



CURRITUCK COUNTY NORTH CAROLINA

March 21, 2016
Minutes – Regular Meeting of the Board of Commissioners

5:00 CALL TO ORDER

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

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

Chairman Griggs called the meeting to order.

A) Invocation & Pledge of Allegiance-Reverend Ronnie Culley, Christian Home Baptist

Reverend Ronnie Culley of Christian Home Baptist Church gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Chairman Griggs noted the absence of Commissioner Payment, who did not attend the meeting due to illness.

Chairman Griggs amended the agenda, removing Public Hearing Item C, PB15-18-Mashuda Multi-Family, and Item D, PB 15-26-Currituck County expansion of the Convenience Center on Panther Landing. Commissioner Gilbert moved to approve with the deletion of Items C and D under Public Hearings, seconded by Commissioner Hall. The motion carried unanimously.

Approved agenda:

5:00 Call to Order

A) Invocation & Pledge of Allegiance-Reverend Ronnie Culley, Christian Home Baptist

B) Approval of Agenda

Administrative Reports

A) Presentation of FY 2015 Audit, Chris Burton, CPA - Carr, Riggs and Ingram LLC

Public Hearings

A) **Public Hearing and Action: PB 14-16 Lake View at Currituck Development Agreement Amendment:** Request to amend the development agreement between Currituck County and Survey Road, LLC for property located in Moyock on Survey Road west of the intersection with Caratoke Highway, Tax Map 15, Parcels 83A, 83B, 83C, 83D, and 83E, Moyock Township.

B) **Public Hearing and Action: PB 07-10 Lake View at Currituck:** Request to amend the sketch (master) plan, preliminary plat, and use permit to allow 13 additional residential lots in the planned unit development located off Survey Road in Moyock, Tax Map 15, Parcels 83A, 83B, 83C, 83D, and 83E, Moyock Township.

C) **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. *Agenda amended, item postponed.*

D) **Public Hearing and Action: PB 15-26 Currituck County:** Request for a use permit to expand the existing Panther Landing Convenience Center located on Panther Landing Road in Moyock, Tax Map 14, Parcel 13B, Moyock Township. *Agenda amended, item postponed.*

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

B) Approval of Contract with Air Concepts, Inc.

C) Board Appointments

D) Economic Development Advisory BoardConsent Agenda

1. Approval Of Minutes for March 7, 2016
2. Budget Amendments
3. ITS Surplus Resolution
4. Surplus Resolution-Emergency Management
5. Surplus Resolution-Sheriff's Department

E) Commissioner's Report

F)

County Manager's Report

Public

Comment

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

Special Meeting of the Tourism Development Authority

TDA-Budget Amendments
Project Ordinances: Boat House Design/Restroom facility construction

Closed Session

Closed session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney and to preserve the attorney-client privilege regarding the matter captioned Swan Beach, LLC v. Currituck County.

Adjourn

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

ADMINISTRATIVE REPORTS

A. Presentation of FY 2015 Audit, Chris Burton, CPA - Carr, Riggs and Ingram LLC

Mr. Chris Burton of Carr, Riggs, and Ingram, LLC, reviewed the County's Fiscal Year 2015 audit, performed by his firm, reporting a clean audit with nothing materially wrong. He commended Sandra Hill, Finance Director, and her staff. Mr. Burton said the county's total net position increased by \$8,140,000 with ending fund balance figures of \$55 million, a \$7.5 million increase over the prior year. Financial data on capital projects, tax collections, state and federal funding figures were presented. Mr. Burton noted the County's fund balance sits at ten percent of expenditures, above the eight percent recommendation by the Local Government Commission, and he clarified the County's unrestricted figure of \$4.7 million. Commissioners discussed Currituck County's bond rating, touting it as second best in the state for counties with a population of under 50,000.

PUBLIC HEARINGS

A. Consideration and Action: PB 14-16 Lake View at Currituck Development Agreement Amendment: Request to amend the development agreement between Currituck County and Survey Road, LLC for property located in Moyock on Survey Road west of the intersection with Caratoke Highway, Tax Map 15, Parcels 83A, 83B, 83C, 83D, and 83E, Moyock Township.

Chairman Griggs suggested that Public Hearing Item A and B be heard concurrently, as both pertained to Lake View at Currituck and would result in the same outcome based on the Board's decision.

Parties were sworn in with regard to the Use Permit, Item B, PB 07-10, and Ben Woody, Planning and Community Development Director, began his report to the Board, beginning with a review of PB 14-16, Lake View at Currituck Development Agreement.

Subject: PB 14-16 Lake View at Currituck - Development Agreement Amendment

James O. Myers submitted an application for an amendment to the Development Agreement between Survey Road, LLC (the "Developer") and Currituck County to allow 13 additional residential lots within the proposed Lake View at Currituck subdivision located at 120 Survey Road in the Moyock Township. The use of a development agreement is authorized in North Carolina General Statutes 153A-379.1- 153A-379.13 and Section 2.4.18 of the Currituck County Unified Development Ordinance (UDO); the purpose and intent of a development agreement is to:

1. Encourage comprehensive planning and capital facilities planning;
2. Ensure the provision of adequate public facilities for development;

3. Encourage the efficient use of resources, while providing certainty in the process of obtaining development permits and approvals; and
4. Reduce the economic costs of development by providing greater regulatory certainty.

