



**CURRITUCK COUNTY
NORTH CAROLINA**

November 7, 2016

Minutes – Regular Meeting of the Board of Commissioners

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners held its regular meeting at 6 PM in the Board Meeting room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

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

Chairman Griggs called the meeting to order.

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

Reverend Bill Masciangelo was present to give the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

The agenda was amended to reflect the following:

A Resolution for Designation of Applicant's Agent to allow FEMA funding to commence was added to Consent Agenda.

Consent Agenda Item 10, Knotts Island Volunteer Fire Department boat purchase and the corresponding budget amendment were deleted. Commissioner Beaumont explained such purchases should be approved by the Fire and EMS Advisory Board before coming to the Board of Commissioners for approval, explaining the item was tabled at the prior Advisory Board meeting.

The ABC Board appointment was also removed from the agenda.

Commissioner Gilbert moved to approve as amended. The motion was seconded by Commissioner Hall and passed unanimously.

Approved agenda:

6:00 PM Call to Order

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

Public Hearings

- A) **PB 16-21 Corolla Light Town Center Miniature Golf**
Request for a use permit to construct and operate a Miniature Golf Course. The property is owned by Golasa Holdings, LLC and located Corolla Light Village Shops, 1159 Austin Street, Tax Map 115B, Parcel 2P2B, Poplar Branch OBX Township.
- B) **PB 16-20 Paragon Beverage Company** Request for a text amendment to add Artisan Food and Beverage Producer, Large Brewery, Distillery, and Winery to the Summary use table in the appropriate zoning districts.
- C) **PB 16-23 OBX Waterpark Adventure:** Request to rezone .96 acres for an outdoor recreation facility (waterpark) from Heavy Industrial (HI) to Conditional - General Business (C-GB) located at 8504 Caratoke Highway, Tax Map 124, Parcel 137E, Poplar Branch Township.

Old Business

- A) **Public Hearing and Action: PB 16-16 E.T. Hyman Surveying (Aggregate Storage and Processing); Request to amend the UDO to allow aggregate storage and processing in the Agriculture Zoning District on parcels with direct access to the railroad.**

New Business

- A) **Consideration and Action: PB 14-26 Old Bay Ridge: Request for a preliminary plat/use permit extension of**

one year for property located on Tax Map 49, Parcel 82C, Crawford Township. This is a 5 residential lot traditional subdivision.

B) Board Appointments

1. Economic Development Advisory
2. ~~ABC Board~~ ***This item was removed from the agenda***

C) Consent Agenda

1. Approval Of Minutes for October 3, 2016
2. Budget Amendments
3. Project Ordinances - Public Safety Building Design Project and Corolla Sidewalks Projects
4. Resolution Supporting the Upgrading of US Highway 17 in Northeast North Carolina to Interstate Standards
5. Resolution Requesting Summer Traffic Control from the North Carolina Highway Patrol
6. Albemarle-Tideland OPEB Resolution & Trust Agreement
7. Surplus Resolution-Carrier Heat Pump
8. Crawford Fire Department Purchase-Turnout Gear
9. Moyock Volunteer Fire Department Purchase Request-Turnout Gear
10. ~~Knotts Island Volunteer Dept. Purchase Request Boat~~ ***This item was removed from the agenda.***
11. Petition for Road Addition to State Maintenance-Corolla Bay
12. Petition for Road Addition to State Maintenance-Dustin Lane, Landmark Homes
13. 3rd Amendment to Tower Lease Agreement for 734 Ocean Trail, Verizon
14. Trillium Health Resources Annual ABC Report for Currituck County
15. Resolution-Dedication of Applicant's Agent-***Amended Item added to Agenda***

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.

Special Meeting

Tourism Development Authority-Budget Amendments

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 matters captioned Swan Beach Corolla, LLC v. Currituck County and Ocean Hill Commercial, 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, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
ABSENT:	S. Paul O'Neal, Commissioner

PUBLIC HEARINGS

A. PB 16-21 Corolla Light Town Center Miniature Golf

Parties were sworn and Chairman Griggs opened the Public Hearing. Planning and Community Development Director, Ben Woody, reviewed the application with the Board.

APPLICATION SUMMARY	
Property Owner: Golasa Holdings, LLC PO Box 120 Kitty Hawk, NC 27949	Applicant: John M. Delucia, P.E. PO Box 3989 Kill Devil Hills, NC 27948
Case Number: 16-21	Application Type: Use Permit
Parcel Identification Number: 115B-000-2P2B-0000	Existing Use: Shopping Center
2006 Land Use Plan Classification: Full Service in Corolla subarea	Parcel Size (Acres): 6.8 acres
Request: Use Permit for Miniature Golf Course	Zoning: SFO with PUD Overlay and GB Allocation

SURROUNDING PARCELS		
	Land Use	Zoning
North	Warehouse and Wastewater Treatment Facility	SFO with PUD Overlay and GB Allocation
South	Open Space and Single Family Homes	SFO with PUD Overlay

East	Open Space, Single Family Homes and Historic Corolla Park	SFO with PUD Overlay
West	Open Space and Single Family Homes	SFO with PUD Overlay

STAFF ANALYSIS

The applicant is requesting a use permit to construct a Miniature Golf Course on the Corolla Light Town Center Property at 1159 Austin Street in Corolla. The proposed use is considered outdoor recreation and requires a use permit on properties located within a Planned Unit Development. The owners intend to remove the existing skateboard park located in the center of the shopping center and construct an 18-hole miniature golf course in the same location with some expansion to the east. The miniature golf facility will be shielded from NC12 mostly by existing shopping center buildings. The proposed golf course features and the ticket building will not exceed the height of existing shopping center buildings.

INFRASTRUCTURE	
Water	Public
Sewer	Private Centralized System
Stormwater/Drainage	The project will result in a decrease in impervious coverage. Stormwater is conveyed by sheet flow and/or a closed collection system to several infiltration basins and a pond.

RECOMMENDATIONS**TECHNICAL REVIEW COMMITTEE**

The Technical Review Committee (TRC) recommends **adoption** of the use permit subject to the following conditions of approval:

1. The application complies with all applicable review standards of the UDO provided the following outstanding items are addressed:
 - a. TRC approval of the Major Site Plan application is required.
2. A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the use permit review standards. 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. A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the use permit review standards. 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.

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 proposed use is deemed to be safer for public use and is a more family oriented activity.
2. The new use will provide an outdoor recreational experience for a greater diversity of potential users and age groups.

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. The proposed use will replace an existing skateboard park and should have no discernable affect to adjacent properties or uses.
2. The golf course use will be more regulated and better staffed than the existing skate park.

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

Preliminary Staff Findings:

1. The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY ED1: new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

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

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

2. The Corolla Village Small Area Plan classifies this site as Mixed Use. Areas designated as mixed use are characterized by a diverse mix of land uses. This includes human scale commercial, residential, governmental, recreational, and civic uses. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY LU1: Recognize the uniqueness of the area by maintaining desirable characteristics, such as building style, scale, and architectural features; and by supporting development concepts that foster and promote the character, culture, and history of Corolla Village.

POLICY ED1: Promote the growth of existing businesses and the recruitment of new businesses that are compatible with the vision of the area.

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 Staff Findings:

1. The proposed use will have no impact on schools.
2. According to the applicant, the use will not require any additional services from County forces and will likely be a safer and more family oriented use than the skate park that it will replace.

Currituck County has adequate public facilities to serve the proposed development of a miniature golf course in the existing Corolla Light Town Center Shops.



John Delucia, project Engineer, and Crouse Gray, applicant's attorney, provided sworn testimony. Mr. Gray said less injuries, as compared to a skate park, would reduce the need for emergency services or police and said the miniature golf course would enhance the community with more people using it as compared to a skate park.

Mr. Delucia said no issues were raised by the community and described the project as a first class facility. He said they are ready to begin demolition of the skate park and construction of the project. Chairman Griggs questioned the findings of fact required and Mr. Gray responded, confirming that the facility would be less likely to cause injury, the community would be enhanced with the use, likely increasing the value of nearby properties. He confirmed staff articulated within its report the use fits with the county's land use policies. Mr. Delucia responded to questions from the Board regarding firefighting and height compliance, describing the structures and features planned for the project.

Chairman Griggs closed the public hearing.

Commissioner Aydlett moved to approve PB 16-21, based on the following:

- The use will not endanger public health and safety-the proposed use is deemed safer for public use and is more family friendly oriented than the use that is there today. The new use will provide an outdoor recreational experience for a greater diversity of potential users and age groups.
- 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. The proposed use will replace an existing skateboard park and should have no discernable affects to adjacent properties or uses. The golf course use will be more regulated and better staffed than the existing skate park.

- The use will be in conformity with the Land Use Plan or other official adopted plans. The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The proposed use is in keeping with the policies of the plan as it now is today.
- The use will not exceed the county's ability to provide adequate public facilities, including but not limited to: schools, fire rescue, law enforcement and other county facilities. The proposed use will not have any impact on schools. The use will not require any additional services from the County forces and will likely be a safer and more family oriented use than the skate park it will replace. Currituck County has adequate facilities currently to serve the proposed development of a miniature golf course in the existing Corolla Light Shopping Center.

The motion was seconded by Commissioner Hall and passed unanimously.

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

B. PB 16-20 Paragon Beverage Company

Mr. Woody reviewed the text amendment application with the Board, after which he responded to Board questions and concerns related to language in the amendment that could affect existing wineries by making them non-conforming or the potential for allowing wineries in the SFI zoning district.

PB 16-20 Paragon Beverage Company

Amendment to the Unified Development Ordinance Chapter 4 Use Standards.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 4. Use Standards is amended by adding the following underlined language. The addition of the following uses will require renumbering of the Additional Requirements column of the Summary Use Table, and correction of effected cross-references.

****NOTE: The text amendment as proposed does not allow wineries in the SFI district. This may cause existing Knotts Island wineries to become nonconforming uses. Currently wineries are permitted under the agribusiness use which allows agricultural products to***

be sold directly to consumers, but does not allow intermediate wholesalers or distributors. This could be problematic for current and future wineries. If wineries are added as an allowable use in the SFI district, staff suggests requiring compliance with the nonresidential design standards as is proposed in the AG district.

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															N/A REQ (4.2)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
		COMMERCIAL USE CLASSIFICATION																
Retail Sales & Services	<u>Artisan Food and Beverage Producer</u>								≥				≥		M/P	M/P	M/P	
	<u>Distillery</u>												≥					
	<u>Brewery, Large</u>												≥		M/P	M/P	M/P	
	<u>Winery</u>		≥						≥				≥		M/P	M/P	M/P	4.K

Item 2: That Chapter 4. Use Standards is amended by adding the following underlined language. The addition of a use will require renumbering of section 4.3.3 Specific Standards for Certain Accessory Uses, and correction of effected cross-references.

4.2 USE-SPECIFIC STANDARDS

4.2.4 Commercial Uses

Winery

(1) Wineries located in the Agriculture District (AG) shall comply with Section 5.8 Nonresidential Design Standards.

Item 3: That Chapter 10. (Definitions) is amended by adding the following underlined language.

10.5 DEFINITIONS

ARTISAN FOOD AND BEVERAGE PRODUCER

An establishment that engages in onsite commercial production of food and/or beverage products to a final form employing batch-processing or hand crafting using traditional methods, and distributes to customers on-site via product tasting and direct sales and/or off-site to retailers and wholesalers. Typical products

include coffee roasters, chocolatiers, confectioners, cideries, microbreweries, brewpubs, and craft distilleries.

BREWERY, LARGE

A brewery with an annual beer production over 15,000 barrels or more and may contain a tap room/tasting room.

BREW PUB

A restaurant with facilities for the manufacture of beer onsite for consumption and retail sale at the restaurant. Where allowed by law, brewpubs may often sell beer "to go" and/or distribute to off-site accounts.

CRAFT DISTILLERY

An establishment where spirituous liquor is produced on site, and which shall include a tasting room in which guests or customers may sample the products. The building in which the craft distillery operates shall not exceed 4,000 square feet.

DISTILLERY

An establishment where spirituous liquor is produced on-site, and which may include a tasting room in which guests or customers may sample the products.

MICROBREWERY

A brewery that produces less than 15,000 barrels and may contain a tap room/tasting room. Where allowed by law, microbreweries may often sell beer "to go" and/or distribute to off-site accounts.

TAP ROOM/TASTING ROOM

A room ancillary to an artisan food and beverage producer that is used for sampling by the public of products produced on site.

WINERY

A building or property at which wine is produced, and which may include a tasting room.

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2016.

Chairman Griggs opened the public hearing.

Michael Cherry and Kathy McCubbins of Paragon Wholesale Beverage Company approached the Board. Mr. Cherry addressed the Board's concerns regarding the residential zoning and said the federal permit required for a winery would not be approved in a residential zone. Mr. Cherry explained the process for acquiring his federal permitting, described his brewery business to the Board, and stated he has no intention of opening a winery.

Board discussion continued regarding the language related to wineries in the text amendment and federal permitting requirements. After discussion, Chairman Griggs asked Mr. Woody the best way to move forward with the portion that does not need additional scrutiny. Mr. Woody suggested the Board exclude allowing wineries in the agricultural and SFI zoning districts and ask staff to bring that piece back with additional research and recommendations.

Chairman Griggs closed the public hearing.

Commissioner Aydlett moved to approve PB 16-20 as written, excluding the SFI and AG zoning districts for wineries and ask Mr. Woody to bring that piece back after some stuff has been done and would approve this because it is a new and expanding business. In addition to the recruitment and expansion of major new industries, considerable value of small business start-up, expansions and spin-offs shall also be recognized potentially. It will utilize a more highly skilled labor force and is compatible with the environmental quality and natural amenity-based economy of Currituck County.

The motion was seconded by Commissioner Gilbert and passed unanimously.

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

C. PB 16-23 OBX Waterpark Adventure:

Mr. Woody reviewed the rezoning application with the Board.

APPLICATION SUMMARY	
Property Owner: Barnhill Contracting Company PO Box 7948 Rocky Mount NC 27804	Applicant: OBX Waterpark Adventure LLC 13 Green Mountain Dr Cohoes NY 12047
Case Number: PB 16-23	Application Type: Conditional Rezoning
Parcel Identification Number: 0124-000-137E-0000	Existing Use: Abandoned dwelling
Land Use Plan Classification: Full Service	Parcel Size (Acres): .96 acres

APPLICATION SUMMARY**Zoning History:** M (1975); HM (1989)**Plan Request:** Water Park (Outdoor Recreation)**Current Zoning:** HI**Proposed Zoning:** C-GB**SURROUNDING PARCELS**

	Land Use	Zoning
North	Proposed Waterpark, Commercial Park	C-GB & HI
South	Proposed Waterpark	C-GB
East	Residential, Vacant	GB & MXR
West	Proposed Waterpark	C-GB

STAFF ANALYSIS

This .96 acre parcel is part of the OBX Waterpark Adventure; however, this parcel was not acquired until recently, so it was not a part of the original rezoning request for the waterpark.

This conditional rezoning request for C-GB is reasonable because a water park will provide a new type of outdoor recreational opportunity in the county and will promote economic growth. The establishment of a destination oriented use in the Point Harbor area should be a catalyst for higher quality growth that will help the area transition from existing strip development patterns to compact nodal development. The close proximity of the subject parcel to The Pointe and Kilmarlic golf courses begins to create a critical mass of tourist oriented activities that would have an overall positive impact on the local economy of Lower Currituck.

The policy emphasis of the 2006 Land Use Plan is for this area of Point Harbor to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and natural features that make the area so attractive. The subject parcel has very little existing residential development in close proximity and provides a substantial buffer between the proposed development and Albemarle Sound. By clustering new uses in this area of Point Harbor, other more rural or residentially developed areas can remain relatively unaffected by intense commercial development patterns.

RECOMMENDATIONS**TECHNICAL REVIEW COMMITTEE**

The Technical Review Committee recommends approval of the conditional rezoning as presented.

CONSISTENCY STATEMENT

The conditional zoning request is consistent with the 2006 Land Use Plan because:

- It promotes a new and expanding industry that diversifies the local economy, trains and utilizes a more highly skilled labor force, and is compatible with the environmental quality of the county. (Policy ED1)
- County water is available to the site and the use will help grow the water system. The development will provide its own wastewater treatment plant. (Policy ES1)
- It is located in an area that is intended to continue to evolve as a Full Service community. (Point Harbor Policy Emphasis)
- With limited access from US158 and a focus on landscaping and appearance standards, the request can have a positive impact on the long-term economic prospects for residents and property owners (Policy ML4).

