



**CURRITUCK COUNTY  
NORTH CAROLINA**

December 1, 2014  
Minutes  
Meeting of the Board of Commissioners

The Board of Commissioners met at 7:00 PM for a regular meeting in the Board Meeting Room of the Historic Courthouse with the following members present: Board Chairman Paul O'Neal, Vice-Chairman Paul Martin and Commissioners Marion Gilbert, Vance Aydlett, Butch Petrey, Paul Beaumont, and David Griggs. Staff included County Manager Dan Scanlon, County Attorney Ike McRee and Planning Director Ben Woody. Chairman O'Neal called the meeting to order at 7 PM

**A) Invocation**

**B) Pledge of Allegiance**

Reverend Walter Gallop, retired Air Force Chaplain, gave the invocation and led the Pledge of Allegiance.

**C) Approval of Minutes for November 17, 2014**

Commissioner Petrey moved to approve the minutes, seconded by Commissioner Gilbert. The motion carried unanimously.

**1. Presentation for Recognition of Service and Parting Comments from Outgoing Commissioners, Paul R. Martin and H.M. "Butch" Petrey.**

Chairman O'Neal presented plaques to outgoing Commissioners Butch Petrey and Paul Martin. Chairman O'Neal acknowledged the time and great effort each put into serving as Commissioner. Mr. Petrey said it was an honor and privilege to serve and said he was confident the new Commissioners would do a good job. Paul Martin said it was an honor to serve and encouraged people to serve. He thanked the Board and staff for their hard work.

**2. Presentation for Recognition of Service to Chairman, S. Paul O'Neal**

Outgoing Vice-Chairman Paul Martin presented Chairman O'Neal with an engraved clock in honor of his service as Chairman for two years. Chairman O'Neal thanked the board and noted the hard work and dedication it takes to serve as a Commissioner.

**3. The Honorable Ray Matusko, Clerk of Superior Court, to Administer the Oath of Office to Newly-elected Commissioners: Marion Gilbert, Paul Beaumont, Mike Hall and Mike Payment.**

Ray Matusko administered the oaths of office to Commissioner Marion Gilbert, Commissioner Paul Beaumont and new Commissioners Mike Hall and Mike Payment. Each stood with family members while the individual oaths were administered and all were welcomed to the Board of Commissioners.

#### **4. Election of Chairman**

Chairman O'Neal turned the meeting over to County Manager Dan Scanlon, who explained the NC Statute describing the process and requirement for election of a Chairman. Commissioner Aydlett moved to nominate Paul O'Neal as Chairman, and the motion was seconded by Commissioner Gilbert. The motion carried unanimously.

#### **5. Election of Vice-chairman**

Commissioner Gilbert nominated Commissioner David Griggs and was seconded by Commissioner Payment. The motion carried unanimously. A short recess was called to allow time for organization of seating for the new Board.

#### **D) Approval of Agenda**

Commissioner Gilbert moved to approve the agenda, with an amendment to include the Commissioner appointments to those boards on which Commissioners serve. The motion was seconded by Commissioner Hall and carried unanimously.

#### **Approved Agenda-Revised**

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

- A) Invocation-Reverend Walter Gallop, Air Force Chaplain, Retired
- B) Pledge of Allegiance-Reverend Walter Gallop
- C) Approval of Minutes for November 17, 2014
  - 1. ***Presentation for Recognition of Service and Parting Comments from Outgoing Commissioners, Paul R. Martin and H.M. "Butch" Petrey.***
  - 2. ***Presentation for Recognition of Service to Chairman, S. Paul O'Neal***
  - 3. ***The Honorable Ray Matusko, Clerk of Superior Court, to Administer the Oath of Office to Newly-elected Commissioners: Marion Gilbert, Paul Beaumont, Mike Hall and Mike Payment.***
  - 4. ***Election of Chairman***
  - 5. ***Election of Vice-chairman***

\*\*\*\*\***Five Minute Recess**\*\*\*\*\*

- D) Approval of Agenda
- E) Public Comment
  - Please limit comments to items not appearing on the regular agenda; please limit comments to 3 minutes.***

#### **Public Hearings**

- A) **Public Hearing and Action: PB 14-28 Spruill Sand Mine:** Request for a Use Permit to operate a extractive industry (sand mine) located at 913 Caratoke Highway, Tax Map 15, Parcels 31 and 32B, Moyock Township.

