



CURRITUCK COUNTY NORTH CAROLINA

January 29, 2016

Minutes – Special Meeting of the Board of Commissioners

1:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met at 1:00 PM in the Board meeting room of the Historic Courthouse for a special meeting. Chairman Griggs called the meeting to order.

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

The purpose is to provide an opportunity for Commissioners to discuss and develop work plans and goals for the county during the coming year. Staff present included County Manager, Dan Scanlon, County Attorney, Ike McRee, Planning and Community Development Director, Ben Woody, and Assistant Planning Director, Laurie LoCicero.

Mr. Scanlon said the topics this year were planning driven and after a review of action requested at earlier retreats, announced that the majority of items had been brought to the Board for action. Commissioner Aydlett requested a report be presented at all retreat sessions going forward which would show the status of projects that had been discussed at prior meetings.

NEW BUSINESS

1. Land Use Planning Exercise

Mr. Woody began the Land Use exercise portion of the meeting and said Commissioner feedback would be presented to the Land Use Plan (LUP) Steering Committee to help identify goals to work toward in the development process. Laurie LoCicero, using a powerpoint presentation, reviewed statistical data and community survey results. She discussed high population growth projections in the County and where that growth was occurring. Ms. LoCicero presented demographic info related to age, housing, income and education, and statistics related to seasonal population increases. Concerns reported in survey results were reviewed and the Board participated in a visioning exercise to provide input as to how they want to see Currituck in the future. The Board also participated in a survey exercise to identify opportunities and challenges in the varying geographical areas in

Currituck County and a map exercise allowed Commissioners to develop their own Land Use maps for geographical areas of the County.

Commissioner O'Neal was excused from the meeting at 4:00 PM.

2. Utility Extension Policy

Ben Woody, Planning Director, reviewed the Utility Extension Policy with the Board. The policy requires utility connection for major subdivisions in service areas, or a deposit, bond or letter of credit in the amount of cost for future connection. Mr. Woody reviewed amendments over the years since the policy's original adoption, and showed slides denoting the locations of water line infrastructure in the County. He reviewed the calculations used to determine whether a subdivision must connect or provide a bond, and Commissioners discussed the risk of accepting bonds or letters of credit, citing bankruptcy or dissolution of an LLC or Corporation after a builder completes a subdivision. Expansion costs and expansion areas were presented, and Mr. Woody offered several, varied alternatives to the current policy for Board consideration. The Board reviewed scenarios and consequences for several of the alternatives, and fire flows were incorporated into the discussion.

3) Recess

Chairman Griggs recessed the meeting to reconvene at 8:30 AM Saturday, January 30, 2016.

NEW BUSINESS-SATURDAY, JANUARY 30, 2016

1. Utility Extension Policy

The Board of Commissioners reconvened at 8:30 AM Saturday, January 30, 2016, and continued the discussion on water line extension policy. Commissioners, after consideration of the policy options presented by Mr. Woody, omitted two of the options-one related to mandatory hookups for developers and another in which there was no builder guarantee required. Mr. Woody agreed to perform an analysis to develop a density/lot size correlation for zoning.

2. Parklands-Moyock and Mid-Currituck Bridge

Mr. Woody displayed a map of the Moyock area and noted several parcels where a park could be developed. He reviewed the existing and proposed development and growth patterns in the Moyock area, the connectivity of the various subdivisions on the east side of NC 168, and proposed the use of a 25 acre parcel for the creation of a passive park. Seven parcels were identified in all, some with water access, and possible amenities and park uses were reviewed. Mr. Scanlon discussed the possibility of partnering with the YMCA, who are willing to invest money to incorporate a facility for day camps, to include swimming pools, multi-purpose buildings and shelters. Questions were raised about what exclusivity the YMCA would require and whether park availability for residents would be limited during use for day camps.

Following discussion, Commissioner Beaumont moved that the County move forward with the twenty-five acre parcel for park development and further investigate a partnership with the YMCA. Commissioner O'Neal seconded the motion. The motion carried unanimously.

The Boat Ramp at Tulls Bay was discussed, and Commissioners asked staff to investigate acquisition of the property and to inquire whether Wildlife Resources Commission would partner with the County on a boat ramp at the location. Mr. Scanlon reported that a public bathroom facility was included as part of the approvals for construction of the Villas at Corolla Bay.

3. Signs

County Attorney, Ike McRee began the discussion by providing background on the legislative changes put into place regarding the regulation of signs. One regulation is that if a sign has to be read to determine whether it falls within local regulations, it has been deemed unconstitutional, and signs can no longer be regulated based on content. He reviewed what regulations are constitutional, such as size, location, lighting, changing message boards, number of signs, etc. He explained the legislative changes require localities to review their sign ordinances and make changes, and ways the county might regulate going forward.

Ben Woody reviewed the sign ordinance and noted the regulations that need to be changed, almost entirely content based, with some public safety considerations. Mr. Woody proposed amendment options for Board consideration, such as restricting locations and numbers, exempting signs relative to traffic or public safety, size limitations. He explained there could be "windows" of time for such things such as political or signs during the tourism season, but everyone will be able to utilize the time within the window. Zoning overlays were discussed, specific to differentiating between the Outer Banks and Mainland.

Ben asked the Board to provide some loose direction in an effort to help staff create a rewrite to be presented. He advised against a sign committee until staff develops a lawful ordinance, then solicit comments from the public. Mr. Woody said he could bring some alternatives to the Board by April 1, stressing that time is critical, as we will no longer enforce the unconstitutional portions of the current ordinance.

4. Use Permits & Motions

County Manager, Dan Scanlon, explained the responsibility of Board members to make proper motions when considering use permits, without regard to the testimony given by the applicant. He noted the applicant may state intentions, but if the consideration is not incorporated into the motion it is not enforceable. Mr. Scanlon asked if the Board wished to continue with use permits, and if so, stressed the importance of tightening up the motions to ensure the addition of any considerations.

Suggestions from Planning staff included a redesign of the staff report, voting each question separately as it pertains to preliminary staff findings, and putting a system in place as to where considerations can be written during testimony and incorporated into the motions.

Commissioners discussed whether the Planning Board should be considering use permit applications at all, as they do not bear the same responsibility legislatively as the

Board of Commissioners. Different ways of presenting to the Board, public hearing options, and inclusions to ensure proper motions were considered. Commissioners discussed other ways of utilizing the Planning Board, such as tasking members with Land Use planning.

Motion to remove Use Permits from consideration by Planning Board

Following discussion, Commissioner Beaumont moved to remove the Planning Board from reviewing use permits. Commissioner Gilbert seconded. The motion 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, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Michael H. Payment, Commissioner

5. Historic Preservation Commission

Ben Woody, Planning Director, reviewed the request and discussion to consider creation of a formal Historic Preservation Committee in Currituck County. Mr. Woody reviewed the steps necessary for creation, described the nature of the committee and their authority to create policy, and the duties that have been established. He reviewed some of the positive impacts to the community and provided information related to the cost, membership, terms and limits, and required staff time.

The Board discussed the possibility of acquiring grant money, as well as the other benefits to the county and directed staff to move forward, with the goal of an Historic Preservation Committee being operational by July 1, 2016.

6. Large Residential Structures

Commissioners expressed interest in addressing life safety issues and establishing local legislation through the North Carolina General Assembly. Considerations included sprinklers, deck loads and stairway widths.

Commissioner Beaumont said the main issue is the use of a house which impacts the rights of neighboring properties, no matter the size of the home. Commissioner Aydlett said we are building homes too large to provide fire services with the infrastructure and resources available. Chairman Griggs suggests asking whether the use is consistent with a residential property, and if it is, address the use. Various scenarios were put forth regarding size of a home versus use, and where the problems are predicated from, which prompted a discussion about what is a residence, what is a business, and ordinance enforcement.

Ben Woody, Planning Director, reviewed current land use in the Corolla area and the

Board considered whether to establish ordinance restrictions in some areas. Size caps, proportionality, use and impacts were all considered with regard to residential development.

Commissioners decided on strengthening and enforcing existing county regulations related to noise, light, trash, traffic, parking and safety. They agreed compatibility issues and life safety should be looked at as well as the public demand for large home construction. Staff agreed to develop a work plan to address concerns with large residential structures.

7. Horse Tours

Ben Woody, Planning and Community Development Director, presented the current rules and regulations placed on tour operators, the intent of those regulations, and reviewed feedback from public meetings related to the operations. Input was received from residents, property owners and tour operators, and the Board reviewed the recommendations of the parties.

Commissioner Aydlett said the rules are not consistently followed and suggested looking at horse populations and their typical locations and setting two routes to be used on alternating days, with no tours on Sunday. He also suggested increasing the fees for permits and to use the funds to supplement the beach patrol, with a concentration on the area behind the dunes. The Board also suggested mandatory driver training, to include an online video with a questionnaire. Labeling to better identify vehicles was suggested, and staff was asked to investigate the intent of the ordinance pertaining to vehicle stops in the road right of ways. Commissioners agreed the 8 AM to 8 PM time limit behind the dune line will remain in force. Tours on property owned by the tour operator can be utilized daily, but they must follow the most direct route to the location. Additional considerations included the appeal process, speed limits, trespassing and payments of citations prior to license renewal. The Board agreed with suggestions presented.

8. Commercial on the Beach

County Manager, Dan Scanlon, suggested the Board look at commercial activity on the beach and consider what is currently being allowed and what direction the County wishes to go. He said commercial activity has gone beyond delivering umbrellas and chairs, and has moved to generators, bars, and blenders. He suggested the County may be losing the quality of the beach and Board members discussed many ways in which commercial activity was taking place and effects. Mr. Scanlon recommended the Board think about the issue, as it will be controversial and there is no limit as to what people will want to do on the beach going forward. Ben Woody, Planning Director, said allowing beach driving in the morning and evening did open the beach to more commercial activity. The Board asked Mr. Scanlon and staff to put together a work plan to address the issue.

9. Volunteer Fire Departments

Commissioner Payment began a discussion of future needs for volunteer fire departments. He said calls have increased and the County needs to consider funding for capital projects, improvements, personnel and apparatus. Commissioner Beaumont, as Commissioner on

the Fire and EMS Advisory Board, discussed line item budgeting to allow for bulk purchases for multiple departments. Mr. Scanlon said that could be done and suggested adding those duties to the new Training Officer. Commissioner Beaumont also discussed apparatus and suggested being proactive in that regard due to future purchasing needs. Mr. Scanlon suggested tasking the Advisory Board with determining a level of service for fire response and what equipment is needed to meet that level of service.

ADJOURN

Motion to Adjourn Meeting

Discussion concluded and Commissioner Aydlett moved to adjourn. Commissioner Gilbert seconded the motion. The motion carried unanimously and the meeting was adjourned.

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, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Michael H. Payment, Commissioner