

CURRITUCK COUNTY  
NORTH CAROLINA  
May 6, 2013

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**

Scott Finicum, Chaplain, Lower Currituck VFD, was present to give the invocation.

Boy Scout Troop 182, was present to lead the Pledge of Allegiance.

**C) Approval of Agenda**

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

**APPROVED AGENDA**

- 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.*

**Administrative Reports**

- A) Update on YMCA by Billy George and Dean Mattix

**Public Hearings**

- A) **Public Hearing and Action:** PB 12-01 Southland Trade Corporation; PB 12-02 Border Station; and PB 12-03 The Spot: Request to amend the Unified Development Ordinance, Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions to allow Electronic Gaming Operations in the General Business (GB) Zoning District. Substantial change in the proposed amendments may be made as a result of comments, objections, debate and discussion received during the public hearing. Such substantial change may include, but is not limited to, the zoning district or districts in which Electronic Gaming Operations are permitted, allowing Electronic Gaming Operations as a principle, combined or accessory use of property with a retail business, the maximum number of allowed machines in an Electronic Gaming Operation, maximum floor area of a building that may be occupied by an Electronic Gaming Operation, the number of required parking spaces, location distance from other uses, and hours of operation for an Electronic Gaming Operation.
- B) **Public Hearing and Action** to request amendment for "No Wake" Zone in Tull's Bay Colony
- C) **Public Hearing and Action:** PB 13-04 Bob's Wild Horse Tours, LLC: Request for a Use Permit for an Outdoor Tour Operator. The property is located at 817B Ocean Trail, Tax Map 116H, Parcel 817B, Poplar Branch Beach Township.
- D) **Public Hearing and Action:** PB 13-03 Indian Gap Mainland Tours: Request for a Use Permit for an Outdoor Tour Operator (boat tours). The property is located at 169 Walnut Island Boulevard, Tax Map 107, Parcel 64, Poplar Branch Township.

**New Business**

- A) **Consideration and Approval of Recommendation to Award Bid for Barco Way to Barnhill Contracting Company and Authorize County Manager to Execute Contract With Barnhill Contracting Company**
- B) **Board Appointments:**
  - 1. Appointment to Senior Citizen Advisory Board
  - 2. Appointments to Game Commission
- C) **Consent Agenda:**
  - 1. Budget Amendments
  - 2. Approval of April 1, 2013 Minutes
  - 3. CDBG Monthly Status Report
  - 4. JCPC Funding Plan FY 2014
  - 5. Regional Aviation and Technical Training Center Change Order 002
  - 6. Approval of Ordinance to demolish property located at 4317 Caratoke Hwy, Barco, NC
  - 7. Approval of Records Retention and Disposition Schedule
  - 8. Consideration of Lease Agreement with the Truck Accessory Center
  - 9. Resolution Opposing HB 983 Designating Red Drum, Spotted Sea Trout and Striped Bass as Coastal Game Fish
  - 10. Resolution Authorizing "Piggybacking" Purchase of 800 Mhz Radios and Equipment
  - 11. Resolution - Authorizing Finance Director and Deputy Finance Director to wire funds through Vantage South
  - 12. Resolution Surplus Sheriff K-9 Zeva
- D) Commissioner's Report
- E) County Manager's Report

**Special Meeting****Tourism Development Authority**

Budget Amendments - TDA

Adjourn

**Closed Session**

Closed Session pursuant to (1) G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege; (2) pursuant to G.S. 143-318(a)(5) to establish or instruct county staff concerning the position to be taken by or on behalf of the county in negotiating the price and any other material terms of a contract or proposed contract for the acquisition of real property by purchase, option or exchange owned by Outer Banks Ventures, Inc. located at 1102 Corolla Village Drive to be used for any public purpose; and (3) pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

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.

Doris Flora, Moyock, commented on the cost of 2.5 million dollars for the new animal shelter as too much money and there are other needs in Currituck County.

Carson Mullins, Moyock, expressed the need for a competition size pool at the YMCA. The present pool is too small for the swim team that has to travel to Virginia or Elizabeth City.

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

hearing.

**Administrative Reports**

**A) Update on YMCA by Billy George and Dean Mattix**

Mr. George, YMCA President, stated they are very pleased with the progress so far. He reported that 83% of Currituck YMCA memberships are family memberships, and 33% of all memberships are from the Moyock area. Honoring their promise to make the YMCA accessible to all, 40% of the member households received financial assistance which totaled \$296,000. Approximately 1600 non-members were served through camps, swim lessons, etc. 6,735 people have participated in Y programs and there were 140,000 visits to the Y. More are expected this year. They have maintained an average of 75 employees with an annual payroll of over \$500,000.

Mr. Mattix, Executive Director of Currituck Family YMCA, reviewed the after-school program in which 75 students participate. Noting the importance of conversation leading to collaboration, the YMCA is partnering with the schools in offering swimming lessons to all kindergartners. He also mentioned the social event for fundraising that is scheduled for May 23 to support community scholarships. There is also collaboration between the County Recreation Department and the Senior Center.

