CURRITUCK COUNTY
NORTH CAROLINA
April 21, 2014

The Board of Commissioners met in the Historic Courthouse Conference Room at 6:00 PM for a work session with Holly White, Senior Planner, for a presentation on the Corolla Village Circulation and Wayfinding Plan.

The Board of Commissioners met at 7:00 PM 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, Gilbert, Griggs, McCord and Petrey.

Chairman O'Neal called the meeting to order at 7:00 PM and announced that the Board had met in a work session at 6:00 PM on Corolla Village Circulation and Wayfinding.

## A) Invocation

Reverend, Jeremai Byrd, Old Paths Baptist Church, gave the invocation.

## B) Pledge of Allegiance

Reverend Jeremai Byrd, Old Paths Baptist Church, led the Pledge of Allegiance.

## C) Approval of Agenda

Chairman O'Neal amended the agenda to delete the Presentation of the June 30, 2013 audit. Commissioner Aydlett moved to approve the agenda as amended. Commissioner Petrey seconded the motion. Motion carried unanimously.

**APPROVED AGENDA**

**Work Session**

6:00 PM Corolla Village Circulation and Wayfinding Plan

**7:00 pm Call to Order**

A) Invocation- Reverend Jeremai Byrd, Old Paths Baptist Church
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) **Presentation of the June 30, 2013 audit**~~ **POSTPONED**

**Public Hearings**

A) **Public Hearing and Action:** PB 14-04 Currituck County - Multi-Family Development Review Process: Request to amend the Unified Development Ordinance to require multi-family development to be within a conditional zoning district.

**Old Business**

A) **Consideration and Action:** PB 13-17 Moyock Crossing: Request for preliminary plat/use permit for a 76 lot conservation subdivision located in Moyock on the north side of Shingle Landing Road, approximately 260 feet east of Fox Lane and along Shingle Landing Creek, Tax Map 9, Parcel 41, Moyock Township.

B) **Consideration and Action:** Moyock Small Area Plan: Examines unique issues, concerns, and hopes of the community and works to establish public policy that accomplishes the vision cast in this plan.

**New Business**

A) **Consideration of Ordinance Amendment to Allow Certain Commercial and Governmental Activities Involving Motor Vehicles on the Beach Strand and Foreshore from the Dare County Line to the North Beach Access Ramp between May 1 and September 30.**

B) **Consideration of Ordinance Amendment to Make Certain Changes to Outdoor Tour Operator Regulations and Provide for Violation as a Civil Offense.**

C) **Consent Agenda:**

1. Approval of April 7, 2014, Minutes
2. Budget Amendments
3. Approval of Job Description for Manager, Business Development and Airport Operations
4. Kitty Hawk Kites Combined Concession-Lease
5. Petition to NC Department of Transportation to Add Ruddy Lane to State System for Maintenance
6. Approval of Radio Equipment Purchase by Knotts Island Volunteer Fire Department
7. Approval of Advance to Moyock Volunteer Fire Department for Air paks

D) Commissioner's Report

E) County Manager's Report

**Special Meeting**

**Tourism Development Authority**

A) TDA Budget Amendments Adjourn

**Closed Session**

Closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and pursuant to
N.C. Gen. Stat. §143-318.11(a)(5) to establish or to instruct the public body's staff concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of interest in real property by purchase, option, exchange, or lease held by Carolina Water Services of North Carolina, Inc., located at 1100 Club Road, Corolla, NC, for any public purpose.

Adjourn

## D) Public Comment

Chairman O'Neal opened the Public Comment period.

Mary Etheridge, Shawboro, stated that on December 5, 2011, the Board of Commissioners approved a junkyard on 1.1 acres of land in Shawboro. Even though all agencies felt it was a bad idea, they were ignored. She was on a campaign to make the Commissioners think before doing this again and hopes they would follow staff's advice and treat everyone fairly. She stated she loves Currituck County, and it has hurt her feelings to be treated this way by her County Commissioners.

John Murray, Coinjock, on behalf of the Coinjock Ruritan Club, complained about the number of applications and trips to the school and county offices to get approvals to hold a special event. There was discussion about the application forms, some of which are on line, and staff was to look into streamlining the process.

Rick Bell, Moyock, praised the recent theater performance at the high school, expressing his observation of the professionalism of all who had a part in the production. He complimented the Commissioners on their level of support for the schools.

Eddie Hyman, Camden, gave a report on the status of negotiations with the railroad concerning NC Department of Transportation accepting Moyock Landing Road for state maintenance. He stated the Railway Division had approved it as well as Norfolk and Southern. Genesee and Wyoming Railroad company was reviewing it and, if approved, NCDOT could take it over.

Barry Richman and Sylvia Wolff, Corolla, representing Corolla Ocean Rescue, came to the meeting to dispel rumors concerning an accident involving an Ocean Rescue vehicle and personnel. Ms. Wolff described events which she stated were all documented. The Highway Patrol was investigating. There had been no cover up and the individuals involved were being dealt with internally. The vehicle use policy was being revised and the radio purchased by the County would be replaced by Ocean Rescue. Mr. Richman stated the rumors hurt the reputation of their organization which they have spent years building. He would forward a copy of the accident report, when available, to the County Manager.

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

## Administrative Reports

**~~A) Presentation of the June 30, 2013 audit~~**

This item was postponed.

## Public Hearings

A) **Public Hearing and Action: PB 14-04 Currituck County - Multi-Family Development Review Process: Request to amend the Unified Development Ordinance to require multi-family development to be within a conditional zoning district.**

Ben Woody, Planning and Community Development Director, reviewed the amendment. He noted staff recommended approval of the amendment and the Planning Board recommended denial.

On behalf of the Board of Commissioners, Currituck Planning & Community Development submits the following request to amend to the Unified Development Ordinance. The proposed amendment will modify the review process for multi-family developments including mansion apartments and townhouses.

Currently, multi-family developments are approved administratively within the Mixed Residential (MXR) zoning district, Community Center (CC) district, and Village Center (VC) district. The county contains approximately 251 acres of land zoned MXR, and zero acres zoned CC or VC.

Additionally, the CC and VC districts can only be established in areas of the county containing a small area plan. Multi-family developments are allowed within planned developments through the approval of a master plan.

This proposed amendment would require multi-family developments to be within a conditional zoning district. This would allow for the developer, staff, Planning Board, and Board of Commissioners to address any impacts on the community expected to be generated by the development and place appropriate conditions on the zoning district.

Staff recommends approval of this request as it:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan, specifically:

   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 HN2: Currituck County recognizes that large-lot mini-estates (i.e. 5 to 10 acres) consume large amounts of land, often without economic purpose. Estate lots having no relationship to agriculture or other resource-based activities promote sprawl and make the provision of infrastructure and services very costly. The County shall therefore encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING techniques.

   POLICY HN4: Currituck County shall discourage all forms of housing from "LEAPFROGGING" INTO THE MIDST OF FARMLAND and rural areas, thereby eroding the agricultural resource base of the county.

2. Would improve compatibility among uses and ensure efficient development in the county; and
3. Would result in a logical and orderly development pattern.

The Planning Board ***recommended denial*** of PB 14-04 at their March 11, 2014 meeting.

**PLANNING BOARD DISCUSSION** ***(3-11-14)***

Mr. Cooper said his concern is affordable housing in the Mixed Residential (MXR) zoning district, and changing the property rights of people who currently own property in the MXR zoning district. This text amendment would add another level that would make it harder to promote multi-family developments and affordable housing.

Staff provided an overhead map which showed where the MXR zoning districts located in the county.

Mr. Clark said he wished he had more information from the Board of Commissioners (BOC) as to why the commissioners requested this text amendment. Mr. Clark asked if this request should be tabled so staff could check with the BOC.

Mr. Woody said he could go to the county manager and ask why the commissioners requested the text amendment. Mr. Woody said if the board feels uncomfortable in making a recommendation, the board could recommend this conditional zoning is appropriate, but it shall not apply to the existing acreage.

Mr. Cooper said the MXR zoning districts were to make the process more streamlined to do multi-family developments in order to promote affordable housing in the county.

**PLANNING BOARD ACTION**
Mr. Cooper moved to deny PB 14-04 due to the current Unified Development Ordinance that the MXR zoning district was designed to streamline process for the approval and construction of multi-family projects in order to promote affordable housing and affordable rent in the area. Mr. Craddock seconded the motion. Ayes: Mr. Bell, Mr. Cooper, Ms. Bell, Ms. Overstreet, Mr. Clark, Mr. Cartwright, and Mr. Craddock. Nays: Ms. Newbern.

**Multi-Family Development**
**UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 2: Administration, and Chapter 4: Use Standards, to modify the review process for multi-family development.

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 Chapter 2: Administration is amended by adding the following underlined language and renumbering accordingly:

## 2.4.4 Conditional Rezoning

### A. Purpose

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish conditional zoning districts. In cases where the standards of a general use zoning district are inadequate to ensure that development allowed by the district will conform to the county's adopted plans or to appropriately address the impacts expected to be generated by

development, a landowner may apply for a conditional rezoning. The conditional zoning district that is equivalent to a corresponding general use zoning district, but is subject to additional conditions or restrictions that the applicant and county mutually agree are necessary to ensure conformance to adopted plans and adequately address expected development impacts.

