

CURRITUCK COUNTY  
NORTH CAROLINA  
January 22, 2013

The Board of Commissioners met at 6:00 p.m. for a work session with the ABC Board and at 6:30 p.m. to review the license agreement with the Whalehead Trust.

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, McCord, and Petrey.

**A) Invocation**

**B) Pledge of Allegiance**

The Reverend Keith Hamm, Powells Point Christian Church, was present to give the invocation.

**C) Approval of Agenda**

Commissioner Aydlett moved to delete Item B, under new business, delete Item 8 under appointments and Item 10 under consent agenda. Commissioner Gilbert seconded the motion. Motion carried.

**Work Sessions**

6:00 p.m. ABC Board

6:30 p.m. License Agreement between the County and Whalehead Trust

**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 12-24 Chamber of Commerce: Request to amend the new Unified Development Ordinance Chapter 4: Use Standards and Chapter 5: Development Standards to allow for additional temporary signage for special events.

### Administrative Reports

- A) **Recognition of Charlene Dowdy for her years of Service**  
 B) **Discussion of Beach Rescue Services Agreement**

### Old Business

- A) **Consideration and Action:** PB 12-20 Harbinger Land & Timber: Request for conditional zoning from Agricultural (A) and Residential (R) to Conditional District-Residential (CD-R) of 84 acres in Moyock on the west side of Poyners Road and north and south sides of Elrod Road.
- B) **Consideration 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.
- C) **Consideration and Action:** PB 06-45 Currituck Crossing: Request for a preliminary plat extension for 48 lots within three phases in Poplar Branch Township.

### New Business

- A) **Consideration of Interlocal Agreement with Currituck County Schools for certain school improvements and conveyance of property to county**
- B) **Consideration of ordinance to allow a commissioner to serve on the ABC Board without compensation - DELETED**
- C) **Consideration of Ordinance prohibiting sky lanterns**
- D) **Board Appointments:**
1. Appointment of Commissioner to Recreation Board
  2. Appointments to Airport Advisory Board
  3. Appointments to Economic Development Board
  4. Appointments to Recreation Advisory Board
  5. Appointment to Tourism Advisory Board
  6. Appointment to Board of Adjustment
  7. Appointment to Planning Board

8. Appointment to ABC Board - **DELETED**

**E) Consent Agenda:**

1. Resolution for Surplus property
2. Budget Amendments
3. Project Ordinance for Multi-use fields at Maple, NC
4. Project Ordinance - Tennis Courts at CCHS
5. Approval of NC Parks & Recreation Trust Fund (PARTF)  
Assurance for grant application
6. Resolution supporting funding for dredging of Oregon Inlet
7. Resolution authorizing ABC Board to retain profits for new  
construction debt service
8. Approval of the Use-Value Schedule of Values for the 2013  
Reappraisal
9. Approval of the Schedules of Rules, Standards & Values for  
the 2013 Reappraisal
10. Approval of East Albemarle Regional Library Agreement -  
**DELETED**
11. Grant Agreement with Pitt Memorial Hospital

F) Commissioner's Report

G) 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 O'Neal opened the public comment period.

Richard Schrader, Arts Council, invited the public to an exhibit at the Moyock Library on February 1<sup>st</sup>, at 7:00 p.m. for a panoramic view of the US Navy.

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

**Public Hearings**

- A) Public Hearing and Action: PB 12-24 Chamber of Commerce:  
Request to amend the new Unified Development Ordinance  
Chapter 4: Use Standards and Chapter 5: Development**

**Standards to allow for additional temporary signage for special events.**

Ben Woody, Planning Director, reviewed the request.

**CHAMBER OF COMMERCE  
PB 12-24  
UDO AMENDMENT REQUEST**

An amendment to Chapter 4 Use Standards and Chapter 5 Development Standards, to allow additional signage for special events.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Table 4.4.2 Permitted Temporary Uses and Structures is amended by deleting the strikethrough and adding the underlined text:

<b>TABLE 4.4.2: PERMITTED TEMPORARY USES AND STRUCTURES</b>		
<b>TEMPORARY USE OR STRUCTURE</b>	<b>MAXIMUM ALLOWABLE TIME FRAME [1]</b>	<b>SPECIFIC REGULATIONS</b>
Special Events	(H)	4.4.6.1
TIME FRAMES:		
(H) Such events are limited to <del>14 total days per calendar year, per parcel</del> <u>a maximum of four occurrences per parcel, per year. Events held on county or State owned property are exempted from maximum allowable time frames.</u>		

