



CURRITUCK COUNTY NORTH CAROLINA

August 1, 2016
Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Substantial Damage and Disaster Assessment

The Currituck County Board of Commissioners met at 5 PM for a work session on Substantial Damage and Disaster Assessment. Planning and Community Development Director Ben Woody and Chief Building Inspector Bill Newns were in attendance. Mr. Newns began, defining substantial improvements and substantial damages and described the types and costs of the investments that may be necessary to repair or improve structures located within a flood zone that currently do not meet the minimum National Flood Insurance Program (NFIP) requirements. Using a powerpoint, Mr. Newns reviewed a compliance chart and provided illustrations to demonstrate the NFIP guidelines. He reviewed the Inspections department's disaster-related assessment procedures, including rapid evaluations, safety evaluations, on-site permit issuance and public education efforts. Mr. Woody noted Currituck County stands up well to storms due to good zoning regulations that were put in place early on, and contrasted Dare County's high number of repetitive claims. At the close of the presentation, Commissioner Gilbert suggested increasing public awareness by putting the information presented in writing or on video and posting to the county's website. Mr. Woody said he would consult with the Public Information Officer to develop outreach ideas.

6:00 CALL TO ORDER

The Currituck County Board of Commissioners met in regular session at 6 PM in the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina. Chairman Griggs called the meeting to order and announced the earlier work session on Damage and Disaster Assessment.

| 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 | |

A) Invocation & Pledge of Allegiance-Reverend Jerry Cribb, Pilmoor United Methodist Church

Reverend Jerry Cribb of Pilmoor United Methodist Church gave the Invocation and Led the Pledge of Allegiance.

B) Approval of Agenda

Chairman Griggs amended the agenda by removing Item A under Public Hearings, PB 16-14: Large Residential Structures, and adding a Closed Session.

Commissioner Aydlett moved to approve as amended, seconded by Commissioner Gilbert.

Referring to PB 16-14, Large Residential Structures text amendment, Commissioner O'Neal questioned what steps would be taken next. He and other Commissioners stated they had discussions with members of the community on both sides of the issue. County Manager, Dan Scanlon, suggested a community meeting to vet the proposed text amendment to receive comments from the public and revisit the item at a future meeting. After discussion, the Board unanimously approved the agenda as amended.

Approved agenda:

Work Session

5:00 PM Substantial Damage and Disaster Assessment

6:00 Call to Order

A) Invocation & Pledge of Allegiance-Reverend Jerry Cribb,
Pilmoor United Methodist Church

B) Approval of Agenda

Administrative Reports

A) **Animal Services and Control Departmental Report-**
Gina Maurer, Director

Public Hearings

A) Public Hearing and Action: PB 16-14 Currituck County Large Residential Structures: Request to amend the Unified Development Ordinance Chapter 4 Use Standards, Chapter 5 Development Standards, and Chapter 10 Definitions and Measurements for single-family detached dwellings that exceed 5,000 square feet.

This item was removed from the agenda.

B) Public Hearing and Action: PB 16-10 Currituck County UDO Housekeeping 2016: Request to amend the Unified Development Ordinance Chapter 2 Administration, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 6 Subdivision and Infrastructure Standards, Chapter 7 Environmental Protection, and Chapter 10 Definitions and Measurement.

Old Business

A) Historic Preservation-Report from the County Attorney Regarding the process to remove designated landmark status of property under the Historic Preservation Ordinance.

New Business

A) Consideration of An Ordinance of the Currituck County Board of Commissioners Amending Section 9-1 of the Currituck County Code of Ordinances Regarding the Discharge of Firearms and Section 1-8 of the Currituck County Code of Ordinances Providing That a Violator May Be Issued a Civil Citation

B) Board Appointments

1. Historic Boat and Building Advisory

C) Consent Agenda

1. Approval Of Minutes
2. Budget Amendments
3. 2nd Amendment to Verizon Tower Lease
4. Economic Improvement Council, Inc. Lease Agreement
5. Corolla Greenway, Phase III-Change Order #1
6. Termination of Program-Voluntary Removal of Dilapidated Structures
7. Consideration and Approval of Application for Alcohol Use-Soundside Park

D) Commissioner's Report

E) 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.

Special Meeting

Travel & Tourism Departmental Report and Update-Tameron Kugler, Director

TDA-Budget Amendments
Motion to Adjourn Special Meeting of the Tourism Development Authority

Closed Session

Amended Agenda: Add Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the attorney-client privilege and to receive advice from the County Attorney regarding a claim against the county and for the following pending lawsuit: Price Solar, LLC v. Currituck County

Adjourn

ADMINISTRATIVE REPORTS

A. Animal Services and Control Departmental Report-Gina Maurer, Director

Gina Maurer, Animal Services and Control Director, provided an update on the successes and accomplishments achieved during the first six months of operations of the Department of Animal Services and Control. She reported on the Department's first advisory board meeting, thanking the advisory members for their positive discussions and ideas and announced the next meeting on August 4th. Ms. Maurer said community outreach efforts via Facebook and the county's Focus newsletter created an uptick in donations and volunteers. She reported on upcoming events and those recently attended and discussed partnerships developed with other animal organizations and rescue agencies. She announced there are many cats and kittens available for adoption.

Donna Corbo, Chair of the Animal Services and Control Advisory Board, thanked Commissioners for her appointment. She said she is excited to move forward and announced the regular advisory meetings will be held on the first Thursday of each quarter beginning in September. She encouraged citizens to volunteer at the shelter.

Commissioner Payment applauded the Department, saying he has heard good things. Commissioner Griggs said his experience was outstanding when his family adopted a dog from the shelter a month ago. Commissioner Gilbert, who serves on the advisory board, applauded the great ideas and Board's focus on community education.

PUBLIC HEARINGS

A. Public Hearing and Action: PB 16-14 Currituck County Large Residential Structures:

This item was removed from the agenda.

B. Public Hearing and Action: PB 16-10 Currituck County UDO Housekeeping 2016:

Ben Woody, Planning and Community Development Director, reviewed the Housekeeping text amendments for the Board of Commissioners.

During review, Mr. Woody specifically addressed Commissioner Payment's questions related to parking at a flea market located in Grandy. After review, Mr. Woody responded to questions and explained state requirements, inclusion of haul roads in mining calculations

and the impacts of the amendment on small commercial and residential ponds under one acre.

No one signed up nor wished to speak to the matter at Public Hearing.

Commissioner Aydlett moved to approve PB 16-10 changes to the Currituck County UDO, Housekeeping 2016. Commissioner Beaumont seconded and the motion carried unanimously.

Subject: PB 16-10 Currituck County Development - Housekeeping Amendment
The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO). The revisions correct and clarify the identified sections in the new UDO as it relates to:

Item 1

Corrects Planning Board appointment terms.

Item 2

Corrects zoning district reference.

Item 3

Modifies the affected area of an accessory mining operation to be consistent with the state requirements.

Item 4

Corrects the requirement for HOA transfer of common features in subdivisions to be consistent with the remaining sections of the UDO.

Item 5

Modifies the installation of utilities within trenches specific to that utility.

Item 6

Corrects the street connectivity requirements for conservation subdivisions.

Item 7

Corrects the parking standard for flea markets (indoor and outdoor).

Item 8

Corrects the definition of heavy manufacturing.

Item 9

Updates the lighting references from wattage to lumens.

Item 10

Modifies the stormwater regulations.

PB 16-10

CURRITUCK COUNTY

Amendment to the Unified Development Ordinance Chapter 2 Administration, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 6 Subdivision and Infrastructure Standards, Chapter 7 Environmental Protection, and Chapter 10 Definitions and Measurement.

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:

2.2.3. Planning Board**B. Membership, Appointment, and Terms of Office****(1) General**

- (a) The Planning Board shall consist of a total of nine regular members appointed by the Board of Commissioners. Each County Commissioner may appoint one member from any electoral district in the county. The remaining two members shall be designated as at-large appointees by the entire Board of Commissioners. One shall reside on the mainland. The other shall reside on the Outer Banks.
- (b) Planning Board members shall reside within the county. A change in residence to a location outside the county shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed.
- (c) Planning Board members shall be appointed for ~~three~~two-year staggered terms, and ~~shall~~ may continue to serve until their successors are appointed.
- (d) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

Item 2: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language:

4.2.5. Industrial Uses**B. Industrial Services****(1) Crabshedding**

- (a) **Additional standards in the AG and RMX MXR Districts**

Item 3: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language:

4.3.3. Specific Standards for Certain Accessory Uses**I. Excavation**

Minor excavations for the purpose of establishing a pond or acquiring fill may be permitted as an accessory use, provided:

- (1) One acre or less is ~~disturbed~~ affected (in)excluding haul roads;
- (2) Excavation is setback at least 100 feet from all lot lines;
- (3) Slopes are maintained at no greater than 3:1 above the water, 2:1 below the water and an average depth of our feet is maintained; and
- (4) A performance guarantee of at least \$1,000 is posted with the Planning and Community Development Department to ensure adequate reclamation following excavation.

Item 4: That Chapter 6. Subdivision and Infrastructure Standards is amended by adding the following underlined language and deleting the struck-through language:

6.1.4. Homeowners or Property Owners Association Requirements**C. Establishment of Association**

- (1) Documents for the creation of the association shall be submitted to the county for review and approval prior to approval of the final plat (see Section 2.4.8. Subdivisions). Documentation shall include, but not be limited to the information in Section 6.1.4.D. Documentation Requirements.
- (2) The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.