#### **New Business**

- A) **Consideration and Action: Historic Jarvisburg Colored School Facilities**
- B) **Resolution-Supporting Re-insertion of NC 168, NC 158, and the Mid- Currituck Bridge on the updated Strategic Transportation Corridors Map**
- C) **Consideration of Award of Contract-Ocean Rescue Services**
- D) **Lottery Fund** Consideration of Application to Withdraw Monies

**E) Bond Refinancing**

**F) Board Appointments:**

1. Recreation Advisory Board
2. Tourism Advisory Board
3. Board of Adjustment
4. Planning Board

**Revised to include Commissioner Appointments to the following Boards:**

***Social Services Board, Economic Development Board, Senior Citizens Advisory Board, College of the Albemarle Board of Trustees, and the Juvenile Crime Prevention Council, and reappointment to the Albemarle Commission.***

**G) Consent Agenda:**

1. Approval of Minutes for November 17, 2014
2. Budget Amendments
3. CDBG Monthly Status Report
4. Acceptance of Bonds
5. Approval of Rollback Contracts for Whalehead Special Service District and County Beach Access Points.

**H) Commissioner's Report**

**I) County Manager's Report**

**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 to receive advice from the county attorney regarding the following pending matters: Swan Beach Corolla, LLC v. Currituck County; Ocean Hill Commercial, LLC v. Currituck County; Ocean Hill Commercial, LLC v. Bickford and Currituck County; and Long v. Currituck County and Letendre.*

**Adjourn**

**D) Public Comment**

Chairman O'Neal opened the public comment period.

Jane Overstreet, Corolla, spoke in reference to the Friedman lawsuit on behalf of the 4-wheel drive community and the more than 10,000 others who signed a petition against allowing commercial property in the 4-wheel drive area. Ms. Overstreet encourages a vote to appeal and fight the Friedman's plans for a commercial development.

Rufus Baldwin, Corolla, is a long-time resident and said the 4 wheel drive area is unique and is the reason people come from all over to visit. He believes commercial development in the area helps no one.

Vivian Simpson, Moyock, asked the Board of Commissioners to honor their previous commitment to support the Historic Jarvisburg Colored School by building the restrooms and retail areas. Ms. Simpson said the museum would be a tourism asset for the county. She said a change in power should not change the issue.

Rhonda Morris of Barco also spoke in support of the Historic Jarvisburg Colored School from the tourism perspective, and asked the Board to approve construction of the stick-built restroom option, stating that the county has always done things right and wishes it for this project as well.

Scott Simpson of Corolla, and Corolla Ocean Rescue, spoke on behalf of Corolla Ocean Rescue, discussing the competing bid for lifeguard services. Mr. Simpson asked the Board to consider Corolla Ocean Rescue based on the services they have provided over the past 23 years. He reviewed the reasons why they should be chosen over the low bidder, a difference of only 1.2%. He noted the resources they have, including craft and personnel, and the relationships they have formed over the many years.

Barry Richman of Corolla, Secretary of the Board of Directors of Corolla Ocean Rescue, named additional services that have been provided over and above what is bid in the contract such as the Seal safety program and Junior Lifeguard program. He noted that no tax dollars are used to fund these programs.

Milton Etheridge, an 80 year resident of Currituck, spoke on behalf of the Board of Directors for the Historic Jarvisburg Colored School, recounted his time attending the school, and stated folks he talks to are very interested in seeing how things were done those years ago. He spoke of the setback regarding building of the restrooms. Mr. Etheridge said things have come so far and asks for the Board's support for construction.

Barbara Snowden of Currituck invited everyone to the Currituck Library at Barco, at 7 PM on Tuesday, December 8<sup>th</sup>, to hear Samuel Dixon discuss Preservation as an Economic Development Tool.

Leon Saunders of Jarvisburg expressed concern for the Historic Colored School project and hopes the Board sees the need to get the project completed.

Andy Keeney, Kitty Hawk, stated he is a member of the Whalehead Trust and an attorney in Kitty Hawk, thanked Chairman O'Neal and Dan Scanlon on behalf of Mr. Warner Ball for their hard work in resolving serious issues Mr. Ball faced while planning his wedding, which was to be held at the Whalehead Club.

Michael Cherry, Corolla, President of Lighthouse Resort Services, stated his company was the low bidder for ocean rescue services contract. He recounted his prior service and awards, stating his family started ocean rescue in Corolla after a tragic loss due to drowning. He thanked the Board for the opportunity to bid.

Rowena Roby was born and raised in Currituck and has become involved with the Historic Jarvisburg Colored School. She wants to see the project to its completion. She stated she appreciates how helpful the Board has been and asks the Board to finish the project.

With no one else wishing to speak, Chairman O'Neal closed the Public Comment period.

## **Public Hearings**

- A) **Public Hearing and Action: PB 14-28 Spruill Sand Mine:** Request for a Use Permit to operate a extractive industry (sand mine) located at 913 Caratoke Highway, Tax Map 15, Parcels 31 and 32B, Moyock Township.