Mr. George commented on the location of a larger pool in the plans and the cost of operation and construction.

**B)Public Hearings**

- A) Public Hearing and Action: PB 12-01 Southland Trade Corporation; PB 12-02 Border Station; and PB 12-03 The Spot: Request to amend the Unified Development Ordinance, Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions to allow Electronic Gaming Operations in the General Business (GB) Zoning District. Substantial change in the proposed amendments may be made as a result of comments, objections, debate and discussion received during the public hearing. Such substantial change may include, but is not limited to, the zoning district or districts in which Electronic Gaming Operations are permitted, allowing Electronic Gaming Operations as a principle, combined or accessory use of property with a retail business, the maximum number of allowed machines in an Electronic Gaming Operation, maximum floor area of a building that may be occupied by an Electronic Gaming Operation, the number of required parking spaces, location distance from other uses, and hours of operation for an Electronic Gaming Operation.**

Ben Woody, Planning Director, reviewed the reasons for this request. Chairman O'Neal opened the public hearing.

Brian Innes, Barco, stated that he provided 50 to 100 jobs that are now gone. He also opposes the separation from schools, churches, etc. and why the county imposes such rules for sweepstakes gaming.

Mike Hall, Moyock, stated there is no revenue from sweepstakes gaming and supports the ordinance.

Barbara Smith, Brumsey Road, Currituck, supports sweepstakes gaming.

Carol Bell, Moyock, stated the majority of citizens in Moyock oppose internet sweepstakes.

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

Commissioner Gilbert stated that currently the internet sweepstakes are by state statute deemed illegal. County law enforcement is acting on this and has been enforcing as such.

Commissioner Gilbert made a motion in the event that the state legalizes internet sweepstakes, the County would have an ordinance in place that states the following:

Permitted only in areas zoned General Business district as an accessory use only;

Maximum gaming machines to be 5;

500 feet from other operations, schools, childcare centers and religious buildings. To be measured from building;

Hours of operations be set the same as the primary business;

No alcohol or outside beverages be permitted in gaming area;

Age requirements of 18 years of age or older;

Firearms not allowed other than law enforcement or permitted security guards;

\*Signage according to current sign ordinance;

Prohibited on the Currituck Outer Banks;

Not permitted as principal use.

Commissioner Martin seconded the motion.

\*Commissioner Petrey questioned the sign ordinance item. Commissioner Martin moved to amend the motion to prohibit outdoor signage. Commissioner Gilbert seconded the amendment. Amendment carried.

Commissioner Gilbert restated the motion to approve PB 12-01 (OPTION 1) with 5 machines, and including previous list of stipulations, 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.

The motion carried.

**B) Public Hearing and Action to request amendment for "No Wake" Zone in Tull's Bay Colony**

Dan Scanlon, County Manager, reviewed the request to extend the "No Wake" Zone in Tull's Bay Colony to include the entire length of the canal leading from the Mississippi Canal to the Northwest River and the entirety of the Mississippi Canal.

Chairman O'Neal opened the public hearing.

Michael Lopes, Tulls Bay Colony, supports the amendment.

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

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

**NORTH CAROLINA WILDLIFE RESOURCES COMMISSION**

Recommendation for Local Boating Regulations and Application for Placement of Markers Under the Uniform Waterway Marker System on Navigable Waters of the United States

1. Governmental Unit Currituck County Date April 15, 2013  
Mailing Address 153 Courthouse Road, Currituck, NC 27929 Phone No. 252-232-2075

2. In accordance with G.S. 175A-15, the above-named local governing unit hereby recommends to the North Carolina Wildlife Resources Commission the promulgation of special rules and regulations with reference to the safe and reasonable operation of vessels applicable to the waters of Tull's Bay Colony, located in Currituck County, the pertinent substance of which regulations is as follows :

To Extend the "No Wake" Zone in Tull's Bay Colony to include the entire length of the canal leading

from the Mississippi Canal to the Northwest River and the entirety of the Mississippi Canal

3. Enclosed herewith are the following :
  - A. A certified copy of the resolution of the above -named governmental unit :
    - (1) requesting the special rules and regulations for the waters named in Item 2 , and
    - (2) stating that public notice was given of the intention to make application to the Wildlife Resources Commission for the regulations which are being proposed.
  - B. Two copies of a map of the waters concerned showing the exact location and type of each waterway marker which will be necessary to the enforcement of the proposed regulations .
  - C. Two copies of a scale drawing of each type of waterway marker so necessitated.
4. Each waterway marker required will comply in color , size , shape , and structural design with the Uniform Waterway Marker System and the supplementary standards for such markers adopted by the North Carolina Wildlife Resources Commission pursuant thereto. No other waterway markers will be placed or allowed to remain in waters in which the Uniform Waterway Marker System has been fully implemented without approval of the Wildlife Resources Commission.
5. It is understood that , if the regulations hereby recommended are promulgated by the North Carolina Wildlife Resources Commission , placement of the waterway markers necessary to enforcement thereof must be approved by the United States Coast Guard and the U. S . Army Corps of Engineers .