The Development Agreement between the Developer and Currituck County required the Developer to install a new public sewer force main to connect the Lake View at Currituck subdivision to the Moyock Central Sewer System. The force main is now installed. The sewer mains, pump stations, and appurtenances subject to the development agreement will be dedicated to the county upon completion and acceptance by the Technical Review Committee.

A summary of the proposed amendments included in the request are:

1. An assignment of the agreement from Survey Road, LLC to the new property owner Lake View Land Development, LLC.
2. Adding 13 residential lots identified in the proposed Phase 3A of the planned unit development.
3. An acknowledgement of the completed off-site public sewer infrastructure.
4. Removing the phasing reference from the 104 residential lots currently outlined as Phase 1 and 2 of the agreement. This change references the intermediate sewer payment (final plat).
5. Adding the 13 additional residential lots sewer tap reservation and payment schedule.
6. Adding one additional year to the term of the agreement.
7. Changes to the use permit conditions, amended sketch (master) plan, and preliminary plat (see attached amended sketch plan, and preliminary plat/use permit staff report).

The TRC recommends **approval** because the proposed development agreement is consistent with the Moyock Small Area Plan since the subject property and sewer main extension are located in a Full Service area; is consistent with the Land Use Plan because it focuses sewer service in existing developed areas and in nearby targeted growth areas (POLICY WS3); and the development agreement demonstrates the impact on the future provision of public sewer capital improvements by the county.

Planning Board Recommendation:

Mr. Craddock moved to approve PB 14-16 as presented due to its consistency with the Moyock Small Area Plan since the subject property and sewer main extension are located in a Full Service area; is consistent with the Land Use Plan because it focuses sewer services in existing developed areas and in nearby targeted growth areas; and the development agreement demonstrates the impact on the future provision of public sewer capital improvements in the county. Mr. Bell seconded the motion and motion carried unanimously.

After discussion and clarification as described in Item PB 07-10, motions were considered.

Commissioner Gilbert moved for approval of PB14-16, Lake View at Currituck, with amendments, that the size of the development and the terms of the agreement are

consistent with the Unified Development Ordinance (UDO), consistency with the Moyock Small Area Plan with the subject property and sewer main extension located in the Full Service Area and, with the Land Use Plan because it focuses sewer services in existing development areas and in nearby targeted growth areas, and it is reasonable and in the public interest since the proposed development includes sewer transmission capacity for future economic development near the project area.

The motion died for lack of a second.

Commissioner Hall requested that PB 14-16 be continued in order to give the developer a chance to consider a transition of maintenance to homeowners at 75%, giving the developer two weeks time to look at the issue.

Chairman Griggs seconded and the motion carried unanimously.

RESULT:	CONTINUED [UNANIMOUS]	Next: 4/4/2016 5:00 PM
MOVER:	Mike D. Hall, Commissioner	
SECONDER:	Paul M. Beaumont, Commissioner	
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Board Member, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner	
ABSENT:	Mike H. Payment, Commissioner	

B. Consideration and Action: PB 07-10 Lake View at Currituck: Request to amend the sketch (master) plan, preliminary plat, and use permit to allow 13 additional residential lots in the planned unit development located off Survey Road in Moyock, Tax Map 15, Parcels 83A, 83B, 83C, 83D, and 83E, Moyock Township.

The request submitted by Lake View at Currituck, LLC is to amend the development agreement (separate submittal), sketch (master) plan, and the preliminary plat to add 13 residential lots in an area previously labeled as future development (5.81 acres). An amendment to the development agreement is required to increase the density and modify the future development area. Lake View at Currituck is a planned unit development and is subject to the transition standards of the UDO. The proposed changes to the approved plans are as follows:

- Modification of the phasing plan to include Phase 3A (13 lots) and relocation of phasing lines (strikethrough text is to be removed and underlined text is the proposed changes).
 - Phase 1 49 single family lots (year 42)
 - Phase 2 55 single family lots (year 23)
 - Phase 3A 13 single family lots (year 4)
 - Phase 3 42 single family lots (year 35)
 - Phase 4 7.21 acres commercial (years 4-86-9)
- An amendment to the development agreement (see attached memo for details).
- Extend the term of the development agreement for one additional year.
- Assignment of the development agreement between Currituck County and Survey Road, LLC to Lake View Land Development, LLC.
- Amendments to the use permit (see below)

- Relocation of one pocket park from the residential subdivision entrance to an area adjacent to the mail kiosk and associated parking area (Fountain Lake Way).
- Removal of the park equipment layout from the pocket parks which is replaced with a statement to allow design flexibility to meet the recreational needs of the community.
- An adjustment of lots 36-39 in Phase 2 for access to Phase 3A and to accommodate a small recreational vehicle parking area required for Phase 3A.
- Interconnectivity to the Jarvis property (western edge of Phase 3A).

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS ADOPTION OF THE USE PERMIT AND APPROVAL OF THE AMENDED SKETCH (MASTER) PLAN AND AMENDED PRELIMINARY PLAT/USE PERMIT SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