B. Uses Allowed Subject to a Conditional Zoning District Classification

Specific uses may require a conditional zoning district classification to appropriately address the impacts on the community expected to be generated by the development. Uses requiring a conditional zoning district classification are not allowed in the corresponding base zoning district.

**Item 2:** That Section 4.1 Use Table is amended by adding the following underlined language and renumbering accordingly:

A. General

(1) Table 4.1.1, Summary Use Table, lists use types and indicates whether they are allowed by right, allowed with a use permit, allowed in a conditional zoning district, allowed in a planned development zoning district, or prohibited in a zoning district. The use table also includes references to any additional requirements or regulations applicable to the specific use type.

E. Uses Allowed Subject to a Conditional Zoning District Classification

A "CZ" in a cell of the use table indicates that the corresponding use category or use type is only allowed within a parallel conditional zoning district of the corresponding base zoning district, subject to compliance with use-specific regulations set forth in the final column of the table, and any conditions imposed as part of the conditional rezoning. Uses subject to a conditional zoning district are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 3: Zoning Districts, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

## H. Uses Restricted or Prohibited by Overlay Zoning District

Regardless of whether the use table identifies a particular use type as requiring a zoning compliance permit, use permit, or allowed subject to a conditional zoning district classification or planned development district classification, the use type may be restricted or prohibited, or subject to more restrictive additional requirements, in accordance with applicable sub-district or overlay district provisions in Chapter 3: Zoning Districts.

### TABLE 4.1.1: SUMMARY USE TABLE

~~PROPOSED UDO PROCEDURE:~~ Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan; CZ = Allowed in a Conditional Zoning District blank cell = Prohibited

| Use Category | Use Type | Zoning District (~~Current District in Parenthesis~~) [Note: Overlay or Sub-District Requirements May Further Limit Uses] | | | | | | | | | | | | | | | | Additional Req. (4.2.___) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | RC | AG | SFM | SFO | SFR | SFI | MXR | GB | LB | CC | VC | LI | HI | PD-R | PD-M | PD-O | |
| **Residential Use Classification** | | | | | | | | | | | | | | | | | | |
| Household Living | Dwelling, duplex | | | Z/U | | | | Z | | | Z | Z | | | MP | MP | MP | 2.A.1 |
| | Dwelling, live/work | | | | | | | Z | Z | Z | Z | Z | | | MP | MP | MP | 2.A.2 |
| | Dwelling, mansion apartment | | | | | | | ~~Z~~ CZ | | | Z | Z | | | MP | MP | MP | 2.A.3 |
| | Dwelling, manufactured home (class A) | | Z | Z | | | Z | Z | Z | | | | | | | | | 2.A.4 |
| | Dwelling, manufactured home (class B) | | Z | Z | | | Z | Z | Z | | | | | | | | | 2.A.4 |
| | Dwelling, multi-family | | | | | | | ~~Z~~ CZ | | | Z | Z | | | MP | MP | MP | 2.A.5 |
| | Dwelling, single-family detached | | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | | | MP | MP | MP | |
| | Dwelling, townhouse | | | | | | | ~~Z~~ CZ | | | Z | Z | | | MP | MP | MP | 2.A.5 |
| | Dwelling, upper story | | | | | | | Z | Z | Z | Z | Z | | | MP | MP | MP | 2.A.6 |
| Group Living | Dormitory | | | | | | | Z | Z | U | Z | Z | | | | MP | | 2.B.1 |
| | Family care home | | | Z | Z | Z | Z | Z | Z | Z | Z | Z | | | MP | MP | MP | 2.B.2 |
| | Rooming or boarding house | | | | | | | Z | Z | | Z | Z | | | MP | MP | MP | 2.B.3 |

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

Commissioners explained this ordinance amendment was citizen driven. Conditional zoning requests would come to the Board of Commissioners. Each request would stand on its own merit. Compatibility would be a major issue.

Mr. Woody noted this would give the Commissioners opportunity for review and consideration of services and amenities.

Chairman O'Neal opened the Public Hearing.

There being no comments, he closed the Public Hearing.

Commissioner Martin moved to approve PB 14-04 due to its consistency with the Land Use Plan and that the request is reasonable and in the public interest, improves compatibility among different land uses, and results in an orderly development pattern. Commissioner McCord seconded the motion. Motion carried with Commissioner Petrey voting no.

## Old Business

A) **Consideration and Action: PB 13-17 Moyock Crossing: Request for preliminary plat/use permit for a 76 lot conservation subdivision located in Moyock on the north side of Shingle Landing Road, approximately 260 feet east of Fox Lane and along Shingle Landing Creek, Tax Map 9, Parcel 41, Moyock Township.**

Sworn testimony was given prior to making comments.

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

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: April 21, 2014
PB 13-17 Moyock Crossing

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**ITEM:** PB 13-17 Moyock Crossing preliminary plat/use permit for 76 residential lots in a conservation subdivision.

**LOCATION:** Moyock: located on the north side of Shingle Landing Road, approximately 260 feet east of Fox Lane, and along Shingle Landing Creek, Moyock Township

**TAX ID:**0009-000-0041-0000

**ZONING DISTRICT:** Single Family Mainland (SFM)

**PRESENT USE:** Woodland/Farmland

**OWNER:** Gee's Group of North Carolina, Inc.
770 Lynnhaven Parkway, #160
Virginia Beach, VA 23452

**APPLICANT:** Hyman & Robey, PC
150 US HWY 158
PO Box 339
Camden, NC 27921

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

| | Land Use | Zoning |
|---|---|---|
| **NORTH:** | Low density residential | SFM/GB |
| **SOUTH** | Low density residential/auto service/storage | GB |
| **EAST:** | Shingle Landing Creek/Low density residential | SFM |
| **WEST:** | Low density residential | AG/CD-SFM |

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

**SIZE OF SITE:** 58.16 acres
47.68 acres - Full Service
10.48 acres - Rural

**NUMBER OF UNITS:** 76 lots

**PROJECT DENSITY:** 1.30 units – overall density

**OPEN SPACE:** 23.26 Acres Required
24.41 Acres Provided
20.84 acres primary conservation
3.57 acres secondary conservation

**UTILITIES:** The proposed lots will be served by county water. The developer also proposes to install the necessary infrastructure to connect to the county wastewater system.

**RECREATION AND PARK AREA:** The required park area dedication is 1.94 acres. The TRC requests a payment in lieu of the dedication. The payment, based on the current tax value, is $10,710.70 and must be paid prior to final plat approval.

**I. NARRATIVE OF REQUEST:**

- The applicant is requesting preliminary plat/use permit approval of a 76 lot residential conservation subdivision.
- On November 4, 2013, the Board of Commissioners denied a text amendment to allow street intersections to be spaced 200 feet apart. The applicant redesigned the subdivision to meet the current UDO requirements.
- All lots are proposed to be served by county water and wastewater.
- The proposed development will provide street interconnection with Shingle Landing subdivision.
- The applicant submitted a traffic impact analysis and a revised drawing indicating the following changes:

- A reduction in the proposed total number of lots from 90 residential lots to 76 residential lots;
- An increase in the average lot size; and,
- A reduction in the recreational equipment storage area from 8 spaces to 4 spaces (due to the reduction in the total number of lots).

**II. USE PERMIT REVIEW STANDARDS:**
**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 staff findings of fact are outlined as follows:

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

**Staff Findings:**

a. The subdivision should have little to no negative 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.

**Staff Findings:**

a. As proposed, the minimum lot size is 12,000 square feet (0.28 acre) with an average size of 16,327 square feet.
b. Proposed lots adjacent to Fox Run and Shingle Landing Farms subdivisions shall have a minimum 125 feet of road frontage.
c. A 10 foot evergreen buffer will be provided between the proposed subdivision and Fox Run and Shingle Landing Farms subdivisions.

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 Full Service and Rural within the Moyock subarea. Insert LUP classification narrative. 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 TR7: A system of LOCAL CONNECTOR ROADS shall be identified and implemented to allow local traffic to move in a north-south direction without having to use and further burden US 158.

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.

**Staff Findings:**

a. Based on the student generation rates, this subdivision will generate the following students:
   i. 19 elementary students
   ii. 6 middle school students
   iii. 11 high school students
b. The proposed development will not exceed the county's ability to provide adequate public facilities

## III. COMPATIBILITY ANALYSIS (requested by the Board of Commissioners)

At the January 6, 2014 Board of Commissioners meeting, the board requested staff to complete an analysis of surrounding development patterns.

Development Patterns

- The development patterns of improved residential lots (2012 data) were analyzed based on the lot sizes within one-half mile and one mile of the proposed development, as well as Moyock Township.