Parties wishing to speak were sworn in and Ben Woody, Planning Director, reviewed the project with the Board. Mr. Woody explained the county permit had expired in 2013 and that state permits were all in place. He also explained that the mine had exceeded its allowable excavation. The Technical Review Committee, he said, recommended approval with conditions.

## **CASE ANALYSIS FOR THE Board of Commissioners**

**DATE:** December 1, 2014

**PB 14-28 William Spruill Sand Mine**

**ITEM:** PB 14-28 William Spruill Sand Mine request for a Use Permit to operate an extractive industry (sand mine).

**LOCATION:** Moyock: 913 Caratoke Highway

**TAX ID:** 0015-000-0031-0000  
0015-000-032B-0000

**ZONING DISTRICT:** Agricultural (AG) and Heavy Industrial (HI)

**PRESENT USE:** Extractive Industry (sand mine)

**OWNER:** William Spruill PO Box 146  
Moyock NC 27958

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

	<b>Land Use</b>	<b>Zonina</b>
<b>NORTH:</b>	Farmland	AG
<b>SOUTH:</b>	Farmland, Retail, Residential	GB
<b>EAST:</b>	Woodland, Farmland	AG
<b>WEST:</b>	Reclaimed Sand Mine	GB

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

**LAND USE PLAN CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as Full Services within the Moyock subarea. The 2014 Moyock Small Area Plan classifies the site as Limited Service.

**SIZE OF SITE:** 58.70 acres

**COMMUNITY MEETING:** A community meeting was held on September 8, 2014 at the Moyock Library. No one attended the meeting.

**I. NARRATIVE OF REQUEST:**

- A special use permit was issued to William Spruill on October 18, 1999 to excavate a maximum 30% of the entire site. The permit was valid for ten years and with the vesting suspension provided by the North Carolina General Assembly, the special use permit expired January 1, 2013.
- In 2006 the state notified the county that Mr. Spruill had modified his state mine permit. In March of 2006 Mr. Spruill was notified that changes to the special use permit had to be submitted to the county to determine if the permit modification required BOC approval. It does not appear that the situation was followed up upon.
- The applicant is requesting a use permit which is required for Mr. Spruill to continue operating an extractive industry for sand mining.
- It has been determined that the mine has exceeded its permitted excavation area by 5.65 acres, bringing the excavated area to 39.6% of the site. The applicant plans to fill the 5.65 over excavated acres.
  1. The proposed average depth of the excavation area is 35' with a maximum proposed depth of 50'.
  2. The application includes a request for a 50% setback reduction along all property lines where an existing vegetative visual screen is between the mining activity and the adjoining use/property lines. (See aerial photography for reference)
  3. A hydrological study was prepared by Hyman and Robey on September 25, 2014 indicating that the mining operation should have little impact on the adjoining properties.
  4. The dewatering operation of the excavation area includes pumping water from the main pond into a perimeter ditch along the west and south sides of the property to an outlet into Survey Road Ditch. This perimeter ditch will also serve as a recharge ditch. Dewatering will occur as needed,

which will not be full time. Currently the site is dewatered by pumping for eight hours per day on Saturday and Sunday.

5. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply of equal quantity and quality. A rebuttal is permitted that contamination or diminution of water has not been caused by the mining activity. Since the mining operation was permitted in 1999, Mr. Spruill has not installed or compensated any property owners for new wells. There have been no reported failed wells. The Board may impose a surety to guarantee the well owner a replacement water supply of equal quantity and quality in the event of contamination or diminution of groundwater.
6. The applicant has petitioned the Department of Environment and Natural Resources to reclaim 22.34 acres and remove that area from the state mining permit.

## **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 are outlined as follows:

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

Based on the suggested findings provided by the applicant, staff has determined it is probably true that the use will not endanger the public health or safety.

### **Staff Findings:**

- b. The mine site is posted with No Trespassing signs 250 feet apart.
  - c. A hydrological study prepared by Hyman and Robey on September 25, 2014 indicates the "operation will not degrade or negatively impact any areas of environmental concern or wells within the area." There have been no previously reported issues.
  - d. All trucks hauling mined materials shall be covered with a tarpaulin.
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.

Based on the suggested findings provided by the applicant, staff has determined it is probably true that 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. A special use permit was issued for the mining operation on October 18, 1999 and the mine operated for 15 years.
  - b. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on the site.
3. The use will be in conformity with the Land Use Plan or other officially adopted plan.

Based on the suggested findings, staff has determined it is probably true that the use will be in conformity with the Land Use Plan or other officially adopted plans.