**Item 2:** That subsection 4.4.5 General Standard for Temporary Uses and Structures is amended by deleting the strikethrough and adding the underlined text:

**4.4.5. General Standards for Temporary Uses and Structures**

All temporary uses, structures, or special events shall comply with the following general standards, unless otherwise specified in this Ordinance:

- G.** Comply with the ~~maximum signage size for temporary signs~~ signage requirements in Section 5.12, Signage

**Item 3:** That Subsection 4.4.6 Specific Regulations for Certain Temporary Uses and Structures is amended by deleting the strikethrough and adding the underlined text.

#### 4.4.6. Specific Regulations for Certain Temporary Uses and Structures

##### F. Special Events

###### (1) Applicability

###### (a) General

The procedures and standards of this subsection shall apply to all special events (including but not limited to sporting events, cultural events, musical events, charitable events, celebrations, festivals, fairs, carnivals, circuses, and communal camping) held on private property within the county, unless exempted in accordance with Section 4.4.6.1.1.c, Exemptions.

**Item 4:** That Subsection 5.12.6 Specific Sign Standards is amended by deleting the strikethrough and adding the underlined text.

##### F. Special/~~Local~~ Event Signs

A special/~~local~~ event sign is for identifying a special/~~local~~ event ~~such as a Heritage Park event, library book sale, art exhibit or other noncommercial event~~, and may be approved as part of a temporary use permit (see Section 2.4.11), subject to the following standards:

- (1) ~~Up to 10 signs, each with a maximum area of 32 square feet and maximum height of 10 feet~~ The following shall be allowed on the mainland:
  - (a) Up to 40 signs, each with a maximum area of 6 square feet and up to 10 signs, each with a maximum area of 32 square feet; or
  - (b) Up to 60 signs, each with a maximum area of 6 square feet;
- (2) Up to three signs, each with a maximum area of 32 square feet and a maximum height of six feet shall be allowed on the Outer Banks;

- (3) On the mainland, such signs may be erected up to ~~30~~ 15 days before the event, and shall be removed within 10 days after the event;
- (4) On the Outer Banks, such signs may be erected up to three days before the event and shall be removed within two days after the event.

**Item 5:** That Subsection 5.12.7 Landscaping Standards is amended by adding the underlined text and numerically renumbering subsections.

### 5.12.7 Landscaping Standards

All freestanding and shopping center signs shall include landscaping that encompasses the entire base of the sign at a minimum rate of two square feet of landscape area per one square foot of sign area. Required landscaping shall contain an appropriate combination of shrubs and ground cover.

**Item 6:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Chairman O'Neal opened the Public Hearing.

Josh Bass, President of the Currituck Chamber of Commerce, reviewed what the committee requested for non-profit signs for events.

John Mulloy, Coinjock Ruritans, supports the request to change the ordinance.

Karyl Loux, Bells Island, Currituck Kids, supports the change.

Ginger Sikes, Animal Lovers Assistance League, requests to extend the number of days to remove signs.

John Snowden, Maple, supports non-profits but does not support change due to signs littering the corridor and signs placed on state right of ways.

Denise Hall, Moyock, supports the change.

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

Commissioner Petrey moved to modify the time with 17 days up front and 8 days on the back. Commissioner Martin seconded the motion. Motion carried.

### **Administrative Reports**

#### **A) Recognition of Charlene Dowdy for her years of Service**

The Board recognized Charlene Dowdy for her 37 years of service as Register of Deeds and presented her with a plaque.

#### **B) Discussion of Beach Rescue Services Agreement**

Sylvia Wolfe, Corolla Ocean Rescue, reviewed their operation and programs.

Barry Richman, Corolla Fire & Rescue, thanked the Board for their continued support for funding.

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

### **Old Business**

#### **A) Consideration and Action: PB 12-20 Harbinger Land & Timber: Request for conditional zoning from Agricultural (A) and Residential (R) to Conditional District-Residential (CD-R) of 84 acres in Moyock on the west side of Poyners Road and north and south sides of Elrod Road.**

Ben Woody, Planning Director, reviewed the status of the request since the last meeting.

**CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: January 22, 2013  
PB 12-20 Harbinger Land & Timber, LLC**

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**Note:** *The applicant requests that this case be reviewed under the existing UDO. The applicant is aware that completed applications for sketch plan and preliminary plat approval must be submitted prior to January 1, 2013 for the subdivision portion of the review to remain under the existing UDO.*

**ITEM:** PB 12-20 Harbinger Land & Timber, LLC request for conditional zoning from Agricultural (A) and Residential (R) to Conditional District-Residential (CD-R) of 84 acres in Moyock on the west side of Poyners Road and north and south sides of Elrod Road.

**LOCATION:** Moyock: Poyners Road and Elrod Road, Crawford Township.

**TAX ID:** 0031-000-001A-0000  
0031-000-001B-0000  
0031-000-001D-0000  
0031-000-015A-0000  
0031-000-017A-0000

**OWNER:** Harbinger Land & Timber, LLC  
PO Box 4  
Harbinger NC 27941

**APPLICANT:** Eddie Hyman  
Hyman & Robey  
PO Box 339  
Camden, NC 27921

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Current Zoning</b>
<b>NORTH:</b>	Low Density Residential/Farmland	R
<b>SOUTH</b>	Woodland/Low Density Residential/ Farmland	A
<b>EAST:</b>	Low Density Residential/Woodland	R/A
<b>WEST:</b>	Low Density Residential/Woodland	A

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as Limited Service and Conservation within the Courthouse subarea.

Areas designated as Limited Service are intended to provide for primarily residential development at low densities. With respect to residential development, Limited Service areas allow for a maximum base density of 1 unit per acre but could be increased to 1.5 units per

acre depending upon the availability of service facilities and the potential impact on the surrounding community.

Areas designed as Rural are intended to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area. With respect to residential development, Rural areas allow for no more than 1 unit per 3 acres.

The policy emphasis of the Land Use Plan is for the Courthouse subarea to continue to grow as a small community center. Given the existing cluster of services and local government functions here, and the sizable area of developable land adjoining the sound, it is likely that the Courthouse area will continue to see limited growth over the next decade. Residential development densities should be limited to 1-2 units per acre where on-site wastewater is proposed.

The following Land Use Plan policy statements support this request:

Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type of capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

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. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards.

- CURRENT ZONING:** Agricultural (A) and Residential (R)
- PROPOSED ZONING:** Conditional District – Residential (CD-R)
- CURRENT USE:** Farmland and Woodland
- SIZE OF SITE:** 84 Acres
- ZONING HISTORY:** The 1989 Official Zoning Map zoned the property A and R.
- UTILITIES:** A water line runs along Poyners Road that serves this property. Individual on-site septic systems are proposed for the individual lots.

**TRANSPORTATION:** The property is accessed by Poyners Road and Elrod Road, both of which are state maintained roads.

**FLOOD ZONE:** The property is located in a Shaded X flood zone (500-year floodplain) and AE (BFE 5.4') flood zone.

**WETLANDS:** According to the NC Division of Coastal Management maps, it appears that the majority of Parcel 0031-000-017A-0000 is wetlands. Delineation by an environmental professional will be required to verify the actual wetland locations.

**SOILS:** The Currituck County Soils Map indicates the property contains Roanoke, Tomotley, Cape Fear, Dragston, Altavista, and Augusta soils. Septic suitability ranges from suitable and marginally suitable to unsuitable. The majority of the land appears to be marginally suitable to suitable for on-site septic.

**PROPOSED DENSITY:** 0.58 units per acre based on the total development site.

**PROPOSED ZONING CONDITIONS:**

1. The proposed use is a 54-lot single family subdivision having a minimum size of 40,000 square feet and an overall density of 0.58 dwelling units/acre.
2. Site built single family homes and a church with related church activities.

**COMMUNITY MEETING:**

A community meeting was held October 17, 2012 at 7:00 pm at the Moyock Library. The neighborhood concerns include the proposed 40,000 sf lot sizes being smaller than the surrounding lot sizes, traffic on Elrod Road, soil limitations for on-site septic systems, and the potential incompatibility with an existing home based seafood business.

**TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

The TRC recommends **approval** of the request to rezone 84 acres from Agricultural (A) and Residential (R) to Conditional District – Residential (CD-R) provided the following items are addressed:

1. Since Tulls Creek Road is a Minor Collector Street, the number of driveways is limited by the UDO. Two driveways will be allowed onto Tulls Creek Road for the three lots that have frontage on Tulls Creek Road since they have a combined total of approximately 825' of street frontage. (UDO Section 9.1.5.3) Cross-access easements will be necessary for the shared driveways.
2. Double frontage lots require a non-access buffer along the most travelled road. (UDO Section 2.6.3)
3. It appears that lots 30-33 and possibly lot 19 are in the Conservation Land Use Classification in which density is limited to no more than 1 unit per 3 acres by the Land Use Plan. This may reduce the number of lots allowed in that area.
4. Correct the flood zone to AE 5.4'
5. Consider additional buffering (i.e. open space, vegetation) adjacent to approved commercial fishing use.

6. Fire hydrants must be within 500' of every inch of road frontage. Fire hydrant must be within 400' of all exterior portions of public structures (church). Access to more than two single family dwellings must be 20" capable of 75,000 lbs.
7. Contact the Water Dept. on waterline extension requirements.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board *recommended approval* of PB 12-20 with the Technical Review Committee recommendations as presented.

Commissioner Martin moved to approve as amended, 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.

**B) Consideration 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.**

Ben Woody, Planning Director, reviewed the status of the request since the last meeting.

The new UDO was recently amended to allow off-premise directional signage for businesses located adjacent to the Atlantic Intracoastal Waterway. Barry Nelms, a business owner on the Currituck Sound, also requested a text amendment to allow off-premise directional signage for businesses located along the Currituck Sound. The Board of Commissioners remanded Mr. Nelms' request back to the Planning Board and directed staff to review the sign ordinance and provide a recommendation to allow for off-premise directional signage.

Staff presented three options to the Planning Board to allow for the signage in addition to Mr. Nelms' request. In order to reduce the number of options for the Board's consideration, staff is only bringing forward the two most diverse options prepared along with Mr. Nelms' request. The two options are:

1. Option 1: Allows off-premise directional signs on properties owned by the owner of the business.
2. Option 2: Allows off-premise directional signs at the intersection of the major arterial street and the collector street accessing the business.

In addition to the above options, the Board may also want to consider the following:

1. Business location adjacent to bodies of water, such as various creeks, Albemarle Sound, North River, North Landing River, Tulls Bay, Knotts Island Bay, and Coinjock Bay.
2. Streets in which directional signs can be located along, such as all or various major arterial streets (US 158, NC 168, NC 34, NC 136, NC 615, and NC 12).
3. Size/Height of the directional sign.

4. Number of directional signs on a pole.
5. Distance from the intersection.

The 1992 UDO allowed off-premise directional signs for businesses in Corolla Village, businesses within 1,200 feet of Caratoke Highway, and businesses located along the Atlantic Intracoastal Waterway (Coinjock Canal). The sign was authorized by the Board of Commissioners and displayed the name of the business only and the direction in which it was located. The off-premise directional signs were required to be similar in size and style to a street name sign. In 2010, the sign committee prepared a comprehensive sign ordinance amendment. The recommendation of the committee was to remove the off-premise directional signage from the ordinance, which was approved by the Board on April 4, 2011.

NCDOT requires an outdoor advertising permit for signs that are designed to attract attention on the state highway. Signs that guide pedestrians or are considered too small to attract the attention on the state highway are not subject to NCDOT outdoor advertising regulations and permitting.

The 2006 Land Use Plan policy objectives (Policies CA1, CA4, CA5) do not support increasing the frequency of off-premise advertising signage. 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." While providing direction (name and mileage) to the business and eliminating the advertising from the signage would be offer consistency with the 2006 Land Use Plan policy objectives.

Also included in this packet is a map with a corresponding table that identifies properties zoned for commercial uses along waterways and if the property accesses a major arterial street.

The Planning Board **recommended approval** of PB 12-19 as presented by Mr. Nelms and recommended that all businesses on all waterways be given the same allowances at their November 13, 2012 meeting.

#### **PLANNING BOARD DISCUSSION (11-13-12)**

Mr. Kovacs apologized to Mr. Nelms for the inconvenience for having a second meeting since procedure was not followed properly at the first meeting.

