



**CURRITUCK COUNTY
NORTH CAROLINA**

December 5, 2016
Minutes – Regular Meeting of the Board of Commissioners

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met in the Historic Courthouse, 153 Courthouse Road, Currituck, NC, for its regular meeting.

| Attendee Name | Title | Status | Arrived |
|------------------------|---------------|---------|---------|
| Bobby Hanig | Chairman | Present | |
| Mike D. Hall | Vice Chairman | Present | |
| Paul M. Beaumont | Commissioner | Present | |
| Mary "Kitty" Etheridge | Commissioner | Present | |
| Marion Gilbert | Commissioner | Present | |
| Mike H. Payment | Commissioner | Present | |
| Bob White | Commissioner | Present | |
| S. Paul O'Neal | Commissioner | Present | |
| David L. Griggs | Chairman | Present | |
| O. Vance Aydlett | Vice Chairman | Absent | |

Chairman Griggs called the meeting to order.

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

Reverend Walter Gallop gave the Invocation and led the Pledge of Allegiance.

B) Approval Of Minutes

Commissioner Gilbert requested the agenda be amended to add Item B-1 under the Call to Order section, ABC Appointments. Chairman Griggs seconded and the motion passed unanimously.

1. BOC Minutes for November 21, 2016.

Commissioner Gilbert moved for approval of the November 21, 2016, minutes and was seconded by Commissioner Payment. The motion passed unanimously.

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

) ABC Appointments-Amended Item

1. Motion to approve nominees Sybil O'Neal and Vance Aydlett to the ABC Board effective immediately.

Commissioner Gilbert recalled the prior meeting where she nominated Sybil O'Neal and Vance Aydlett to the ABC Board with delayed effective dates. Commissioner Gilbert moved to appoint Sybil O'Neal and Vance Aydlett to the ABC Board effective immediately. Commissioner Griggs seconded.

Commissioner Hall was opposed and stated the Board had already voted previously on this item and he was not made aware of the change. Commissioner Gilbert said the appointments were an order of business under the current board and needed to be completed by the current board.

Motion passed with a vote of 5 to 1, with Commissioner Hall voting against.

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| RESULT: | APPROVED [5 TO 1] |
| MOVER: | Marion Gilbert, Commissioner |
| SECONDER: | David L. Griggs, Chairman |
| AYES: | David L. Griggs, Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner |
| NAYS: | Mike D. Hall, Vice Chairman |
| ABSENT: | O. Vance Aydlett, Vice Chairman |

C) Commissioner Recognition and Presentation

Commissioner Gilbert presented a plaque to outgoing Chairman David Griggs and thanked him for his service to the county. Chairman Griggs said it was an honor to give back and thanked the citizens for their trust. He said Currituck is the envy of many other counties and talked of our sound financial status and capital investments.

Commissioner Gilbert presented outgoing Commissioner Paul O'Neal with a Currituck County flag. Commissioner O'Neal recalled his 20 years of service and thanked all who have supported him. He specifically thanked the Sheriff's Department, EMS and Fire and county staff, and recognized past Commissioners with whom he served and asked citizens to offer support and encouragement to the new Commissioners.

Commissioner Gilbert also honored outgoing Commissioner Vance Aydlett, who was not present. Commissioner Payment thanked his fellow commissioners for their support over the past two years.

D) Oaths of Office for Newly-Elected Commissioners

Currituck County Clerk of Superior Court, Ray Matusko, administered the oaths of office to Currituck's newly-elected Commissioners. Those sworn were sitting Commissioner Paul Beaumont and newly-elected Commissioners Mary Etheridge, Bobby Hanig, and Bob White.

E) Election of Chairman of the Board of Commissioners

County Manager, Dan Scanlon, explained the organizational meeting and the process for the selection of the Chairman and Vice-chairman.

