



CURRITUCK COUNTY NORTH CAROLINA

April 18, 2016
Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4 PM Large Residential Structures

The Currituck County Board of Commissioners met at 4 PM to attend a work session on Large Residential Structures. At the January 2016 Board retreat, Planning staff was asked to develop options for Board consideration to address issues related to the construction and use of large homes. Planning and Community Development Director, Ben Woody, and Assistant Planning Director, Laurie LoCicero, used a powerpoint to present various methods that can be used to alleviate risks and reduce impacts associated with large houses or event homes. Ideas and strategies relative to life safety features, compatibility, creating overlay districts and grouping like structures, proportionality, consideration of bedroom densities and secondary impacts such as noise, trash and parking were presented. After some discussion, and with time running short, the Board expressed their desire to move forward with the suggestions as presented, particularly related to compatibility, proportionality and life safety. Commissioners asked that the presentation be forwarded to them for further review, after which they planned to meet again and provide further direction.

5:00 CALL TO ORDER

The Currituck County Board of Commissioners met at 5 PM in the Historic Courthouse Board Meeting Room for a regular meeting of the Board.

Attendee Name	Title	Status	Arrived
David L. Griggs	Board Chairman	Present	
O. Vance Aydlett	Vice Chairman	Present	
S. Paul O'Neal	Commissioner	Present	
Paul M. Beaumont	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Mike H. Payment	Commissioner	Present	

Chairman Griggs called the meeting to order and announced the earlier work session on large residential structures.

A) Invocation & Pledge of Allegiance-Reverend Dawne Hollis-Custer, Currituck Charge, United Methodist Church

Reverend Dawne Hollis-Custer was not in attendance. Reverend Frank Custer of Mt. Zion United Methodist Church gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Aydlett moved to approve the agenda. Commissioner Gilbert seconded and the motion carried unanimously.

Approved agenda:

Work Session

4 PM Large Residential Structures

5:00 Call to Order

A) Invocation & Pledge of Allegiance-Reverend Dawne Hollis-Custer, Currituck Charge, United Methodist Church

B) Approval of Agenda

Administrative Reports

A) Report to the People-NC Cooperative Extension

B) Moyock Middle School Technology & Design Students-Food Desert Presentation

Public Hearings

A) Public Hearing and Action: PB 11-01 Monteray Greens:

Request for a special use permit amendment to increase the height of miniature golf course features as measured from natural grade, located at 810 Ocean Trail in Monteray Shores and Buck Island, Tax Map 116, Parcel 3W and Tax Map 116D, Parcel 3D, Poplar Branch Township.

B) Consideration and Action: PB 13-17 Moyock Crossing:

Request for a preliminary plat extension for a 76 lot conservation subdivision located on the north side of Shingle Landing Road, approximately 260 feet east of Fox Lane, and along Shingle Landing Creek, Tax Map 9, Parcel 41, Moyock Township.

C) Public Hearing and Action: PB 16-07 Currituck County:

Request to amend Chapter 2 of the Unified Development Ordinance to modify the use permit review procedures.

New Business

A) Board Appointments

1. Reappointment of Commissioner Hall to College of the Albemarle Board of Trustees
2. Moyock Watershed Advisory
3. Planning Board
4. Economic Development Advisory

B) Consent Agenda

1. Approval Of Minutes for April 4, 2016
2. Budget Amendments
3. Application to transfer Lottery Funds from Central Elementary Gym Roof and CCMS Auditorium HVAC projects to the MMS Energy Management Upgrades
4. Surplus Resolution-Communications Equipment
5. A Memorandum of Understanding between Currituck County 911 and Pasquotank County 911
6. Adoption of and Authorization for County Manager to Execute License Agreement With Saga Construction and Land Development for Construction of Pedestrian Access in Former Perch Street Right-of-Way
7. Consideration & Approval of Lease Agreement-Probation and Parole Offices
8. Proclamation Declaring General Federation of Women's Club Day

C) Commissioner's Report**D) County Manager's Report****Public Comment**

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

Adjourn**Special Meeting of the Tourism Development Authority**

Budget Amendments
Project Ordinance-Moyock Park

Adjourn Special Meeting

Motion to Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVED:	O. Vance Aydlett, Vice Chairman
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

ADMINISTRATIVE REPORTS

A. Report to the People-NC Cooperative Extension

Cameron Lowe, Currituck County Cooperative Extension Director, presented their 2015 Report to the People. Ms. Lowe introduced several speakers, each of whom highlighted individual programs offered through Cooperative Extension, providing information on program content, data, statistics and their economic impacts on Currituck County.