1. The application complies with all applicable review standards of the UDO provided the following items are addressed:
 - a. The BOC entered into a development agreement with Survey Road, LLC on November 25, 2014 (recorded November 26, 2014) to develop the property in question. The proposed 13 residential lot addendum as shown on the amended sketch (master) plan and preliminary plat requires the BOC acceptance and approval of the amended development agreement (copy provided).
 - b. The amended preliminary plat indicates a typical lot that illustrates a pool setback to be five feet from the property lines. The current ordinance does not permit a five foot accessory structure setback.
 - c. Correct the development summary and phasing plan on sheet 7 of 7 of the amended sketch plan to reflect Phase 4 as commercial under development type.
2. The following conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands for all phases of the Lake View of Currituck (strikethrough text is requested removal and underlined text is requested to be added; renumber as appropriate):
 - a. ~~The pre-construction plans shall meet and address all NCDOT traffic engineer comments and recommended changes.~~ (Commentary: Removal requested by the applicant.)
 - b. ~~The proposed, improved access connection to the adjacent property does not extend to the property line. This access will not be used by a property owner until such time as the interconnection is made; staff recommends the developer posting a bond for installation in lieu of paving the connection to the property line.~~ Fountain Lake Way and Green Lake Road connection stub and associated sidewalks shall terminate no more than five feet from the edge of the existing ditch or drainage easement and the developer shall post a performance guarantee with the county to ensure funds are available to complete the connections. (Commentary: Fountain Lake Way now accesses a park and mail kiosk and shall be improved to terminate no more than five feet from the edge of the existing ditch or drainage easement).

- c. Wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with NCDOT standards. Please provide a curb cut detail with the submittal pre-construction plans.
- d. On street parking, if installed, shall be provided in accordance with the variance issued by the Board of Commissioners.
- e. The pedestrian loop trail system must be located a minimum of 10 feet from all exterior property lines and shall be located such to provide safe movement.
- f. A Dominion Power encroachment agreement is required to allow roads, pedestrian trails, required landscape buffers, and wastewater treatment infiltration pond within their 150 foot utility easement. The agreement must be provided at the pre-construction submittal.
- g. Pedestrian easements shall be provided on the final plat where the sidewalk extends beyond the street right-of-way and on private lots. (Development Review Manual)
- h. Given the relatively small size of the proposed lots, deed restrictions or restrictive covenants shall restrict parking of boats and recreational vehicles on individual lots or a boat/rv parking area shall be provided.
- i. The development impact statement references the pedestrian related active recreation element. In the interest of providing a complete and safe active recreation system, the applicant shall provide sidewalks along Survey Road frontage, and between the proposed residential and nonresidential uses.
- j. The required improvements shall be installed and accepted prior to submission of final plat approval for each phase.
- k. The applicant shall submit a home and building design template that will be incorporated with the approval. Residential structures shall be designed with:
 - a. Variation in exterior architectural materials (siding, roofing);
 - b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - c. Variation in house styles/types;
 - d. Inclusion of front porches, projecting bays, vestibules; and,
 - e. The units shall have proportional attributes including overall height to width ratios of existing building facades, doors, windows, projecting canopies, and other architectural features within the vernacular of the area.
- l. All open space areas surrounding the lake shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.
- m. All visual relief open space within each phase shall be stabilized and vegetated with grass and proposed landscaping buffer.
- n. Low impact development techniques should be integrated in the project to manage treatment of stormwater. (WQ3, WQ6, WQ7)
- o. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways. (CD8, CD9)

- p. In commercial areas, parking located between a commercial building and street rights-of-way shall be screened with a Type B Bufferyard. (CA3, CD7, CD8)
- q. Dumpsters or similar solid waste receptacles, HVAC equipment, commercial mechanical units, or similar appurtenances shall be screened from view using a combination of solid landscaping or opaque fencing. (LUP CA3)
- r. Landscape islands shall be incorporated into the commercial parking areas. (LUP CD7, CD8, CA3)
- s. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided. (LUP CD7, CD8, CD9)
- t. Neighborhood serving commercial development shall integrate pedestrian scale and design (proportional relationship of buildings and spaces to pedestrians). Retail, office, and entertainment uses shall be appropriately designed, small-scale businesses. (LUP CD1, CD5, CD6, CD7, CD8, CD9).
- u. The maximum amount of pond aeration devices allowed by NC DWQ shall be installed.
- v. ~~A complete downstream analysis shall be included with the pre-construction submittal. (Commentary: Removal requested by the applicant. Stormwater infrastructure was approved without a complete downstream analysis for all phases except Phase 3A which will be subject to the stormwater manual).~~
- w. The driveways shall be two vehicle deep parking (including garage).
- ~~X~~ The slope of ponds shall be considered. (Commentary: Removal requested by the applicant).
- y. Cluster mailboxes shall be used.
- z. The building pad elevations shall be raised a minimum of 18 inches, above existing grade, except in Phase 3A where building pad elevations will meet current UDO and stormwater manual requirements in effect on (enter date of use permit amendment).
- aa. A solid vegetative buffer and fencing between shall be provided to the adjacent agricultural properties except in Phase 3A where the farmland buffer shall meet the UDO requirements in effect on (enter date of use permit amendment).
- bb. Phase 3A shall be subject to the development agreement and use permit, as amended.

USE PERMIT REVIEW STANDARDS

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 FINDINGS

The use will not endanger the public health or safety.

PRELIMINARY APPLICANT FINDINGS:

1. THE USE WILL ADHERE TO COUNTY HEALTH AND SAFETY STANDARDS, ALL LOTS WILL FRONT ON LOW-SPEED INTERIOR STREETS, AND WILL BE SERVED WITH PUBLIC WATER AND SEWER. THE PROJECT SHOULD NOT ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY.

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 APPLICANT FINDINGS:

1. LAND TO THE SOUTH AND EAST HAS BEEN DEVELOPED INTO SINGLE FAMILY HOMES; THE HOMES THAT WILL BE CONSTRUCTED IN THIS SUBDIVISION WILL BE OF SIMILAR VALUE TO EXISTING HOMES IN THE AREA; OVER 35% OF THE LAND WILL BE PRESERVED AS OPEN SPACE AND LANDSCAPING BUFFERS ARE PROVIDED. THE USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING LANDS, AND WILL BE IN HARMONY WITH THE SURROUNDING AREA.

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

PRELIMINARY APPLICANT FINDINGS:

1. THE LAND USE PLAN CLASSIFIES THIS AREA AS RURAL BUT ADJACENT TO FULL SERVICE WITHIN THE MOYOCK SUBAREA.
2. THE MOYOCK SMALL AREA PLAN CLASSIFIES THE AREA AS FULL SERVICE. THE PROPOSED DEVELOPMENT DENSITY IS 2.37 UNITS PER ACRE, WHICH IS WITHIN THE RANGE OF DENSITIES ENVISIONED IN THE MOYOCK SMALL AREA PLAN.
3. THE FOLLOWING LAND USE PLAN POLICIES ARE RELEVANT TO AND SUPPORT THIS REQUEST:

POLICY HN1: CURRITUCK COUNTY SHALL ENCOURAGE DEVELOPMENT TO OCCUR AT DENSITIES APPROPRIATE FOR THE LOCATION.

POLICY HN2: THE COUNTY SHALL... ENCOURAGE ALTERNATIVES TO LARGE LOT DEVELOPMENTS THROUGH INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING TECHNIQUES.

POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS SHOULD BE ENCOURAGED TO LOCATE WHERE A COLLECTOR OR SECONDARY STREET INTERSECTS WITH A STREET OF EQUAL OR GREATER SIZE. APPROPRIATELY DESIGNED, SMALL-SCALE BUSINESSES MAY ALSO BE NEAR OTHER NEIGHBORHOOD SERVING FACILITIES SUCH AS SCHOOLS AND PARKS.

POLICY CD8: MIXED-USE DEVELOPMENTS, PROPERLY PLANNED FROM THE OUTSET, WHICH ALLOW FOR A COMPATIBLE MIXTURE OF RESIDENTIAL AND NON-RESIDENTIAL USES WITH A PEDESTRIAN SCALE AND DESIGN, ARE ENCOURAGED. SIMILARLY, BUSINESSES MAY BE ALLOCATED ADJOINING (AND THEREFORE CONVENIENT TO) AN EXISTING RESIDENTIAL AREA, WHEN SUCH BUSINESSES CAN BE SHOWN TO SATISFY DESIGN CONSIDERATIONS SIMILAR TO A NEWLY PLANNED, PEDESTRIAN-SCALED, MIXED USE DEVELOPMENT.

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 AND (2) WHERE THE LAND IS PARTICULARLY WELL SUITED FOR DEVELOPMENT AND AWAY FROM ENVIRONMENTALLY SENSITIVE AREAS, SUCH AS AREAS WITH EXTENSIVE WETLANDS.

POLICY PR6: ALL NEW RESIDENTIAL DEVELOPMENT SHALL PROVIDE FOR ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS.

POLICY PP3: THE COSTS OF INFRASTRUCTURE, FACILITIES, AND SERVICES RELATED TO THE DEMAND CREATED BY NEW GROWTH AND DEVELOPMENT SHALL BE BORNE, IN EQUITABLE PROPORTION, BY THOSE CREATING THE DEMAND.

POLICY WQ3: CURRITUCK COUNTY SUPPORTS POLICIES, PLANS, AND ACTIONS THAT HELP PROTECT THE WATER QUALITY OF THE COUNTY'S ESTUARINE SYSTEM BY PREVENTING SOIL EROSION AND SEDIMENTATION, AND BY CONTROLLING THE QUANTITY AND QUALITY OF STORMWATER RUNOFF ENTERING THE ESTUARY.

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.

PRELIMINARY APPLICANT FINDINGS:

1. CURRITUCK COUNTY HAS ADEQUATE PUBLIC FACILITIES TO SERVE THE PROPOSED SUBDIVISION.

At the conclusion of Mr. Woody's presentation to the Board, he clarified the end product of the development will consist of one subdivision with one homeowners association, and discussed the transition for maintenance of the infrastructure to homeowners. Commissioner Hall was concerned with the timing of the turnover of maintenance to homeowners due to the phasing aspect of the development, particularly with the addition of Phase 3A. Mr. Woody suggested the Board could ask the applicant to agree to transition at 75 percent per the current ordinance, and not 51 percent as required under the old ordinance. Roads, stormwater and fill requirements for building pads were clarified. Mr. Woody answered questions regarding the purpose of a dam at the location, saying his understanding was the dam was constructed to prevent sediment from draining into Eagle Creek subdivision.

Continuing with the public hearing, Mr. John Morrison of Twiford Law, representing the applicant, presented the positive aspects of the development for the County, including collecting additional tap fees, increasing utility customers and tax base, and providing interconnectivity. He noted the additional thirteen lots would be increased in size. Mr. Morrison nor the applicant could address the transition percentages without studying the impact of the requirements.

Mark Bissell, Engineer for the applicant, touted the connectivity and said the project's density is less than what is allowable. He said the lot sizes were compatible with Eagle Creek, addressed stormwater and drainage for the Board, noting they did correct some issues but he did not believe the dam was causing an obstruction. Mr. Bissell clarified the water flows away from Eagle Creek, and said dewatering for lake excavation at the project should cease completely within the next few days.

With no further questions from the Board and no one else wishing to speak, Chairman Griggs closed the Public Hearings for both PB 14-16 and PB 07-10 and asked for a motion.