Commissioner Etheridge nominated Bobby Hanig for Chairman. Commissioner Gilbert nominated Commissioner Payment for Chairman. The nominees were voted on in the order their names were placed into nomination. Commissioner Hanig was elected Chairman, receiving a four-vote majority with Commissioners Hanig, Hall, Etheridge, and White voting in favor.

F) Election of Vice-Chairman of the Board of Commissioners

County Manager Scanlon turned the meeting over to Chairman Hanig who called for nominations for Vice-chairman.

Commissioner Gilbert nominated Commissioner Mike Payment and Commissioner White nominated Commissioner Hall. Commissioner Payment removed himself from consideration.

Commissioner Hall was elected Vice-chairman with a majority vote. Voting in favor were Commissioners Hanig, Hall, Etheridge and White.

RECESS

Chairman Hanig spoke briefly, thanking Commissioners, county staff, family and supporters. Chairman Hanig recessed the meeting at 6:30 PM.

APPROVAL OF AGENDA

The Board of Commissioners returned from recess and Chairman Hanig reconvened the meeting at 6:45 PM.

Commissioner Gilbert moved to approve the agenda. The motion was seconded by Commissioner Payment.

Commissioner Hall moved to add Board discussion of meeting times and public comment under New Business. Commissioner Etheridge moved to add ABC Board Appointments to the agenda.

The agenda was unanimously approved as amended:

6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance-Rev. Walter Gallop, Retired, US Air Force Chaplain
- B) Approval Of Minutes
 - BOC Minutes for November 21, 2016.
- ABC Appointments-*This item was added to the agenda as an amendment***
- C) Commissioner Recognition and Presentation
- D) Oaths of Office for Newly-Elected Commissioners
- E) Election of Chairman of the Board of Commissioners
- F) Election of Vice-Chairman of the Board of Commissioners

Recess**Approval of Agenda****Administrative****Reports**

- A) **Moyock Park Design Presentation by Laughing Gull**

Public Hearings

- A) **Public Hearing & Action: PB 16-18 Lauren Berry** A request to amend the Unified Development Ordinance to establish commercial fishing as an accessory use.

New Business

- A) Consideration and Action: PB 15-16 Moyock Commons, Phase 2: Subsequent Similar Request-Request for the Board to consider a subsequent rezoning request for Moyock Commons, Phase 2 (Second Request)
- B) Consideration of Resolution Authorizing Upset Bid Process Pursuant to G. S. 160A-269 for County Property in Corolla as Described in Deed Book 1304, Page 736 and Deed Book 1304, Page 739 of the Currituck County Registry
- C) **Board Appointments**
 - 1. Whalehead Service District-Subdivision Improvement Advisory Board (Stormwater)
 - 2. **ABC Board Appointments-*This item was added to the agenda as an amendment***

This item was Added to the Agenda as an Amendment: Discussion of Meeting Times and

Public Comment

- D) **Consent Agenda**
 - 1. Budget Amendments
 - 2. Purchase Request for Carova Beach Volunteer Fire Department-Humvee
 - 3. Job Description Revision: 4-H Program Assistant
 - 4. Sheriff's Office-Records Retention Schedule Amendment
 - 5. Petition for Road Addition-Aydlett Soundside, Foreman Drive
- E) **Commissioner's Report**
- F) **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.

Closed Session

Closed Session pursuant to G. S. 143-318.11(a)(3) to consult with the county's attorneys to preserve attorney-client confidentiality and to receive information and give direction to the county's attorneys in matters entitled Swan Beach Corolla, LLC v. Currituck County and Coastland Corporation v. Currituck County

Adjourn

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Marion Gilbert, Commissioner |
| SECONDER: | Mike H. Payment, Commissioner |
| AYES: | Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner |

ADMINISTRATIVE REPORTS

A. Moyock Park Design Presentation by Laughing Gull

Ben Woody, Planning and Community Development Director, recalled the steps taken by staff in an effort to establish a park in Moyock. He introduced landscape designer Jim Connor of Laughing Gull Design Studio, who presented a preliminary park design for a 25-acre, county owned parcel in Moyock. Mr. Conner reviewed design elements such as playgrounds and splash play areas, a gazebo, picnic areas, and a pond with walkways and seating. Proposed landscaping and plantings were described. He said stormwater was addressed in the design.