  - ½ Mile of Moyock Crossing

| Lot Size | Number of Lots (315) | Percentage |
|---|---|---|
| ½ acre or less | 67 | 21% |
| ½ - 1 acre | 196 | 62% |
| 1-2 acres | 40 | 13% |
| 2-3 acres | 6 | 2% |
| 3+ acres | 6 | 2% |

  - 1 Mile of Moyock Crossing

| Lot Size | Number of Lots (595) | Percentage |
|---|---|---|
| ½ acre or less | 80 | 13% |
| ½ - 1 acre | 349 | 59% |
| 1-2 acres | 108 | 18% |
| 2-3 acres | 23 | 4% |
| 3+ acres | 35 | 6% |

  - Moyock Township

| Lot Size | Number of Lots (2241) | Percentage |
|---|---|---|
| ½ acre or less | 572 | 26% |
| ½ - 1 acre | 924 | 41% |
| 1-2 acres | 367 | 16% |
| 2-3 acres | 108 | 5% |
| 3+ acres | 270 | 12% |

Traffic

- The following table illustrates the Annual Average Daily Traffic (AADT) volumes for intersections located near Moyock Crossing.
- The development analysis prepared by Hyman and Robey estimates 552 daily trips at build-out of Moyock Crossing.

  - NCDOT AADT

| Location | 2012 AADT | Capacity |
|---|---|---|
| 168 N of Shingle Landing Road intersection | 19,000 | 37,600 |
| 168 S of Shingle Landing Road intersection | 21,000 | 37,600 |
| 168 S of Tulls Creek Road intersection | 17,000 | 37,600 |
| Camelia Road W of Shingle Landing Road intersection | 380 | N/A |
| Tulls Creek Road E of Shingle Landing Road intersection | 4,200* | 8,000* |

*2011 NCDOT AADT data

Stormwater

- According to Mike Doxey, Soil Conservation, there are no additional stormwater concerns based on the proposed development being adjacent Shingle Landing Creek, which provides a drainage outlet. In addition the soils within the development do not present drainage concerns.

## IV. TRAFFIC IMPACT ANALYSIS (requested by the Board of Commissioners)

At the request of the Board of Commissioners, VHB Engineering NC prepared a traffic impact analysis based on 90 single family homes. The TIA indicates the proposed development is projected to have minimal impact on the traffic operations on the surrounding roadway network and intersections. However, the following improvements are recommended:

- Crossing Avenue

Crossing Avenue is a future collector road connecting Moyock Landing Drive to Shingle Landing Road. The proposed development will be accessed via three driveways along Crossing Avenue. Crossing Avenue will be a two-lane roadway with one travel lane in each direction.

- Moyock Landing Drive and Crossing Avenue
  - Construct the northbound Crossing Avenue to provide for one ingress lane and one egress lane.
  - Stripe the eastbound Moyock Landing Drive approach to provide a shared through/right-turn lane.
  - Stripe the westbound Moyock Landing Drive approach to provide a shared left-turn/through lane.
- SR 1516 (Shingle Landing Road) and Crossing Avenue
  - Construct the southbound Crossing Avenue to provide for one ingress lane and one egress lane.
  - Stripe the eastbound Moyock Landing Drive approach to provide a shared left-turn/through lane.
  - Stripe the westbound Moyock Landing Drive approach to provide a shared through/right-turn lane.
- Crossing Avenue and Access #1 (Hidden View Loop)
  - Construct Access #1 to provide for one ingress lane and one egress lane (shared left/right-turn lane).
- Crossing Avenue and Access #2 (Hidden View Loop)
  - Construct Access #2 to provide for one ingress lane and one egress lane (shared left/right-turn lane).
- Crossing Avenue and Access #3 (First View Way)

- Construct Access #3 to provide for one ingress lane and one egress lane (shared left/right-turn lane).

## V. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends conditional approval of the revised 90-lot preliminary plat. The Technical Review Committee must review the revised plan reducing the number of lots to 76 as well as any changes to the development. The TRC recommended conditional approval (90-lot plan) with the following corrections (based on the resubmitted plan):

1. Please contact James Mims regarding the fire hydrant placement. The proposed spacing appears to be greater than 1000 feet. *(Staff commentary: The fire marshal's office is reviewing the revised plan)*.
2. The proposed drainage plan does not include lot line swales which are required by the UDO. However, there may be alternative methods for lot line swales that must be approved by the county engineer. A swale does not appear to extend along the western property line of lots 1-9 and lots 49-50 (entirely). Please clarify how the drainage will be handled on these lots. *(Staff commentary: Engineering has reviewed the revised plan and has no comments)*.
3. The Water Department has requested an upsized waterline of 10" to be installed on "Crossing Avenue" from Moyock Landing Drive to Shingle Landing Road. A license agreement based on a certified engineering proposal must be submitted. *(Staff commentary: Public utilities has reviewed the revised plan and approved)*.
4. Please indicate the riparian buffer zones on the plan. *(Staff commentary: The revised plan illustrates the riparian buffer)*.
5. Since lots are now located along Crossing Avenue, sidewalks must be provided on both sides of the proposed street. *(Staff commentary: See Planning Board recommendation)*.
6. Please clarify the installation of improvements for Crossing Avenue and the proposed phasing plan. *(Staff commentary: Phasing plan was corrected on revised plan)*.
7. All corner lots (lots 10, 42, 70, 71, and 96) shall include a five foot non-ingress/egress easement along the lot line bordering the more heavily travelled street.
8. With the increase in the number of lots, one additional (9 total) recreational equipment storage space shall be provided. *(Staff commentary: The revised plan reduced the total number of lots to 90)*.
9. The proposed fenced storage area shall be landscaped and indicated on the construction plans.
10. Utility easements shall be indicated on the preliminary plan.
11. Please clarify the function of the narrow strip of open space located behind many of the lots. The plan appears to create an area that may become a maintenance concern and not a functional area of open space.
12. The revised plan now indicates proposed lots located along Fox Run and Shingle Landing Farm property lines. As many as three lots now abut one existing residential lot to the west. Although the proposed development is consistent with the density allowed under the UDO, the development of lots 1-9 and 49-50 appear to not be consistent with one of the use permit criteria. Specifically, the criteria states, "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". By developing as many as three lots that abut one residential lot does not appear to be in harmony with the subdivisions in the area. Efforts must be made to mitigate the impacts of the lots along the existing subdivisions. *(Staff commentary: The revised plan illustrates lots adjacent to Fox Run and Shingle Landing Farm subdivision have a minimum lot width of 125')*.

The TRC and staff recommend conditional approval subject to the following permit conditions (revised April 15, 2014):

1. The revised preliminary plat shall be resubmitted to the Technical Review Committee and approved prior to issuance of the use permit.
2. Stormwater ponds for the development may not be located on individual lots unless an easement is provided for stormwater maintenance.
3. The development density shall not exceed 2 units per acre.

4. An elevated boardwalk shall be provided that connects the pedestrian sidewalk system to Shingle Landing Creek.
5. With the exception of the two wetland crossings (street/sidewalk and the elevated water access to Shingle Landing Creek) all wetlands on the property shall remain undisturbed.
6. The recommended roadway improvements identified in the traffic impact analysis prepared by VHB Engineering NC, PC dated April 4, 2014 shall be incorporated into the construction plans and installed prior to final plat approval of the appropriate phase.
7. To minimize the dissimilarity of the lot sizes in Moyock Crossing the subdivision plan shall incorporate one or a combination of the following options:
   a. An adequate open space buffer must be provided between the proposed lots in Moyock Crossing and the existing residential lots in Fox Run and Shingle Landing Farms,
   b. Increased lot sizes consistent with the lots in Fox Run and Shingle Landing Farms, or
   c. Removal of lots along the western side of Crossing Avenue.

## VI. PLANNING BOARD RECOMMENDATION:

The Planning Board ***recommended approval*** of the preliminary plat/use permit with staff recommendations and the following conditions:

- Crosswalks are implemented at the intersections in order to prevent sidewalks in the wetlands.
- Continue sidewalks on both sides of the road on the north end of the subdivision.
- Reduce the number of lots on Fox Run from nine to five at 125 ft. lot width.
- Ten foot wide evergreen buffer at the back of the five lots and lots 49 and 50 that adjoin Fox Run and Shingle Landing Farms.
- An eight foot wide sidewalk installed along Crossing Avenue on one side of the street from intersection to intersection of internal streets.

**BOARD OF COMMISSIONERS *(2-17-14)***
When questioned about traffic count for Shingle Landing Road, Mr. Woody stated there was no information for that street in any NCDOT traffic studies for the past ten years.

Regarding Mr. Woody's statement that the area had been zoned residential since 2006, Chairman O'Neal questioned whether there was an existing SUP at the present time. Mr. Woody was not aware of one but would research it. Chairman O'Neal confirmed with Mr. Woody and Mr. McRee that, if a SUP had been approved, the Board would not be obligated to amend it.

Robin Currin, attorney for the applicant, cross-examined Mr. Woody regarding staff findings that the four factors had been met. Mr. Woody stated that was staff's conclusion. He also confirmed the rezoning was general use rezoning with no minimum number of lots; NCDOT considered the traffic numbers would not exceed capacity; and, if the subdivision were built to the UDO stormwater regulations, stormwater should not worsen current conditions. He also agreed that stormwater plans were not required to be reviewed at the preliminary plat/use permit stage.

