

CURRITUCK COUNTY  
NORTH CAROLINA  
September 3, 2013

The Board of Commissioners met at 5:30 p.m. in the Historic Courthouse Conference Room with Heather Starck, Executive Director/Vice President, Audubon North Carolina; Chip Hemingway, Bowman, Murray, Hemingway, Architects; Karen Fernandez and Rick Yates regarding plans for the Donal C. O'Brien, Jr. Sanctuary and Audubon Center at Pine Island and its benefits to Currituck County.

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 Gilbert, Griggs, McCord, and Petrey. Commissioner Aydlett was absent due to illness.

Chairman O'Neal called the meeting to order at 7:00 PM and announced the Board of Commissioners had met for a work session with the Audubon Sanctuary representatives.

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

Reverend Glenn McCranie was present to give the invocation and lead the Pledge of Allegiance.

- C) Approval of Agenda**

Chairman O'Neal amended the agenda by deleting the Closed Session. Commissioner Petrey moved to approve the Agenda as amended. Commissioner Martin seconded the motion. Motion carried unanimously.

#### **APPROVED AGENDA**

##### **Work Session**

5:30 PM            Presentation and Review of the Pine Island Audubon Sanctuary Master Plan

##### **7:00 pm Call to Order**

- A) Invocation – Reverend Glenn McCranie
- 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**

**Barbara Snowden** to Give Update on Civil War Encampment and Presentation of Flag

##### **Public Hearings**

- A) **Public Hearing and Action:** PB 84-11 Corolla Light, PUD: Request to amend the existing use permit and sketch plan for Corolla Light PUD to accommodate 16 duplexes totaling 32 units along NC12 south of Shad Street, Tax Map 115B, Parcel P51, Poplar Branch Township.
- B) **Public Hearing and Action:** PB 09-35 Rachel's Ranch: Request for a special use permit for an outdoor recreation facility located at 160 Owens Road, Powells Point, Tax Map 123, Parcel 6B, Poplar Branch Township.
- C) **Public Hearing and Action:** PB 13-16 Rosewood: Request for a preliminary plat/use permit for a 43 lot conservation subdivision located in Moyock, along both sides of Elrod Road, west side of Poyners Road, and the south side of Tulls Creek Road, Tax Map 31, Parcels 1A, 1B, 1D, 15A, and 17A, Moyock Township.
- D) **Public Hearing and Action:** PB 94-18 Malco Mine, Phase 2: Request for a (special) use permit modification to expand an existing mining operation at 136 Griggs Acres Road in Point Harbor, Tax Map 132 Parcel 159, Poplar Branch Township.

### **New Business**

- A) **Board Appointments:**
  - 1. Appointment to ABC Board
- B) **Consent Agenda:**
  - 1. Approval of August 19, 2013 Minutes
  - 2. Budget Amendments
  - 3. Resolution - Surplus 2005 Jeep from Inspections
  - 4. Resolution approving Currituck County to use Raymond James to broker investments
  - 5. CDBG Monthly Status Report
  - 6. Proclamation for Literacy Month
- C) **Commissioner's Report**
- D) **County Manager's Report**

### **Special Meeting**

#### **Tourism Development Authority**

- A) Budget Amendments Adjourn

### **Closed Session**

Closed Session pursuant to G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of industry or businesses within the county

**DELETED**

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 for two years concerning illegal spot zoning. Although the courts had ruled in her favor, the County did not pay her legal fees. She wanted to prevent this same thing from happening to anyone else. She quoted Associate Justice of the Supreme Court Potter Stewart regarding fairness.

John Murray, Coinjock, on behalf of the Coinjock Ruritan Club, invited everyone to their 10<sup>th</sup>

Annual Wildlife Festival, with Jack Cox as the featured carver and including a calling contest.

Roy Etheridge, Powells Point, requested permission to improve S. Ferebee Lane. He was to work with Ben Woody, Planning & Community Development Director, to explore possibilities.

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

### **Administrative Reports**

#### **Barbara Snowden to Give Update on Civil War Encampment and Presentation of Flag**

Mrs. Snowden gave an overview of the exhibits and demonstrations to take place Friday, October 11, through Sunday, October 13, at the event entitled "Two Flags over Currituck, An Encampment at Currituck County Courthouse." Since the period being reenacted was during the years Currituck was occupied by Union forces, she presented a Union flag to the Commissioners with the request to fly it at the Courthouse beginning October 1 through the weekend of the event.

At Mrs. Snowden's invitation, Diane Nordstrom, Travel and Tourism Director, was present to speak to the fact that Civil War reenactments have not just an historical impact, but also an economic impact on the location of the event. Attendees require food, lodging, gasoline, etc., which directly benefit local businesses as well as bring in sales tax to the County.

Ms. Nordstrom also announced the Wine and Swine event taking place at Currituck Heritage Park on September 5.

Commissioner Petrey commended the Travel and Tourism Department on their contributions which helped Currituck County realize the highest percentage of increase in the State in tourism dollars for the past year.

### **Public Hearings**

- A) Public Hearing and Action: PB 84-11 Corolla Light, PUD: Request to amend the existing use permit and sketch plan for Corolla Light PUD to accommodate 16 duplexes totaling 32 units along NC12 south of Shad Street, Tax Map 115B, Parcel P51, Poplar Branch Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning and Community Development Director, reviewed the request, comments from the Technical Review Committee, and Planning Board recommendation.

**CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS**

**DATE: 9/3/2013**

**PB 84-11 COROLLA LIGHT PUD, PHASE 12**

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**ITEM:** PB 84-11 Corolla Light PUD, Phase 12, Amended Use Permit/Sketch Plan

**LOCATION:** Unassigned Address on Ocean Trail, Corolla Light, Poplar Branch Township

**TAX ID:** 115B0000P5I0000 & 115B0000OPEN007D

**ZONING DISTRICT:** Single Family Outer Banks (SFO) with Planned Unit Development (PUD) Overlay

**PRESENT USE:** Utility Open Space

**OWNER:** Outer Banks Ventures Inc.

**APPLICANT:** David Maso  
100 Sportsman Drive  
Kill Devil Hills, NC 27948

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Utility	SFO/PUD
<b>SOUTH</b>	Residential	SFO/PUD
<b>EAST:</b>	Residential	SFO
<b>WEST:</b>	Residential	SFO/PUD

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

**SIZE OF SITE:** 3.16 Acres

**NUMBER OF UNITS:** 32

**PROJECT DENSITY:** **Site Specific Density** (10 units/acre) **PUD Density** (2.45 units/acre)

**UTILITIES:** Water will be provided by Currituck County Southern Outer Banks Water System. Wastewater will be provided by Carolina Water via the Monteray Shores treatment plant expansion (currently not permitted).

**PUD ALLOCATION:** Total Land Area = 267.05 acres, Open Space = 128.51 acres, and Commercial Allocation = 26.53 acres

**I. NARRATIVE OF REQUEST:**

To amend the Use Permit and Sketch Plan for Corolla Light Resort, PUD to remove Phase 12 from open space wastewater use and convert to residential use. The applicant is requesting abandonment of existing wastewater facilities on the subject property in Corolla Light PUD. The property will be removed from open space and will be developed as residential duplexes. The Corolla Light sewer capacity lost by removing the existing wastewater system is proposed to be transferred to the Monteray Shores Wastewater Treatment Plant. Transfer will require expansion of the Monteray Shores plant. State permits are required for both removal of the existing Corolla Light system and expansion of the Monteray Shores Plant. The applicant has not provided copies of the required state permits at this time.

## II. 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 development will be accessed from existing Beacon Hill Court off of NC12 and will not endanger the public health or safety assuming wastewater concerns are resolved as proposed.

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 use is proposed within an existing PUD which currently has multifamily use and is surrounded by residential use. The use will not injure the value of adjoining or abutting lands and will be in harmony with the lands in which it is located.

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 Corolla subarea. Insert LUP classification narrative. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the northern beaches of the Outer Banks.

POLICY WS8: CENTRAL AND PACKAGE TREATMENT PLANTS shall be designed using best available technology to eliminate or reduce odors. In addition, such plants shall be properly located so as not to adversely impact nearby land uses.

POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. Care shall be taken to encourage local street "connectivity" without creating opportunities for cut-through traffic from outside the connected areas.

POLICY TR12: New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development. This policy is intended to prevent the creation of substandard developments that must later correct for infrastructure problems that could have been avoided, had they been installed properly from the beginning. Family subdivisions and non-asphalt roads serving the northern beaches are the only exceptions to this policy.

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. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

**Suggested Findings:**

- a. The use will not exceed 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 approval with the following conditions:

1. The project shall not move forward to the next stage of development (preliminary plat) until state permits for wastewater are provided.
2. The county's well field in Corolla Light shall not be used as sewer green space.
3. All cost for the Monterey Shores Treatment Plant expansion shall be paid by OBV or the developers of Corolla Light Phases 10, 12, 13 and 14.
4. Development shall not occur on phases 10, 12, 13, or 14 of Corolla Light until such time the required wastewater capacity is made available.

**IV. PLANNING BOARD RECOMMENDATION:**

Mr. Cooper moved to approve PB 84-11 with the findings of fact and the technical review committee recommendations 1-4 included in the case analysis. Ms. Wilson seconded the motion. Motion carried unanimously.

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

Mr. Cooper asked if the open space that is being abandoned now is not required open space and if any of the Monterey Shores existing customers will be affected by the cost of the expansion.

Mr. Litteral stated that is correct.

Mr. Burgin stated he is working for Outer Banks Ventures in regards to the consolidation of the wastewater at the Monterey Shores treatment plant. Mr. Burgin provided an overview of the wastewater plan. Mr. Burgin stated neither the Monterey Shores nor Corolla Light existing customers will bear any of the costs of the expanded treatment facilities to service them. Outer Banks Ventures will incur all the costs.

Ms. Wilson read a statement from Ms. Simons who is a homeowner on Beacon Hill and is concerned with the increase traffic that will occur on Beacon Hill with the residential development of Phase 12.

### **PLANNING BOARD ACTION**

Mr. Cooper moved to approve PB 84-11 with the findings of fact and the technical review committee recommendations 1-4 included in the case analysis. Ms. Wilson seconded the motion. Motion carried unanimously.

Commissioner Martin questioned whether the property could be reclaimed for sewer if the project was not constructed. Mr. Woody replied affirmatively.

Commissioner Petrey questioned whether Corolla Light plants 1 and 2 would be moved to Monterey Shores and would this project affect the move? Would the 9000 additional gallons needed be at the expense of the developer?

Commissioner Griggs questioned whether the rezoning would stand if the project was not constructed.

Mr. Woody replied the conditions would have to be met.

Mr. Griggs asked if the state permit were altered, could change occur?

Chairman O'Neal stated any changes would have to come back to the Board.