**Staff Findings:**

The 2006 Land Use Plan classifies this site as Full Service within the Moyock subarea. With respects to nonresidential uses, it is essential that the existing community character be preserved in the Full Services area. The proposed use is in keeping with the policies of the plan, which include:

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

**Staff Findings:**

The 2014 Moyock Small Area Plan classifies this site as Limited Service within the Moyock subarea. The proposed use is in keeping with the policies of the plan, which include:

POLICY BI4: Provide industrial development opportunities for cluster industries identified by Currituck Economic Development such as defense aero-aviation, port and maritime related industries, alternative energy, agriculture and food, and local existing business support.

4. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities.

Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Based on the suggested findings, staff has determined it is probably true that 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.

**Staff Findings:**

- a. The proposed use will not produce additional burdens on schools, fire and rescue, or other public facilities.

**4. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

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

- a. That the applicant must fill the 5.65 acres of over excavated area to bring the site into compliance with the UDO.
- b. All existing vegetation located along the property lines shall be retained for setback reduction.
- c. The maximum average depth of the excavation area shall be 35' with a maximum depth of 50'.
- d. Since the operation generates more than five trips per peak hour, at least 200' of continuous pavement shall be required onsite starting at the point the access road intersects with Caratoke Highway. (4.2.5.A.5.a) It appears on the driveway inset that the newly paved portion of the access road does not align with the existing access road. How will this be resolved?

Items requiring discussion and action by the Board:

- e. That the applicant not be allowed to continue excavating the site until the 5.65 acres of over excavated area is filled. The applicant would be allowed to bring material to the site, but not remove material from the site.

- f. That the site be brought into compliance within two years (time estimated by the applicant to bring site into compliance) of the date of the use permit. If it is determined that the site has not been brought into compliance within the two year time frame, the county will initiate enforcement procedures including, but not limited to, civil citations and permit revocation.
- g. The UDO allows operations activities from dawn to dusk Monday – Saturday. To reduce the traffic concerns, the board may include a condition that would not allow hauling on Saturday from Memorial Day to Labor Day.
- h. The person owning or operating a mining site that operates in a manner that adversely affects an in use well through contamination or diminution of groundwater is responsible for a replacement water supply of equal quantity and quality. In accordance with Section 4.2.5 of the UDO, the Board may impose a surety to guarantee the well owner a replacement water supply of equal quantity and quality in the event of contamination or diminution of groundwater.

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

Mr. Cartwright moved to approve PB 14-28 with staff recommendations, to allow the work to continue while filling the 5.65 acres back into compliance for a two year period, and ceasing shooting until the land is release from the state permitted area. Ms. Newbern seconded the motion and motion carried unanimously.

#### **PLANNING BOARD DISCUSSION (11-4-14)**

Ms. Bell said she is concerned that Mr. Spruill has been operating without a county permit.

Mr. Hyman said the use permit did expire and it was an oversight on Mr. Spruill's part, as well as the county. Mr. Spruill did renew his state permit and the county was notified from the state that it was being renewed to continue operation. Currently, Mr. Spruill is filing a mining modification permit with the Department of Environment and Natural Resources to reclaim 22.34 acres and remove that area from the state mining permit. Mr. Hyman said Mr. Spruill has been mining for 20 plus years in the county. Mr. Hyman said Mr. Spruill has exceeded the permitted excavation area by 5.65 acres; and Mr. Spruill is currently filling the overage back up on a daily basis. Mr. Hyman is asking the board to give Mr. Spruill a timeline (2 years) to fill the 5.65 acres; and to continue operating his business understanding that the violation of the use permit was an oversight. Mr. Hyman talked with the owners of the two wells that are within 2,000 feet of the mining operation and they have not had any problems.

Ms. Bell said she is concerned that Mr. Spruill renewed his permit with the state, but forgot or overlooked the use permit with the county. Also, that Mr. Spruill exceeded the amount he was to excavate by 5.65 acres, which is a violation of the use permit.

Mr. Hyman said it was an oversight on Mr. Spruill's part. Mr. Spruill is trying to fill in the exceeded acreage and he is trying to do the right thing.

Ms. Bell said Mr. Spruill has two violations of this permit and is concerned if approved, can the county trust him to do what he is to do in timely manner.

Mr. Hyman said it will be monitored by the county to make sure he is in compliance.

Ms. Bell said what she is hearing is Mr. Hyman is confident that if the board approves this permit with stipulations, that Mr. Spruill will honor these requirements.

Mr. Hyman said yes.

Mr. Cartwright said you could have a pit where you dig out of it and leave a big hole, or you can have a pit that you dig and fill back in with clean fill. This is what Mr. Spruill is doing.

Mr. Clark said there is a concern with traffic on Saturday. Would Mr. Spruill be willing not to haul on Saturday from Memorial Day to Labor Day?

Mr. Hyman said yes.

Mr. Clark asked if the applicant is okay with the recommendations. Mr. Hyman said yes.