Mr. Nelms provided a brief history of his signage over the past 26 years. At the present time Mr. Nelms rents 4 billboards signs within the county with a monthly cost of \$2,200. Mr. Nelms stated he has noticed a decline in business over the last three years. Mr. Nelms stated his application to the board is identical to Mr. Miles application; with the exception of Coinjock Canal and Currituck Sound which are the same body of waters. Mr. Nelms stated if a new business is off the main corridor, you would want it to be successful and that would include off-premise directional signage. Mr. Nelms stated he needs off-premise directional signage. Mr. Nelms saw the opportunity with this board and the Board of Commissioners when they approved Mr. Miles request; and he is asking for the same consideration. Mr. Nelms stated staff reduced the size of the sign and he would want a sign that is bigger than what was approved for Mr. Miles; because a 4x8 sign will not do any good for someone to see 2 miles away. Mr. Nelms also stated he would like lighting of the sign so it is visible at night. Mr. Nelms asked the board to think about what they are trying to do, which is to help a business off the road be successful. Most of Mr.

Nelms business is during the evening, dinner is served seven nights a week and lunch is served only on Saturday and Sunday.

Ms. Schuler stated the sign cannot be digital, but a light can shine on the sign.

Mr. Cartwright asked staff if what Mr. Nelms is asking for is impacted by any other thing other than the county ordinance.

Mr. Schuler stated he would have to obtain a permit from NCDOT for an outdoor advertising sign.

Mr. Nelms stated he pays the county in commercial taxes over \$20,000 per year, \$6,000 to the water department yearly, and \$2,000 per month to employees.

Mr. Cooper asked if sign setbacks are addressed in any way.

Mr. Schuler stated if the sign is 10 feet tall and under there are no setbacks, but if it is larger there is a 10 foot setback from the front property line.

Ms. Pierce stated she supports Mr. Nelms request.

#### **PLANNING BOARD DISCUSSION (9-11-12)**

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.

### **OPTION 1 PB 12-19 UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 5: Development Standards to allow off-premise directional signs for properties located adjacent to the Currituck Sound.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Table 5.12.4 Signs Exempted from Sign Permit Requirements is amended by deleting the following strikethrough language:

#### **1.1.2. Signs Exempted from Sign Permit Requirements**

The signs in Table 5.12.4, Signs Exempted from Sign Permits, are exempt from the requirements to obtain sign permit approval, but are subject to the

standards in Section 5.12.7, Maintenance Standards, and the standards in this sub-section.

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS				
SIGN TYPE	EXAMPLE	APPLICABLE STANDARDS	MAXIMUM SIGN AREA (SQ. FT)	MAXIMUM HEIGHT (FEET)
Directional Sign, Off-Premise		Up to one off-premise directional sign authorized by the Board of Commissioners may be placed on property under the same ownership as a business site located adjacent to the Atlantic Intracoastal Waterway	100	12

**Item 2:** That Table 5.12.6 Specific Sign Standards is amended by adding the following underlined language and renumbering the subsequent subsections:

**5.12.6 Specific Sign Standards**

**D. Off-Premise Directional Signs**

**(1) Applicability**

The standards in this section shall apply to properties located in a Business and Mixed-Use Zoning District adjoining the Currituck Sound or Atlantic Intracoastal Waterway that contain a use listed in Section 4.1.2 Use Table, Commercial Use Classification.

**(2) Prohibited**

Except as provided in Section 5.12.3 Signs Exempt from Signage Regulations, and 5.12.4 Signs Exempted from Sign Permit Requirements, off-premise directional signs are prohibited for the following:

(a) Commercial uses and properties located on the Outer Banks.

(b) Commercial uses adjoining a major arterial street.

**(3) General**

- (a) Off-premise directional signs must be located on land under the same ownership as the business to be identified on the sign.
- (b) Off-premise directional signs must be located in a Business and Mixed-Use Zoning District adjoining a major arterial street.
- (c) A maximum of one off-premise directional sign is permitted per business. A lot shall have a maximum of one off-premise directional sign.
- (d) Off-premise directional signs shall not exceed 32 square feet in area and 10 feet in height.
- (e) Off-premise directional signs shall not be located within the sight triangle.

**Item 3:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Commissioner Petrey moved to approve 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 a maximum size of 64 sq. ft. and located within 2 miles of the intersection access street; and limited to businesses existing on January 1, 2013. Commissioner Aydlett seconded the motion. Motion carried with Commissioner Martin voting no.

**C) Consideration and Action: PB 06-45 Currituck Crossing:  
Request for a preliminary plat extension for 48 lots within  
three phases in Poplar Branch Township.**

Ben Woody, Planning Director, reviewed the request.