After approval of the continuation for PB 14-16, Commissioner Hall moved to continue PB 07-10 also, to allow time for the applicant to consider transitioning to the homeowners association at 75% or at 51%. Commissioner Beaumont seconded and the motion carried unanimously.

RESULT:	CONTINUED [UNANIMOUS]	Next: 4/4/2016 5:00 PM
MOVER:	Mike D. Hall, Commissioner	
SECONDER:	Paul M. Beaumont, Commissioner	
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Board Member, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner	
ABSENT:	Mike H. Payment, Commissioner	

C. Consideration and Action: PB 15-18 Mashuda Multi-Family:

This item was removed from the agenda.

D. Public Hearing and Action: PB 15-26 Currituck County:

This item was removed from the agenda.

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

Ben Woody, Planning and Community Development Director, reviewed the applicant's request to waive the one year waiting period after denial of a rezoning request. Mr. Woody reviewed the super-majority vote that is required for approval, and the four findings were reviewed with the Board for determining consideration of the request.

TO: Board of Commissioners
FROM: Planning Staff
DATE: February 19, 2016
SUBJECT: Moyock Commons, Phase 2, Subsequent Similar Request

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

- There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the board's application of the relevant review standards to the development proposed in the new application; or
- New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the board's application of the relevant review standards to the development proposed in the new application; or

- The new application proposed to be submitted is materially different from the prior application; or
- The final decision on the prior application was based on a material mistake of fact.

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

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

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

Should the board find that granting a waiver of the one year waiting period is justified; the subsequent rezoning request will proceed as a new application.

Mr. Chip Friedman, applicant, took the position that the request is not a subsequent similar request but a new request for rezoning, to Mixed Residential (MXR) as opposed to Single Family Mainland (SFM).

Commissioner Beaumont asked Mr. Woody to describe the MXR zoning, to which Mr. Woody said MXR permits commercial components and multi-family as well as single family, stating his opinion that MXR is more robust with different character of development. Stormwater, landscaping would remain the same, with changes to design and lot sizes.

County Attorney Ike McRee explained the intent of the one-year waiting requirement. Referring to case law, he explained the purpose is so members of public do not have to return time and again to defend against a series of repetitious applications. Mr. Friedman also referenced case law regarding making reasonable accommodations to promote fairness to applicants. Chairman Griggs expressed his opinion that the hearing process puts the public at somewhat of a disadvantage, requiring the community to put money out of pocket to hire experts to testify in opposition to a project. Mr. Friedman said he is following the rules of the Board, and restated his position that the application submitted was not the same.

Commissioner Beaumont moved to deny the subsequent rezoning request for Moyock Commons phase 2, as he did not see a basis to grant the waiver at this time of the one year time limit on a similar application, adding that he and the Board clearly understood it is a second application.

Commissioner Gilbert seconded and 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 Member, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner
ABSENT:	Mike H. Payment, Commissioner

B. Approval of Contract with Air Concepts, Inc.

County Attorney Ike McRee reviewed the exception in North Carolina General Statute 14-234 that would allow Currituck County to contract with a government official, stating the county falls within the guidelines established. He reviewed the contract with Air Concepts, Inc., the company owned by Commissioner Payment, stating the contract would not exceed twelve months and would have an aggregate limit of \$40,000, with quarterly postings of any payments made by the county.

Commissioner Gilbert moved to approve the contract. The motion was seconded by Chairman Griggs and carried unanimously.

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

C) Board Appointments

1. Economic Development Advisory Board

The following reappointments to the Economic Development Advisory Board were unanimously approved by the Board of Commissioners.

Commissioner Aydlett nominated Martha Burns for reappointment.

Chairman Griggs nominated Ray Griggs for reappointment.

Commissioner Beaumont nominated Greg Laput for reappointment.

Commissioner Gilbert nominated John Harris, a consensus nominee, for reappointment.

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

D) Consent Agenda

Commissioner Gilbert moved to approve the Consent Agenda. Chairman Griggs seconded and the motion carried unanimously.

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

1) Approval Of Minutes for March 7, 2016

2. Budget Amendments

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10460-592000	Courthouse Projects	\$ 19,545	
10775-516200	Vehicle repair	\$ 327	
10380-484001	Insurance recovery		\$ 41,478
10390-499900	Appropriated Fund Balance	\$ 21,606	
		<hr/> \$ 41,478	<hr/> \$ 41,478
Explanation:	Public Works (10460) - Increase appropriations for damages resulting in insurance claims: Animal Shelter dryer and water damage - \$10,235, less deductible \$5,000; Extension roof leak \$7,694; Historic Courthouse transformer \$505; Sheriff's Department Roof leak \$111; Detention Center fence damage \$1,000 less depreciation of \$300; and Sr Center auto window replacement \$327. The Health Department roof will need further evaluation to determine necessary steps to resolve future problems; insurance determined value \$52,175, less depreciation \$10,679 and \$5,000 deductible.		
Net Budget Effect:	Operating Fund (10) - Increased by \$19,872.		

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-516000	Repair & Maintenance	\$ 13,000	
10510-531000	Gas		\$ 13,000
10511-516000	Repair & Maintenance	\$ 7,000	
10511-561000	Professional Services		\$ 7,000
		\$ 20,000	\$ 20,000

Explanation: Sheriff (10510); Jail (10511) - Transfer budgeted funds to purchase rock for the shooting range and around Sheriff's office and for plumbing and HVAC repairs in the Jail.

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

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10540-511000	Telephone & Postage	\$ 2,000	
10540-532000	Supplies	\$ 1,000	
10540-531000	Gas		\$ 3,000
10660-514000	Travel	\$ 1,000	
10660-590000	Capital Outlay	\$ 1,900	
10660-531000	Gas		\$ 1,000
10660-514800	Fees Paid to Officials		\$ 900
10660-526000	Advertising		\$ 1,000
		\$ 5,900	\$ 5,900

Explanation: Inspections (10540); Planning (10660) - Transfer budgeted funds for operations, additional staff training and furniture.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
63838-545800	White Goods Disposal	\$ 15,000	
63838-571500	Recycling		\$ 15,000
		<u>\$ 15,000</u>	<u>\$ 15,000</u>

Explanation: Solid Waste (63838) - Transfer funds to cover White Goods disposal fees.

Net Budget Effect: Solid Waste (63) - No change.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
68888-590000	Capital Outlay	\$ 5,000	
68888-516000	Repairs & Maintenance	\$ 5,000	
68888-533200	Lab Test	\$ 3,000	
68888-545000	Contract Services		\$ 13,000
		<u>\$ 13,000</u>	<u>\$ 13,000</u>

Explanation: Walnut Island Sewer (68888) - Transfers for operations.

Net Budget Effect: Walnut Island Sewer Fund (68) - No change.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-514500	Training & Education	\$ 1,000	
10750-514000	Travel		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ -</u>

Explanation: Social Services Administration (10750) - Transfer funds for Supervisory Management Program through the UNC School of Government.

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
10550-516200	Vehicle Maintenance	\$ 1,000	
10550-590000	Capital Outlay	\$ 4,000	
10550-561000	Professional Services		\$ 5,000
		<u>\$ 5,000</u>	<u>\$ -</u>

Explanation: Airport (10550) - Transfer budgeted funds for repairs to the linemen's truck and courtesy vehicle and for replacement of the lighting system in Hangars A and B.

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
20609-590000	Capital Outlay	\$ 19,068	
20609-545000	Contracted Service		7500
20609-531400	Equipment Fuel		\$ 11,568
		<u>\$ 19,068</u>	<u>\$ 19,068</u>

Explanation: Whalehead Stormwater District (20609) - Transfer funds for three generators to use in the Whalehead Stormwater District.

Net Budget Effect: Whalehead Stormwater Drainage District (20) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12546-516106	Building and Grounds	\$ 4,200	
12546-561006	Professional Services	\$ 13,429	
12546-590006	Capital Outlay	\$ 700	
12546-513006	Utilities		\$ 1,200
12546-544006	Volunteer Assistance		\$ 13,429
12546-554006	Insurance		\$ 3,700
		\$ 18,329	\$ 18,329

Explanation: Corolla Volunteer Fire Department (12546) - Transfer per request of fire department.

Net Budget Effect: Fire Services Fund (12) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-545000	Contract Services	\$ 6,123	
10310-400015	Ad Valorem Taxes - 2015 Levy		\$ 6,123
		\$ 6,123	\$ 6,123

Explanation: Elections (10430) - Increase appropriations to replace the HVAC in the polling site at Gibbs Woods.

Net Budget Effect: Operating Fund (10) - Increased by \$6,123.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12548-536115	Personal Protective Equipment	\$ 8,000	
12548-532115	Fire Supplies	\$ 12,000	
12548-553015	Dues & Subscriptions	\$ 7,000	
12548-511015	Telephone & Postage	\$ 4,254	
12548-554015	Insurance		\$ 1,694
12548-590015	Capital Outlay		\$ 25,560
12548-526015	Promotions		2000
12548-531015	Gas		\$ 2,000
		\$ 31,254	\$ 31,254
Explanation:	Knott Island Vol. Fire Department (12548) - Transfers per request of fire department.		
Net Budget Effect:	Fire Services Fund (12) - No change.		

3. ITS Surplus Resolution

RESOLUTION			
WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on March 21, 2016 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sold at auction or given to another governmental entity:			
Description	Service Tag/Serial No.	Asset Tag	Item No.
Dell Latitude E6500	2XKYHL1	7179	P001
Dell Precision T3500	9T5ZKM1	7332	P002
Dell Optiplex 780	167FFN1	7313	P003
GoBook XR-1	ZZGE GT144ZZ2127	6483	P004
GoBook XR-1	ZZGE GT144ZZ2144	6517	P005
GoBook XR-1	ZZGE GT144ZZ2136	6474	P006
GoBook XR-1	ZZGE GT144ZZ2140	6520	P007
GoBook XR-1	ZZGE GT212ZZ2117	6629	P008
GoBook XR-1	ZZGE GT144ZZ2130	6480	P009
GoBook XR-1	ZZGE GT144ZZ2134	6476	P010
GoBook XR-1	ZZGE GT144ZZ2135	6475	P011
GoBook XR-1	ZZGE GT144ZZ2132	6478	P012
GoBook XR-1	ZZGE GG320ZZ3516	6340	P013
GoBook XR-1	ZZGE GG320ZZ3515	6339	P014
GoBook XR-1	ZZGE GT031ZZ20637	6466	P015
GoBook XR-1	ZZGE GT031ZZ20632	6461	P016
GoBook XR-1	ZZGE GT169ZZ4424	6511	P017
Dell Optiplex 755	FXFHTG1	6942	P018
HP Compaq DC 7800 Ultra Slim	MXL8210VR1	6881	P019
Dell Optiplex 755	BXFHTG1	6938	P020
Dell Optiplex 755	3ZFHTG1	6936	P021
Dell Optiplex 755	CMQ8LF1	6751	P022
Dell Optiplex 755	BMQ8LF1	6749	P023
Dell Precision 390	JWM4SB1	6307	P024
Dell Optiplex 755	3ZQ8LF1	6762	P025
Dell Optiplex 755	8MQ8LF1	6752	P026
General Dynamics GoBook VR-2 (orig donated by LCVFDF)	ZZGE GT164ZZ29295	NONE	P027
General Dynamics GoBook XR-1	ZZGE G8010ZZ3337	6797	P028
Dell OptiPlex 760	HV5N5J1	7063	P029
Dell OptiPlex 755	6N0Q8LF1	6759	P030
Dell OptiPlex 755	2NQ8LF1	6758	P031
Dell Latitude D830	8VHBTG1	6920	P032
HP Compaq DC 7900	CAC92804WH	NONE	P033
HP Compaq DC 7900	CAC9220429	NONE	P034
HP Compaq DC 7900	CAC933007H	NONE	P035
HP Compaq DC 7900	CAC933007T	NONE	P036
HP Compaq DC 7900	CAC922041C	NONE	P037
HP Color Laserjet 3550	CNBR504751	NONE	P038
HP Laserjet 4350dtnsl	USBXS34877	6063	P039
Dell Optiplex 755	5PQ8LF1	6761	P040
3M Digital Wall Display 9200IW Plus	A8J40702994	6882	P041
Dell Latitude D830	BSJNJB1	6870	P042
Xerox 5820	N9N-071914	4126	P043
Dell Optiplex 755	67KLWG1	6935	P044
Dell Optiplex 755	HYFHTG1	6941	P045
Panasonic PT-LB60NTU Projector	SB6330048	6266	P046
Dell Latitude D505 (from Whalehead Club)	JB8VDS1	NONE	P047
Dell Studio (from Whalehead Club)	JK90VL1	NONE	P048
Fujitsu fi-5120C scanner	011874	6448 partial	P049
Fujitsu fi-5110C scanner	110785	NONE	P050
Fujitsu fi-5110C scanner	125464	NONE	P051
Fujitsu fi-5110C scanner	507649	NONE	P052
Fujitsu fi-5110C scanner	005091	NONE	P053
Fujitsu fi-5110C scanner	005056	NONE	P054
Fujitsu fi-5110C scanner	122953	NONE	P055
Adobe Creative Suite 4 - Design Standard		7195	P056
Adobe Creative Suite 6 - Design & Web Premium		NONE	P057
Sony BRC-Z700 Pan/Tilt Video Camera	111834	7403	P058
Sound Forge 8 (for old Apple system)		NONE	P059
Cisco UC520-16 Unified Communication Phone System	FGL152024PT	7457	P060
Cisco WS-C3624-PWR-XL-EN Switch	FAA0517K0DL	6768 partial	P061
Cisco WS-C3624-PWR-XL-EN Switch	CHK0623W1U6	6768 partial	P062
Dell Optiplex 755	8YFHTG1	6943	P063
Dell Optiplex GX520	D08JPB1	6214	P064
Itronix GoBook XR-1 laptop	ZZGE GT144ZZ2137	6473	P065
Itronix GoBook XR-1 laptop	ZZGE GT144ZZ2133	6477	P066
Itronix GoBook XR-1 laptop	ZZGE GT212ZZ8113	6625	P067
Itronix GoBook XR-1 laptop	ZZGE GT212ZZ8124	6636	P068
Itronix GoBook XR-1 laptop	ZZGE GT212ZZ8120	6632	P069

4. Surplus Resolution-Emergency Management**R E S O L U T I O N**

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on March 21, 2016 authorized the following, pursuant to GS 160A and 270(b), that the property listed below be given to Crawford Township Volunteer Fire Department.

Asset Tag #7388 - SunnyBrook Travel Trailer (Command Trailer) - VIN# 4UBAS0P2111V24656

ADOPTED, this 21st day of March, 2016.

David L. Griggs
Currituck County Board of
Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

5. Surplus Resolution-Sheriff's Department**R E S O L U T I O N**

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on March 21, 2016 authorized the following, pursuant to GS 160A and 270(b) that the property listed below be disposed of through auction.

Asset#	Description	Serial#
4554 1999	CHEV VAN	1GCHG39R6X1105972
6350 2007	FORD CROWNVIC	2FAFP71W67X134630
6735 2008	FORD CROWNVIC	2FAHP71V08X146225
6770 2008	CHEV IMPALA	2A1WS553581238343
6672 2008	YAHAMA ATV	5Y4AH23Y88A002294
6091 2005	YAHAMA ATV	5Y4AJ15Y55A009193
7396 2011	YAHAMA ATV	5Y4AH28Y9BA009500
7397 2011	YAHAMA ATV	AH28Y-0010072
7398 2011	YAHAMA ATV	AH28Y-0008983
6030 2006	FORD VAN	1FBSS31L36HB26749
6270 2006	FORD CROWNVIC	2FAFP71W76X124848
7017 2009	DODGE CHARGER	2B3KA43T59H624549
7351 2010	DODGE CHARGER	2B3AA4CTXAH318981
2924 1993	FORD E350 VAN	1FBHE31H4PHB91805

The assorted vehicles listed belonging to the Sheriff's Office are in fair to poor condition, and have been stripped of all markings and emergency equipment prior to decommissioning.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of County of Currituck reserves the right to reject any and all bids.

ADOPTED, this 21 day of MARCH, 2016.

E) Commissioner's Report

Commissioner O'Neal reported that the North Carolina Department of Transportation planned the resurfacing of roads in Moyock would begin early April, shooting for completion in early May. Paving for NC 168 would include from the railroad tracks in Moyock to the vicinity of Food Lion.

Commissioner Gilbert wished everyone a happy Easter and announced she would be attending Tuesday's Albemarle Commission legislative meeting from 10 am till Noon at Museum of the Albemarle.

Commissioner Beaumont reported on the excellent showings by Currituck County Middle School and Moyock Middle School at a recent regional math competition.

Commissioner Hall wished all a happy Easter and reminded everyone County offices would be closed in observance of Good Friday.

F) County Manager's Report

No Report

PUBLIC COMMENT

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

Chairman Griggs opened the Public Comment period.

Peggy Lusk, Moyock, thanked the Board for their consideration of residents with regard to the Moyock Commons development decision, saying it will allow time for the Moyock stormwater committee to meet and discuss the project.

Wende Shannon, Moyock, also discussed Moyock Commons, believing the original project had a commercial element to it and was removed based on feedback from residents. She thanked the Board for hearing citizen concerns.

Judy Pinney, Moyock, said she was pleased with the decision made regarding Moyock Commons thanking the Board for their comments related to the proposed development.

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

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The meeting of the Board of Commissioners was recessed and Commissioners reconvened to hold a special meeting of the Tourism Development Authority (TDA). Tameron Kugler, Director of Travel and Tourism, joined the TDA at the bench and Dan Scanlon, County Manager, reviewed the budget amendments and project ordinances, which included the construction of the restroom facility at Historic Corolla Park and the design phase of a building to display restored boats. Mr. Scanlon explained the funding of the projects through occupancy tax, with

the money for the boat house coming back to the county from appropriations made in prior years to the Whalehead Preservation Trust to fund the project.

Commissioner Aydlett moved to approve. Commissioner Gilbert seconded and the motion carried unanimously.

With there being no further business, the meeting of the Tourism Development Authority was adjourned.

1. TDA-Budget Amendments

		Debit	Credit
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587050	T T - Co Govt Facilities Fund	\$ 250,000	
15448-590000	Capital Outlay		\$ 250,000
		\$ 250,000	\$ 250,000

Explanation: Occupancy Tax-Tourism Related (15447); Whalehead (15448) - Move funding for construction of a restroom facility at Historic Corolla Park from the Whalehead budget to the Multi-year construction fund. This project will be designed in the current fiscal year with construction beginning in a future year.

Net Budget Effect: Occupancy Tax (15) - No change.

		Debit	Credit
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-514500	Training & Education	\$ 4,325	
15442-514000	Travel	\$ 2,300	
15320-415000	Occupancy Tax		\$ 6,625
		\$ 6,625	\$ 6,625

Explanation: Occupancy Tax - Promotion (15442) - Increase appropriations for the Tourism staff to attend Marketing college. This is an annual event that is normally held in the fall. For this year, the event has been moved to the Spring 2016 due to scheduling conflicts. This funding was in the FY 2017 budget and will be

Net Budget Effect: Occupancy Tax (15) - Increased by \$6,625.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587050	T T - Co Govt Facilities Fund	\$ 9,625	
15350-465003	Whalehead Retail Sales		\$ 9,625
		<u>\$ 9,625</u>	<u>\$ 9,625</u>
Explanation:	Occupancy Tax-Tourism Related (15447); Whalehead (15448) - Appropriate funds for the design of a facility for historical boats.		
Net Budget Effect:	Occupancy Tax (15) - Increased by \$9,625.		

2. Project Ordinances: Boat House Design/Restroom facility construction

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is to design and construct a restroom facility at the Corolla Historic Park.

SECTION 2. The following amounts are appropriated for the project:

Restroom - Corolla Historic Park	\$ 250,000
	<u>\$ 250,000</u>

SECTION 3. The following revenues are available to complete this project:

Transfer from Occupancy Tax	\$ 250,000
	<u>\$ 250,000</u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 21st day of March 2016.

David Griggs, Chairman Board of
Commissioners

ATTEST:

Leeann Walton Clerk to the Board

**COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is to design a boat facility at the Corolla Historic Park.

SECTION 2. The following amounts are appropriated for the project:

Boat Facility Design	\$	9,625
	<u>\$</u>	<u>9,625</u>

SECTION 3. The following revenues are available to complete this project:

Transfer from Occupancy Tax	\$	9,625
	<u>\$</u>	<u>9,625</u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 21st day of March 2016.

David Griggs, Chairman Board of
Commissioners

ATTEST:

Leeann Walton Clerk to the Board

CLOSED SESSION

3. Closed session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney and to preserve the attorney-client privilege regarding the matter captioned Swan Beach, LLC v. Currituck County.

The Board of Commissioners reconvened the regular meeting, after which Chairman Griggs 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 lawsuit: Swan Beach Corolla v. Currituck County and to give the county attorney direction regarding other pending legal matters. Commissioner Gilbert seconded, the motion carried unanimously, and the Board of Commissioners entered closed session.

ADJOURN**Motion to Adjourn Meeting**

The Board returned from Closed Session. With no further business Commissioner Gilbert moved to adjourn, seconded by Commissioner Hall. The motion carried unanimously and the meeting of the Board was adjourned.

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