



**Board of Commissioners  
Agenda Packet**

**January 22, 2019**

**Work Session**

4:30 PM Chandler Thinks-Tourism Marketing

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance-Pastor Glenn McCranie, US Navy Chaplain, Retired
- B) Ceremonial Swearing In of Selina S. Jarvis, Commissioner, District 2
- C) Approval of Agenda

**Public Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.*

**Commissioner's Report****Administrative Reports**

- A) **Mid-Season Tourism Update-Tameron Kugler, Director of Travel & Tourism**

**Public Hearings**

- A) **PB 17-14 Currituck County - Solar Text Amendment:** Amendment to the Unified Development Ordinance Chapter 4: Use Standards, and Chapter 10: Definitions and Measurements, to add solar energy facilities as an allowable use in the county.

**New Business**

- A) **Consideration of an Ordinance of the Currituck County Board of Commissioners Amending Section 10-64 of the Code of Ordinances Regulating Parking on the County's Beach**
- B) **Consideration of an Ordinance of the Currituck County Board of Commissioners Amending Chapter 10, Article II, Division 7 of the Code of Ordinances to Protect and Enhance the County's Dune Barrier System**
- C) **Board Appointments**
  - 1. Approval of Board of Commissioner Appointments to Local Advisory/Regional Boards
- D) **Consent Agenda**
  - 1. Approval Of Minutes for January 7, 2019
  - 2. Budget Amendments
  - 3. Records Disposal-Permits & Inspections
- E) **County Manager's Report**

**Recess****Special Meeting-Ocean Sands Water & Sewer District Board**

Budget Amendments

**Adjourn Special Meeting and Reconvene Regular Meeting of the Board of Commissioners**

**Closed Session**

Closed Session pursuant to N.C. Gen. Stat. Section 143-318.11(a)(3) to consult with the County Attorney to protect the attorney-client privilege regarding potential litigation and the matters entitled: R. F. London, Inc., et al. v. Currituck County, et al.; Letendre v. Currituck County; Ayers v. Currituck County Department of Social Services; Schneirla, et al. v. Currituck County; Poplar Branch Development Trust v. Currituck County, and pursuant to Gen. Stat. Section 143-318.11(a)(6) to discuss a personnel matter.

**Adjourn**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2354)**

**Agenda Item Title**

4:30 PM Chandler Thinks-Tourism Marketing

**Brief Description of Agenda Item:**

**Board Action Requested**

Discussion

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2355)

**Agenda Item Title**

Mid-Season Tourism Update-Tameron Kugler, Director of Travel & Tourism

**Brief Description of Agenda Item:**

**Board Action Requested**

Information

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Tameron Kugler



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2275)

**Agenda Item Title**

PB 17-14 Currituck County - Solar Text Amendment:

**Brief Description of Agenda Item:**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, and Chapter 10: Definitions and Measurements, to add solar energy facilities as an allowable use in the county.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Tammy Glave,

**Presenter of Agenda Item**

Tammy Glave



## Currituck County

Planning and Community Development Department  
Planning and Zoning Division  
153 Courthouse Road, Suite 110  
Currituck, North Carolina 27929  
252-232-3055 FAX 252-232-3026

To: Planning Board

From: Planning Staff

Date: November 14, 2018

Subject: PB 17-14 Currituck County – Solar Text Amendment

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Please find the attached amended staff report based on direction given to staff at your October 9, 2018 meeting.

Attachment: 1 (PB 17-14 Currituck County - Solar Energy Facilities)

**PB 17-14  
CURRITUCK COUNTY  
Solar Energy Facilities  
(Planning Board Version)**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, and Chapter 10: Definitions and Measurements, to add solar energy facilities as an allowable use ~~and remove wind energy facility, large, as an allowable use.~~ **Planning Board comment: Wind energy facilities should not be removed as an allowable use because of potential conflict with nearby Navy radar equipment. The Department of Defense established a Military Aviation and Installation Assurance Clearinghouse that reviews wind energy facilities on a case by case basis. The Clearinghouse would be the entity to determine if a wind energy project/location could pose potential conflict with the ROTH radar at the nearby Northwest Navy Annex. The board asked the Southeastern Wind Coalition for information regarding the creation of the Clearinghouse and its duties.**

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 4 is amended by adding the bold, underlined language and deleting the strike-through language:

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
INSTITUTIONAL USE CLASSIFICATION																		
Utilities	Solar Energy Facility		U															3.K

**Item 2:** That Chapter 4 is amended by adding the following language as Section 4.2.3.K:

**K. Solar Energy Facility (SEF)**

**A SEF shall comply with the following standards:**

**1. Location**

- a. ~~A SEF project may include no more than two abutting properties on one project application. Each property shall meet all the requirements of this subsection.~~ **Planning Board comment: Unlimited number of properties should be allowed to function as one project.**
- b. **No SEF project shall be located in a Full-Service area designated by the Land Use Plan.**
- c. **No SEF project shall be located in a Significant Natural Heritage Areas as identified by the NC Natural Heritage Program.**

**2. Maximum Size**



- a. ~~Maximum SEF project size on any property may not exceed 250 acres or one-half of the acreage of the property as it existed on (adoption date), whichever is greater.~~ **Planning Board comment:** *There should not be a maximum size limit for a project.*

### 3. Setbacks

- a. All panels, equipment, and associated security fencing shall be setback 300' from a major arterial street right-of-way and 150' from all other NCDOT street rights-of-way and property lines.
- b. All panels, equipment, and associated security fencing shall be setback 100' from any CAMA designated navigable water bodies, Army Corps of Engineers or CAMA wetlands, and Significant Natural Heritage areas.
- c. All SEF projects that include two abutting properties shall meet the setbacks for all interior property lines. **Planning Board comment:** *Adjoining lots within the same project should not be required to meet setbacks from interior property lines.*
- d. Plantings are allowed in setback areas.

### 4. Height and Configuration

- a. The maximum height of the SEF, including all mounts, panels, and other equipment, shall not exceed 15' above grade when oriented at maximum height.
- b. The panels and equipment shall be configured to avoid glare beyond the exterior property lines.

### 5. Sound

- a. The hours of operation during construction phase of the SEF shall be from 7:00am to 7:00pm, Monday through Friday;
- b. If the construction area for the SEF is located within 1500' of a public school or licensed pre-school, no pile driving shall be allowed during regular school session times. **Planning Board comment:** *Enforce noise or light complaints through existing ordinances and not make special standards for this industry. Should be allowed to operate on Saturdays.*

### 6. Buffers and screening

- a. Prior to the start of any construction related activity, a Type D opaque buffer or an earthen berm as tall as the tallest panel at maximum height shall be installed.
- b. Certification from a landscape architect or certified arborist that 100% opacity will be reached at maximum panel height within 3 years shall be submitted.
- c. Opacity of the buffer shall be assessed from the exterior property lines and rights-of-way.
- d. A performance guarantee in the amount of 115% of the cost of the landscaping used for screening shall be submitted prior to the issuance of a building permit and remain valid until 100% opacity is reached. Should 100% opacity not be reached within 3 years of building permit issuance, the county will draw upon the performance guarantee as outlined in Section 6.3.F Default and Forfeiture of Performance Guarantee and install required supplemental landscaping.

- e. If supplemental landscaping is installed pursuant to this section, additional time for growth will be allowed and the balance of the performance guarantee shall be maintained valid until 100% opacity is reached.
- f. For SEF projects that have a common interior property line, the Type D buffer is not required on the common, interior property line.

## 7. Development Plan

- a. The SEF project shall be developed in accordance with an approved major site plan that includes the following information:
  - i. The location of the SEF, including the arrangement of any existing or proposed buildings, structures or panels.
  - ii. The distance from any proposed SEF building, structure, panels, and fence to the surrounding property lines.
  - iii. Existing or proposed signs, fencing, lighting, construction and permanent parking areas, driveways, landscaping, vegetative screening, or required buffers.
  - iv. Horizontal and vertical elevation to-scale drawings with dimensions.
  - v. Certification that all panels have passed UL 1703 regarding PV module safety.
  - vi. Approval from access controlling agencies for street access.
- b. The SEF project shall designate 30% of the total land area in one or a combination of the following plans:
  - i. Approved plan from the North Carolina Wildlife Resources Commission, Habitat Conservation Division, designating 30% of the total land area of the SEF as an acceptable native pollinator habitat; or,
  - ii. An annual cultivation plan detailing crops and harvest schedule should at least 30% of the total land area of the SEF remain active farmland.

## 8. Environmental Concerns

- a. Appropriate ground cover/grass is required for soil stabilization and shall be maintained in a manner that does not create a fire hazard.
  - i. Grass and weeds not associated with the pollinator habitat shall not exceed two feet in height at any time.
  - ii. Herbicide use is prohibited.
- b. Ground water monitoring wells **Planning Board comment: The Planning Board requested additional material from First Solar that shows all materials used in a solar panel, racking system, etc.**
  - i. Monitoring wells shall be installed prior to construction of any of the SEF components.
  - ii. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point on each property line.
  - iii. The distance between monitoring wells along exterior property lines shall not exceed 2000'.
  - iv. Testing data prepared by a laboratory certified by the North Carolina Department of Health and Human Services to

analyze water subject to the regulations under the North Carolina Drinking Water Act shall be submitted prior to construction of the SEF and annually thereafter to the Planning and Community Development Department until the SEF is decommissioned.

v. Testing data shall show compliance with the NC Department of Health and Human Services Private Well Inorganic Chemical Contaminants standards for the following contaminants:

1. Arsenic
2. Barium
3. Cadmium
4. Chromium
5. Copper
6. Iron
7. Lead
8. Magnesium
9. Manganese
10. Mercury
11. Nitrate/Nitrite
12. Selenium
13. Silver
14. Zinc

vi. The Board of Commissioners may require testing for other contaminants.

vii. Should the initial ground water testing indicate that the site is not in compliance with N.C. Department of Health and Human Services Private Well Inorganic Chemical standards, subsequent annual reports shall indicate no increase in noncompliance with those standards.

9. Solar Energy Facility Impact Analysis

a. As part of an application for a SEF project, a Solar Energy Facility Impact Analysis shall be submitted and contain the following information:

- i. General project description
- ii. Construction Activity Plan:
  1. Amount of land disturbance
  2. Land surface clearing and grading plan
  3. Energy, water, and material needs
  4. Fencing and lighting plans
  5. Waste stream management plan
  6. Construction work force and timeframe
  7. Protection plans for soil, disturbed areas, and surface water
- iii. Operational Plan
  1. Maintenance activities and schedule
  2. Vegetation management plan
  3. Protection plans for soil, disturbed areas, and surface water

iv. Impacts and Resources affected

1. Geology
2. Environmentally sensitive areas
  - a. CAMA jurisdictional areas
  - b. USACE designated wetlands
  - c. Natural Heritage Areas
3. Soils
4. Air Quality
5. Noise
6. Water Resources
7. Ecology
8. Land Use
9. Water management
10. Socioeconomics
11. Health and safety

10. Discontinued Use and Decommissioning

- a. Decommissioning shall include removal of solar collectors, cabling, electrical components, and any other SEF associated facilities, grading, and re-seeding disturbed earth from the project.
- b. A decommissioning plan certified by a North Carolina licensed engineer or a licensed contractor is required and shall include the following:
  - i. A description of any lease or other agreement with all landowners regarding decommissioning.
  - ii. The identification of the party responsible for decommissioning, if not the property owner.
  - iii. The type of panels and material specifications used at the SEF.
  - iv. All costs for the removal of solar panels, buildings, cabling, electrical components, road, fencing, and any other associated facilities below grade.
  - v. All costs associated with the grading and re-seeding of disturbed earth from the project.
- c. The decommissioning plan shall be updated with the Planning and Community Development Department every two years or upon change of ownership of the property or the SEF.
- d. The SEF owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
- e. Disturbed earth shall be graded and re-seeded unless a written request is submitted by the property owner specifying areas not to be restored.
- f. A Decommissioning Performance Guarantee (See Section 6.3) is required that meets the following standards:
  - i. Shall be submitted prior to issuance of a building permit.
  - ii. Shall equal 115 percent of the estimated decommissioning costs.
  - iii. Shall not be reduced by salvage value.

- iv. The performance guarantee amount shall be reviewed every two years as part of the decommissioning plan update and adjusted based upon current costs. In the event the decommissioning costs decrease, the performance guarantee shall not be changed to reflect the lower cost.
- v. The performance guarantee shall remain in effect until decommissioning and site restoration is complete.

**Item 4:** That Chapter 10 is amended by adding the following bold underlined language and deleting the struck-through language in Section 10.5 Definitions:

**SOLAR ENERGY FACILITY (SEF)**

**Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.**

**Item 5: Statement of Consistency and Reasonableness:**

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1) - Solar
- It provides a new and expanding industry that trains and utilizes a more highly skilled labor force and diversifies the local economy. (LUP ED1) – Solar
- ~~It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (Wind)~~

The request is reasonable and in the public interest because:

- It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.
- ~~It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (Wind)~~

**Item 6:** 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.

**Item 6:** This ordinance amendment shall be in effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_AYES \_\_\_\_NAYS  
.....

