



**CURRITUCK COUNTY  
NORTH CAROLINA**

October 3, 2016  
Minutes – Regular Meeting of the Board of Commissioners

**6:00 PM CALL TO ORDER**

The Currituck County Board of Commissioners met in regular session at 6 PM in the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina.

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

Chairman Griggs called the meeting to order.

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

Reverend Kim Ferebee gave the Invocation and led the Pledge of Allegiance.

**B) Approval of Agenda**

Chairman Griggs amended the agenda and added a Board Appointment to the Historic Boat and Building Advisory under New Business. Consent Agenda item 6, County Manager contract amendment, was removed from the agenda.

Commissioner O'Neal moved to approve. The motion was seconded by Commissioner Aydlett and passed unanimously.

Approved Agenda:

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance-Reverend Kim Ferebee, St. Mark Church of Christ
- B) Approval of Agenda

**Administrative Reports**

**A) Whalehead Dredging Presentation-Dan Scanlon, County Manager**

**B) Large Residential Structures Presentation-Ben Woody, Director, Planning and Community Development**

**Public Hearings**

**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.**

**Old Business**

**A) Discharge of Firearms Ordinance Discussion-Distance, Noise and Locations**

**New Business**

**A) Consideration of Resolution Authorizing the County's Disposition of 95.61 Acres of Property on Knotts Island Known as a Portion of the Flyway Tract By Conveyance to the United States of America in Exchange for 719.65 Acres of Property Owned by the United States of America on the Currituck Outer Banks, Pursuant to N.C. Gen. Stat. §160A-279**

**B) Board Appointments**

1. Historic Boat and Building Advisory-***Amended Item Added to Agenda***

**C) Consent Agenda**

1. Approval Of Minutes-September 19, 2016
2. Budget Amendments
3. Resolution Authorizing the "Piggybacking" On a Purchase Agreement From Houston-Galveston Area Council of Governments for a 2017 IH 7400, 2 Door, OEM Cab, Pumper/Tanker with 51 foot Rear Mount Roadrunner and Associated Equipment from Rosesnbauer South Dakota, LLC and C.W. Williams and Co.,
4. Knotts Island VFD-Payment Approval-Pump Module Replacement
5. Consideration of County Personnel Policy
6. ~~Amendment to County Manager Contract~~-***Agenda was***

***amended and this item was removed from consideration at the October 3, 2016 meeting of the BOC.***

7. Consideration of third amendment to agreement for the exchange of land between The Conservation Fund, County of Currituck, and the United States of America.
8. Order of Entry-R.F. London, Inc. (Mermaids)

**D) Commissioner's Report**

**E) County Manager's Report**

**Public Comment**

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

**Adjourn**

**Special Meeting of the Tourism Development Authority**

TDA Budget Amendments

**Adjourn Special Meeting**

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

**ADMINISTRATIVE REPORTS**

**A. Whalehead Dredging Presentation-Dan Scanlon, County Manager**

County Manager, Dan Scanlon, presented information on the permit application process and a history of the county's attempts to obtain dredging permits for the Whalehead boat basin channel at Historic Corolla Park. Using a powerpoint he reviewed both Environmental Assessment and Environmental Impact Statement procedures. He presented the Purpose and Need Statement prepared for the project and showed several photos of the channel over the years. He reviewed the county's applications, the first in 1996, and subsequent requests, all of which were denied by the state agencies responsible for review. A more recent pre-scoping meeting with these agencies confirmed a permit would not be issued. However, Mr. Scanlon suggested recent legislative changes may make the climate less onerous, streamlining the process and easing some of the obstacles. Mr. Scanlon said there is an application the county had begun to prepare but was not submitted and asked if the Board would like to move forward and submit a new application.

Mr. Scanlon answered questions and talked about maintenance requirements and the possible use of a consultant familiar with the procedure and who had informed him of the legislative changes.

Commissioner O'Neal said the channel was used in the 1970's and 1980's to carry mail and school children. He said it would be nice for residents to have this alternative to access the beach.

Commissioner Hall moved that the county move forward to pursue the option of opening the channel and contact the consultant. Commissioner O'Neal seconded and the motion passed unanimously.

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

#### **B. Large Residential Structures Presentation-Ben Woody, Director, Planning and Community Development**

Ben Woody, Planning and Community Development Director, presented a process overview and timeline of earlier meetings to gather information and Commissioner feedback to create the proposed text amendment for Large Residential Structures. He used a powerpoint to display photos of the kinds of structures affected, reviewed the revised language in the text amendment, and provided results and comments from community meetings held on the topic. He detailed the amendments proposed for houses over 5,000 square feet which include increased setbacks and buffer requirements and parking standards while showing an example of what the requirements would look like if imposed on a structure. Mr. Woody reviewed how the proportionality formula would work, with utilization of abutting lots. He reviewed the Use Standards in the off-road area, where CAMA setbacks and designated wetlands are in play. The Use Permit requirement for homes over 10,000 square feet was explained, and Mr. Woody reviewed the public's widely varied opinions on the issue.

Date: September 26, 2016

Subject: PB 16-14 Currituck County Large Residential Structures Administrative Report

At the August 1, 2016 Board of Commissioners meeting, the board directed planning staff to hold a community meeting to evaluate the proposed text amendment and to receive comments from the public.

The staff held a public meeting on August 12, 2016 at the Corolla Library. This meeting was well attended by citizens, property owners, and representatives of the building and real estate community. After a short presentation by staff, and a question and answer session, the staff solicited comments from the meeting attendees.

The enclosed meeting summary reflects the comments received.

The comments demonstrate a wide range of opinions on the topic of large residential structures. Many of the attendees did not agree on the extent to which these structures should be regulated, if at all. However, there were general areas of consensus from the meeting:

- Specifically address the ordinance impact on existing structures to avoid issues commonly associated with being designated as a nonconforming use.
- Make an allowance for areas that are already planned or platted for large residential structures (e.g., sections of Pine Island).
- The proposed minimum parking space size is too small and is not reflective of typical vehicle sizes.
- The infrastructure and level of county services necessitates differentiating between the off-road and paved road areas.

To: Board of Commissioners  
From: Planning Staff  
Date: July 20, 2016  
Subject: PB 16-14 Currituck County Large Residential Structures Text Amendment

At the 2016 BOC Retreat in January, the board directed planning staff to develop recommendations to address the impact of large residential structures in the Currituck Outer Banks. Following the retreat, the staff conducted public outreach efforts and work sessions with citizens in Corolla. In April, the Board of Commissioners held a work session to review work and analysis completed by staff. Outcomes of the work session include:

- County attorney to submit special legislation to address life safety issues on residential structures greater than 5,000 sq. ft.
  - Commercial floor load and deck load standards
  - 13D sprinkler system (residential system)
  - Exit lighting
- Increased minimum off-street parking for all residential dwellings on the OBX
- Better signage prohibiting on-street parking
- Compatibility standards - a general consensus for **exploring this option**
  - Establish a “trigger size” to apply higher standards
  - Increased side setbacks
  - Larger lot size required in off-road beaches
  - Screening for outdoor use and refuse areas
  - Proportionality - new houses similar in scale or bulk of existing neighboring houses

The enclosed text amendment attempts to address the issues of compatibility and safety impacts of houses greater than 5,000 square feet. The draft language increases side setbacks to 25 feet, requires additional buffering for outdoor gathering spaces, and limits the number of parcels in the off-road area available for large house construction. Parking standards are increased for all residential structures. These additional rules are only triggered when a house is proposed to be larger than 5,000 square feet. Very large houses can negatively impact a neighborhood's character and can potentially create safety issues, especially in areas where emergency response and infrastructure is limited.

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

**LUP POLICY OB3:** Currituck County recognizes that, on the Outer Banks in particular, “single family” homes are being built that accommodate 15, 20, 25 or more people. Thus, these **LARGE RESIDENTIAL STRUCTURES** are circumventing existing zoning laws that could not anticipate the advent of these building forms. Development regulations and project approvals shall therefore be based upon the actual nature of the structure rather than the label (e.g. single family) that may be attached to it.

**LUP POLICY OB4:** Currituck County supports policies and actions that require the square footage, number of bedrooms, and/or occupancy levels of **RESIDENTIAL STRUCTURES** to be determined in proportion to lot size, as well as public health and safety issues concerning water supply and sewage disposal, fire safety, emergency services, parking, traffic loads during evacuations, etc.

Staff Recommendation:

Planning staff recommends **approval** of the text amendment because it is consistent with the goals, objectives, and policies of the Land Use Plan because the proposed amendment addresses the actual nature of a large residential structure (POLICY OB3) and it addresses public health and safety issues (POLICY OB4). Further, the amendment is reasonable and in the public interest because it is required by changed conditions and results in a logical and orderly development pattern.

Planning Board Recommendation:

Mr. Cooper moved to approve PB 16-14 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development with the following conditions:

- Mainland will be exempt from text amendment.
- Corolla the text amendment will apply as written.
- Carova (Off-Road Area) the text amendment will apply as written with the condition a use permit is required of any home built over 10,000 sq. ft.

Mr. Whiteman seconded the motion and motion carried.

**PB 16-14**  
**CURRITUCK COUNTY**

Amendment to the Unified Development Ordinance Chapter 4. Use Standards, Chapter 5. Development Standards, and Chapter 10 definitions and Measurements for single-family detached dwellings that exceed 5,000 square feet.

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 and deleting the struck-through language:

**4.1.1 Use Table**

TABLE 4.1.1: SUMMARY USE TABLE

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2.)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
RESIDENTIAL USE CLASSIFICATION																		
Household Living	Dwelling, duplex			Z/U				Z			Z	Z			M P	M P	M P	2.A. 1
	Dwelling, live/work							Z	Z	Z	Z	Z			M P	M P	M P	2.A. 2
	Dwelling, mansion apartment							C Z			Z	Z			M P	M P	M P	2.A. 3
	Dwelling, manufactured home (class A)	Z	Z			Z	Z	Z										2.A. 4
	Dwelling, manufactured home (class B)	Z	Z			Z	Z	Z										2.A. 4
	Dwelling, multi-family							C Z			Z	Z			M P	M P	M P	2.A. 5
	Dwelling, single-family detached	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			M	M	M	2.A.

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]														ADDITIONAL REQ. (4.2.)		
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
							U								P	P	P	6
	Dwelling, townhouse							C Z			Z	Z			M P	M P	M P	2.A. 5
	Dwelling, upper story							Z	Z	Z	Z	Z			M P	M P	M P	2.A. 6 2.A. 7
Group Living	Dormitory							Z	Z	U	Z	Z			M P	M P	M P	2.B. 1
	Family care home			Z	Z	Z	Z	Z	Z	Z	Z	Z			M P	M P	M P	2.B. 2
	Rooming or boarding house							Z	Z	Z	Z				M P	M P	M P	2.B. 3

#### 4.2.2 Residential Uses

##### Household Living

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##### (5) Dwellings, Multi-Family and Townhouse

Multi-family and townhouse dwellings shall comply with the multi-family design standards in Section 5.7, the community compatibility standards in Section 5.10 (as appropriate), and the following standards:

- (a) No accessory structure shall be less than ten feet from another structure.
- (b) No improved recreation area shall be located within required exterior setbacks or within 20 feet of any dwelling unit.
- (c) No individual building shall exceed a length of 250 feet.
- (d) A townhouse building shall contain at least three but no more than six side-by-side dwelling units.