The request is reasonable and in the public interest because:

- It promotes economic growth.
- It will provide a new type of outdoor recreation in the county.
- It is in close proximity to other tourism related uses and has adequate separation from existing residential development and environmental resources.
- According to the Comprehensive Transportation Plan, US 158 has an existing capacity of 37,600 vehicles per day – the projected 2035 annual average daily traffic volume is 26,700.

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.

Suggested conditions of approval:

1. None.



After review, Mr. Woody responded to a question from Commissioner Hall, confirming that the residential housing piece for workers had not yet been brought before the Board and a use permit would be required.

Chairman Griggs opened the Public Hearing.

Warren Eadus of Quible and Associates, Engineer for the applicant, had no comment. The Board had no questions and Chairman Griggs closed the Public Hearing.

Commissioner Aydlett moved to approve. Commissioner Beaumont seconded. Chairman Griggs amended the motion, adding the Board approve with staff recommendations and because it is consistent with the Land Use Plan because it promotes a new and expanding industry that diversifies the local economy, trains and utilizes a more highly skilled labor force, and is compatible with the environmental quality of the county. (Policy ED1); County water is available to the site and the use will help grow the water system; it is located in an area that is intended to continue to evolve

as a Full Service community-this is the Point Harbor Policy Emphasis; The request is reasonable and in the public interest because it promotes economic growth, it will provide a new type of outdoor recreation in the county, and it is in close proximity to other tourism related uses and has adequate separation from existing residential development and environmental resources.

Commissioner Aydlett accepted the amendment to the motion. Commissioner Beaumont seconded the amended motion. The motion passed unanimously.

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

OLD BUSINESS

A. Public Hearing and Action: PB 16-16 E.T. Hyman Surveying (Aggregate Storage and Processing); Request to amend the UDO to allow aggregate storage and processing in the Agriculture Zoning District on parcels with direct access to the railroad.

Mr. Woody reviewed the application with the Board.

To: Board of Commissioners
From: Planning Staff
Date: September 21, 2016
Subject: PB 16-16 E.T. Hyman Surveying

The enclosed text amendment submitted by E.T. Hyman Surveying proposes to allow outdoor storage of aggregate materials for properties in the Agriculture Zoning District (AG) with direct access to the railroad. This would be permitted as an accessory to an approved principle use in the AG district. The amendment will allow the production of concrete from materials extracted from or stored on the site, or from materials that have been delivered by rail. The proposed amendment includes standards that will address property size, location, and access along with buffering of the proposed use.

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

POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

POLICY ML4: Currituck County recognizes that the appearance and traffic moving function of the NC 168/ US 158 CORRIDOR is of exceptional importance to both the near term quality of life and long-term economic prospects for residents and property owners in the Mainland Area. The Transportation and Community Appearance policy sections of this plan shall be implemented to give priority to this issue.

Recommendation:

Planning staff recommends **approval** of the text amendment with the proposed modifications because it is consistent with the goals, objectives, and policies of the Land Use Plan by promoting

new businesses that diversify the economy, and that train and utilize a more highly skilled labor force. The proposed amendment provides opportunities to reduce heavy truck traffic on the 158/168 corridor by allowing aggregate material to be delivered via rail, and by providing more localized production and delivery of finished products. It is reasonable and in the public interest because it moves toward a goal of increased utilization of the existing rail system, thereby reducing the burden on major roadways, and provides opportunities for economic development.

Mr. Craddock moved to approve PB 16-16 due to its consistency with Policy ED1: New and expanding industries and businesses and Policy ML4: Traffic function of the NC168/US 158 Corridor, it is consistent with the goals, objectives, policies of the Land Use Plan by promoting new businesses that diversify the economy, utilize the existing train system in the county with the following recommendation:

- Change 4.3.3 B (4) to say, "The use maintains a 1000 foot setback from a residential dwelling."
- Remove 4.3.3 B (8) "The scale of concrete production does not exceed that which is typical of residential and nonresidential construction."
- Add "Type D buffer required regardless of adjoining zoning district except Heavy Industrial (HI).

Mr. Bell seconded the motion and motion carried unanimously.

PB 16-16 E.T. Hyman Surveying

Amendment to the Unified Development Ordinance Chapter 4 Use Standards.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 4. Use Standards is amended by adding the following underlined language. The addition of an accessory use will require renumbering of the Additional Requirements column of the Table of Common Accessory Uses, and correction of effected cross-references.

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES

P = Permitted by-right Z= Zoning Compliance Permit U = Use Permit MP = Allowed with master plan blank cell = Prohibited

ACCESSORY USE TYPE	ZONING DISTRICT																ADDITIONAL REQ. (4.3.____)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Accessory Dwelling Unit		Z	Z	Z	Z	Z	Z	Z	Z	P	P			MP	MP	MP	3.A
<u>Aggregate Storage and Processing</u>		<u>Z</u>															<u>3.B</u>

Item 2: That Chapter 4. Use Standards is amended by adding the following underlined language. The addition of an accessory use will require renumbering of section 4.3.3 Specific Standards for Certain Accessory Uses, and correction of effected cross-references.

4.3.3. Specific Standards for Certain Accessory Uses

Aggregate Storage and Processing

Storage of aggregate materials and production of concrete may be permitted as an accessory use, provided:

The use is located on a parcel greater than 20 acres.

The property maintains direct access to the rail system.

The property maintains access to a major arterial street without using local or collector streets that traverse residential neighborhoods.

The use maintains a 1000 foot setback from residential ~~uses~~ (structures)

The setback may be reduced by 50 percent where existing, preserved vegetation meets the standards for Type D buffer in Section 5.2.6.

The applicant proposed, and the planning board agreed, that the 1000 foot setback would be measured to a house instead of a property line.

The use maintains a 100 foot setback from all property lines. The setback may be reduced by 50 percent where existing, preserved vegetation meets the standards for Type D buffer in Section 5.2.6.

Outdoor storage shall be screened in accordance with section 5.2.7
Screening

The use may include outdoor storage of aggregates and the production of concrete provided:

The use does not include processing of aggregates not produced on site (i.e. drying of cement or refining petroleum based products). Sifting or filtering of sand is permitted.

A portion of the aggregate used in concrete production is produced on site.

~~The scale of concrete production does not exceed that which is typical of residential and nonresidential construction.~~

This language was intended to limit the scale of concrete production to that which is typical of building structures as opposed to infrastructure such as roads and bridges. The planning board recommended removal of this condition since it is somewhat confusing and hard to quantify. It was decided the requirement to be an accessory use, and therefore subordinate and incidental to the principle use, would suffice.

The use may include storage of pre-casted concrete products typical of residential or nonresidential construction.

A Type D buffer is required along all property lines regardless of the adjoining zoning district, except where the use abuts Heavy Industrial.

Planning staff asked that this language be added since it was inadvertently omitted from the staff report. The planning board agreed.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2016.

Commissioner Aydlett suggested we should be encouraging this type of business and rail use in the county.

Chairman Griggs opened the Public Hearing.

Eddie Hyman, E.T. Hyman Surveying, represented the applicant and talked of utilization of the railroad resource in the County. He provided responses to questions submitted by the Board of Commissioners after an initial appearance resulting in a continuance on October 3, 2016. Mr. Hyman addressed setbacks and locations, chemical mix concerns, and wind and flood concerns.

Commissioner Beaumont questioned the aggregate production wording within the text amendment. Mr. Hyman agreed the wording needed to be amended to read sand instead of aggregate.

Chairman Griggs confirmed those questions not answered with specificity would be addressed when a use permit application was brought before the Board. Mr. Hyman said applications would be site specific.

Chairman Griggs closed the Public Hearing.

Commissioner Beaumont moved to approve PB 16-16 with staff recommendations, in that it does encourage new and expanding industries and businesses within the county to help diversify the local economy as well as train and utilize a more highly skilled labor force; and that it will be compatible with environmental quality and natural amenity-based economy of Currituck County, as well as Policy ML 4 recognizing that the appearance and traffic moving function of NC 168/158 is of exceptional importance and by gross movement of material will keep truck traffic down while encouraging rail traffic; with the exception that Paragraph 4.3.3.7B be struck from the text amendment. Commissioner Aydlett seconded the motion.

Commissioner Beaumont, after Board discussion, amended his motion to add a 1000 foot setback from a residential structure.

Commissioner Aydlett seconded the motion as amended. The motion passed unanimously.

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

NEW BUSINESS

A. Consideration and Action: PB 14-26 Old Bay Ridge: Request for a preliminary plat/use permit extension of one year for property located on Tax Map 49, Parcel 82C, Crawford Township. This is a 5 residential lot traditional subdivision.

Parties were sworn and Mr. Woody reviewed the applicant request to extend the preliminary plat/use permit for an additional year.

Commissioner Aydlett moved to approve and Commissioner Gilbert seconded the motion for extension for one year. The motion passed unanimously.

To: Board of Commissioners
From: Planning Staff
Date: October 24, 2016
Subject: Old Bay Ridge, Preliminary Plat Extension

On November 17, 2014, the Board of Commissioners voted to approve the preliminary plat/use permit for Old Bay Ridge. This is a traditional subdivision consisting of 5 residential lots located off of Tulls Creek Road in Currituck. The preliminary plat approval is due to expire on November 17, 2016.

On October 13, 2016 the engineer, Mark Bissell – Bissell Professional Group, submitted a request for preliminary plat extension of the subdivision indicating the applicant has proceeded with the preparation of construction drawings and specifications and is in the process of applying to the state agencies for construction permits.

In accordance with the UDO Section 2.4.8.E., the Board of Commissioners may grant a two year extension of the preliminary plat one time for good cause. The applicant is requesting a one year extension.

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

B) Board Appointments

1. Economic Development Advisory

Commissioner Aydlett nominated Kimberlee Hoey to the Economic Development Advisory. Chairman Griggs seconded and the appointment was unanimously approved.

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

2. ABC Board

The agenda was amended and this item was removed.

RESULT:	WITHDRAWN
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C) Consent Agenda

Commissioner Aydlett moved to approve the consent agenda. The motion was seconded by Commissioner Gilbert and passed unanimously.

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

1) Approval Of Minutes for October 3, 2016

1. BOC Meeting Minutes for October 3, 2016

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
63838-590000	Capital Outlay	\$ 13,925	
63390-499900	Fund Balance Appropriated		\$ 13,925
		\$ 13,925	\$ 13,925

Explanation: Solid Waste (63838) - Change order for upgrade to electric at transfer station.

Net Budget Effect: Solid Waste Fund (63) - Increased by \$13,925.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
66868-516200	Maintenance & Repairs Vechiles.	\$ 4,500	
66868-545000	Contracted Services		\$ 2,000
66868-590000	Capital Outlay		\$ 2,500
		\$ 4,500	\$ 4,500

Explanation: Southern Outer Banks Water (66868) - Transfer funds for repairs to two 2006 trucks used for operations in the SOBWS.

Net Budget Effect: Southern Outer Banks Water (66) - No change.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50795-590005	Veteran's Park Dock	\$ 373,617	
50795-590007	Moyock Park Shingle Landing	\$ 900	
50535-590001	800 MHz Project		\$ 26,186
50551-561000	Hangar 3 Prof Services (County Funds)		\$ 20,873
50551-590000	Hangar 3 Capital Outlay (County Funds)		\$ 20,713
50795-561000	Rec Bldg Professional Services		\$ 11,625
50795-590001	Maple Campus Signage		\$ 29,367
50650-590000	Roadway & Utilities		\$ 5,500
50650-594500	Maple Com Park Contract Services		\$ 54,265
50650-596100	Maple Com Park Professional Services		\$ 64,162
50650-597000	Maple Com Park Reimburseabl Exp		\$ 4,128
50795-590003	Maintenance Building		\$ 4,414
50795-594500	Soccer Fields		\$ 133,284
		<u>\$ 374,517</u>	<u>\$ 374,517</u>
Explanation:	Veteran's Park Dock Repairs (50795) - Transfer residual funds from completed projects for change orders required to stabilize and reconstruct dock at Veteran's Park and for increase to Laughing Gull contract for the Moyock park.		
Net Budget Effect:	County Governmental Construction (50) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10795-545000	Contract Services	\$ 16,500	
10795-590000	Capital Outlay	\$ 14,500	
10380-484001	Insurance Recovery		\$ 9,500
10310-400100	Vehicle Tax Collected by DMV		\$ 21,500
		<u>\$ 31,000</u>	<u>\$ 31,000</u>
Explanation:	Parks and Recreation (10795) - Increase appropriations to remove trees at the Maple Recreation Maintenance Building damaged in Hermine, Julia and Matthew. Also, increase to repair and replace sections of bulkhead and docks at Sound Park damaged in Hurricane Matthew.		
Net Budget Effect:	Operating Fund (10) - Increased by \$31,000.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10541-532000	Supplies		\$ 300
10541-514600	Public Education	\$ 300	
10541-502100	Salaries-OT		\$ 2,320
10541-516000	Repairs & Maintenance	\$ 2,320	
		<u>\$ 2,620</u>	<u>\$ 2,620</u>
Explanation:	<i>Fire Services (10541) - Transfer funds for recruitment costs and repairs to HVAC system at the Waterlilly Fire Station.</i>		
Net Budget Effect:	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10660-545000	Contracted Services	\$ 30	
10540-545000	Contracted Services	\$ 30	
10510-545000	Contract Services	\$ 435	
10790-545000	Contract Services		\$ 850
10390-499900	Appropriated Fund Balance	\$ 355	
		<u>\$ 850</u>	<u>\$ 850</u>
Explanation:	<i>Sheriff (10510); Inspections (10540); Planning (10660); Library (10790) - Reallocated funding for Eastern Data door locks at the Corolla Office.</i>		
Net Budget Effect:	Operating Fund (10) - Decreased by \$355.		

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10530-526000	Advertising	\$ 4,000	
10530-531000	Gas		\$ 4,000
		<u>\$ 4,000</u>	<u>\$ 4,000</u>
Explanation:	<i>Emergency Medical Services (10530) - Transfer budgeted funds for advertising for recruitment and RFP for bids.</i>		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10795-516001	Park Maintenance	\$ 1,500	
10380-482000	Miscellaneous Revenue		\$ 1,500
		<u>\$ 1,500</u>	<u>\$ 1,500</u>
Explanation:	<i>Parks and Recreation (10795) - To record receipt of restitution for damages to property at Sound Park.</i>		
Net Budget Effect:	Operating Fund (10) - Increased by \$1,500.		
		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
68888-545000	Contracted Services		\$ 5,000
68888-533200	Lab Test	\$ 5,000	
		<u>\$ 5,000</u>	<u>\$ 5,000</u>
Explanation:	<i>Walnut Island Sewer (68888) - Transfer funds for additional lab testing.</i>		
Net Budget Effect:	Walnuts Island Sewer Fund (68) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
12544-5900004	Capital Outlay	\$ 11,166	
12544-545000	Contract Services		\$ 11,166
		\$ 11,166	\$ 11,166
Explanation: Crawford Volunteer Fire Department (12544) - Transfer funds per request of Crawford VFD for turnout gear to be funded within the current budget.			
Net Budget Effect: Fire Services Fund (12) - No change.			

3. Project Ordinances - Public Safety Building Design Project and Corolla Sidewalks Projects

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 construction sidewalk additions at Albacore and Corolla Village Road for expansion of connecting Corolla.

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

Albacore Sidewalk	\$ 300,000
Corolla Village Road Sidewalk	\$ 300,000
	<u>\$ 600,000</u>

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

Transfer from Occupancy Tax	\$ 600,000
	<u>\$ 600,000</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 7th day of November 2016.

**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 Public Safety facility for County personnel.

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

Public Safety Facility Design	\$ 250,000
	<u>\$ 250,000</u>

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

Transfer from Transfer Tax

\$	250,000
\$	250,000

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 7th day of November 2016.

4. Resolution Supporting the Upgrading of US Highway 17 in Northeast North Carolina to Interstate Standards

5. Resolution Requesting Summer Traffic Control from the North Carolina Highway Patrol

RESOLUTION

REQUESTING SUMMER TRAFFIC CONTROL FROM THE NC HIGHWAY PATROL

WHEREAS, an important part of the tourism dollars that are generated for the State of North Carolina derive from visitation to the Outer Banks that occurs on weekends from Memorial Day to Labor Day; and

WHEREAS, weekend visitation during the summer season creates congestion and traffic problems that cause gridlock conditions at the intersection of Highway 158 and NC 12 in front of the Aycock Brown Welcome Center in Kitty Hawk; and

WHEREAS, the conditions that exist during summer weekends pose a serious threat to public safety not only at the Welcome Center intersection, but extend for miles in each direction, which results in backups and gridlock that stretch out through much of Currituck County on Highway 158 and to Corolla on NC 12; and

WHEREAS, the weekend gridlock that occurs at the Highway 158 and NC 12 intersection not only causes extreme backups and delays for motorists in both Dare and Currituck counties, it impedes emergency access for ambulances and other public safety vehicles; and

WHEREAS, during the summer of 2016, law enforcement agencies collaborated to assist with traffic control at the intersection of Highway 158 and NC 12 which included the North Carolina Highway Patrol on two weekends. This joint effort resulted in dramatically improved conditions and reduced the gridlock that has endangered the visitor experience and jeopardized public safety; and

WHEREAS, the Currituck County Board of Commissioners believes that the presence of law enforcement at the intersection of Highway 158 and NC 12 during summer weekends has proven to be successful and should be continued; and

WHEREAS, Currituck County is not able to continually provide the total law enforcement resources that are required to provide weekend traffic control during summer weekends at the Welcome Center intersection without seriously jeopardizing our ability to respond to other emergencies that occur during the peak visitation season.

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners respectfully requests that the North Carolina Highway Patrol provide traffic control assistance during summer weekends at the intersection of Highway 158 and NC 12 and use its professional and highly trained personnel to assist the many motorists traveling to the Outer Banks of North Carolina as a matter of public safety and to help preserve the tourism revenue stream that is in the best economic interest of North Carolina.

This the 7th day of November, 2016.

6. Albemarle-Tideland OPEB Resolution & Trust Agreement

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CURRITUCK, NORTH CAROLINA, AUTHORIZING AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST FUND AND RELATED TRUST AGREEMENT; APPOINTMENT OF TRUSTEE FOR AND A CONTRIBUTION TO OPEB TRUST FUND.

WHEREAS, the County of Currituck, North Carolina (the “County”) is a party to a Memorandum of Agreement for the Provision of Health Insurance for Qualified Retirees of Albemarle Mental Health and Tideland Mental Health, dated July 1, 2007, to provide certain benefits for eligible retirees of those former organizations that constitute what are known as other post-employment benefits (the “OPEB obligation”);

WHEREAS, the counties which are parties to the above Memorandum of Agreement are Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell and Washington (the “*Counties*”);

WHEREAS, in furtherance of the Counties funding of the OPEB obligation, the Counties wish to participate in an investment trust fund set up by the North Carolina State Treasurer’s office, the NC Long Term Non-Pension Program (the “*NC NPP Trust Fund*”) in which the Counties will deposit funds currently held by Martin County for the OPEB obligation;

WHEREAS, the Counties desire to create a trust fund (the “*OPEB Trust Fund*”) into which Martin County will transfer the money that has been on deposit at Martin County;

WHEREAS, such deposits into the OPEB Trust Fund will be irrevocable, not subject to the claims of creditors and may only be withdrawn by the administering County to provide other post-employment benefits to individuals who are former employees or beneficiaries of former employees covered by the Memorandum of Agreement and who are entitled to other post-employment benefits payable by the former Albemarle Mental Health and Tideland Mental Health;

WHEREAS, Martin County will continue to serve as the administering county; and

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CURRITUCK, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. ***Creation of OPEB Trust Fund; Execution of Trust Agreement.*** The County Manager and the Finance Director of the County are each hereby authorized and directed to take such action as may be necessary to create an Other Post-Employment Benefits Trust Fund into which the money on deposit at Martin County will be transferred. The County Manager and the Finance Director of the County are each hereby authorized, empowered, and directed to execute and deliver a Trust Agreement substantially in the form attached hereto, but with such changes, modifications, additions or deletions as to them seem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein. The County Manager and the Finance Director of the County are each also hereby authorized to take any other actions deemed necessary or appropriate to consummate the transactions provided for in the Trust Agreement and to take all such other actions as they may deem necessary or appropriate to give effect to the Trust Agreement.

Section 2. ***Transfer from Martin County to NC NPP Trust Fund.*** The County Manager and the Finance Director of the County are each hereby authorized and directed to cause the money on deposit at Martin County to fund the Counties OPEB obligation to be transferred to the NC NPP Trust Fund.

Section 3. ***Appointment of Trustees.*** The Board of Commissioners hereby appoints the County Manager to serve as Currituck County’s trustee of the OPEB Trust Fund and grants the authority necessary to perform all duties and obligations thereof.

Section 4. ***Other Actions.*** That all actions heretofore taken by the County Manager and the Finance Director of the County acting on behalf of the County with respect to the creation of the OPEB Trust Fund are hereby ratified, adopted, approved and confirmed in all respects. The County Manager and the Finance Director of the County are authorized to execute and deliver for and on behalf of the County any and all documents or other papers and perform all

other acts as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 5. ***Effective Date.*** This Resolution is effective on the date of its adoption.

On motion of Commissioner Aydlett, seconded by Commissioner Gilbert, the foregoing resolution titled **“A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CURRITUCK, NORTH CAROLINA, AUTHORIZING AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST FUND AND RELATED TRUST AGREEMENT; APPOINTMENT OF TRUSTEE FOR AND A CONTRIBUTION TO OPEB TRUST FUND** was duly adopted by the following vote:

AYES: SIX (6) GRIGGS, AYDLETT, BEAUMONT, GILBERT, HALL, PAYMENT

NAYS: ZERO (0)

PASSED, ADOPTED AND APPROVED this 7th day of November, 2016.

7. Surplus Resolution-Carrier Heat Pump

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 November 7, 2016, authorized the following, pursuant to GS 160A and 270(b), that the following property is declared surplus and is to be disposed of as scrap metal:

CARRIER 25-ton Heat Pump Serial # 50TFQ012A5 (unit was removed from the roof of the Barco Library and replaced with a new unit)

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

THIS THE 7th day of November, 2016.

8. Crawford Fire Department Purchase-Turnout Gear

9. Moyock Volunteer Fire Department Purchase Request-Turnout Gear

10. Knotts Island Volunteer Dept. Purchase Request-Boat

The agenda was amended and this item was removed from consideration.

11. Petition for Road Addition to State Maintenance-Corolla Bay

12. Petition for Road Addition to State Maintenance-Dustin Lane, Landmark Homes

13. 3rd Amendment to Tower Lease Agreement for 734 Ocean Trail, Verizon

14. Trillium Health Resources Annual ABC Report for Currituck County**15. Resolution-Dedication of Applicant's Agent-Amended Item added to Agenda****D) Commissioner's Report**

Commissioner Payment reported his attendance at a follow-up meeting to continue the discussion on vocational and technical education in our area. He said it was a good meeting that included state representation and he will keep the Board informed going forward.

Commissioner Gilbert offered her condolences to the family of Dare County Commissioner Warren Judge who passed away this week and recognized him as an outstanding public servant. She announced an upcoming meeting with Army Corp of Engineers to assess flooding concerns at Summit Farms and Cahoon Farms.

Commissioner Gilbert recently attended the Ruritan District Meeting where the speaker talked about volunteerism, and praised the coming together of communities, neighbors, and county staff who worked together after the storm. She announced Veterans Day ceremonies to be held at the Coinjock VFW and the Moyock United Methodist Church. She thanked the community and sponsors who participated and volunteered for the Currituck Kids Gobbler Jogger fundraiser, reaching their \$20,000 goal.

Commissioner Beaumont said he attended an aviation job fair at Currituck's Regional Aviation and Technical Training center. He said 10 businesses attended and praised Currituck's ED Director, Peter Bishop and College of the Albemarle for their efforts.

Commissioner Hall said he attended the Currituck Chamber awards banquet. He thanked those who operate businesses in Currituck County. He announced the craft fair to be held at the Senior Center, November 19th from 10 AM till 2 PM.

Commissioner Aydlett offered his condolences to the family of Warren Judge. He thanked Eric Weatherly, Engineer, and Will Creef, Soil and Water, for the service to the residents of Kotts Island and the Outer Banks to address storm flooding. He thanked everyone for their thoughts and prayers during his recent hospital stay. He thanked Peter Bishop, Economic Development Director, for his hard work and efforts for the county.

Commissioner Griggs offered condolences to Warren Judge's family. He also complemented staff and discussed the back to back weather events.

E) County Manager's Report

Mr. Scanlon thanked Commissioners for their kind words about County staff. He reported that tree limb pickup was scheduled to begin today and to call Public Works to arrange for pickup of bulk items and debris such as carpet or sheetrock. He said a request has been made through the public health department to address mosquito spraying.

Mr. Scanlon said FEMA individual assistance was approved for the county. Applicants must go to www.DisasterAssistance.gov or call 800-621-3362 to begin the process for any type of FEMA assistance.

The North Carolina Department of Transportation was contacted about damages to the Knotts Island Causeway and they have a pre-construction meeting called for Tuesday.

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.

Fran Grossman, a resident of Spindrifft in Corolla, personally thanked several county employees for their service and help to her personally. She specifically named Stacy Joseph, Senior Center Coordinator; Brenda McQueen, Public Works Supervisor; Eric Weatherly, County Engineer; Eileen Wirth, Project Coordinator; Ben Woody, Planning and Community Development Director; and Dan Scanlon, County Manager.

With no one else wishing to speak, Chairman Griggs closed the public comment period and recessed the regular meeting.

SPECIAL MEETING

The Currituck County Board of Commissioners, sitting as the Tourism Development Authority, held a Special Meeting in the Board Meeting room of the Historic Currituck Courthouse. Chairman Griggs called the meeting to order.

Tourism Development Authority-Budget Amendments

County Manager, Dan Scanlon, reviewed the budget amendments. Commissioner Aydlett moved to approve. The motion was seconded by Chairman Griggs and passed unanimously.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15448-590000	Capital Outlay	\$ 5,001	
15448-516000	Building Maintenance		\$ 5,001
		<u>\$ 5,001</u>	<u>\$ 5,001</u>
Explanation:	Occupancy Tax - Tourism Related/Whalehead (15448) - Transfer funds from maintenance to capital outlay to replace HVAC systems at Whalehead Club.		
Net Budget Effect:	Occupancy Tax Fund (15) - No change.		

With no further business, the meeting of the Tourism Development Authority was

adjourned.

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

CLOSED SESSION

After adjourning the Special Meeting of the Tourism Development Authority, Chairman Griggs reconvened the regular meeting of the Board of Commissioners.

- 1. 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 matters captioned Swan Beach Corolla, LLC v. Currituck County and Ocean Hill Commercial, LLC v. Currituck County.**

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 and give direction to the county attorney regarding claims against the county in the following pending lawsuits: Swan Beach Corolla, LLC v. Currituck County and Ocean Hill Commercial, LLC v. Currituck County and pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

Commissioner Aydlett seconded the motion and the motion passed unanimously. The Currituck County Board of Commissioners entered closed session.

ADJOURN

Motion to Adjourn Meeting

After returning from Closed Session with no further business, Commissioner Hall moved to adjourn. The motion was seconded by Commissioner Gilbert and passed unanimously. The regular meeting of the Board of Commissioners concluded at 8:30 PM.

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