Chairman O'Neal opened the Public Hearing.

David Maso, Kill Devil Hills, the applicant, was there to answer questions.

Commissioner Petrey asked about a buffer and whether the live oaks would stay. He also had concerns about the wastewater.

Mr. Maso responded the live oaks would be kept. Carolina Water was okay with the capacity.

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

Commissioner Petrey moved to continue PB 84-11 until a State permit for the Monterey Shores wastewater expansion is approved and actual wastewater capacity is available to service Phase 12 at full build-out. Commissioner Griggs seconded the motion. Motion failed since the vote was tied, with Commissioners Petrey, Griggs, and McCord voting for continuance and Chairman O'Neal and Commissioners Martin and Gilbert voting against.

Commissioner Gilbert moved to approve PB 84-11 with the staff findings and recommendations included in the case analysis. Commissioner Martin seconded the motion.

Motion failed since the vote was tied, with Chairman O'Neal and Commissioners Martin and Gilbert voting for approval and Commissioners Petrey, Griggs, and McCord voting against.

Commissioner Petrey noted the owner's two-year track record was not good. The Board was deadlocked.

Chairman O'Neal pointed out the developer would not be able to move forward with the next step without approval. Future steps would address the concerns expressed by the other Commissioners.

Commissioner McCord moved to approve PB 84-11 with the staff findings and recommendations included in the case analysis. Commissioner Martin seconded the motion. Motion carried with Commissioners Petrey and Griggs voting against.

**B) Public Hearing and Action: PB 09-35 Rachel's Ranch: Request for a special use permit for an outdoor recreation facility located at 160 Owens Road, Powells Point, Tax Map 123, Parcel 6B, Poplar Branch Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning and Community Development Director, reviewed the request, comments from the Technical Review Committee, and Planning Board recommendation.

**CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS  
DATE: September 3, 2013  
PB 09-35 Rachel's Ranch Special Use Permit**

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<b>NOTE:</b>	<i>This item is being reviewed under the previous UDO since TRC comments made under that UDO were valid until July 16, 2013.</i>
<b>ITEM:</b>	PB 09-35 Rachel's Ranch special use permit request for an outdoor recreation facility.
<b>LOCATION:</b>	160 Owens Road, Powells Point, Poplar Branch Township.
<b>TAX ID:</b>	0123-000-006B-0000
<b>ZONING DISTRICT:</b>	Agricultural (AG)
<b>PRESENT USE:</b>	Farmland
<b>OWNER:</b>	Charles Edward Younts, Jr 7764 Caratoke Hwy Powells Point NC 27966

**DEVELOPER:** Rachel Younts Penland  
7764 Caratoke Hwy  
Powells Point NC 27966

**ENGINEER:** Rick House  
House Engineering PC  
PO Box 466  
Kitty Hawk NC 27949

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Low density residential/active farmland	AG
<b>SOUTH</b>	Low density residential/mining operation	AG
<b>EAST:</b>	Active farmland	AG
<b>WEST:</b>	Low density residential/active farmland	AG

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as Limited Service within the Point Harbor subarea.

**SIZE OF SITE:** 47.5 acres

**UTILITIES:** The development will be served by portable lavatories. The applicant indicates on the site plan that they will install 1,000 linear feet of 6" PVC water main to the Currituck County water main along Bayview Road. County water does not run along Bayview Road. The closest water line is along Caratoke Highway, approximately  $\frac{3}{4}$  of a mile from the site.

**V. NARRATIVE OF REQUEST:**

The applicant is proposing a multi-use outdoor recreational facility. The proposal features a summer concert series with a variety of national, international, and local performing artist. The project expects two to three events during weekdays in season.

**VI. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:**

1. A copy of the private solid waste disposal contract is required prior to permit approval. (UDO 9.5) (Planning)
2. Identify the 10' x 35' site triangles at entrance(s) on the site plan. (DRP) (Planning)
3. Correct existing Owens Road (SR 1117) right-of-way width to 16'. The plat measures at 18'. A previous NCDOT review indicates that this right of way width is 16'. (Planning)
4. Hard service accessible parking required, accessible route required to event restrooms and vendors. Calculate occupancy and show exit size and location. (Inspector)
5. Provide State Stormwater and E&SC Permits. (Engineer)
6. Provide a Stormwater Management Plan. (Engineer)
7. Show existing ditch to be re-routed so as not to impede any upstream flow. The existing ditch is shown on the existing conditions, but is not shown with its connection to the proposed grading and drainage system. (Engineer)
8. A 20' right-of-way is required for Fire and EMS vehicle access. Owen's Road is only 16' wide. Is there the availability of a second access to the site? (Fire Marshal)
9. Can pressurized fire hydrants be brought to the site? (Fire Marshal)

10. The Site and Utilities Plan states that the recreation area will be connected to a waterline along Bayview Road. There is no water line on Bayview Road. (Public Utilities)
11. Will need to consult with NC Public Water Supply Branch for public water supply approval and proposed use of a water truck. (ARHS)
12. Consult with a professional engineer to determine a plan and estimate in writing the number of portable bathrooms needed to accommodate employees and crowd in order to provide proper sanitary conditions at event. (ARHS)
13. All temporary food vendors and event coordinators will need to apply at least 15 days prior to even with Health Department in order to obtain required permits. (ARHS)
14. More than one acre to be disturbed, E & S plan must be submitted to and approved by Land Quality Section prior to any grading activity. (NCDENR)

### **III. QUESTION(S) BEFORE THE BOARD:**

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

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP 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 SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. Completeness of application.  
**Suggested Findings:**
  - a. The application is complete.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".  
**Suggested Findings:**
  - a. The proposed use is allowed with a special use permit. (Note: This use is not allowed in the AG district under the new UDO.)
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.  
**Suggested Findings:**
  - a. The conditions proposed do not meet the minimum requirements of this ordinance in regards to Fire and EMS access and water supply.
4. The special use will not endanger the public health or safety:  
**Suggested Findings:**
  - a. This special use will endanger the public health and safety since there is not an adequate 20' wide right-of-way for Fire and EMS access.
5. The special use will 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. This special use will not be in harmony with the area in which it is located. The lack of primary access to the highway may contribute to the lack of harmony. The area is primarily low density residential dwelling units.