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_AYES \_\_\_\_NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

Attachment: 2 PB Version Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)



# Solar Energy Facility NC Wildlife Resources Commission

Contact Information

## Contact Information

NC Wildlife Resources Commission  
Habitat Conservation  
Gabriela Garrison  
Eastern Piedmont Habitat Conservation Coordinator  
Sandhills Depot  
PO Box 149  
Hoffman NC 28347

Telephone: 910-409-7350  
Email: [gabriela.garrison@ncwildlife.org](mailto:gabriela.garrison@ncwildlife.org)  
Web Address: [www.ncwildlife.org](http://www.ncwildlife.org)

## Approval

Provide:

- Approval from the North Carolina Wildlife Resources Commission, Habitat Conservation Division, that you are creating an acceptable native pollinator habitat with a copy of the approved plan. The native pollinator habitat planting must cover at least 30% of the total land area of the solar energy facility;
- An annual cultivation plan detailing crops and harvest schedule should at least 30% of the total land area of the solar energy facility remain active farmland; or,
- Any combination of the above to equal or exceed 30% of the total land area.





# Text Amendment Application

## OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Gate Keeper: \_\_\_\_\_  
Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: Currituck County  
Address: 153 Courthouse Rd Suite 204  
Currituck NC 27929  
Telephone: 252-232-2075  
E-Mail Address: Dan.Scanlon@CurrituckCountyNC.gov

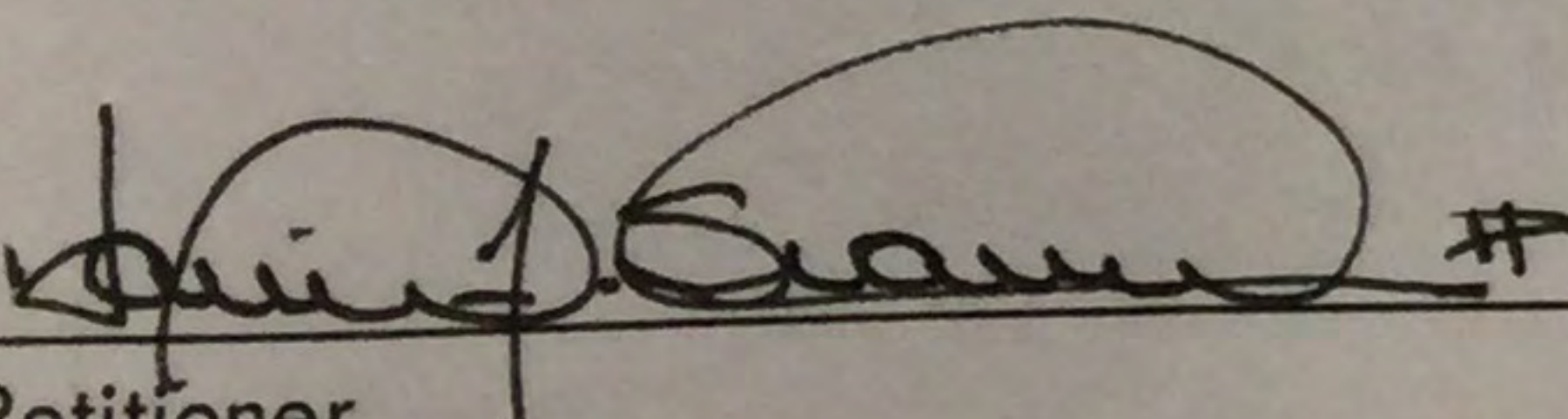
### Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 4 and 10 Section(s) 4.2.3 and 10.5 as follows:

add solar energy facility regulations and remove wind energy allowance.

\*Request may be attached on separate paper if needed.

  
Petitioner

8-24-18  
Date



**PB 17-14  
CURRITUCK COUNTY  
Solar Energy Facilities**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, and Chapter 10: Definitions and Measurements, to add solar energy facilities as an allowable use and remove wind energy facility, large, as an allowable use.

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 4 is amended by adding the bold, underlined language and deleting the strike-through language:

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		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
INSTITUTIONAL USE CLASSIFICATION																		
Utilities	Solar Energy Facility		U														3K	
	Wind energy facility, large		U			U			U	U			U	U		M P	M P 3K	

**Item 2:** That Chapter 4 is amended by adding the following language as Section 4.2.3.K:

**K. Solar Energy Facility (SEF)**

**A SEF shall comply with the following standards:**

**1. Location**

- a. **A SEF project may include no more than two abutting properties on one project application. Each property shall meet all the requirements of this subsection.**
- b. **No SEF project shall be located in a Full-Service area designated by the Land Use Plan.**
- c. **No SEF project shall be located in a Significant Natural Heritage Areas as identified by the NC Natural Heritage Program.**

**2. Maximum Size**

- a. **Maximum SEF project size on any property may not exceed 250 acres or one-half of the acreage of the property as it existed on (adoption date), whichever is greater.**

**3. Setbacks**

- a. **All panels, equipment, and associated security fencing shall be setback 300' from a major arterial street right-of-way and 150' from all other NCDOT street rights-of-way and property lines.**
- b. **All panels, equipment, and associated security fencing shall be setback 100' from any CAMA designated navigable water bodies.**

Army Corps of Engineers or CAMA wetlands, and Significant Natural Heritage areas.

c. All SEF projects that include two abutting properties shall meet the setbacks for all interior property lines.

d. Plantings are allowed in setback areas.

4. Height and Configuration

a. The maximum height of the SEF, including all mounts, panels and other equipment, shall not exceed 15' above grade when oriented at maximum height.

b. The panels and equipment shall be configured to avoid glare beyond the exterior property lines.

5. Sound

a. The hours of operation during construction phase of the SEF shall be from 7:00am to 7:00pm, Monday through Friday;

b. If the construction area for the SEF is located within 1500' of a public school or licensed pre-school, no pile driving shall be allowed during regular school session times.

6. Buffers and screening

a. Prior to the start of any construction related activity, a Type D opaque buffer or an earthen berm as tall as the tallest panel at maximum height shall be installed.

b. Certification from a landscape architect or certified arborist that 100% opacity will be reached at maximum panel height within 3 years shall be submitted.

c. Opacity of the buffer shall be assessed from the exterior property lines and rights-of-way.

d. A performance guarantee in the amount of 115% of the cost of the landscaping used for screening shall be submitted prior to the issuance of a building permit and remain valid until 100% opacity is reached. Should 100% opacity not be reached within 3 years of building permit issuance, the county will draw upon the performance guarantee as outlined in Section 6.3.F Default and Forfeiture of Performance Guarantee and install required supplemental landscaping.

e. If supplemental landscaping is installed pursuant to this section, additional time for growth will be allowed and the balance of the performance guarantee shall be maintained valid until 100% opacity is reached.

f. For SEF projects that have a common interior property line, the Type D buffer is not required on the common, interior property line.

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a. The SEF project shall be developed in accordance with an approved major site plan that includes the following information:

i. The location of the SEF, including the arrangement of any existing or proposed buildings, structures or panels;

ii. The distance from any proposed SEF building, structure, panels and fence to the surrounding property lines;

- iii. Existing or proposed signs, fencing, lighting, construction and permanent parking areas, driveways, landscaping, vegetative screening or required buffers;
    - iv. Horizontal and vertical elevation to-scale drawings with dimensions;
    - v. Certification that all panels have passed UL 1703 regarding PV module safety;
    - vi. Approval from access controlling agencies for street access;
  - b. The SEF project shall designate 30% of the total land area in one or a combination of the following plans:
    - i. Approved plan from the North Carolina Wildlife Resources Commission, Habitat Conservation Division, designating 30% of the total land area of the SEF as an acceptable native pollinator habitat; or
    - ii. An annual cultivation plan detailing crops and harvest schedule should at least 30% of the total land area of the SEF remain active farmland;
8. Environmental Concerns
- a. Appropriate ground cover/grass is required for soil stabilization and shall be maintained in a manner that does not create a fire hazard.
    - i. Grass and weeds not associated with the pollinator habitat shall not exceed two feet in height at any time.
    - ii. Herbicide use is prohibited.
  - b. Ground water monitoring wells
    - i. Monitoring wells shall be installed prior to construction of any of the SEF components;
    - ii. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point on each property line.
    - iii. The distance between monitoring wells along exterior property lines shall not exceed 2000'.
    - iv. Testing data prepared by a laboratory certified by the North Carolina Department of Health and Human Services to analyze water subject to the regulations under the North Carolina Drinking Water Act shall be submitted prior to construction of the SEF and annually thereafter to the Planning and Community Development Department until the SEF is decommissioned.
    - v. Testing data shall show compliance with the NC Department of Health and Human Services Private Well Inorganic Chemical Contaminants standards for the following contaminants:
      - 1. Arsenic
      - 2. Barium
      - 3. Cadmium
      - 4. Chromium
      - 5. Copper
      - 6. Iron
      - 7. Lead

8. Magnesium
  9. Manganese
  10. Mercury
  11. Nitrate/Nitrite
  12. Selenium
  13. Silver
  14. Zinc
  - vi. The Board of Commissioners may require testing for other contaminants.
  - vii. Should the initial ground water testing indicate that the site is not in compliance with N.C. Department of Health and Human Services Private Well Inorganic Chemical standards, subsequent annual reports shall indicate no increase in noncompliance with those standards.
9. Solar Energy Facility Impact Analysis
- a. As part of an application for a SEF project, a Solar Energy Facility Impact Analysis shall be submitted and contain the following information:
    - i. General project description
    - ii. Construction Activity Plan:
      1. Amount of land disturbance
      2. Land surface clearing and grading plan
      3. Energy, water and material needs
      4. Fencing and lighting plans
      5. Waste stream management plan
      6. Construction work force and timeframe
      7. Protection plans for soil, disturbed areas, and surface water
    - iii. Operational Plan
      1. Maintenance activities and schedule
      2. Vegetation management plan
      3. Protection plans for soil, disturbed areas and surface water
    - iv. Impacts and Resources affected
      1. Geology
      2. Environmentally sensitive areas
        - a. CAMA jurisdictional areas
        - b. USACE designated wetlands
        - c. Natural Heritage Areas
      3. Soils
      4. Air Quality
      5. Noise
      6. Water Resources
      7. Ecology
      8. Land Use
      9. Water management
      10. Socioeconomics
      11. Health and safety
10. Discontinued Use and Decommissioning

- a. Decommissioning shall include removal of solar collectors, cabling, electrical components and any other SEF associated facilities and grading and re-seeding disturbed earth from the project.
- b. A decommissioning plan certified by a North Carolina licensed engineer or a licensed contractor is required and shall include the following:
  - i. A description of any lease or other agreement with all landowners regarding decommissioning;
  - ii. The identification of the party responsible for decommissioning, if not the property owner;
  - iii. The type of panels and material specifications used at the SEF
  - iv. All costs for the removal of solar panels, buildings, cabling, electrical components, road, fencing, and any other associated facilities below grade; and
  - v. All costs associated with the grading and re-seeding of disturbed earth from the project.
- c. The decommissioning plan shall be updated with the Planning and Community Development Department every two years or upon change of ownership of the property or the SEF.
- d. The SEF owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
- e. Disturbed earth shall be graded and re-seeded unless a written request is submitted by the property owner specifying areas not to be restored.
- f. A Decommissioning Performance Guarantee (See Section 6.3) is required that meets the following standards:
  - i. Shall be submitted prior to issuance of a building permit;
  - ii. Shall equal 115 percent of the estimated decommissioning costs;
  - iii. Shall not be reduced by salvage value;
  - iv. The performance guarantee amount shall be reviewed every two years as part of the decommissioning plan update and adjusted based upon current costs. In the event the decommissioning costs decrease, the performance guarantee shall not be changed to reflect the lower cost.
  - v. The performance guarantee shall remain in effect until decommissioning and site restoration is complete.

**Item 3: That Chapter 4 is amended by deleting the following struck-through language:**

**~~K.~~ Wind Energy Facility, Large**

~~A large wind energy facility shall comply with the following standards:~~

**~~(1)~~ Location**

- ~~(a) No turbine tower associated with a large wind energy facility shall be located within 1,000 feet of land in the RC district or a public park.~~
- ~~(b) All ground-based equipment buildings shall be located under the blade sweep area, to the maximum extent practicable.~~

## ~~(2) Setbacks~~

- ~~(a) All towers associated with a large wind energy facility shall be set back a distance equal to .25 miles from any residential dwelling unit and 1.1 times the overall height of the tower and associated wind turbine blade from a public right-of-way and the property line of any non-participating landowner.~~
- ~~(b) All associated facilities other than towers and associated wind turbines shall be subject to the setback standards for the district where located.~~

## ~~(3) Tower Structure~~

~~Large wind energy facilities shall utilize monopole or self-supporting towers~~

## ~~(4) Common Configuration~~

~~All towers and turbines within a single large wind energy facility shall maintain uniform design in terms of the following features:~~

- ~~(a) Tower type;~~
- ~~(b) Tower, turbine, and blade colors;~~
- ~~(c) The number of blades per turbine; and~~
- ~~(d) The direction of blade rotation.~~

## ~~(5) Height~~

~~The maximum height of a large wind energy system (including the tower and extended blades) shall be 500 feet.~~

## ~~(6) Blade Clearance~~

~~The blade tip or vane of any large wind energy facility shall have a minimum ground clearance of 75 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way.~~

## ~~(7) Unauthorized Access~~

~~All large wind energy facilities shall incorporate anti-climbing features to prevent unauthorized climbing.~~

## ~~(8) Utilities~~

~~Except for transmission lines, all utilities associated with a large wind energy facility shall be located underground to the maximum extent practicable.~~

**(9) Appearance**

The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).