Chairman O'Neal confirmed with Mr. McRee that the Board was to weigh all evidence presented, that it did not have to rely wholly on staff findings.

There was further discussion on traffic concerns.

Mr. McRee recognized Ms. Currin to present the applicant's case.

Ms. Currin reviewed the general requirements of the ordinance as well as the changes the applicant had agreed to make. She reminded the Board this was an application for a conservation subdivision which is

allowed under the County's UDO which allows 2 units per acre. The subdivision proposed 1.53 units per acre. The use permit was required because there are over 20 units proposed.

Ms. Currin indicated the applicant was agreeable to having a traffic study added as a condition for approval. She would be calling witnesses to testify to compliance with the four conditions.

Regarding new concessions being proposed as a result of the last hearing, the applicant would not connect to sewer through Shingle Landing. Since Shingle Landing was not agreeable to the cross-connection road, the applicant proposed dedicating that land to the County along with a bond to cover the cost of constructing the connector if the County chooses. Since there was concern about the size of lots adjacent to the existing subdivision, the number had been reduced to four, each lot to be at least a half acre. The buffer between the two subdivisions would be a planted buffer at least 15 ft. wide with trees expected to reach 20 ft. in height.

Ms. Currin reviewed the four conditions and explained they had been met. She noted the applicant wanted to build a good project as encouraged by the LUP and allowed by the UDO and had made changes because he had heard the community and was attempting to implement changes based on public comments.

Eddie Hyman, Hyman and Robey, stated the applicant had followed the UDO requirements up to this phase. Once the use permit is approved, other required permits may be applied for and the design phase will be submitted for review.

Ms. Currin requested Mr. Hyman to review the NCDOT driveway permit application process, which he did. Commissioners had several questions for Mr. Hyman regarding traffic safety and he indicated a traffic study would be performed. NCDOT would review the plans and make recommendations to facilitate the plan as proposed. Any recommendations by NCDOT would be implemented.

Ms. Currin called David Gianoscoli, one of the owners of the property and the developer, who indicated NCDOT traffic engineer assessment recommendations would be incorporated.

Commissioners still had concerns with traffic safety and density. Mr. Hyman noted that 2 units per acre was not considered high density.

Ms. Currin asked Mr. Hyman to confirm that 552 trips per day would not cause a traffic problem. Mr. Hyman responded it would not, according to NCDOT information.

Butch Boykin, Rose & Womble, Newport News, VA, was Ms. Currin's next witness. He talked briefly about his position with the company and the North Carolina subdivisions marketed by Rose & Womble. It was his opinion that the proposed project would be in harmony with the surrounding area and that the value of surrounding homes would not be harmed. He described the proposed homes and expected sales prices.

Chairman O'Neal asked if Mr. Boykin was a licensed appraiser. He responded he was an expert in sales and marketing.

Chairman O'Neal questioned Mr. McRee whether the Board should consider testimony only by a North Carolina licensed appraiser. Mr. McRee responded there are some cases that allow for real estate value testimony from a real estate agent.

Ms. Currin noted the law says it cannot be a lay witness. A real estate expert would be a competent witness.

Mr. Boykin stated he had 23 years' experience in sales and marketing and felt qualified to make statements about values. He responded to Commissioners' questions that he was not licensed in North Carolina and had not sold in North Carolina; however, his company had marketed several communities in Currituck County.

When asked if his company had a contractual agreement to market this subdivision, Mr. Boykin responded he hoped to.

David Gianascoli, owner/developer, distributed examples of models and floor plans and spoke about the prices of the houses. He planned to build a quality house.

Mr. Gianascoli was asked by Commissioners about the cost increases from original submittals, other subdivisions built by his company, HOA fees, whether local contractors and suppliers would be used and whether he had built in North Carolina previously. He responded the housing market was improving so prices were increasing. He described a subdivision he had built in Portsmouth. There would be HOA fees of less than $200 annually for maintenance of common areas. He planned to use local contractors and vendors when possible. Although he had not built in North Carolina previously, he hoped to leave a good impression so he would be welcomed back for future projects. He just needed approval to start the first one.

Mr. McRee determined that the Board and Ms. Currin had no questions for Mr. Gianascoli and that Ms. Currin had no further witnesses. He opened the floor for public comments. Comments were to be limited to three minutes.

Eldon Miller, III, Moyock, was concerned with compatibility and harmony with adjacent properties. He noted that existing lots less than half an acre were platted 50 years ago. He was glad the proposed homes appeared to be of good size and quality but was overwhelmed with the many changes. His concern with use of local vendors had been addressed. He objected to the lack of public meetings with the developer and had concerns about a non-local developer. He opposed allowing residential hookup to the central sewer which was built for commercial use, even though he felt it was not promoted to businesses. He suggested requiring minimum lot sizes of 20,000 sq.ft. with no more that 25% variance in lot size and to require the developer to come back with a plan the community could live with. He respectfully requested that the Board of Commissioners deny the project even though it could mean a lawsuit. He felt that just because the project was legal didn't make it right.

Jo Drago, Moyock, a real estate agent with William E. Wood, stated she had sent the Commissioners pictures of flooding in Shingle Landing. She mentioned her background in real estate and that she learned of the Moyock Crossing increase from 39 to 90 lots from a Rose & Womble agent in November. Ms. Drago had done a comparative market analysis in Shingle Landing (81 lots, average lot size .8, median price $336,000, average size 2450 sq.ft. ). Proposed houses would be 1,900-3,000 sq ft. on an average .15 lot size. She was concerned about large houses on small lots. She also expressed safety concerns with parking, particularly during holidays.

Chairman O'Neal confirmed with Mr. McRee that Ms. Drago could be considered an expert witness. Mr. McRee responded that comments by both real estate agents should be weighed and could be accepted or rejected as expert testimony.

Ms. Currin asked Ms. Drago if she had performed an analysis of comparables for any other subdivision in a similar situation to this project. Ms. Drago responded she had only analyzed Shingle Landing as the only other similar subdivision would be Cypress Landing and she did not have time to pull comparables from there. Ms. Currin asked if she had the documents with her. Ms. Drago did not but would furnish them to Ms. Currin.

Bobby Gelormine, Moyock, was concerned with plans to interconnect Moyock Crossing with Moyock Landing Drive which is a private road. Although the interconnectivity would not be acceptable, he was also concerned that Moyock Crossing would only have one way in and one way out in case of emergency. He was also concerned with allowing residential hookups to the sewer system. Recalling information heard at the November meeting, if this subdivision moved forward, the sewer system would be at 80% capacity. If the goal is to generate business interest in Moyock, the sewer capacity would be a concern. He also addressed lot coverage and wondered if there was a maximum allowed. With the large ranch houses,

decks, driveways, and sidewalks, there would be little left over for a yard, and homes would be too close together. He requested the developer build fewer homes. He noted recent residents to Moyock came for a rural experience with more space and requested that the Commissioners listen to them.

Neither the Board not Ms. Currin had any questions for Mr. Gelormine.

Bob Crocker, Moyock, concurred with previous public comments. His major concern was with flooding, water run-off. He wondered if the Army Corps of Engineers had been contacted regarding wetlands delineation. He also commented on the number of changes by the developer. He felt all permits and drawings should have been in hand before coming to the Board of Commissioners for approval. He was concerned with water backup from Shingle Landing Creek during a storm event and was not convinced the proposed subdivision would not add to the flooding.

Neither the Board not Ms. Currin had any questions for Mr. Crocker.

Mr. McRee asked if Ms. Currin had any rebuttal based on comments by the public.

Ms. Currin asked Mr. Hyman to address the Army Corps of Engineers issue. Mr. Hyman stated the wetlands delineation had been done and approved by the Army Corps of Engineers. Also CAMA verification and approval had been obtained for CAMA wetlands. This was done for the original 39 lots and had been approved for crossings based on the present plan.

Mr. McRee noted that concluded those who had signed up to speak. He felt it was appropriate to allow the applicant's attorney a brief summation which would conclude the evidentiary phase.

Ms. Currin felt that, based on the evidence, they had met the four factors. She recognized there was a lot of fears and concerns, but the developer would tell them he intends to build a good, high quality subdivision. The conservation subdivision is allowed by the UDO and he relied on the UDO standards to bring the proposed project to the Board. She requested approval of the project.

Mr. McRee stated the evidentiary phase was concluded and recommended the Chairman close the Public Hearing to be followed by deliberation and action.

Chairman O'Neal closed the Public Hearing.

Commissioner Petrey moved to continue PB 13-17 with the condition that the applicant secures any necessary permits for a wastewater line extension to serve the development. Commissioner Gilbert seconded the motion. Commissioner McCord moved to amend the motion to require a current traffic study. Commissioner Aydlett seconded the amendment. Amendment carried unanimously. Motion carried unanimously.

**BOARD OF COMMISSIONERS *(1-6-14)***

Mr. Woody addressed Commissioners' questions regarding lot sizes, compliance with the Small Area Plan study and tap fees.

Jason Mizelle, Hyman and Robey, representing the applicant, reviewed compliance with the UDO. Proposed homes would be 2500-3000 sq.ft. at a cost of $275,000-$325,000. He stated drainage would not be an issue due to stormwater ponds.

Mr. Woody noted Shingle Landing Creek would not be negatively impacted. The subdivision would have to comply with the stormwater manual.

Commissioners were concerned about compatibility with the surrounding subdivisions. Mr. Mizelle described the transition between proposed subdivision and Shingle Landing. Vice-Chairman Martin opened the Public Hearing.

Jo Drago, Moyock, was concerned with density, drainage and providing services.

Bob Crocker, Moyock, was concerned with lot coverage, drainage, and run-off.

Commissioner Aydlett asked about original plans.

Eddie Hyman, Hyman and Robey, responded the original plan was for 39 lots plus open space designed under the old UDO. Due to availability of sewer, the lot number increased.

Mary Waller, Moyock, was in favor of the project; however, she was concerned with run-off and drainage. She expressed the need for diversity and more affordability.

Don Williams, Moyock, developer of Shingle Landing, opposed interconnection with Shingle Landing Drive. He asked where the sewer system would be coming in for the new development. The response was Moyock Landing Drive.

Eldon Miller, III, and Dorothee White, Moyock, members of the Small Area Plan Committee, spoke together. Ms. White stated that low density was preferred as well as a quality subdivision with adequate buffering. She remarked on the various plans that had been presented and her opinion that the sewer system was for commercial businesses. Mr. Miller was also concerned with density. He liked the original plan with 30+ lots and also felt the sewer should be for commercial use. He had commercial properties he would be interested in hooking up, but the tap fees were too high. He was opposed to residences hooking up to central sewer system. He also felt the subdivision was not in harmony with the area, and asked what it will create in the future.

Bob Gregory, Moyock, was concerned that the plan kept changing. He was not against development, but not in favor of the density.

Susan Davis, Moyock, requested denial of the sewer connection. Then fewer homes would be possible. She was opposed to 90 homes.

Bob Crocker, Moyock, asked if permission was needed to cut through the road. Ike

McRee, County Attorney, responded that an easement was needed.

Eddie Hyman, related the plans were evolving due to community meetings and Planning Board comments. He described the buffers. Sewer taps were offered and paid. He stated the project meets the criteria and requirements. When asked about changing the size of the homes, if not successful, he was confident the homes would sell. When asked about a homeowners association, he responded it was mandated under the UDO. In response to a question about traffic concerns, he stated DOT was in the process and felt there was adequate visibility. Interconnectivity will enhance safety.

There was also concern with the public boat ramp traffic.

Commissioners observed that the sewer allows a difference in this subdivision as opposed to one where sewer was not available.

Mr. Hyman responded that the County was looking for customers for the sewer system. He noted the design will come with approval. It is designed under the UDO, and stormwater rules will help.

Commissioners felt more study was needed to determine compatibility.

Vice-Chairman Martin stated they were at an impasse and suggested continuing the public hearing and action until the first meeting in February.

Commissioner Gilbert moved to continue PB 13-17 to allow staff to perform an analysis of surrounding development patterns since the proposed density of the project may not be in harmony with the area in which it is located. Compatibility, drainage and easements were to be
addressed. Commissioner McCord seconded the motion. Motion carried unanimously.

**PLANNING BOARD DISCUSSION *(12-10-13)***
Mr. Bell asked if the applicant was aware sidewalks were required on both sides of the street.

Ms. Voliva stated they were aware based on recommendations from previously plans.

Ms. Bell stated she is concerned with the number of proposed homes on this little piece of land when wetlands are involved; and neighbors this close with their lot size so different. The Moyock Small Area Plan is in its final stages and a development of this size is not desirable. Mr. Clark agreed.

Ms. Voliva said this is a conservation subdivision and the minimal lot size no longer applies as it is based upon density.

Mr. Cartwright said people may not like certain things, but the applicant is going by the ordinance and rules and you should vote for the rules and not personal feelings.

Mr. Cooper stated the way it is drawn out it meets the density and outlay meet the current rules with the exception of the sidewalks.

Ms. Voliva stated it is not so much the use, but the compatibility between the two subdivisions with the lot sizes.

Mr. Mizelle said Phase 1 does provide connection to Shingle Landing. Mr. Mizelle provided a handout stating the proposed lots on Fox Run will go from nine lots to five lots, which will make the total of 92 lots. This will make the lots larger and more compatible to the adjoining lots. The lots are currently 11,000 sq. ft. and will be going to 18,000 sq. ft. Mr. Mizelle stated they will do crosswalks at each intersection to minimize the impact on the wetlands area.

The Planning Board discussed stormwater ponds and who will maintain them.

Mr. Clark asked if the applicant/owner would consider adding a buffer to the proposed five lots since they are increasing the lot size.

Mr. Mizelle said they would do a buffer, but prefer not to have an open space buffer. The homeowner will maintain the buffer.

Mr. Cooper stated that the evergreen buffer will be on the plat, as well as in the covenants so a potential buyer will know.

Mr. Crocker said he is concerned with stormwater runoff, traffic on a private road in Moyock Landing, and the impact of 92 driveways. Mr. Crocker stated he has been to a few of the Moyock Small Area Plan meetings and this request is far from what the residents of Moyock want to see.

Ms. White said she is a member of the Moyock Small Area Plan and this request is not what they are looking to see.

Mr. Clark said the board is really concerned with the resident concerns. Mr. Clark said the county has a Land Use Plan and Unified Development Ordinance, which an applicant/owner has to meet these criteria. If they meet them, then they have no other choice but to grant them permission to do what they want to do. The applicant/owner came back with a plan to decrease their lot sizes in order to meet the compatibility standard.

Ms. White said they would like to see fewer lots on the property.

Mr. Wright talked about this request is not in harmony with the surrounding area.

Mr. Miller said he understands you need to abide by rules. When the Gee's Group brought this property the original plan was for 39 lots with nice buffering. This request breaks his heart.

Ms. Bell stated it is hard to keep your emotions out of it when it is a place you live. Ms. Bell stated the developer will come and build these homes and leave. The people in this area will have to deal with stormwater, crowds and traffic. Ms. Bell stated it would be nice if somebody could think about the impact of the human beings that are going to live there for the rest of their lives and leave them with the consequences.

Mr. Clark stated when he became a board member five years ago his intent was to stop developments like this; but the county has a Unified Development Ordinance and adopted plans which the board is bound by.

Mr. Cooper said the board have rules which a lot of time and effort went into to develop them; and the board has to take these rules into consideration otherwise it may give the appearance to the public that they board is making up rules as they go along.

**PLANNING BOARD ACTION**

Mr. Cooper moved to approve PB 13-17 with the following conditions:

- Crosswalks be implemented at the intersections in order to prevent sidewalks in the wetlands;
- Continue sidewalks on both sides of the road on the north end of the subdivision;
- Reduce the number of lots on Fox Run from nine to five at 125 ft. lot width; and,
- Ten foot wide evergreen buffer at the back of the five lots and lots 49 and 50 that adjoin Fox Run and Shingle Landing Farms.
- An eight foot wide sidewalk installed along Crossing Avenue on one side of the street from intersection to intersection of internal streets.

Mr. Cartwright seconded the motion. Ayes: Mr. Bell, Ms. Newbern, Mr. Cooper, Mr. Clark, Ms. Wilson, and Mr. Cartwright. Nays: Ms. Bell and Mr. Wright.

Mr. Woody related the applicant was coming back to the Board of Commissioners to request approval following the February 17 meeting where Commissioners requested completion of a traffic impact analysis and resolution of sewer connection. The decision was to run the sewer connection along Shingle Landing Road to the existing force main. The applicant had also reduced the number of lots to 76. He also noted there was one less lot adjoining the existing subdivision and a buffer would also be instituted. Regarding drainage, requirements had been met for preliminary plat for the immediate project.

When asked about compatibility, County Attorney Ike McRee responded this meant the determination that the use would be in harmony with the surrounding area.

Chairman O'Neal opened the Public Hearing.

Lyle Overcash, VHB Engineering, Raleigh, related the traffic impact analysis had been conducted on March 20, 2014, at three intersections. He explained the process and determined there would be minor impact from the proposed development at the three intersections studied.

Commissioners expressed concerns with only conducting a one day study and asked about traffic count, particularly with increased summer traffic .

Mr. Overcash and his firm had compared the traffic study with annualized NCDOT numbers, and they felt comfortable with their findings.

Robin Currin, Raleigh, attorney for the applicant, confirmed with Mr. Woody that the stormwater ordinance required the stormwater drainage to meet the same or better conditions as currently exist when the development would next be reviewed by staff.

Ms. Currin confirmed with Mr. Overcash that his study was done in response to the request by the Board of Commissioners, that he was not requested to perform the study during the summer, that he followed NCDOT standards for all traffic studies, and there was no adverse impact on traffic.