6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

**Suggested Findings:**

- a. The 2006 Land Use Plan classifies this site as Limited Service within the Point Harbor subarea. The Point Harbor Subarea Summary of Area Character warns of the potential for conflicts between land uses. The area must be watchful not to allow poorly planned non-residential uses to adversely impact the character of the area and the peace and quite traditionally enjoyed by its residents. The proposed use is not in keeping with the policies of the plan, some of which are:

- TR11: "Access to higher intensity development shall generally not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility, or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood." Note: Staff expresses concern for the amount of traffic generated from the commercial establishment accessing Owens Road, a local street. Owens Road (SR 1117) is a 16' wide gravel road serving approximately three lots, including one single family dwelling. It should be noted that NCDOT issued a commercial driveway permit for the subject property during a previous review.
- CD5: "Incompatible or poorly planned commercial encroachment within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large scale commercial uses or automobile oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like."

7. The special 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. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

**Suggested Findings:**

- a. Although the county has adequate facilities and infrastructure to service this use, Fire and EMS would have great difficulty servicing the site due to inadequate right-of-way widths and improvements.

**IV. STAFF RECOMMENDATION:**

The submittal does not appear to meet all of the requirements for approval and **TRC recommends denial** of this special use permit subject to the above finds of fact.

**V. PLANNING BOARD RECOMMENDATION:**

Ms. Bell moved to deny PB 09-35 with the findings of facts and staff recommendations in the case analysis. Mr. Craddock seconded the motion. Motion carried unanimously.

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

Mr. House stated he has been on this project since 2002. Mr. House talked about different options for access to the property. Mr. House stated this request is very similar to the traffic generator of Muddy Motor Sports Park. Mr. House stated buffering/berms could be used to help with noise. Mr. Craddock stated that he spoke to Brent Bass at the Department of Transportation. Mr. Bass stated that Owens Road was one of the anomalies in the state where the state maintains the road, but the state does not own a right-of-way. The only way this road would have a legal right-of-way is if the land owners on each side of the road would grant a right-of-way easement to the state.

Ms. Heider stated she is concerned with noise, traffic, falling home values, and quality of life. Ms. Heider is asking the board to deny this request.

Mr. Griffin stated he agrees with Ms. Heider. Mr. Griffin is asking the board to deny this request.

Mr. House stated noise could be lessened with buffering or berms, traffic could be controlled with hours of operation for events and lighting can be controlled. This would bring jobs to Currituck and it is a good thing.

Chairman O'Neal opened the Public Hearing.

Rick House, House Engineering, related the difficulties in obtaining access to the property for emergency vehicle access due to the width of the NCDOT right-of-way. Adjacent property owners were unwilling to grant access. The applicant was asking for approval to bring concerts, kid's camp, drive in theater, and other various uses to keep tax dollars in the county. He totally supported the project.

Andrea Blackburn, Kill Devil Hills, supported the project as more recreational opportunities were needed.

Lyndie Costello, Kill Devil Hills, supported the music venue and keeping business local.

Jerry Welch, South Mills, supported the project as a wonderful opportunity to bring revenue, employment and entertainment to the area.

Robert Griffin, Poplar Branch, was adamantly opposed to the project. His mother's home is the second closest residence to the property. He stated it does not meet the character of the area and is not in harmony with the surroundings.

Roy Etheridge, Jarvisburg, supported the project. He owns the adjacent property.

Fannie Newbern, Powells Point, owns property on three sides of the project and opposed the project. She asked the Board to deny the request and requested that all who opposed the project to stand.

Julie Folwick, Jarvisburg, lives close by and opposed the project due to a negative impact regarding traffic, security, litter and decline in property values.

Rachel Younts, Kill Devil Hills, developer, stated she had put much time and effort in the project over the last three years. Regarding sound, the stage would be positioned away from residences. She had asked for an easement over county-owned property with no response.

Commissioner McCord asked the number of events planned. Response was 2-3 per week for 12 weeks.

Chairman O'Neal asked Mr. Woody to state again the staff findings regarding access.

Fisher Estenfeld, Kill Devil Hills, planner and producer of events stated steps had been taken to assure congruence with the area. With new technology regarding lights and sound, concerns would be addressed. The public's concerns were being taken seriously and quality of life had been taken into consideration. He asked supporters of the project to stand.

Commissioners still had concerns with public safety and limited access.

Commissioner Griggs questioned the county's position should the project be approved without consideration of the access question.

County Attorney, Ike McRee, stated the decision could be overturned.

Mr. House stated that three findings would go away if access was solved.

Ms. Younts stated that three residents at the end of Owens Road were not opposed to the project.