**(10) Lighting**

No illumination of the turbine or tower shall be allowed, unless required by the (FAA). In the event obstruction lighting is required by the FAA, it shall be of the lowest intensity allowed, and strobes or blinking lights shall be avoided, to the maximum extent practicable.

**(11) Signage Prohibited**

Signage visible from any public street or off site area shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

**(12) Sound**

The noise produced by the large wind energy facility during operation shall not exceed 55 dBA as measured at any occupied building on the property of a non-participating landowner. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.

**(13) Shadow Flicker**

Shadows cast by the rotating blade of a large wind energy facility shall not exceed 30 hours per year on any occupied building on the property of a non-participating landowner.

**(14) Interference**

The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from a large wind energy facility.

**(15) Environmental Review Required**

An application for a large wind energy facility shall require review by NCDEQ, USACOE, the US Fish and Wildlife Service, and the NC Wildlife Resources Commission. All comments from these agencies shall be included with the application.

**(16) Abandonment**

- (a)** On determining that a large wind energy facility has been inoperable for 365 days or more, the Planning Director may issue a Notice of Abandonment to the facility owner.
- (b)** The facility owner shall restore operation of the large wind energy facility within 30 days of receipt of the Notice of Abandonment, or file a Notice of Termination with the Planning Director.



- ~~(c) The large wind energy facility shall be removed from the site within 12 months of the filing of a Notice of Termination.~~
- ~~(d) Removal of a large wind energy facility shall include removal of all of the following features:~~
  - ~~(i) Towers;~~
  - ~~(ii) Turbines;~~
  - ~~(iii) Above-ground equipment;~~
  - ~~(iv) Outdoor storage;~~
  - ~~(v) Foundations to a depth of three feet below grade; and~~
  - ~~(vi) Any hazardous material associated with the facility.~~

**Item 4:** That Chapter 10 is amended by adding the following bold underlined language and deleting the struck-through language in Section 10.5 Definitions:

**SOLAR ENERGY FACILITY (SEF)**

**Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.**

**Item 5: Statement of Consistency and Reasonableness:**

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1) - Solar
- It provides a new and expanding industry that trains and utilizes a more highly skilled labor force and diversifies the local economy. (LUP ED1) – Solar
- It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (Wind)

The request is reasonable and in the public interest because:

- It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.
- It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (Wind)

**Item 5:** 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.



**Item 6:** This ordinance amendment shall be in effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_AYES \_\_\_\_NAYS  
.....

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_AYES \_\_\_\_NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2359)

**Agenda Item Title**

Consideration of an Ordinance of the Currituck County Board of Commissioners Amending Section 10-64 of the Code of Ordinances Regulating Parking on the County's Beach

**Brief Description of Agenda Item:**

Consideration of revisions to the beach parking permit process, based on assessment and feedback received regarding 2018 summer season.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Donald (Ike) I. McRee Jr

1           **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF**  
2           **COMMISSIONERS AMENDING SECTION 10-64 OF THE CURRITUCK**  
3           **COUNTY CODE OF ORDINANCES TO PROVIDE FOR ISSUANCE OF**  
4           **PARKING PERMITS ON THE COUNTY'S NORTH BEACH**

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

9           WHEREAS, the Currituck County Board of Commissioners finds that as the  
10 county's northern beaches become more congested with motor vehicles and persons  
11 recreating on the beach it is necessary to reduce the number of motor vehicles on  
12 the beach and interaction of motor vehicles and pedestrians to preserve and protect  
13 the health, safety and welfare of county citizens and invitees to the county's beach;  
14 and

15           WHEREAS, pursuant to N.C. Gen. Stat. §153A-145.3 a county may, by  
16 ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions upon  
17 the State's ocean beaches and prevent or abate any unreasonable restriction of the  
18 public's right to use the State's ocean beaches; may regulate, restrict, or prohibit the  
19 placement, maintenance, location or use of equipment, personal property, or debris  
20 upon the State's ocean beaches; and may otherwise enforce any ordinance adopted  
21 pursuant to this section or any other of provision of law upon the State's ocean  
22 beaches located within the county's jurisdictional boundaries; and

23           WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws,  
24 as amended by S.L. 1998-64 and S.L. 2001-33 the county may by ordinance  
25 regulate, restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles,  
26 cars, trucks, or any other form of power-driven vehicle specified by the county's  
27 governing board on the foreshore, beach strand and barrier dune system; and

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

30           PART I. The Code of Ordinances, Currituck County, North Carolina is amended by  
31 rewriting Section 10-64 of the Code of Ordinances to read as follows:

32           **Sec. 10-64. - Permit system (county residents and property owners only).**

33           (a) This section shall be applicable for those areas of Currituck County,  
34 including, but not limited to, the beach strand and foreshore areas, located  
35 from the Dare/Currituck line to the North Carolina/Virginia line.  
36

37           (b) County residents and property owners desiring to operate a moped,  
38 motorcycle or off-road vehicles, including but not limited to, all-terrain vehicle,

1 utility vehicle, recreational off-highway vehicle, multipurpose off-highway  
 2 utility vehicle, or other off-road vehicle, ("ORV"), on the areas covered by this  
 3 section shall obtain a permit from the county manager or county manager's  
 4 designated representative. Permits may be obtained at times and places  
 5 designated by the county manager.

6  
 7 (c) Any person parking a motor vehicle, other than a moped, motorcycle or  
 8 ORV, on the area covered by this section from the Friday before Memorial Day  
 9 to 11:59 p.m. on Labor Day shall have first obtained from the county manager  
 10 or county manager's designated representative a parking permit which must  
 11 be prominently displayed when parking on the area covered by this section.  
 12 Parking permits may be obtained at times and places designated by the county  
 13 manager.

14  
 15 (d) County residents may obtain at for no fee ~~a maximum of~~ two annual  
 16 permits for operation of a moped, motorcycle or ORV owned by them upon  
 17 making application as provided in subsection (b) above and upon showing proof  
 18 of liability insurance and ownership for the moped, motorcycle or ORV. Non-  
 19 resident property owners may obtain at no fee a maximum of two annual  
 20 permits for operation of a moped, motorcycle or ORV owned by them upon  
 21 making application as provided in subsection (b) above and showing proof of  
 22 liability insurance and ownership for the moped, motorcycle or ORV. Liability  
 23 insurance coverage on the moped, motorcycle or ORV shall be maintained  
 24 continuously throughout the term of the permit.

25  
 26 (e) County residents and non-resident property owners may obtain at for  
 27 no fee two ~~a parking permits for each motor vehicle, other than a moped,~~  
 28 ~~motorcycle or ORV, owned by them, leased to them, or assigned to them~~  
 29 assigned to the county resident's physical address in the county or physical  
 30 address of property in the county owned by the non-resident property owner for  
 31 terms adopted by the board of commissioners upon making application as  
 32 provided in paragraph (b) of this section, showing proof of current residency or  
 33 ownership, lease, or assignment and current liability insurance for each motor  
 34 ~~vehicle for which a parking permit is issued~~ and written acknowledgement that  
 35 they have read and are familiar with county beach driving ordinances. ~~Each~~  
 36 ~~permit shall be assigned to a specific motor vehicle. Liability insurance on the~~  
 37 ~~motor vehicle shall be maintained continuously throughout the term of the~~  
 38 ~~permit.~~ County residents and non-resident property owners may obtain  
 39 additional parking permits ~~that are not issued to a motor vehicle~~ upon making  
 40 application as provided in paragraph (b) of this section and payment of a fee  
 41 and for a term adopted by the board of commissioners.

42  
 43 (f) ~~County residents residing north of the North Beach Access Ramp may~~  
 44 ~~obtain at no fee two additional parking permits that are not issued to a motor~~

1 ~~vehicle upon making application as provided in paragraph (b) of this section.~~

2 Persons who own a dwelling located north of the North Beach Access  
 3 Ramp may obtain for no fee two additional parking permits assigned to the  
 4 physical address of their dwelling for terms adopted by the board of  
 5 commissioners upon making application in subsection (b) above and showing  
 6 proof of ownership.

7  
 8 (g) Persons other than county residents and non-resident property owners  
 9 may obtain a parking permit for a motor vehicle, other than a moped,  
 10 motorcycle or ORV, upon payment of a fee and for a term adopted by the board  
 11 of commissioners, making application as provided in paragraph (b) of this  
 12 section, and written acknowledgement that they have read and are familiar  
 13 with county beach driving ordinances. Each permit shall be assigned to a  
 14 specific motor vehicle. Liability insurance on the motor vehicle shall be  
 15 maintained continuously throughout the term of the permit.

16  
 17 ~~(h) Persons who own property located north of the North Beach Access~~  
 18 ~~Ramp and that is in a rental program may obtain two parking permits at no~~  
 19 ~~fee for each property owned by them for terms adopted by the board of~~  
 20 ~~commissioners upon making application as provided in subsection (b) above~~  
 21 ~~and verification that the property is registered with the county tax~~  
 22 ~~administrator for occupancy tax administration.~~

23  
 24 ~~(i) (h)~~ County residents and property owners, operating mopeds, motorcycles  
 25 or ORV's shall ensure that these vehicles have a valid permit prominently  
 26 displayed at all times while operating, or parked, on the Currituck County  
 27 outer banks, beach foreshore or beach strand.

28  
 29 ~~(j) (i)~~ Any sworn law enforcement officer with jurisdiction is authorized to  
 30 take possession of any permit issued pursuant to this section upon expiration,  
 31 revocation, cancellation, or suspension thereof, or which is fictitious, or which  
 32 has been unlawfully or erroneously issued, which has been unlawfully used or  
 33 upon issuance of citation for violation of section 10-59 of this Code. Any law  
 34 enforcement officer who seizes a permit pursuant to this section shall report  
 35 the seizure to the county manager's office within 48 hours of the seizure and  
 36 shall return the permit to the county manager's office within seven business  
 37 days of the seizure unless the permit is deemed evidence in another pending  
 38 matter.

39  
 40 ~~(k) (j)~~ The county manager or county manager's designee shall refuse  
 41 issuance of a permit under this section for a period of one year following  
 42 seizure of a permit by a law enforcement officer pursuant to this section.  
 43

~~(k)~~ (k) An appeal of seizure of a permit under this section shall be made to the county manager by filing a written notice of appeal, specifying with particularity the grounds upon which the appeal is made, no later than ten days from the date of the permit seizure. The county manager or county manager's designee shall fix a reasonable time for the hearing of the appeal, shall give due notice to all parties and shall render a decision within a reasonable time.

~~(m)~~ (l) The county manager is directed and authorized to establish forms, procedures, and directives as may be required to implement this permit system and ensure that it is run in an effective, safe, and fair manner.

~~(n)~~ (m) This section shall not apply to:

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

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

(3) Commercial fishermen;

(4) Hunters possessing valid hunting licenses while engaged in an active hunt or State or federal property located on the Currituck outer banks; or

(5) Outdoor tour operators with a valid license issued under Article IV, Chapter 8 of this Code when actively engaged in an outdoor tour.

PART II. Severability. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part of this ordinance to be invalid, such decision shall not affect the remaining provisions of this ordinance or the Code of Ordinances of the County of Currituck, North Carolina.

PART III. This ordinance is effective upon its adoption.