**RESOLUTION  
FOR  
"NO WAKE" SIGNS  
TULL'S BAY COLONY**

**WHEREAS**, under authority of North Carolina General Statutes Section 15A NCAC 10-F.0340 of the North Carolina Administrative Code any subdivision of the State of North Carolina may at any time, after public notice, make formal application to the NC Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels of any water within its territorial limits; and

WHEREAS, Currituck County has given public notice of its intention to make a formal application to the Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels at Tull's Bay Colony in Moyock, North Carolina, located in Currituck County, the pertinent substance of which proposed regulations is as follows:

To extend the "No Wake" Zone in Tull's Bay Colony to include the entire length of the canal leading from the Mississippi Canal to the Northwest River and the entirety of the Mississippi Canal.

**C) Public Hearing and Action: PB 13-04 Bob's Wild Horse Tours, LLC: Request for a Use Permit for an Outdoor Tour Operator. The property is located at 817B Ocean Trail, Tax Map 116H, Parcel 817B, Poplar Branch Beach Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**ITEM:** PB13-04 Bob's Wild Horse Tours LLC - Outdoor Tour Operator

**LOCATION:** 817B Ocean Trail

**TAX ID:** 116H-000-817B-0000

**ZONING DISTRICT:** Monterey Shores PUD Allocation: GB - General Business

**PRESENT USE:** Retail

**OWNER:** Marc Petit  
817B Ocean Trail  
Corolla, NC 27927

**APPLICANT:** Bob White  
1159 H Austin Street  
Corolla, NC 27927

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Commercial	Zoned GB
<b>SOUTH</b>	Residential	Zoned SFO
<b>EAST:</b>	Residential	Zoned SFO
<b>WEST:</b>	Commercial	Zoned GB

**LAND USE PLAN**

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

**I. NARRATIVE OF REQUEST:**

- a. The applicant seeks a Use Permit for Outdoor Tour Operator for three 15-passenger vehicles.
- b. The applicant currently operates three Outdoor Tour Companies.
- c. The applicant is proposing to move the operations of Bob's Wild Horse Tours, LLC from the Inn at Corolla Light to the new location in Monterey Plaza. With the move, the applicant would like to increase the number of vehicles operated by Bob's Wild Horse Tours from one to three.
- d. The applicant intends to decrease the number of tour vehicles operating at Beach Jeeps in Corolla Light Town Center from five to three in an effort to comply with the intent of the Outdoor Tour Operator ordinance to reduce the overall number of vehicles. In order to make that binding, the applicant has been directed to amend the existing special use permit for the Beach Jeeps property.

**II. QUESTION(S) BEFORE THE BOARD:**

**Special Use Permit Criteria and Staff Findings:**

A use permit shall be approved on a finding the applicant demonstrates the proposed use will:

1. Not endanger the public health or safety

**Suggested Findings:**

- a. The use will not endanger the public health or safety.
- b. Adequate parking is available per the UDO standard for Shopping Centers.

- 2. 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 use is located in an existing shopping center.
- b. There are no proposed changes to the site.

- 3. Be in conformity with the Land Use Plan or other officially adopted plan.

**Suggested Findings:**

- a. The Land Use Plan classifies this site as Full Service within the Corolla subarea. The proposed use is in keeping with the policies of the plan, some of which are:

**Policy ED1:** new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

**Policy HP3:** Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

- 4. 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.

**Suggested Findings:**

- a. The use should not have an impact on the county's ability to provide adequate public facilities.

**III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends **CONDITIONAL APPROVAL** subject to the following:

- 1. An Outdoor Tour Operator license is required per Chapter 8: Article IV of the Currituck County Code of Ordinances.
- 2. The applicant shall amend special use permit PB10-02 Beach Jeeps to three total tour vehicles.
- 3. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
- 4. When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics.
- 5. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
- 6. Vehicles held in reserve in the event of inclement weather or breakdowns may be used as long as the parking requirements and all other conditions of this permit are met. Reserve vehicles must be stored at an approved location.
- 7. This use permit, if issued, shall be reviewed administratively on an annual basis and a report shall be filed with the Currituck County Board of Commissioners detailing the nature of any complaints received by the Planning Department. At the discretion of the Code Enforcement Officer or Board of Commissioners, the use permit shall be subject to revocation or modification by the permit issuing authority following a public hearing.
- 8. This use permit, if issued, shall be applicable to the specific property for which it is issued; comments in the application narrative relating to other use permits may be addressed by amending the specific use permits for those properties.
- 9. No unattended vehicles are to encumber the full width of the fire apparatus access lanes located to the front or rear of the structure.