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

Commissioner Martin moved to deny PB 09-35 with the staff findings and recommendations included in the case analysis. Commissioner Griggs seconded the motion. Motion carried unanimously.

Chairman O'Neal declared a five minute recess.

After the recess, Chairman O'Neal called the meeting to order.

**C) Public Hearing and Action: PB 13-16 Rosewood: Request for a preliminary plat/use permit for a 43 lot conservation subdivision located in Moyock, along both sides of Elrod Road, west side of Poyners Road, and the south side of Tulls Creek Road, Tax Map 31, Parcels 1A, 1B, 1D, 15A, and 17A, Moyock Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning and Community Development Director, reviewed the request, comments from the Technical Review Committee, and Planning Board recommendation.

**CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: September 3, 2013  
PB 13-16 Rosewood**

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**ITEM:** PB 13-16 Rosewood, Preliminary Plat/Special Use Permit for a 43 lot conservation subdivision.

**LOCATION:** In Moyock, along both sides of Elrod Road, west side of Poyners Road, and the south side of Tulls Creek Road, Moyock Township.

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

**ZONING DISTRICT:** Single Family Mainland (SFM); Conditional District Single Family Mainland (CD-SFM); and Agricultural (AG)

**PRESENT USE:** Agriculture

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

**APPLICANT:** Hyman and Robey PC  
PO Box 339  
Camden NC 27921

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Low density residential	SFM
<b>SOUTH</b>	Low density residential	AG
<b>EAST:</b>	Low density residential	SFM/AG
<b>WEST:</b>	Low density residential/woodlands	AG

**LAND USE PLAN**

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

**SIZE OF SITE:** 57 acres

**NUMBER OF UNITS:** 43 Residential Lots

**PROJECT DENSITY:** SFM = 1 unit per acre (37.68 acres = 37 Units)  
AG = .33 units per acre (19.32 acres = 6 Units)

**CONSERVATION:** 22.80 acres required conservation area (40% x 57 acres)

**AREA** 19.32 acres conservation area provided.

**UTILITIES:** The individual lots will be served by county water and on-site septic systems.

**I. NARRATIVE OF REQUEST:**

1. Harbinger Land and Timber LLC is requesting preliminary plat/special use permit approval of a 43 lot residential subdivision with an overall project density of 1 unit per acre in the SFM zoning district and .33 units per acre in the AG zoning district.
2. The purpose of a conservation subdivision is to provide landowners in the AG and SFM zoning districts a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided and the development is designed and located in a way that protects the agricultural activities or natural and historic features on the site. The applicant is proposing to conserve wetlands.
3. Parcel 0031-000-001B-0000 (15.49 acres) has been transferred to Fellowship Baptist Church.

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

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

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP 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 SUP, 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 use should have little to no impact on public health or safety.
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 use will not injure the value of adjoining or abutting lands and will be in harmony with the area as the subdivision is of similar density to the surrounding area; and,
  - b. The developer expects that the homes will be between 1,200 to 1,800 square feet in size and with home/lot values of \$180,000 to \$225,000. This is in harmony with the surrounding neighborhood.
3. The use will be in conformity with the Land Use Plan or other officially adopted plans.
 

**Suggested Findings:**

The 2006 Land Use Plan classifies this site as Limited Services within the Courthouse subarea. The Limited Services area is to provide for primarily residential development at low densities. The policy emphasis is for the Courthouse area to continue to grow as a small community center. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY AG2: Farms and woodlands shall be recognized as an integral part of the county's OPEN SPACE SYSTEM. Efforts to keep these areas viable as part of the area's resource-based economic sector, shall be encouraged.

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 43 lot subdivision will not exceed 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 approval subject to the following:

1. Since the minimum required conservation area is 22.80 acres and the available conservation area on the site exceeds the minimum, the entire 22.80 acres must be conserved. The plat is showing 19.32 acres conservation area and 3.94 acres of open space that is not within the conservation area. (Section 6.4.4.C.2)

2. Need to establish minimum dimensional standards for setbacks and lot coverage. This can be depicted in site data and/or on a diagram at final plat. (UDO Section 6.4.4.F and G)
3. The TRC recommends payment in lieu of recreation and park area dedication. (UDO Section 6.5.4)
4. Provide NCDOT driveway permit. (Administrative Manual)
5. Submit street name approval form to GIS for review and approval. (Administrative Manual)

#### **IV. PLANNING BOARD RECOMMENDATION:**

Mr. Cooper moved to approved PB 13-16 with the findings of facts and the technical review recommendations included in the case analysis. Mr. Cartwright seconded the motion. Motion carried unanimously

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

Mr. Hyman provided an overview of the project. Mr. Hyman stated concerns with buffering have been addressed and a homeowners association would be formed so residents have a point of contact.

Ms. Belote stated she is not opposing this request but would like to have a fence to keep trespassers out from her property.

Mr. Hyman stated a fence could not be put up across the church property, but he feels they have adequately addressed this with buffering, setbacks, and a pond.

Commissioner McCord questioned the acreage. The total was 150 acres, but the subdivision would be 57 acres including lots and open space.

Commissioner Petrey asked about the buffer which was discussed previously.

Eddie Hyman, Hyman and Robey, explained the plans were changed to provide 150 feet of utility open space.

Chairman O'Neal opened the Public Hearing.

Mr. Hyman stated the process had been reviewed and the current request meets the concerns.

Jeff Grzebin, Moyock, opposed the project, noting the incompatibility with the rural lifestyle currently enjoyed. He was also concerned with agriculture.