Currituck Crossing is a conservation subdivision located on Aydlett Road and approximately 400 feet north of the intersection of Caroon Road in Poplar Branch Township. On May 13, 2008, the Planning Board voted to approve the preliminary plat for 48 lots within three phases in Currituck Crossing. The preliminary plat approval included the following:

Phase	Number of Lots	Lots Approved in Phase
2	26	Lots 4-7, 21-24, 32-39, 48-50, 60-64, 71-74, and open space
3	15	Lots 8-9, 17-20, and 51-59
4 (portion)	7	10-16

The remaining unrecorded lots in the subdivision did not receive preliminary plat approval and are not eligible for the extension request. 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 2, 2013.

On December 28, 2012 William Brumsey, IV, the attorney for The Bank of Hampton Roads who is the current owner, submitted a request for a two year preliminary plat extension of the subdivision citing economic 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 had not yet expired when the request for the extension was filed with the county.
2. The permit recipient has proceeded with due diligence and in good faith; and,
  - a. The developer has proceeded with due diligence and good faith, however, due to the economic conditions in the real estate market, the permit holder has not been able to proceed as desired.
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 Gilbert moved to approve. Commissioner Petrey seconded the motion. Motion carried.

### **New Business**

- A) **Consideration of Interlocal Agreement with Currituck County Schools for certain school improvements and conveyance of property to county**

Ike McRee, County Attorney, reviewed the agreement.

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

**B) Consideration of ordinance to allow a commissioner to serve on the ABC Board without compensation**

Deleted

**C) Consideration of Ordinance prohibiting sky lanterns**

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

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
AMENDING CHAPTER 9 OF THE CURRITUCK COUNTY CODE OF ORDINANCES  
BY ADDING A NEW SECTION PROHIBITING THE USE OF SKY LANTERNS  
WITHIN CURRITUCK COUNTY**

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; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-128 a county may by ordinance regulate, restrict, or prohibit the sale, possession, storage, use or conveyance of any explosive, corrosive, inflammable, or radioactive substance or of any weapon or instrumentality of mass death and destruction. the use of county property; and

WHEREAS, a sky lantern consists of an airborne burning fuel cell which cannot be controlled after launch; and

WHEREAS, the use of sky lanterns has become more frequent within the county especially during the large number of weddings and special events that occur within the county annually; and

WHEREAS, due to wind and vegetation throughout the county there exists a great risk that the use of sky lanterns will result in fire of such intensity to destroy life and property; and

WHEREAS, hose responsible for launching sky lanterns have no ability to predict or control where a sky lantern will land and are therefore unable to clean up sky lantern debris and can become litter and material harmful to wildlife ingesting sky lantern debris.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding a new section to Chapter 9 of the Code of Ordinances to read as follows:

**Sec. 9-8. Sky Lanterns Prohibited.**

It shall be unlawful for any person to use, ignite or launch a sky lantern. For purposes of this section, "sky lantern" shall mean a miniature, unmanned hot air balloon which is launched into the atmosphere customarily to celebrate weddings and other special events, relying on an open flame to heat the air inside the balloon causing it to lift into the atmosphere and typically made of rice paper or flame resistant paper with a fuel cell in the opening.

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

PART III. This ordinance is effective upon adoption.

**D) Board Appointments:**

**1. Appointment of Commissioner to Recreation Board**

Commissioner Gilbert appointed Commissioner McCord.  
Commissioner Martin seconded the motion. Motion carried

**2. Appointments to Airport Advisory Board**

Commissioner Aydlett moved to appoint Ray Griggs and reappoint Robin Hutchings, Jerry Malesky, Barbara Courtney and John Snowden. Commissioner Gilbert seconded the motion. Motion carried.

**3. Appointments to Economic Development Board**

Commissioner McCord reappointed Ed Cornet and Rosaria Thompson. Commissioner Gilbert seconded the motion. Motion carried.

**4. Appointments to Recreation Advisory Board**

Commissioner Martin appointed Michael Payment and reappointed Charles Pickell and Bill Freethy. Commissioner Gilbert seconded the motion. Motion carried.