Jason Mizelle, Hyman and Robey, related the County Engineer had approved the wastewater route. He noted that, although the Commissioners had not requested it, public comment led them to reduce the number of lots to 76. Only 9 units will be less than 13,000 square feet. Majority of lots are between 13,000 and 17,000 square feet. Lots next to Fox Lane will be approximately one-half acre. Lots near the wetlands will be larger than the majority. The development will also allow for off-site drainage from existing areas through the subdivision.

Commissioner Griggs wanted to make it clear for the record that the Board of Commissioners did not mandate the parameters of the traffic study, including a specific time.

Ms. Currin stated that the applicant was asked to employ a traffic engineer, who in turn followed the standard procedure for the study. They could not wait until June or July. She confirmed with Mr. Overcash that the traffic generated by this development would have no adverse impact and that there would be the same or maybe less traffic generated by this development during the summer.

Mr. Overcash again related that the figure was in line with NCDOT's annualized average figures for Highway 168.

Ms. Currin clarified that, according to the data contained in the study, this development would have no negative impact whatsoever. The traffic conditions should not prevent development of this property.

Mr. McRee confirmed that the Commissioners could not consider speculation. Other conditions could be placed on approval.

Commissioner Petrey still had concerns on the traffic count.

Chairman O'Neal stated it was his understanding the traffic count from this development would not change.

Chairman O'Neal asked whether Ms. Currin had brought a licensed real estate appraiser with her.

Ms. Currin responded they were not asked to. She was of the opinion that the evaluation evidence given at the last Public Hearing was sufficient and competent. The person had come to the conclusion there would be no adverse impact. A licensed appraiser was not required, only one who meets the definition of an expert under North Carolina law, which their witness did. She understood the only evidence permitted to be brought at this meeting was in answer to the two issues presented.

Chairman O'Neal confirmed that, during the last Public Hearing, Ms. Currin did not have a licensed appraiser with her.

Ms. Currin's summation stated they had answered all the questions put forth and complied with the county ordinances, and staff had recommended approval. She asked for the Commissioners' approval.

There being no further evidence to be presented, Chairman O'Neal closed the Public Hearing.

Commissioner Petrey stated he was not comfortable with a one day traffic study; therefore, he moved to continue to request a three day traffic study over a Friday, Saturday and Sunday. The motion died for lack of a second.

Commissioner Gilbert moved to approve PB 13-17 with the staff findings and recommendations included in the case analysis and the following additional findings and conclusions:

1. The use will not endanger the public health or safety because the subdivision should have little to no negative 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 because the average lot size is 16,337 square feet, the proposed lots adjacent to Fox Run and Shingle Landing Forms subdivisions have a minimum 125 feet of road frontage, and a 15 foot evergreen buffer will be provided between the proposed subdivision and Fox Run and Shingle Landing Farms subdivision.
3. The use will be in conformity with the Land Use Plan and other officially adopted plan because it is located in a Full Service Area and is connected to centralized water and sewer services.
4. The use will not exceed the county's ability to provide adequate public facilities.

Commissioner Griggs seconded the motion.

Commissioner Martin felt this was not compatible due to the size of surrounding lots.

Commissioner McCord was concerned with public safety.

Commissioner Griggs believed it was compatible as to use of the land. He felt the Board of Commissioners must consider approval based on compliance with County and State rules as well as staff findings.

Commissioner Aydlett agreed with Commissioner Griggs.

Commissioner Petrey stated his decision was not political, but common sense.

Chairman O'Neal called for the vote. Motion carried 4-3, with Commissioners Martin, McCord and Petrey voting no.

Chairman O'Neal called a 5 minute break.

B) **Consideration and Action: Moyock Small Area Plan: Examines unique issues, concerns, and hopes of the community and works to establish public policy that accomplishes the vision cast in this plan.**

Holly White, Senior Planner, was present to answer any questions.

Commissioner Gilbert noted the reason action was postponed from the last meeting was to give consideration to the information placed before them. She thanked the committee again for their work.

Ms. White reviewed three objectives of the plan – Entryway Monumentation, Park Facility and Multi-use Path and Sidewalks. The last two were already contained in other approved plans. She noted a stormwater feasibility study was recommended.

Dan Scanlon, County Manager, related staff was already working on the stormwater problem.

Chairman O'Neal stated there were parks everywhere in the county except Moyock. This was an important objective.

Commissioner Martin felt the park should be on the water.

Commissioner Gilbert moved to approve the Moyock Small Area Plan as presented. Commissioner Petrey seconded the motion. Motion carried unanimously.

**New Business**

A) **Consideration of Ordinance Amendment to Allow Certain Commercial and Governmental Activities Involving Motor Vehicles on the Beach Strand and Foreshore from the Dare County Line to the North Beach Access Ramp between May 1 and September 30.**

Ike McRee, County Attorney, reviewed the amendment to Section 10-63 of the Code of Ordinances.

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

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-63 OF CHAPTER 10 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO ALLOW CERTAIN COMMERCIAL AND GOVERNMENTAL ACTIVITIES INVOLVING MOTOR VEHICLES ON THE BEACH STRAND AND FORESHORE FROM THE DARE COUNTY LINE TO THE NORTH BEACH ACCESS RAMP BETWEEN MAY 1 AND SEPTEMBER 30**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county;

WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws the county may by ordinance regulate, restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven vehicle specified by the county's governing board on the foreshore, beach strand and barrier dune system.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 10-63 of the Code of Ordinances to read as follows:

**Sec. 10-63. Restricted areas.**

(a) Where there is an improved all-weather road, dedicated to public use, and running generally north and south and parallel to the beach strand, all vehicles, mopeds, motorcycles or motor vehicles on the foreshore and beach strand are prohibited between May 1 and September 30. This section shall apply specifically to, but is not limited to, the foreshore and beach strand ~~adjacent to the Ocean Sands Subdivision and the Whalehead Subdivision~~ extending from the Dare County line to the north side of the North Beach Access Ramp at North Beach Access Road.

(b) All commercial activities involving motor vehicles, mopeds and horses shall be prohibited from operating on ~~the Currituck Outer Banks,~~ the beach foreshore and the beach strand ~~unless so permitted by the Currituck County Department of Planning and Inspections~~. This includes vehicles used to tow hang gliders.

(c) The provisions of subsection (b) of this section do not apply to the following:

(1) delivery, placement and pickup of recreational equipment, umbrellas and chairs and collection of solid waste between the hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and 7:00 p.m. by commercial entities maintaining a base of operation within the county and management of planned unit development communities adjacent to the Atlantic Ocean ;

(2) activity under a Coastal Area Management Act (CAMA) permit requiring access to the beach and authorized by the county local permitting officer; and

(3) county employees, county contractors, county vehicles or emergency vehicles or the drivers thereof, which may be required to enter upon the beach in the performance of their duties or a governmental agency, its employees, agents, contractors and subcontractors and their vehicles when engaged in beach restoration or protection work or conducting scientific research or animal preservation studies or operations.

~~(c)~~ (d) Overnight camping of any type is prohibited on the Currituck County Outer Banks, the beach foreshore and the Beach Strand.

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

PART III. This ordinance is effective upon adoption.

B) **Consideration of Ordinance Amendment to Make Certain Changes to Outdoor Tour Operator Regulations and Provide for Violation as a Civil Offense**.

Ike McRee, County Attorney, reviewed the amendment to Section 1-8(i) of the Code of Ordinances.

Commissioner Aydlett asked about enforcement of the rule that all tours may not be behind the dune line after 8:00 PM.

Mr. Woody responded that in addition to law enforcement, staff observers would be watching. When asked about a tour operator planning to operate from Dare County without a tour operator license, Mr. Woody stated that would not be allowed.

Commissioner Martin moved to approve the amendment as written. Commissioner Aydlett seconded the motion. Motion carried unanimously.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING CHAPTER 8, ARTICLE IV OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO MAKE CERTAIN CHANGES TO OUTDOOR TOUR OPERATOR REGULATIONS AND AMENDING SECTION 1-8(i) OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO PROVIDE FOR VIOLATION AS A CIVIL OFFENSE**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-134 a county may by ordinance regulate and license occupations, businesses, trades, and professions; and

WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws, as amended by Session Law 1998-64 and Session Law 2001-33 Currituck County may by ordinance regulate, restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven vehicle specified by the Board of Commissioners on the foreshore, beach strand, and the barrier dune system;

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

PART I. Chapter 8, Article IV of The Code of Ordinances, Currituck County, North Carolina is amended to read as follows:

**ARTICLE IV. OUTDOOR TOUR OPERATORS**

**Sec. 8-86. Purpose.**

It is the purpose and intent of this article to allow outdoor tour operators but to regulate outdoor tour operators in a manner that will protect and enhance the public's use of its beach, protect the county's natural resources and preserve the livability and attractiveness of northern Currituck Outer Banks communities.

**Sec. 8-87. Definitions.**

*Bus* shall mean a vehicle with chassis greater than one (1) ton and overall length greater than 25 feet, intended to carry more than 15 passengers and used for the purpose of touring for hire.