- Teresa Dozier, Advisory Council President, reported on educational programs and services
- Morris West presented economic impact of Extension's agricultural programs
- Peggy Lilienthal, Advisory Council member, reported on the Master Gardeners program
- Evelyn Henley spoke about Family and Consumer Science programming
- Gregory Dozier, Jamie Gillespie, Tucker Melton and Abby Rippin presented information and highlights of 4-H youth programming.
- Shannon Rose, Advisory Board member, reported on activities and events at the Currituck County Rural Center.

Ms. Lowe thanked the Board for their support. She acknowledged staff in the audience and provided her website, www.currituck.ces.ncsu, for programming information.

Commissioners thanked and applauded Ms. Lowe and her staff and complimented their efforts, noting how their programs reach so many citizens and youth.

B. Moyock Middle School Technology & Design Students-Food Desert Presentation

Mr. John Roller, teacher of the Technology, Design and Innovation program at Moyock Middle School, presented information on a student project on Food Deserts. Mr. Roller introduced the students who participated in the project and explained the process followed by the students, which included research and analysis of Currituck County and ultimately development of solutions for the area identified being Crawford Township.

Mr. Roller reported information compiled by student Catitlyn Ferretti, who was not in attendance. Ms. Ferretti researched information about a long term solution, which is building a grocery store.

Student Andrew Bergen presented information on how to grow a container garden. Mr. Bergen presented date compiled on costs, soils and care for the garden.

Student Brenna Geloramine presented on canning foods as a solution. Ms. Geloramine reviewed pressure canning and water bath canning for the preservation of foods.

In conclusion, Mr. Roller presented a report summary and thanked the Board for allowing students to present their solutions. Commissioners thanked Mr. Roller and the students for their presentation.

PUBLIC HEARINGS

A. Public Hearing and Action: PB 11-01 Monteray Greens:

Parties were sworn in and Chairman Griggs opened the Public Hearing. Ben Woody, Planning and Community Development Director, reviewed the applicant's request with the Board.

To: Board of Commissioners
From: Planning Staff
Date: April 8, 2016
Subject: Monteray Greens Special Use Permit - Request for Amendment

Request

G Holdings is requesting an amendment to PB 11-01 Monteray Greens special use permit to increase the maximum height of site features to 18 feet from natural grade as it existed prior to construction activities.

Summary

The Board of Commissioners approved the special use permit on March 7, 2011 and included a condition to restrict the maximum height of golf course features.

The site features were built and exceeded the maximum height requirement.

The applicant requested an amendment to the special use permit on February 27, 2012. The table below shows the elevation of the features at that time.

Feature	Existing (Natural) Grade Elevation	Proposed Grade Elevation	Feature Height	Proposed Feature Height Above Natural Grade	As-Built Height Above Natural Grade
Lighthouse	10'	9'	13'	12'	16.1
Rock Cave	5.35'	11'	9'	14.65'	17.25'

The amendment to the special use permit was denied by the Board of Commissioners on March 19, 2012.

The permit condition currently states:

12. Maximum height limit, excluding buildings, shall be 15' from natural grade as it currently exists.

The applicant is requesting that the condition be modified to the following:

12. Maximum height limit, excluding buildings, shall be 45'-18' from natural grade as it ~~currently exists~~ existed prior to construction.

John DeLucia, Engineer with Albemarle Associates, reviewed the history of the golf course, admitting the two features became too tall after some site work had been performed. He described the modifications made and noted safety concerns now, particularly with blowing water from a water feature after the cave roof was removed. Mr. Delucia described the course as first-class, providing entertainment for tourism. Using a powerpoint he showed pictures of the features at the course site and noted the course is near other commercial areas, not residential. He described the custom theme relating to Currituck County sites, with replicas of the Whalehead Club and the Lighthouse. Mr. Delucia said a public meeting was held with only two people attending, and asked the Board to allow the course features to be brought back to their original design.

With no one else wishing to speak Chairman Griggs closed the Public Hearing.

Commissioner Aydlett moved to approve with staff recommendations, also due to the fact that the use will not endanger the public safety or health, as it is the top on a lighthouse and cave; the use will not injure the adjoining property values or abutting land, and will be in harmony with the area in which it is located, as it is already built and is a commercial use in a commercial area; the use will be in conformity with the Land Use Plan and other officially adopted plans, as the area is designated full service; and the area will not exceed the county's ability to provide adequate public facilities because there are no public facilities or services required.

Commissioner Beaumont seconded and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

B. Consideration and Action: PB 13-17 Moyock Crossing:

Ben Woody reviewed the request, noting that the applicant was present if the Board wished to entertain comments:

To: Board of Commissioners
From: Planning Staff
Date: April 6, 2016
Subject: Moyock Crossing, Preliminary Plat Extension

On April 21, 2014, the Board of Commissioners voted to approve the preliminary plat/use permit for Moyock Crossing. This is a conservation subdivision consisting of 76 residential lots located on Shingle Landing Road; east of Fox Lane and south of Shingle Landing subdivision. The construction drawings were approved on January 21, 2016 and remain valid and in effect as long as the preliminary plat remains valid. The preliminary plat approval is due to expire on April 21, 2016.

