



CURRITUCK COUNTY NORTH CAROLINA

February 1, 2016

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:00 PM Moyock Stormwater

The Currituck County Board of Commissioners met at 4 PM in the Conference Room of the Historic Courthouse for a discussion on Moyock Stormwater. County Engineer Eric Weatherly presented, first recounting citizen feedback from several public meetings to assess whether area residents feel the need for the creation of a district to provide funding for relief of flooding and other stormwater issues in Moyock. With the majority of respondents in favor of the creation of a Moyock Stormwater district, Mr. Weatherly compiled and presented options ranging from basic ditch maintenance, to property and easement acquisitions and capital improvements. He provided the current tax rates for the three existing districts in the area, and after analysis of the options presented, projected costs for a Moyock district would range from .04 to .07 cents per \$100 tax value per household.

Commissioner O'Neal suggested prioritizing areas as a cost-cutting measure initially, eliminating the investment of dollars around land that is not yet developed. When presented with the number of meeting attendees and respondents to surveys, the Board directed staff to find a way to reach out to more residents and encourage them to provide feedback. After some discussion, it was decided an online survey would be created in conjunction with a postcard mailing to all residents, providing information on how to access the link or request a written copy of the survey, with the mailing completed and survey available by summer of 2016.

5:00 CALL TO ORDER

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

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

Chairman Griggs called the meeting to order and announced the earlier work session to discuss Moyock Stormwater.

A) Invocation & Pledge of Allegiance-Reverend Dan Bergey, New Life Church

Reverend Dan Bergey, of New Life Church, gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Chairman Griggs amended the agenda, removing New Business item A, regarding the establishment of rules and regulations for concessionaire operations at Historic Corolla Park. He also added a 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 lawsuits: Coastland Corporation v. Currituck County and Swan Beach Corolla, LLC v. Currituck County.

Commissioner Aydlett moved to approve the agenda as amended and was seconded by Commissioner Gilbert. The motion carried unanimously.

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

PUBLIC HEARINGS**A. Public Hearing & Action-PB 84-11 Corolla Light Phase 3:**

All parties were sworn. Chairman Griggs opened the Public Hearing and Ben Woody, Director of Planning and Community Development, reviewed the application.

ITEM: PB 84-11 Corolla Light Phase 3 Amended Sketch/Use Permit

LOCATION: 1159 Austin Street, Corolla, Poplar Branch Township.

TAX ID: 115B0002P2B0000

ZONING DISTRICT: SFO (Single Family Outer Banks) with PUD Overlay and General Business Allocation.

PRESENT USE: Shopping Center/Apartments

OWNER: Corolla Light Town Center, LLC

APPLICANT: Corolla Light Town Center, LLC
c/o Pete Kuaffman, P.O. Box 190
Nags Head, NC 27959

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Wastewater Treatment/Laundry/Bath House	SFO/PUD/G

SOUTH	Single Family Dwellings	B
EAST:	Single Family Dwellings	SFO/PUD
WEST:	Single Family Dwellings	SFO/PUD

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Corolla subarea.

SIZE OF SITE: 6.35 acres

NUMBER OF UNITS: Phase 3 (32 units)
Corolla Light Total (595)

PROJECT DENSITY: Phase 3 (5.04 units/acre)
Corolla Light Total (2.47 units/acre)

UTILITIES: Water will be provided by SOBWS and wastewater will be provided by Utilities Inc. (Carolina Water). Wastewater demands for the project are 8,485 gpd.

PUD ALLOCATION: Total Land Area (267.05 acres)
Total Open Space (128.51 acres)
Commercial Allocation (26.53 acres)

I. NARRATIVE OF REQUEST:

The applicant is requesting an amendment to the approved sketch plan/master plan to allow construction of a stand-alone restaurant and six (6) two bedroom apartment units within the Corolla Light Phase 3 (Corolla Light Town Center). These uses were previously approved within Phase 3 but the original approval has since expired. Both restaurants and apartments currently exist within the Town Center.

II. QUESTION(S) BEFORE THE BOARD:**Special Use Permit Criteria and Staff Findings:**

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

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

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding that the use will not endanger the public health or safety.

Preliminary Staff Findings:

- a. The proposal is for the addition of a restaurant and small apartments in an existing shopping center within the Corolla Light PUD which already contains these uses.
 - b. Adequate wastewater, water, parking, and other infrastructure exists on-site to fully support the proposed addition.
2. *The special use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.*

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding that the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Preliminary Staff Findings:

- a. As noted above, the proposed additions will be contained entirely within an existing shopping center which already contains the proposed uses.
 - b. By nature of the existing shopping center, the proposed additions are fully in harmony with the area in which they are located.
3. *The special use will be in conformity with the Land Use Plan or other officially adopted plan.*

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding that the use will be in conformity with the Land Use Plan and other officially adopted plans.

Preliminary Staff Findings:

The 2006 Land Use Plan classifies this site as **full service** within the **Corolla** subarea. Insert LUP classification narrative. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY OB2: So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

POLICY CD3: LARGE COMMERCIAL CENTERS should be located adjacent to the intersections of major roadways; planned concentrations of employment and housing should be encouraged to locate convenient to these centers.

4. *The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed*

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

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding that the use will not exceed the county's ability to provide adequate public facilities, including but not limited to schools, fire and rescue, law enforcement, and other county facilities.