*Designated area* shall mean that area of the county on the Outer Banks from the terminus of the paved portion of N.C. Highway 12 to the Virginia state line

*Outdoor tour operator* shall mean a company or individual that arranges travel tours by outdoor tour vehicle.

*Outdoor tour vehicle* shall mean a vehicle with maximum passenger capacity of 15 persons engaged in the business of carrying passengers for hire or offering to carry passengers for hire, when the primary purpose for riding in such vehicle is not transportation but touring and sight-seeing. A bus may not be used as an outdoor tour vehicle.

**Sec. 8-88. License required.**

(a) It shall be unlawful for any person to engage in business as an outdoor tour operator or to operate an outdoor tour vehicle in the designated area without a license issued pursuant to this article. The license shall be effective only for term of two years stated in the license and upon payment of any annual fee, unless suspended or revoked sooner as provided for by ordinance and may not be transferred.

(b) No more than ten (10) licenses to engage in business as an outdoor tour operator or to operate outdoor tour vehicles in the designated area shall be issued at any one time. In the event that a license is forfeited, revoked, not renewed or otherwise vacated, the county manager or county manager's designee may solicit by public notification applications for the available license. The county manager or county manager's designee shall then use a lottery in selecting from among the qualified license applicants.

(c) Each license may allow an outdoor tour operator to operate at any given point in time and only on approved routes five (5) outdoor tour vehicles or the number of outdoor tour vehicles allowed in an issued special use permit, whichever is less.

(d) Any outdoor tour operator lawfully operating more outdoor tour vehicles than allowed pursuant to Sec. 8-88(c) of this Ordinance on the date that is Ordinance becomes effective shall be deemed a nonconforming use. Any use determined to be a nonconforming use by application of the provisions of Sec. 8-88(d) of this Ordinance shall be permitted to continue for a period not to exceed one year from the effective date of this Ordinance.

**Sec. 8-89. Application; inspection**

(a) *Application.* Application for a license issued hereunder shall be notarized and made upon forms prepared and made available by the county manager or manager's designee and shall contain:

(1) The name and address of the owner, ~~and the event the owner is a corporation or partnership, a copy of the articles of incorporation or organizational documents;~~

(2) ~~Factory authorized material setting forth t~~ The characteristics of each outdoor tour vehicle including dimensions, weight, passenger capacity, and manner of propulsion;

(3) Color photographs ~~not less than eight (8) inches by ten (10) inches~~ of all four (4) sides of each outdoor tour vehicle ~~or, in the discretion of the county manager or designee, sketches of a similar make and model, and sample of the color proposed for use on the tour vehicle;~~

(4) The make, model, passenger capacity and vehicle identification number of each outdoor tour vehicle including outdoor tour vehicles held in reserve;

(5) Adequate proof of liability insurance coverage;

(6) A current state department of transportation license tag or registration tag required by any other government entity;

(7) Address of fixed headquarters within the county for the operation of the outdoor tour operator's business;

(8) A fee for each year of the license term as set from time to time by the board of commissioners; and

(9) A copy of any permit required by the Currituck County Unified Development Ordinance.

(b) *Investigation of applicant.* Within five business days after receipt of each application, the county's manager or manager's designee shall cause an investigation to be made of the applicant and applicant's proposed operation. Such investigation shall be made for the purpose of verifying the information in the application and ensuring compliance with the provisions of this article.

(c) *Issuance.* The county's manager or manager's designee shall issue an outdoor tour operator license when the county's manager or manager's designee finds that the applicant meets the requirements of this article. Renewal of the license shall be required by March 31 of the last year of the current license term.

**Sec. 8-90. Fixed place of business required.**

Each outdoor tour operator, as a condition for holding a license under the provisions of this article, shall establish and maintain a fixed headquarters on private property within the county for the operation of the outdoor tour operator's business. The headquarters shall conform to the ordinances of the county and shall provide adequate off-street parking space for all outdoor tour vehicles not in service. The outdoor tour operator's headquarters shall not be moved except by the approved transfer of the outdoor tour operator's license to another location.

**Sec. 8-91. Insurance for the benefit of passengers.**

Any outdoor tour operator company desiring a license under this article shall give and maintain a policy of liability insurance from an insurance company authorized to do business in the State of North Carolina for each outdoor tour vehicle in use as an outdoor tour operation vehicle with minimum coverage as shall be required by state law for bodily injuries and property damage resulting from an accident. Such policies of insurance shall be filed with the county and shall specifically provide that such policy shall not be canceled without notice to the county.

**Sec. 8-92. Identification and marking generally.**

(a) Every outdoor tour vehicle shall have a sign in plain view on each side of the vehicle, legible at a distance of 50 feet in letters not less than three inches high, containing the full name of the outdoor tour operator company operating the vehicle.

(b) Every outdoor tour vehicle shall display the required identification for the current year as provided by the county as part of license approval. ~~There shall be on each side and on the rear of each outdoor tour vehicle a number no less than three inches high, such number to be separate and distinct number from that on any other outdoor tour operator vehicle in the county. The numbers must be permanently affixed to the vehicle. The number shall be assigned to the outdoor tour vehicle and the owner thereof by the county manager or manager's designee and shall not be altered or changed without consent of the county manager or manager's designee.~~

**Sec. 8-93. Tour guide required.**

All tours by an outdoor tour operator or on outdoor tour vehicles shall be conducted by guide who is an employee of the outdoor tour operator. No outdoor tour shall be comprised of more than five (5) outdoor tour vehicles including the outdoor tour vehicle operated by the guide.

**Sec. 8-94. Safe mechanical condition of outdoor tour vehicles.**

Every outdoor tour vehicle operated within the county shall be maintained in a safe mechanical condition, with all safety equipment remaining intact and operative at all times with the outdoor tour vehicle is in service.

**Sec. 8-95. Cleanliness of outdoor tour vehicles.**

Each outdoor tour vehicle operated under this article shall be kept painted and in a clean and sanitary condition, free of litter and debris, and at all times suitable for transportation of passengers.

**Sec. 8-96. State license tag for outdoor tour operator required.**

Prior to the use and operation of any vehicle as an outdoor tour vehicle under the provisions of this article, the owner of the outdoor tour vehicle shall secure and display on the outdoor tour vehicle a current North Carolina license registration tag as required by law.

**Sec. 8-97. Authority for removal of outdoor tour vehicles from operation in county.**

The county manager or manager's designee shall have the authority to remove from operation in the county any vehicle used as an outdoor tour vehicle which is in violation of this article and to prohibit operation of the outdoor tour vehicle until all deficiencies have been corrected.

**Sec. 8-98. Traffic regulations.**

(a) Outdoor tour vehicles shall operate within the county in accordance with the rules of the road as provided in the laws of the state and ordinances of the county.

(b) Outdoor tour vehicles may be restricted to operation on the route or routes approved by the Board of Commissioners and on file with the Clerk to the Board of Commissioners. The Board of Commissioners may approve one route, or may approve various routes based on, but not limited to, the type, size, and/or passenger loads of outdoor tour vehicles, the condition of streets and roads and number of single-family residential dwellings located along a street or road.

(c) It shall be unlawful to operate an outdoor tour vehicle in any manner which places the occupants of the outdoor tour vehicle in immediate harm, or in any manner which impedes standard traffic flow on streets, roads or public vehicular areas. Impeding standard traffic flow on streets, roads or

public vehicular areas shall include moving slower than the standard traffic flow or stopping within or along streets, roads or public vehicular areas for other than slowing, yielding or stopping as may be required by motor vehicle law.

(d) It shall be unlawful to operate an outdoor tour vehicle before 8:00 a.m. or after 8:00 p.m. west of the dune line in the designated area.

**Sec. 8-99. Penalties for violation; issuance of citations; suspension.**

(a) Failure to comply with this article or any of the laws, ordinances and regulations of the county may result in revocation or nonrenewal of a license and shall be punishable as provided in Section 1-8 of this Code.

(b) The county shall notify the license holder of any citation issued for violation of this article including those citations issued to an operator of a tour vehicle within five business days of the citation date. Notice may be provided via first class mail, email or hand delivery. ~~Any citation issued for violation of this article shall be issued to the license holder at the time of the violation.~~

(c) Any outdoor tour operator whose outdoor tour vehicles receive multiple sustained citations for violating this article in a thirty day period shall be suspended from operating in the designated area in accordance with the following schedule:

| Number of citations issued In Thirty Day Period | Days of Suspension |
|---|---|
| 2 or more | 3 days |
| 5 or more | 10 days |
| 10 or more | Revocation |

Outdoor tour operators suspended under this section must pay all outstanding civil citations in full before license privileges will be reinstated.

PART II. Section 1-8(i) of The Code of Ordinances, Currituck County, North Carolina is amended to read as follows:

(i) Upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the county shall cause a warning citation to be issued to the violator, setting out the nature of the violation, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating a reasonable period of time in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty. The initial issuance of a warning citation upon a violator as provided above shall not be required for the immediate imposition of civil penalties for a determination of a violation of any of the following provisions:

(1) Chapter 3, section 3-36;

(2) Chapter 8, article IV;

~~(2)~~ (3) Chapter 9, section 9-4, section 9-7, section 9-33;

~~(3)~~ (4) Chapter 10, section 10-58, section 10-59, section 10-61, subsection 10-62(b), subsection 10-62(c), subsection 10-63(c), section 10-64, section 10-104;

~~(4)~~ (5) Chapter 12, article IV, section 12-62.