Mr. Harcum said he owns ninety acres and asked staff to show him where the 5.65 acres is located.

Mr. O'Neal said he was here on behalf of Mr. John Flora who owns property across from the mine. Mr. O'Neal said Mr. Spruill is asking for a variance to be able to reclaim this area; and to continue to operate while he is in violation of the county's Unified Development Ordinance (UDO). At the present time, Mr. Spruill is leasing a portion of the back of the property to The Currituck Shooting Club, which is in violation of the county's UDO since August 2014. Mr. Spruill may be operating part of it for his mine, but in the meantime he continues to lease a portion of the property, that is now actively being used as a shooting range, which has received two violations from the county.

Mr. Hyman said the area that Mr. O'Neal is talking about is being released from the mining portion.

Ms. Bell asked Mr. O'Neal if Mr. Spruill was in violation for allowing the shooting range.

Mr. O'Neal said the shooting range has two violations on the property, one on August 8, 2014 and another on November 3, 2014. The shooting range is in violation of the UDO.

Ms. Bell said she is concerned that Mr. Spruill is constantly in violation of the UDO and his lack to follow the rules.

Mr. Leary said when he was the Economic Developer for the county; he had a client who was interested in locating a business to the mine site and the property being reclaimed. Mr. Leary approached the county to change the UDO to allow clean backfill brought back in to the reclaim site. Mr. Leary said the renewal of the use permit was an oversight.

Ms. Bell said she is not against businesses in Moyock or Currituck County nor a man making a living; but done in the proper manner.

Mr. Clark asked staff if the county will address the shooting range.

Mr. Woody said the county currently has the owner of the property, Mr. Spruill and the operator of the shooting range, The Currituck Shooting Club under violation for operating a shooting range. Mr. Woody said the shooting range is under an enforcement procedure.

Mr. Cartwright asked if the reason PB 14-24 was continued is because a portion of the mine area is being reclaimed to be released.

Mr. Woody said the board is hearing tonight a request for a use permit for a mining operation. As a board, you would have to determine what considerations you are going to give since there is a different violation on this property in terms of issuing or not issuing the permit for the mine.

Ms. Bell asked if the board approves this request who will be monitoring the permit?

Mr. Woody said staff has a more formalized process to ensure permits won't expire and are actively enforcing the conditions.

Mr. Clark asked Mr. O'Neal what was the point of him bringing up the shooting range?

Mr. O'Neal said there is a violation on this property and for the board to know all the information if you allow someone to do something.

Ms. Overstreet asked Mr. Spruill how long has the lease existed for the shooting club.

Mr. Spruill said six to eight months.

Mr. Flora said he is against the shooting range as it will decrease the value his property. Mr. Clark closed the public hearing.

## **ACTION**

Mr. Cartwright moved to approve PB 14-28 with staff recommendations, to allow the work to continue while filling the 5.65 acres back into compliance for a two year period, and ceasing shooting until the land is release from the state permitted area. Ms. Newbern seconded the motion and motion carried unanimously.

Commissioner Hall confirmed the setbacks with Mr. Woody, and Commissioner Griggs questioned who is responsible for determination of adverse conditions. He said more diligence is needed regarding monitoring, stating perhaps timing could be concurrent with state permits. Commissioner Griggs clarified permitting processes, and suggested this permit include language requesting the over excavated hole be filled in a timely manner.

In response to questions from the Board, Mr. Woody stated no complaints have been filed against the mine, and that staff would conduct inspections. Mr. Woody told the Board that soil would be used to fill the over-excavated area, and that the proposed shooting range does not alter the excavation area percentage. Mr. McRee answered a question about the ability to issue a permit while in violation, to which he answered that a permit can be issued along with a requirement for compliance. Commissioner Griggs and Aydlett expressed frustration with the fact that the violations were ongoing for at least a year and the county was unaware.

With the opening of the public hearing, Eddie Hyman, Hyman and Robey, explained the conditions of the site, pit, and survey of the property in his effort to remedy the excavation violation. He said Mr. Spruill plans to use overburden from outside projects to fill the pit, citing a verbal contract in place with a construction company. He said Mr. Spruill has agreed to the recommendations and conditions put forth and asks that a semi-annual report, in lieu of a quarterly report, be admissible. Mr. Hyman said he has a verbal from the state that the mine meets state requirements and will be released, although nothing has been received in writing. Mr. Woody made it clear that the released area is not relative to this discussion.

The Board continued, raising concerns of how to deal with future violations should the use permit be approved. Commissioner Beaumont believes Mr. Spruill is a responsible businessman who is trying to do business while at the same time remedy the violations.

Mr. Spruill is looking to secure a 10 year permit, with 2 years to remedy and repair the violations. Billy Spruill told the Board he is bonded and that slopes were in. Mr. Griggs inquired about hydrological studies, to which Mr. Hyman said there were no issues with neighboring wells, nor have there been over the last 24 years. Commissioner Griggs made clear that the burden will be on the applicant to supply any evidence required.

John Flora of Moyock, is a neighbor of the mine. Mr. Flora said he wanted to ensure the Board had the facts he knows to be true. Mr. Flora said he spoke to the state and was told the mine release had not been approved, and that shooting was taking place at the mine. He believes Mr. Spruill is not acting in good faith, has been operating in violation, and that the Board should not trust that Mr. Spruill will do what he says. Mr. Flora asks that the permit be denied until the mine is in compliance.

Mr. Spruill denies the shooting occurred in his mine and believes it to be coming from a pit behind his property. Mr. Hyman said he has a verbal confirmation from Ms. Werner at the state office that the mine will be released.

With no further discussion, Chairman O'Neal closed the public hearing and asked for a motion. Commissioner Beaumont moved to approve with conditions, including correction of violations within 2 years, semi-annual reporting, no hauling on Saturday from Memorial Day through Labor Day, and revocation if shooting is found to be taking place. The motion died due to lack of a second.

Commissioner Gilbert moved to continue the item until the first meeting in January pending receipt of written permits from the state. Commissioner Aydlett seconded and the motion carried unanimously.

## **New Business**

### **A) Consideration and Action: Historic Jarvisburg Colored School Facilities**

Mr. Scanlon reviewed the project with the Board for construction of restrooms at the museum facility. He explained that the building could not open until restrooms were constructed. A powerpoint was shown with various options being discussed among the Board, along with projected costs. Option one showed a stick built building with design aspects similar to the school museum. The others were modular designs. Commissioner Beaumont did not feel he wanted to see a modular design on the site. Chairman O'Neal recalled the history of the project, the money already invested, and said we would never consider a modular design at any other historic site and suggests doing what has been promised.

Commissioner Aydlett agreed, and moved to approve the stick built facility, Option 1, and was seconded by Commissioner Gilbert. The motion remained on the floor while discussion continued.

Commissioner Griggs expressed much concern over what he felt was an exorbitant cost for the facility at \$280.00 a square foot, worrying that bids may be inflated due to the earmarked cost. Mr. Scanlon explained the dollars were a budget number only, and discussion continued as to the reasons why the cost estimate may be higher. Commissioner Hall questioned the dollars spent on a facility that does not have set operating hours for business. Ms. Vivian Simpson, Board of Directors member, answered that there will be a volunteer staff for tours by appointment. She said the Tourism Department would help to promote the facility along with radio advertising.

The original motion was restated to approve building of Option 1 and carried unanimously.

### **B) Resolution-Supporting Re-insertion of NC 168, NC 158, and the Mid- Currituck Bridge on the updated Strategic Transportation Corridors Map**

Dan Scanlon explained the importance of the Strategic Transportation Corridors Map in acquiring funding for projects from the Department of Transportation and Department of Commerce. Although the bridge and other projects were included on the 2004 map, they were omitted from the current map as part of the transportation plan. The Albemarle Rural Planning Organization (RPO) is asking all counties affect to support re-establishment of routes on the map. Chairman O'Neal commented on his disbelief that the projects were removed. Commissioner Aydlett believes the RPO understands the dilemma our region is in and looks forward to seeing improvements. Commissioner Aydlett moved to accept the resolution, seconded by Commissioner Gilbert. The motion carried unanimously.

### **C) Consideration of Award of Contract-Ocean Rescue Services**

Dan Scanlon presented two bids that were received, explaining that although it is a service contract the Board had approved the contract be put out to bid, as the current contract was due to expire at the end of the year. Corolla Ocean Rescue and Lighthouse Resort Services submitted bids, of which Lighthouse Resort Services was low bidder, \$32,000 less over four years. Commissioners discussed levels of service, with Commissioner

Beaumont expressing his concern about changing contractors for rescue services, and feels there is a great risk associated with the loss of the expertise.

Commissioner Aydlett motioned to approve a contract with Lighthouse Resort Services. Commissioner Griggs seconded and the motion carried, by a 6 to 1 vote, with Commissioner Beaumont voting against.

**D) Lottery Fund** Consideration of Application to Withdraw Monies

Mr. Scanlon explained the process to withdraw monies and reviewed the applications with the Board. Commissioner Gilbert moved to approve the withdraws of funds with a second my Commissioner Hall. The motion carried unanimously.