Richard Royals, Moyock, was opposed to the project, concerned about the loss of peace and quiet.

Janet Rose, Moyock, was opposed to the project. Even though the boundary had been moved away from her property, she questioned what could happen in the future with the open space.

Mr. Woody responded any change of use would have to come back before the Commissioners.

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

Commissioner Gilbert moved to approve PB13-16 with the staff findings and recommendations included in the case analysis. Commissioner Martin seconded the motion. Motion carried unanimously.

**D) Public Hearing and Action: PB 94-18 Malco Mine, Phase 2: Request for a (special) use permit modification to expand an existing mining operation at 136 Griggs Acres Road in Point Harbor, Tax Map 132 Parcel 159, Poplar Branch Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning and Community Development Director, reviewed the request, comments from the Technical Review Committee, and Planning Board recommendation.

**CASE ANALYSIS FOR THE  
Board of Commissioners**

**DATE: September 3, 2013**

**PB 94-18 Malco Mine, Phase 2, Special Use Permit Modification**

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**ITEM:** PB 94-18 Malco Mine, Phase 2, Special Use Permit Modification

**LOCATION:** Point Harbor: 136 Griggs Acres Road

**TAX ID:** 0132-000-0159-0000

**ZONING DISTRICT:** Agricultural (AG)

**PRESENT USE:** Extractive Industry - Mining Operation

**OWNER:** James I. Malco  
135 James Griggs Road  
Point Harbor, NC 27964

**APPLICANT:** TR Equipment Company, Inc.  
PO Box 190  
Harbinger, NC 27941

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Undeveloped - Woodland	GB
<b>SOUTH</b>	Low Density Residential	SFM
<b>EAST:</b>	Utility/Low Density Residential	SFM
<b>WEST:</b>	Undeveloped/Low Density Residential	SFM/GB

**LAND USE PLAN  
CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as **Limited Services** within the **Point Harbor** subarea.

**SIZE OF SITE:**

46.1 acres

**SIZE OF MINE:**

14.7 Acres  
Existing Mine: 13.8 Acres  
Expansion: 0.9 Acres

**WETLANDS:**

7.5 Acres (NCDENR, DCM)

**STREETS:**

The mine access is from a private road off of SR 1101 (Griggs Acres Road)

**UTILITIES:**

There will be no new utilities associated with the use.

**I. NARRATIVE OF REQUEST:**

1. The applicant is seeking modifications to the special use permit. The modifications include:
  - a. Mine expansion of 0.9 acres. The expansion area includes an unexcavated buffer for the haul road and stockpile of materials. In addition new excavation area is proposed near the existing private road.
  - b. Reduction in setback along the western property line and a portion of the northern property line.
  - c. Removal of permit condition 2 which places a restriction on mine size. This is being removed to allow staff to approve expansions of the mine up to 40% of the total tract as allowed by the UDO.
2. The existing operation (cumulative total of 13.8 acres including all phases) was approved by the Board of Commissioners on October 4, 2004. The permit is valid for ten years. The Board of Commissioners, at request of the applicant, can grant the UP for ten years from the date of the approval.
3. The mining operation has maintained compliance with the state permits and the county special use permit for the past five years.

**II. USE PERMIT REVIEW STANDARDS:**

**Use Permit Criteria and Staff Findings:**

Although, this request is a modification of the existing Special Use Permit, this application is being reviewed under the current standards that require a Use Permit. 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 staff findings of fact are outlined as follows:

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

**Staff Findings:**

- a. The 0.9 acre expansion of the 14.7 acre existing mining operation should have little or no additional impact on public health or safety.
- b. The site will be posted for "No Trespassing" every 250 feet.

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.

**Staff Findings:**

- a. The existing mining activities have been operational for the past 19 years.
- b. The surrounding land uses include farmland, undeveloped properties, Dominion Power transition site and low density residential.
- c. The UDO permits mining operations in the Agricultural zoning district with a use permit.

3. The use will be in conformity with the Land Use Plan or other officially adopted plan.

**Staff Findings:**

The 2006 Land Use Plan classifies this site as Limited Services within the Point Harbor subarea. The policy emphasis of the Point Harbor subarea is to allow the area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and natural features that make the area so attractive. The proposed use is in keeping with the policies of the plan, some of which are:

- a. The 2006 Land Use Plan classifies this site as Limited Services within the Point Harbor subarea. The proposed expansion is in keeping with the policies of the plan, such as:

Policy ID8: MINING ACTIVITIES, or secondary impacts of mining activities not subject to permit approval by the State of North Carolina, may be subject to review and management by Currituck County. Activities to be addressed may include, but not be limited to, the adequacy of roads serving the mine site, visual impacts during operation and after closing of the mine site, noise and dust considerations, etc.

- b. The UDO permit extractive industries in the Agricultural (AG) district with the issuance of a use permit.

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. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

**Staff Findings:**

- a. The proposed mine expansion will have no impact on schools.
- b. The county should have adequate public facilities to service this subdivision.

### **III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following plan corrections: (Cross through text is to be removed and underlined text is to be added)

1. If at any time the State permit issued for this mining operation is suspended or revoked, the suspension or revocation shall cause this Special Use Permit to become void.

2. ~~No more than 30% of the total tract, or 13,83 acres, tract shall be excavated at any given time during the mining operation and after completion. The permit is allow the mining of Phase 2 for a total of 6.90 acres.~~
3. Any modifications to the State permits shall be filed within 10 working days of issuance or submittal in the Planning/inspections Department of Currituck County.
4. This special use permit shall be valid for a period of ten years from the date of permit issuance. granted. The Planning Director may, upon receiving a written request for extension, grant an extension not to exceed ten years provided the existing mine has maintained compliance with all applicable state and local regulations
5. The maximum dewatering depth shall be 25' below natural ground or an elevation of -16' below mean sea level.
6. The maximum mining depth shall be 34' below natural ground or an elevation of -25' below mean sea level.
7. A benchmark shall be set proximate to the new mining area to establish the elevation of the natural ground. The benchmark location shall be shown on the mining site plan.
8. The hours of operation of all mining related activities on this site, as determined by the Currituck County Board of Commissioners shall be Monday through Friday from 7 am to 5 pm, Saturday 7 am to 5pm, and no mining activity shall occur on Sunday.
9. No mining activity shall take place in the 120' VEPCO power easement until a written agreement has been reach. The agreement shall be filed within 10 working days of the issuance with the Planning/Inspections Department of Currituck County.
10. Mined materials shall not be stored in excess of 25' in height.
11. All roads utilized to access the mining site shall be maintained free of dust and sediment and shall be properly graded and drained.
12. All trucks hauling mined materials shall be covered with a tarpaulin.
13. Stockpile areas and overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion.
14. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on the site.
15. Off-site discharging of water from the mine site is permitted under this permit. The County may take random samples and have the results tested for settleable solids, turbidity, and pH at the operator's expense. Such testing shall not exceed six tests per year.
16. "No Trespassing" signs shall be posted around the site being mined at a minimum distance of 250 feet apart indicating that a mining operation is being conducted on the property.
17. Reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning/Inspections Department of Currituck County within 10 days of being filed with the State.
18. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation.
19. All provisions of State and local permits issued for the operation shall be met.
20. No mining activities shall adversely affect surrounding in use wells. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply or equal quantity and quality.
21. A reserve fund shall be established, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future lake use of the property. At a minimum, the estimated capital expense shall be an amount equal to \$1,000 times the number of acres in the total site. The reserve fund shall include an assumed inflationary

rate of 5% per year for the expected life of the mining site. Any funds held by the State of North Carolina pursuant to G.S. 74-54 will be credited towards the required amount.

22. The owner shall place funds in the reserve annually in amounts equal to the capital cost estimates provided above divided by the number of years the mining site will be open.
23. The annual amount shall be calculated as follows:

$$46.1 \text{ acres} \times \$1,000 = \$46,100 - \$11,900 \text{ State Bond} = \$34,200$$

$$\$34,200 / 10 \text{ years} = \$3,420;$$

Year + 5% Inflationary Rate:

Year 1	\$3,420.00
Year 2	\$3,580.50
Year 3	\$3,759.53
Year 4	\$3,947.50
Year 5	\$4,144.88
Year 6	\$4,352.12
Year 7	\$4,569.73
Year 8	\$4,798.21
Year 9	\$5,038.12
Year 10	\$5,290.03

24. The first payment shall be made prior to commencement of excavation activities and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the administrator. Such evidence shall be submitted annually, along with the total balance of reserve funds, to the administrator on or before the anniversary of the initial notarized statement. In the event the mining operation permanently discontinues before the expected timetable submitted, the owner shall pay all remaining amounts to the reserve fund as evidenced by a notarized statement to the administrator.
25. The reclamation shall be in accordance with the state approved reclamation plan.
26. Should any conditions within this permit conflict with any other permit issued for this activity, then the more restrictive condition shall prevail.
27. That warning signs noting "Truck Entering Highway" be posted on Caratoke Highway before Griggs Acres Road.

#### **IV. PLANNING BOARD RECOMMENDATION:**

Mr. Bell moved to approve PB 94-18 with the findings of fact and technical review recommendations included in the case analysis and the following condition:

- Extend the use permit 10 years.

Mr. Clark seconded the motion. Motion carried unanimously.

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

Mr. Thompson talked about the operations and is requesting the use permit be extended for 10 years.

**PLANNING BOARD ACTION**

Mr. Bell moved to approve PB 94-18 with the findings of fact and technical review recommendations included in the case analysis and the following condition:

- Extend the use permit 10 years.

Mr. Clark seconded the motion. Motion carried unanimously.

Chairman O'Neal opened the Public Hearing.

Mr. Thompson, the applicant, asked that the permit be amended to change hours of operation to read from dawn to dusk. He would not be operating on Saturday during the peak tourist season and never on Sundays.

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

Commissioner Gilbert moved to approve PB 94-18 with the staff findings and recommendations included in the case analysis plus approval of operating dawn to dusk, no Saturday operations during the summer season and no Sunday operations. Commissioner McCord seconded the motion. Motion carried unanimously.

**New Business****A) Board Appointments:****1. Appointment to ABC Board**

Commissioner Petrey moved to nominate Gary Barco. Commissioner Gilbert seconded the motion. Motion carried unanimously.

**B) Consent Agenda:**

1. Approval of August 19, 2013 Minutes
2. Budget Amendments
3. Resolution - Surplus 2005 Jeep from Inspections
4. Resolution approving Currituck County to use Raymond James to broker investments
5. CDBG Monthly Status Report
6. Proclamation for Literacy Month

Commissioner Martin moved to approve the Consent Agenda. 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 Expense	Increase Revenue or Decrease Expense
10540 557000	Refunds	\$ 1,642	
10340 454000	Building Permits		\$ 1,642
		<u>\$ 1,642</u>	<u>\$ 1,642</u>

**Explanation:** *Inspections (10540)* - Increase appropriations to refund building permit issued in prior fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,642.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
14460 545000	Contract Services Fund Balance	\$ 120,000	
14390 499900	Appropriated		\$ 120,000
		<u>\$ 120,000</u>	<u>\$ 120,000</u>

**Explanation:** *Carova Beach Service District (14460)* - Increase appropriations to carry-forward funds from prior fiscal year for service district improvements.

**Net Budget Effect:** Carova Beach Service District Fund (14) - Increased by \$120,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		<u>Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
20609 590000	Capital Outlay Fund Balance	\$ 1,682,000	
20390 499900	Appropriated		\$ 1,682,000
		<u>\$ 1,682,000</u>	<u>\$ 1,682,000</u>

**Explanation:** *Whalehead Subdivision Drainage Dist (20609) - Carry-forward funds for completion of Phases 1-4 of drainage project.*

**Net Budget Effect:** Whalehead Subdivision Drainage District (20) - Increased by \$1,682,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		<u>Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50512 596100	Professional Services T F - Capital	\$ 60,000	
50390 495040	Improvements		\$ 60,000
		<u>\$ 60,000</u>	<u>\$ 60,000</u>

**Explanation:** *Animal Shelter Construction (50512) - Increase appropriations for the design portion of contract with Virtexco for design and construction of the animal shelter.*

**Net Budget Effect:** County Governmental Facilities (50) - Increased by \$60,000.

<u>Account Number</u>		<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
			<u>Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50795	590001	Signage	\$ 200,000	
50380	481000	Investment Earnings		\$ 200,000
			<u>\$ 200,000</u>	<u>\$ 200,000</u>

**Explanation:** *YMCA/Recreation/Maple Commerce Park (50795) - Increase appropriations for signage for the Maple Community Center & Commerce Park properties.*

**Net Budget Effect:** County Governmental Facilities (50) - Increased by \$200,000

**RESOLUTION**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on September 3, 2013 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sold at auction, on Gov Deals or by advertised sale:

Asset Tag	Description	Serial Number
6002	2005 Jeep	1J4GR48K95C651855

**PROCLAMATION**

**WHEREAS**, the need for a literate citizenry in Currituck County has increased with the expanded labor market; and

**WHEREAS**, many Currituck County citizens experience literacy issues that impact severely on their lives and families, their ability to work productively, and their full participation as citizens and residents of our State; and

**WHEREAS**, the 2000 Census showed 20 percent of North Carolina’s adult population had not completed high school; and according to the North Carolina Literacy Association, North Carolina’s community colleges, literacy councils, libraries and community-based organizations provided basic skills and literacy services to 162,000 people across the State in 2004-2005; and

**WHEREAS**, Currituck County Libraries and the College of the Albemarle provide guidance and resources to those wishing to improve literacy in their own or someone else’s life; and

**WHEREAS**, the promotion of a literate population should be a primary goal of every governmental unit; and

**NOW, THEREFORE, BE IT PROCLAIMED** that September 2013 is proclaimed as “NATIONAL LITERACY MONTH” in Currituck County, and all fellow citizens are challenged to become invested in making the eradication of illiteracy in Currituck County a reality.

**C) Commissioner’s Report**

Commissioner McCord congratulated the Currituck County High School football team on two wins so far.

Chairman O’Neal noted Commissioner Aydlett was absent due to illness.

Chairman O’Neal directed County Manager Scanlon to make a presentation at the next meeting on the various types of revenue sources received by the County and how they may be used for capital projects.

**D) County Manager’s Report**

No report.

**Special Meeting**

There being no further business, Commissioner Martin moved to adjourn the regular meeting and reconvene as the Tourism Development Authority. Commissioner Gilbert seconded the motion. Motion carried unanimously.

**Tourism Development Authority**

**A) Budget Amendments**

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545006	Hist Jburg Colored School	\$ 11,000	
15320-415000	Occupancy Tax		\$ 11,000
		\$ 11,000	\$ 11,000

**Explanation:** Occupancy Tax - Tourism Related (15447) -Increase appropriations for operating costs associated with the Historic Jarvisburg Colored School.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$11,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545001	Beach Services	\$ 49,284	
15447-545002	Historic Preservation	\$ 326,380	
15447-592000	Whalehead Club	\$ 89,528	
15390-499900	Fund Balance Appropriated		\$ 465,192
		\$ 465,192	\$ 465,192

**Explanation:** Occupancy Tax - Tourism Related (15447) - Carry-forward funds from prior fiscal year for projects in process as follows:

<u>Prior Year PO</u>	<u>Description</u>	<u>Amount</u>
20131235	Ocean Rescue	\$ 49,284
20130359	Whalehead dredging	\$ 29,492
20130361	Whalehead dredging	\$ 34,325
20130377	Whalehead dredging	\$ 25,711
20130364	Historical Overviews Manuscript	\$ 1,500
20130373	Historical Overviews Manuscript	\$ 4,000
20130379	Historical Overviews Manuscript	\$ 3,000
20130791	Prelim proposal for book design	\$ 27,777
20130792	1500 copies of historical book	\$ 16,337
20131414	Historic Colored School	\$ 9,321
	Funding for Jarvisburg School and Historic Jail	\$ 264,445
		\$ 465,192

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$465,192.

**Adjourn**

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

**Closed Session**

Closed Session pursuant to G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of industry or businesses within the county. **DELETED**