ADOPTED this 22<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
Bob White, Chairman

ATTEST:

\_\_\_\_\_  
Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Donald I. McRee, Jr., County Attorney

Date adopted: \_\_\_\_\_

Motion to adopt by Commissioner \_\_\_\_\_

Second by Commissioner \_\_\_\_\_

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2358)

**Agenda Item Title**

Consideration of an Ordinance of the Currituck County Board of Commissioners Amending Chapter 10, Article II, Division 7 of the Code of Ordinances to Protect and Enhance the County's Dune Barrier System

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Donald (Ike) I. McRee Jr



**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF  
COMMISSIONERS AMENDING CHAPTER 10, ARTICLE II, DIVISION 7 OF  
THE CODE OF ORDINANCES TO ENHANCE AND PROTECT THE  
COUNTY'S DUNE SYSTEM**

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, as a natural barrier to the erosive effects of the Atlantic Ocean, the integrity of the dune system is critical to the preservation and protection of property, public infrastructure and the public's health, safety and welfare requiring the adoption of this ordinance to safeguard and perpetuate the natural productivity and biological, economic, esthetic and protective values of the dune system;

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

PART I. Chapter 10, Article II, Division 7 of The Code of Ordinances, Currituck County, North Carolina is amended to read as follows:

**~~Sec. 10-125. Conflicts with state rules.~~**

~~If any provision of this division is in conflict with a rule adopted by the State Coastal Resources Commission dealing with oceanfront erosion control or regulation of development as contained in 15A NCAC 07H.300, then the rule or regulation shall control and apply in lieu of the provision of this division in conflict therewith.~~

**~~Sec. 10-126~~ 10-125. Definitions.**

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Adverse impact* means anything that would destroy, harm, impair, diminish or degrade the value or integrity of a sand dune for storm protection or wildlife habitat.

~~*Barrier dune* means the easternmost sand dune or system of sand dunes which lies just west of the mean high water mark of the Atlantic Ocean and forms a protective barrier from the actions of the Atlantic Ocean.~~

*Beach* means the lands consisting of unconsolidated soil materials that extend for a distance of 100 yards east of the mean low water mark into the Atlantic

Ocean landward to a point where either the growth of stable natural vegetation occurs or a distinct change in slope or elevation alters the configuration, whichever is farther landward.

*CAMA* means the Coastal Area Management Act, an act requiring land use planning in coastal North Carolina counties.

*Dune system, frontal dune* means the first mound of sand located landward of the beach having sufficient vegetation, height, continuity, and configuration to offer protective value.

*Dune system, primary dune* means the first mounds of sand located landward of the beach having an elevation equal to the mean flood level for the area plus six feet. The primary dune extends landward to the lowest elevation in the depression behind the same mound of sand.

*Dune walkover access, improved* means a raised walkway constructed for the purpose of providing access to the beach from points landward of the dune system.

*Dune walkover access, unimproved* means a sand walkway or path used for the purposes of providing pedestrian access to the beach which is no more than 6 feet in width and located in an area where there is no escarpment present between the dune structure and the beach.

*Escarpment* means the vertical drop or steep slope in the beach profile separating two comparatively level or more gentle sloping surfaces caused from high tide or storm tide erosion. Escarpments for the purposes of this division shall only be determined to exist in areas where the height and slope of the escarpment would preclude reasonable pedestrian access to the beach without causing an adverse impact to the dune structure.

*Invasive exotic species* means a non-native or invasive vegetation which, if left undisturbed by manmade forces, will create a landscape comprised of a singular plant species.

*Toe of slope* means that point between the beach and the dune system where the uniform line of slope from the ocean toward the barrier dune begins an abrupt change upward and becomes the slope of the barrier dune.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks, provided that for the purposes of this division, bicycles shall be deemed vehicles, and every provision of this

division applicable to the driver of a vehicle shall also be applicable to persons on bicycles.

**Sec. ~~10-127~~ 10-126. Territorial applicability.**

This division shall apply to the primary and frontal dune systems as defined in section ~~10-126~~ 10-125 and to the ocean beaches located on the Currituck Outer Banks.

**Sec. ~~10-128~~ 10-127. Beach and dune protection.**

(a) The following activities shall be considered unlawful within the dune system:

- (1) Walking or traversing on the dunes outside of an improved or unimproved dune walkover access as defined in section ~~10-126~~ 10-125;
- (2) Allowing pets to walk or traverse on the dunes outside of an improved or unimproved dune walkover access as defined in section ~~10-126~~ 10-125;
- (3) Utilizing an improved dune walkover structure that has been damaged and officially posted by the county building inspector as an unsafe structure;
- (4) Removing, damaging, or destroying healthy, non-invasive dune plant species including, but not limited to, Sea Oats (*Uniola paniculata*), Bitter Panicum (*Panicum amarum*), Seashore Elder (*Iva imbricata*), Saltmeadow Cordgrass (*Spartina patens*), and American Beachgrass (*Ammophila breviligulata*);
- (5) Installation of vegetation inconsistent with sand dune systems, such as lawn grasses or sod, or herbaceous varieties that are not commonly known as "salt-tolerant" dune varieties or that may be determined to be invasive exotic species;
- (6) Operating any vehicle, moped, motorcycle, or motor vehicle or using any horse on or across any frontal or primary dune, or in such a manner as would destroy natural vegetation;
- (7) Degrading, disturbing, or compromising the integrity of the dune structure. These prohibited activities include, but shall not be limited to:

(A) Digging, shelling, mining, or mechanical alteration of the dune topography;

(B) Playing, sliding, climbing, or rappelling on the frontal or primary dune or the dune escarpment; and

(C) Discharging water into the dune where it will cause significant scouring or erosion or otherwise affect the integrity of the dune;

(8) ~~Development activities~~ Construction and maintenance of improved dune walkover structures or shared and/or community beach accesses, the proper installation and maintenance of sand fencing, and planting of native, salt-tolerant dune vegetation without a valid building permit, zoning permit, ~~Albemarle Regional Health Services approval or approval from a health department with jurisdiction in the county,~~ or CAMA authorization permit;

(9) Storing objects or construction materials; and

(10) Littering.

(b) Beach Vitex (*Vitex rotundifolia*) is hereby found and declared to be a public nuisance due to the significant negative impacts it has upon the beaches and dune system, nesting sea turtles, and native vegetation such as Sea Oats, Bitter Panicum, Seashore Elder, Saltmeadow Cordgrass, and American Beachgrass. It shall be unlawful for any person to plant or cause to be planted Beach Vitex on the Currituck Outer Banks.

(c) Exemptions: Currituck County hereby encourages responsible dune management activities including proper construction and maintenance of improved dune walkover structures, the use of shared and/or community beach accesses, the proper installation and maintenance of sand fencing, and planting of native, salt-tolerant dune vegetation. Therefore, this section shall not apply to the following activities:

(1) ~~Development activities~~ Construction and maintenance of improved dune walkover structures or shared and/or community beach accesses, the proper installation and maintenance of sand fencing, and planting of native, salt-tolerant dune vegetation with a building permit or zoning permit authorized issued by Currituck County, Albemarle Regional Health Services or a health department with jurisdiction in the county, or CAMA permit;

- (2) Dune or property maintenance activities including planting or fertilization of native, salt-tolerant dune vegetation, sand fence installation, minor dune repairs, and removal of litter or debris;
- (3) Activities within the developed portion of the dune system;
- (4) Federal, state, and local officials engaged in official regulatory activities; and
- (5) Persons engaged in research, conservation, preservation, or extension activities as authorized by the county manager.

**Sec. ~~10-129~~ 10-128. Unattended property on beach.**

(a) It shall be unlawful for any person to leave unattended between the hours of sunset and sunrise any property, including but not limited to volleyball, badminton and tennis nets, poles, tents, horseshoe stakes, croquet courses, grills, umbrellas and recreational equipment, cabanas, canopies, or any other personal property items on the beach. All property unattended and remaining on the beach strand between sunset and sunrise shall be considered litter and may be subject to removal and disposal.

(b) This section does not apply to life guard stands and accessory uses regulated by the Currituck County Unified Development Ordinance.

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

PART III. Severability. It is declared by the Board of Commissioners that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any phrase, clause, sentence, paragraph, or section of this ordinance should be declared invalid by a final decree or judgment of a court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

PART IV. This ordinance is effective upon adoption.

ADOPTED this 22<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
Bob White, Chair  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Leeann Walton, Clerk to the Board

1  
2  
3 APPROVED AS TO FORM:  
4 \_\_\_\_\_  
5 Donald I. McRee, Jr., County Attorney  
6  
7 Date adopted: \_\_\_\_\_  
8  
9 Motion to adopt by Commissioner \_\_\_\_\_  
10 Second by Commissioner \_\_\_\_\_  
11 Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2361)

### **Agenda Item Title**

Approval of Board of Commissioner Appointments to Local Advisory/Regional Boards

### **Brief Description of Agenda Item:**

The Board of Commissioners will consider the following suggested appointments to serve on the various regional and local advisory and regional boards as required:

Paul Beaumont:

- Albemarle Commission (includes appointment to the Albemarle Commission's Northeast Workforce Development Consortium)
- Albemarle Regional Planning Organization (ARPO)
- Fire & EMS Advisory Board
- Veteran's Advisory

J. Owen Etheridge:

- Albemarle Regional Solid Waste Authority

Mary Etheridge:

- Juvenile Crime Prevention Council
- Senior Citizens Advisory Board
- Social Services Board

Selina Jarvis:

- Alternate-Albemarle Regional Planning Organization (ARPO)
- Trillium Health

Kevin McCord:

- Animal Services and Control Advisory Board
- Recreation Advisory Board

Mike Payment:

- ABC Board
- Albemarle Regional Health Board
- Local Emergency Planning Committee (LEPC)

Bob White:

- Economic Development Board
- Tourism Advisory Board

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**



# Boards on Which Commissioners Serve

---

## Paul Beaumont:

- Albemarle Commission (Includes appointment to the Albemarle Commission's Northeast Workforce Development Consortium)
- Albemarle Regional Planning Organization (ARPO)
- Fire & EMS Advisory Board
- Veteran's Advisory

## J. Owen Etheridge:

- Albemarle Regional Solid Waste Authority

## Mary Etheridge:

- Juvenile Crime Prevention Council
- Senior Citizens Advisory Board
- Social Services Board

## Selina Jarvis:

- Alternate-Albemarle Regional Planning Organization (ARPO)
- Trillium Health

## Kevin McCord:

- Animal Services and Control Advisory Board
- Recreation Advisory Board

## Mike Payment:

- ABC Board
- Albemarle Regional Health Board
- Local Emergency Planning Committee (LEPC)

## Bob White:

- Economic Development Board
- Tourism Advisory Board



## CURRITUCK COUNTY NORTH CAROLINA

January 7, 2019

Minutes – Regular Meeting of the Board of Commissioners

### WORK SESSION

#### 1. 4:00 PM JCPC-Juvenile Crime Prevention Council Update

The Currituck County Board of Commissioners met at 4:00 PM in a work session with Currituck representatives of the Juvenile Crime Prevention Council (JCPC) to hear information on a change that would raise the age of youth in the juvenile system and associated programs to include sixteen and seventeen year olds. The change is expected to take effect at the end of 2019. Ms. Ella Bunch, Currituck's State Representative on the JCPC, and Juvenile Justice Department representatives Paul Montanye and Pete Aitken were present. Ms. Bunch reviewed the available programs for at-risk youth and discussed the potential increase in program referrals and costs resulting from the age increase. Representatives reviewed how the program functions and responded to questions posed by Commissioners. Although Currituck County would likely be less affected than some other counties, Ms. Bunch asked the Board to support the Resolution on the agenda increased funding for juvenile programs.

#### 2. 4:30 PM Beach Driving & Lifeguard Services

The Board of Commissioners attended a work session to discuss Lifeguard Services and beach parking. Ben Stikeleather, Assistant County Manager, began with lifeguard services and reviewed the bid proposal received from current service provider Michael Cherry, President of Lighthouse Resort Services. Mr. Stikeleather presented the scope of service as set out in the contract, contract term, and noted changes to the base from the previous contract. Bid alternates and related costs were presented and Mr. Stikeleather compared the services and pricing in the prior contract with the current bid. Mr. Cherry, who was in attendance, cited insurance costs, salaries, overtime pay and capital purchases for an increase in the base bid and responded to Board questions. After discussion, Commissioner Beaumont suggested the Board approve moving forward with the base contract, understanding that some aspects and options may require a review or revisions at a later date. Commissioners unanimously agreed to move forward and the lifeguard services discussion was concluded.

County Manager, Dan Scanlon, reviewed provisions of the Beach Parking permit instituted last summer for vehicle parking on Currituck off-road beaches. Mr. Scanlon showed last year's beach permits on the overhead projector and presented suggestions for ordinance revisions based on feedback from a post-season meeting attended by Sheriff Department personnel and off-road area owners and residents. Ike McRee, County Attorney, presented the county's position regarding an ongoing legal challenge by a member of an off-road jeep club. The Board agreed on recommendations for

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issuing permits to Currituck residents and property owners and asked the suggestions be brought for consideration at the January 22, 2019 Commissioner meeting. No modifications were made to the drive pattern.

### 6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met at 6:00 PM in regular session in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Bob White	Chairman	Present	
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Absent	
Mary "Kitty" Etheridge	Commissioner	Present	
Kevin E. McCord	Commissioner	Absent	

Chairman White called the meeting to order.

#### A) Invocation & Pledge of Allegiance-Rev. Walter Gallop, US Air Force Chaplain, Retired

Reverend Walter Gallop attended to offer the Invocation and lead the Pledge of Allegiance.

#### B) Approval of Agenda

Commissioner Payment amended the agenda to add an appointment to the Albemarle Commission as Item 1 under New Business and moved for approval. Commissioner Mary Etheridge seconded the motion. The motion passed unanimously.

