

CURRITUCK COUNTY  
NORTH CAROLINA  
November 18, 2013

The Board of Commissioners met at 6:00 p.m. in the Historic Courthouse Conference Room with members of the Agriculture Advisory Board for Farmland Preservation Harvey Roberts, Sidney Garrett and Wade Morgan, as well as Manly West, regarding the dissolution of the Farmland Preservation board effective December 31, 2013. Mr. Roberts presented the merits of keeping land in agriculture production, thus saving the County from providing services required by residential development. He requested to keep the board and funding in place.

The Board of Commissioners met at 6:30 p.m. in the Historic Courthouse Conference Room with Peter Bishop, Economic Development Director, who provided an update on the Foreign Trade Zone.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Board Meeting Room with the following members present: Chairman Paul O'Neal, Vice-Chair Paul Martin, Commissioners Aydlett, Griggs, and Petrey. Commissioners Gilbert and McCord were absent.

Chairman O'Neal called the meeting to order at 7:00 PM and announced the Board of Commissioners had met in a work sessions regarding Farmland Preservation and Foreign Trade Zone.

**A) Invocation**

**B) Pledge of Allegiance**

Reverend Eric Rainwater, Currituck Bible Baptist Church, gave the invocation and led the Pledge of Allegiance.

**C) Approval of Agenda**

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

**APPROVED AGENDA**

**Work Sessions**

6:00 PM Farmland Preservation

6:30 PM Foreign Trade Zone

**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.*

### **Administrative Reports**

- A) **Janie Mercer, Economic Improvement Council, to Present 2014 Anti-Poverty Plan**

### **Public Hearings**

- A) **Public Hearing and Action:** PB 13-19 Ginger Morris: Request to amend the Unified Development Ordinance Chapter 2: Administration to revise the standards regulating family subdivisions to allow for additional family subdivisions to be permitted on the same parent parcel provided a certain amount of time has passed.
- B) **Public Hearing and Action:** PB 13-15 Water Supply Standards: Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to the county water supply system.

### **New Business**

- A) **Board Appointments:**
1. Appointment of At-Large Member to Albemarle Commission
- B) **Consent Agenda:**
1. Approval of November 4, 2013 Minutes
  2. Resolution to Amend the Biggert-Waters Flood Insurance Reform Act of 2012
  3. Resolution to Declare Surplus the Guard Shack at Entrance to Whalehead at Historic Corolla
  4. Fire-EMS Personnel Amendments
- C) **Commissioner's Report**
- D) **County Manager's Report**

### **Special Meeting**

#### **Tourism Development Authority**

- A) **Budget Amendments**

Adjourn

- D) **Public Comment**

Chairman O'Neal opened the Public Comment period.

Mary Etheridge, Shawboro, stated she had been involved in litigation with the County since 2011. She was thankful for all those who were opposed to a junkyard in her neighborhood, and thankful for the judge who ruled in her family's favor.

Ray Meiggs, Southern Shores, reported on Whalehead's Christmas in Corolla which would include a reading challenge. All Currituck County schools (2613 students) were participating in the literacy challenge. He invited everyone to visit Whalehead at Historic Corolla to see the decorations.

Commissioners questioned the advertisement which included a \$1 donation from each ticket to Dare County Education to which Mr. Meiggs responded.

There being no further comments, Chairman O'Neal closed the Public Comment period.

### **Administrative Reports**

#### **A) Janie Mercer, Economic Improvement Council, to Present 2014 Anti-Poverty Plan**

Ms. Mercer reported that the total grant was for \$281,576 and would help 56 families to become more self-sufficient.

### **Public Hearings**

#### **A) Public Hearing and Action: PB 13-19 Ginger Morris: Request to amend the Unified Development Ordinance Chapter 2: Administration to revise the standards regulating family subdivisions to allow for additional family subdivisions to be permitted on the same parent parcel provided a certain amount of time has passed.**

Ben Woody, Planning and Community Development Director, reviewed the request and staff and Planning Board recommendations.

The following text amendment submitted by Ginger Morris is intended to allow additional family subdivisions to be permitted provided a certain amount of time has passed. Family subdivisions are a type of minor subdivision in which the lots created are deeded to a family member within two degree of kinship of the property owner.