PART III. **Conflicts.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART IV. **Severability.** In the event one or more of the provisions contained in this ordinance shall for any reason by held by a court to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this ordinance, and this ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PART III. This ordinance is effective immediately upon its adoption.

C) **Consent Agenda:**

1. Approval of April 7, 2014, Minutes
2. Budget Amendments
3. Approval of Job Description for Manager, Business Development and Airport Operations
4. Kitty Hawk Kites Combined Concession-Lease
5. Petition to NC Department of Transportation to Add Ruddy Lane to State System for Maintenance
6. Approval of Radio Equipment Purchase by Knotts Island Volunteer Fire Department
7. Approval of Advance to Moyock Volunteer Fire Department for Air paks

Commissioner Gilbert moved to approve the Consent Agenda. She noted that Kitty Hawk Kites had been good neighbors. It was confirmed that their concession-lease agreement contained no increase. Commissioner Martin seconded the motion. Motion carried unanimously.

| | | | **Debit** | | **Credit** | |
|---|---|---|---|---|---|---|
| Account Number | | Account Description | Decrease Revenue or Increase Expense | | Increase Revenue or Decrease Expense | |
| 10510 | 516000 | Repairs and Maintenance | | | $ | 1,000 |
| 10510 | 503500 | Temporary Services | $ | 1,000 | | |
| 10510 | 545000 | Contracted Services | | | $ | 1,135 |
| 10510 | 557100 | Software License Fees | $ | 1,135 | | |
| 10511 | 514000 | Travel | $ | 350 | | |
| 10511 | 516200 | Vehicle Maintenance | $ | 3,000 | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 10511 | 545000 | Contracted Services | $ | 7,000 | | |
| 10511 | 547000 | Meals | | | $ | 7,000 |
| 10511 | 561000 | Professional Services | | | $ | 3,350 |
| 10512 | 516200 | Vehicle Maintenance | $ | 500 | | |
| 10512 | 511010 | Data Transmission | $ | 845 | | |
| 10512 | 542000 | Rabies Vaccinations | $ | 1,500 | | |
| 10512 | 514000 | Travel | | | $ | 375 |
| 10512 | 514500 | Training & Education | | | $ | 470 |
| 10512 | 532000 | Supplies | | | $ | 1,500 |
| 10512 | 536000 | Uniforms | | | $ | 500 |
| | | | $ | 15,330 | $ | 15,330 |

**Explanation:** *Elections (10430)* - Appropriate funds to hire a temporary Deputy Elections Director at a rate of $15/hr to serve while employee is on FMLA during the May primary from mid April until June 30.

**Net Budget Effect:** Operating Fund (10) - Increased by $7,751.

| Account Number | | Account Description | Debit<br>Decrease Revenue or Increase Expense | | Credit<br>Increase Revenue or Decrease Expense | |
|---|---|---|---|---|---|---|
| 10460 | 545000 | Contract Services | $ | 5,342 | | |
| 10510 | 516200 | Vehicle Maintenance | $ | 741 | | |
| 10750 | 516200 | Vehicle Maintenance | $ | 1,950 | | |
| 10750 | 516000 | Maintenance & Repair | | | $ | 1,000 |
| 10380 | 484001 | Insurance Recovery | | | $ | 7,033 |
| | | | $ | 8,033 | $ | 8,033 |

**Explanation:** *Public Works (10460); Sheriff (10510); Social Services (10750)* - Increase appropriations to record insurance payments for damaged vehicles in the Sheriff and Social Services Departments and for water damage in the Health Department.

**Net Budget Effect:** Operating Fund (10) - Increased by $7,033.

| Account Number | | Account Description | Debit<br>Decrease Revenue or Increase Expense | Credit<br>Increase Revenue or Decrease Expense |
|---|---|---|---|---|
| 10530 | 516200 | Vehicle Maintenance | $ 10,000 | |
| 10530 | 516000 | Repairs & Maintenance | | $ 3,000 |
| 10530 | 561000 | Professional Services | | $ 7,000 |
| | | | $ 10,000 | $ 10,000 |

**Explanation:** *Emergency Medical Services (10530)* - Transfer funds for additional vehicle maintenance for EMS vehicles for the remainder of this fiscal year.

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

| Account Number | | Account Description | Debit<br>Decrease Revenue or Increase Expense | Credit<br>Increase Revenue or Decrease Expense |
|---|---|---|---|---|
| 10531 | 514000 | Travel | $ 3,400 | |
| 10531 | 590000 | Capital Outlay | $ 7,600 | |
| 10531 | 516200 | Vehicle Maintenance | $ 1,000 | |
| 10531 | 532000 | Supplies | $ 10,025 | |
| 10330 | 445000 | Emergency Management Grant | | $ 22,025 |
| | | | $ 22,025 | $ 22,025 |

**Explanation:** *Emergency Management (10531)* - Increase appropriations for 2013 Emergency Management Performance Grant; $20,625 and Virginia Emergency Management; $1,400.

**Net Budget Effect:** Operating Fund (10) - Increased by $22,025.

| Account Number | | Account Description | Debit<br>Decrease Revenue or Increase Expense | Credit<br>Increase Revenue or Decrease Expense |
|---|---|---|---|---|
| 10390 | 499900 | Fund Balance Appropriated | $ 35,516 | |
| 10535 | 557100 | Software License Fee | $ 7,221 | |
| 10510 | 557100 | Software License Fee | | $ 35,937 |
| 10530 | 557100 | Software License Fee | | $ 6,800 |
| 26535 | 545000 | Contract Services | $ 2,000 | |
| 26535 | 557100 | Software License Fees | $ 36,306 | |
| 26390 | 499900 | Fund Balance Appropriated | | $ 38,306 |
| | | | $ 81,043 | $ 81,043 |

**Explanation:** *Communications (10535); Sheriff (10510);Emergency Medical Service (10530); Emergency Telephone System (26535)* - Adjust software license fees to transfer from County Funding to E911 Funding as a result of recent State review. This transfer is for funding from both FY 2013 and FY 2014.

**Net Budget Effect:** Operating Fund (10) - Decreased by $35,516.

Emergency Telephone System Fund (26) - Increased by $38,306.

D) **Commissioner's Report**

Commissioner Martin noted that 121 citizens had received assistance with their taxes at the Senior Center. He thanked JoAnne Dibello and the Center staff.

Commissioner Petrey asked if the Sheriff's Department could be considered expert witnesses in traffic issues. County Attorney McRee was to check into it.

Commissioner Aydlett related instances of ATV drivers operating carelessly. He inquired whether deputies could pull the ATV permits. County Attorney McRee was to prepare an amendment to the ATV ordinance to allow for seizure of permits.

Commissioner Gilbert stated the Currituck Kids egg hunt was a success despite the weather. She also noted Bert Banks, Albemarle Commission Director, was retiring. Applicants would be welcome.

Chairman O'Neal announced the National Day of Prayer on May 1 at the Judicial Center. He also expressed his displeasure with the way a situation at the Animal Shelter was handled regarding not returning a dog to its owner but adopting it out instead. Commissioners agreed to have staff pursue getting the dog back to its owner.

E) **County Manager's Report**

No report

Commissioner Aydlett moved to recess the regular meeting and enter a special meeting as the Tourism Development Authority. Commissioner Martin seconded the motion. Motion carried unanimously.

**Special Meeting**

**Tourism Development Authority**

A) TDA Budget Amendments

Dan Scanlon, County Manager, noted the budget amendment was to move funds to a line item to provide for additional funding for co-op advertising.

Commissioner Aydlett moved to approve the budget amendment. Commissioner Petrey seconded the motion. Motion carried unanimously.

| Account Number | Account Description | Debit<br>Decrease Revenue or Increase Expense | Credit<br>Increase Revenue or Decrease Expense |
|---|---|---|---|
| 15442-526200 | Promotional Efforts | $ 9,050 | |
| 15350-565002 | Co-op Advertising | | $ 9,050 |
| | | $ 9,050 | $ 9,050 |

**Explanation:** Occupancy Tax - Tourism Promotion (15442) - Increase appropriations to record Co-op advertising revenues.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by $9,050.

Commissioner Aydlett moved to adjourn the Tourism Development Authority meeting and enter into Closed Session. Commissioner Petrey seconded the motion. Motion carried unanimously.

**Closed Session**

Closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and pursuant to N.C. Gen. Stat. §143-318.11(a)(5) to establish or to instruct the public body's staff concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of interest in real property by purchase, option, exchange, or lease held by Carolina Water Services of North Carolina, Inc., located at 1100 Club Road, Corolla, NC, for any public purpose.

**Adjourn**

After reconvening from the Closed Session, no action was taken. There being no further business, Commissioner Aydlett moved to adjourn. Commissioner McCord seconded the motion. The meeting was adjourned.