##### Dwelling, Single Family Detached

Single family detached dwellings in the SFO and SFR districts that exceed 5,000 square feet of living area shall comply with the following standards:

Side setbacks shall be a minimum of 25 feet

Storage areas for refuse containers in the SFO and SFR districts shall be screened in accordance with Section 5.2.7, Screening.

Ground-level outdoor gathering areas that exceed 1,000 square feet, including but not limited to decks, pool areas, fire pits, outdoor kitchens, and gazebos, shall be screened from abutting properties by a Type B buffer.

Total living area shall not exceed 150% of the average living area square footage of single family detached dwellings on abutting lots.

In the SFR district, may only be located on lots that exceed 120,000 square feet of lot area which excludes the following:

Required CAMA Ocean Hazard setback and Coastal Shoreline setback;

CAMA designated wetlands;

U.S. army Corps of Engineers designated 404 wetlands.

In the SFR district, single family detached dwellings that exceed 10,000 square feet are required to obtain a Use Permit.

### **Dwelling, Upper Story Residential**

Upper story residential dwelling units shall occupy the second or higher floor of a building with a nonresidential use on the ground floor.

**Item 2:** That Chapter 5, Development Standards is amended by adding the following underlined language and deleting the struck-through language:

#### **5.1.3 Off-Street Parking Standards**

##### **Parking Plan Required**

The parking plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development the facilities are designed to serve.

##### **Minimum Number of Spaces Required**

Unless otherwise expressly stated in this section or approved through an alternative parking plan, the minimum number of off-street parking spaces shall be provided in accordance with Table 5.1.3.C, Minimum Off-Street Parking Standards.

##### **Maximum Number of Spaces Permitted**

###### **Provision up to 175 Percent of Minimum**

- (e) Commercial and Industrial uses of 5,000 square feet in area or larger listed in Table 5.1.3.C, Minimum Off-Street Parking Standards, shall not exceed 125 percent of the minimum number of parking spaces required in the table.
- (f) Through approval of an alternative parking plan in accordance with Section 5.1.6.A, Provision Over the Maximum Allowed, commercial and industrial uses may provide up to a maximum of 175 percent of the minimum number of parking spaces required in the table.
- (g) Provision of more than 175 percent of the minimum number of parking spaces for uses subject to the standards of this section shall require approval of a use permit in accordance with Section 2.4.6, Use Permit.

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
<b>RESIDENTIAL USE CLASSIFICATION</b>		
Household Living	Dwelling, duplex	1.5 per DU
	Dwelling, live/work	1 per DU
	Dwelling, mansion apartment	1 per DU
	Dwelling, manufactured home (class A)	2 per DU
	Dwelling, manufactured home (class B)	2 per DU

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
	Dwelling, multi-family	1.8 per DU
	Dwelling, single-family detached	0.5 per bedroom for 1-4 bedrooms 1.0 per bedroom for 5-10 5+ bedrooms 0.5 per bedroom for 11+ bedrooms
		<i>Example: an 8 bedroom single family detached dwelling requires 6 parking spaces (2 for the first 4 bedrooms; 4 for bedrooms 5-8). A 15 bedroom single family detached dwelling requires 10-13 parking spaces (2 for the first 4 bedrooms; 6 11 for bedrooms 5-10; and 2 for bedrooms 11-15).</i>
	Dwelling, townhouse	1.8 per DU
	Dwelling, upper story	0.5 per DU
Group Living	Dormitory	1 per every 2 resident beds
	Family care home	1 per every 3 resident beds
	Rooming or boarding house	1 + 1 per guest bedroom

#### 5.1.4 Configuration of Vehicular Use Areas

##### General Standards for Off-Street Parking, Stacking, and Loading Areas

###### Use of Parking Area, Stacking Area, or Loading Space

All vehicular parking areas, stacking areas, internal aisles, and loading spaces required by this section may be referred to as "vehicular use area" and shall be used only for their intended purposes. Any other use, including, but not limited to, vehicular storage, vehicle sales, vehicular repair work, vehicle service, or display of any kind, shall constitute a separate business use of the space.

###### Identified as to Purpose and Location

Except for single-family detached and two-to-four family dwellings, off-street parking areas of three or more spaces and off-street loading spaces shall include painted lines, wheel stops, or other methods of identifying individual parking and loading spaces and loading areas and distinguishing such spaces from aisles or other vehicular use areas.

###### Location

Off-street surface parking shall be located in accordance with any applicable design standards in Section 5.7, Multi-Family Design Standards, Section 5.8, Nonresidential Design Standards, Section 5.9, Shopping Center Design Standards, or Section 5.10, Community Compatibility Standards, as appropriate.

###### Surfacing

(h) Except for development within the SFR district, single-family dwellings on lots of three acres in area or larger, and as provided for in Section 5.1.6.F, Alternative Materials, all off-street parking, loading, and circulation areas shall be surfaced with asphalt, concrete, brick, crushed stone, pavers, aligned concrete strips, or an equivalent material. These materials shall be maintained in a smooth, well-graded condition.

(i) Religious institutions, overflow parking, and parking for special events may take place on grass surfaces.

###### Arrangement

**Convenient Access**

(i) All off-street parking, loading, and circulation areas shall be arranged for the access and safety of pedestrians and vehicles.

(ii) ~~Except for single family detached and two to four family dwellings uses requiring less than six parking spaces, off-street parking areas with three or more spaces shall be arranged so that no parking or maneuvering incidental to parking shall occur on a public street or sidewalk, and so that an automobile may be parked and un-parked without moving another automobile (except as provided in Section 5.1.6.E, Valet and Tandem Parking).~~

TABLE 5.1.5: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

PARKING SPACE TYPE	MINIMUM WIDTH (FEET)	MINIMUM DEPTH (FEET)	MINIMUM AISLE WIDTH (FEET)	
			ONE-WAY	Two-Way
<b>NON-RESIDENTIAL PARKING</b>				
Parallel (0°)		22	12	20
Angled (45°)			14	20
Angled (60°)	10	18	16	24
Perpendicular (90°)			24	24
<b>RESIDENTIAL PARKING</b>				
Parallel (0°)		20		
Angled /Perpendicular	8	15	15	[2]

[1] Parking lot aisles not adjoining parking spaces shall have a minimum width of 10 feet for one-way traffic and 20 feet for two-way traffic

[2] Drive aisles are only required for single family dwellings when 6 or more parking spaces are required

**Item 3:** That Chapter 10. Definitions and Measurements is amended by adding the following underlined language:

**10.3.5 Bulk****Definitions/Measurement****Building Size**

Building size is the total floor area located inside exterior walls and covered by a roof.

**Density, Residential**

The maximum number of residential dwelling units permitted per acre of land area. Density is determined by dividing the number of dwelling units by the total amount of land area within a particular lot or tract. For the purpose of determining maximum gross density, CAMA-designated wetlands shall not be included in calculating the total amount of land area.

**District Size**

The minimum size, in acres, of a base or overlay zoning district, including streets, rights-of-way, and open space areas, but excluding unbuildable lands.

**Floor Area**

The sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.\

**Floor Area Ratio**

The total floor area of all buildings or structures on a lot divided by the lot area.

**Living Area**

The total square footage of all floor areas which includes finished space that is heated (conditioned), excluding any heated garages or accessory structures, as calculated by the Currituck County Tax Office.

**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.

During his presentation, Mr. Woody answered questions from the Board regarding noise and provided additional details on proportionality.

Mr. Woody said all municipalities on the Outer Banks, with the exception of Kill Devil Hills, have limitations on home sizes ranging from 3000 to 7000 square feet. He said most coastal communities to the south impose limitations, and Virginia's Sandbridge was addressing the use of property by limiting events.

The Board discussed property use versus size, personal homes versus rental, and life safety issues, including topography and dunes. Commissioner O'Neal said Homeowners Associations can address home size if they feel a problem exists in their community. He said the use of property should be addressed. Chairman Griggs suggested any homes being built as investments are commercial in nature. During discussion Mr. Woody confirmed a local act authorizing the county to address life safety would be submitted to the legislature. He said the amendment also includes language relative to signage, parking and education.

After discussion, Mr. Woody suggested options, such as presenting the text amendment as written for public hearing or to modify or seek additional input and bring a revised amendment back to the Board for review.

Commissioner Payment said more work is needed. He said the focus should be on use rather than size, the Homeowner Association piece addressed, and look at the Use Permits. Commissioner Hall suggested adding consideration of dune topography as it pertains to the setbacks to ensure emergency access and ability to vacate.

Commissioner Aydlett said the Board has admired this problem and talked for years and said when everyone makes up their mind, take the issue up again.

Chairman Griggs said he would like the Legal Department to provide an opinion as to

whether to rely on the Homeowners or Property Owners Associations to provide and enforce restrictions.

Commissioner O'Neal said he has stated from the beginning he is not going to arbitrarily tell people how large their house should be. He would consider proportionality, but believes the Board should address parking, noise and events for example if they are the issues.

Commissioner Beaumont said use is the challenge and suggested applying standards to event homes. He questioned how to distinguish an event house from another, and agreed the issue has been circling.

Commissioner Payment moved to ask staff to continue to work on the ordinance focusing on use rather than size, address the Homeowner Association piece, and look at the Use Permits and topography as stated by Commissioner Hall. Commissioner Hall seconded and the motion passed unanimously.

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

## RECESS

A brief recess was called at 7:29 PM by Chairman Griggs. He reconvened the meeting at 7:35 PM.

## PUBLIC HEARINGS

**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.**

Ben Woody, Planning and Community Development Director, reviewed the text amendment request with the Board. He noted the amendment would apply county-wide. The Technical Review Committee and Planning Board recommended approval.

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.

Answering Board questions, Mr. Woody said the railroad access language limits the number of affected parcels and limitations are imposed because of the accessory use requirement.

Chairman Griggs opened the public hearing.

Eddie Hyman, Hyman Surveying, asked the item be tabled so the Board's concerns could be addressed in a work session.

Mr. Scanlon suggested Board members present questions before scheduling a work session to determine if one is needed, as the answers may be able to be sufficiently answered in open session.

Commissioner Gilbert moved to accept the continuance to the next meeting with Board members filtering any questions for the applicant through the Planning Department.

Commissioner Beaumont seconded and the motion passed unanimously. The item was continued to the meeting of October 17, 2016.

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 11/7/2016 6:00 PM</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner	
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner	
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner	

## OLD BUSINESS

### A. Discharge of Firearms Ordinance Discussion-Distance, Noise and Locations

Ike McRee, County Attorney, to answer questions raised at the August 1, 2016, Board of Commissioners meeting when the amendment to the Discharge of Firearms Ordinance was adopted, began by providing a history of the 300 yard distance requirement, and noted its inclusion in the original ordinance adopted January 5, 1976. The ordinance was amended in March of 1996, which altered distances based on the type of shooting and nearby locations, reducing the distance for hunting. An April 2007 amendment removed wording regarding hunting and mobile homes. Mr. McRee said the 300 yard distance and backdrop required for target shooting have not changed since 1996. Mr. McRee answered Board questions to confirm distance requirements for different types of shooting. He referred to the motion to adopt the ordinance amendment at the earlier meeting which required staff to return to the Board to make a report. Chairman Griggs noted distance, noise and locations were to be discussed.

Mr. Scanlon said the noise decibel test had to be rescheduled.

Mr. Woody showed a map that depicted the locations in the county which would prohibit target shooting based on proximity to residential structures and the 300 yard requirement. He showed representations of 100 and 200 yard distances. Mr. McRee and Mr. Woody responded to questions related to the map, wetlands and backdrop requirements. Mr. McRee said the purpose for the backdrop requirement is to keep projectiles from leaving a property.

Chairman Griggs summarized the requirement to discuss provisions in the ordinance amendment as stated during its adoption.

Commissioner Beaumont said the 300 yard requirement still does not address safety and the distance is not proven to be safer than 200 or 100 yards. He said he does not agree with the arbitrary 300 yard requirement.

Chairman Griggs provided statistics and talked of the scenarios which would pertain to a 300 yard requirement. With no substantive changes to the amendment as adopted on August 1, 2016, no action was taken by the Board.

### **AN ORDINANCE AMENDING SECTION 9-1 OF THE CURRITUCK COUNTY CODE OF ORDINANCES REGARDING THE DISCHARGE OF FIREARMS AND SECTION 1-8 OF THE CURRITUCK COUNTY CODE OF ORDINANCES PROVIDING THAT A VIOLATOR MAY BE ISSUED A CIVIL CITIION**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-129 a county may regulate the discharge of firearms at any time or place except when used to take birds or animals, when used in the defense of persons or property, or when used pursuant to the lawful directions of law enforcement officers.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck as follows:

**Part I. Section 9-1. Discharge of firearms prohibited.** of the Currituck County Code of Ordinances is amended to read as follows:

Sec. 9-1. - Discharge of firearms prohibited.

(a) Near residences. It is unlawful for any person to discharge a rifle, shotgun, handgun or any firearm within 100 yards of any regularly occupied residence not owned by them without written permission consent of the regular occupant and owner of such residence which the person shall carry at all times relevant to this section.

(b) On or across roadways. It is unlawful for any person to discharge a rifle, handgun, shotgun or any firearm on or across any public road, highway, or public vehicular area.

(c) Firing near school. It shall be is unlawful to discharge a center fire rifle within one-half mile of any school unless such discharge occurs with at least 200 yards of woodlands or forest intervening between such discharge and the school.

(d) Firing at targets. It shall be is unlawful for any person to discharge any a rifle, handgun, shotgun or other firearm into any a target which has a substantial backdrop within 100 yards of any subdivision unless (i) the point of discharging the rifle, handgun, shotgun or other firearm and the target are located 300 yards or more from a regularly occupied residence; (ii) a backstop is located behind the target sufficient to stop all projectiles shot from the firing line to the target; and (iii) the person discharging the rifle, handgun, shotgun or other firearm into the target has on their person written consent for the activity from all persons who are the regular occupant of the residence and from the owner of the residence if a different person or persons from the regular occupant of the residence located within 300 yards of a firing line and target, that with or without permission. However, it shall be lawful to discharge any rifle, handgun, shotgun or other firearm into any target which has a substantial backdrop, so long as said discharge is 300 yards away from any regularly occupied residence, except by permission of the regular occupant and owner of such residence.

A person that was discharging firearms into targets on their property before April 16, 2007 is permitted to continue to discharge a firearm into targets on their property even if doing so at a later date does not conform to this section or amendment to this section, provided that there has been no substantial change in use of the person's property and the person documents the discharge of firearms into targets on their property before April 16, 2007.

(e) Firing when not in woodlands. When firing a center fire rifle into any area of Currituck County not forested or woodlands or without a backstop that keeps projectiles from leaving the property on which the center fire rifle is fired, it shall be unlawful for any person to discharge or fire said rifle unless the level of the rifle be at least ten feet off the ground, or in a stand which is at least eight feet high, or when standing on the top of a dog box situate in the bed of a truck when said dog box is at least two feet in height.

(f) Forest or woodlands. For purposes of this section forest or woodlands is defined as a large and thick collection of growing trees, preserving some or all of its primitive wildness and usually having game or wild animals in it.

(g) Impairing substances. It shall be is unlawful to discharge any rifle, handgun, shotgun or any other firearm while under the influence of any impairing substance.

(h) Exception. This section shall not apply to the following: the use of firearms in defense of persons or property or the use of firearms by law enforcement officers in the performance of their duties, or in an indoor firing range.

(1) the use of firearms in the defense of persons or property;

(2) the use of firearms by law enforcement officers in the performance of their duties;

(3) the use of firearms in an indoor firing range;

(4) the use of a firearm for the purpose of shooting or killing any dangerous animal or reptile;

(5) the use of a firearm to take birds or animals pursuant to Chapter 113, Subchapter IV, of the General Statutes of North Carolina;

(6) the use of a firearm not involving the release of projectiles at a historical or ceremonial function:

or

(7) the use of a firearm at school sanctioned instructional or recreational activities intended to further the use safe firearms practices.

(i) Penalty. Any violation of this section shall be a misdemeanor and upon conviction shall be punishable by fine of not more than \$500.00 or by imprisonment for not more than 30 days.

**PART II. Section 1-8(i)(3)** is amended to read as follows:

(3) Chapter 9, section 9-1, section 9-4, section 9-7, section 9-33;

**PART II. Severability.** Should any section or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be invalid or unconstitutional.

**PART III. Effective date.** This ordinance shall be effective immediately upon its adoption.

## NEW BUSINESS

### **A. Consideration of Resolution Authorizing the County's Disposition of 95.61 Acres of Property on Knotts Island Known as a Portion of the Flyway Tract By Conveyance to the United States of America in Exchange for 719.65 Acres of Property Owned by the United States of America on the Currituck Outer Banks, Pursuant to N.C. Gen. Stat. §160A-279**

Ike McRee, County Attorney, reviewed the purchase and exchange of property agreement, which would ultimately result in the county's acquisition of 719 acres on the Currituck Outer Banks. Mr. McRee reviewed the criteria and the requirement that a resolution be adopted so the process can move forward. Mr. Scanlon explained the grant award of approximately \$490,000, the land swap with US Fish and Wildlife, and possible uses such as horse habitat, hiking and recreation, and perhaps a public restroom and beach access area on a small unrestricted piece.

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

### **RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA AUTHORIZING CONVEYANCE OF 95.61 ACRES OF LAND TO BE ACQUIRED BY THE COUNTY IN KNOTTS ISLAND KNOWN AS THE "FLYWAY TRACT" TO THE UNITED STATES OF AMERICA IN EXCHANGE FOR 719.95 ACRES OF LAND OWNED BY THE UNITED STATES OF AMERICA ON THE CURRITUCK OUTER BANKS**

WHEREAS, pursuant to a contract between the United States of America, The Conservation Fund, a nonprofit corporation, and Currituck County, the county will acquire a 95.61 acre tract of land located on Knotts Island the north side of Moyock more particularly described as "Parcel A" and "Parcel C" "Exempt Subdivision Plat for: The Conservation Fund, Ogden Reid Property (Flyway Farm)" recorded in Plat Cabinet O, Slide 113 of the Currituck County Registry; and

WHEREAS, the United States of America owns 719.95 acres of land located on the Currituck County Outer Banks, as more particularly described in deeds recorded in Deed Book 197, Page 327; Deed Book 200, Page 831; Deed Book 241, Page 323; and Deed Book 1112, Page 279 of the Currituck County Registry; and

WHEREAS, N.C. Gen. Stat. §160A-279 authorizes a county to convey real property by private sale, with or without consideration, to an entity the county is authorized by law to appropriate money to and the United States of America is such an entity; and

WHEREAS, the United States of America will use the property conveyed to it by the county for public recreation and the enhancement and protection of wildlife within the county and

WHEREAS, Currituck County has given the required public notice and the Board of Commissioners is considering this resolution while convened in a regular meeting.

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

Section 1. The Chairman of the Board of Commissioners and County Manager are authorized to execute all documents necessary to convey fee simple title to a 95.61 acre tract of land located on Knotts Island more particularly described as "Parcel A" and "Parcel C" "Exempt Subdivision Plat for: The Conservation Fund, Ogden Reid Property (Flyway Farm)" recorded in Plat Cabinet O, Slide 113 of the Currituck County Registry.

Section 2. The consideration for the conveyance is the use of the property by the United States of America for public recreation and the enhancement and protection of wildlife and the conveyance of 719.95 acres of land located on the Currituck County Outer Banks, as more particularly described in deeds recorded in Deed Book 197, Page 327; Deed Book 200, Page 831; Deed Book 241, Page 323; and Deed Book 1112, Page 279 of the Currituck County Registry.

Section 3. The Clerk to the Board of Commissioners shall publish a notice summarizing the contents of this resolution, and the property may be conveyed at any time after 10 days from the date the notice is published.

Section 4. This resolution shall take effect upon its adoption.

ADOPTED the 3rd day of October, 2016.

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

## B) Board Appointments

### 1. Historic Boat and Building Advisory-Amended Item Added to Agenda

Commissioner O'Neal nominated Rodney Kite to the Historic Boat and Building Advisory. The nomination was seconded by Commissioner Aydlett and unanimously approved.

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

## C) Consent Agenda

Commissioner Hall recognized those in attendance from the Carova Beach Volunteer Fire Department and thanked them for their service.

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

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

**1) Approval Of Minutes-September 19, 2016**

**1. BOC Minutes for September 19, 2016**

**2. Budget Amendments**

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10640-532004	FCS Supplies	\$ 1,709	
10330-449900	Miscellaneous Grants		\$ 1,709
		<b>\$ 1,709</b>	<b>\$ 1,709</b>

**Explanation:** Cooperative Extension (10640) - Increase appropriations to record grant funding for Senior Health Insurance Information Program.

**Net Budget Effect:** Operating fund (10) - Increased by \$1,709.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
12548-590015	Capital Outlay	\$ 27,500	
12548-532115	Fire Supplies		\$ 27,500
		<b>\$ 27,500</b>	<b>\$ 27,500</b>

**Explanation:** Knotts Island Vol Fire Department (12548) - Transfer budgeted funds for new pump for tanker rebuild. This will be funded through existing fire contract funds.

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

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50550-592008	Corp Area Apron 36237.8.13.1	\$ 39,651	
50330-448000	State Aid to Airports		\$ 35,686
50380-481000	Investment Earnings		\$ 3,965
		<b>\$ 39,651</b>	<b>\$ 39,651</b>

**Explanation:** County Governmental Construction (50550) - Increase appropriations for Corporate Aircraft Parking Apron and Southern Parallel Taxiway for additionally grant funding of \$35,686. There will also be an additional 10% County match of \$3,965.

**Net Budget Effect:** County Governmental Facilities (50) - Increased by \$39,651.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10445-545000	Contract Services	\$ 4,740	
10390-449900	Apropriated Fund Balance		\$ 4,740
		<b>\$ 4,740</b>	<b>\$ 4,740</b>

**Explanation:** Human Resources (10445) - Carryforward MUNIS training from FY 2016.

**Net Budget Effect:** Operating Fund (10) - Increased by \$4,470.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
63838-590000	Capital Outlay	\$ 70,342	
63390-499900	Fund Balance Appropriated		\$ 70,342
		<b>\$ 70,342</b>	<b>\$ 70,342</b>

**Explanation:** Solid Waste (63838) - Emergency electrical repairs at the transfer station.

**Net Budget Effect:** Solid Waste Fund (63) - Increased by \$70,342.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10541-516000	Maintenance & Repair	\$ 826	
10541-516200	Vehicle Maintenance		\$ 826
		<b>\$ 826</b>	<b>\$ 826</b>
<b>Explanation:</b>	<i>Fire Services (10541) - Emergency repairs to the HVAC system at the Waterlily Fire Station.</i>		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		

**3. Resolution Authorizing the “Piggybacking” On a Purchase Agreement From Houston-Galveston Area Council of Governments for a 2017 IH 7400, 2 Door, OEM Cab, Pumper/Tanker with 51 foot Rear Mount Roadrunner and Associated Equipment from Rosenbauer South Dakota, LLC and C.W. Williams and Co., LLC**

**RESOLUTION AUTHORIZING THE “PIGGYBACKING” ON A PURCHASE AGREEMENT FROM HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS FOR 2017 IH 7400, 2 DOOR, OEM CAB, PUMPER/TANKER WITH 51 FOOT REAR MOUNT ROADRUNNER AND ASSOCIATED EQUIPMENT WITH ROSENBAUER SOUTH DAKOTA, LLC AND C.W. WILLIAMS AND CO., LLC**

WHEREAS, the County of Currituck desires to “piggyback” on a purchase agreement by Houston-Galveston Area Council of Governments for a 2017 IH 7400, 2 Door, OEM Cab, Pumper/Tanker with 51 foot Rear Mount Roadrunner and associated equipment from Rosenbauer South Dakota, LLC and C.W. Williams and Co., LLC; and

WHEREAS, the conditions of “piggybacking” on the original contract have been met in accordance with N.C. Gen. Stat. §143-129; and

WHEREAS, public notice of purchase of the material and equipment set forth above was published in The Daily Advance, a newspaper with general circulation within the county, on September 23, 2016.

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

Section 1. The County of Currituck is authorized to “piggyback” on the Houston-Galveston Area Council of Governments contract for a 2017 IH 7400, 2 Door, OEM Cab, Pumper/Tanker with 51 foot Rear Mount Roadrunner and associated equipment from Rosenbauer South Dakota, LLC and C.W. Williams and Co., LLC.

Section 2. The County Manager is authorized to execute the contract and other required documents for purchase of the fire truck described in this resolution.

Section 3. This resolution shall be effective upon its adoption.

This the 3rd day of October, 2016.

**4. Knotts Island VFD-Payment Approval-Pump Module Replacement**

**5. Consideration of County Personnel Policy**

NORTH CAROLINA  
CURRITUCK COUNTY

**R E S O L U T I O N**

**WHEREAS**, Article 5 of Chapter 153A of the North Carolina General Statues authorizes a Board of Commissioners to establish a personnel system; and,

**WHEREAS**, it is the desire of the Currituck County Board of Commissioners to establish a personnel system policy that will promote a fair and effective means of employee recruitment and selection, develop and maintain an effective and responsible work force, and provide the means for rewarding meritorious employees and the removal of unsatisfactory employees,

**NOW, THEREFORE, BE IT RESOLVED** by the Currituck County Board of Commissioners that the policy entitled "County of Currituck Personnel Policy, Effective January 7, 2017", creating a personnel system is adopted by Resolution, and all prior resolutions or polices in any way effecting the organization of the personnel system of the County are hereby repealed.

This resolution shall take effect January 7, 2017.

ADOPTED this 3<sup>rd</sup> day of October, 2016.

**6. Amendment to County Manager Contract-Agenda was amended and this item was removed from consideration at the October 3, 2016 meeting of the BOC.**

This item was removed from consideration.

**7. Consideration of third amendment to agreement for the exchange of land between The Conservation Fund, County of Currituck, and the United States of America.**

**THIRD AMENDMENT TO THE  
AGREEMENT FOR THE EXCHANGE OF LANDS**

**THIS AGREEMENT** is the third amendment to the Agreement for the Exchange of Lands entered into by **THE CONSERVATION FUND (TCF)**, a non-profit organization as defined under Section 501(c)(3), whose address is 1655 N. Fort Myer Drive, Suite 1300, Arlington, Virginia 22209, the **COUNTY OF CURRITUCK NORTH CAROLINA (the COUNTY)**, a body politic, whose address is 153 Courthouse Road, Suite 204, Currituck, North Carolina 27209, and the **UNITED STATES OF AMERICA (USA)**, acting by and through the Secretary of the Interior or her authorized representative, dated February 13, 2015 (the "Agreement"), and herein collectively known as the **PARTIES**;

**WITNESSETH:**

By this Amendment, the PARTIES hereto mutually agree as follows:

1. All parties agree to extend the existing agreement to protect the integrity of the appraised value of all properties included in this agreement. This Third Amendment will be extended on a month to month basis to allow for the completion of all due diligence required by Federal Land Acquisition Standards for Fee Purchase and Exchange.

2. We further agree that the closing between the USA and TCF may go forward as agreed for \$944,900.00, the full fair market value of the 287.64 acres (76b).

3. We further agree that this amendment will correct a typo in the second amendment which stated that the value of the 95.61 acres is \$988,900.00. This was in error so the parties hereby agree that TCF may proceed to convey to the County the remaining 95.61 acres for \$981,100.00 (76c,d). This is the full fair market value of the 95.61 acres.

4. We further agree that, as stipulated in the Second Amendment, upon completion of all required due diligence for federal land acquisition standards, and; a) the direct purchase of the 287.64 acres from TCF by the USA, and b) the direct purchase of 95.61 acres from TCF by the County, the County will exchange the 95.61 acres (76c,d) in an equal value for value exchange with the USA.

5. The Parties further agree that as stated in the Second Amendment, for the purpose of preserving the integrity of the appraised value, both tracts will ultimately be conveyed to the USA and as herein stated will be done so in two separate actions; a) direct purchase with TCF and b) exchange between the County and the USA. The total consideration paid to TCF will be \$1,926,000.00 (One Million Nine Hundred Twenty-Six Thousand and No/100) and will ultimately bring the entire 383.25 acres owned by TCF to the ownership of the USA.

6. The parties do hereby agree that all other terms and conditions as set forth in the before mentioned Agreement for the Exchange of Lands, dated February 13, 2015, and subsequent First and Second Amendments will remain the same.

IN WITNESS WHEREOF, the Vendors have hereunto signed their name(s) this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

### **8. Order of Entry-R.F. London, Inc. (Mermaids)**

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

Commissioner Payment said he attended a function at Currituck High School where the Lower Currituck Volunteer Fire Department donated over \$50,000 of equipment to the school for use in the program to recruit volunteer fire fighters. He also attended a meeting with school officials in surrounding areas to discuss the need for vocational and technical education. Commissioner Payment cautioned residents to prepare for the upcoming storm.

Commissioner Gilbert congratulated volunteers recognized at the county's Volunteer Banquet. She announced Crawford Volunteer Fire Department's Fall Festival on October 14th and the Currituck Kids Scarecrow Fest at Currituck BBQ on October 15th.

Commissioner Hall reported his attendance at the Senior Center volunteer banquet and acknowledged those who give their time to volunteer, specifically mentioning two individuals who each volunteered over 500 hours.

Commissioner Aydlett showed photographs of flooded roads in Carova after the recent storm which dropped two feet of rain. He commended horse tour operators who remained off of the roadways and asked that something be put in place so the county can control 4-wheel drive beach access during catastrophic flooding. Mr. McRee suggested seeking modification of the local act to allow the county to regulate road use behind the dunes. He said we could perhaps declare a state of emergency in specific areas of the county. Commissioner Aydlett thanked the folks from the north beach who were in attendance.

Chairman Griggs expressed concern over the coming storm. He thanked the Sheriff's Department for lending aid to those on the beach who were in need during the last weather event.

**E) County Manager's Report**

Mr. Scanlon reminded the Board members to complete their audit forms so the county audit could be finalized. He recognized Mary Beth Newns, Emergency Management Director, who was selected as Emergency Management Director of the Year for the state of North Carolina. He provided the latest update for Hurricane Matthew, saying it was a significant storm and that Currituck is the target for now.

**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.***

Don Hofnagle, Carova Beach, spoke of the flooding and dangerous road conditions in Carova, noting it took an emergency vehicle seven minutes to travel 400 yards. He thanked Bob White who suspended his wild horse tours and said we need to find a way to limit traffic.

Melinda Farmer, Carova Beach, thanked Commissioners for approving the purchase of their new fire engine and for their support. She also commended Bob White for revising his tour operation and agreed area traffic should be limited. She said a Jeep group was there now and tourists are driving on the side of the roads and getting stuck. She said a fire truck took a long time to get to a fire emergency.

Sam Miller, Oxford Road, addressed his concerns related to the discussion of Large Residential Structures. He believes the beach is an investment and most homes are rentals, cautioning against arbitrary restrictions. He suggested raising taxes on the area and discussed widening roads for parking.

Jane Overstreet, Swan Beach, said law enforcement doesn't enforce the rules and are inconsistent. She is concerned the community is not being heard. She said mud truckers and day trippers tear up the roads and make no contribution to road maintenance. Permit requests are hushed and she believes large homes are a problem, mentioning fire safety and concerns with wells in drought situations.

Clay Cartwright also talked about the roads in Carova and the maintenance that has been done in the past being undone. He questioned if the role of the Army Corp of Engineers and if pumping is allowed to relieve flooding.

Marie Long talked about large residential homes. She said she does not see the amendment as restricting home size, just adding requirements if you're building bigger, such as setbacks, proportionality and parking. She discussed safety, and believes there is a connection between size and use. Ms. Long said she has more questions than answers after the earlier discussion and urged the Board to do something.

**ADJOURN****Motion to Adjourn Meeting**

With there being no further business Commissioner Aydlett moved to adjourn. The motion was seconded by Commissioner Gilbert and passed unanimously. The regular meeting of the Board of Commissioners was adjourned.

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

## SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners, sitting as the Tourism Development Authority, held a Special Meeting in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

### 1. TDA Budget Amendments

County Manager, Dan Scanlon, reviewed the four budget amendments with the Board. Commissioner O'Neal moved to approve, seconded by Commissioner Aydlett. The motion passed unanimously.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545002	Historic Preservation	\$ 480,605	
15447-592001	Whalehead Projects	\$ 5,400	
15390-499900	Appropriated Fund Balance		\$ 486,005
		<b>\$ 486,005</b>	<b>\$ 486,005</b>
<b>Explanation:</b>	Tourism Related Expenditures (15447) - To carry-forward funds designated for historic preservation and for signage for Historic Corolla park.		
<b>Net Budget Effect:</b>	Occupancy Tax Fund (15) - Increased by \$486,005.		

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 18,500	
15390-499900	Appropriated Fund Balance		\$ 18,500
		<b>\$ 18,500</b>	<b>\$ 18,500</b>

**Explanation:** Tourism Related Expenditures (15447) - To carry-forward funds for Lower Currituck Economic Development Assessment.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$18,500.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-590000	Capital Outlay	\$ 70,000	
15320-415000	Occupancy Tax		\$ 35,000
15330-449900	Miscellaneous Grants		\$ 35,000
		<b>\$ 70,000</b>	<b>\$ 70,000</b>

**Explanation:** Tourism Related Expenditures (15447) - Increase appropriations for cost share between SAGA Construction and the County for Perch Street walkway.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$70,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-554000	Insurance and Bonds	\$ 8,400	
15320-415000	Occupancy Tax		\$ 8,400
		<b>\$ 8,400</b>	<b>\$ 8,400</b>

**Explanation:** Tourism Promotion (15447) - Increase in insurance costs due to increase in activities for this fiscal year.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$8,400.

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

## ADJOURN SPECIAL MEETING

### 2. Motion to adjourn Special Meeting

With no further business Commissioner Gilbert moved to adjourn, seconded by Commissioner O'Neal. The motion passed unanimously and the Special Meeting of the Tourism Development Authority was concluded.

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