- (3) The structure and operating provisions of the association shall be in accordance with the county-approved documentation (See Section 6.1.4.C) recorded prior to approval of the final plat.
- (4) The association documents shall establish that the subdivider shall maintain the common area, common facilities, and infrastructure until ~~5475~~ percent of the lots are sold; and
- (5) Responsibility for maintaining the subdivision's common areas, common facilities, and private infrastructure shall be transferred in accordance with the standards in Section 6.1.4.F, Transfer of Maintenance Responsibility.

Item 5: That Chapter 6. Subdivision and Infrastructure Standards is amended by adding the following underlined language and deleting the struck-through language:

6.2.3. Utility Standards

All utilities shall be installed in accordance with the following standards:

A. General Standards

- (1) All utilities (including but not limited to: electric power, telephone, gas distribution, cable television, potable water, sewer, etc.) located outside an existing street right-of-way and intended to serve new development shall be underground.
- (2) The requirement for underground electricity, telephone, or cable television utilities shall not be applied to lateral service lines intended to serve an individual single-family dwelling that must extend over 200 feet from an overhead source.
- (3) Unless attached to a bridge, no utilities may be installed over the waters of the Currituck Sound or over areas of environmental concern, and no utility poles shall be erected within the waters of Currituck Sound or areas of environmental concern.
- (4) All utility providers installing service lines for their respective utilities in the public right-of-way are required to separate utility lines in trenches specific to that utility, ~~maximize the potential for co-location in trenches and to standardize the design of utilities~~.
- (5) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Item 6: That Chapter 5. Development Standards is amended by adding the following underlined language and deleting the struck-through language:

5.6 COMMUNITY FORM STANDARDS

5.6.2. Applicability

B. Exemptions

- (1) Lots in the RC and SFR districts are exempted from the standards in this section.
- (2) ~~Conservation subdivisions and Subdivisions of five or fewer lots shall be exempted from the following standards in this section:~~
 - (a) Section 5.6.4, Internal Street Connectivity;
 - (b) Section 5.6.5, External Street Connectivity; and
 - (c) Section 5.6.6, Development Entry Points.
- (3) Conservation subdivisions shall be exempted from the following standards in this section:
 - (a) Section 5.6.4, Internal Street Connectivity; and

(b) Section 5.6.6, Development Entry Points.

Item 7: That Chapter 4. Use Specific Standards is amended by adding the following underlined language and deleting the struck-through language:

4.2. USE-SPECIFIC STANDARDS
4.2.4. Commercial Uses

G. Retail Sales and Services**(2) Flea Market**

Flea markets shall comply with the following standards:

(a) Hours of Operation

- (i) Flea markets shall be open at least three days within any 90-day period.
- (ii) Hours of operation shall be limited to 7:00 AM to 7:00 PM.

(b) Building Features

- (i) ~~Off street parking shall be provided with a minimum of three spaces per stand or rented space.~~
- (ii) Sanitary facilities shall be provided for both men and women.
- (iii) Provisions shall be made for garbage or trash removal for each day the flea market is open to the public.

(c) Location

All rental spaces and buildings shall maintain a 50-foot setback from all residential development or residentially-zoned land.

5.1.3. Off-Street Parking Standards**TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS**

| USE CATEGORY | USE TYPE | MINIMUM NUMBER OF PARKING SPACES |
|------------------------|-------------|---|
| Retail Sales & Service | Flea market | 1 per every 200 sf of building use area + 3 per outdoor stand or rented space |

Item 8: That Chapter 10. Definitions and Measurement is amended by deleting the following struck-through language:

10.5 **DEFINITIONS**
MANUFACTURING, HEAVY

Manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, ~~asphalt/concrete~~ plants, and manufacture of chemicals, fertilizers, paint, and turpentine.

Item 9: That Chapter 5. Development Standards is amended by adding the following underlined language and deleting the struck-through language:

5.4. EXTERIOR LIGHTING
5.4.2. Applicability

A. General

The provisions of this section shall apply to all development in the county unless exempted in accordance with Section 5.4.2.D, Exemptions.

B. Time of Review

Review for compliance with the standards of this section shall occur as part of the review of an application for a site plan (Section 2.4.7), planned development master plan (Section 2.4.5), or zoning compliance permit (Section 2.4.9), as appropriate.

C. Existing Development

Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50 percent.

D. Exemptions

The following is exempted from the exterior lighting standards of this section:

- (1) FAA-mandated lighting associated with a utility tower or airport;
- (2) Lighting associated with navigational beacons, the United States flag, North Carolina flag, or Currituck County flag;
- (3) Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
- (4) battery-powered emergency lighting; and
- (5) Architectural lighting of 40 watts 450 lumens or less.

5.4.7. Design Standards for Specific Uses and Site Features**A. Awnings**

Awnings or canopies used for building accents over doors, windows, etc., shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.

B. Beachfront Lots

For purposes of protecting wildlife habitat, the following standards shall apply to all development on lots adjacent to the beachfront:

- (1) The source of illumination (i.e., the bulb, or element) shall not be directly visible from the beach.
- (2) Lights may be mounted on poles with a maximum overall height of 12 feet. All lighting fixtures atop poles shall be fully shielded fixtures that are configured to minimize glare on off-site areas.