**IV: PLANNING BOARD RECOMMENDATIONS:**

Mr. Craddock moved to **approve** PB 13-04 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- Contingent upon the applicant submitting an application to staff to amend the special use permit for the Beach Jeep property.

Mr. Cartwright seconded the motion. Motion carried unanimously.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE:

Board of Commissioners: [www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)

**PLANNING BOARD DISCUSSION (4-9-13)**

Mr. White provided an overview of the tour operation, number of tour vehicles, and the locations of the tour operations. Mr. White stated he has prepared the application to amend the existing special use permit for the Beach Jeeps property and will be bringing it to staff.

Mr. Wright stated that Mr. White should have amended the special use permit for Beach Jeeps before coming to the board with this request.

Mr. Cooper stated Mr. White is decreasing the number of tour vehicles operating at Beach Jeeps from five to three and increasing the number of vehicles operated by Bob's Wild Horse Tours from one to three.

Mr. Clark read a statement from Lynne Wilson who was not present. According to PART I. The Code of Ordinances, Currituck County, Chapter 8 Article IV. Sec. 8-97. Traffic regulations: It shall be unlawful to operate an outdoor tour operator vehicle in any manner which places the occupants of the outdoor tour operator vehicle in immediate harm, or in any manner which impedes standard traffic flow on streets, roads or public vehicular areas. Impeding standard traffic flow on streets, roads or public vehicular areas shall include moving slower than the standard traffic flow or stopping within or along streets, roads or public vehicular areas for other than slowing, yielding or stopping as may be required by motor vehicle law.

Mr. Clark asked Mr. White if he understood what he just read.

Mr. White stated yes.

**PLANNING BOARD ACTION**

Mr. Craddock moved to approve PB 13-04 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- Contingent upon the applicant submitting an application to staff to amend the special use permit for the Beach Jeep property.

Mr. Cartwright seconded the motion. Motion carried unanimously.

Chairman O'Neal opened the public hearing.

Mary Didario, Eden Day Spa, was concerned with the parking having a

negative impact on her business.

Ben Woody, Planning Director, stated that the parking has met the UDO requirements, and the property management of the shopping center should address her concerns.

Bob White, applicant, stated this has not been an issue previously as the other businesses and his business usually have different busy times due to weather and time of day. He would try to accommodate reasonably the parking concerns.

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

Commissioner Aydlett moved to approve PB 13-04 with the findings of fact, staff and Planning Board recommendations included in the case analysis. Commissioner Gilbert seconded the motion. Motion carried.

**D) Public Hearing and Action: PB 13-03 Indian Gap Mainland Tours: Request for a Use Permit for an Outdoor Tour Operator (boat tours). The property is located at 169 Walnut Island Boulevard, Tax Map 107, Parcel 64, Poplar Branch Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**ITEM:** PB 13-03 Indian Gap Mainland Tours request for a Use Permit for an Outdoor Tour Operator.

**LOCATION:** Grandy, 169 Walnut Island Boulevard, Poplar Branch Township.

**TAX ID:** 0107-000-0064-0000

**ZONING DISTRICT:** Limited Business (LB)

**PRESENT USE:** Restaurant/Motel

**OWNER:** Barry Nelms  
Walnut Island Restaurant & Lodge  
PO Box 507  
Grandy, NC 27939

**APPLICANT:** Todd Cartwright  
812 Poplar Branch Road  
Grandy, NC 27939

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Currituck Sound	
<b>SOUTH</b>	Residential	SFM
<b>EAST:</b>	Undeveloped	SFM
<b>WEST:</b>	Residential	SFM

**LAND USE PLAN**

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

**SIZE OF SITE:** 2.46 acres (uplands)

**IV. NARRATIVE OF REQUEST:**

1. The applicant is seeking a use permit to operate boat tours (outdoor tour operator) from Walnut Island Restaurant and Lodge in Grandy.
2. The boat tours will occur Monday through Thursday, 10:00 am until 6:00 pm, from May 31<sup>st</sup> through October 31<sup>st</sup>. Each tour will last approximately 45 minutes.
3. All tour patrons will be shuttled to and from various bus stops.
4. The tour boat will be a 24 foot pontoon boat capable of transporting 16 passengers.
5. The boat tour route will include the waters around Dews Island and Narrows Island and passengers will remain on the tour boat.
6. The proposed improvements to the site will include a handicap access from the bus stop to the tour boat which will require a CAMA permit.
7. A community meeting was held on February 11, 2013 at Barry's Walnut Island with 10 people in attendance. Concerns and questions included days of operation and boat traffic in the canals in Walnut Island.

**V. QUESTION(S) BEFORE THE BOARD:****Use Permit Criteria and Staff Findings:**

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a UP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. The use will not endanger the public health or safety.
 

**Suggested Findings:**

  - a. The proposed activities will meet all state and county requirements, including handicap accessibility.
  - b. Transport vehicles will not encumber the required fire apparatus access or required parking.
2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located:
 

**Suggested Findings:**

- a. The proposed use is consistent with the current commercial use of the property which includes hosting special events.
  - b. The proposed use will be in harmony with uses that have historically taken place on the property.
3. The use will be in conformity with the Land Use Plan or other officially adopted plan.

**Suggested Findings:**

The 2006 Land Use Plan classifies this site as Full Service within the Grandy subarea. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

4. The 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.

**Suggested Findings:**

- a. The proposed use will not exceed the county's ability to provide adequate public facilities.

**VI. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following permit conditions:

- a. Patrons must be part of a bus tour operation. No on-site tour transactions shall occur on the property without providing adequate parking.
- b. The tour boat shall not utilize the canals in Walnut Island.

**VII. PLANNING BOARD RECOMMENDATION:**

Mr. Cooper moved to **approved** PB 13-03 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- The boat launch site shall be public or if private have written permission from the owner.
- No entry on private property unless written permission from the owner.
- Boat tours shall occur May 1 through September 30.
- A 24 month review period of use permit.

Ms. Bell seconded the motion. Motion carried unanimously.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE:

Board of Commissioners: [www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)

**PLANNING BOARD DISCUSSION (4-9-13)**

Ms. Voliva stated that patrons will be picked up in Corolla and taken to the Weeping Radish where they will board smaller vehicles; which to go to the various destinations on the Mainland. The destinations include Grave Diggers, Cotton Gin, golf course in Grandy and the boat tour. The boat tour requires a use permit and the other stops do not.

The Planning Board discussed the ownership of the boat launch site whether it is public or private, alternate

launch site off Poplar Branch Road, size of boat and number of passengers, the months of operation and how it will affect the migration of the waterfowl, operation dates of jet skies in the sound, happy to see business coming to the Mainland, timeframe that use permit be reviewed, and clearance of the bridge if high tide.

Ms. Voliva stated the boat launch site is at the end of a right-a-way and it is a state road.

Mr. Clark stated a vessel that carries more than 6 passengers is required to be inspected by the United States Coast Guard and the county could require proof of it prior to allowing the vessel to operate.

Ms. Voliva stated the applicant is required to meet all federal requirements.

Mr. O'Connell stated he thinks the applicant would be willing to change the months of operation to accommodate the duck hunting season and migration of the waterfowl.

Mr. White stated he is not aware that jet skies must operate during specific months.

Ms. Voliva stated the board may want to consider adding a condition to the use permit that the launch site be public or if private, permission from the owner.

Mr. Jerry Wright stated that he is part of a partnership which manages the property at Dews Island. It is used for duck hunting in the winter and they do utilize it some in the summer. Mr. Wright is asking that passengers remain on the boat and not to come on the property unless they have written permission from the owner. The Dews Island group has an agreement with the Corolla Wild Horse Fund in which they have nine horses on the island which need to be taken into consideration. There is a bridge from the Mainland to Dews Island which restricts the size of vessel that can pass under it. They may consider putting a no wake zone to slow vessels down and for safety purposes. Mr. Wright stated consideration should be taken into the months of operation since Dews Island is a sanctuary for the migratory waterfowl.

Mr. White stated this request is a good idea and is in agreement with it.

Ms. MacPherson stated she is the president of the Walnut Island Property Owners Association. Ms. MacPherson stated she was pleased to see a condition that no boats will be stored or launched from the interior canals. Ms. MacPherson asked for clarification on the size of vehicles to be used transporting tourist to various destinations; and where the proposed launch site is located. Ms. MacPherson stated they are supportive of the request.

Mr. Tommy Wright was concerned with the months of operation and the effect it would have on the migration of the waterfowls.

#### **PLANNING BOARD ACTION**

Mr. Cooper moved to approved PB 13-03 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- The boat launch site shall be public or if private have written permission from the owner.
- No entry on private property unless written permission from the owner.
- Boat tours shall occur May 1 through September 30.
- A 24 month review period of use permit.

Ms. Bell seconded the motion. Motion carried unanimously.

Chairman O'Neal opened the public hearing.

Bob White, supports the request.

Todd Cartwright, applicant, requested support for this use permit.

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

Commissioner Petrey moved to approve with the findings of fact, staff and Planning Board recommendations included in the case analysis. Commissioner Gilbert seconded the motion. Motion carried.

### **New Business**

#### **A) Consideration and Approval of Recommendation to Award Bid for Barco Way to Barnhill Contracting Company and Authorize County Manager to Execute Contract With Barnhill Contracting Company**

Dan Scanlon, County Manager, stated this is a new road east of Central Elementary School. It is needed for access from US 158 to the Commerce Park to accommodate heavy truck traffic. In addition to the road construction, overhead power lines would need to be buried.

Commissioner Gilbert moved to approve Barnhill Construction bid in the amount of \$626,562 and approve the overall project ordinance for Barco Way in the amount of \$810,000. Commissioner Martin seconded the motion. Motion carried.

#### **B) Board Appointments:**

1. Appointment to Senior Citizen Advisory Board  
Continue to next meeting
2. Appointments to Game Commission  
Continue to next meeting

#### **C) Consent Agenda:**

1. Budget Amendments
2. Approval of April 1, 2013 Minutes
3. CDBG Monthly Status Report
4. JCPC Funding Plan FY 2014
5. Regional Aviation and Technical Training Center  
Change Order 002

6. Approval of Ordinance to demolish property located at 4317 Caratoke Hwy, Barco, NC
7. Approval of Records Retention and Disposition Schedule
8. Consideration of Lease Agreement with the Truck Accessory Center
9. Resolution Opposing HB 983 Designating Red Drum, Spotted Sea Trout and Striped Bass as Coastal Game Fish
10. Resolution Authorizing "Piggybacking" Purchase of 800 Mhz Radios and Equipment
11. Resolution - Authorizing Finance Director and Deputy Finance Director to wire funds through Vantage South
12. Resolution Surplus Sheriff K-9 Zeva

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
51848-599002	JP Knapp and Moy Elem café roofs	\$ 126,000	
51380-425001	Lottery Funds		\$ 126,000
		<u>\$ 126,000</u>	<u>\$ 126,000</u>

**Explanation:** *School Construction (51848)* - Increase in appropriations to record approval by the NC Department of Public Instruction to use lottery funds for the JP Knapp Early College High School and Moyock Elementary School cafeteria roof replacements. These applications were submitted in July 2012 and approval was received March 28, 2013.

**Net Budget Effect:** School Construction Fund (51) - Increased by \$126,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12541-590000	Capital Outlay Appropriated Fund	\$ 18,000	
12390-499900	Balance		\$ 18,000
		\$ 18,000	\$ 18,000

**Explanation:** *Fire Services (12541)* - Appropriate funds to purchase a Mask Fit Tester, equipment to insure proper fit of respirator masks used at fire scenes.

**Net Budget Effect:** Fire Services Fund (12) - Increased by \$18,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-557700	Crisis Intervention		\$ 1,381
10752-519600	Daycare		\$ 21,000
10760-585001	Donations - Currituck Kids	\$ 1,500	
10330-431000	DSS Administration		\$ 15,306
10330-432800	Daycare	\$ 21,000	
10380-487001	Donations - Currituck Kids Appropriated Fund		\$ 1,500
10390-499900	Balance	\$ 16,687	
		\$ 39,187	\$ 39,187

**Explanation:** *Social Services - Administration (10750); Public Assistance (10752); County Assistance (10760)* - Transfer funds to record Currituck Kids Donation and to adjust to State revised allotments for this fiscal year.

**Net Budget Effect:** Operating Fund (10) - Decreased by \$36,187.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10531-514000	Travel			\$	3,500
10531-532000	Supplies	\$	1,640		
10531-590000	Capital Outlay	\$	1,860		
		<u>\$ 3,500</u>		<u>\$ 3,500</u>	

**Explanation:** *Emergency Management (10531)* - Replace computer for Emergency Management Director and additional funding for EOC supplies.

**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 Expense		Increase Revenue or Decrease Expense	
10640-532004	FCS Supplies	\$	1,000		
10330-449900	Miscellaneous Grants			\$	1,000
10640-545000	Contract Services	\$	2,261		
10640-513000	Utilities			\$	2,261
		<u>\$ 3,261</u>		<u>\$ 3,261</u>	

**Explanation:** *Cooperative Extension (10640)* - To record SHIIP (Seniors' Health Insurance Information Program) grant funds for FY 2013 and for additional costs for landscaping.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,000.

<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	\$ 1,200	
68888-516000	Repairs & Maintenance		\$ 700
68888-533800	Chemicals		\$ 500
		\$ 1,200	\$ 1,200

**Explanation:** *Walnut Island Sewer (68888)* - To move funds to purchase a DR/890 Colorimeter needed for testing at Waterside Villages.

**Net Budget Effect:** Walnut Island Sewer Fund (68) - 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
10460-531000	Gas	\$ 5,500	
10460-545000	Contract Services	\$ 7,000	
10460-506000	Health Insurance		\$ 2,500
10460-531400	Equipment fuel		\$ 500
10460-514000	Travel		\$ 1,000
10460-514500	Training		\$ 500
10460-516300	Signs		\$ 1,000
10460-513000	Utilities		\$ 2,500
10380-482000	Miscellaneous		\$ 1,400
10380-484001	Insurance Recovery		\$ 3,100
		\$ 12,500	\$ 12,500

**Explanation:** *Public Works (10460)* - Transfer funds for fuel for the Public Works department necessary for operations for the remainder of this fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$4,500.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-532000	Supplies	\$ 3,000	
61818-545000	Contract Services		\$ 3,000
		\$ 3,000	\$ 3,000

**Explanation:** *Mainland Water (61818)* - Transfer funds to supplies for operations for the remainder of this fiscal year.

**Net Budget Effect:** Mainland Water Fund (61) - 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
10750-590000	Capital Outlay	\$ 11,897	
10441-590000	Capital Outlay		\$ 11,897
		\$ 11,897	\$ 11,897

**Explanation:** *Social Services Administration (10750); Information Technology (10441)* - Transfer funds from ITS to DSS for replacement computers in DSS in order to utilize cost share funding.

**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 Expense	Increase Revenue or Decrease Expense
52530-590000	Capital Outlay	\$ 2,520	
52330-558701	DPR1 Grant		\$ 2,520
		<u>\$ 2,520</u>	<u>\$ 2,520</u>

**Explanation:** *Multi-year Grant Fund (52530)* - Increase appropriations to record 100% grant funded cabinets for the Medical bus.

**Net Budget Effect:** Multi-year Grant Fund (52) - Increased by \$2,520.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-532000	Supplies	\$ 3,000	
10796-516000	Repairs & Maintenance		\$ 3,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

**Explanation:** *Rural Center (10796)* - Transfer funds for additional supplies needed for operations for the remainder of 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 Expense	Increase Revenue or Decrease Expense
10420-589000	OSD Reserve	\$ 1,000	
10410-526000	Advertising		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

**Explanation:** *Governing Body (10420); Administration (10410)* - Transfer funds due to more retirees than anticipated 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 Expense	Increase Revenue or Decrease Expense
10490-513000	Utilities - Other	\$ 2,200	
10490-513003	Utilities - Court Facilities		\$ 2,200
10490-545003	Contract Services - Court Facilities	\$ 12,000	
10380-484001	Insurance Recovery		\$ 12,000
		<u>\$ 14,200</u>	<u>\$ 14,200</u>

**Explanation:** *Court Facility Fees (10490)* - Increase appropriations for cost incurred when pipe burst in the Judicial building and transfer funds for utilities.

**Net Budget Effect:** Operating Fund (10) - Increased by \$12,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10540-558300	Homeowner's Recovery Fund	\$	1,800		
10340-457000	Homeowner's Recovery Fund			\$	1,800
		<u>\$ 1,800</u>		<u>\$ 1,800</u>	

**Explanation:** *Inspections (10540)* - Increase appropriations due to increase in building permit purchases.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,800.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
12546-511006	Telephone & Postage	\$	900		
12546-513006	Utilities	\$	2,300		
12546-516006	Repairs & Maintenance			\$	5,500
12546-516106	Building & Grounds			\$	2,200
12546-531006	Gas	\$	800		
12546-532006	Supplies	\$	500		
12546-553006	Dues & Subscriptions	\$	2,900		
12546-561006	Professional Fees	\$	300		
		<u>\$ 7,700</u>		<u>\$ 7,700</u>	

**Explanation:** *Corolla Vol Fire Department (12546)* - Transfer funds per request of Corolla VFD.

**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 Expense	Increase Revenue or Decrease Expense
10511-531000	Gas	\$ 2,500	
10511-516000	Repairs & Maintenance	\$ 4,000	
10511-547000	Meals		\$ 4,000
10511-590000	Capital Outlay		\$ 2,500
		\$ 6,500	\$ 6,500

**Explanation:** Jail (10511) - Transfer funds for operations for the remainder of 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 Expense	Increase Revenue or Decrease Expense
10512-532000	Supplies		\$ 600
10512-542000	Rabies Clinic	\$ 600	
		\$ 600	\$ 600

**Explanation:** Animal Control (10512) - Transfer funds due to increased participation in rabies clinics.

**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 Expense		Increase Revenue or Decrease Expense	
60808-533201	Lab Test	\$	5,000		
60808-590001	Capital Outlay	\$	26,000		
60808-545001	Contracted Services	\$	18,000		
60808-561001	Professional Services			\$	11,500
60808-516001	Repairs and Maint.			\$	17,500
60808-533601	System Supplies			\$	7,000
60808-533801	Chemicals			\$	9,500
60808-514500	Training			\$	2,500
60808-514000	Travel			\$	1,000
		\$	49,000	\$	49,000

**Explanation:** *Ocean Sands Water and Sewer (60808)* - Transfer funds for emergency replacement of pumps and for lab fees for the remainder of this fiscal year.

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

**RESOLUTION OPPOSING HOUSE BILL 983  
DESIGNATING RED DRUM, SPOTTED SEA TROUT AND STRIPED BASS AS  
COASTAL GAME FISH**

**WHEREAS**, the Fisheries Reform Act (FRA) recognizes that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State while struggling to earn a living in an industry whose resources are managed by both State and Federal agencies and whose labor accounts for revenue, jobs, and a significant tax base; and

**WHEREAS**, designating “game fish status” for red drum, spotted sea trout, striped bass, and other fish species will deprive consumers in North Carolina and across the nation of access to fresh locally harvested seafood; and

**WHEREAS**, allocating 100% of the resources to less than 3% of the population of our state and to specific user groups would be a travesty of fairness, a violation of the FRA, and devastating to the economies of coastal communities; and

**WHEREAS**, degrading a resource to “game fish status only” has never enhanced the resource, and will threaten coastal communities with the loss of jobs and access for all citizens; and

**WHEREAS**, North Carolina as a recognized leading producer of seafood has one of the most diverse fisheries in the United States and should be allowed to continue harvesting wild caught

fish species in order to bring to market a wonderfully fresh, sustainably managed, revenue producing, protein resource for all its citizens.

**NOW, THEREFORE, BE IT RESOLVED** that the Currituck County Board of Commissioners opposes designating red drum, spotted sea trout and striped bass as game fish by the North Carolina General Assembly and asks that they honor the Fisheries Reform Act by continuing to make all fish species available for the benefit and enjoyment of all North Carolina citizens.

**RESOLUTION AUTHORIZING THE "PIGGYBACKING" ON A PURCHASE AGREEMENT FROM THE STATE OF NORTH CAROLINA FOR PURCHASE OF 800Mhz RADIOS AND ASSOCIATED EQUIPMENT FROM MOTOROLA SOLUTIONS, INC.**

WHEREAS, the County of Currituck desires to piggyback on a purchase agreement by the State of North Carolina for 800Mhz radios and associated equipment; and

WHEREAS, the conditions of "piggybacking" on the original contract have been met in accordance with N.C. Gen. Stat. §143-129; and

WHEREAS, public notice of purchase of the equipment set forth above was published in The Coastland Times on April 25, 2013.

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

Section 1. The County of Currituck is authorized to "piggyback" on the State of North Carolina contract with Motorola Solutions, Inc. for purchase of 800 Mhz radios and associated equipment as set forth on Exhibit A attached hereto and incorporated herein by reference.

Section 2. This resolution shall be effective upon its adoption.

**R E S O L U T I O N**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina, during its regularly scheduled meeting held on May 6, 2013, authorized that, pursuant to GS 160A and 270(b), the following property listed below be disposed of:

<b>Asset #</b>	<b>Description</b>
7230	Zeva-K-9

**D) Commissioner's Report**

Commissioner Martin noted the General Assembly would be voting on SB 58 the next day.

**E) County Manager's Report**

No comments

Chairman O'Neal moved to recess the Board of Commissioners meeting and convene as the Tourism Development Authority. Commissioner Gilbert seconded the motion. Motion carried.

**Special Meeting**

**Tourism Development Authority**

**Budget Amendments - TDA**

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

<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>
15442-503500	Temporary Services	\$ 30,000	
15442-502000	Salaries - Regular		\$ 30,000
15442-514000	Travel	\$ 3,000	
15442-514500	Training & Education		\$ 3,000
15442-514800	Fees Paid to Officials	\$ 1,200	
15442-588000	Contingency		\$ 11,200
15442-590000	Capital Outlay	\$ 10,000	
		<u>\$ 44,200</u>	<u>\$ 44,200</u>

**Explanation:** Occupancy Tax - Promotion (15442) - Transfer funds to increase temporary staff for the upcoming summer season, utilizing unspent funds from vacant marketing position; increase travel due to increased participation in travel shows; increase in fees paid to officials due to advisory board meeting more often and increase in capital outlay to replace the server and camera that are no longer functioning.

**Net Budget Effect:** Occupancy Tax Fund (15) - No change.

<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>
15447-516001	Signs	\$ 6,000	
15447-554000	Insurance & Bonds	\$ 485	
15447-561000	Professional Services		\$ 6,485
		<u>\$ 6,485</u>	<u>\$ 6,485</u>

**Explanation:** Occupancy Tax - Tourism Related (15447) -Transfer funds for additional signage and for increased cost of the flood insurance for the Whalehead Club.

**Net Budget Effect:** Occupancy Tax Fund (15) - No change.

Adjourn

There being no further business the meeting adjourned.

Commissioner Aydlett moved to reconvene BOC meeting.

Commissioner Gilbert seconded the motion. Motion carried.

### **Closed Session**

Closed Session pursuant to (1) G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege; (2) pursuant to G.S. 143-318(a)(5) to establish or instruct county staff concerning the position to be taken by or on behalf of the county in negotiating the price and any other material terms of a contract or proposed contract for the acquisition of real property by purchase, option or exchange owned by Outer Banks Ventures, Inc. located at 1102 Corolla Village Drive to be used for any public purpose; and (3) pursuant to G.S. 143-318.11(a)(6) to discuss personnel matter.

Commissioner Petrey 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.