**E) Bond Refinancing**

Mr. Scanlon asked the Board to consider a refinancing of the balance of the mainland water systems bond, reducing the rate to 2.98%, resulting in savings of \$150-175 thousand in interest per year, approximately \$1.4 million over the life of the loan. Commissioner Aydlett moved to approve with a second by Commissioner Griggs. The motion carried unanimously.

**F) Board Appointments:**

1. Recreation Advisory Board
2. Tourism Advisory Board
3. Board of Adjustment
4. Planning Board

***Revised to include Commissioner Appointments to the following Boards:***

***Social Services Board, Economic Development Board, Senior Citizens Advisory Board, College of the Albemarle Board of Trustees, and the Juvenile Crime Prevention Council, and reappointment to the Albemarle Commission.***

The Board of Commissioners approved the following appointments:

Commissioner Payment nominated Robin Kane to fill his unexpired term on the Recreation Advisory Board. Commissioner Paul Beaumont reappointed Daniel Pennington to a full term on the Tourism Advisory Board. Commissioner Hall reappointed Mike Painter and Chairman O'Neal reappointed Vivian Simpson to the Board of Adjustment.

Commissioner Griggs reappointed Steven Craddock, Commissioner Beaumont reappointed Clay Cartwright and Commissioner Payment reappointed John Cooper to the Planning Board. Commissioner Hall appointed Fred Whiteman to serve a first term on the Planning Board.

Jane Overstreet was reappointed to the Planning Board with a consensus of the Board of Commissioners.

The following Commissioner appointments were approved:

Commissioner Gilbert was reappointed to the Albemarle Commission. Commissioner Payment was appointed to the Social Services Board and the Economic Development Board. Commissioner Hall was appointed to the Senior Citizens Advisory, the College of the Albemarle Board of Trustees, and the Juvenile Crime Prevention Council.

**G) Consent Agenda:**

1. Approval of Minutes for November 17, 2014
2. Budget Amendments
3. CDBG Monthly Status Report

4. Acceptance of Bonds
5. Approval of Rollback Contracts for Whalehead Special Service District and County Beach Access Points.

Commissioner Payment asked Mr. Scanlon to give a brief overview of the items on consent agenda. Mr. Scanlon reviewed the Consent Agenda items, explaining Item 3, the Community Block Grant report, Item 4, the requirement of performance bonds for certain county officials, and Item 5, the trash rollout and rollback services for certain beach areas. Commissioner Gilbert moved to approve. The motion was seconded by Commissioner Beaumont and carried unanimously.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
68888-532000	Supplies	\$ 2,500	
68888-516000	Repairs & Maintenance		\$ 1,000
68888-533200	Lab Tests		\$ 1,500
		<u>\$ 2,500</u>	<u>\$ 2,500</u>

**Explanation:** *Walnut Island Sewer (68888)* - Transfer funds for addition supplies needed to operate the sewer system.

**Net Budget Effect:** Walnut Island Sewer District (68) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10460-545000	Contract Services	\$ 11,750	
10310-400100	Vehicle tax collected by DMV		\$ 11,750
		<u>\$ 11,750</u>	<u>\$ 11,750</u>

**Explanation:** *Public Works (10460)* - Increase appropriations to clean out the stormwater ponds at County facilities.

**Net Budget Effect:** Operating Fund (10) - Increased by \$11,750.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
60808-545000	Contract Services	\$ 6,122	
60808-511000	Telephone & Postage		\$ 2,300
60808-511001	Telephone & Postage		\$ 2,300
60808-532000	Supplies		\$ 762
60808-532001	Supplies		\$ 760
61818-545000	Contract Services	\$ 14,200	
61818-511000	Telephone & Postage		\$ 9,700
61818-532000	Supplies		\$ 500
61818-590000	Capital Outlay		\$ 4,000
66868-545000	Contract Services	\$ 9,000	
66868-511000	Telephone & Postage		\$ 7,500
66868-532000	Supplies		\$ 1,500
67878-511000	Telephone & Postage		\$ 75
67878-545000	Contract Services	\$ 75	
68888-511000	Telephone & Postage		\$ 500
68888-532000	Supplies		\$ 103
68888-545000	Contract Services	\$ 603	
		<u>\$ 30,000</u>	<u>\$ 30,000</u>

**Explanation:** *Water & Sewer Funds (60808;61818;66868;67878;68888) - Transfer funds to outsource water and sewer billing from January - June 2015.*

**Net Budget Effect:** Ocean Sands Water & Sewer District Fund (60) - No change  
Mainland Water Fund (61) - No change.  
Southern Outer Banks Water Fund (66) - No change.  
Moyock Central Sewer Fund (67) - No change.  
Walnut Island Sewer Fund (68) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-561000	Professional Services		\$ 6,091
10750-545002	Contracted Services Child Support	\$ 6,091	
		<u>\$ 6,091</u>	<u>\$ 6,091</u>

**Explanation:** *SOCIAL SERVICES ADMIN (750)* -Transfer budgeted funds for changes in child support administrative fees.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-590003	Fire Hydrants	\$ 7,201	
61360-467000	Sale of Materials		\$ 7,201
		<u>\$ 7,201</u>	<u>\$ 7,201</u>

**Explanation:** *Mainland Water (61818)* - Increase appropriations for installation of a fire hydrant for economic development.

**Net Budget Effect:** Mainland Water Fund (61) - Increased by \$7,201.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-545000	Contract Services	\$ 15,000	
61360-471000	Tap & Connection		\$ 15,000
		\$ 15,000	\$ 15,000

**Explanation:** *Mainland Water (61818)* - Increase appropriations for administrative fees for debt rate modification.

**Net Budget Effect:** Mainland Water Fund (61) - Increased by \$15,000.

## **A RESOLUTION IN SUPPORT OF INCLUDING US 158, US 168 AND THE MID-CURRITUCK BRIDGE ON THE STRATEGIC TRANSPORTATION CORRIDORS NETWORK MAP**

WHEREAS, the North Carolina Department of Transportation has recently replaced the Strategic Highway Corridors network map adopted by the North Carolina Board of Transportation in 2004 with the Strategic Transportation Corridors map; and

WHEREAS, the Strategic Transportation Corridors network map omits US 158, US 168 and the Mid-Currituck Bridge which were previously included on the Strategic Highway Corridors network map; and

WHEREAS, these corridors are vital for the economic development, mobility and safety of residents and visitors of Northeastern North Carolina; and

WHEREAS, the US 158 and US 168 corridors are the primary hurricane evacuation routes for residents and visitors of the Outer Banks and the State of Virginia has informed us, as part of the Barco Diversion Plan, they may close the border and require all North Carolina residents and visitors to enter Virginia via 1-95; and

WHEREAS, the US 158 and US 168 corridors connect Northeastern North Carolina to one of only two deep water ports on the east coast-the Port of Virginia; two major airports, and Hampton Roads; and

WHEREAS, the Mid-Currituck bridge would serve as an alternate hurricane evacuation route for residents and visitors of the Outer Banks, reduce congestion, create jobs; and create tax revenue for the State from toll revenue; and

WHEREAS, the Transportation Advisory Committee (TAC) is the duly recognized transportation planning policy board for the Albemarle Rural Planning Organization and hereby supports the inclusion of US 158, US 168 and the Mid-Currituck Bridge on the Strategic Transportation Corridors Map.

NOW, THEREFORE BE IT RESOLVED that the Currituck County Board of Commissioners strongly

supports and encourages the inclusion of US 158, US 168 and the Mid-Currituck Bridge on the Strategic Transportation Corridors Map.

Adopted this the 1<sup>st</sup> day of December, 2014.

#### **H) Commissioner's Report**

Commissioner Beaumont had attended the Currituck tree lighting and listened to the Currituck High School choir, stating it was a beautiful night.

Commissioner Hall recalled his campaign, stating he wouldn't have traded it for the world, and thanked everyone for their support.

Commissioner Griggs announced the public meeting of the North Carolina Department of Transportation being held at Jarvisburg Elementary on December 15<sup>th</sup> at 7 PM to address traffic issues and encouraged everyone to attend.

Commissioner Gilbert announced a Stormwater meeting at the Moyock library, December 9<sup>th</sup>, at 7 PM. She wished everyone a joyous holiday.

Commissioner Payment said it was an interesting first meeting and looks forward to working with the Board and staff.

Commissioner Aydlett stated that a letter needed to be sent to the Department of Transportation requesting a meeting to discuss the design proposed for the new ferry building in Currituck.

Chairman O'Neal announced the annual Christmas parade and tree lighting at 7 PM Friday, beginning at the College of the Albemarle Regional Aviation Training Center.

#### **I) County Manager's Report**

Mr. Scanlon reminded everyone that the regular meeting of the Board of Commissioners on December 15<sup>th</sup> is cancelled, with the Board attending the meeting of the NC DOT instead.

#### **Closed Session**

Commissioner Gilbert moved to enter 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 to receive advice from the county attorney regarding the following pending matters: Swan Beach Corolla, LLC v. Currituck County; Ocean Hill Commercial, LLC v. Currituck County; Ocean Hill Commercial, LLC v. Bickford and Currituck County; and Long v. Currituck County and Letendre.

Commissioner Beaumont seconded, the motion carried unanimously, and the Board moved into closed session.

#### **Adjourn**

After returning from closed session, and there being no further business, Commissioner Aydlett moved to adjourn. The motion was seconded by Commissioner Beaumont and carried unanimously. The meeting was adjourned.