C. Sports and Performance Venues

Lighting of outdoor sports areas, athletic fields, and performance areas shall comply with the following standards:

(1) Glare Control Package

All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

(2) Hours of Operation

The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

D. Wall Pack Lights

- (1) Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low ~~wattage~~ lumens (~~100 watts~~ 1,600 lumens or lower).
- (2) Wall pack light sources visible from any location off the site are prohibited.

E. Canopies

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods include one or both of the following:

- (1) A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution.
- (2) A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

Item 10: That Chapter 7. Environmental Protection Standards is amended by adding the following underlined language and deleting the struck-through language:

7.3 STORMWATER MANAGEMENT**7.3.2. Applicability****E. Exemptions**

The standards in Section 7.3.4.B shall not apply to the following:

- (3) **Mainland Stormwater Management Zone**
 - (a) Minor site plans;
 - (b) Minor subdivisions;
 - (c) The division of five or fewer additional lots with an average lot size greater than three acres located within a single-family residential subdivision platted prior to January 1, 2013; ~~or~~
 - (d) Development or expansion on a nonresidential, multi-family, or mixed-use lot by less than 5,000 square feet of impervious surface or resulting in less than 10 percent total lot coverage. This exemption does not include multiple, incremental expansions that result in a reduction of stormwater management standards ~~or~~;
 - (e) Major site plans on lots in subdivisions that have a state permitted and functional stormwater management system that specifies allowable lot coverage.
- (4) **Outer Banks Stormwater Management Zone**
 - (a) Minor site plans, excluding single-family detached dwellings on lots resulting in more than 10,000 square feet of total impervious surface; or
 - (b) Development or expansion on a nonresidential, multi-family, or mixed-use lot by less than 5,000 square feet of impervious surface or resulting in less than 10 percent total lot coverage. This exemption does not include multiple, incremental expansions that result in a reduction of stormwater management standards.

7.3.4 Stormwater Management Standards**A. Drainage Requirements**

- (1) To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made

drainage ways shall remain undisturbed.

(2) To the maximum extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

(3) No surface water may be channeled or directed into a sanitary sewer.

(4) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

(5) All developments shall be constructed and maintained so that adjacent lands are not unreasonably burdened with surface waters as a result of such developments. More specifically:

(a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and,

(b) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

(6) Existing ditches located totally or partially within a development and utilized for drainage or stormwater management shall be cleaned to remove drainage impediments.

(7) All subdivisions shall provide side lot line swales with a minimum average depth of 12 inches and side slopes not to exceed 3:1 (three feet horizontal run for every one foot vertical rise), unless the County Engineer approves an equivalent drainage alternative.

(8) Major subdivisions and major site plans shall provide minimum building pad elevations required to prevent flooding from the 24-hour storm event with a 10-year recurrence interval. The finished floor elevation for all principal structures shall be 18 inches above the ~~minimum building pad elevation 24-hour storm event with a 10-year recurrence interval or above the 100-year regulatory flood protection elevation, whichever is greater~~, and shall be depicted on construction drawings and final plats.

(9) Finished floor elevations shall be at least six inches above septic system fill.

(10) Development subject to these standards shall provide maintenance access drainage easements in accordance with Section 6.2.3.B, Utility Easements and the following standards:

(a) ~~Twenty five foot wide easements measured from top of embankment~~ Easements shall be provided along ~~both~~ at least one sides of waterway conveyance systems that drain more than five acres. The easement shall include the conveyance and an additional twenty-five feet measured from the top of embankment.

(b) ~~Fifty foot wide easements measured from top of embankment~~ Easements shall be provided along both sides of the following waterway conveyance systems:

(i) Hog Bridge Ditch;

(ii) Guinea Mill;

(iii) Upper Guinea Mill;

- (iv) Lateral "A";
- (v) Lateral "B";
- (vi) Lateral "C";
- (vii) Haywood Ditch;
- (viii) Rowland Creek Canal;
- (ix) Eagle Creek Canal (also known as Western Canal); and
- (x) Shingle Landing Creek Canal.

The easement shall include the conveyance and an additional fifty feet measured from the top of each embankment.

B. Stormwater Detention Requirements

- (1) In the Outer Banks Stormwater Management Zone, minor subdivisions or single-family detached dwellings on lots resulting in more than 10,000 square feet of total impervious surface shall implement adequate stormwater practices to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.
- (2) Major subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 10-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site.
- (3) All other development subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 5-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site.

7.3.5. Alternative Stormwater Plans

B. General

The County Engineer is authorized to approve an alternative stormwater plan for development that proposes to deviate from the standards of this section. The alternative plan shall certify that the proposed development provides equal or better performance as required by these standards and will not create flooding or nuisance conditions on adjacent lots. The Currituck County Stormwater Manual includes additional information and plan requirements for persons submitting alternative stormwater plans for review under the standards of this section.

B. Allowable Deviations

(1) Increased Lot Coverage

A maximum 15 percent increase in lot coverage may be allowed for single-family detached and duplex dwellings on lots in subdivisions that have a state permitted and functional stormwater management system that specifies allowable lot coverage, or for a single-family detached or duplex dwelling on an individual lot that implements adequate stormwater practices to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.

(2) Reduced Stormwater Detention Requirements

Development subject to the standards in Section 7.3.34.B may reduce the design capacity of required stormwater management

devices provided:

- (a) An Alternative Stormwater Runoff Storage Analysis demonstrates the on-site soils have adequate storage capacity to capture and infiltrate stormwater runoff from all impervious surfaces; or
- (b) An Alternative Downstream Drainage Capacity Analysis demonstrates the downstream drainage capacity exceeds the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site.

(3) Additional Fill or Land Disturbance Activities

A lot may be filled or graded higher than the average adjacent grade of the first 30 feet of adjoining property or to improve drainage for performance of stormwater management devices, provided adequate stormwater practices are implemented to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.

(4) Low Impact Development

The use of low impact development techniques, including but not limited to pervious pavements, cisterns, green roofs, and bio-retention islands may be used to reduce stormwater detention requirements or lower impervious surface percentages.

Item 11: 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 12: This ordinance amendment shall be in effect from and after the _____ day of _____, 2016.

RESULT:

APPROVED [UNANIMOUS]

MOVED:

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

OLD BUSINESS

A. Historic Preservation-Report from the County Attorney Regarding the process to remove designated landmark status of property under the Historic Preservation Ordinance.

While considering the Historic Preservation Ordinance at its July 18, 2016 meeting, the Board of Commissioners asked for clarification as to what provisions were available to property owners who wished to remove an historic landmark designation from their home. County Attorney, Ike McRee, reported the question was posed to representatives from North Carolina's Historic Preservation office who said the Board of Commissioners can amend or repeal a designation by adopting an ordinance reversing the designation, upon the owner making application to the Board. The Board of Commissioners has the ultimate decision-

making power, although other agencies may review the owner's application for revocation and make recommendations.

Commissioners said they were satisfied with the provision and procedure for removal of the historic designation.

Mr. McRee offered a consequence for homes removed from an historic designation is that the county would collect the deferred property taxes for the prior three years. Mr. McRee and Mr. Woody then reviewed the process for historic designation and ordinance adoption.

Commissioner O'Neal asked for an update on the owner's plans for the historic Kite house adjacent to Currituck Reserve, also considered at the prior meeting.

NEW BUSINESS

A. Consideration of An Ordinance of the Currituck County Board of Commissioners Amending Section 9-1 of the Currituck County Code of Ordinances Regarding the Discharge of Firearms and Section 1-8 of the Currituck County Code of Ordinances Providing That a Violator May Be Issued a Civil Citation

County Attorney Ike McRee reviewed the proposed ordinance amendments to clarify confusing language and provide consistency within the ordinance. After review, Mr. McRee responded to questions about backdrop requirements and exceptions for school sanctioned programs. Mr. McRee said firearms education classes were not included in those exceptions but could be added if the Board desired. Discussing distance requirements, he said the 300 foot distance buffer was not revised, and noted one can target shoot within the 300 yard buffer with permission from the property owner. Mr. McRee did not know how the 300 yard requirement was determined. Chairman Griggs presented maps noting the minimal areas of the county where shooting would be permitted utilizing the 300 yard requirement. He provided statistics for concealed carry and gun permits issued and provided a report showing over 700 calls to law enforcement for shots fired since January of 2013. Commissioners discussed the ordinance's enforceability, and Commissioner Aydlett commented that calls don't necessarily mean a violation. Shooting on Knotts Island was discussed, and Mr. McRee affirmed the ordinance amendments being proposed do not change distances in any way. Commissioner Beaumont questioned whether the ordinance is enforceable with a 300 yard distance, and if it is not being enforced, should we be writing an ordinance that can be. Commissioner O'Neal said the setbacks do allow for enforcement and the ordinance being proposed is nothing new. He re-established the ordinance includes a provision that allows less than the 300 yards, you just need permission. The Board contrasted differences between public and private ranges and discussed repetitious shooting, noise and safety concerns, and which of those concerns prompt complaints. Commissioner Payment recalled a bullet coming through the wall of his home and stressed safety is his main concern. He suggested voting on the verbage being presented and having a work session to discuss the distance requirements at another time. Commissioner Beaumont agreed and posed fact-finding to determine acceptable noise decibel levels.

Commissioner O'Neal moved to approve as written tonight, knowing the Board is going to discuss this again in the future. Commissioner Beaumont seconded and the motion carried unanimously.