Mr. Woody and Mr. Conner responded to Board questions regarding ADA accessibility and stormwater, and Mr. Scanlon explained the tracking of the project, which would come to the Board for discussion at the January Board retreat. Mr. Conner thanked the county and staff for the opportunity to work on the project.

PUBLIC HEARINGS

A. Consideration & Action: PB 16-18 Lauren Berry: A request to amend the Unified Development Ordinance to establish commercial fishing as an accessory use.

Mr. Woody reviewed the text amendment request with the Board.

To: Board of Commissioners
From: Planning Staff
Date: November 14, 2016
Subject: PB 16-18 Lauren Berry Text Amendment REVISED

Lauren Berry initially submitted a text amendment to establish commercial fishing (watermen) as a principal use. After reviewing the proposed language, it did not appear to be consistent with the land use plan policies and goals. Ms. Berry worked with staff to address concerns related to the proposed text amendment.

There are portions of the commercial fishing operation that present concerns (i.e. outdoor storage of equipment, watercraft, and number of employees). The revised text amendment provides outdoor storage regulations associated with commercial fishing on-site operations. The revised text amendment provides a maximum outdoor storage limit (10%), buffers to adjacent properties, and requires the operation meet the accessory use general standards in the UDO. The number of watercraft or vessels and employees are not specifically addressed but would require the operation to maintain the residential neighborhood character of the community.

BACKGROUND

In many instances, commercial fishing operations are home occupations or accessory uses to principal uses of property. The home occupation standards require a dwelling unit on the property and limit the size and appearance of the commercial activity.

Occasionally, the county receives complaints related to commercial fishing operations near residential subdivisions. The complaints range from crab pot storage, boat storage, parking, noise, and odor. A notice of violation was sent to Wayne Burch in April, 2016 for not meeting the home occupation standards related to a

commercial fishing and crabbing operation. Lauren Berry and Wayne Burch met with staff and elected to submit a text amendment in an effort to allow larger commercial fishing operations in residential districts by modifying the crab shedding principal use regulations. On November 3, 2016 after discussing the county concerns related to the proposed amendment, Ms. Berry modified her request to establish accessory use standards for commercial fishing. It should be noted that current operations may continue to operate under their approved permits. Expansions of operations or operations not approved would be subject to the text amendment. In 2009, a stakeholder steering committee was established to assess the storage of boats for commercial fishermen. A draft text amendment was proposed and, no action was taken by the Board of Commissioners. During the 2013 UDO re-write many of the industrial uses found in the UDO were evaluated to determine what districts the use should be allowed. The 2013 UDO re-write removed crab shedding as a principal use from residential zoning districts.

The activities typically associated with commercial fishing often include:

- Outdoor storage of boats, nets, crab pots, refrigeration units, and other types of equipment.
- Crab shedding
- Traffic
- On site sales and storage of fish, crabs, bait, and equipment.

LAND USE PLAN CONSISTENCY

The 2006 Land Use Plan states, "traditional commercial crabbing activities, both on Knotts Island and the Mainland have generated some conflicts with sound front residential uses but with no associated water quality impacts." The 2006 Land Use Plan Policy statements that are relevant to the request and the secondary impacts are as follows:

POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

POLICY CD7: Attractive, environmentally beneficial **LANDSCAPING** shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate **BUFFERING** or other effective **DESIGN FEATURES** may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

The 2006 Land Use and Development Goals relevant to the request are as follows:

10. To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surround land uses.

RECOMMENDATION

The board may include limitations on the number of employees and watercraft not owned by the property owner to be consistent with home occupation standards. Planning staff recommends approval of the revised text amendment since the request is consistent with the goals, objectives, and policies of the Land Use Plan, and is reasonable and in the public interest by providing setbacks and buffers from adjacent properties that will improve the compatibility among uses to ensure efficient development within the county.

After review, Mr. Woody confirmed several aspects of the text amendment with Commissioner Hall. Commissioner Payment said he had heard concerns from citizens regarding odor.

Commissioner Beaumont was concerned that the current wording in the text amendment allows for a trial by error. He confirmed with Mr. Woody that Property Owners Associations can restrict use if they desire.

Chairman Hanig agreed with Commissioner Beaumont that the wording of the text amendment needs to be more specific. After Board discussion Chairman Hanig opened the Public Hearing.

Carl Davis, Woodard Acres, questioned who would enforce the regulations. He is concerned with additional traffic on a community-maintained road and odor. He is not

against crabbers but doesn't want an operation next to his house. Wayne Kerns and Gwen Dodson, also of Woodard Acres, expressed similar concerns.

Steve Kinnaird of Alex Lane said a wholesale operation on his road generates heavy traffic. He would like wholesale prohibited the same as retail sales.

Applicant, Lauren Berry of Moyock, described the application process and provided a history of the waterman heritage and its economic impact in Currituck County. She provided statistics of the fishing industry and addressed concerns regarding traffic, noise and littering which are covered under other ordinances. She asked the Board to protect the county's heritage, and said the amendment would allow a bit more flexibility for commercial fishermen. She said the amendment would increase the beauty of neighborhoods due to buffer requirements.

Dale Brouse of Alex Lane talked of property values, saying one crabbing operation in a community drastically affects the rest of the homes.

Wayne Burch of Alex Lane supports the amendment as a commercial fisher and wholesale crabber. He has never had a problem until new neighbors moved in.

Kim Old, Tulls Bay, supports commercial fishermen, holds a license, and described their struggles to make a living with state restrictions. He said Mr. Burch is his neighbor and he has no problem with his operation. Mr. Old sells real estate for a living and does not see an operation affecting values.

Melvin Lewis, Waterlily Road, spoke in support and said he had dealt with the same issue many years ago. He said frozen bait doesn't smell.

Alice Stringham of Alex Lane does not dispute the heritage but says we need to think about the future, as Currituck is a draw for retirees. She asked the Board to look at some of these neighborhoods before voting. She said truck traffic is damaging their roads.

Chairman Hanig closed the Public Hearing but reopened for additional speakers.

Mike Durst of Gadwell Drive and Terry Overton of Alex Lane spoke in support of the amendment.

David Summerell, a property owner on Bells Island Rd, said his son, now deceased, worked as a commercial fisherman and he supports them.

Al Lowery and Jessie Ward both spoke in support of the amendment.

Watson Stewart, Bells Island Road, and a 50-year commercial fisherman, said bait is frozen and crabs are alive so he doesn't know where the smell would come from. He said commercial fishing is one of the only jobs available in Currituck and a solution is needed.

Sharon Kinnaird of Alex Lane said Mr. Burch was crabbing when she built her home four years ago, but he went big last year. Now cars and tractor trailers run up and down the road and it is out of hand.

Commissioner Etheridge commented she needs to research before making a decision, and Commissioner Payment agreed. Chairman Hanig closed the public hearing and Commissioner Etheridge moved to table the item until the second meeting in January and schedule a work session beforehand, recommending a visit to the area.

The motion was seconded by Commissioner Payment and carried unanimously.

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| RESULT: | TABLED [UNANIMOUS] | Next: 1/17/2017 6:00 PM |
| MOVER: | Mary "Kitty" Etheridge, Commissioner | |
| SECONDER: | Mike H. Payment, Commissioner | |
| AYES: | Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner | |

NEW BUSINESS

A. Consideration and Action: PB 15-16 Moyock Commons, Phase 2: Subsequent Similar Request-Request for the Board to consider a subsequent rezoning request for Moyock Commons, Phase 2 (Second Request)

A brief recess was called at 8:10 PM. The meeting reconvened at 8:16 PM.

