



## CURRITUCK COUNTY NORTH CAROLINA

February 15, 2016  
Minutes – Regular Meeting of the Board of Commissioners

### 5:00 CALL TO ORDER

The Currituck County Board of Commissioners held its regular meeting at 5 PM in the Board Meeting Room of the Historic Courthouse.

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	Absent	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Mike H. Payment	Commissioner	Present	

Chairman Griggs called the meeting to order.

### A) Invocation & Pledge of Allegiance-Reverend Kimberly Ferebee, St. Mark Church of Christ

Reverend Kimberly Ferebee gave the Invocation and led the Pledge of Allegiance. After the Pledge, Chairman Griggs noted the absence of Commissioner Beaumont, as he was traveling and unable to attend the meeting.

### B) Approval of Agenda

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

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

### ADMINISTRATIVE REPORTS

**A. YMCA-Report from Mr. Billy George, President/CEO, YMCA of South Hampton Roads**

Billy George, President of the YMCA of South Hampton Roads provided last year's membership and visitor statistics for the YMCA, with just under 100,000 visits and 5000 members. Mr. George clarified the educational and wellness goals of the YMCA and discussed the upcoming construction of the Climbing Tower, noting the facility and programs continue to grow.

Dean Mattix, YMCA of South Hampton Roads Vice-president, reviewed member statistics, scholarships and talked about the YMCA's partnerships with Cooperative Extension, Parks and Recreation, Currituck County Schools and the Senior Center, and expressed appreciation for willing partners. He talked about the free swimming lessons offered to children.

Commissioner Payment thanked Mr. Mattix for allowing the fire department to come and use the facility for water training. Commissioner Aydlett said comments made reinforce what the Board had hoped would happen when originally choosing to partner with the YMCA to build the facility. Chairman Griggs said he has only heard good things about the YMCA and to keep up the good work.

**B. College of the Albemarle-Report from COA President, Dr. Kandi Dietemeyer**

Dr. Kandi Dietemeyer, President of College of the Albemarle (COA), began by recognizing College of the Albemarle Board Chairman Harris, who was in attendance, and thanked Commissioners Hall and O'Neal for their service on the COA Board, highlighting Commissioner O'Neal as the longest serving member. She introduced Academic Deans Michelle Waters and Dean Roughton.

Michelle Waters, Dean of Business, Industry and Applied Technologies, presented information on new diploma options and dual enrollment programs available for High School students at the Regional Aviation and Technical Training Center in Currituck. She explained the new computer aided drafting program that began in Fall 2015, and touted the excellent employment statistics for students completing the Computer Integrated machining courses. Ms. Waters reviewed grant monies that were awarded for programs and displayed a graph showing the increase in enrollment and its correlation with expanded curriculum. She discussed the new continuing education classes, programs and camps planned for the next year.

Dean Roughton, Dean of Arts and Sciences, talked of the general education courses available at the campus to support the Associate in Applied Science degree. He showed the steady growth pattern of attendance for the core classes offered at the Aviation Center. Mr. Roughton discussed COA's partnerships with J.P. Knapp Early College High School and Currituck County High School relayed their plan to build a Science lab at the Aviation Center, which would facilitate the ability to earn an associates degree without students having to travel to the main campus.

Commissioner Payment commented on the Aviation facility and the positive feedback he has heard from students. Commissioner O'Neal talked of an article in the Outer Banks Voice about J.P. Knapp Early College and the awards they won.

Dr. Dietemeyer talked about the Biology Lab that was being developed at the Aviation Center. She reviewed the Connect NC Bond proposal and how it will benefit North Carolina's Community Colleges, with College of the Albemarle slated to receive \$6,590,687. She discussed investments in farming and agriculture, state parks, and public safety included in the Bond, and reviewed the total investment for Northeastern North Carolina.

Chairman Griggs noted the void that had been filled with the building of the campus. Dr. Dietemeyer praised the County Manager for his support of the college.

## OLD BUSINESS

### **A. Consideration and Action: PB 15-14 Currituck Homes, Inc.: Request to amend the Currituck County Unified Development Ordinance, Chapter 6, to modify the water supply standards that would exempt certain developments from connecting to the county water system.**

Ben Woody, Planning and Community Development Director, began by recounting the Public Hearing and continuance of the text amendment request on November 16, 2016. He reviewed the staff direction from the Board, and provided an overview of the five alternatives to address utility extension that were presented to the Board at the Commissioner's retreat in January, and noted the Board's favored option, that no guarantee would be required outside the formula distance with a correlation of lot size and density to utility service, allowing higher densities for water connection.