Approved agenda:

#### Work Session

4:00 PM JCPC-Juvenile Crime Prevention Council Update

4:30 PM Beach Driving & Lifeguard Services

#### 6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Rev. Walter Gallop, US Air Force Chaplain, Retired

B) Approval of Agenda

#### Public Comment

***Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3***

*minutes.*

**Commissioner's Report**

**Administrative Reports**

**A) NC Forest Service Annual Report  
Presentation**

**Public Hearings**

- A) PB 18-26 David Shields:** Request for a zoning map amendment to rezone approximately .69 acres of Agriculture (AG) to General Business (GB) zoning district. The subject parcel is 2.69 acres in size with 2 acres currently zoned GB and .69 acres currently zoned AG. The property is located at 6615 Caratoke Highway in Grandy, Parcel Identification Number 0108-000-011B-0000, Poplar Branch Township.
- B) PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment:** Request for a zoning map amendment to relocate the split zoning of approximately 7.7 acres from General Business (GB) to Agriculture (AG) for property located in Moyock, west of Beechwood Shores, Parcel Identification Number 0031- 000-064N-0000, Moyock Township.
- C) PB 08-48 Cape Currituck (Horgan/Mason):** PB 08-48 Cape Currituck (Horgan/Mason): Amended Conditional District-Planned Unit Development Zoning Overlay to decrease the number of dwelling units/density, canal realignment, reduce wetland fill, and reorient development layout on property located at 291 West Side Lane, Powells Point, Poplar Branch Township, Parcel Identification Numbers 0112-000-003B-0000 and 0112-000-003C-0000.

**New Business**

**A) Board Appointments**

1. Amended Item-Appointment to the Albemarle Commission

**B) Consent Agenda**

1. Approval Of Minutes for December 3, 2018
2. Budget Amendments
3. Project Ordinance - Airport PAPI Replacement & Airfield Lighting Vault Generator (Design & Bidding)
4. Resolution of the Currituck County Board of

Commissioners Supporting Juvenile Crime Prevention  
Council Allocation Expansion

5. Job Descriptions-Finance Director & Assistant Finance Director
6. Consideration on Approval of Purchase Requests-  
Moyock VFD and Crawford Township VFD
7. Consideration for Approval of Lease Agreement with NC  
Forest Service for County Owned Property Located at  
2950 Caratoke Highway, Currituck
8. EIC-Community Services Block Grant Funding Submission
9. Petition for Road Addition to State Maintenance-Waterlily Ridge  
Subdivision

### C) County Manager's Report

#### Adjourn

Chairman White noted the absence of Commissioner McCord, who was away attending Sheriff's Department training, and Commissioner Owen Etheridge, due to illness.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner
<b>ABSENT:</b>	J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner

#### PUBLIC COMMENT

***Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.***

Chairman White opened the Public Comment period.

Ann Bell of Shawboro discussed signage for Whalehead in Historic Corolla Park on Highway 12 and said it is ineffective. She said better signage is needed for visitors. She distributed related photos and brochures to Commissioners.

Joe Demnicki of Moyock said he was a neighbor of the proposed Ferebee Acres project, on the agenda for rezoning, and expressed concerns with flooding, if approved. He discussed a recent 60 Minutes story on television that talked about other areas that have resolved flooding issues.

Chuck Florio, North Currituck Road, discussed concerns he has with maintenance of the road, which is a dirt road. He said the road is not properly maintained and is potentially dangerous. He questioned who is responsible for maintenance.

County Attorney, Ike McRee, reviewed the process for adding a road to the state maintenance system and explained that counties have no authority to construct or perform road maintenance.

Brian Scott Applewhite, also of North Currituck Road, said he contacted the Department of Transportation (DOT) to assess the road. He asked for the County's help with moving the process along for maintenance by DOT. He noted travel is difficult for school buses, and it is a safety issue as emergency vehicles travel on the road. Commissioner Beaumont offered to assist residents with North Currituck Road, as the Commissioner serving on the Albemarle Regional Planning Organization.

No others wished to speak and the Public Comment period was closed.

### COMMISSIONER'S REPORT

Chairman White reported on the recent Tourism Advisory Board meeting he attended where they discussed planning for the aftermath of storms and hurricanes. He announced the Commissioner's Annual Board retreat will take place on January 25 & 26, 2019 and encouraged the public to attend.

Commissioner Payment read a letter the county received from Governor Cooper to congratulate Currituck County on its 350th anniversary.

Commissioner Mary Etheridge, on behalf of the Department of Social Services, thanked all who participated in Operation Santa Clause and wished everyone a Happy New Year.

### ADMINISTRATIVE REPORTS

#### A. NC Forest Service Annual Report Presentation

Currituck Ranger Aaron Bishop and District Forester Mike Petruncio reported on activities and achievements of North Carolina Forestry over the past year. Rangers discussed the open Currituck County ranger position to be filled and assistance and support the department provided for the recent western wild fires and Hurricane Florence. Mr. Bishop provided call response statistics and noted no large fires occurred this year in Currituck County. He reviewed the role of the forest service which include education and training, institution of forest management plans, water quality inspections, and assistance with tree maintenance and plantings.

### PUBLIC HEARINGS

#### A. PB 18-26 David Shields:

APPLICATION SUMMARY	
<b>Property Owner:</b> David Shields 6615 Caratoke Hwy. Grandy, NC 27939	<b>Applicant:</b> Same as Owner
<b>Case Number:</b> PB 18-26	<b>Application Type:</b> Zoning Map Amendment
<b>Parcel Identification Number:</b> 0108000011B0000	<b>Existing Use:</b> Retail/Indoor Entertainment (Flipper's Arcade)
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 2.69
<b>Current Zoning:</b> General Business/Agriculture	<b>Proposed Zoning:</b> General Business

<b>Zoning History:</b> GB/RR (1989)	
<b>Request:</b> Rezone the AG portion (0.69 acres) of parcel 0108000011B0000 (2.69 acres total), which currently contains 2.0 acres of GB, thereby zoning the entire parcel GB.	

**NARRATIVE**

The applicant is requesting a conventional zoning map amendment to change 0.69 acres of Agriculture (AG) property to General Business (GB). The subject parcel is 2.69 acres in size consisting of 2 acres zoned GB and 0.69 acres zoned AG. The GB portion is currently used for retail purposes which include Flipper's arcade/convenient store, and a restaurant building which was formerly Laredo's. The applicant is proposing to install a laundromat in the last vacant unit in the Flipper's building. Due to the size of the septic system required for the laundromat, it must be installed on the rear portion of the lot which is currently zoned AG. In order for the AG area of the lot to be used for the laundromat's septic system, which is a commercial use, it must be rezoned from AG to GB.

**Community Meeting**

THE COMMUNITY MEETING WAS HELD ON AUGUST 30, 2018 AT 2:00 PM. ONLY THE PROPERTY OWNERS AND JASON LITTERAL FROM CURRITUCK COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT WERE IN ATTENDANCE. THERE WERE NO CONCERNS FROM THE PUBLIC.

<b>SURROUNDING PARCELS</b>		
	<b>LAND USE</b>	<b>ZONING</b>
NORTH	RESIDENTIAL (SFD)	GENERAL BUSINESS
SOUTH	RESIDENTIAL (SFD)	GENERAL BUSINESS
EAST	RESIDENTIAL (SFD)	AGRICULTURE
WEST	COMMERCIAL (WISE GUYS)	GENERAL BUSINESS
<b>LAND USE PLAN</b>		
<b>THE 2006 LAND USE PLAN CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE GRANDY SUBAREA. THE POLICY EMPHASIS FOR THE GRANDY SUBAREA IS TO ALLOW GRANDY TO FURTHER EVOLVE AS A COMMUNITY CENTER IN ITS OWN RIGHT. THE PROPOSED PLAN IS CONSISTENT WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:</b>		
POLICY CD2	Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation.	
POLICY CD4	HIGHWAY ORIENTED COMMERCIAL USES SHOULD BE CLUSTERED ALONG SEGMENTS OF HIGHWAYS AND CONTAIN LAND USES WHICH ARE MUTUALLY COMPATIBLE AND REINFORCING IN USE AND DESIGN; THEY SHOULD BE DESIGNED IN SUCH A WAY AS TO MINIMIZE SIGNAGE, ACCESS POINTS, AND TO PREVENT UNSIGHTLY, DYSFUNCTIONAL STRIP DEVELOPMENT.	
POLICY ED4	In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized.	

The applicant is requesting an expansion of the General Business zoning district in the direction of Soundside Estates which is an existing residential development. The AG portion of the subject property was originally lot 1 of Soundside Estates. Lot 1 was purchased by David Shields and recombined with the existing commercial property along the highway creating one parcel with two zoning designations. If the zoning map amendment is approved, the new GB area will be used for a septic system which should have little to no impact on the adjacent properties. No new structures are being proposed. The majority of the property being rezoned will be occupied by active septic or future repair area for the laundromat leaving little room for other development. Staff recommends approval of the request as submitted.



**RESULT: RECOMMENDED APPROVAL [UNANIMOUS]**

**AYES:** Anamarie Hilgendorf, Board Member, Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member

**ABSENT:** Carol Bell, Board Member, Joanne M. DiBello, Board Member, J. Timothy Thomas, Board Member

**MOTION:** Mr. Craddock motioned to approve PB 18-26 David Shields zoning map amendment request since it is consistent with the goals, objectives, and policies of the Land Use Plan and is compatible with existing and proposed uses surrounding the land subject to the application, and is an appropriate zoning district and use for the land. Also, It is reasonable and in the public interest because it would result in a logical and orderly development pattern and addresses a demonstrated community need.

Ms. Overstreet seconded the motion and the motion carried unanimously.

**PLANNING BOARD DISCUSSION 12/11/2018:** Planner II, Jason Litteral presented the staff report. The property is located in Grandy and is a convenience store and arcade. The owner, David Shields, would like to install a laundry mat and needs to rezone a small portion of the property to General Business for the septic system. Mr. Litteral said there was a community meeting for the requested change and no one came. Also, the septic system will work as a buffer for the subdivision located nearby since this will make this piece of land unbuildable.

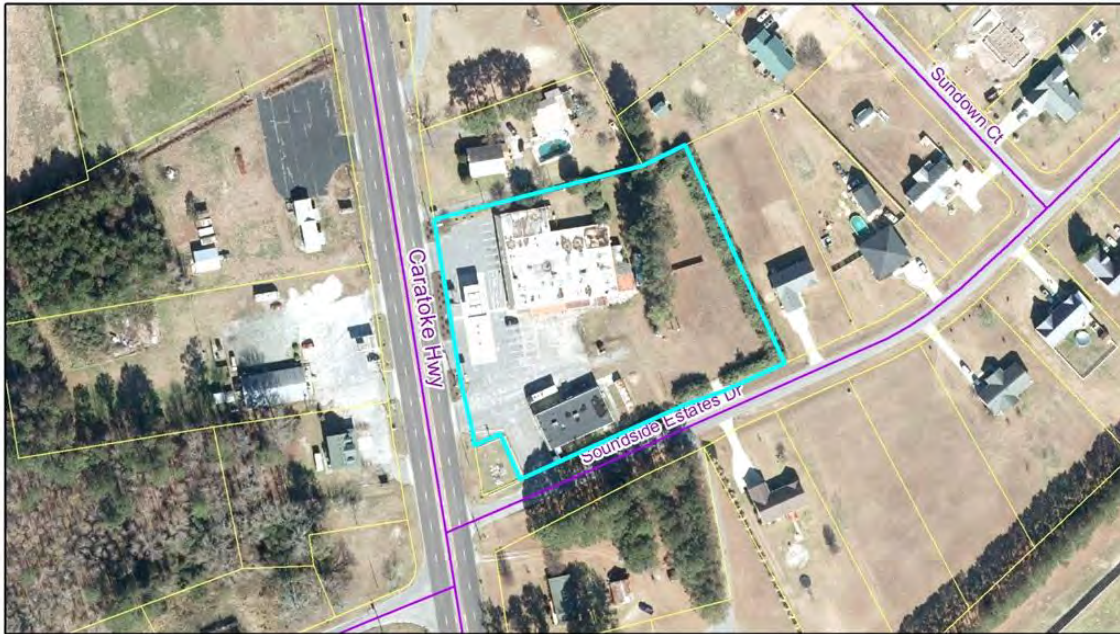
Ms. Overstreet asked if the property is located in a full service area and Mr. Litteral said it is.

Mr. Shield came before the board and clarified the plans for the septic system.

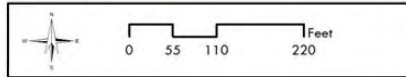
This zoning map amendment request is consistent with the goals, objectives, and policies of the Land Use Plan, is compatible with existing and proposed uses surrounding the land subject to the application, and is an appropriate zoning district and use for the land.

It is reasonable and in the public interest because it would result in a logical and orderly development pattern and addresses a demonstrated community need.

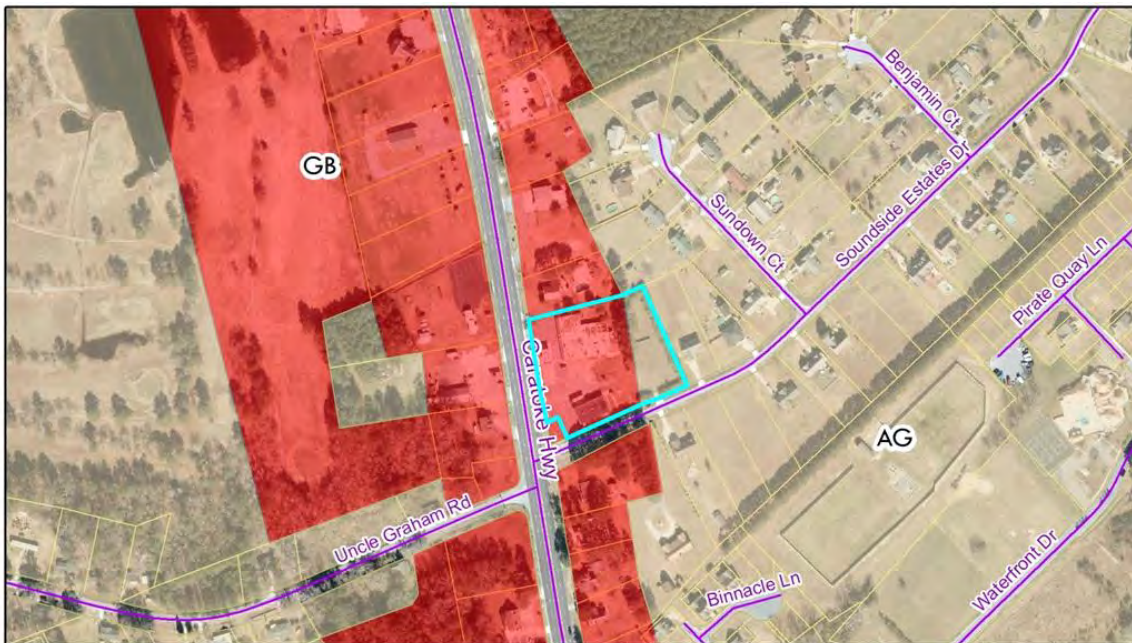




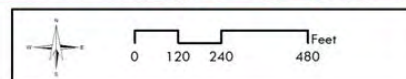
PB 18-26 David Shields  
Zoning Map Amendment  
Aerial



Currituck County  
Planning and  
Community Development



PB 18-26 David Shields  
Zoning Map Amendment  
Current Zoning



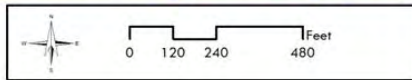
Currituck County  
Planning and  
Community Development

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PB 18-26 David Shields  
Zoning Map Amendment  
Land Use Classification



Currituck County  
Planning and  
Community Development

Laurie LoCicero, Planning and Community Development Director, reviewed the rezoning application with the Board of Commissioners and used the overhead to display the parcel and property location. No questions were posed by Commissioners and no additional information was presented by the applicant.

No one was signed nor wished to speak at Public Hearing.

Commissioner Mary Etheridge moved to approve PB 18-26 because the request is consistent with the policies of the land use plan, which some of them are:

- ☐ CD1 - NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary road intersects with a street of greater or larger value.
- ☐ ED4 - In addition to the recruitment and expansion of major new industries, we should always look after our small businesses and encourage them.

And the request is reasonable and in the public interest because:

- ☐ It would result in logical and orderly development patterns.

The motion was seconded by Commissioner Payment. The motion passed unanimously.

**RESULT:** MOTION PASSED-ITEM APPROVED [UNANIMOUS]  
**MOVER:** Mary "Kitty" Etheridge, Commissioner  
**SECONDER:** Mike H. Payment, Vice Chairman  
**AYES:** Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner  
**ABSENT:** J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner

**B. PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment:**

APPLICATION SUMMARY	
<b>Property Owner:</b> Jerry L. Old & Don S. Williams, Sr. PO Box 310 Moyock, NC 27958	<b>Applicant:</b> Jerry L. Old & Don S. Williams, Sr. PO Box 310 Moyock, NC 27958
<b>Case Number:</b> PB 18-25	<b>Application Type:</b> Zoning Map Amendment
<b>Parcel Identification Number:</b> 0031-000-064N-0000	<b>Existing Use:</b> Vacant/Agricultural with two billboards in GB area
<b>Land Use Plan Classification:</b> Rural & Conservation	<b>Parcel Size (Acres):</b> 57.95 (entire parcel)
<b>Land Use Plan Subarea:</b> Moyock	<b>Zoning History:</b> B & A-40 (1975), GB & A (1989)
<b>Current Zoning:</b> GB and AG	<b>Proposed Zoning:</b> GB and AG
<b>Request:</b> Request for a zoning map amendment to relocate the split zoning of approximately 7.7 acres from General Business (GB) to Agriculture (AG) for property located in Moyock, west of Beechwood Shores, Parcel Identification Number 0031-000-064N-0000, Moyock Township.	

**Narrative**

The proposed rezoning of approximately 7.7 acres from General Business (GB) to Agriculture (AG) is presented to the board as a conventional zoning map amendment. The 57.95 acre property is currently zoned GB and AG. The portion of the property that abuts Caratoke Highway is zoned GB and the remainder of the parcel is zoned AG. The applicants are seeking to relocate the split zoning on the property through downzoning approximately 7.7 acres from GB to AG. There are currently two billboards located adjacent to Caratoke Highway in the existing GB zoned portion of the property. The applicants are requesting to relocate the zoning line to reduce the GB area and retain a portion of GB area so that commercial lots may be created and the existing billboards may remain. The billboards are required by the UDO to be located in the GB zoning district. If the rezoning is approved, the applicants have indicated that they will submit a Minor Subdivision application to create GB parcels along Caratoke Highway. Subsequently, the applicants will propose a conservation subdivision (Major Subdivision) for the remaining AG zoned portion of property.

**Community Meeting**

A community meeting was held on July 23, 2018 and community meeting notices to adjacent property owners stated that the applicants were requesting a conditional rezoning to C-SFM for a traditional subdivision. Following conversations with planning staff, the applicants elected to apply for a straight rezoning (downzoning) from GB to AG. At the community meeting, the applicants informed attendees of their change in zoning approach. A copy of the community meeting summary is included in the agenda packet.

The UDO does not require a community meeting for zoning map amendments that establish a less intense base zoning district; therefore, the community meeting is not required for this request.

**UDO**

In North Carolina, it is illegal to impose conditions on rezonings to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor. Conditional zoning district applications may

not contain bifurcated zoning districts where only a portion of the property is subject to a conditional zoning classification.

SURROUNDING PARCELS		
	LAND USE	ZONING
NORTH	WETLAND AREA	AG
SOUTH	WOODED AREA (ACROSS CARATOKE HIGHWAY)	AG
EAST	WETLAND AREA & SINGLE-FAMILY DWELLINGS (BEECHWOOD SHORES)	SFM
WEST	VACANT & SINGLE-FAMILY DWELLINGS	GB & AG

LAND USE PLAN	
<p><b>THE 2006 LAND USE PLAN (LUP) CLASSIFIES THIS SITE AS RURAL WITHIN THE MOYOCK SUBAREA. THE POLICY EMPHASIS FOR THE RURAL SUBAREA IS INTENDED TO PROVIDE FOR AGRICULTURE, FORESTRY, AND OTHER ALLIED USES. PREFERRED USES INCLUDE VERY LOW-DENSITY DISPERSED DEVELOPMENT ASSOCIATED DIRECTLY WITH FARM USES. RESIDENTIAL DWELLINGS ASSOCIATED WITH FARM ACTIVITY TYPICALLY EMPLOY ON-SITE WATER SUPPLY AND WASTE DISPOSAL. THE PROPOSED ZONING MAP AMENDMENT IS IN KEEPING WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:</b></p>	
POLICY AG4	County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land.
POLICY ML 1	Currituck County recognizes the particular interest of residents and property owners in the Mainland Area in PRESERVING FARMLAND AND OPEN SPACE. The County shall exercise diligence in applying policies, plans and actions that will encourage compact growth and the preservation of farmland and open space in the Mainland Area.



This zoning map amendment request is consistent with the Land Use Plan classifications and policies stated above and it is reasonable and in the public interest because:

- IT IS COMPATIBLE WITH EXISTING AND PROPOSED USES SURROUNDING THE LAND SUBJECT TO THE APPLICATION, AND IS THE APPROPRIATE ZONING DISTRICT AND USES FOR THE LAND;
  - THE REQUEST, A DOWNZONING OF A PORTION OF GB ZONED PROPERTY TO AG, IS COMPATIBLE WITH EXISTING AND PROPOSED USES, AS A STRAIGHT REZONING OF THE ENTIRE PROPERTY TO AG WOULD CREATE BIFURCATED GB ZONED PARCELS ADJACENT TO CARATOKE HIGHWAY. ADDITIONALLY, A STRAIGHT REZONING OF THE ENTIRE PROPERTY TO AG WOULD REQUIRE REMOVAL OF THE EXISTING BILLBOARDS AS BILLBOARDS MAY ONLY CONTINUE IF LOCATED IN THE GB ZONING DISTRICT. EXISTING USES ADJACENT TO THE PROPERTY INCLUDE VACANT PROPERTY AND SINGLE-FAMILY DWELLINGS. AN ADJACENT SINGLE-FAMILY DWELLING IS LOCATED IN THE GB ZONING DISTRICT.

- IT WILL RESULT IN A LOGICAL AND ORDERLY DEVELOPMENT PATTERN;
  - PERMISSIBLE USES IN AG ARE LESS INTENSIVE THAN THOSE PERMISSIBLE IN THE GB ZONING DISTRICT AND THE LUP POLICIES SUPPORT AG USES OVER GB USES ON THIS PROPERTY.

**RECOMMENDATION****PLANNING STAFF**

- Staff supports the proposed zoning map amendment of approximately 7.7 acres from GB to AG.

**PLANNING BOARD 12/11/2018****RESULT: RECOMMENDED APPROVAL [UNANIMOUS]**

**AYES:** Anamarie Hilgendorf, Board Member, Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member

**ABSENT:** Carol Bell, Board Member, Joanne M. DiBello, Board Member, J. Timothy Thomas, Board Member

**MOTION:** Mr. Ballance motioned to approve PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment since it is consistent with the Land Use Plan classifications and policies stated above and it is reasonable and in the public interest because:

