL HEALTH, and limits the total membership to twenty-one (21) members with most of the members having to be representative of a specific occupation or group; and

**WHEREAS**, these new requirements have to be implemented by October 2013; and

**WHEREAS**, the General Assembly has the authority to review and modify these requirements in the current Session, understanding that counties and the State have a vested interest and obligation to provide adequate mental health services and oversight to our citizens in a responsible and realistic way;

**NOW, THEREFORE, BE IT RESOLVED** that Currituck County as a member in the EAST CAROLINA BEHAVIORAL HEALTH LME requests that any LME which represents ten (10) counties or more be given the option of increasing their Governing Board to a maximum of thirty(30)voting members. This would ensure that each county has the ability to appoint a Commissioner or their designee to the LME Board. This increased size would also permit the appointment of individuals with the additional background and expertise required in SB 191.

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the Governor, the Secretary of the NC Department of Health and Human Services, the leadership of the NC General Assembly, and the House and Senate members of the General Assembly representing the EAST CAROLINA BEHAVIORAL HEALTH LME catchment area.

**RESOLUTION**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 1, 2013 authorized the following, pursuant to GS 160A and 270(b), that the property listed below for Social Services, be disposed of :

Asset 2812A-F Stackable Chairs  
Asset 2815 Table  
Asset 3386 Fellows Power Shred 400 Shredder

**B) Commissioner's Report**

Commissioner Gilbert requested a meeting with DOT and Ranchland property owners to discuss drainage.

**C) County Manager's Report**

**No comments**

**Closed Session**

According to G.S. 143-318.11(3) to consult with an attorney in order to preserve the attorney-client privilege, to receive advice from and give direction to the County attorney in the matter of Etheridge v. Currituck County.

Chairman O'Neal moved to go into closed session as stated above. Commissioner Gilbert seconded the motion. Motion carried.

**Adjourn**

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.