Currently, only the first five lots created from a parent parcel as it existed on April 2, 1989 can be approved as a minor subdivision. Once a subdivision creates more than five lots, including past divisions, it is subject to the major subdivision standards.

This may present some difficulties on families owning only a part of a once large parcel of land. This is because the maximum five lot requirement is administered to the *parent parcel as it existed on April 2, 1989*. For example, in 1990 a 100 acre parcel of land was divided among two separate families, Family A and Family B. Family A then develops a minor 5 lot subdivision on its parcel in 1992. Family B then wants to create one lot for a family member out of its parcel in 2013, but in order to do so; it must meet the major subdivision standards because it would be the sixth lot created from the parent parcel as it existed on April 2, 1989.

The Unified Development Ordinance (UDO) contains the "April 2, 1989" language in order to prevent the creation of a series of multiple minor subdivisions that do not have to provide the amenities required for major subdivisions, like open space, park land dedication, and waterline extension.

This amendment request will allow for the maximum five lot requirement to be reset every 10 years for family subdivisions. Basically, five family subdivisions lots can be created every 10 years on the same parcel. This request does not modify the standard as it pertains to conventional minor subdivisions (those in which the lots are not deeded to family members), and they would continue to be administered as explained above.

Staff realizes that the "April 2, 1989" language will eventually need to be modified to continue to allow for minor subdivisions in the county. Staff also realizes that family subdivisions are not

typically used to bypass ordinance requirements. With that being said, staff is supportive of this request as it allows for additional family subdivisions in a manner which does not create possible circumvention of the UDO and that it:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of the UDO or the County Code of Ordinances;
3. Addresses a demonstrated community need;
4. Is consistent with the purpose and intent of the zoning districts in the UDO;
5. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff is also taking this opportunity to slightly modify the family subdivision standards. Text has been added to clarify the number of lots that can be conveyed to an individual family member (one lot), and the provision to only allow one family subdivision lot to be created each year has been removed.

At their October 8, 2013 meeting, the Planning Board recommended unanimous **approval** as presented with the removal of the following language:

- *A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.*

#### **PLANNING BOARD DISCUSSION (10-8-13)**

Mr. Cooper asked for clarification on the proposed language that limits a family member to a maximum of one lot.

Mr. Schuler stated an example is if somebody creates a family subdivision in Moyock and deeds the property to three family members, they cannot then come in the next day to create another family subdivision for the same three family members in Point Harbor.

Mr. Woody stated this is to try to make it easy to give a lot to a family member.

Ms. Morris stated if you want to give more than ten acres this text amendment does not apply. Ms. Morris explained they purchased 10 acres and they want to give their son some acreage and have ties to the property themselves.

The Planning Board discussed the difference between giving a lot and the creation of a lot in a family subdivision, and recording a deed.

Mr. Craddock stated in 2, A, #5 the word "Figure" should be changed to "Section".

Mr. Cartwright asked the applicant if this amendment is the way they want it.

Ms. Morris stated yes.

#### **PLANNING BOARD ACTION**

Mr. Cooper moved to approved PB 13-19 as presented and to remove the following language:

- A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.

Mr. Cartwright seconded the motion. Motion carried unanimously.

**PB 13-19 Morris – Family Subdivisions  
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 2: Administration to revise the standards regulating family subdivisions to allow for additional family subdivisions to be permitted on the same parent parcel provided a certain amount of time has passed.

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 Section 2.4.8.D Minor Subdivision is amended by adding the following underlined language and deleting the strikethrough language:

**(2) Minor Subdivision Review Standards**

**(a) General Standards**

A minor subdivision shall be approved on a finding that:

- (i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.b; and all other applicable standards in this Ordinance;
- (ii) It will result in lots that are at least 40,000 square feet in size (except in the SFR district, where lots shall be at least 120,000 square feet in size);
- (iii) It will result in five or fewer lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.B Additional Standards for Family Subdivisions);
- (iv) It does not create a private access street serving more than two lots unless it is a family subdivision; and
- (v) Any private access street created complies with Figure Section 6.2.1.B.1 Private Access Street Standards.

**(b) Additional Standards for Family Subdivisions**

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

- (i) Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child, grandchild). A maximum of

one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.