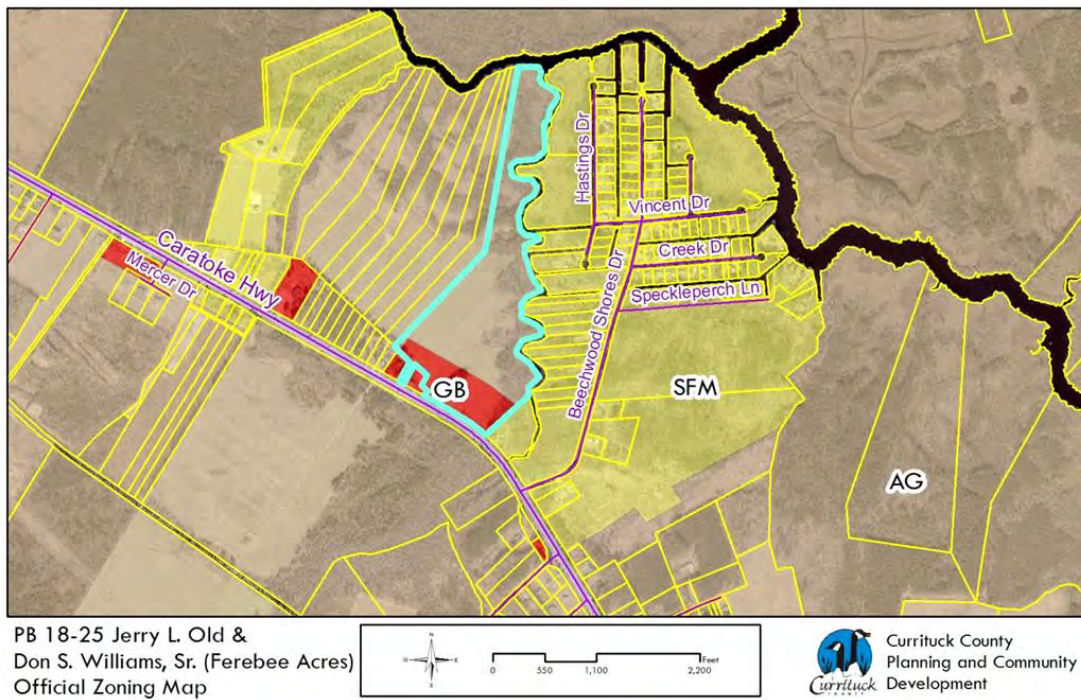
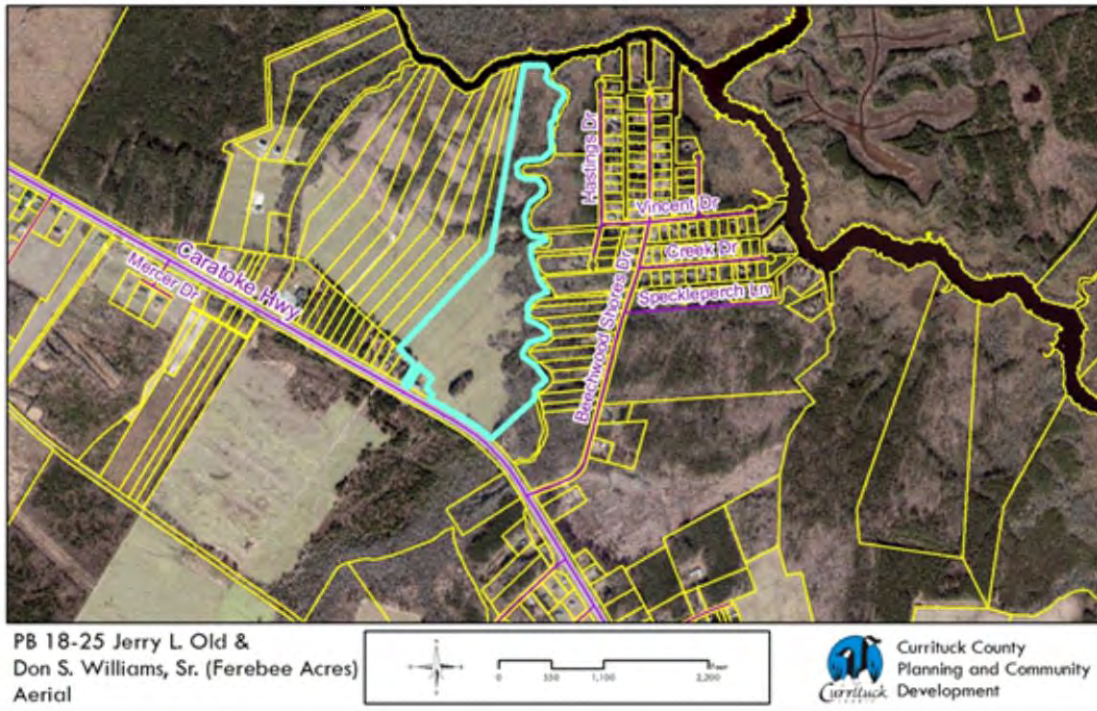
- It is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
  - The request, a downzoning of a portion of GB zoned property to AG, is compatible with existing and proposed uses, as a straight rezoning of the entire property to AG would create bifurcated GB zoned parcels adjacent to Caratoke Highway. Additionally, a straight rezoning of the entire property to AG would require removal of the existing billboards as billboards may only continue if located in the GB zoning district. Existing uses adjacent to the property include vacant property and single-family dwellings. An adjacent single-family dwelling is located in the GB zoning district.
- It will result in a logical and orderly development pattern;
  - Permissible uses in AG are less intensive than those permissible in the GB zoning district and the LUP policies support AG uses over GB uses on this property.

Mr. Craddock seconded the motion and the motion carried unanimously.

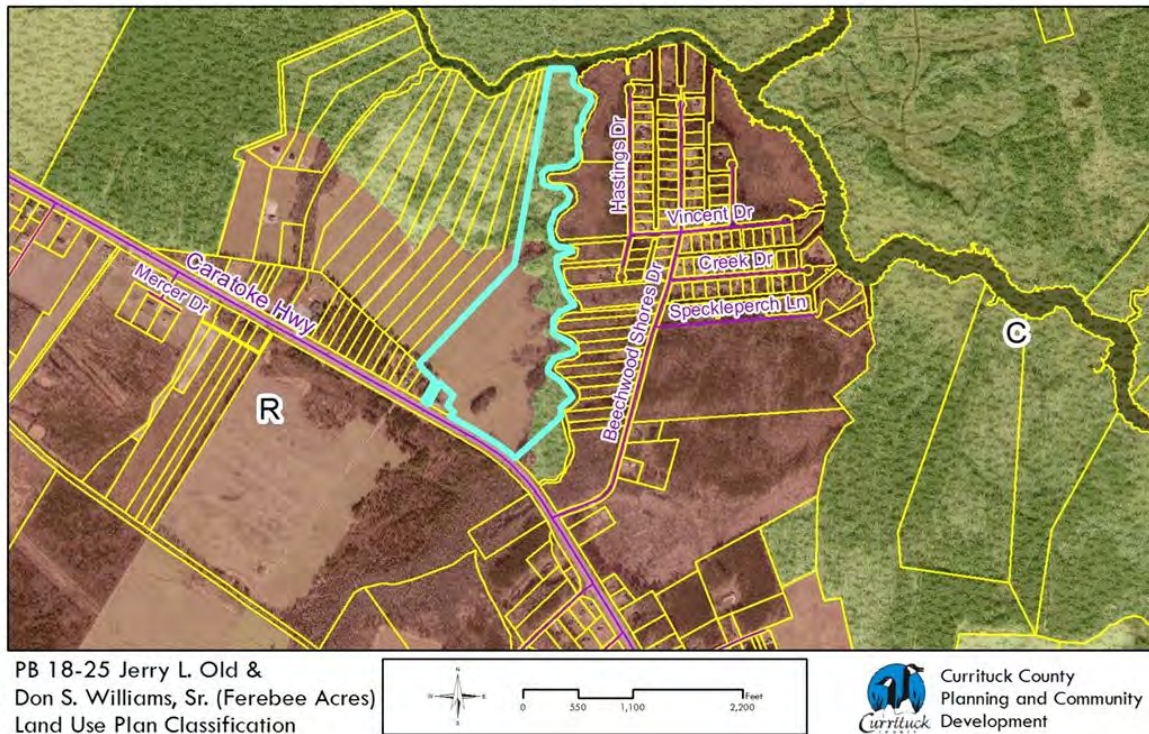
**PLANNING BOARD DISCUSSION 12/11/2018:** Planner II, Jennie Turner presented the staff report. Jerry Old and Don Williams Sr. are requesting a zoning map amendment to relocate the split zoning of approximately 7.7 acres from General Business (GB) to Agriculture (AG). There are two existing billboards on the lot and they are required to remain in the General Business district. Ms. Turner said staff recommends approval.

Warren Eadas with Quible & Associates came before the board. He said they are working toward a conservation subdivision and require this zoning change. The community meeting was held and only two people showed up with no one in opposition.









Planning and Community Development Director, Laurie LoCicero, reviewed the rezoning application with the Board and used the overhead to display a map of the parcel and location. She responded to questions from Commissioners related to concerns of spot zoning and the general business area located along Caratoke Highway. She said the rezoning would not be considered spot zoning and reviewed the effect downzoning from General Business to Agriculture would have on density. Ms. LoCicero talked about future development on the parcel and said any plan brought forward must meet the county's requirements, including stormwater, for approval and said the rezoning would allow for a conservation subdivision, which provides more flexibility for development, includes more open space and provides for less density.

Warren Eadus, President of Quible and Associates, spoke on behalf of the applicants and clarified the request would revise the General Business line basically creating four lots zoned General Business, and remove the split zoning designation on the parcel. He said stormwater modeling would be required for future development, which is intended. He responded to Commissioner questions and used the overhead to review the location of the parcel.

Chairman White opened the Public Hearing.

Joe Demnicki asked about further development on the parcel, particularly concerned with wetlands and flooding. Ms. LoCicero explained the applicant would need to come back before the Board and meet all requirements for approval of any development plans.

No one else was signed up nor wished to speak. Chairman White closed the Public Hearing.

Commissioner Beaumont moved to approve PB 18-25 because the request is consistent

with the Land Use Plan Rural Classification in the Moyock Subarea and it is consistent with the following Land Use Plan policies:

Policy AG4 County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land.

Policy ML1 Currituck County recognizes the particular interest of residents and property owners in the Mainland Area in PRESERVING FARMLAND AND OPEN SPACE. The County shall exercise diligence in applying policies, plans and actions that will encourage compact growth and the preservation of farmland and open space in the Mainland Area.

The motion was seconded by Commissioner Mary Etheridge. The motion passed with a vote of 3-1. Commissioner Payment voted against the motion for approval.

<b>RESULT:</b>	<b>MOTION PASSED-ITEM APPROVED [3 TO 1]</b>
<b>MOVER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bob White, Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner
<b>NAYS:</b>	Mike H. Payment, Vice Chairman
<b>ABSENT:</b>	J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner

### C. PB 08-48 Cape Currituck (Horgan/Mason):

Laurie LoCicero, Planning and Community Development Director, said she had been advised the applicant wished to request a continuance of the item.

Warren Eadus, President of Quible and Associates, spoke on behalf of the applicant and asked for more time to confer with staff to develop a plan that is agreeable to the applicant. Referring to conditions set by the Planning Board at their last meeting, Mr. Eadus said the applicant is moving forward with permitting at the state and federal level and it is critical, due to the expense of the project, that a portion of the housing units are allowed to be built in conjunction with components of the marina. He said it is not their intent to never build the marina.

County Attorney, Ike McRee, reviewed provisions in the Unified Development Ordinance that allows an applicant to request, and the Board to grant, deferral of an application.

Commissioner Payment moved to defer the item for one month. The motion was seconded by Commissioner Beaumont. The motion passed unanimously.

David Lane, a resident of Kilmarlic, addressed the Board to talk about the marina's effect on roads within his subdivision and was instructed, at this time, to present his concerns to staff.



<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 2/18/2019 6:00 PM</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman	
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner	
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner	
<b>ABSENT:</b>	J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner	

## NEW BUSINESS

### A) Board Appointments

#### 1. Amended Item-Appointment to the Albemarle Commission

Commissioner Payment nominated Commissioner Beaumont to serve on the Albemarle Commission. The motion was seconded by Commissioner Mary Etheridge. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner
<b>ABSENT:</b>	J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner

### B) Consent Agenda

Commissioner Mary Etheridge moved for approval of the Consent Agenda. The motion was seconded by Commissioner Beaumont. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner
<b>ABSENT:</b>	J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner

#### 1) Approval Of Minutes for December 3, 2018

##### 1. Minutes for December 3, 2018

##### 2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10760-585000	DSS Donations	\$ 12,110	
10380-487000	DSS Donations		\$ 7,120
10390-499900	Appropriated Fund Balance		\$ 4,990
		<u>\$ 12,110</u>	<u>\$ 12,110</u>

**Explanation:** Social Services - Public Assistance (10760) - Increase appropriations to carry-forward unspent DSS donations from prior fiscal year and to record increased collections for the current fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$12,110.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
50442-597007	Connect Corolla Phase V	\$ 30,000	
50390-495015	Transfer from Occupancy Tax		\$ 30,000
		<u>\$ 30,000</u>	<u>\$ 30,000</u>

**Explanation:** County Governmental Construction (50442) - Increase multi-year appropriation for Connecting Corolla Phase V, initial landscaping for limbing up contract.

**Net Budget Effect:** County Governmental Construction Fund (50) - Increased by \$30,000.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10545-561000	Medical Examiner	\$ 20,000	
10320-411000	Article 39 Local Option Sales Tax		\$ 20,000
		<u>\$ 20,000</u>	<u>\$ 20,000</u>

**Explanation:** Medical Examiner (10545) - Increase appropriations for services by the State Medical Examiner for the remainder of this fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$20,000.

Communication: Minutes for January 7, 2019 (Approval Of Minutes for January 7, 2019)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10640-532004	Supplies - Home Economics	\$ 1,242	
10390-499900	Appropriated Fund Balance		\$ 1,242
		\$ 1,242	\$ 1,242
<b>Explanation:</b> Cooperative Extension (10640) - Carry-forward unspent funds from prior fiscal year for Medicare Improvements for Patients and Providers Act (MIPPA) grant.			
<b>Net Budget Effect:</b> Operating Fund (10) - Increased by \$1,242.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10420-589000	OSD Reserve	\$ 4,000	
10320-411000	Article 39 Local Option Sales Tax		\$ 4,000
		\$ 4,000	\$ 4,000
<b>Explanation:</b> Governing Body (10420) - Increase appropriations due to increase in number of retirees this fiscal year.			
<b>Net Budget Effect:</b> Operating Fund (10) - Increased by \$4,000.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
12544-590004	Capital Outlay - Crawford	\$ 21,439	
12544-545000	Contract Services		\$ 21,439
12543-590003	Capital Outlay - Moyock	5,900	
12543-545000	Contract Services		\$ 5,900
		\$ 27,339	\$ 27,339
<b>Explanation:</b> Crawford Fire Contract (12544); Moyock Fire Contract (12543) - Transfer budgeted funds to purchase an industrial washer and dryer for Crawford Volunteer Fire Department for \$21,439 and upgrade the CCTV system at Moyock for \$5,900. Both of these purchases were approved by the advisory board and will be funded within the current year appropriations.			
<b>Net Budget Effect:</b> Fire Services Fund (12) - No change.			