Ben Woody reviewed the request for reconsideration, providing a history of the initial application submitted by Mr. Friedman and the applicant's current request for Board consideration.

TO: Board of Commissioners
FROM: Planning Staff
DATE: November 28, 2016
SUBJECT: Moyock Commons, Phase 2, Subsequent Similar Request #2

Chip Friedman is again asking the board to consider a subsequent rezoning request for Moyock Commons, Phase 2. As you may recall the board denied the rezoning request (AG to C-SFM) for this property on December 7, 2015 and denied a subsequent similar request on March 21, 2016. Section 2.3.16 of the UDO requires a one year waiting period after an application is denied before an application proposing the same or similar development may be submitted for the same land. This same section of the UDO allows the board to waive this time limit only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:

- There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the board's application of the relevant review standards to the development proposed in the new application; or
- New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the board's application of the relevant review standards to the development proposed in the new application; or
- The new application proposed to be submitted is materially different from the prior application; or
- The final decision on the prior application was based on a material mistake of fact.

Mr. Friedman request the one year period be waived upon the following:

- This application is for a different zoning district
- The 2016 newly enacted UDO changes to this zoning district and changes to other zoning districts by the board.
- The new information learned from Dan Scanlon, County Manager, at the December 7, 2015 public hearing where he requested direction from the board for the Moyock watershed drainage district needing improvements to the districts 869 acres per North Carolina Statue on districts.
- New information from engineer Andy Deel stating improvements to this property's ditches will benefit the drainage district.

The purpose for the UDO one year required waiting period is noted by the North Carolina Supreme Court in George v. Town of Edenton, 294 N.C. 679, 242 S.E.2d 877 (1978), "A waiting period required by the ordinance is designed to prevent an applicant from subjecting the residents of an area to the burden of having to protest and defend against a series of repetitious applications."

Should the board find that granting a waiver of the one year waiting period is justified; the subsequent rezoning request will proceed as a new application. In any event, the one year waiting period ends on December 7, 2016 and a new application can be submitted on December 8, 2016.

Thank you.

After review, and when asked by Chairman Hanig, Mr. Woody said he did not believe Mr. Friedman had met the criteria.

Commissioner Gilbert moved to deny the request so the applicant can bring back a proper application so the new Board members will have an opportunity to review and make a vetted decision on the zoning. The motion was rescinded to offer the applicant an opportunity to speak.

Chip Friedman, applicant, said the application filed under original zoning of single-family mainland (SFM) cannot be considered similar to the subsequent application applied for under Mixed Residential (MXR). When asked why he is applying now, saving himself three days, he told the Board his lawsuit runs out in three days, which can be amended or dismissed. He responded to questions from the Board regarding lot layouts and zoning and said he believes he meets the criteria, and that the zoning change prohibits the ability for a similar plan to be submitted. Stormwater and state drainage improvements were discussed, and Mr. Friedman said this is an opportunity to improve things in that regard. When asked, he described the reason for the lawsuit and said he is tired of playing games.

Chairman Hanig again asked Mr. Woody if the criteria have been met. Mr. Woody said the zoning change conceivably allows for apartments, and could be considered different than a SFM zoning district. He stated his opinion that if houses were proposed, and houses were proposed again, then they are similar requests. Mr. Woody reviewed aspects of MXR and SFM zoning districts, with MXR allowing higher densities.

Commissioner Gilbert moved to deny the request for an early review of the zoning for Mr. Friedman to reapply after once the one-year waiting period is complete. The motion died for lack of a second. Mr. Woody clarified for the Board the applicant's request and

explained that submittals under straight MXR are not binding, as they would be with a conditional use permit.

No action was taken.