AN ORDINANCE AMENDING SECTION 9-1 OF THE CURRITUCK COUNTY CODE OF ORDINANCES REGARDING THE DISCHARGE OF FIREARMS AND SECTION 1-8 OF THE

CURRITUCK COUNTY CODE OF ORDINANCES PROVIDING THAT A VIOLATOR MAY BE ISSUED A CIVIL CITATION

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-129 a county may regulate the discharge of firearms at any time or place except when used to take birds or animals, when used in the defense of persons or property, or when used pursuant to the lawful directions of law enforcement officers.

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

Part I. Section 9-1. Discharge of firearms prohibited. of the Currituck County Code of Ordinances is amended to read as follows:

Sec. 9-1. - Discharge of firearms prohibited.

(a) Near residences. It is unlawful for any person to discharge a rifle, shotgun, handgun or any firearm within 100 yards of any regularly occupied residence not owned by them without written permission consent of the regular occupant and owner of such residence which the person shall carry at all times relevant to this section.

(b) On or across roadways. It is unlawful for any person to discharge a rifle, handgun, shotgun or any firearm on or across any public road, highway, or public vehicular area.

(c) Firing near school. It shall be is unlawful to discharge a center fire rifle within one-half mile of any school unless such discharge occurs with at least 200 yards of woodlands or forest intervening between such discharge and the school.

(d) Firing at targets. It shall be is unlawful for any person to discharge any a rifle, handgun, shotgun or other firearm into any a target which has a substantial backdrop within 100 yards of any subdivision unless (i) the point of discharging the rifle, handgun, shotgun or other firearm and the target are located 300 yards or more from a regularly occupied residence; (ii) a backstop is located behind the target sufficient to stop all projectiles shot from the firing line to the target; and (iii) the person discharging the rifle, handgun, shotgun or other firearm into the target has on their person written consent for the activity from all persons who are the regular occupant of the residence and from the owner of the residence if a different person or persons from the regular occupant of the residence located within 300 yards of a firing line and target, that with or without permission. However, it shall be lawful to discharge any rifle, handgun, shotgun or other firearm into any target which has a substantial backdrop, so long as said discharge is 300 yards away from any regularly occupied residence, except by permission of the regular occupant and owner of such residence.

A person that was discharging firearms into targets on their property before April 16, 2007 is permitted to continue to discharge a firearm into targets on their property even if doing so at a later date does not conform to this section or amendment to this section, provided that there has been no substantial change in use of the person's property and the person documents the discharge of firearms into targets on their property before April 16, 2007.

(e) Firing when not in woodlands. When firing a center fire rifle into any area of Currituck County not forested or woodlands or without a backstop that keeps projectiles from leaving the property on which the center fire rifle is fired, it shall be unlawful for any person to discharge or fire said rifle unless the level of the rifle be at least ten feet off the ground, or in a stand which is at least eight feet high, or when standing on the top of a dog box situate in the bed of a truck when said dog box is at least two feet in height.

(f) Forest or woodlands. For purposes of this section forest or woodlands is defined as a large and thick collection of growing trees, preserving some or all of its primitive wildness and usually having game or wild animals in it.

(g) Impairing substances. It shall be is unlawful to discharge any rifle, handgun, shotgun or any other firearm while under the influence of any impairing substance.

(h) Exception. This section shall not apply to the following: the use of firearms in defense of persons or property or the use of firearms by law enforcement officers in the performance of their duties, or in an indoor firing range.

- (1) the use of firearms in the defense of persons or property;
- (2) the use of firearms by law enforcement officers in the performance of their duties;
- (3) the use of firearms in an indoor firing range;
- (4) the use of a firearm for the purpose of shooting or killing any dangerous animal or reptile;
- (5) the use of a firearm to take birds or animals pursuant to Chapter 113, Subchapter IV, of the General Statutes of North Carolina;

(6) the use of a firearm not involving the release of projectiles at a historical or ceremonial function: or

(7) the use of a firearm at school sanctioned instructional or recreational activities intended to further the use safe firearms practices.

(i) Penalty. Any violation of this section shall be a misdemeanor and upon conviction shall be punishable by fine of not more than \$500.00 or by imprisonment for not more than 30 days.

PART II. Section 1-8(i)(3) is amended to read as follows:

(3) Chapter 9, section 9-1, section 9-4, section 9-7, section 9-33;

PART II. Severability. Should any section or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be invalid or unconstitutional.

PART III. Effective date. This ordinance shall be effective immediately upon its adoption.

ADOPTED the ____ day of August, 2016.

RESULT:

APPROVED [UNANIMOUS]

MOVER:

S. Paul O'Neal, Commissioner

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) Board Appointments

1. Historic Boat and Building Advisory

Commissioner O'Neal nominated Wilson Snowden to serve on the Historic Boat and Building advisory. Commissioner Aydlett seconded and the nominee was unanimously approved.

RESULT:

APPROVED [UNANIMOUS]

MOVER:

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) Consent Agenda

The program for the voluntary removal of dilapidated structures was discussed. Mr. Woody said 26 structures were removed utilizing \$53,000 in vouchers.