**5. Appointment to Tourism Advisory Board**

Tabled

**6. Appointment to Board of Adjustment**

Tabled

**7. Appointment to Planning Board**

Tabled

**8. Appointment to ABC Board**

Tabled

**E) Consent Agenda:**

1. Resolution for Surplus property
2. Budget Amendments
3. Project Ordinance for Multi-use fields at Maple, NC
4. Project Ordinance - Tennis Courts at CCHS
5. Approval of NC Parks & Recreation Trust Fund (PARTF) Assurance for grant application
6. Resolution supporting funding for dredging of Oregon Inlet
7. Resolution authorizing ABC Board to retain profits for new construction debt service
8. Approval of the Use-Value Schedule of Values for the 2013 Reappraisal
9. Approval of the Schedules of Rules, Standards & Values for the 2013 Reappraisal
10. Approval of East Albemarle Regional Library Agreement - **DELETED**
11. Grant Agreement with Pitt Memorial Hospital

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

**RESOLUTION**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on January 22, 2013\_ authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be given to the Whalehead Preservation Trust and the Currituck Wildlife Museum:

<u>Asset Tag</u>	<u>Description</u>	<u>Serial Number</u>
4407	1999 Ford Ranger	1FTZR15V2XTA92681

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
29690-590000	Capital Outlay	\$	2,950		
20390-499900	Appropriated Fund Balance			\$	2,950

<u>\$</u>	<u>2,950</u>	<u>\$</u>	<u>2,950</u>
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**Explanation:** Fire Equipment Replacement (29690) - Increase appropriations for changes made to the Knotts Island Fire truck when FEAB visited the plant to review order: Suction hose; intake valve; blind cap; pre-build changes; Hale foam; barrel strainer per Quote 12-2504.

**Net Budget Effect:** Fire Equipment Replacement Fund (29) - Increased by \$2,950.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
61818-557000	Customer Refunds	\$ 34,500	
61818-502000	Salaries		\$ 34,500
		<u>\$ 34,500</u>	<u>\$ 34,500</u>

**Explanation:** Mainland Water (61818) - Transfer funds from salaries, available due to vacant positions, to customer refunds to refund GOB LLC for tap fees collected for 14 residential lots in Jarvis Landing, which is now a 39 unit multifamily complex that requires a master meter.

**Net Budget Effect:** Mainland Water (61) - Increased by \$34,500.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10480-545700	Microfilm Processing	\$ 5,000	
10480-557301	Floodplain Mapping		\$ 5,000
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

**Explanation:** Register of Deeds (10480) - Transfer funds for microfilm processing. Vendor did not invoice for past eighteen months and all bills have now been received. Funding is available due to suspension of Floodplain Mapping fees for this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or		Increase Revenue or	
		<u>Increase Expense</u>		<u>Decrease Expense</u>	
12548-526015	Promotion & Public Relations	\$	3,325		
12548-554015	Insurance			\$	3,325
		<u>\$ 3,325</u>		<u>\$ 3,325</u>	

**Explanation:** Knotts Island Volunteer Fire Department (12548) - Transfer fund from Insurance to Promotion and Public Relations for smoke alarms at the request of Knotts Island Volunteer Fire Department.

**Net Budget Effect:** Fire Services Fund (12) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or		Increase Revenue or	
		<u>Increase Expense</u>		<u>Decrease Expense</u>	
18609-545000	Contract Services	\$	1,850		
18330-449900	Miscellaneous Grants			\$	450
18390-499900	Appropriated Fund Balance			\$	1,400
		<u>\$ 1,850</u>		<u>\$ 1,850</u>	

**Explanation:** Hog Bridge Ditch Watershed District (18609) - To record grant received from NCDENR and to appropriate fund balance for emergency repairs that occurred during Thanksgiving.

**Net Budget Effect:** Hog Bridge Ditch Watershed District Fund (18) - Increased by \$1,850.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or		Increase Revenue or	
		<u>Increase Expense</u>		<u>Decrease Expense</u>	
10535-521000	Rent	\$	14,844		
10531-532000	Supplies			\$	14,844



Design and construction of multi-use fields and amenities	\$ 3,179,277
	<u>\$ 3,179,277</u>

**SECTION 3.** The following revenues are available to complete this project:

Occupancy Tax	\$ 477,998
Transfer Tax	\$ 253,524
Capital Improvements	\$ 153,114
Investment earnings	\$ 491,749
Residual from Moyock Library	\$ 13,166
Residual from YMCA/Recreation Facility	\$ 1,187,653
Residual from Carova Beach Park	\$ 65,696
Transfer contingencies from COA project	\$ 536,377
	<u>\$ 3,179,277</u>

**SECTION 4.** The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

#### **SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

#### **SECTION 6. CONTRACTUAL OBLIGATIONS**

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

#### **SECTION 7. USE OF BUDGET ORDINANCE**

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

## COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**SECTION 1.** The project authorized is replacement of the tennis courts located in front of the High School in Barco, North Carolina.

**SECTION 2.** The following amounts are appropriated for the project:

Design and replacement of tennis courts	\$ 360,000
	<u>\$ 360,000</u>

**SECTION 3.** The following revenues are available to complete this project:

Residual from Jarvisburg Elementary School Project	\$ 360,000
	<u>\$ 360,000</u>

**SECTION 4.** The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

### SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

### SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.

- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

## **SECTION 7. USE OF BUDGET ORDINANCE**

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

### **RESOLUTION SUPPORTING THE FUNDING FOR THE DREDGING OF OREGON INLET**

**WHEREAS**, Oregon Inlet is a vital waterway that provides access to harbors of safety for commercial and recreation vessels on the North Carolina coast: and

**WHEREAS**, Oregon Inlet is crucial to the economy of Dare County and the surrounding region with an annual documented economic impact of over \$682 million and generates over \$88 million in federal, state and local revenue; and

**WHEREAS**, without navigational access through Oregon Inlet Key Dare County and Currituck County industries will continue to suffer irreparable harm including commercial fishing operations, seafood processing houses, boat builders, recreational fishing and charter boat operators, marine repair facilities, and other local businesses that vitally depend on Oregon Inlet; and

**WHEREAS**, in addition to the adverse economic impact caused by Oregon Inlet shoaling, public safety is at risk due to shoaling that has prevented United States Coast Guard vessels stationed at Oregon Inlet from being able to use the channel to render emergency assistance to ships in distress off the coast of North Carolina.

**NOW, THEREFORE, BE IT RESOLVED**, that the Currituck County Board of Commissioners strongly support the Dare County's request that State and Federal agencies immediately begin the work necessary to clear the channel at Oregon Inlet and to appropriate ongoing funding to maintain safe and reliable access as a matter of economic necessity and public safety.

### **RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA AUTHORIZING THE CURRITUCK COUNTY ABC BOARD TO RETAIN A PORTION OF PROFIT DISTRIBUTION FOR CAPITAL EXPENDITURE**

WHEREAS, the Currituck County ABC Board is contemplating the improvement or replacement of its Moyock, North Carolina facility; and

WHEREAS, the Currituck County ABC Board has requested that it be allowed to retain up to 85% of the amount of profit normally distributed to Currituck County in order to fund the costs for the capital expenditure required to improve or replace its Moyock, North Carolina facility.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina that pursuant to N.C. Gen. Stat. §18B-805:

Section 1. The Currituck ABC Board is authorized to retain up to 85% of the amount of profit normally distributed to Currituck County for the purpose of financing the improvement or replacement of its Moyock, North Carolina facility but shall continue distribution of other statutorily required distribution of profits.

Section 2. This resolution shall remain effective until June 30, 2015 or until the date on which the Currituck County ABC Board has paid the cost for its Moyock, North Carolina facility capital improvements whichever first occurs.

Section 3. The resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA REPEALING A RESOLUTION AUTHORIZING THE CURRITUCK COUNTY ABC BOARD TO RETAIN A PORTION OF PROFIT DISTRIBUTION FOR CAPITAL EXPENDITURE AND ALLOWING RETENTION OF \$300,000 IN PROFIT FOR RENOVATION OF EXISTING MOYOCK, NORTH CAROLINA STORE" adopted August 17, 2009 is hereby repealed.

**F) Commissioner's Report**

Commissioner Martin supports the 2<sup>nd</sup> amendment.

Commissioner Aydlett will be at the Legislative Goals Conference in Raleigh.

Commissioner Gilbert, commented on the Shingle Landing meeting; Airport Advisory Board and Albemarle Commission.

Commissioner Griggs requested a resolution in support of 2<sup>nd</sup> amendment on next agenda.

Chairman O'Neal commented on the violence in videos that our youth are watching.

**G) County Manager's Report**

No comments

**Adjourn**

There being no further business, the meeting was adjourned.