To: Board of Commissioners  
From: Planning Staff  
Date: February 2, 2016  
Subject: PB 15-14 Currituck Homes, Inc. Text Amendment

The enclosed text amendment submitted by Mr. Jerry Old, Currituck Homes Inc., is intended to amend the county's water supply standards to exempt subdivisions located more than the formulated distance required to connect to the county water system from the performance guarantee standards for future water improvements. In addition, the amendment also proposes any monies deposited with the county for water tap or water tap fees for the subdivisions located more than the formulated distance required for connection to be refunded with interest. Under the current ordinance all subdivisions, except family subdivisions, are required to connect to the county water system (or provide a cash deposit for future connection) based on a formula included in the ordinance.

The connection requirement has generally been successful in managing growth of the county water system; however, low density subdivisions that are located a long distance from an existing county water main are required to provide a cash deposit at a rate of cost plus 15 percent for future water system improvements. To date, subdivisions that have provided cash deposits have not connected to the county water system due to the lack of waterline extensions. The existing ordinance does provide a reasonable connection distance for existing developed areas and tracts of land already zoned for higher densities.

The Board of Commissioners reviewed several text amendments related to water supply in the past couple of years.

**PB 11-04 Three of a Kind, Inc.:** On April 18, 2011, the BOC approved an amendment to the UDO that allowed the developer to replace the cash performance guarantee for uninstalled water infrastructure with a surety bond or letter of credit after three years if the lines have not been installed.

PB 13-15 Water Supply Standards: On February 3, 2014, the BOC denied an amendment to the UDO that included an exemption for subdivisions located more than one mile from an existing water main from connecting to the county water system and the performance guarantee requirements.

PB 14-08 Currituck County Waterline Extension and Connection: On August 4, 2014, the BOC approved an amendment to the UDO that required all lots, except family subdivision lots, to connect to the county water system or post the required performance guarantee if located beyond the formulated distance for the required connection. In addition, the amendment included a requirement for all water mains serving a fire hydrant to be a minimum of eight inches in diameter, modeling and sizing requirements, clarification of fire hydrant spacing, and reimbursement contracts.

The 2006 Land Use Plan Policy statements that are relevant to the request are as follows:

POLICY WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development, and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the northern beaches of the Outer Banks.

POLICY PP3: The costs of infrastructure, facilities, and services (e.g. schools, parks, water supply, etc.) related to the DEMAND CREATED BY NEW GROWTH BY NEW GROWTH AND DEVELOPMENT shall be borne, in equitable proportion, by those creating the additional demand. So as to lessen the burden on the general property tax payer, this approach may include a land transfer tax, impact fees on new development, upzoning fees, and user fees for new facilities.

The proposed text amendment does have the indirect effect of making areas outside of Full Service more desirable for new subdivisions by reducing development infrastructure costs. This type of "leapfrog" growth increases the demand on county services. Planning staff recommends **denial** of the request submitted by Currituck Homes because the proposed text amendment is not consistent with the goals, objectives, and policies of the Land Use Plan because it does not focus water service in existing developed areas and in nearby targeted growth areas (POLICY WS3), does not place the costs of infrastructure related to the demand created by the new development on the developer, and does not result in a logical and orderly development pattern.

#### **PLANNING BOARD RECOMMENDATION:**

Mr. Whiteman moved to approve PB 15-14 due to its consistency with the goals, objectives, and policies of the Land Use Plan with the following conditions:

- Performance guarantee shall be fully refunded at 10 years if the county waterline is not extended to the subdivision.
- Keep the formulated distance equation which is presently used in the Unified Development Ordinance.
- Any monies now on deposit as well as any other performance guarantees shall be fully refunded at 10 years if the county waterline is not extended to the subdivision.

Ms. Overstreet seconded the motion and motion carried.

#### **PB 15-14 UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure to revise the water supply standards to exempt certain development from connecting to the county water supply system.

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 6.2.3 Utility Standards is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

#### **D. Water Supply Standards**

All development shall incorporate a water supply system in accordance with these standards.

##### **(1) Water Supply System Required**

- (a)** Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.
- (b)** All buildable lots within a planned unit development, planned development, or multi-family development shall be connected and serviced by the county water supply system.
- (c)** Except for family subdivisions and lots in the Fruitville and Moyock-Gibbs Woods Townships, all new subdivisions and nonresidential development shall be connected and serviced by the county water supply system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each of the first ten units plus 20 feet for each additional unit.

*Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect (10 units x 100) + (20 units x 20).*
- (d)** In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.
- (e)** Where the distance to the closest existing county water main exceeds the formula in (c) above, the developer shall not have to submit a performance guarantee ~~in the form of a cash deposit for future water improvements in an amount equal to 115 percent of the estimated full cost of completing the required improvements, including the costs of materials and labor. Improvements include, but are not limited to, the water main (required extension distance), laterals, service lines, meter boxes, yokes, and fire hydrants.~~ Any monies now on deposit as well as any other performance guarantees, such as those set forth in Section 6.3.1. pertaining to subdivisions which are situated such that the distance to the closest existing county water main exceeds the formula in (c) above at the time of said subdivisions plat recording, shall be returned to the developer with interest and otherwise released. Where the distance to the closest existing county water main exceeds the formula in (c) above, the developer shall not have to deposit with the county or pay a water tap or tap fees associated with said subdivision. Any monies now on deposit or otherwise paid for water tap or water tap fees pertaining to subdivisions which are situated such that the distance to the closest existing county water main exceeds the formula in (c) above, shall be returned/refunded to the developer with interest and otherwise released. The foregoing provisions shall be retroactive and supersede any contrary provision elsewhere in the development ordinance.
- (f)** The maximum connection distance for nonresidential uses shall be determined by converting projected water demand from the development into an equivalent number of residential units and applying the formula in (c) above. For the purposes of this section, an individual residential dwelling unit uses 250 gallons of water per day.

*Example: a proposed nonresidential use is anticipated to use 7,500 gallons of water per day. This is equivalent to 30 residential units (7,500/250 = 30), and the use shall connect if it is located 1,400 feet or less from an existing water main (10 units x 100) + (20 units x 20).*

(g) Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section.

**Item 2:** 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 3:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Commissioner O'Neal asked how we would address those who have already provided performance guarantees. Mr. Woody said there were currently two cash deposits which could be converted to a bond or letter of credit. When questioned by Commissioners, Mr. Woody confirmed staff would be moving a text amendment through the planning board based on the feedback he had received from Commissioners at the retreat. Chairman Griggs expressed concern that the applicant's request would be contradictory to the direction the Board wanted to go. When asked, County Attorney Ike McRee noted that if the item was continued to not let too much time pass so that another public hearing would be required.

Chairman Griggs moved to deny PB 15-14 due to its inconsistency with the Land Use Plan because the request does not focus water services in existing developed areas and in nearby targeted growth areas (Policy WS3), the request encourages "leap frog" development of locations identified as Rural, and thereby eroding the agricultural resource base of the county (Policy AG3 and Policy HN4), and the request does not place the costs of infrastructure related to the demand created by the new development on the developer (Policy PP3). The request is not reasonable and not in the public interest because it does not result in a logical and orderly development pattern, and it has the indirect effect of making areas outside of Full Service more desirable for new subdivisions by reducing development infrastructure costs.

Commissioner Gilbert seconded and the motion carried unanimously.

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

**B. 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.**

Chairman Griggs recalled the Board continued this item so members could have time to clarify questions related to the possibility of approval being denoted spot zoning, as well as to consider the applicant's request to hook up to the county's wastewater system. County Attorney, Ike McRee, reviewed the findings for the Board to determine whether spot zoning is evident. Chairman Griggs said the applicant has asked that the item be continued.

**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<sup>th</sup> 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:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Wastewater treatment plant/ Undeveloped lands/ Farmland	HI/AG
<b>SOUTH:</b>	Residential	AG
<b>EAST:</b>	Farmland	AG
<b>WEST:</b>	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 through 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 generally 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

- Density: 4 units/acre (sustainable incentives)
- Eight two-story buildings
- Open Space
  - 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.
5. The proposed buildings will not exceed two stories in height.
6. 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.
7. The sanitary sewer for the site will be pumped to the Maple Commerce Park Wastewater Treatment Plant.
8. 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.
9. 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.

## **SAMPLE MOTIONS**

### **Denial**

Move to deny 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 inconsistency with:

- The goals, and objectives, and policies of the Land Use Plan (See Policies HN1, and TR11)
- The Maple - Barco Small Area Plan because the proposed density is not appropriate for the location since it adjoins and accesses through a four lot private access subdivision (Employment Future Land Use Classification policy Policy TR11).
- The proposed development exceeds the residential density of the base zoning district.

The request is not reasonable and not in the public interest because:

- The conceptual plan does not result in a logical and orderly development pattern, and;
- The conceptual plan exceeds the density allocations for the base zoning district and is in conflict with the Unified Development Ordinance.

### **Approval**

Move 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.

## **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.

Dan Scanlon reviewed the current usage of the wastewater treatment plant, stating current flows are 5,800 gallons per day (gpd), with a maximum capacity of 40,000 gpd. He said the use does not include the new animal shelter, concessions at the athletic fields, nor the Maple Industrial park facility, and that allowing the project to connect would put the plant over the 40,000 gpd capacity causing the need for immediate expansion at a cost of \$1.2 to \$3 million. Mr. Scanlon said the impact fee on the applicant would be close to \$800,000. Mr. Scanlon, when asked, explained the effects businesses would have on the wastewater system if they were to locate in Maple Complex. Mr. Scanlon reviewed the Department of Environmental and Natural Resources rules, which would require engineering to begin at 80% capacity and construction at 90%.

Commissioner Aydlett and Commissioner Payment each expressed concerns with the project's close proximity to the airport, and being within the airport overlay district.

When discussion concluded, Mr. Woody confirmed that the applicant wished to request a continuance.

Brian Innes of Remax Alpha Realty, representing the applicants, had expressed concerns over issues that arose at the last meeting prompting the applicants to request the item be postponed. Chairman Griggs asked that the public hearing be reopened when the item was visited again, saying there were attendees at the public hearing who did not sign up but wished to speak and were overlooked. The Board was advised that the hearing could be reopened at their discretion, and Mr. Woody wanted to ensure that the Board schedule far enough out to allow proper advertisement of the public hearing.

Commissioner O'Neal moved to continue the item to the second meeting in March, to include the information requested by Commissioners and reopen the public hearing for the public to make comment. Commissioner Aydlett seconded and the motion carried unanimously.

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 3/21/2016 5:00 PM</b>
<b>MOVER:</b>	S. Paul O'Neal, Commissioner	
<b>SECONDER:</b>	O. Vance Aydlett, Vice-Chairman	
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner	
<b>ABSENT:</b>	Paul M. Beaumont, Commissioner	

## NEW BUSINESS

A. **Consideration and Approval of An Agreement Between Currituck County, United States of America and The Conservation Fund for the County's Acquisition of 95.61 Acres of a Portion of Land Known As The Flyway Tract on Knotts Island From The Conservation Fund and Thereafter An Exchange of the Land Acquired With the United States of America for 719 Acres on the Currituck County Outer Banks**

County Attorney Ike McRee, expressing concern that beach access may be hindered at some point in the future, similar to the closing of areas in Cape Hatteras National Seashore, reviewed the exchange proposed with US Fish and Wildlife (USFW). He explained USFW wishes to acquire land adjacent to the Flyway Tract property in Knotts Island, currently owned by the Conservation Fund, and in turn we would exchange property with USFW, paying \$981,000 for 719 acres on the Currituck Outer Banks beach area. Mr. McRee said the deed of conveyance would prohibit the building of a road by both USFW and the State Estuarine Sanctuary. He reviewed a grant application to clean water management trust fund for approximately \$400,000, and the agreement to delay closing for six months in order to hear whether the grant would be secured. A slide was shown denoting the areas on the Outer Banks that would be included in the transfer.

Commissioner Aydlett clarified the location of the approximately 380 acre property the county would convey and Commissioner Payment confirmed that no other projects would be affected were the purchase to move forward without the grant. Mr. Scanlon said occupancy tax would be used to purchase the land.

Mr. McRee confirmed there would be three acres of unrestricted land which could be used for day use, and to create a safe beach zone where people would not have to be concerned with traffic. The Board discussed options for the facility as well as the effect on the wild horses. Concerns were expressed that USFW would pursue other partners if the county chooses not to move forward.

Commissioner Payment moved to approve the county engaging in the agreement between the United States and the Conservation Fund to see this transaction through and give Mr. Scanlon the authority to execute the documents for the Board. The county would, with the United States and Conservation Fund enter into an agreement for the acquisition of 95.61 acres of the portion of land that is the Flyway Tract on Knotts Island from the Conservation Fund and therefore in exchange of land acquired with the United States of America for 719 acres on the Currituck County Outer Banks, with the other items mentioned in the motion.

Commissioner Gilbert seconded providing authorization for the County Manager to provide signatures. The motion carried unanimously.

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

## B) Board Appointments

The following Board Appointments were approved unanimously by the Board of Commissioners.

### 1. Senior Citizens Advisory

Chairman Griggs nominated Edith Meekins for reappointment to the Senior Citizens Advisory.

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

## 2. Recreation Advisory

Commissioner Gilbert nominated Pete Aitken for the Recreation Advisory Board.

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

## 3. Planning Board

Commissioner O'Neal nominated William Midgett of Poplar Branch for the Planning Board.

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

## 4. Board of Adjustment

Commissioner Payment deferred his nomination for the Board of Adjustment.

## C) Consent Agenda

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

### 1) Approval Of Minutes for February 1, 2016

### 2. Budget Amendments

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10650-545000	Contract Services	\$ 24,800	
10650-502000	Salaries		\$ 9,300
10650-505000	FICA		\$ 750
10650-506000	Health Insurance		\$ 2,400
10650-507000	Retirement		\$ 850
10390-495015	T F - Occupancy Tax		\$ 11,500
		<b>\$ 24,800</b>	<b>\$ 24,800</b>

**Explanation:** *Economic Development (10650) - Increase appropriations to carry-forward funding for the Chamber of Commerce invoice for services in FY 2015 and for funding of Brent Lane Contract.*

**Net Budget Effect:** Operating Fund (10) - Increased by \$11,500.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-545000	Contract Services	\$ 9,240	
10320-411000	Article 39 Sales Tax		\$ 9,240
		<b>\$ 9,240</b>	<b>\$ 9,240</b>

**Explanation:** *Emergency Services (10530) - Increase budget due to increased cost of maintenance on lifepacks.*

**Net Budget Effect:** Operating Fund (10) - Increased by \$9,240.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-514000	Travel		\$ 1,000
10750-514500	Training & Education	\$ 1,000	
10750-545000	Contracted Services	\$ 3,000	
10750-561000	Professional Services	\$ 5,000	
10330-431000	DSS Administration		\$ 8,000
10752-519700	HCCBG In Home	\$ 127	
10760-561000	Professional Services - Non-Reim	\$ 5,000	
10390-499900	Fund Appropriate Balance		\$ 5,127
		<b>\$ 14,127</b>	<b>\$ 14,127</b>

**Explanation:** Social Services Administration (10750); Public Assistance (10752); County Assistance (10760) - Currituck County's portion of the 1571 Software Uplift project and increased facilitator costs due to the increased foster care population. PUBLIC ASSISTANCE - Increase HCCBG In Home to reflect the 1/14/16 revision of the County Funding Plan from Albemarle Commission. COUNTY ASSISTANCE - Additional funds for forensic exams, and testimony costs for court. This cost is determined by the need of clients receiving services through Child Protective Services.

**Net Budget Effect:** Operating Fund (10) - Increased by \$13,127.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-516400	Equipment Maintenance		\$ 275
61818-533800	Chemicals		\$ 1,200
61818-590000	Capital Outlay		\$ 1,000
61818-561000	Professional Services		\$ 12,405
61818-532000	Supplies	\$ 9,860	
61818-516200	Vehicle Maintenance	\$ 2,000	
61818-533200	Lab Test	\$ 20	
61818-514000	Travel	\$ 500	
61818-545000	Contracted Services	\$ 1,500	
61818-553000	Dues & Subscriptions	\$ 1,000	
		<b>\$ 14,880</b>	<b>\$ 14,880</b>

**Explanation:** Mainland Water (61818) - Transfer funds for operations.

**Net Budget Effect:** Mainland Water Fund (61) - No change.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10796-590000	Capital Outal	\$ 208,749	
10390-495015	T F - Occupancy Tax		\$ 208,749
		<u>\$ 208,749</u>	<u>\$ 208,749</u>

**Explanation:** CCRC (10796) - Carryforward funding for CCRC Capital Projects from FY 2015.

**Net Budget Effect:** Operating Fund (10) - Increased by \$208,749.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10390-495015	T F - Occupancy Tax		\$ 30,000
10390-499900	Fund Balance Appropriated	\$ 30,000	
		<u>\$ 30,000</u>	<u>\$ 30,000</u>

**Explanation:** Other Revenues (10390) - Increase the statutory Occupancy Tax administrative fee due to increase in the budget Occupancy Tax collections and decrease the appropriation from fund balance.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
66868-590000	Capital Outlay	\$ 35,306	
66360-470000	Utilities		\$ 35,306
		<u>\$ 35,306</u>	<u>\$ 35,306</u>

**Explanation:** Southern Outer Banks Water System (66868) - Increase appropriations for replacement of well pump at the Whalehead Club.

**Net Budget Effect:** Southern Outer Banks Water (66) - Increased by \$35,306.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10775-502000	Salary - Regular	\$ 3,919	
10775-505000	FICA	\$ 12	
10775-506000	Health Insurance		\$ 721
10775-507000	Retirement	\$ 472	
10775-514000	Travel		\$ 500
10775-531000	Gas		\$ 1,000
10775-553000	Dues & Subscriptions		\$ 400
10775-590000	Capital Outlay		\$ 581
10380-488400	ABC Profits		\$ 1,201
		<b>\$ 4,403</b>	<b>\$ 4,403</b>

**Explanation:** Senior Centers (10775) - Increase appropriations to pay out vacation for a March 31 retirement and to allow for training of replacement beginning March 21 2016

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,201.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795-590000	Capital Outlay	\$ 198,500	
10330-449900	Miscellaneous Grants		\$ 198,500
		<b>\$ 198,500</b>	<b>\$ 198,500</b>

**Explanation:** Parks and Recreation (10795) - Increase appropriations for a 100% funded recreation grant from Trillium to provide handicapped playground equipment.

**Net Budget Effect:** Operating Fund (10) - Increased by \$198,500.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10545-561000	Medical Examiner	\$ 12,000	
10380-488400	ABC Profits		\$ 12,000
		<b>\$ 12,000</b>	<b>\$ 12,000</b>

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

**Net Budget Effect:** Operating Fund (10) - Increased by \$12,000.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-511000	Telephone & Postage	\$ 971	
10430-532000	Supplies	\$ 2,629	
10430-514000	Travel		\$ 2,000
10430-521000	Rent		\$ 500
10430-526000	Advertising		\$ 900
10430-553000	Dues & Subscriptions		\$ 200
		<b>\$ 3,600</b>	<b>\$ 3,600</b>

**Explanation:** *Elections (10430) - Transfer budgeted funds for elections mailing notifying citizens of changes in primary dates requested by the Board of Commissioners*

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

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

**Explanation:** *Emergency Management (10531) - Transfer budgeted funds for replacement batteries for the mobile sign board, which will last approximately five years.*

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

3. Approval of Master Fee Schedule-Whalehead Fees
4. Report of Unpaid 2015 Real Estate Taxes & Order of Tax Lien Advertisement

**Report of Unpaid 2015 Real Estate Taxes  
and  
Order of Advertisement of Tax Liens**

To: Board of County Commissioners

From: Tracy Sample, Tax Administrator

Date: February 5, 2016

**Report of Unpaid 2015 Real Estate Taxes:**

As of February 5, 2016, there is \$1,426,177.54 in unpaid taxes that are a lien on real estate for fiscal year 2015-2016.

North Carolina General Statute 105-369 requires that unpaid real estate tax liens be advertised in one or more newspapers having a general circulation in the county and by posting a notice of the tax liens at the county courthouse. This statute

requires that the Board of Commissioners order the tax collector to advertise the tax liens.

### **Order to Tax Collector to Advertise Tax Liens**

WHEREAS, N.C.G.S. 105-369 requires the County Tax Collector report to the Board of County Commissioner, the total amount of unpaid taxes for the current fiscal year that are a lien on real property; and

WHEREAS, N.C.G.S. 105-369 also requires that upon receipt of the report, the Board of Commissioners must order the Tax Collector to advertise the tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit; and

WHEREAS, the time and content the tax lien advertisement are dictated by N.C.G.S 105-369(c); and

WHEREAS, the report of unpaid taxes for unpaid taxes for the current fiscal year that are a lien on real property has been received;

**NOW, THEREFORE BE IT RESOLVED** by the Currituck County Board of County Commissioners that the Currituck County Tax Collector is hereby ordered to advertise the tax liens for unpaid taxes for the current fiscal year that are a lien on real property, in accordance with N.C.G.S. 105-369(c).

THIS, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

THE CURRITUCK COUNTY BOARD OF COMMISSIONERS

### **5. Dominion Power Right of Way Agreement**

#### **D) Commissioner's Report**

Commissioner O'Neal praised Dr. Dietemeyer and Currituck County's COA facility. He also praised the YMCA stating they have far exceeded what was expected. He encouraged, for President's Day, that people read the book 1776.

Commissioner Payment encouraged volunteering for local fire departments. He reminded everyone to register to vote by Friday's deadline.

Commissioner Hall reported on his visit to the property where the proposed Moyock park may be located, saying it was a beautiful piece of property.

Commissioner Aydlett reported on the hiring of a Volunteer Coordinator to help with recruitment and retention of volunteer fire fighters, as well as training.

Chairman Griggs remembered Supreme Court Justice Antonin Scalia, who owned a home in Whalehead subdivision in Corolla, noting he will be missed.

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

Mr. Scanlon talked of Supreme Court Justice Scalia, saying he could not be distinguished from anyone else when he visited the beach. He also reported on his and other local officials attendance at a meeting, sponsored by Senator Cook, in an effort to begin a discussion on ways to address mental health and the challenges to local law enforcement due to the lack of services or beds at state facilities.

#### **PUBLIC COMMENT**

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

Chairman Griggs opened the Public Comment period.

Frank Flora Sr. Of Caratoke Highway, Moyock, talked about the need for line painting on the highway and asked that we notify the Department of Transportation. Mr. Scanlon reported that contractor, RPC, has contracted to resurface, install reflectors and repaint. The contractor has until May to complete the work.

With no others wishing to speak the Public Comment was closed.

#### **ADJOURN**

##### **Motion to Adjourn Meeting**

Commissioner Aydlett moved to adjourn with a second from Commissioner O'Neal. The motion carried unanimously and the regular meeting of the Board of Commissioners was concluded.

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

#### **SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY**

Chairman Griggs convened the Special Meeting of the Tourism Development Authority to consider budget amendments. County Manager, Dan Scanlon reviewed each of the amendments with Commissioners. Commissioner O'Neal moved to approve, seconded by Commissioner Gilbert. The motion carried unanimously.

### 1. Budget Amendments

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 11,500	
15320-415000	Occupancy Tax		\$ 11,500
		<u>\$ 11,500</u>	<u>\$ 11,500</u>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Transfer funds to carryforward cost of Chamber of Commerce funding from FY 2015.

**Net Budget Effect:** Occupancy Tax (15) - Increased by \$11,500.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 208,749	
15320-415000	Occupancy Tax		\$ 208,749
		<u>\$ 208,749</u>	<u>\$ 208,749</u>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Transfer funds to carryforward cost of CCRC Capital Outlay from FY 2015.

**Net Budget Effect:** Occupancy Tax (15) - Increased by \$208,749.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 30,000	
15320-415000	Occupancy Tac		\$ 30,000
		<b>\$ 30,000</b>	<b>\$ 30,000</b>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Increase the statutory administration fee due to increase in Occupancy Tax collections.

**Net Budget Effect:** Occupancy Tax (15) - Increased by \$30,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-561000	Professional Services	\$ 164,019	
15320-415000	Occupancy Tax		\$ 164,019
		<b>\$ 164,019</b>	<b>\$ 164,019</b>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Increase appropriations for cost share with the Wildlife Resource Commission for renovations to the Waterlilly boat ramp and parking area.

**Net Budget Effect:** Occupancy Tax (15) - Increased by \$164,019.

## ADJOURN SPECIAL MEETING

With no further business, Commissioner O'Neal moved to adjourn the meeting of the Tourism Development Authority. Commissioner Gilbert seconded and the motion carried unanimously.