Commissioner Aydlett moved to approve Consent Agenda. The motion was seconded by Commissioner Gilbert and passed unanimously.

| | |
|------------------|---|
| 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 |

1) Approval Of Minutes

1. July 18, 2016 Board of Commissioner Regular Meeting Minutes

2. Budget Amendments

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|---------------------------|--|---|---|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 10650-561000 | Professional Services | \$ 124,500 | |
| 10390-495015 | T F - Occupancy Tax | | \$ 124,500 |
| | | \$ 124,500 | \$ 124,500 |
| Explanation: | Economic Development (10650) - Increase appropriations for Moyock Megasite Masterplan. | | |
| Net Budget Effect: | Operating Fund (10) - Increased by \$124,500. | | |

3. 2nd Amendment to Verizon Tower Lease

4. Economic Improvement Council, Inc. Lease Agreement

5. Corolla Greenway, Phase III-Change Order #1

CHANGE ORDER

Order No. 1 Original Agreement Date: 12/22/2015

NAME OF PROJECT: Corolla Greenway Phase III

OWNER: Currituck County

CONTRACTOR: Hatchell Concrete, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS:

- 1.
- 2.

Original BASE BID CONTRACT PRICE: \$1,335,061.00

ALTERNATES in addition to base bid contract price: \$246,596.00

TOTAL BASE BID CONTRACT PRICE WITH ALTERNATES: \$1,581,657.00

The CONTRACT PRICE due to this CHANGE ORDER will be decreased by: \$117,440.00

The new CONTRACT PRICE including this CHANGE ORDER will be: \$ 1,464,217.00

The CONTRACT TIME will not change.

ATTEST:

COUNTY OF CURRITUCK

By: _____ (SEAL)
Clerk to the Board of Commissioners Daniel F. Scanlon, II, County Manager

HATCHELL CONCRETE, INC.

By: _____ (SEAL)
Derek Hatchell, President

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Sandra Hill, Finance Officer

6. Termination of Program-Voluntary Removal of Dilapidated Structures

PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: Voluntary Removal of Dilapidated Structures.

EFFECTIVE DATE: May 19, 2014 APPROVED BY:
Currituck County Board of Commissioners

EXPIRATION DATE: August 1, 2016

PURPOSE

To establish a policy for the waiving of tipping fees for identified dilapidated structures, when the property owners volunteer to remove the structure.

GENERAL

In an effort to rid the county of dilapidated structures and in recognition of the expense to the owners of such buildings, the County of Currituck will assist property owners by relieving a portion of the cost of tipping fees.

PROCEDURES

1. A notice will be sent to those owners whose property has been identified as a possible condemnation.
2. In order to qualify for relief of tipping fees an application must be submitted to the office of the Chief Building Inspector. The structure must have either been identified as a possible condemnation or must qualify as such in the opinion of the Chief Building Inspector.
3. Once the application has been submitted and approved, the building inspector will measure the footprint of the structure(s) and calculate the square footage of the structure(s) (footprint only).
4. Tipping fees will be paid using the following formula: (Square foot of footprint x 50lbs / 2,000lbs x tipping fee = maximum fee amount waived). Example: (2,500 sf. x 50lbs = 125,000lbs) (125,000lbs / 2,000lbs = 62.5 tons) (62.5 tons x \$71 = \$4,437.50).
5. In the above example the county will pay up to \$4,437.50 in tipping fees for a 2,500 sf. house footprint. Tonnage over this amount will be the property owner's responsibility. This formula will be used on one and multi- story structures. All efforts to minimize the amount of debris carried to the landfill should be made. Examples include controlled burns by the local volunteer fire department or the recycling of materials from the demolished structure.
6. A voucher will be provided to the owner to be filled out by the landfill attendant and returned to the office of the Chief Building Inspector. Only debris from the approved site will be allowed to be included in the voucher.
7. The property owner must remove the structure(s) and clean the lot within the allotted time or no fees will be waived.
8. The owner is responsible for the hiring of contractors to demolish and remove the structure(s).
9. Proof of weight delivered to the landfill will be required by the returning of the voucher. If any material is found to have come from another site, tipping fees will not be paid and all fees will be the responsibility of the property owner.
10. Should the property owner fail to respond to this offer and the structure is condemned the property owner will be responsible for all fees.

7. Consideration and Approval of Application for Alcohol Use-Soundside Park

D) Commissioner's Report

Commissioner O'Neal was updated on the status of prior requests for no wake signage installation at the Coinjock Canal. He discussed the shortage of Highway Patrol officers in Currituck County and the number of traffic wrecks and fatalities that have occurred so far this year. He moved that a letter be sent from the Board to state representatives to lobby for a full staffing contingent of Highway Patrol troopers for Currituck County, with additional help in the summer. Commissioner Gilbert seconded and the motion carried unanimously.

Commissioner Payment also discussed Currituck's traffic accidents and noted the Sheriff's Deputies are responding first. He encouraged citizens to volunteer at their Fire Departments to help first responders, even if only to direct traffic. He highlighted girls softball and commended county recreation team coaches and athletes.