On April 5, 2016 the developer, David M. Gianscoli - Gee's Group, submitted a request for preliminary plat extension of the subdivision citing construction delays with the redesign of the sewer line extension. The developer has proceeded with construction in good faith and anticipates the site work to be complete and ready for home construction by August, 2016.

In accordance with the UDO Section 2.4.8.E., the Board of Commissioners may grant a two year extension of the preliminary plat one time for good cause.

After review, Mr. Woody clarified the delay was caused by the need to re-route the sewer line extension, which required re-permitting. Mr. Woody explained to the Board that the applicant originally routed the lines through Shingle Landing subdivision, which was not approved by the Board, requiring the applicant to stop and reroute the line down Shingle Landing Road. Commissioner O'Neal recalled the applicant had agreed to route the line through Moyock Village past the school, church and fire department. Commissioner Aydlett recalled similarly, with both stating it was an important consideration for approval at a very contentious hearing. Mr. Woody explained the new route is consistent with a proposed route that was submitted originally, explaining if the extension is not granted the applicant would have to resubmit for preliminary plat approval. Mr. Woody showed a slide of the proposed routes, noting the new route would be on Shingle Landing Road from the northwest. Commissioner O'Neal maintained the new route is not what the Board was told would be installed at approval.

David Gianscoli of Gee's Group said he has been working with staff, secured permits and began in August 2015, originally heading through Shingle Landing until they were told to stop. Since then, he said, they worked with staff on the new route and he reviewed the current sewer line installation. Mr. Gianscoli said the new route included going under the railroad and connecting to NC 168, for which a significant amount of money has been spent. Commissioner O'Neal said the preferred mode was heading north past firehouse & school, saying it was unfortunate that they were told to do something the Board did not approve. Mr. Gianscoli said they were in no way trying to mislead the county.

Chairman Griggs asked Mr. Woody to provide some background. Mr. Woody showed the slide exhibit presented the night the project was originally approved. He noted the two sewer line routes, one north and one south. With staff believing the exhibit was approved, he said, they chose which route the applicant would take.

Commissioners discussed what was in the original motion for approval and asked why they originally began going through Shingle Landing Subdivision. Mr. Gianscoli said they relied on staff, and stopped immediately when they were told to stop.

County Attorney, Ike McRee, recalled the item came before the Board on more than one occasion, with contentious issues being lot sizes and installation of the sewer line through Shingle Landing. When the applicant came back before the Board, it was agreed the sewer connection would run along Shingle Landing Road to the forced main.

Mr. McRee submitted that any delay for initial permitting and application is the fault of the applicant, as they chose to go through Shingle Landing anyway. He reviewed the ordinance requirement and concluded the applicant failed to present their final plat within the two year period, and the expiration was not caused by the county or county staff.

Mr. Gianascoli requested a shorter, 6 month extension, stating he could have the roads and sewer line complete in six months.

Mr. McRee reviewed the minutes from the prior meeting, noting the applicant withdrew plans to run the sewer line through Shingle Landing subdivision. He said discussion mostly consisted of concerns with lot size and compatibility and public safety. Commissioner O'Neal reminded the Board that applicants make presentations and don't do what they say they are going to do, and Mr. McRee confirmed the importance of stating special conditions in motions.

Commissioner O'Neal moved to extend the permit to the second meeting in May, to give the Board the opportunity to speak with staff and legal team to decide what grounds there are to hold the applicant to the original approval that was presented and approved by this Board of Commissioners. The motion was seconded by Commissioner Aydlett.

Mr. McRee explained only one extension is allowed, and if the permit is extended until May no additional extension would be allowed.

Commissioner Payment expressed his concern as to why they chose to go through Shingle Landing. Mr. Gianascoli said going through Shingle Landing was his misunderstanding and they reacted as quickly as possible, asking again for a six month extension. Commissioner O'Neal asked if he would be willing to do what was proffered originally, through the fire department and heading north. Mr. Gianascoli said he doesn't know if that is possible even with two years.

Commissioner O'Neal expressed his frustration with applicants presenting something but doing exactly what they said they would not, or were not allowed to do, and that constituents expect the Board to hold people accountable. Commissioner Beaumont added when we do ask for accountability we are accused of not being business friendly.

When asked, Mr. Woody confirmed that staff relied on the exhibit presented since there was no specific route named in the use with regard to issuing the permit. After some discussion, Commissioners O'Neal and Aydlett withdrew their motion and second, respectively.