Preliminary Staff Findings:

- a. The proposed use is minimal in nature and conforms to other typical commercial and residential demands.
- b. Adequate infrastructure exists for the purpose proposed additions
- c. The residential units are anticipated to be primarily employee housing and will therefore result in insignificant school demand.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval of the Amended Sketch Plan and Use Permit as submitted.

IV. PLANNING BOARD RECOMMENDATION:

Mr. Craddock moved to approve PB 84-11 as presented because it will not endanger the public health or safety, will not negatively affect the surrounding properties, and it is in conformity with the Land Use Plan. Mr. Bell seconded the motion and motion carried unanimously.

After review, Mr. Woody explained that previous approvals had been given, and due to the project not moving forward within the necessary time frame, the approvals expired.

Andy Deel, Deel Engineering, also noted the delay in moving the project forward, and asked the Board for reapproval.

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

Commissioner Aydlett moved to approve the application based on conditions that the applicant must satisfactorily address all remaining TRC comments, the applicant has demonstrated that the proposed use meets the use permit review standards of the Unified Development Ordinance (UDO).

The motion was seconded by Commissioner O'Neal and carried unanimously.

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

B. Public Hearing and Action: PB 15-22 Wild Ropes Adventure Park Text Amendment - Height Limits:

Ben Woody reviewed the request and noted the item's relationship to the use permit application that was the next item to be heard. Mr. Woody reminded the Board that the text amendment would apply countywide, and noted some of the exceptions to the County's 35 foot height limit that were already included in the UDO. Staff and Planning Board recommended approval, with the one to one setback conditions noted over 35 feet.

To: Board of Commissioners
From: Planning Staff
Date: January 14, 2016
Subject: PB 15-22 Wild Ropes Adventure Park Text Amendment

The enclosed text amendment submitted by Brett Harrison of Wild Ropes Adventure Park is intended to include aerial adventure parks in the list of exceptions to the height limit.

This text amendment is necessary to make aerial adventure parks a feasible use in the County. An aerial adventure park typically offers combinations of elements often associated with high ropes courses, such as rope and wire bridges, nets, balance challenges, obstacles, and zip lines. Exceeding the maximum building height of 35 feet is imperative to the construction of an aerial adventure park.

Aerial adventure parks are considered outdoor recreation and it is staff's opinion that a better text amendment approach is to include outdoor recreation uses in the list of height exceptions. Staff has proposed a maximum height limit of 60 feet for outdoor recreation uses as well as an increased setback to mitigate potential impacts of exceeding the height requirement. The applicant is in agreement with staff's suggested changes.

The 2006 Land Use Plan Policy statements that are relevant to the request 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.

Recommendation:

Planning staff recommends **approval** of the text amendment with the proposed modifications because it is consistent with the goals, objectives, and policies of the Land Use Plan by promoting new businesses that are compatible with the environmental quality of the county, and it is reasonable and in the public interest because an aerial adventure park would provide a new type of outdoor recreational opportunity in the County.

Planning Board Recommendation:

Mr. Cartwright moved to PB 15-23 as presented due to it is consistent with the goals, objectives, and policies of the Land Use Plan by promoting new businesses that are compatible with the environmental quality of the county, and it is reasonable and in the public interest because an aerial adventure park would provide a new type of outdoor recreational opportunity in the county. Mr. Whiteman seconded the motion and motion carried.

PB 15-22**UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 10:

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 Section 4.2.4 Commercial Uses is amended by adding the following underlined language:

(4) Recreation, Outdoor

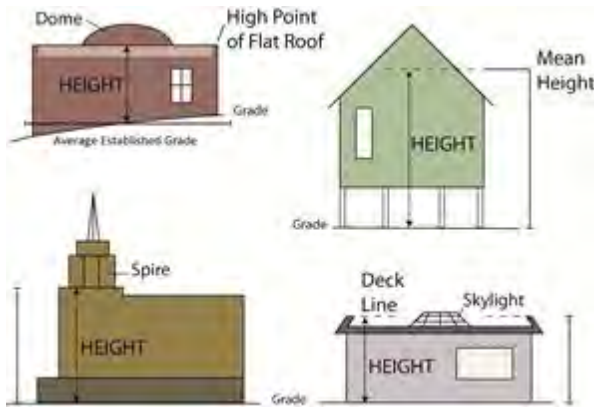
Outdoor recreation uses shall comply with the following standards:

- (a)** Outdoor recreation uses shall be screened from abutting major arterial streets with a Type D buffer.
- (B)** Grading shall be limited to a maximum of five feet above or below the grade existing prior to development.
- (C)** No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.
- (D)** Structures associated with outdoor recreation uses may be increased to a maximum height of 60 feet. Structures that exceed 35 feet in height shall be required to maintain a one foot setback from front, side and rear property lines for every one foot of structure height. Guy wires, when applicable, shall conform to district setback provisions.

Item 2: That Section 10.3.6 Height is amended by adding the following underlined language:

10.3.6 Height**B. Definitions/Measurement****(1) Building Height**

The vertical distance measured from the average established grade adjoining the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof, to the mean height level between eaves and ridge of gable, hip, cone, gambrel and shed roofs (see Figure 10.3.6, Height Measurement).



(1) Building Story

The space between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, the space between the floor surface and the top of the ceiling joists or roof rafters above it. Building stories shall comply with all the applicable standards from the North Carolina State Building Code.

(2) Established Grade

Established grade is the finished grade following grading, excavation, or other land-disturbing activity.

(3) Grade

Grade means the level of the ground elevation prior to the commencement of development or land-disturbing activity.

B. Height Requirements

- (1)** Multi-story buildings within a mixed-use district or intended for mixed uses and all parking structures shall maintain a first floor ceiling height of at least 15 feet to accommodate commercial first-floor uses.
- (2)** Buildings within the APO may be subject to height requirements not applied to areas outside the APO.

C. Exceptions

(1) General

Height limits shall not apply to bulk storage silos, grain elevators, barns, chimneys, elevator shafts, church spires, belfries, cupolas, domes, flag poles, monuments, water towers, rooftop dish antennas, solar equipment, skylights, fire escapes or roof access stairways, outdoor recreation uses subject to section 4.2.4. F, mechanical equipment required to operate and maintain the building, or similar appurtenances, provided:

- (a)** The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
- (b)** The appurtenance does not exceed a maximum height of 200 feet above grade;
- (c)** The appurtenance is not constructed for the purpose of providing additional floor area in the building; and
- (d)** The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this Ordinance.

Item 3: 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 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 201__.

After review, Mr. Woody answered Board questions pertaining to safety and the 60 foot height limit designation, which he believes would be suitable for most outdoor recreational uses.

Chairman Griggs opened the Public Hearing.

Robert Mitchell, Ocean Hill property owner and certified appraiser, believes the project will be too close to property slated for future residential development in Ocean Hill. He believes the project needs to be located somewhere other than near the historic area and questioned whether the park is the highest and best use for the property.

Fran Hamilton, a resident of Corolla and member of the Board of Directors of the Village of Ocean Hill, spoke representing homeowners in opposition to the project. She said height restrictions currently imposed by the County add value to the Villages of Ocean Hill properties by affording many a lighthouse view, and believes this project would forever change the landscape. She talked of the unique features and value of properties in Villages at Ocean Hill, and noted the similar ropes course in Nags Head is in a commercial zone away from residential areas.

Brett Harrison, the applicant for the Wild Ropes Adventure Park project, used a powerpoint to show what a ropes course is, where they are constructed such as university campuses and military bases, and the educational benefits of use. He reviewed safety and presented his ideas as to the need for the text amendment. He showed a comparative slide noting the varied heights of other structures, such as windmills and the lighthouse, compared to the proposed height for the ropes course.

Mr. Harrison said the plan is to have one central tower at the requested height of 60 feet, which would max the lease footprint. Mr. Woody confirmed the amendment would resolve any height limitation issues with the building of the Alpine Tower at the community park on the mainland.

With no further discussion and no one else wishing to speak, Chairman Griggs closed the Public Hearing.

Commissioner Aydlett moved to approve the text amendment as consistent with the goals, objectives and policies of the Land Use Plan for promoting new businesses that are compatible with the environmental quality of the county and it is reasonable and in the public interest because it would provide a new type of outdoor opportunity in the county, and because it is a county wide text amendment.

Commissioner Gilbert seconded and the motion carried unanimously.

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

C. Public Hearing and Action: PB 15-23 Wild Ropes Adventure Park Use Permit:

Parties were sworn and Mr. Woody reviewed the application for the Use Permit for the Wild Ropes Adventure Park.

STAFF REPORT
BOARD OF COMMISSIONERS
February 1, 2016
PB 15-23 WILD ROPES ADVENTURE PARK

ITEM: PB 15-23 Wild Ropes Adventure Park request for a use permit to operate an aerial adventure park.

LOCATION: Corolla - west of NC12, just north of Corolla Village, Poplar Branch Beach Township

TAX ID: 0114-000-003P-0000

ZONING DISTRICT: PUD Overlay with GB Allocation

PRESENT USE: Vacant property

OWNER: Ocean Hill Commercial LLC

APPLICANT: Brett Harrison

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Single-Family Dwellings & Vacant Property	SFO w/ PUD overlay
SOUTH:	Water Treatment Area	SFO w/ PUD overlay
EAST:	Single-Family Dwellings & NC12	SFO w/ PUD overlay
WEST:	Federal Property /Woodlands/Commercial Uses	SFO w/ PUD overlay

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Corolla subarea.

SIZE OF SITE: 7.92 acres

COMMUNITY MEETING: A community meeting was held on November 23, 2015. The community concerns included the proposed height, exterior lighting,

removal of structure if business fails, and safety of the proposed aerial adventure park course.

I. NARRATIVE OF REQUEST:

- The proposed use of an aerial adventure park is classified as outdoor recreation. Outdoor recreation uses located in PUDs require approval of a use permit.
- This use permit request is for construction and operation of Wild Ropes Adventure Park. It is a commercial "Aerial Adventure Park".
- An aerial adventure park typically offers combinations of elements often associated with high ropes courses, such as rope and wire bridges, nets, balance challenges, obstacles, and zip lines.
- The applicant has requested a text amendment to clearly exempt the tower and obstacle poles from the building height requirements of the ordinance. Currently, the following similar items are exempt: silos, chimneys, church spires, domes, cupolas, flag poles, monuments, and water towers. The applicant is proposing a maximum height of 60 feet. The height is imperative to the proposed use.

II. USE PERMIT REVIEW STANDARDS:

Use Permit Criteria and Staff Findings:

A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary staff findings.

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

Preliminary Staff Findings:

- a. According to the applicant, the park will be built and operated to meet or exceed the latest in safety requirements as set forth by the Association for Challenge Course Technology (ACCT). ACCT is the primary regulating body for the industry.
- b. According to the applicant, extensive preliminary and continual training for staff will be conducted on a weekly basis. Daily course inspections, annual course inspections, continual course maintenance and improvements will be performed.
- c. According to the applicant, the course will be built with stout access prevention which barricades the stair case accessing the course and obstacles are a minimum of 12 feet off of the ground.

2. *The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.*

Preliminary Staff Findings:

- a. According to the applicant, minimal exterior lighting will be installed and the course will be open during daylight hours only. No lighting is used or needed on the adventure park itself.
- b. According to the applicant, the obstacle course itself requires no electricity, water, sewer, gasoline or power.
- c. According to the applicant, the tower and obstacle course is transparent in nature and allows views directly through the landscape and beyond.
- d. The site will be buffered and landscaped per the UDO requirements.

3. *The use will be in conformity with the Land Use Plan or other officially adopted plan.*

Preliminary Staff Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea.

The proposed use is in keeping with the policies of the plan, some of which are:

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 ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized.

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.

POLICY CA3: LANDSCAPE IMPROVEMENTS at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and absorbing storm water runoff, shall be required.

POLICY OB2: So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

4. *The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).*

Preliminary Staff Findings:

- a. The use will have no impact on schools.
- b. According to the applicant, the use will require little to no use of county facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval as presented.

IV. PLANNING BOARD RECOMMENDATION:

Mr. Cartwright moved to approve PB 15-23 use permit subject to the following conditions of approval:

1. The applicant must satisfactorily address all remaining TRC comments.
2. The applicant has demonstrated the proposed use meets the use permit review standards of the UDO.
3. TRC approval of the Major Site Plan application is required. The applicant shall provide proof of legal access from Ponton Lane and a letter of Commitment from the Centralized Sewer Provider.
4. If the business goes out of business the applicant shall be required to remove the poles.

Mr. Cooper seconded the motion. Motion failed as it did not receive majority of votes

PLANNING BOARD DISCUSSION (1/12/16)

Ms. Turner said there has been a question raised about legal access on Ponton Lane. The applicant submitted another conceptual plan with a different access. No proposed lighting on the adventure park itself, only on the building, and it will operate during daylight hours only.

Mr. Harrison finished his PowerPoint presentation. The adventure park will have a very low impact on Corolla, it will operate during daylight time, noise will be sounds of people enjoying themselves, and everyone will be gone by 9:00 p.m. Mr. Harrison said the adventure park is built to ACCT standards and inspected annually. Mr. Harrison said they carry one million in general liability insurance coverage. The park does operate during rain, but if lightning is in the area they pull customers off the course and resume once it is clear. Mr. Harrison provided an overview of safety of the park. They strive for the park to be a personal experience and run the best organization as possible. It normally takes two hours to experience the entire course. Mr. Harrison said during the summer they employ 30-35 employees. Mr. Harrison said they barricade the first level when they leave at night to prevent anyone from entering the course. Mr. Harrison said staff is trained to remove someone from course within a minute should they need help.

Ms. Bell asked if a plan is in place should the business go out of business.

Mr. Harrison said there is not a plan required, but it could be a condition of the use permit.

Mr. Cooper opened the public hearing.

Ms. Lutton is representing the Board of Directors for Villages at Ocean Hill and homeowners who are opposed to this request. Ms. Lutton read a letter from the Board of Directors of the Villages at Ocean Hill in opposing the location of the request. The board asked that if the Planning Board is going to approve the text amendment and the construction of the Wild Ropes Adventure Park, that it be situated in an area where it is surrounded by other commercial establishments and away from a residential area. Ms. Lutton provided pictures from residential homes showing the view of the potential park. Ms. Lutton also provided letters from residents opposing the request.

Ms. Wasylenko said she is opposed to this request. The one in Nags Head is located away from residential homes. Ms. Wasylenko is concerned with increased traffic on NC 12, location, and property values.

Mr. Halla said he is concerned with the 60 foot setback, height of tower, and the location of the adventure park.

Mr. Cooper closed the public hearing.

Mr. Cooper asked if the property is currently zoned general business with commercial allocation and the potential uses of the property.

Ms. Turner read a list of uses.

Mr. Cooper said the board does consider all the pros and cons of the request.

Mr. Craddock said when there is a subdivision, which is a PUD; there is generally a commercial aspect within the subdivision.

Ms. Overstreet is concerned with the height limit will be much higher than houses.

The Planning Board discussed the property already being zoned with a commercial allocation and something will eventually be built.

Mr. Cartwright said this project is well suited for the beach and renters would enjoy this physical activity.

Mr. Cooper asked if anything about this project doesn't meet the county ordinance.

Ms. Turner said the applicant needs approval of the text amendment, conceptual plan, and major site plan.

Mr. Craddock said from the letters the board received and conversations tonight, there is more of a concern with the visual impact, rather than the environmental impact. It is no way to predict what the financial impact would be on these properties when it comes to market value of the properties. At this time, it is no way determine if it would have a negative impact on market value; it may affect the desirability of some of these properties to a potential buyer.

Mr. Cartwright moved to approve PB 15-23 use permit subject to the following conditions of approval:

1. The applicant must satisfactorily address all remaining TRC comments.
2. The applicant has demonstrated the proposed use meets the use permit review standards of the UDO.
3. TRC approval of the Major Site Plan application is required. The applicant shall provide proof of legal access from Ponton Lane and a letter of Commitment from the Centralized Sewer Provider.
4. If the business goes out of business the applicant shall be required to remove the poles.

Mr. Cooper seconded the motion. Motion failed as it did not receive majority of votes.

At the close of his review, Mr. Woody noted staff's recommendation for approval of the request and the Planning Board's vote ending in a tie, which represents a denial based on the Planning Board's rules of procedure. When questioned about the Planning Board motion by Commissioners, Mr. Woody said the motion was for approval, and he reviewed the Planning Board's findings of facts with Commissioners. He discussed safety, fire flows, the locations of adjacent and nearby residential homes and noted other commercial operations in the vicinity such as a tow operator, landscape business, and a wastewater plant. Mr. Woody confirmed the Adventure Park would share an access road with the other businesses. Screening was discussed, and when asked about the intended hours of operation Mr. Woody suggested the Board set operating hours as a condition.

Brett Harrison of Nags Head, and applicant for the project, said he believes the closest residential home is about 250 feet from the tower location. Mr. Harrison said the ropes course is a family oriented activity that would keep folks in Corolla rather than heading to other areas for recreation. He confirmed operations will take place during daylight hours, with the last reservation at 6 PM in summer, and would consider the business successful if they received one to two hundred people per day during the summer. He described the tower structure and noted his company's awards and qualifications. Mr. Harrison reviewed the lease requirement with the property owner to remove the structure should the park fail and addressed the charge that the tower would impede views of the lighthouse, believing the proposed location is a good one, as it is only two feet above sea level, sitting lower than nearby homes.

Commissioners confirmed several operational aspects with Mr. Harrison, such as lighting, staffing and hours of operation, and stated only one tower would be built. He did not believe noise would be intrusive, with the only sound coming from people.

Certification standards and training were discussed, and Mr. Woody suggested requiring a third party certification as a condition of approval.

Chairman Griggs opened the Public Hearing.

David Halla, property owner in Village of Ocean Hill, represented those in the community who are opposed to the project. He asked the Board to view the company's website before making a decision, which he said shows pictures from the top of the tower where you can see the entire area. He said a large group of people oppose the project strictly due to the height, as it is too close to the houses.

County Attorney, Ike McRee, suggested that any viewing of the website must be viewed by the Board on the screen so the applicant would have the opportunity to present information and answer questions, as well as anyone who opposes have a chance to speak. Chairman Griggs reviewed the Board's guidelines and requirements, and what testimony the Board is able to consider. Mr. McRee, for the public, reviewed what findings the Board is required to make when deciding on whether to issue a use permit.

Chairman O'Neal suggested, and Mr. Woody agreed, that photos from the top of the lighthouse have far more reach than what may be seen from a 60 foot tower.

Robert Mitchell, a property owner in Village at Ocean Hill and real estate appraiser, referred to the property location on the plat, and talked of the negative effect on value the project would have on neighboring properties. He discussed highest and best use, and asked for the Board to consider other impacts such as the Mid-Currituck Bridge. He said the ropes course does not belong in the area.

Commissioner Beaumont said the Board is not in the business of dictating what property owners should do with their property. Chairman Griggs asked Mr. Mitchell if he had done an official appraisal, to which he answered no, but affirmed his opinion that the project would affect the value of the neighboring property and would not do anything to improve quality of life.

Nick Nuzzy, the property landlord for the project, presented himself to answer any questions the Board may have for him. Responding, he said he does not believe the ropes course will have a negative impact, and said very little noise comes out of the park in Nags Head. He confirmed the lease requirement that the course be removed if the applicant leaves the property, and doesn't believe the tower is an eyesore.

Commissioner Aydlett disclosed a meeting he attended in Corolla where the Corolla Civic Association voted as to their position on the ropes course. He, along with all other Commissioners who were present, stated they were able to make a fair and impartial decision based only on the evidence presented. It was stated the Civic Association had voted unanimously in favor of the project. Mr. McRee said they could not consider that vote as part of their decision.

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

Commissioner Beaumont moved for approval of the use permit with the conditions that the applicant satisfactorily address all remaining TRC comments, the applicant has demonstrated the proposed use meets the use permit review standards of the UDO, and that the major site plan be approved as required by TRC and has legal access. Additionally, the facility must comply with standards as set forth by the Association for Challenge Course Technology (ACCT), that the facility will provide for annual inspection and certification by a qualified inspector as set forth by the ACCT and be willing to provide a copy of certification to the County upon request. Hours of operation would be 8 am till sunset, complying with minimal lighting requirements for safety as established by the county.

The motion was seconded by Commissioner Gilbert and carried unanimously.

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

D. Consideration and Action: PB 15-18 Mashuda Multi-Family: Request for conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District - Mixed Residential (C-MXR). The property is located in Barco at the terminus of Patriot Way east of Central Elementary School and on the north side of Shortcut Road (US 158), Tax Map 60, Parcel 99E, Crawford Township.

Ben Woody reviewed the rezoning request with the Board of Commissioners, detailing points relative to the Small Area Plan, community meeting results, and the airport overlay district. The Planning Board recommended approval, with Planning staff and the Technical Review Committee recommending denial.

**STAFF REPORT FOR THE
BOARD OF COMMISSIONERS**

DATE: February 1, 2016

PB 15-18 MASHUDA MULTI-FAMILY SITE

ITEM:	PB 15-18 Mashuda Multi-Family Site: a conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District- Mixed Residential (C-MXR).
LOCATION:	Barco - Patriot Way east of Central Elementary School on north side of Shortcut Road (US 158).
TAX ID:	0060000099E0000
OWNER:	Frank C. and Maria A. Mashuda 1304 South 19 th Road Arlington, VA 22202 703-909-6935, 703-920-0712
APPLICANT:	ABLX, LLC c/o Brian Innes 378 Caratoke Highway Moyock, NC 27958

252-453-2531

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Wastewater treatment plant/ Undeveloped lands/ Farmland	HI/AG
SOUTH	Residential	AG
EAST:	Farmland	AG
WEST:	Wastewater treatment plant/Undeveloped lands	GB

LAND USE PLAN**CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as Full Service within the Barco-Coinjock-Airport subarea.

The policy emphasis of the Barco-Coinjock-Airport sub-area is to emerge as a principal community center serving the central area of the mainland. Residential development densities should be medium to high. In areas where central sewer is proposed or existing, additional services are available, and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered though the use of overlay zones. Although the densities are in keeping with the policy emphasis of the sub-area, the proposed application is not in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. **LOCATION AND DENSITY FACTORS** shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

POLICY TR11: **ACCESS TO HIGHER INTENSITY DEVELOPMENT** shall general not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood.

**MAPLE-
BARCO SAP:**

The Maple-Barco Small Area Plan classifies the property as Employment.

The Employment future land use classification is anticipated for land uses that will generate economic activity or job growth. Residential development should be discouraged in areas of the Employment land use category.

Policies not in support of the application include:

POLICY LU1: Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.

CURRENT ZONING: Agricultural (AG) Base District
Airport Overlay District (AO)

PROPOSED ZONING: Conditional District - Mixed Residential (C-MXR)

CURRENT USE:	Undeveloped
SIZE OF SITE:	15.78 acres
ZONING HISTORY:	Agricultural (A) - 1989 Zoning Map Agricultural (A-40) - 1979 Zoning Map Light Industrial (LI) - 1971 Zoning Map
UTILITIES:	County water is available to serve this development. The proposed development is requesting connection to the Maple wastewater treatment plant.
TRANSPORTATION:	The parcel accesses Caratoke Highway through Patriot Way, a private gravel road that serves single-family residential dwellings. All roads accessing the development must be designed and constructed to meet NCDOT standards.
FLOOD ZONE:	The proposed development is located in the X, Shaded X, and AE flood zones.
WETLANDS:	According to the applicant, the site does contain 404 wetlands. No mitigation is proposed within the wetland area. A copy of the wetland delineation shall be submitted during the site plan or subdivision review process.
SOILS:	The proposed development predominately contains soils that are considered suitable to marginal for on-site septic.
PLAN REQUEST:	Residential Development Mixed Residential (MXR) 15.74 acres <ul style="list-style-type: none">• Density: 4 units/acre (sustainable incentives)• Eight two-story buildings• Open Space<ul style="list-style-type: none">○ Required (30%): 4.72 acres

PROPOSED ZONING CONDITIONS:

1. Use: 63 unit multi-family complex consisting of 8 buildings with 8 residential dwelling units in each building with the exception of one building that will contain only 7 dwelling units and a manager office and/or common space for residents.
2. The site will meet Currituck County sustainability requirements necessary to receive density bonus. The sustainability practices planned to be included in this development:
 - Schedule A:1. Use of central air conditioners that are Energy Star qualified.
 2. Use of only solar or tankless water heating systems throughout the structure.
 - Schedule B:1. Roof eaves or overhangs of three feet or more on southern or western exposures.
 2. Inclusion of shade features to shade all windows and doors on the southern building façade.
 3. Provision of 150 ft undisturbed buffers adjacent to/surrounding all wetlands or surface waters.
 4. Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area.

3. The proposed buildings will not exceed two stores in height.
4. The water main for the site will be constructed such that a connection will be created between the water main adjacent to Patriots Way and the water main that currently terminates at the Maple Commerce Park Wastewater Treatment Plant.
5. The sanitary sewer for the site will be pumped to the Maple Commerce Park Wastewater Treatment Plant.
6. Passive recreational facilities will be provided on-site including:
 - a. A walking trail around the stormwater pond,
 - b. Seating benches adjacent to the walking trail and,
 - c. Accessible picnic platforms adjacent to the pond.
7. Upon development of the county's trail system, the developer will provide a connecting trail from the development to the county's trail system in Maple Commerce Park.

COMMUNITY MEETING:

A community meeting was held on October 7, 2015 at 7:00 pm at the Barco Library. The concerns taken from the meeting were related to the development type, densities, traffic, water and fire flow, impacts on the adjacent properties, inadequate public facilities, and proximity to the airport. A detailed summary of the community meeting is provided by the applicant.

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. The TRC *recommends denial* of the proposed request. The proposed development is located within the Airport Overlay District (AO), compatible use zone 3. Although the proposed development may not be developed as a subdivision, the UDO states subdivision of land for residential purposes shall be subject to the maximum gross density requirements of the base zoning district. The development application includes a request for sustainability incentives to increase the overall density by one unit per acre. The conditional rezoning request is not consistent with the goals, objectives, and policies of the Land Use Plan and Maple-Barco Small Area Plan and, is not reasonable and in the public interest since the request is not compatible with existing and proposed uses surrounding the land subject to the application. In addition the proposed request would not result in a logical and orderly development pattern.

Additional Staff Concerns:

1. The proposed development is located within the Airport Overlay District (AO), compatible use zone 3.
2. The Maple-Barco Small Area Plan identifies the property as Employment future land use classification that discourages residential development within this area.
3. The proposed development shall meet the multi-family design standards of Chapter 5 of the UDO. The building design and site plan shall meet the requirements in effect at the time of site plan or subdivision submittal. The conditional rezoning does not vest the plan.

PLANNING BOARD RECOMMENDATION:

Mr. Whiteman moved to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;
- The request is reasonable and in the public interest because it will address a demonstrated community need.

Ms. Bell seconded the motion and motion carried.

Mr. Woody, upon completing his review, did point out that the Planning Board had tabled the item originally, considering whether the zoning would be considered spot zoning. Mr. Innes appeared again before the Planning Board, provided additional information to the Board, and the Planning Board approved the request.

Mr. McRee defined spot zoning, and provided what determinations and findings should be made when considering a rezoning. Mr. Woody answered questions regarding the Planning Board's determination, and recalled land use policy which discourages entry to a high-density project through a low-density project. The request to hook up to wastewater was discussed, and the available capacity for commercial growth and the possibility of later expansion of the wastewater plant were considered. Mr. Woody said the use request is for 23,000 gallons per day, which Mr. Scanlon said would be just over half of the current capacity. Mr. Woody confirmed the location in the airport overlay area, with height not being an issue.

Chairman Griggs opened the Public Hearing.

Brian Innes of ReMax Alpha Realty, representative of the applicants, reviewed the history of the multi-family housing project. He discussed the available water line on NC 158, and the water tap fees which he believes would fund expansion of the wastewater plant if needed. He described the buffering and the need for affordable housing. He addressed traffic, water for firefighting, and concerns about increased crime. He talked of connectivity to the YMCA complex and school. He addressed spot zoning and pointed to sections of the Small Area Plan that support the project. Mr. Innes feels the project fills a needed gap and would assist in business recruitment.

Commissioners asked how the property would be managed, to which he answered an on-site office would be present, as well as they would offer a sheriff's deputy housing at free or reduced rent. Mr. Innes said if the application is granted, the property would be for sale, would be well maintained, and would offer one, two and three bedroom units from about 800 to 1000 square feet.

The Board questioned aspects of the airport overlay district, and Mr. Innes reviewed other structures nearby.

Jason Mizelle, Eastern Carolina Engineering, presented and offered to answer any technical questions the Board might have regarding the project.

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

Commissioner Hall moved to approve PB 15-18 because it does meet the goals and objectives and policies of the Land Use Plan, it does have the density allowances of the Full Service classification in the Land Use Plan and the sustainability policies of the Maple-Barco Small Area Plan, and the request is reasonable and in the public interest because it will address a demonstrated community need. Commissioner Hall included the condition of onsite management, to which Mr. Innes said that could be a condition of the sale of the

property. The Board considered whether the sale of the property might be problematic with enforcement of conditions.

Commissioner O'Neal seconded the motion and began a discussion to consider the wastewater capacity, and asked the county attorney if in his opinion it was spot zoning. Mr. McRee suggested the Board go through the additional findings and analysis with regard to the rezoning and make that determination.

With the addition of considerations to be made regarding spot zoning and wastewater, the motion and second were withdrawn. Commissioner O'Neal moved to continue pursuant to allowing time for additional analysis regarding spot zoning and staff to report on wastewater. Commisisoner Hall seconded, with the item to be heard at the February 15, 2016, meeting of the Board.

The motion carried unanimously.

RESULT:	CONTINUED [UNANIMOUS]	Next: 2/15/2016 5:00 PM
MOVER:	S. Paul O'Neal, Commissioner	
SECONDER:	Mike D. Hall, 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	

NEW BUSINESS

A. Consideration and Adoption of Resolution Establishing Rules and Regulations for Concessionaire Operations at Historic Corolla Park

RESULT:	WITHDRAWN
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B. Consideration and adoption of An Ordinance of the Currituck County Board of Commissioners Amending Section 10-64 of Chapter 10 of the Currituck County Code of Ordinances to Clarify That No More Than Two ATV Permits May Be Issued To Any County Resident And No More Than Two ATV Permits May Be Issued To Any Non-Resident Property Owner Per Lot, Parcel Or Tract Of Property

County Attorney, Ike McRee, reviewed the ordinance amendment which would clarify the original issue, which was to provide that each Currituck resident was able to receive two ATV permits per person, while allowing non-resident property owners to receive two per parcel, as was originally intended.

Commissioner Aydlett moved to approve the amendment as written. The motion was seconded by Commissioner Payment and carried unanimously.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-64 OF CHAPTER 10 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO CLARIFY THAT NO MORE THAN TWO ATV PERMITS MAY BE ISSUED TO ANY COUNTY RESIDENT AND NO MORE THAN TWO ATV PERMITS MAY BE ISSUED TO ANY NON-RESIDENT PROPERTY OWNER PER LOT, PARCEL OR TRACT OF PROPERTY

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

WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws the county may by ordinance regulate, restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven vehicle specified by the county's governing board on the foreshore, beach strand and barrier dune system.

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

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

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

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

(b) County residents and property owners desiring to operate a moped, motorcycle or all terrain vehicle ("ATV") on the areas covered by this section shall obtain a permit from the county manager or his designated representative. Permits may be obtained at the satellite office in Corolla or at the county manager's office during normal business hours and at such other times and places as may be designated by the county manager.

(c) County residents ~~and property owners~~ may obtain at no fee a maximum of two annual permits ~~per lot, tract or parcel of property~~ upon making application as provided in section 10-64(b) above and upon showing proof of liability insurance on the ATV. Non-resident property owners may obtain at no fee a maximum of two annual permits per lot, tract or parcel of property upon making application as provided in section 10-64(b) above and showing proof of liability insurance on the ATV. Liability insurance coverage on the ATV shall be maintained continuously throughout the term of the permit.

(d) County residents and property owners, operating mopeds, motorcycles or ATV's shall ensure that these vehicles have a valid permit prominently displayed at all times while operating, parked, or being trailered on the Currituck County Banks, beach foreshore or beach strand.

(e) Any sworn law enforcement officer with jurisdiction is authorized to take possession of any permit issued pursuant to this section upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, which has been unlawfully used or upon issuance of citation for violation of Section 10-59 of this code. Any law enforcement officer who seizes a permit pursuant to this section shall report the seizure to the county manager's office within 48 hours of the seizure and shall return the permit to the county manager's office within 7 business days of the seizure.

(f) The county manager or county manager's designee shall refuse issuance of an permit under this section for a period of one year following seizure of a permit by a law enforcement officer pursuant to this section.

(g) An appeal of seizure of a permit under this section shall be made to the county manager by filing a written notice of appeal, specifying with particularity the grounds upon which the appeal is made, no later than 10 days from the date of the permit seizure. The county manager or county manager's designee shall fix a reasonable time for the hearing of the appeal, shall give due notice to all parties and shall render a decision within a reasonable time.

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

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

PART III. This ordinance is effective upon adoption.

ADOPTED this 1st day of February, 2016.

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

C) Board Appointments

1. Board of Adjustment

Shay Balance was nominated for reappointment to the Board of Adjustment and was approved unanimously. Commissioner Payment deferred his nomination.

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

2. Planning Board

Commissioner O'Neal deferred his nomination to the Planning Board.

3. Recreation Advisory

Commissioner Gilbert deferred her nomination.

4. Senior Citizens Advisory

Chairman Griggs deferred his nomination.

5. Whalehead Stormwater Drainage Service District Advisory Board

Bryan Daggett was nominated for reappointment and approved unanimously by consensus.

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

D) Consent Agenda

Commissioner Gilbert moved to approve and, after a brief explanation by Mr. Scanlon on the fee waiver for the Moyock High School Reunion Committee, was seconded by Commissioner Beaumont.

The motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, 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

1) Approval Of Minutes-January 19, 2016

2. Lake View Land Development Deed of Dedication

3. Moyock High School Committee Rental Fee Waiver for Sanderlin Auditorium

E) Commissioner's Report

Commissioner Gilbert reminded everyone to remember Valentines Day.

Commissioner Beaumont reported on the Fire and Emergency Medical Services Advisory Board meeting, where they heard a report from Carova Volunteer Fire Department that they are the first approved user of unmanned air vehicles for search and rescue. Funds were raised by the Women's auxiliary to obtain training and apparatus.

Commissioner Hall reported that several Commissioners attended the awards banquet at the Moyock Volunteer Fire Department, recognizing outstanding service of their own, and announced a significant savings to the county from services they provided.

Commissioner Aydlett also reported on his attendance at the Moyock Fire Department banquet and recognized the excellent work they do. He also touted the achievement of the Carova VFD's certification using unmanned vehicles, believing they are the first in the state. He reported on the attendance at the house select transportation committee meeting, where they discussed ferry funding, and expressed our support to Hyde county. Commissioner Aydlett reported on the Rural Planning Organization meeting in Elizabeth City, with 9 out of 10 counties opposing tolling of ferries, and discussed the efforts to find alternative methods for funding.

F) County Manager's Report

No report.

SPECIAL MEETING

Chairman Griggs recessed the meeting of the Board of Commissioners and reconvened as the Ocean Sands Water and Sewer District Board.

1. Ocean Sands Water & Sewer District-Budget Amendments

County Manager, Dan Scanlon, reviewed the budget amendment.

Commissioner O'Neal moved to approve and was seconded by Commissioner Aydlett.

The motion carried unanimously.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
60808-513001	Utilities		\$ 5,000
60808-516001	Repairs and Maint.		\$ 3,800
60808-533601	System Supplies	\$ 5,000	
60808-531001	Gas, Oil, Etc.	\$ 3,550	
60808-557101	Software Fees	\$ 250	
		\$ 8,800	\$ 8,800
Explanation:	Ocean Sands Water and Sewer (60808) - Transfer funds for operations.		
Net Budget Effect:	Ocean Sands Water and Sewer District Fund (60) - No change.		

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

ADJOURN SPECIAL MEETING

With there being no further business, Chairman Griggs adjourned the special meeting of the Ocean Sands Water and Sewer District Board.

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.

After reconvening as the Board of Commissioners, Chairman Griggs noted no one was signed up for Public Comment. Public Comment period was opened and closed.

CLOSED SESSION

Commissioner Aydtlett moved 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 lawsuits: Coastland Corporation v. Currituck County and Swan Beach Corolla, LLC v. Currituck County.

Commissioner O'Neal seconded, the motion carried unanimously, and the Board of Commissioners entered closed session.

ADJOURN

Motion to Adjourn Meeting

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

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