Commissioner Gilbert announced Currituck Kids first annual Scarecrow Fest fundraiser on October 15th and the Gobbler Jogger fun run November 5th. Activities and volunteer opportunities can be found at www.currituckkids.com.

Commissioner Hall reminded everyone, with temperatures soaring, to take care of their pets and to call local law enforcement if you see children or pets left in hot vehicles.

Commissioner Aydlett asked for prayers for the family that lost their 5 year old child Sunday afternoon from a lightning strike on the beach in Carova.

E) County Manager's Report

Mr. Scanlon announced the closure of Veteran's Park to expedite repairs on the bulkhead and boardwalk there, estimating a three-month time frame. He reported on the significant amount of opposition to plans for a park in Moyock, and in response to comments received at public meetings, a survey was put up on the home page of the county website for Currituck residents to provide their comments. He announced the JP Knapp Early College High School opens on August 8, and we will begin to see buses again.

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.

Jim Wheeler, Beechwood Shores, Moyock, recalled a shooting incident on Tulls Creek, saying the offender was criminally charged by the county and state. He recalled Board discussion concerning the meeting time change and commented on a public meeting on the proposed Moyock park that Commissioner Gilbert did not attend. Commissioner Gilbert responded, saying she was at another Moyock public meeting scheduled for the same time.

With no one else signed up to speak, Chairman Griggs closed the Public Comment period.

Chairman Griggs recessed the regular meeting.

SPECIAL MEETING

During its regular meeting held August 1, 2016, The Currituck County Board of Commissioners recessed its regular meeting and reconvened sitting as the Tourism Development Authority in the Historic Courthouse Board Meeting room, 153 Courthouse Road, Currituck, NC. Tourism Director Tameron Kugler, as a member of the Tourism Development Authority, was seated with the Board.

1. Travel & Tourism Departmental Report and Update-Tameron Kugler, Director

Tameron Kugler, Director of Travel & Tourism, used a powerpoint and presented the new tourism website homepage and reviewed departmental milestones reached over the past year. She reported on billboard and commercial marketing and partnerships with the Wildlife Resources Commission, the Lighthouse, and property management companies in an effort to expand programming and services. Financial data was reported for Historic Corolla Park, noting revenue generated was \$176,981.89. Mr. Scanlon reported on the operating cost and the reduced contribution to operations of almost \$300,000 less than the prior year, freeing up \$350,000 of occupancy tax to use elsewhere. A spreadsheet was distributed showing financial data for tours, events, retail sales, and rentals.

Commissioner Beaumont said vendors he spoke with touted the success of this year's Under the Oaks art festival. Ms. Kugler credited the success to the two event planners, Gina Martin and Kim Sawyer.

Ms. Kugler discussed the future restroom facility and other changes planned at the park. She updated the Board on the acquisitions and exhibits in Whalehead, announced upcoming events and showed pictures of the new signage at Historic Corolla Park.

Board members commended Ms. Kugler and her staff.

Commissioner Aydlett said he saw people in the park at 8 AM Saturday morning and said a function might be considered for those he believes are arriving early for check-in to their vacation rentals.

2. TDA-Budget Amendments

Mr. Scanlon reviewed the budget amendment with the Board. Commissioner Beaumont moved to approve the budget amendment. Chairman Griggs seconded and the motion carried unanimously.

With no further business Chairman Griggs closed the special meeting of the Tourism Development Authority and reconvened the regular meeting of the Board of Commissioners.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 15447-587010 | T T - Operating Fund | \$ 124,500 | |
| 15320-415000 | Occupancy Tax | | \$ 124,500 |
| | | <u>\$ 124,500</u> | <u>\$ 124,500</u> |

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - Increase appropriations for Moyock Mega-site masterplan

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$124,500.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Paul M. Beaumont, Commissioner |
| SECONDER: | David L. Griggs, Board 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 |

CLOSED SESSION

After closing the special meeting of the Tourism Development Authority, Chairman Griggs reconvened the regular meeting of the Board of Commissioners.

3. Amended Agenda: Add Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the attorney-client privilege and to receive advice from the County Attorney regarding a claim against the county and for the following pending lawsuit: Price Solar, LLC v. Currituck County

Chairman Griggs entertained a motion to enter closed session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and to receive advice from the county attorney regarding a claim against the county and for the following pending lawsuit: Price Solar, LLC v. Currituck County.

Commissioner Aydlett moved to enter Closed Session, seconded by Commissioner Gilbert. The motion carried unanimously.

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|------------------|---|
| 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 |

ADJOURN

Motion to Adjourn Meeting

After returning from Closed Session, and with no further business, Commissioner Payment moved to adjourn. The motion was seconded by Commissioner Aydlett, carried unanimously, and the regular meeting of the Board of Commissioners was concluded.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Mike H. Payment, 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 |