Mr. Gianascoli of Gee's Group offered to do what was originally approved, if given the full two year extension.

Commissioner O'Neal moved to extend the permit for two years under option 1 of the two options that were presented, that being the Moyock Crossing forced main exhibit dated April 11, 2014, as prepared by Hyman & Robey, PC. Commissioner Aydlett seconded and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVED:	S. Paul O'Neal, Commissioner
SECONDER:	O. Vance Aydlett, Vice Chairman
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

C. Public Hearing and Action: PB 16-07 Currituck County:

Ben Woody reviewed the application and proposed amendments with the Board, noted below, which removes the Planning Board from considering, reviewing and making recommendations regarding Use Permits.

To: Board of Commissioners
From: Planning Staff
Date: April 6, 2016
Subject: PB 16-07 Currituck County Use Permit Procedures

On behalf of the Board of Commissioners, Currituck Planning & Community Development submits this request to amend to the Unified Development Ordinance to modify the use permit review procedures.

The current Unified Development Ordinance requires the Planning Board to act as the advisory body to review and make a recommendation on a use permit application. Recently, the UNC School of Government has identified this method of review for a quasi-judicial decision as a potential legal risk. The decision making body for a use permit is the Board of Commissioners. The board making the quasi-judicial decision must conduct an evidentiary hearing and make a decision on the basis of competent, substantial, and material evidence that is presented to the decision making board (Board of Commissioners). The BOC may not consider hearsay testimony, opinions from non-expert witnesses, or evidence not presented at the hearing when making a quasi-judicial decision. Information provided at the Planning Board meeting that cannot be cross-examined, could present legal issues.

In order to address this potential legal concern, the BOC directed planning staff to prepare a text amendment that would remove the advisory body review and recommendation (Planning Board) from the use permit process. The Planning Board will continue to make recommendations on text amendments, zoning map amendments, conditional rezonings, planned developments, and development agreements. In addition, the Planning Board can focus more on planning issues referenced in the UDO and NCGS.

Staff recommends approval of this request as it:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan, specifically it allows the Board to properly (and legally) distribute development forms in accordance with the suitability of land, infrastructure, available and the compatibility of surrounding land uses (Goal 10).
2. Is reasonable and in the public interest because the proposed amendment will allow for constitutional due process whereby the board will make a quasi-judicial decision based on competent, substantial, and material evidence presented during the evidentiary hearing.

Planning Board Recommendation:

Mr. Craddock moved to approve PB 16-07 because it is consistent with the goals, objectives, and policies of the Land Use Plan, specifically it allows the Board to properly (and legally) distribute development forms in accordance with the suitability of land, infrastructure, available and the compatibility of surrounding land uses with the following change:

1. Section 2.2.3.B (c) coincide with the language of the Rule of Procedures.
- Ms. Bell seconded the motion and motion carried.

PB 16-07

CURRITUCK COUNTY

Amendment to the Unified Development Ordinance Chapter 2. Administration, to modify the review process for use permits.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

2.1. **DEVELOPMENT REVIEW SUMMARY TABLE**

Table 2.1, Development Review Procedures, identifies the advisory and decision-making bodies responsible for making recommendations or decisions on development applications reviewed under this Ordinance. The table also identifies the development applications requiring a public hearing.

Table 2.1: Development Review Procedures					
D = Decide		R = Recommendation		A = Appeal <> = Public hearing	
Procedure	Advisory and Decision-Making Bodies				
	Board of Commissioners	Planning Board	Board of Adjustment	Technical Review Committee	Planning Director
Amendments					
Text Amendment	<D>	R			R
Zoning Map Amendment	<D>	R			R
Conditional Rezoning	<D>	R		R	
Planned Development	<D>	R		R	
Discretionary Review					
Use Permit [1]	<D>	R		R	
Site Development					
Site Plan				D	
Major Site Plan				D	
Minor Site Plan					D
Subdivision					
Major Subdivision					
Preliminary Plat, Type 1				D	
Preliminary Plat, Type II	<D>	R		R	
Construction Drawings				D	
Final Plat				D	
Minor Subdivision					D
Permits					
Zoning Compliance Permit [2]					D
Sign Permit					D
Temporary Use Permit				R	D
Floodplain Development Permit					D
Clear-Cutting Permit					D

Table 2.1: Development Review Procedures					
D = Decide R = Recommendation A = Appeal <> = Public hearing					
Procedure	Advisory and Decision-Making Bodies				
	Board of Commissioners	Planning Board	Board of Adjustment	Technical Review Committee	Planning Director
Relief					
Variance			<D>		R
Administrative Adjustment [3]					D
Interpretation					D
Appeal [14]			<D>		
Development Agreement					
Development Agreement	<D>	<R>		R	
NOTES:					
[1] This is the renamed special-use permit.					
[2] This is the renamed zoning permit procedure.					
[3] This procedure is a broadened version of the administrative variance procedure.					
[14] Appeals of decisions by the Board of Commissioners or the Board of Adjustment are heard by the Superior Court for Currituck County.					

2.2.3. Planning Board

The Planning Board is hereby established in accordance with Section 153A-321 of the North Carolina General Statutes.

A. Powers and Duties

The Planning Board shall have the following powers and duties:

(1) Recommendation Authority

To review and make recommendations to the Board of Commissioners on the following:

- (a) Text amendments;
- (b) Zoning map amendments;
- (C) Conditional rezonings;
- (d) Planned developments; and
- (e) Use permits;
- (f) Type II preliminary plats (for major subdivisions); and
- (g) Development agreements;

(2) Make Studies and Recommendations

To make studies and recommendations for the Board of Commissioners regarding growth, development, and redevelopment in the county.

(3) Other Powers and Duties

To carry out any other powers and duties delegated to it by the Board of Commissioners, consistent with state law.

G. Rules of Procedure

The Planning Board shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Planning and Community Development Department.

Item 2: That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

2.4.6. Use Permit

A. Purpose

A use requiring a use permit in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish a mechanism to review these kinds of uses to ensure they are appropriate for a particular zoning district.

B. Applicability

The following forms of development shall obtain use permit approval in accordance with the standards in this section:

- (1) Uses identified as requiring use permits in Table 4.1.1, Summary Use Table, or Table 4.3.2.E, Table of Common Accessory Uses;
- (2) Type II preliminary plats;
- (3) Type I preliminary plats when one or more public facilities are at 85 percent or more of maximum capacity; and
- (4) Commercial structures exceeding 5,000 square feet in area proposed outside a Full Service area.

C. Use Permit Procedure

(7) Advisory Body Review and Recommendation

(a) Not Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.6.D, Use Permit Review Standards.

~~(B) During its review of the application, the Planning Board may propose conditions of approval in accordance with Section 2.3.11, Conditions of Approval.~~

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a quasi-judicial public hearing (see Section 2.3.8.C), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.6.D, Use Permit Review Standards. The decision shall be the one of the following:

- (i) Adoption of the use permit;
- (ii) Adoption of the use permit subject to conditions of approval; or
- (iii) Denial of the use permit; or
- (iv) ~~Remand of the use permit application back to the Planning Board for further consideration.~~

(B) The Board of Commissioners may attach additional conditions of approval, including timing limits on residential building lots or units available for occupancy, to assure adequate public facilities remain sufficient to serve the development.

(C) Any conditions of approval shall meet or exceed the minimum requirements of this Ordinance.

Item 3: That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

E. Major Subdivision

(G) Advisory Body Review and Recommendation

Not applicable unless a use permit is required. When a use permit is required, the Planning Board, following a public meeting, shall make a recommendation on the application in accordance with the standards in Section 2.3.9, Advisory Body Review and Recommendation, Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Use Permit Review Standards.

(H) Decision-Making Body Review and Decision

Not applicable unless a use permit is required.

- (1) When a use permit is required, the Board of Commissioners, following a quasi-judicial public hearing (Section 2.3.8.C), shall decide the application in accordance with the standards in Section 2.3.10, Decision-Making Body Review and Decision, Section 2.4.8.E.4.a, Preliminary Plat Review Standards and Section 2.4.6.D, Use Permit Review Standards.
- (2) The Board of Commissioners may place limitations on the timing and extent of new development in accordance with Section 6.6, Adequate Public Facility Standards.

(3) Type II Preliminary Plat / Use Permit Procedure

(a) Pre-Application Conference

Applicable (see Section 2.3.2).

(b) Community Meeting

Applicable for plats of 50 lots or more (see Section 2.3.3).

(c) Application Submittal and Acceptance

- (i) Applicable (see Section 2.3.4). An application for a type II preliminary plat shall also include an application for a use permit (see Section 2.4.6, Use Permit).
- (ii) Construction drawings may be submitted concurrently with a type II preliminary plat application, at the applicant's option.

(D) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation on the application in accordance with Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Use Permit Review Standards.

(E) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(f) Public Hearing Procedures

Applicable (see Section 2.3.8).

(g) Advisory Body Review and Recommendation

~~Not Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with the standards in Section 2.3.9, Advisory Body Review and Recommendation, Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Use Permit Review Standards.~~

(E) Item 4: That Chapter 2: Administration is amended by adding the following underlined language and deleting the struck-through language:

Table 2.3.6.A: Required Public Hearings		
L =Legislative Public Hearing Q = Quasi-Judicial Public Hearing		
Application Type	Board of Commissioners	Board of Adjustment
Text Amendment [1]	L	
Zoning Map Amendment [1]	L	
Conditional Rezoning [1]	L	
Planned Development [1]	L	
Type II Preliminary Plat for Major Subdivision [1]	Q	
Use Permit [1]	Q	
Variance		Q
Appeal		Q
Development Agreement [1]	L	
NOTES:		
[1] The Planning Board conducts a public meeting prior to consideration by the Board of Commissioners, but the public meeting with the Planning Board is not a public hearing.		

With no questions from the Board after Mr. Woody's presentation, Commissioner Gilbert moved to approve PB 16-07 to amend Chapter 2 of the Unified Development Ordinance to

modify the Use Permit review procedures as recommended by staff. Commissioner Payment seconded and the motion carried on a 6-1 vote, with Commissioner O'Neal voting against.

RESULT:	APPROVED [6 TO 1]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	Mike H. Payment, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
NAYS:	S. Paul O'Neal, Commissioner

NEW BUSINESS

A) Board Appointments

1. Reappointment of Commissioner Hall to College of the Albemarle Board of Trustees

Commissioner O'Neal moved for the reappointment of Commissioner Hall to the College of the Albemarle Board of Trustees. Commissioner Payment seconded and the appointment was approved unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	S. Paul O'Neal, Commissioner
SECONDER:	Mike H. Payment, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

2. Moyock Watershed Advisory

Commissioner Gilbert nominated Stephen Vick to serve on the Moyock Watershed Advisory. Commissioner Aydlett seconded and the nominee was approved unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	O. Vance Aydlett, Vice Chairman
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

3. Planning Board

John McColley was nominated to the Planning Board by Commissioner O'Neal. Commissioner Payment seconded and the nominee was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	S. Paul O'Neal, Commissioner
SECONDER:	Mike H. Payment, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

4. Economic Development Advisory

Ed Ish was nominated by Commissioner Hall as a consensus appointment to the Economic Development Advisory Board. Commissioner Aydlett seconded and the nominee was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike D. Hall, Commissioner
SECONDER:	O. Vance Aydlett, Vice Chairman
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

B) Consent Agenda

Commissioner Gilbert, during approval of the consent agenda, asked Sheila Tyler to speak to Item #8, the proclamation for the General Federation of Women's Clubs. Ms. Tyler, a member of the Moyock Women's Club, highlighted some of the programs they are involved with. She gave a history of the General Federation of Women's Clubs, which consists of over 100 clubs in the state of North Carolina. Ms. Tyler thanked the Board for issuing the proclamation.

Commissioner Gilbert moved to approve the consent agenda. Commissioner O'Neal seconded and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	S. Paul O'Neal, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

1) Approval Of Minutes for April 4, 2016

1. Approval of minutes for April 4, 2016

2. Budget Amendments

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10540-532000	Supplies	\$ 750	
10540-531000	Gas, Oil		\$ 750
10660-516200	Vehicle Maintenance	\$ 1,000	
10660-590000	Capital Outlay	\$ 150	
10660-531000	Gas, Oil		\$ 500
10660-532000	Supplies		\$ 650
		\$ 1,900	\$ 1,900

Explanation: Inspections (10540); Planning (10660) - Transfer funds for operations.

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

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10660-561000	Professional Services	\$ 18,000	
10340-454000	Building Permits		\$ 18,000
		\$ 18,000	\$ 18,000

Explanation: Community Development (10660) - To appropriate County match for NC Department of Transportation Pedestrian Planning Grant for the Currituck Outer Banks, Grandy and Moyock. This grant has a 30% County match of \$18,000. NC DOT will provide the additional \$53,000 funding and will administer the program.

Net Budget Effect: Operating Fund (10) - Increased by \$18,000.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10512-516200	Vehicle Maintenance	\$ 2,000	
10512-531000	Gas		\$ 2,000
		\$ 2,000	\$ 2,000

Explanation: Animal Services and Control (10512) - Transfer funds for emergency vehicle repair.

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

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531-532000	Supplies	\$ 4,000	
10531-590000	Capital Outlay		\$ 4,000
		\$ 4,000	\$ 4,000

Explanation: Emergency Management (10531) - Transfer funds for operations.

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

3. Application to transfer Lottery Funds from Central Elementary Gym Roof and CCMS Auditorium HVAC projects to the MMS Energy Management Upgrades

4. Surplus Resolution-Communications Equipment

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 18th, 2016 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sold at auction or given to another governmental entity:

<u>Description</u>	<u>Service Tag/Serial No.</u>	<u>Asset</u>
<u>Tag</u>		
DELL MONITOR FOR ANI/ALI		2572
FIRE/RESCUE QUANTAR BASE/REPEATER STATIO448CWF0017 BARCO		3820
ANI/ALI CONTROLLER	LL9409-10016	4188
MOTOROLA BASE STA	W/POWER	SUPPLY/CABINET
	780TEC0980	5872
MOTOROLA UHF BASE RADIO	103TJW7015	7050
MOTOROLA UHF BASE RADIO	103TJW7016	7051
MONITOR TABLE STANDS- BLACK		7120-D
MONITOR TABLE STANDS- BLACK		7120-E
POSITRON POWER 911 PHONE SYSTEM	I15419	7190
POSITRON POWER 911 PHONE SYSTEM	C09319	7191
POSITRON POWER 911 PHONE SYSTEM	125990	7192
POSITRON POWER 911 PHONE		7276
POSITRON POWER 911 PHONE		7277

5. A Memorandum of Understanding between Currituck County 911 and Pasquotank County 911

6. Adoption of and Authorization for County Manager to Execute License Agreement With Saga Construction and Land Development for Construction of Pedestrian Access in Former Perch Street Right-of-Way

7. Consideration & Approval of Lease Agreement-Probation and Parole Offices

8. Proclamation Declaring General Federation of Women's Club Day

A PROCLAMATION DECLARING GENERAL FEDERATION OF WOMEN'S CLUB DAY

WHEREAS, the General Federation of Women's Club, GFWC, is an international woman's organization dedicated to community improvement by enhancing the lives of others through volunteer service; and

WHEREAS, founded in 1890, the GFWC started with 60 clubs across the United States. This amazing organization has since expanded into an international organization, operating in all 50 states and more than a dozen countries. With more than 4,000 clubs, and over 100,000 individual members it is the largest volunteer organization in the world; and

WHEREAS, April 24, 2016 marks the 126th anniversary of the GFWC; and

WHEREAS, the Moyock Woman's Club is a proud member of the GFWC. The Moyock Woman's Club was organized in 1923 and currently has 41 active members; and

WHEREAS, the founding members started a legacy of volunteerism in Currituck County that continues to this day. Some of the club's projects for our community include:

Tree of Hope-This project supports the Backpack for Kids Program, Albemarle Hopeline and Currituck Kids.

Read 5, Take 5-Providing over 2800 books for elementary students to take home in the summer.

Currituck County Department of Social Services-Providing "first night" bags for foster children and adopting children for Christmas.

Currituck County High School and JP Knapp Early College-Donated personal hygiene products and food for students. Sponsored a scholarship for a student attending a four-year college in North Carolina and supplying that student with supplies to outfit a dorm room. A scholarship was also awarded to a student planning on attending a two-year college or trade/technical school in North Carolina.

Marion Fiske Welch Scholarship-This scholarship is offered to women over 30 returning to school to either finish their degree or just starting.

WHEREAS, these are just a few of the community projects the Moyock Woman's Club is invested in and there are many, many more of which our club proudly participates; and

WHEREAS, as the GFWC marks 126 years of community service, the Moyock Woman's Club humbly asks our Board of Commissioners to recognize April 24, 2016 as General Federation of Women's Club' Day, honoring 126 years of volunteerism to our county, state, country and the world.

NOW THEREFORE BE IT RESOLVED, that the Currituck County Board of Commissioners, in grateful recognition of the important volunteer services performed by the Moyock Woman's Club, hereby proclaim April 24, 2016, as General Federation of Women's Clubs' Day.

ADOPTED this, the 18th day of April, 2016.

C) Commissioner's Report

Commissioner O'Neal announced he wished to step down as an alternate on the Rural Planning Organization, suggesting someone be appointed now so they can familiarize themselves with the issues.

Commissioner Aydlett moved to appoint Commissioner Beaumont to serve as an alternate on the Rural Planning Organization. The motion was seconded by Commissioner Gilbert and carried unanimously.

Commissioner O'Neal said many people in the county, with different party affiliations, have asked him to discuss voting districts. He suggested staff research how other counties approach the issue. Commissioner Aydlett noted the large disparity among

districts now and suggested making seven districts with even number of voters for representation.

Commissioner O'Neal said he had the honor to serve on the teacher of year selection interview panel, speaking with ten teachers with amazing resume's. He noted that teachers and assistants did not ask for one thing for themselves, only enhancements for students and education, with all of them saying they were proud of Currituck's facilities and to work within the Currituck school system.

Commissioner Payment discussed the Lower Currituck Market feasibility study and presentation recently held at the Powells Point Senior Center. Topics included traffic, housing, agriculture and prospective businesses for Lower Currituck.

Commissioner Gilbert announced the free rabies clinic at the judicial center on April 30, 2016, from 2-4 PM. She announced Tuesday night's Shawboro Ruritans dinner. Ms. Gilbert, as Chairman of the ten county board of Albemarle Commission, believes we are losing momentum and support for the Mid-Currituck bridge. She encouraged all to continue to express support for bridge construction.

Commissioner Beaumont said he attended the Currituck County Economic Perspective and Issues, saying the information was sobering. He said with some aspects of the economy getting better, it is not what it used to be. He stressed vigilance, with budget time approaching, to be sure we are spending where we should and encouraged fellow commissioners and staff to conserve where possible.

Commissioner Hall echoed the sentiments of Commissioner Beaumont regarding the budget. He encouraged citizens to consider serving on advisory boards and make suggestions on ways to improve our services.

Commissioner Aydlett said he believes the county has been spending responsibly, providing infrastructure and helping schools. Commissioner Aydlett and Commissioner Griggs commended Mr. Scanlon, saying he has been a good steward and competent advisor to the Board of Commissioners.

1. Nomination of Commissioner Beaumont to serve as Alternate on the Rural Planning Organization

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

D) County Manager's Report

County Manager, Dan Scanlon, announced the Board's budget work sessions scheduled for the following week, April 28 & 29, beginning at 9 AM each day, with an additional day for follow up if needed.

PUBLIC COMMENT

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

Chairman Griggs opened the Public Comment period.

Steve Fentress of Grandy thanked the Board for what they did for the community, referring to the denial of the development of the solar farm in Grandy, specifically thanking Commissioner Beaumont for insightful questioning about community harmony and drainage. He thanked Commissioner O'Neal for his comments about the economic benefits, and Chairman Griggs for holding an impartial and fair proceeding. He talked about investment tax credits, warning the Board that solar farms will continue to be developed in North Carolina and quoted portions of an article about solar and wind farms. He passed out some information to Mr. Scanlon for review.

Denise Hall of Moyock, and Currituck County's Register of Deeds, asked the Board to allow the opening of a satellite office in Corolla to issue wedding licenses and provide other services such as recording and copying records. She said no additional staff are needed, it can be done at minimal expense, and has calculated the county loses \$10,000 each wedding season. Ms. Hall presented a document containing signatures supporting the satellite office, and suggested the office be located in the welcome center at the south end of the county.

Commissioner Griggs commented that the request is a budgetary question, and noted that state law does not give the Board of Commissioners the authority to create a satellite office. The County Attorney confirmed it would take a local act of the general assembly.

Mary Etheridge of Shawboro, retired director of Elections and former member of the Board of Elections, spoke to district voting and suggested Commissioners be sure to allow the Director of Elections for Currituck County to be included in any discussion, as the change would require a significant increase in the number of ballots required resulting in a significant expense. She noted only thirteen of 100 North Carolina counties have district voting.

Commissioner O'Neal acknowledged the points raised by Ms. Etheridge. He suggested staff look at budgets and costs and allow the citizens to have input. Commissioner O'Neal said people are approaching him, and noted our geography is not like anywhere else in North Carolina. Commissioner Aydlett said people have discussed it with him also, and there should be fairness and equal districts. Chairman Griggs believes this is the beginning of the dialogue.

With no one else signed up to speak, Chairman Griggs recessed the meeting of the Board of Commissioners to convene a special meeting of the Tourism Development Authority.

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners held a special meeting sitting as the Tourism Development Authority to consider budget items.

County Manager, Dan Scanlon, reviewed the budget amendment and corresponding Project Ordinance with Commissioners, both related to the Moyock Park project.

Commissioner Aydlett moved to approve. The motion was seconded by Commissioner O'Neal. The motion carried unanimously.

With no further business, Chairman Griggs concluded the meeting of the Tourism Development Authority and reconvened the Board of Commissioners.

1. Budget Amendments

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587050	T T - County Govt Construction	\$ 6,500	
15380-481000	Investment earnings		\$ 6,500
		<u>\$ 6,500</u>	<u>\$ 6,500</u>
Explanation:			
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$6,500.			

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	S. Paul O'Neal, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

2. Project Ordinance-Moyock Park

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 to design a park that will be located in Moyock, NC near Shingle Landing.

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

Moyock Park, Shingle Landing	\$	6,500
	<u>\$</u>	<u>6,500</u>

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

Transfer from Occupancy Tax	\$	6,500
	<u>\$</u>	<u>6,500</u>

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 18th day of April 2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	S. Paul O'Neal, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

MOTION TO ADJOURN

Motion to adjourn

After reconvening the meeting of the Board of Commissioners, and with no further business, Commissioner Aydlett moved to adjourn. The motion was seconded by Commissioner Gilbert, carried unanimously, and the meeting of the Board of Commissioners was concluded.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner