



**CURRITUCK COUNTY
NORTH CAROLINA**

March 7, 2016
Minutes – Regular Meeting of the Board of Commissioners

5:00 CALL TO ORDER

The Currituck County Board of Commissioners met at the Historic Currituck Courthouse 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 | Absent | |
| Mike H. Payment | Commissioner | Present | |

Chairman Griggs called the meeting to order.

A) Invocation & Pledge of Allegiance-Reverend Bill Masciangelo, Moyock United Methodist Church

Reverend Bill Masciangelo of Moyock United Methodist Church led the Pledge of Allegiance and gave the Invocation.

B) Approval of Agenda

Commissioner Gilbert requested an amendment to remove Item A under New Business, postponing the Moyock Commons, Phase 2, so the item could be considered when a full Board was present. Commissioner Gilbert moved to approve the agenda as amended and was seconded by Commissioner Aydlett. The motion carried unanimously.

County Attorney Ike McRee reviewed for the Board the Unified Development Ordinance's requirement that a one year waiting period be met before an application for rezoning can be reheard after denial. He also reviewed the required super-majority vote for approval of that request.

5:00 Call to Order

A) Invocation & Pledge of Allegiance-Reverend Bill Masciangelo, Moyock United Methodist Church

B) Approval of Agenda

Public Hearings

A) Public Hearing and Action: PB 15-27 Eighty Four Lumber Company:

84 Lumber Company is requesting conditional rezoning of a 10.48 acre parcel from HI/GB to Conditional Heavy Industrial (C-HI) in order to accommodate a warehousing/distribution and retail use to be located partially in the area currently zoned General Business (GB). The property is located at Tax Map 23 Parcel 68J in Moyock Township near the intersection of Caratoke Hwy and Windchaser Way.

New Business

A) Consideration and Action: Moyock Commons, Phase 2, Subsequent Similar Request: Request for the Board to consider a subsequent rezoning request for Moyock Commons, Phase 2 *Item was removed from agenda-postponed to be heard at a future meeting.*

B) Board Appointments

1. Senior Citizens Advisory
2. Board of Adjustment

C) Consent Agenda

1. Approval Of Minutes for February 15, 2016
2. Field Lighting for the Softball Fields at Currituck Community Park
3. Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics at the Whalehead Club in Corolla, North Carolina.

D) Commissioner's Report**E)****County****Manager's****Report****Public****Comment**

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

Adjourn

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

PUBLIC HEARINGS**A. Public Hearing and Action: PB 15-27 Eighty Four Lumber Company:**

Chairman Griggs opened the Public Hearing and Assistant Planning Director, Laurie LoCicero, reviewed the rezoning request for the applicant, Eighty Four Lumber Company, reporting both Planning staff and the Planning Board recommended approval of the request.

APPLICATION SUMMARY**Property Owner:**

Pierce Hardy LTD Partnership
1019 Route 519
Eighty Four, PA 15330

Applicant:

84 Lumber Company
1019 Route 519
Eighty Four, PA 15330

Case Number: PB 15-27

Application Type: Conditional Rezoning

Parcel Identification Number: 0023000068J0000

Existing Use: Vacant/Farmland

Land Use Plan Classification: Rural

Parcel Size (Acres): 10.48

Moyock Small Area Plan Classification: Limited Service Area Industrial Activity Center

Zoning History: (1970-Light Industrial), (1974-Manufacturing), (1989-Heavy Industrial)

Current Zoning: General Business(250 feet from Hwy 168 ROW) & Heavy Industrial

Proposed Zoning: Conditional Heavy Industrial
(C-HI)

Plan Request: 84 Lumber Company is requesting conditional rezoning of a 10.48 acre parcel from HI/GB to Conditional Heavy Industrial (C-HI) in order to accommodate a warehousing/distribution and retail use to be located partially in the area currently zoned General Business (GB).

84 Lumber Company is proposing a lumber warehouse and distribution business with a retail component. The applicant is proposing 3 buildings; two will be large warehouse facilities. The third building, located closest to Caratoke Highway will house the 7,500 square feet of retail and office space along with 12,500 square feet of warehouse space.

According to historical zoning maps, the subject property has been zoned for industrial use since at least 1970. There are currently several nearby industrial uses including, a concrete plant, a precast concrete facility, and a recycling business. The majority of the property is currently zoned Heavy Industrial (HI) with only the first 250 feet being zoned General Business (GB). The Moyock Small Area Plan has identified the site as part of a limited service industrial activity center.

The site is appropriate for the proposed use in that it is surrounded by industrial uses and industrially zoned property, is conveniently located near the railroad making bulk shipments more economical, and, has frontage along Caratoke Highway. The business will provide a much needed service in the Moyock area given the recent rise in homebuilding. The applicant is proposing the following conditions of approval to mitigate the impact of an industrial use adjacent to the highway:

- Increased landscaping at 140% of requirements
- Wooden fencing along the highway to screen the chain link security fence
- Front façade material to meet non-residential design standards
- Windows along 30% of the front building façade.

RECOMMENDATIONS

The Technical Review Committee recommends approval of the conditional rezoning subject to the following conditions:

1. Glazing (windows) on the front façade shall be equal to or greater than 30 percent of the total width of the front façade.
2. A wooden fence shall be erected in front of the chain link security fence along Highway 168.
3. The finishing material for the front façade of any proposed building shall not be typical corrugated metal.
4. The major arterial streetscape landscaping shall be increased to 140 percent of the required plantings in order to further screen the buildings from Highway 168 and to soften the view of the parking lot.

Mr. Cartwright moved to approve PB 15-27 as presented due to its consistency with the goals, objectives, and policies of the Land Use Plan and technical review committee recommendations 1-4. Mr. Craddock seconded the motion and motion carried unanimously.

SURROUNDING PARCELS

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|-------|----------------|------------------------------|
| North | Vacant | Agriculture (Across Highway) |
| South | Concrete Plant | Heavy Industrial |
| East | Vacant | Heavy Industrial/GB |
| West | Vacant | Heavy Industrial/GB |

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Limited Service within the Moyock subarea. The policy emphasis for the Moyock subarea is properly managed. The proposed plan is in

Policy ID 5

WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity, and shall be appropriately designed and/or visually buffered according to the visibility of their location.

Policy ID 2

Industrial uses should not be located in areas that would diminish the desirability of existing and planned NON-INDUSTRIAL DEVELOPMENTS, nor shall incompatible nonindustrial uses be allowed to encroach upon existing or planned industrial sites.

Policy CA 3

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.

SMALL AREA PLAN

The Moyock Small Area Plan classifies this site as limited service industrial activity center. The proposed plan is in keeping with the policies of the plan, some of which are

POLICY BI 3 ACTION 3A Actively Market Moyock as an emerging growth area (virtual micropolitan) to encourage targeted retail and service development.

CONSISTENCY STATEMENT

The conditional rezoning request is consistent with the goals, objectives, and policies of the Land Use Plan. It is also consistent with the Moyock Small Area Plan which identifies the site as part of a limited service industrial activity center. The site is adjoined by property zoned Heavy Industrial, some of which contains industrial uses.

CONDITIONS OF APPROVAL

Only conditions mutually agreed to by the owner(s) may be approved as part of a conditional zoning district. Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use. No condition shall be less restrictive than the standards of the parallel general use zoning district.

Agreed upon conditions of approval:

1. Glazing (windows) on the front façade shall be equal to or greater than 30 percent of the total width of the front façade.
2. A wooden fence shall be erected in front of the chain link security fence along Highway 168.
3. The finishing material for the front façade of any proposed building shall not be typical corrugated metal.
4. The major arterial streetscape landscaping shall be increased to 140 percent of the required plantings in order to further screen the buildings from Highway 168 and to soften the view of the parking lot.

PLANNING BOARD DISCUSSION (2/9/16)

Jim Zaunick, 84 Lumber Company appeared before the board.

Ms. LoCicero presented the staff report.

Mr. Cooper said it looks like the majority of the property is zoned properly with the exception of the front 250 feet. Previously this property was zoned Heavy Industrial.

Ms. LoCicero said that is correct. Ms. LoCicero said 84 Lumber had an approved use permit in 2008 for a similar project, but it was never executed.

Mr. Zaunick provided a brief overview of the project. Mr. Zaunick talked about the appearance, drainage, stormwater, and septic system. They will employ approximately 10-15 employees, open from 7:00 to 7:00 on Monday thru Friday and 8:00 to 5:00 on Saturday. Lighting will meet the county's standards. 84 Lumber is a wholesale lumber yard with some retail.

Mr. Cooper asked if the septic has already been designed. Mr. Zaunick said yes. Mr. Cooper asked Mr. Zaunick if he is agreeable with staff recommendations. Mr. Zaunick said yes.

Mr. Cooper opened and closed the public hearing.

Mr. Craddock said this is an ideal location and it is in harmony with surrounding area.

Mr. Cartwright moved to approve PB 15-27 as presented and with technical review committee recommendations. Ms. Bell seconded the motion. Motion was withdrawn by Mr. Cartwright.

Mr. Craddock recommended amending the motion to include that it conforms to the Land Use Plan; the request does not harm the public interest or property values.

Mr. Cartwright moved to approve PB 15-27 as presented due to its consistency with the goals, objectives, and policies of the Land Use Plan and technical review committee recommendations 1-4. Mr. Craddock seconded the motion and motion carried unanimously.

After review, Board members clarified with Planning staff the railroad track location and possibilities for use by the applicant, buffering and landscaping, allowable signage, and conditions the applicant agreed to regarding the building's facade.

Jim Zaunick, Engineer with Eighty Four Lumber, Eighty Four, PA, clarified the building would have a stucco facade, and offered to answer any additional questions the Board wished to ask. With no questions and no one else wanting to speak, Chairman Griggs closed the Public Hearing and asked for a motion.

Commissioner Beaumont moved to approve request PB15-27 because the request is consistent with the 2006 Land Use Plan and Moyock Small Area Plan because it promotes a new and expanding industry that diversifies the local economy, it has access to a major thoroughfare and is appropriately designed and visually buffered, it includes zoning conditions that enhance the appearance and function of the site consistent with the Land Use Plan's community appearance policies and the site is part of the Moyock Small Area Plan's industrial activity center, with additional conditions to include that a stucco facade construction be employed, that thirty (30) percent of the front facade include windows, and that landscaping be allowed to be clustered to improve visibility of the facility by passing motorists.

Commissioner O'Neal seconded and the motion carried unanimously.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Paul M. Beaumont, Commissioner |
| 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 H. Payment, Commissioner |
| ABSENT: | Mike D. Hall, Commissioner |

NEW BUSINESS

A. Consideration and Action: Moyock Commons, Phase 2, Subsequent Similar Request: Request for the Board to consider a subsequent rezoning request for Moyock Commons, Phase 2

The agenda was amended, removing this item.

B) Board Appointments

1. Senior Citizens Advisory

Commissioner Griggs nominated Rita Ferebee to Senior Advisory Board. Commissioner O'Neal seconded and the nominee was unanimously approved.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | David L. Griggs, Board 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 H. Payment, Commissioner |
| ABSENT: | Mike D. Hall, Commissioner |

2. Board of Adjustment

Commissioner Payment nominated Zia Montesi to serve as an alternate on the Board of Adjustment. Commissioner Aydlett seconded and the nominee was unanimously approved.

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

C) Consent Agenda

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

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

- 1) Approval Of Minutes for February 15, 2016
2. Field Lighting for the Softball Fields at Currituck Community Park
3. Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics at the Whalehead Club in Corolla, North Carolina.

RESOLUTION APPROVING THE EXHIBITION, USE AND DISCHARGE OF PYROTECHNICS AT THE WHALEHEAD CLUB IN COROLLA, NORTH CAROLINA

WHEREAS, pursuant to N.C. Gen. Stat. §§14-410 and 14-413 a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the Board of Commissioners for a county; and

WHEREAS, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

WHEREAS, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as Whalehead, Corolla, North Carolina, on July 4, 2016, which will be a public exhibition and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc. is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as Whalehead in Corolla, North Carolina on July 4, 2016.

Section 2. This resolution shall be effective upon adoption.

ADOPTED this 7th day of March, 2016.

D) Commissioner's Report

Commissioner Payment talked about Don Cartwright's barber shop, a long-time Currituck business that was highlighted on a local television station. He encouraged folks to watch the interview, and Board members discussed their experiences at the shop over the years.

Commissioner Gilbert reminded citizens that early voting was available at the Elections office. She encouraged everyone to get out and vote. She announced the Shawboro Ruritans spaghetti dinner on March 8th.

1. Motion to allow recusal-Commissioner Payment

During the Commissioner's Report, Commissioner Aydlett reported he had been notified that the Gibbs Woods community building, also used as a polling place, needed to have the heating and air conditioning unit replaced and asked if the County could help with repair or replacement through a grant agreement. He said the job was bid out, with the low coming in at approximately \$6,100. Mr. Scanlon said the County has helped facilities through grants if used similarly. Commissioner Payment asked to recuse himself if the Board wished to take action, as his company was one of the bidders on the project. Commissioner Gilbert moved to recuse

Commissioner Payment, Commissioner O'Neal seconded, and the motion carried unanimously.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Marion Gilbert, Commissioner |
| 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 |
| ABSENT: | Mike D. Hall, Commissioner |
| EXCUSED: | Mike H. Payment, Commissioner |

2. Gibbs Woods Community Building Grant Agreement

Commissioner Payment left the meeting room, after which Commissioner Aydlett moved to authorize the County Manager to enter into a grant agreement for the contract sum of approximately \$6,100 to replace the heating and cooling unit in the community building that will be used as a polling place next week and other county functions at times. Commissioner Gilbert seconded and the motion carried unanimously.

Commissioner Payment rejoined the Board after the vote.

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

E) County Manager's Report

County Manager Scanlon confirmed the County has set aside money for a park in Moyock and have moved forward with preliminary design for a park. Mr. Scanlon recalled the 2015 Board retreat when the Board requested the County begin to identify parkland locations. He discussed a county-owned parcel of 25 acres in Moyock, stating the County is proceeding with design plans. Mr. Scanlon discussed the YMCA's desire to partner with the county to incorporate a day camp into the park facility. Options for park planning, such as holding community meetings for public input on preferred amenities, and funding were discussed with the Board, although Mr. Scanlon said we are in the very early stages and have not engaged in any negotiations with the YMCA at this point.

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.

Kevin McCord, Moyock, expressed concerns about John Snowden, a member of the Economic Development (ED) Advisory Board, reporting on his constant berating and bullying of people on Facebook and recent attack on his wife, using vulgar language. Mr. McCord stated he cannot understand why Mr. Snowden is on any advisory board and named other people he has attacked, including an active member of the Moyock Fire Department and a staff member of the Clerk of Court. Mr. McCord asked that Mr. Snowden be removed from the ED Board, believing he is a poor representative of the county.

County Attorney McRee explained to Commissioners that Advisory Board members can be removed from any board at any time.

Mr. McCord expressed his desire to resign from the Recreation Board. Commissioners encouraged him to remain, as all agreed that his resignation would be a detriment to the county. Commissioner Payment suggested ethics training and orientation should be considered for all advisory board members, perhaps requiring them to follow the same code of ethics as Commissioners.

Commissioner Beaumont raised questions as to whether Mr. Snowden should be formally removed. Chairman Griggs read recent correspondence from Mr. Snowden conveying his desire not to be considered for reappointment to the ED Board. Chairman Griggs apologized to Mr. McCord on behalf of the Board.

Paul Martin, Currituck, said Mr. Snowden is making untrue statements and distributing false documents about his daughter-in-law, and said the County does not need anyone like him serving on a Board. He asked Commissioners to act and remove Mr. Snowden. Referring to the email read by Chairman Griggs, Mr. Martin said Mr. Snowden should not receive any money through his tasks for the Chamber of Commerce for Buy Local, which is County funded.

Sam Miller, current Chairman of the Economic Development Board, expressed disapproval at what Mr. Snowden had done, stressing the importance of character and saying the removal of Mr. Snowden would be appropriate.

After discussion, Commissioner Payment moved to remove John Snowden, effective immediately, from the Economic Development Board. Commissioner Beaumont seconded and the motion carried unanimously.

1. Motion to remove member from Economic Development Advisory Board

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Mike H. Payment, 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 H. Payment, Commissioner |
| ABSENT: | Mike D. Hall, Commissioner |

PUBLIC COMMENT, CONTINUED

Wende Shannon, Moyock, thanked the Board for the action just taken, and said Facebook can be damaging if not used properly. Ms. Shannon wanted to thank Commissioners who had attended the Moyock Concerned Citizens meeting and offered anyone who didn't have a chance to ask questions at the meeting to feel free to contact her.

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

ADJOURN

Motion to Adjourn Meeting

With there being no further business Commissioner Aydlett moved to adjourn, seconded by Commissioner Beaumont. The motion carried unanimously and the meeting of the Currituck County Board of Commissioners was adjourned.

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