- ~~(ii)~~ All lots created from the original parent tract shall be at least 40,000 square feet in area, unless located in the SFR district, where the minimum lot area shall be 120,000 square feet.
- (iii) No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal. No more than one lot shall be created per year.
- (iv) Ingress and egress to a lot shall not be from a major arterial street.
- (v) Private access streets created shall not serve more than five lots.
- (vi) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

**Item 2:** 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.

Ginger Morris, Barco, applicant, noted this ordinance had been in place since 1989 and needed to be looked at. She agreed with the 10 year time frame.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Petrey moved to approve PB 13-19 as presented by staff due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest. Commissioner Griggs seconded the motion. Motion carried unanimously.

**B) Public Hearing and Action: PB 13-15 Water Supply Standards: Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to the county water supply system.**

Ben Woody, Planning and Community Development Director, reviewed the request, as well as Technical Review Committee and Planning Board recommendations.

The following text amendment submitted by Mr. Eugene White is intended to amend the county's water supply standards to exempt subdivisions located more than one mile from a county water main from connecting to the system. Under the current ordinance major subdivisions are required to connect to the county water system (or provide a cash deposit for future connection) based on a formula included in the ordinance.

The connection requirement has generally been successful in managing growth of the county water system; however, low density subdivisions that are located a long distance from an existing county water main are required to provide a cash deposit at a rate of cost plus 15 percent for future water system improvements. To date, subdivisions that have provided cash deposits have not connected to the county water system due to the lack of waterline extensions. Staff recognizes the current ordinance structure is not practicable for low-density subdivisions in rural areas of the county that are located more than one mile from the county water supply system. While the amendment creates a narrow exemption for outlying subdivisions, it maintains a reasonable connection distance for existing developed areas and tracts of land already zoned for higher densities.

The Technical Review Committee (TRC) reviewed this request and is recommending minor revisions to the original text amendment. Based on an analysis of the county water system, the TRC is recommending the exemption be for major subdivisions located one mile from an existing 6-inch or larger water main. Enclosed find exhibits illustrating general water main locations and connection distances, as well as approximate cost estimates.

The proposed amendment also includes minor text changes recommended by the Technical Review Committee and is intended to clarify terminology, remove the requirement to convert cash deposits to letters of credit, and provide consistency with the NC Fire Code. Revisions recommended by the TRC that are beyond the scope of the original text amendment are indicated in italics.

At the September 16 Board of Commissioners meeting, staff was directed to perform additional due diligence on the text amendment for discussion at a future Board meeting. Planning staff held additional discussions with members of the Technical Review Committee and it was agreed that the text amendment is reasonable and in the public interest. Minor modifications to the wording of the text are included to more clearly demonstrate the ordinance intent. Additionally, staff followed up with the Fire Marshal regarding the TRC recommendation to amend the UDO fire protection standards to provide greater consistency with the NC Fire Code. The Fire Marshal agrees that exempting minor subdivisions not served by county water from fire protection standards is consistent with the intent of the NC Fire Code.

Planning staff recommends **approval** because the proposed text amendment is consistent with the land use plan; because it focuses water service in existing developed areas and in nearby targeted growth areas (POLICY WS3); and results in a logical and orderly development pattern.

The Planning Board recommended unanimous approval at their August 13, 2013 meeting.

#### **BOARD OF COMMISSIONER DISCUSSION (9/16/13)**

Commissioner Petrey asked for clarification that the cash deposits were not for a bond and that the deposits would be held for three years. He also verified that a homeowner was not required to hook up even if central water were later provided.

Commissioner Aydlett questioned whether funds were for bringing water to site or for infrastructure within the subdivision.

Mr. Woody responded the funds were for water mains within the subdivision.

Chairman O'Neal asked if a developer requested rezoning outside the 1 mile radius, how the county would treat that request.

Mr. Woody responded, by either denying the rezoning or requiring it be served by county water.

Commissioner Aydlett verified that after three years, if water were provided to the subdivision, the onus for the infrastructure within the subdivision would fall on the County. He was concerned about pipe size sufficient for fire flow.

Chairman O'Neal confirmed with Mr. Woody that the Board is not required to follow the staff's recommendation on a rezoning.

Chairman O'Neal opened the Public Hearing.

Eddie Hyman, representing the applicant, Mr. White, supported the request since developers currently were having to put up thousands of dollars when the County's long term plan did not include providing water to those developers' sites. He pointed out that also in the text amendment was the requirement to provide fire protection in all developments of two lots or more. He requested that be changed to exempt minor subdivisions.

Chairman O'Neal questioned the use of minor subdivisions as a way to circumvent the ordinance while planning to develop many more lots; and, if that were the case, how the first five lots should be treated when further development occurs.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Martin remarked the County was attempting to perform due diligence for future homeowners. All deserve fire protection. He felt further study was needed.

#### **BOARD OF COMMISSIONERS ACTION**

Commissioner Martin moved to continue for further discussion. Commissioner McCord seconded the motion. Motion carried unanimously.

#### **PLANNING BOARD DISCUSSION (8/13/13)**

Mr. Hyman stated he is representing Mr. Eugene White. Mr. Hyman stated this is a good idea for low-density subdivisions in rural areas of the county that are located more than one mile from the county water supply system.

The Planning Board discussed if a developer pays for a water line extension that there is some type of reimbursement for the developer.

Mr. Hyman stated this is a good idea, but not to amend this request.

#### **PLANNING BOARD ACTION**

Mr. Clark moved to request staff to develop a text amendment that will address reimbursement to the developer anytime they extend a county water line and the interconnectivity aspect. Mr. Craddock seconded the motion. Motion carried unanimously.

Mr. Cooper moved to approve PB 13-15 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. Mr. Cartwright seconded the motion. Motion carried unanimously.

**PB 13-15  
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to the county water supply system.

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 Section 6.2.3 Utility Standards is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

### **Water Supply Standards**

~~Except where exempted by Section 6.2.3.D.1, Exemptions,~~ All development shall incorporate a water supply system in accordance with these standards.

#### **Water Supply System Required**

Every principal use and every buildable lot in a subdivision shall be served by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.

All buildable lots within a planned unit development or planned development shall be connected and serviced by a centralized water supply system.

All multi-family development ~~and townhouse units~~ shall be connected to and serviced by a centralized water supply system.

~~The developer shall submit whatever information the Planning Director determines necessary to ensure the developer or a successor in interest will be able to comply with this section.~~

#### **Connection to Public County Water Supply System**

Whenever it is legally possible and practicable in terms of topography and the County Engineer determines service is available the following development shall ~~to connect development~~ to the county's water supply system; ~~the developer or subdivider shall install the pipes and accessories necessary to provide water service to all lots or~~

~~units in a development. (Staff Note: this subsection was previously listed as exemptions)~~

~~Lots in a family subdivision (see Section 2.4.8) Minor subdivision lots (except family subdivisions) abutting an existing water main;~~

~~Subdivisions in the Fruitville and Moyock Gibbs Woods Townships; and;~~

~~Major Subdivisions and multi-family development abutting an where the distance to an existing water main or meeting the formula requirements in subsection (b) below exceeds the formula in Section 6.2.3.D.3 Connection to Public Water Supply System; and~~

~~Major site plans abutting an existing water main or meeting the requirements in subsection (f) below.~~

~~Connection of individual lots to the future water main within an existing subdivision shall be the responsibility of the individual lot owners.~~

Connection to the county's water supply system shall be ~~considered impractical~~ required if the distance between the closest existing six-inch or larger ~~county~~ water main and the proposed development as measured along the probable route of the service line exceeds a is within the following formula distance: equivalent to 100 feet for each of the first ten units plus 20 feet for each additional unit.

*Example: a proposed subdivision with 30 single-family residential lots ~~would have to be located over 1,400 feet or less~~ from an existing water main ~~to be considered impractical for connection~~ shall connect  $(10 \text{ units} \times 100) + (20 \text{ units} \times 20)$ .*

However, Where the distance to an existing six-inch or larger water main exceeds the formula above but is less than one mile, the ~~subdivider~~ developer shall submit a performance guarantee in the form of a cash deposit for the water improvements (including, but not limited to: fire hydrants, laterals, service lines, meter boxes, and yokes) at a rate of cost plus 15 percent. In the event the water supply infrastructure is not constructed within three years of the approval date, the Planning Director shall release the

performance guarantee ~~shall automatically convert to an evergreen letter of credit.~~ In no instance shall a performance guarantee be required for a development located more than one mile to an existing six-inch or larger water main.

The total number of units in a development shall be determined by calculating the maximum number of units allowable for each proposed lot.

In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.

Each individual dwelling unit shall be counted as one residential unit for the purposes of determining the maximum distance requirements for multi-family developments.

The maximum connection distance for nonresidential development shall be determined by converting projected water demand from the development into an equivalent number of residential units and applying the formula in (b) above. For the purposes of this section, an individual residential dwelling unit uses 250 gallons of water per day. A nonresidential use anticipated to use 1,000 gallons per day shall be equivalent to four residential dwelling units.

*Example: a proposed nonresidential development is anticipated to use 7,500 gallons of water per day. This is equivalent to 30 homes ( $7,500/250 = 30$ ), and the development would have to be located over 1,400 feet from an existing water main to be considered impractical for connection ( $10 \text{ units} \times 100$ ) + ( $20 \text{ units} \times 20$ ).*

Water lines owned by the Ocean Sands Water and Sewer District shall not be considered part of the county's water supply system for the purposes of this section.

### **Centralized Water Supply System Configuration**

The A new centralized water supply system, or proposed connection to an existing centralized water supply system, shall comply with the following requirements:

The ~~subdivider~~ developer shall install water mains in a subdivision or development so that all lots and uses to be developed will be able to connect to the centralized water supply system.

Water mains shall be installed within street right-of-ways or dedicated utility easements.

The ~~subdivider~~ developer shall be required to submit detail drawings with the construction drawings associated with a subdivision, prepared and stamped by a certified and licensed engineer, showing the installation of the required water mains.

All materials and pipes shall meet or exceed the requirements established for the county water supply system.

~~A community water system may be located within an open space set-aside.~~

### Connection Fees

All connection fees shall be paid for each residential lot or use that is required to be connected to the county water system at the time of issuance of the building permit authorizing construction to begin.

All connection fees shall be paid for each nonresidential lot or use required to be connected to the county water system at the time of issuance of the building permit authorizing construction to begin.

**Item 2:** That Section 6.2.4 Fire Protection Standards is amended by adding the following underlined language and deleting the strikethrough language:

#### **B. Water Supply for Fire Protection when not Served by Public Centralized Water Supply System**

*~~Major subdivisions Residential development containing 20 or more dwelling units and every nonresidential subdivision containing 10 or more lots and not served by a public centralized water supply system shall provide a supply of water for fire-fighting purposes in accordance with the following standards:~~*

**Item 3:** That Section 10.5: Definitions is amended by adding the following underlined language, deleting the strikethrough language, and reordering alphabetically:

#### **CENTRALIZED WATER SUPPLY SYSTEM**

A system for the provision to the public of water for human consumption through pipes and other constructed conveyances if the system serves 15 or more service connections or which regularly serves 25 or more individuals. A centralized water supply system includes any collection, treatment, storage or distribution facility used primarily in connection with the system.

**Item 4:** 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.

There was discussion among the Commissioners and staff regarding the need for a comprehensive plan for county water expansion before action was taken on the requested text amendment, which would affect the entire county.

Chairman O'Neal opened the Public Hearing.

Eddie Hyman, Hyman and Robey, supported the amendment and noted the expense involved for his client if the amendment is denied.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Aydlett moved to table PB 13-15 Water Supply Standards text amendment until the first meeting in February in order for county staff to develop a 10 year comprehensive water supply study for presentation to and adoption by the Board; and that upon adoption of the comprehensive water supply study, county staff draft and process for consideration by the Board a UDO text amendment to provide that proposed subdivisions within the water supply study area be required to connect to the county water system or provide a cash deposit for future connections and that proposed subdivisions outside the water supply study area be exempt from connections to the county water system or requirement to provide a cash deposit for future connections. Commissioner Martin seconded the motion. Motion carried unanimously.

### **New Business**

#### **A) Board Appointments:**

1. Appointment of At-Large Member to Albemarle Commission

Commissioner Martin nominated Diane Bray who was unanimously appointed.

#### **Request by Crawford Volunteer Fire Department**

Prior to the next item, Commissioner Aydlett moved to allow Chris Dailey, Fire Chief, Crawford Volunteer Fire Department, to speak. Commissioner Petrey seconded the motion. Motion carried.

Mr. Dailey noted there were additional expenses for their station expansion project in Sligo. The contractor was owed \$26,071. The overruns were due to septic problems and cost of ADA compliance. He requested the construction agreement be amended to increase the amount by \$39,000.

Commissioner Martin moved to have the County Attorney amend the construction agreement, to

advance the funds from the fire department's contracted monthly payments, and ratify/execute the amended construction agreement at the next meeting. Commissioner Petrey seconded the motion. Motion carried.

**B) Consent Agenda:**

1. Approval of November 4, 2013 Minutes
2. Resolution to Amend the Biggert-Waters Flood Insurance Reform Act of 2012
3. Resolution to Declare Surplus the Guard Shack at Entrance to Whalehead at Historic Corolla
4. Fire-EMS Personnel Amendments

Commissioner Aydlett moved to approve the Consent Agenda. Commissioner Petrey seconded the motion. Motion carried unanimously.

**RESOLUTION  
TO AMEND THE BIGGERT-WATERS  
FLOOD INSURANCE REFORM ACT OF 2012**

**WHEREAS**, the home building and real estate industries are major economic drivers throughout the State as well as Northeastern North Carolina; and

**WHEREAS**, Congress passed the National Flood Insurance Act of 1968 specifically to ensure flood insurance coverage was available on reasonable terms and conditions to citizens who have a need for such protections; and

**WHEREAS**, the National Flood Insurance Program (NFIP) plays a critical role in the location, placement, and construction of homes and structures within a community, and provides for an estimated 5.68 million National Flood Insurance Program (NFIP) policies nationwide; and

**WHEREAS**, under the National Flood Insurance Program (NFIP), participating communities with structures located and built in the Special Flood Hazard Areas (Flood Zones A and V), that are backed by federal lender institutions, are required to purchase mandatory flood insurance policies; and

**WHEREAS**, on July 6, 2012, the President signed into law the Surface Transportation Bill (R.R. 4348), which included the Biggert-Waters Flood Insurance Reform Act (BW-12); and

**WHEREAS**, the Biggert-Waters Flood Insurance Reform Act re-authorizes the National Flood Insurance Program (NFIP) through 2017, but also puts into place many significant reforms as a result of the high losses incurred by the program in 2005 from Hurricane Katrina and in 2012 from Super Storm Sandy to restore the program's financial solvency; and

**WHEREAS**, these reforms outlined below include dramatic and in many cases immediate changes for structures built Pre-Firm (Section 205 of the Act), and structures that were built Post-Firm (Section 207 of the Act), as well as, lowering the threshold for what is deemed to be a substantial improvement; and

**WHEREAS**, the Biggert-Waters Flood Insurance Reform Act will implement actuary insurance rates for homeowners, business owners, and prospective buyers upon the sale or purchase of real property or a lapse in insurance coverage after July 1, 2012; and

**WHEREAS**, Section 205 of the Biggert-Waters Flood Insurance Reform Act removes historical subsidized insurance rates for all non-primary residences and business properties that were lawfully constructed prior to the first Flood Insurance Rate Maps (Pre-Firm) and are now subject to receive "Full Risk Rates" at a rate increase of twenty-five percent (25%) per year until the "Full Risk Rate" is achieved; and

**WHEREAS**, Section 207 of the Biggert-Waters Flood Insurance Reform Act removes historical subsidies for any structure (formerly grandfathered or non-subsidized) that is affected by a FIRM designation to a Special Flood Hazard Area and will be subject to receive "Full Risk Rates" at a rate increase of twenty percent (20%) per year until the "Full Risk Rate" is achieved; and

**WHEREAS**, the Biggert -Waters Flood Insurance Reform Act redefines the term "substantial improvement," thereby discouraging the remodeling and renovation of existing structures by lowering the threshold for "substantial improvement" from fifty percent (50%) of the value of the structure to thirty percent (30%); and

**WHEREAS**, nationwide the National Oceanic and Atmospheric Administration (NOAA) data shows that fifty-two percent (52%) of the United States population lives in a coastal watershed county, and more than fifty percent (50%) of the United States population lives near a river, creek, bay, sound, lake, stream, or ocean; and

**WHEREAS**, Currituck County is extremely concerned that the Biggert-Waters Flood Insurance Reform Act will financially impact home and business owners, negatively affect property values, discourage construction activities, hinder real estate transactions, and may result in foreclosures to owners who have lawfully constructed their homes and businesses in accordance with National Flood Insurance Program (NFIP) requirements and the North Carolina State Building Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Currituck County Board of Commissioners urges Congress to amend the Biggert-Waters Flood Insurance Reform Act to:

- Provide a slower rate of increase to flood insurance rates for policy holders required to meet "Full Risk Rates."
- Extend the grandfathering provisions for all existing policy holders who lawfully constructed their homes per the National Flood Insurance Program (NFIP) requirements and the North Carolina State Building Code (in affect at the time of construction).
- Reinstate the substantial improvement threshold at the historical limit of fifty percent (50%) of the value of the structure.
- Address the cost savings that could be incurred through the rate-making processes by participating National Flood Insurance Program (NFIP) communities that engage in Federal Storm Damage Reduction projects, or have specific State building codes, or utilize enhanced construction standards that would further limit flood loss and decrease the likelihood of widespread damage.

**BE IT FURTHER RESOLVED** that the Currituck County Board of Commissioners urges Congress to direct an independent examination to:

- Review the National Flood Insurance Program's (NFIP) proposed actuarial rates, issues and alternative solutions regarding the National Flood Insurance Program's (NFIP) solvency, and assess the burden that the Biggert-Waters Flood Insurance Reform Act of 2012 will impose on insurance policy holders.

**RESOLUTION**  
**SURPLUS PROPERTY**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on November 18, 2013, authorized the following property listed below be declared surplus and disposed of:

**Guard Shack at the entrance to Whalehead in Historic Corolla**

**CURRITUCK COUNTY**  
**CLASSIFICATION BY SALARY GRADE**  
**FOR THE FISCAL YEAR ENDING JUNE 30, 2014**

SALARY GRADE	SALARY RANGE	CLASSIFICATION
50	\$22,440	Custodian Human Resource Aide Senior Center Asst. Coordinator
51	\$24,261	Maintenance Helper Park Attendant SOS Assistant
52	\$26,082	4H-SOS Associate Accounting Clerk I Community Social Services Asst. DCI CP/Clerk Deputy Register of Deeds Library Assistant I Line Maint Mechanic Helper Meter Reader Permit Officer Processing/Public Information Assistant IV Recreation Assistant Secretary I Tax Clerk Visitor Relations Coordinator
53	\$27,904	Detention Officer EMT Basic/Firefighter Library Assistant II Maintenance/Repair Worker Public Info Asst V Rural Center Manager Sales & Market Associate Tax Clerk II Utilities Customer Serv Rep

54	\$31,547	4H Program Assistant Accounting Clerk II Administrative Secretary Agricultural Technician Control Officer Asst Register of Deeds Deputy Director of Elections District Administrator F&C Sciences Associate Income Main Caseworker I Intake Officer Library Associate I Recreation SpecialistII Supervisor Visitor Centers Telecommunication Trainee
55	\$31,547	*Library Associate II Accounting Clerk III Administrative Assist I Deputy Tax Collector Emerg Mgt Program Asst EMT Intermediate FF Line Maint. Mechanic Maintenance/Repair Worker Electrician Promo Coordinator Superintendent of Parks Telecommunicator I Tourism Event Coordinator Utiities Customer Serv Supervisor
56	\$33,370	Animal Control Supervisor Deputy Trainee Income Maint Caseworker II Planner Technician Sergeant Detention Officer Sergeant Detention Officer Support Technician Telecommunicator II Video Production Assistant Wastewater ORC Trainee Water Plant Operator Trainee

57	\$35,190	*Administrative Assistant II Accounting Technician Building Inspector I Deputy Emerg Management Coord Deputy Sheriff I Development Code Enforcement Officer Human Resources Asst Maintenance Supervisor Rural Center Director Social Worker I Wastewater ORC Water Plant Operator Water Plant Operator/Lab Technician
58	\$37,011	Deputy Sheriff II Income Maint Caseworker III Income Maint Investigator II Tax Appraiser Training Officer
59	\$38,833	Building Inspector II probationary/FQ Inspect I Deputy Sheriff III Detective I EMT Paramedic/Firefighter Financial & Budget Asst <del>Legal Assistant</del> *Lieutenant Detention Officer Marketing Program Mgr Planner I
60	\$40,655	*Communications Supervisor Detective II E-Marketing/Web Development Specialist Fire Marshal GIS Coordinator GIS Tax Mapper *Income Maint Supervisor II Information and Communicator Officer <b>Lieutenant - EMS</b> <b>Risk Manager</b> Social Worker II Soil & Water Technician Sr Center Coordinator Web/AV Specialist

61	\$42,477	Building Inspector III probationary/FQ BI II Detective Sergeant Director of Elections <b>Paralegal</b> Patrol Sergeant Planner II Water Distribution Supervisor
62	\$44,298	*Building Superintendent *Jail Superintendent Social Worker III Social Worker Invest/Assess Treatment
63	\$46,118	*Administrative Lieutenant Building Inspector III FQ <del>*Captain Shift Supervisor</del> <del>*Captain Training</del> Engineering Technician *Patrol Lieutenant *Recreation Director *Social Work Supervisor II *Water Treatment Plant Supervisor
64	\$47,941	*Chief Building Inspector *Senior Planner *Sheriff Captain
65	\$50,153	*Admin Assistant/Clerk to Board *Airport Manager <b>Captain - EMS</b> *Chief Deputy Sheriff Dept *Deputy Chief Fire and EMS
66	\$51,585	*Public Utilities Superintendent *Social Worker Supv III *Tourism Director
67	\$53,404	*Emerg Mgmt Director
68	\$55,226	*Human Resources Director *IT Director *Tax Administrator
69	\$57,047	
70	\$58,924	
71	\$60,690	
72	\$62,512	
73	\$64,333	*Director of Social Services <del>*Chief of EMS</del> *Economic Development Director *Finance Director
74	\$66,155	

75	\$67,975	<b>Chief of EMS</b>
76	\$69,798	*Public Utilities Director
77	\$71,618	
78	\$73,441	*Planning Director
79	\$75,262	
80	\$76,860	

\*indicates exempt status

Board determined	*County Manager's salary
Board determined	*Sheriff's salary
Board determined	*Register of Deeds' salary
Board determined	*Attorney's salary

### C) Commissioner's Report

Commissioner Martin wished everyone a Happy Thanksgiving and encouraged attendance of Christmas in Corolla.

Commissioner Aydlett requested DOT be contacted regarding delivery date of the Hunt ferry. Commissioner Petrey noted he had been informed it should be back by November 21.

Commissioner Petrey also wished everyone a Happy Thanksgiving.

Commissioner O'Neal noted the coming season of thanksgiving, a time to think of others more than ourselves, and wished everyone a Happy Thanksgiving.

Commissioner Aydlett also wished a Happy Thanksgiving to everyone.

### D) County Manager's Report

No report.

### **Special Meeting**

Commissioner Petrey moved to recess the regular meeting and re-convene as the Tourism Development Authority. Commissioner Martin seconded the motion. Motion carried.

### **Tourism Development Authority**

#### A) Budget Amendments

County Manager Dan Scanlon reviewed the TDA Budget Amendments and responded affirmatively to Chairman O'Neal's question regarding funding coming from excess collections of Occupancy Tax, a reflection of an increase in tourism over the last couple of years.

Commissioner Martin moved to approve the TDA Budget Amendments. Commissioner Griggs seconded the motion. Motion carried unanimously.

<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>
15447-554000	Insurance & Bonds	\$ 835	
15320-415000	Occupancy Tax		\$ 835
		<u>\$ 835</u>	<u>\$ 835</u>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Increase appropriations for increase in flood insurance for the Whalehead Club.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$835.

<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>
15447-590000	Capital Outlay	\$ 147,604	
15380-482000	Miscellaneous		\$ 72,500
10320-415000	Occupancy Tax		\$ 75,104
		<u>\$ 147,604</u>	<u>\$ 147,604</u>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Increase appropriations to purchase property for Corolla Village Beach Access Facility.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$147,604.

<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>
15447-592001	Whalehead Construction	\$ 200,000	
15380-482000	Miscellaneous		\$ 100,000
10320-415000	Occupancy Tax		\$ 100,000
		<u>\$ 200,000</u>	<u>\$ 200,000</u>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Increase appropriations for construction project at the Whalehead Club. This will be a joint project with \$100,000 County funding and \$100,000 from the Whalehead Preservation Trust.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$200,000.

### **Adjourn**

There being no further business, Commissioner Petrey moved to adjourn the Tourism Development Authority meeting as well as the regular meeting. Commissioner Griggs seconded the motion. The meeting was adjourned.