### 3. Project Ordinance - Airport PAPI Replacement & Airfield Lighting Vault Generator (Design & Bidding)

#### COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**SECTION 1.** The project authorized is PAPI Replacement & Airfield Lighting Vault Standby Generator Design and Bidding, grant 36237.8.14.2.

**SECTION 2.** The following amounts are appropriated for the project:

PAPI Replacement/Standby Generator	\$ 55,420
	<u>\$ 55,420</u>

**SECTION 3.** The following revenues are available to complete this project:

Investment Earnings	\$ 5,542
State Aid to Airports	49,878
	<u>\$ 55,420</u>

Communication: Minutes for January 7, 2019 (Approval Of Minutes for January 7, 2019)

**SECTION 4.** The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

**SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

**SECTION 6. CONTRACTUAL OBLIGATIONS**

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

**SECTION 7. USE OF BUDGET ORDINANCE**

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 7<sup>th</sup> day of January 2019.

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Bob White, Chairman Board of  
Commissioners

ATTEST:

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Leeann Walton Clerk to the Board

**4. Resolution of the Currituck County Board of Commissioners Supporting Juvenile Crime Prevention Council Allocation Expansion**

**Resolution Supporting  
Juvenile Crime Prevention Council Allocation Expansion**

**WHEREAS**, Juvenile Crime Prevention Council (JCPC) funding is a partnership between the State of North Carolina and the County to ensure a local continuum of services for court involved and at-risk juveniles; and,

**WHEREAS**, Currituck County JCPC funded programs, more specifically, completed services to 52 children last fiscal year at an average cost of \$1,640 per child with over 1830 hours of service provided, and having served 370 children in just the past seven years while funding levels have continued to remain flat; and,

Communication: Minutes for January 7, 2019 (Approval Of Minutes for January 7, 2019)

**WHEREAS**, the Juvenile Crime Prevention Council, under the authority of NCGS§143B-851, and within the scope of its powers and duties, “Each County Council shall annually review the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the resources available to address those needs;” and,

**WHEREAS**, the Juvenile Justice Reinvestment Act passed in 2017, also referenced as North Carolina’s Raise the Age legislation, expands the age of juvenile jurisdiction, increasing it to include juveniles ages 16 and 17 years of age effective December 1, 2019; and,

**WHEREAS**, Raise the Age legislation will increase the need for immediate and age-appropriate sanctions and diversion services for juvenile offenders and those at-risk of delinquency; and,

**WHEREAS**, JCPC funding has seen no increase in more than nine years; and,

**WHEREAS**, the effort to immediately and effectively address juvenile offending behavior is an evidence-based investment in North Carolina’s future; and,

**WHEREAS**, effective intervention and programming reduces detention and youth development commitments as a cost savings to the state and county;

**NOW, THEREFORE BE IT RESOLVED**, that Currituck County fully supports an adequate and timely increase of local Juvenile Crime Prevention funding to ensure program expansion and successful implementation of the Juvenile Justice Reinvestment Act Raise the Age Legislation, set for December 1, 2019.

**Adopted this 7th day of January, 2019.**

- 5. Job Descriptions-Finance Director & Assistant Finance Director**
- 6. Consideration on Approval of Purchase Requests-Moyock VFD and Crawford Township VFD**
- 7. Consideration for Approval of Lease Agreement with NC Forest Service for County Owned Property Located at 2950 Caratoke Highway, Currituck**
- 8. EIC-Community Services Block Grant Funding Submission**
- 9. Petition for Road Addition to State Maintenance-Waterlily Ridge Subdivision**

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

No report.

## RECESS THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

There was no further business at this time and Chairman White asked for a motion to recess the regular meeting until 4:30 PM, January 14, 2019, at which time the Board would reconvene in the Board meeting Room to continue the regular meeting and act on any business that may be considered at a regular meeting.

## RECONVENE-JANUARY 14, 2019, 4:30 PM

The Currituck County Board of Commissioners met January 14, 2019 at 4:30 PM in the Board Meeting Room of the Historic Courthouse and Chairman White reconvened the January 7, 2019 regular meeting of the Board.

### Consideration of Nominees for Appointment to District 2 Vacancy on the Board of Commissioners

Chairman White asked Bryan Bass, Chair of the Currituck GOP, to speak about the process followed by the group's Executive Committee to select the nominee to fill the District 2 vacancy on the Board of Commissioners. Mr. Bass detailed the steps taken by the Executive Committee, reviewed the applicant pool, the interview process, and explained the ballot voting procedure. He said the individual applicant interviews were held Monday, January 7, 2019, followed by a vote of the Executive Committee which consisted of twelve voting members. Ms. Selina S. Jarvis received eight votes and was presented to the Board of Commissioners as the Currituck GOP nominee. Mr. Bass responded to questions posed by Commissioners.

Chairman White thanked the applicants for stepping up for consideration and their willingness to serve.

Commissioner McCord also thanked the candidates and the GOP for going through the process. He said he wished Commissioners had the opportunity to interview the candidates.

Commissioner Payment also thanked the candidates, and noted the difficult decision.

Commissioner Mary Etheridge commended all for their willingness to serve and thanked both the candidates and the GOP.

Commissioner Beaumont recalled his time going through nomination process and thanked everyone who threw their name in for consideration and looks forward to a productive, next two years.

Commissioner Mary Etheridge said she was honored to nominate the GOP selection, Selina Jarvis, to fill the remaining term of former Commissioner, Bobby Hanig. The motion was seconded by Commissioner Beaumont. The motion passed unanimously.

Commissioner McCord said he spoke with Commissioner Owen Etheridge, who expressed his regret that he was unable to attend the meeting.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Kevin E. McCord, Commissioner
<b>ABSENT:</b>	J. Owen Etheridge, Commissioner

## ADJOURN

### Motion to Adjourn Meeting

There was no further business and Commissioner Mary Etheridge moved for adjournment. The motion was seconded by Commissioner Beaumont. The motion passed unanimously and the meeting of the Board of Commissioners was adjourned.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Kevin E. McCord, Commissioner
<b>ABSENT:</b>	J. Owen Etheridge, Commissioner





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2353)**

**Agenda Item Title**

Budget Amendments

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Number 20190060

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10510-532001	Canine Supplies		\$ 4,000
10510-590000	Capital Outlay	\$ 4,000	
		<u>\$ 4,000</u>	<u>\$ 4,000</u>

**Explanation:** Sheriff (10510) - Transfer budgeted funds for a K-9 system to be installed in a vehicle.

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

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Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs-Jan 22\_General Meeting (Budget Amendments)

Number 20190061

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10511-561000	Professional Services		\$ 2,500
10511-516200	Vehicle Repairs & Maintenance	\$ 2,500	
		<u>\$ 2,500</u>	<u>\$ 2,500</u>

**Explanation:** Detention Center (10511) - Transfer budgeted funds for vehicle repairs.

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

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\_\_\_\_\_  
Clerk to the Board

Attachment: BAs-Jan 22\_General Meeting (Budget Amendments)

Number 20190062

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10330-445000	EMERGENCY MGMT		\$ 20,625
10531-590000	CAPITAL OUTLAY	\$ 19,125	
10531-514500	TRAINING AND EDUCATION	\$ 500	
10531-514000	TRAVEL	\$ 1,000	
		<u>\$ 20,625</u>	<u>\$ 20,625</u>

**Explanation:** Emergency Management (10531) - 2018 Emergency Management Performance Grant funding to be used for: security camera system at each of the public safety radio tower sites, purchase a trailer to develop a shelter supply trailer: purchase a weather station for Carova Beach, attend national EM conferences.

**Net Budget Effect:** Operating fund (10) - Increased by \$20,625.

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\_\_\_\_\_  
Clerk to the Board

Attachment: BAs-Jan 22\_General Meeting (Budget Amendments)

Number 20190063

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10606-514500	Training-Education		\$ 570
10606-514000	Travel	\$ 570	
		<u>\$ 570</u>	<u>\$ 570</u>

**Explanation:** Soil & Water Conservation (10606) - Transfer funds for conference travel.

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

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\_\_\_\_\_  
Clerk to the Board

Attachment: BAs-Jan 22\_General Meeting (Budget Amendments)

Number 20190064

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10795-590000	Capital Outlay	\$ 3,260	
10795-576001	Baseball/ Softball		\$ 3,260
		<u>\$ 3,260</u>	<u>\$ 3,260</u>

**Explanation:** Parks & Recreation (10795) - Transfer budgeted funds to cover costs of a baseball/softball mount.

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

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\_\_\_\_\_  
Clerk to the Board

Attachment: BAs-Jan 22\_General Meeting (Budget Amendments)

Number

20190065

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
63838-561000	Professional Services	\$ 9,000	
63838-545600	Site Work/Landscaping		\$ 9,000
		<u>\$ 9,000</u>	<u>\$ 9,000</u>

**Explanation:** Solid Waste (63838) - Transfer budgeted funds for a Landfill Survey in Preparation of surveyors report and engineers estimate for piezometers to collect ground water samples and surface water samples.

**Net Budget Effect:** Solid Waste Fund (63) - No change.

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\_\_\_\_\_  
Clerk to the Board

Attachment: BAs-Jan 22\_General Meeting (Budget Amendments)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2360)

**Agenda Item Title**

Records Disposal-Permits & Inspections

**Brief Description of Agenda Item:**

Approval of records disposal for Permits and Inspections, as per NC Department of Cultural Resources records retention schedule.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**





## Currituck County

Planning and Community Development Department  
Central Permitting and Inspection Division  
153 Courthouse Road, Suite 117  
Currituck, North Carolina 27929  
252-232-3378 FAX 252-232-3470

UB  
To: Laurie LoCicero, Planning & Community Development Director

From: Bill Newns, Chief Building Inspector

Date: 01/04/2019

Subject: **Records Disposition Request.**

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In accordance with the Records Retention and Disposition standards based on the North Carolina's Department of Cultural Resources Schedule. The Planning & Community Development Department requests that the Board of Commissioners approve the disposition of all Building Permit Records & Zoning Violations for years 2011 & 2012. This would include both hard copy and electronically stored files in our system.

A handwritten signature in cursive script that reads "Bill Newns".

Bill Newns  
Chief Building Inspector

Attachment: 2019-01-22-Inspections-Records Disposal Memo (Records Disposal-Permits and Inspections)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2356)

**Agenda Item Title**

Budget Amendments

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Number OS2019005

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-511001	Ocean Sands - Telephone & Postage-Sewer	\$ 2,100	
60808-561001	Ocean Sands - Professional Services-Sewer		\$ 2,100
		<u>\$ 2,100</u>	<u>\$ 2,100</u>

**Explanation:** Ocean Sands Water and Sewer (60808) -Transfer funds to mail sewer information brochures to Ocean Sands residents.

**Net Budget Effect:** Ocean Sands Water and Sewer Fund (60) - No change.

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\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jan 22\_Ocean Sands (Special Mtg-OSWSD-Budget Amendments)

Number OS2019006

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-511000	Telephone & Postage - Water	\$ 2,300	
60808-511001	Telephone & Postage - Sewer	\$ 900	
60808-531001	Fuel - Sewer	\$ 4,000	
60808-532001	Supplies - Sewer	\$ 4,000	
60808-533801	Chemicals - Sewer	\$ 6,000	
60808-545001	Contracted Services - Sewer	\$ 10,000	
60808-545100	Credit Card Processing Fees	\$ 1,000	
60808-557100	Software License Fees	\$ 70	
60310-403018	District Taxes - 2018 Levy		\$ 3,000
60390-499900	Appropriated Retained Earnings		\$ 25,270
		<u>\$ 28,270</u>	<u>\$ 28,270</u>

**Explanation:** Ocean Sands Water and Sewer (60808) -Increase appropriations for costs associated with increases in water and sewer consumption and additional costs associated with putting the new sewer plant online for the remainder of this fiscal year.

**Net Budget Effect:** Ocean Sands Water and Sewer Fund (60) - Increased by \$28,270.

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\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jan 22\_Ocean Sands (Special Mtg-OSWSD-Budget Amendments)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2357)

**Agenda Item Title**

Closed Session pursuant to N.C. Gen. Stat. Section 143-318.11(a)(3) to consult with the County Attorney to protect the attorney-client privilege regarding potential litigation and the matters entitled: R. F. London, Inc., et al. v. Currituck County, et al.; Letendre v. Currituck County; Ayers v. Currituck County Department of Social Services; Schneirla, et al. v. Currituck County; Poplar Branch Development Trust v. Currituck County, and pursuant to Gen. Stat. Section 143-318.11(a)(6) to discuss a personnel matter.

**Brief Description of Agenda Item:**

**Board Action Requested**

Discussion

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**