B. Consideration of Resolution Authorizing Upset Bid Process Pursuant to G. S. 160A-269 for County Property in Corolla as Described in Deed Book 1304, Page 736 and Deed Book 1304, Page 739 of the Currituck County Registry

County Attorney, Ike McRee, reviewed the upset bid resolution for the Board, describing the property location, the county's acquisition of the property and reviewed the ten day upset bid process and purpose. He said a bid was received from Mr. Chip Friedman and the property would be conveyed if no upset bids are received after advertising.

Commissioner Hall moved to proceed with the upset bid. The motion was seconded by Commissioner Etheridge and carried unanimously.

RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AUTHORIZING DISPOSAL OF REAL PROPERTY PURSUANT TO N.C. GEN. STAT. §160A-269

WHEREAS, the County of Currituck owns the following property in Corolla, North Carolina:

Beginning at a point which is located at United States Coast and Geodetic Survey North Carolina Grid Coordinate N 973,586.31 E 2,931,941.83, said point being the Northeast corner of that property conveyed by Hollis R. Parker and wife to Walter F. Parker by deed dated May 2, 1896 and recorded in Deed Book 42, at Page 221, and from said point of beginning thence S 2° 04' 09" E 105 feet, thence S 87° 55' 51" W 210 feet, thence N 2° 04' 09" W 105 feet, thence N 87° 55' 51" E 210 feet to the point of beginning and being the same property conveyed in the deed immediately above mentioned and also being exception 4 of the plat of survey entitled in part "Whalehead Club, Inc. to Edwin Lynch, Trustee for Vernon M. Lynch Sons" prepared by S. Elmo Williams under date of August 4, 1967 which plat is recorded with that deed of record in Deed Book 106, Page 543 of the Currituck County Registry. Reference is also made to those deeds recorded in Deed Book 1304, Page 736 and Deed Book 1304, Page 739 of the Currituck County Registry;

and

WHEREAS, N.C. Gen. Stat. §160A-269 permits the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, for the amount of \$100.00, submitted by Charles S. Friedman; and

WHEREAS, Charles S. Friedman has paid the statutorily required five percent (5%) deposit on the offer;

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

Section 1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure set forth in N.C. Gen. Stat. §160A-269.

Section 2. The Clerk to the Board of Commissioners shall cause notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms established by this resolution under which the offer may be upset.

Section 3. Any person may submit an upset bid to the Office of the Clerk to the Board of Commissioners within ten (10) days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.

Section 4. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a notice of upset bid to be published, and shall continue to do so until a ten (10) day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.

Section 5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

Section 6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The county will return the deposit of the final high bidder at closing.

Section 7. The terms of the final sale are that:

a. The Board of Commissioners must approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed, and

b. The buyer must pay with cash at the time of closing.

Section 8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Section 9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property by special warranty deed to Charles S. Friedman.

ADOPTED this 5th day of December, 2016.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Mike D. Hall, Vice Chairman |
| SECONDER: | Mary "Kitty" Etheridge, Commissioner |
| AYES: | Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner |

C) Board Appointments

1. Whalehead Service District-Subdivision Improvement Advisory Board (Stormwater)

Commissioner Beaumont moved to approve nominees for the Whalehead Stormwater District Advisory. Commissioner Hall seconded and the motion carried unanimously. The nominees submitted and approved were: Martin Kruelle, Lee Foreman, Jim Pruden, John J. McTear and Sid Wilson.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Paul M. Beaumont, Commissioner |
| SECONDER: | Mike D. Hall, Vice Chairman |
| AYES: | Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner |

2) ABC Board Appointments-Amended Agenda Item

Commissioner Etheridge asked that the two ABC appointments, Sybil O'Neal and Vance Aydlett, be voided. She said applications had not been submitted and Mr. Aydlett was serving as a Commissioner at the time of his appointment. Commissioner Hall seconded the motion.

Mr. McRee noted applications are not required for appointment to a county board and there are no rules prohibiting a commissioner from serving on a board. He said the appointment motion gave both individuals a seat on the ABC Board and explained process for removal such as just cause or a motion to reconsider.

Commissioners Etheridge and Hall detailed their concerns with the appointments. When asked, Mr. McRee explained the processes for removal of board members from local advisories and the ABC Board specifically, and stated his opinion that nominees, once approved, were seated on the Board. He said he could not find a swearing-in requirement for the ABC Board.

Commissioner White suggested a policy be put into place regarding submission of advisory board applications and appointments. The Board discussed reviewing the ordinance regulating advisory appointments along with the inclusion of ethics training.

No action was taken.

) Discussion of Meeting Times & Public Comment-Amended Agenda Item

Commissioner Hall asked that an ordinance be brought to the Board at the next meeting that would return Public Comment toward the beginning of the meeting agenda. He wished to continue with a 6 PM meeting time. Commissioner Beaumont asked that the speaking time for Public Comment be reduced to three minutes. Mr. McRee said an ordinance can be brought to the Board for consideration at their next meeting.

D) Consent Agenda

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

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Paul M. Beaumont, Commissioner
SECONDER: Marion Gilbert, Commissioner
AYES: Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner

1. Budget Amendments

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|-------------------------------|-----------------------------------------|-----------------------------------------|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 50442-590004 | Corolla Village Road Sidewalk | \$ 112,440 | |
| 50442-590005 | Albacore Sidewalk | | \$ 112,440 |
| | | <u>\$ 112,440</u> | <u>\$ 112,440</u> |

Explanation: Connecting Corolla (50442) - Transfer funds between budgeted projects to reflect allocations based on the bids received.

Net Budget Effect: County Governmental Construction Fund (50) - No change.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|-----------------------------------------|-----------------------------------------|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 10510-514500 | Training and Education | \$ 25,050 | |
| 10510-545000 | Contract Services | \$ 2,650 | |
| 10510-557100 | Software License Fee | \$ 3,300 | |
| 10510-590000 | Capital Outlay | \$ 9,000 | |
| 10330-449900 | Miscellaneous Grants | | \$ 40,000 |
| | | <u>\$ 40,000</u> | <u>\$ 40,000</u> |

Explanation: Sheriff (10510) - To record HERO grant funded 100% by the NC Department of Public Safety for purchase of Cellebrite software, license fees for year two and training.

Net Budget Effect: Operating Fund (10) - Increased by \$40,000.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|-------------------------------|-----------------------------------------|-----------------------------------------|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 10380-485002 | Extension Donations | | \$ 254 |
| 10640-532007 | Supplies - Backpacks for Kids | \$ 254 | |
| | | <u>\$ 254</u> | <u>\$ 254</u> |

Explanation: Cooperative Extension (10640) - Increase appropriations to record donations collected by Senior Center for the Backpacks for Kids program.

Net Budget Effect: Operating Fund (10) - Increased by \$254.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|-----------------------------------------|-----------------------------------------|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 10330-432200 | HCCBG In Home | | \$ 17,395 |
| 10560-519701 | HCCBG - Access Services | | \$ 2,232 |
| 10390-499900 | Fund Appropriate Balance | \$ 19,627 | |
| | | \$ 19,627 | \$ 19,627 |

Explanation: PUBLIC ASSISTANCE (752) - Increase HCCBG In Home to reflect the actual amount of allocated funds of the County Funding Plan from Albemarle Commission.

Net Budget Effect: Operating Fund (10) - Decreaseed by \$2,232.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|-----------------------------------------|-----------------------------------------|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 10530-502000 | Salaries - Regular | | \$ 203,321 |
| 10530-502100 | Overtime | \$ 203,321 | |
| | | \$ 203,321 | \$ 203,321 |

Explanation: Emergency Medical Services (10530) - Transfer budgeted funds from salaries to overtime for overtime required due to position vacancies in the first quarter of FY 2016.

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

2. Purchase Request for Carova Beach Volunteer Fire Department-Humvee

3. Job Description Revision: 4-H Program Assistant

4. Sheriff's Office-Records Retention Schedule Amendment

5. Petition for Road Addition-Aydlett Soundside, Foreman Drive

E) Commissioner's Report

Commissioner Beaumont attended Currituck County's tree lighting and parade, saying there was good attendance and was a great time. He wished everyone a Merry Christmas.

Commissioner Etheridge thanked the voters, saying she will do her best for the citizens. She wished everyone a Merry Christmas.

Commissioner White announced upcoming events at Whalehead and Santa's visit to Carova. He thanked the voters and wished all a Merry Christmas.

Commissioner Payment asked for volunteers for local fire departments. He wished all a Merry Christmas and Happy New Year.

Commissioner Gilbert also attended the parade and noted the number of community organizations and citizens in attendance. She wished all a Merry Christmas.

Commissioner Hall called on citizens to volunteer for Advisory Boards. He stressed fire safety this time of year and wished all a Merry Christmas.

Chairman Hanig encouraged citizen participation and input and wished all a Merry Christmas.

F) County Manager's Report

No 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.

Doris Flora, Moyock, welcomed new Commissioners and discussed her concerns with the new audio in the Board room.

Norman Bibeau of Elan Vacations and University Park discussed ongoing issues with the buffer area and its definition at his University Park project. He said he agreed to a 25 foot buffer and disputed the word "undisturbed" being include in the minutes of an earlier meeting. He said must begin the process again with the Planning Board and asked Commissioners to review.

Steve Fentress discussed the Board's April 4, 2016, decision on the Goose Creek solar farm and said the Board may need to address the issue again, as the Board's earlier denial is under appeal and will be heard by a superior court judge in Dare County. He discussed a document being deleted from the record, to which Mr. McRee informed him the record was amended on October 4, 2016, to include the conditions as part of the record. Mr. Fentress distributed documents to Chairman Hanig and Commissioners Etheridge and White for their review.

Angeroniam Saunders, a Board member of the Historic Jarvisburg Colored School, thanked the Board for their support of the completion and opening of the museum.

John McColley, a Grandy Road resident, spoke of the proposed solar farm at Goose Creek and the applicant, Ecoplexis. He said the community was compelled to hire experts at an exorbitant cost to citizens and asked the Board to aggressively defend their earlier motion so the decision is upheld.

CLOSED SESSION

1. Closed Session pursuant to G. S. 143-318.11(a)(3) to consult with the county's attorneys to preserve attorney-client confidentiality and to receive information and give direction to the county's attorneys in matters entitled Swan Beach Corolla, LLC v. Currituck County and Coastland Corporation v. Currituck County

Chairman Hanig announced the closed session pursuant to G. S. 143-318.11(a)(3) to consult with the county's attorneys to preserve attorney-client confidentiality and to receive information and give direction to the county's attorneys in matters entitled Swan Beach Corolla, LLC v. Currituck County and Coastland Corporation v. Currituck County and pursuant to G.S. 143-318.11(a)(6) to discuss personnel matters.

Commissioner Hall moved to enter Closed Session and the motion was seconded by Commissioner Beaumont. The motion carried unanimously and the Board entered closed session.

| | |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Mike D. Hall, Vice Chairman |
| SECONDER: | Paul M. Beaumont, Commissioner |
| AYES: | Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner |

ADJOURN

Motion to Adjourn Meeting

The Board returned from Closed Session and had no further business. Commissioner Gilbert moved to adjourn. The motion was seconded by Commissioner Payment, passed unanimously, and the meeting of the Board of Commissioners was concluded.

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|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Marion Gilbert, Commissioner |
| SECONDER: | Mike H. Payment, Commissioner |
| AYES: | Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner |