



**CURRITUCK COUNTY  
NORTH CAROLINA**

March 6, 2017

Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

**1. 5:00 PM Knotts Island Volunteer Fire Department**

The Currituck County Board of Commissioners met in a work session at 5 PM in the Conference Room of the Historic Courthouse. Knotts Island Volunteer Fire Department Chief Kevin Morgan was present to discuss challenges and delays associated with a fire truck the department had ordered utilizing funds appropriated two years ago. Chief Morgan explained the wrong chassis was delivered initially, resulting in having to return it and order a new one. Chief Morgan said all parts are in and he expects an April delivery if all goes well. He said although very slow on the build, there will be a considerable cost savings, spending \$175-200,000 less than comparable trucks purchased by other departments. Finances and contract processes were discussed and Chief Morgan apologized for the delay. He said the build is moving forward and he is happy with the status currently.

**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 Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Bobby Hanig	Chairman	Present	
Mike D. Hall	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike H. Payment	Commissioner	Present	
Bob White	Commissioner	Present	

Chairman Hanig called the meeting to order.

**A) Invocation & Pledge of Allegiance-Reverend Jerry Cribb, Pilmor United Methodist Church**

Reverend Jerry Cribb was not in attendance. Commissioner Beaumont gave the Invocation and led the Pledge of Allegiance.

**B) Approval of Agenda**

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

Approved Agenda:

**Work Session**

5:00 PM Knotts Island Volunteer Fire Department

**6:00 PM Call to Order**

A) Invocation & Pledge of Allegiance-Reverend Jerry Cribb, Pilmor United Methodist Church

B) Approval of Agenda

**Public Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.*

**Old Business**

A) **Consideration & Action: PB 16-18 Lauren Berry: A request to amend the Unified Development Ordinance to establish commercial fishing as an accessory use.**

**New Business****A) Board Appointments**

1. Library Board of Trustees
2. Senior Citizens Advisory

**B) Consent Agenda**

1. Approval Of Minutes for February 20, 2017
2. Budget Amendments
3. Resolution Opposing Petition to Reclassify Coastal Waters as Secondary Nursery Areas
4. Proclamation Declaring March 2017 as American Red Cross Month
5. Proclamation Declaring March 5-11, 2017 as Severe Weather Preparedness Week
6. Proclamation Declaring April 9-15, 2017 as Telecommunicators Week

**C) Commissioner's Report****D) County Manager's Report****Special Meeting of the Ocean Sands Water & Sewer District Board**

## Budget Amendment

**Closed Session**

Closed session pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

**Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike D. Hall, Vice Chairman
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner

**PUBLIC COMMENT**

***Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.***

Chairman Hanig opened the Public Comment period.

Marv Alphin of the Albemarle Chapter of the American Red Cross announced March as American Red Cross month. He spoke about the public's role which include contributions and volunteering. He discussed services provided by the Red Cross and the need for volunteers. Mr. Alphin encouraged citizens to call the Red Cross at 335-2185 to learn more about volunteer opportunities.

Rebecca Herring said Wayne Burch's crabbing operation infringes on her property. She said crab waste is being dumped into the canal, boats are tied up in the canal, and traffic runs up and down the roadway. She cited odor and loss of home value as reasons for the Board to deny approval of the text amendment allowing crab fishing in residential neighborhoods.

Steve Kinnaird of Alex Lane said he is not against the crab pots on Mr. Burch's property but has a problem with the traffic related to the wholesale and retail sales taking place.

Wayne Twiford, Jr., Waterlily, said he is a long time commercial fisherman and fishing is a way of life here. He urged Commissioners to think about the livelihoods of the commercial fishermen when voting.

Gwen Dodson of Womack Drive wants Commissioners to deny the request. She asked that any recommendations be brought before the public for review if the Board was considering allowing commercial operations in residential areas. She is not against crabbers but wants neighborhoods to look nice.

Lauren Berry of Alex Lane, said the reason for text amendment is to find a compromise between commercial fisherman and the county. She reviewed Unified Development

Ordinance standards and said commercial fishing is legal under the "goodness grows" agricultural definition.

Wayne Lewark of Knotts Island said he is also a long time fisherman and does not want to see new rules stop him from fishing. He said the Board can make crabbers clean up if needed. He runs a tight ship and keeps his place looking good.

With no others wishing to speak the Public Comment period was closed.

## **OLD BUSINESS**

### **A. Consideration & Action: PB 16-18 Lauren Berry: A request to amend the Unified Development Ordinance to establish commercial fishing as an accessory use.**

To: Board of Commissioners  
From: Planning Staff  
Date: November 14, 2016  
Subject: PB 16-18 Lauren Berry Text Amendment REVISED

Lauren Berry initially submitted a text amendment to establish commercial fishing (watermen) as a principal use. After reviewing the proposed language, it did not appear to be consistent with the land use plan policies and goals. Ms. Berry worked with staff to address concerns related to the proposed text amendment.

There are portions of the commercial fishing operation that present concerns (i.e. outdoor storage of equipment, watercraft, and number of employees). The revised text amendment provides outdoor storage regulations associated with commercial fishing on-site operations. The revised text amendment provides a maximum outdoor storage limit (10%), buffers to adjacent properties, and requires the operation meet the accessory use general standards in the UDO. The number of watercraft or vessels and employees are not specifically addressed but would require the operation to maintain the residential neighborhood character of the community.

### **BACKGROUND**

In many instances, commercial fishing operations are home occupations or accessory uses to principal uses of property. The home occupation standards require a dwelling unit on the property and limit the size and appearance of the commercial activity.

Occasionally, the county receives complaints related to commercial fishing operations near residential subdivisions. The complaints range from crab pot storage, boat storage, parking, noise, and odor. A notice of violation was sent to Wayne Burch in April, 2016 for not meeting the home occupation standards related to a commercial fishing and crabbing operation. Lauren Berry and Wayne Burch met with staff and elected to submit a text amendment in an effort to allow larger commercial fishing operations in residential districts by modifying the crab shedding principal use regulations. On November 3, 2016 after discussing the county concerns related to the proposed amendment, Ms. Berry modified her request to establish accessory use standards for commercial fishing. It should be noted that current operations may continue to operate under their approved permits. Expansions of operations or operations not approved would be subject to the text amendment.

In 2009, a stakeholder steering committee was established to assess the storage of boats for commercial fishermen. A draft text amendment was proposed and, no action was taken by the Board of Commissioners. During the 2013 UDO re-write many of the industrial uses found in the UDO were evaluated to determine what districts the use should be allowed. The 2013 UDO re-write removed crab shedding as a principal use from residential zoning districts.

The activities typically associated with commercial fishing often include:

- Outdoor storage of boats, nets, crab pots, refrigeration units, and other types of equipment.
- Crab shedding

- Traffic
- On site sales and storage of fish, crabs, bait, and equipment.

#### **LAND USE PLAN CONSISTENCY**

The 2006 Land Use Plan states, "traditional commercial crabbing activities, both on Knotts Island and the Mainland have generated some conflicts with sound front residential uses but with no associated water quality impacts." The 2006 Land Use Plan Policy statements that are relevant to the request and the secondary impacts 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 CD7:** Attractive, environmentally beneficial LANDSCAPING shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate BUFFERING or other effective DESIGN FEATURES may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

The 2006 Land Use and Development Goals relevant to the request are as follows:

10. To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surround land uses.

#### **RECOMMENDATION**

The board may include limitations on the number of employees and watercraft not owned by the property owner to be consistent with home occupation standards. Planning staff recommends approval of the revised text amendment since the request is consistent with the goals, objectives, and policies of the Land Use Plan, and is reasonable and in the public interest by providing setbacks and buffers from adjacent properties that will improve the compatibility among uses to ensure efficient development within the county.

#### **Planning Board Discussion (11/8/2016)**

Donna Voliva gave a revised staff report to the board members. Originally, PB 16-18 Lauren Berry was a request to amend the Unified Development Ordinance (UDO) to modify the standards and title of crabshedding uses and allow commercial watermen in the single family mainland (SFM) and Agriculture (AG) zoning districts as a principal use. Ms. Berry worked with staff to revise the language so it would be more consistent with the land use plan policies and goals. The revised text amendment would permit commercial fishing uses as an accessory use instead of a principal use.

Ms. Voliva said at least once per year they receive a complaint regarding something related to commercial fishing. It is usually related to outside storage, too many boats, noise, etc. Commercial fishing as proposed as an accessory use will allow for storage that was not allowed under the home occupation standards. This text amendment attempts to minimize the impacts by having some additional general requirements and additional standards in the AG and SFM districts as outlined in the revised staff report. Some requirements are having 10 foot setbacks, onsite freezing and packing are allowed, no increased traffic, no onsite signs. No retail sales of products, but wholesale would be allowed. Excluding personal vehicles, one additional vehicle and one trailer (8 x 32) are allowed. Also, one employee is allowed. Most of these requirements are already in the crabshedding regulation, with the exception of outdoor storage. Outdoor storage would be permissible at 10 percent of the total lot area or 1,000 square feet, whichever is greater. Outdoor storage has to be buffered with a minimum of a 6 foot opaque fence or retained vegetation equivalent to a six foot opaque fence. The storage cannot exceed the height of the buffer or must be in an enclosed building and has to be located to the side or rear of the principal structure.

Ms. Voliva said the planning staff is recommending approval for the revised text amendment because it is consistent with the goals and objectives, policies of the Land Use Plan and it is considered reasonable in the public interest by providing setbacks and buffers from adjacent properties that would improve the compatibility among uses to ensure efficient development within the county.

Ms. Overton asked if this would apply in an industrial zone and Ms. Voliva said this text amendment would not apply to that zone and an additional text amendment would be needed if that was required.

Ms. Bell asked what prolonged means in the General Terms and said it was vague and unenforceable. Mr. Whiteman agreed with Ms. Bell with the use of the words prolonged and excessive. Mr. Whiteman also said that the excessive noise is redundant since we already have a noise policy in the county. Chairman Cooper said if something is redundant and unenforceable then we need to strike it.

Chairman Cooper asked the applicant to come and present her case.

Applicant, Lauren Berry, appeared before the board. Ms. Berry said Currituck County has approximately 100 full time watermen and ninety percent of all the catch is through crabpots. The county has a long history that was built around the water and we need to allow for commercial crabbing to continue. She said the average income of commercial fisherman in Currituck County is \$24,000 and the average medium income is \$32,000. Ms. Berry said the waterman's lower income does not allow for the ability to rent a building for \$2,000 per month to maintain their business. Ms. Berry said the reason the word prolonged was included in the General Requirements (b) was for protection of the waterman when a complaint is received on a boat that just came in with their catch.

Chairman Cooper asked Ms. Berry what a normal day was like for a waterman. Ms. Berry said they start work depending on sunrise that day. Their boats are already in the water in their backyards. They usually have one to two dock hands. They go out to get their catch; they bring it back in and load it into baskets into the back of a pickup truck to take to the wholesaler. Normally, one of the dock hands stays and cleans the boat. The waterman does not want to leave their boat dirty since this is their means of making money. There is a smell when they come in, but after it's cleaned the smell is gone.

Mr. Whiteman asked what the average size house is for a waterman. Ms. Berry said she does not know the average size for all, but Mr. Burch's house is approximately 750 feet. Ms. Berry said with the old policy of 25 percent only gives you 250 square feet of storage for a 1000 square foot home and this is not enough storage space. This is why this text amendment is important.

Mr. Whiteman asked how long crab pots are stored and how long before they are used again. Ms. Berry said they are usually in the water, but by regulation they have to be out of the water about 30 days around January-February. There will also be times, such as during a hurricane when the watermen will bring in their pots since they are valued at \$50 each. They may also bring them in for maintenance.

Chairman Cooper asked for clarification on the 25 percent and 10 percent. Ms. Voliva said the 25 percent would be mainly for refrigeration units and structures. The 10 percent will be mostly crab pot storage.

Chairman Cooper opened the public hearing.

Terry Overton appeared before the board. He said he was unable to purchase a house at one time in Woodard Acres due to people complaining about fifty crab pots in his yard. So when the issue came up with Wayne Burch, he decided to support him because of what he had been through.

Melvin Lewis appeared before the board. He said he had been through this some ordeal back in 1993 in Shawboro. His competitors made several complaints on him to the county. He planted a buffer and ran his business until 2003 with no complaints from residences. Mr. Lewis said storage is the problem. Crab pots have a smell when they first come in off the boats, but after spraying them down, they will not smell the next day. Boats will also smell, but bleach and spraying them down takes away the smell. The bait comes in frozen on pallets and goes into the freezer so there is no smell.

Daniel Boan appeared before the board and said he has 300 crab pots which he stacks five high in a 40' x 40' area and he has not received any complaints.

Karen Dupie appeared before the board. She said her retired military husband is working as a fisherman. He has 400 pots and two boats without any complaints, but does need the additional square footage for storage.

Retired Navy Chief, William Dupie appeared before the board and said he works with Wayne Burch and was present when a complaint was made on the refrigerators being too loud. When the sheriffs did the noise test, it was no louder than an air conditioner.

Mark Roman appeared before the board and said he has been a commercial fisherman for 30 years. He stacks his crab pots 3 high. He has twelve acres and does not currently have a problem with any complaints, but is here to support the waterman who have smaller lot sizes and need the storage area.

Heidi Smith who works with Lauren Berry appeared before the board in support of the text amendment.

Chairman Cooper closed the public hearing.

**Motion** - Mr. Whiteman motioned to approve the text amendment with the following modification: Remove "excessive noise" from General Requirements (b) and remove "or 1,000 square feet whichever is greater" from Additional Standards in the AG and SFM Districts.

Approval for this text amendment is consistent with the goals and objectives, policies of the Land Use Plan and it is considered reasonable in the public interest by providing setbacks and buffers from adjacent properties that would improve the compatibility among uses to ensure efficient development within the county. Ms. Overstreet seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [7 TO 0]</b>	<b>Next: 12/5/2016 6:00 PM</b>
<b>MOVER:</b>	Fred Whiteman, Board Member	
<b>SECONDER:</b>	Jane Overstreet, Board Member	
<b>AYES:</b>	John Cooper, Chairman, Carol Bell, Vice Chairman, Robert (Bobby) Bell, Board Member, Mike Cason, Board Member, John McColley, Board Member, Jane Overstreet, Board Member, Fred Whiteman, Board Member	
<b>RECUSED:</b>	Steven Craddock, Board Member	

#### Planning Board Discussion (10/11/2016)

A motion was made by Mr. Cartwright to table PB 16-18 Lauren Berry to the next Planning Board Meeting to be held on November 8, 2016 since the applicant nor was a representative present. Mr. Craddock recused himself from voting. Mr. Whiteman seconded the motion and the motion carried unanimously.

<b>RESULT :</b>	<b>TABLED [6 TO 0]</b>	<b>Next: 11/8/2016 7:00</b>
<b>MOVER:</b>	Clay Cartwright, Board Member Fred Whiteman,	
<b>SECOND</b>	Carol Bell, Vice Chairman, Robert (Bobby) Bell, Board Member, Clay Cartwright, Board Member, John McColley, Board Member, Jane Overstreet, Board Member, Fred Whiteman, Board Member	
<b>RECUS</b>	Steven Craddock, Board Member	

#### PB 16-18 LAUREN BERRY

Amendment to the Unified Development Ordinance, Chapter 4. Use Standards establish commercial fishing as an accessory use.

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, Section 4.3 Accessory Use Standards is amended by adding the following underlined language and renumber accordingly:

**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;  
 CZ= Allowed in a Conditional Zoning District    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

INDUSTRIAL USE CLASSIFICATION																
Commercial Fishing																

**F. Commercial Fishing**

Commercial fishing uses shall be permitted as an accessory use and shall comply with the following standards:

**(1) General Requirements**

- (a) All phases of the operation must be conducted not less than 10 feet from the property line and not less than 50 feet from any adjacent dwelling;
- (b) No prolonged, excessive, odor, fumes, ~~excessive noise~~, or traffic shall be allowed; and,  
*Commentary: Planning Board recommends removal of "excessive noise" since the Code of Ordinances regulates noise.*
- (c) On-premise freezing, packing and preparation for shipping is allowed.

**(2) Additional Standards in the AG and SFM Districts**

- (a) The accessory use shall not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, or other impacts;
- (b) On-premise signage shall not be allowed;
- (c) On-premise retail sales of products shall not be allowed;
- (d) Excluding personal vehicles, no more than one truck, van, car, or other vehicle, or part of a vehicle, which is visible from adjacent public streets may be kept on the site;
- (e) No vehicle or trailer which is larger than 8 feet by 32 feet shall be maintained on-site; and,
- (f) Outdoor storage shall be subject to the following standards:
  - (i) Outdoor storage shall not exceed 10 percent of the total lot area ~~or 1,000 square feet whichever is greater~~;  
*Commentary: The Planning Board recommends removal of 1,000 square foot since the statement will only apply to lots less than 10,000.*



- (ii) Outdoor storage shall be buffered from adjacent properties with opaque fencing a minimum of six feet in height or retained vegetation equivalent to a six foot opaque fence.;
- (iii) Outdoor storage shall be located to the side or rear of the principal structure; and,
- (iv) Temporary storage of crab pots shall be located inside a fully enclosed building or not exceed the height of the opaque buffer.

**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.

Ben Woody, Planning and Community Development Director, provided a timeline from the notice of violation issued to Mr. Wayne Burch for operating a commercial fishing business through Mr. Burch's appeal before the Board of Adjustment scheduled for March 9, 2017. The appeal would be specific to the Alex Lane property. Ms. Berry submitted a text amendment which would have a county-wide affect. Mr. Woody reviewed investigations related to home based businesses and home based occupations, and investigations are made on a case by case basis.

Mr. Woody read the aquaculture definition in the bona fide farm exemption, which was referred to by Ms. Berry in her public comment statements. He began a review of the request and provided comments gathered through a survey offered at a public meeting that was held on the issue in February. The survey contained questions pertaining to storage, sales, lot sizes, setbacks and other matters related to commercial fishing operations. Mr. Woody recalled the meeting of January 17, 2017, where the Board of Commissioners held and closed the Public Hearing on the text amendment and directed staff to hold a public meeting.

Responding to Board questions, Mr. Woody confirmed the text amendment was submitted by Lauren Berry in response to a notice of violation issued to Wayne Burch, and was not a county-initiated effort. He said Mr. Burch's commercial crabshedding and dealer licensing was acquired in 2014. Mr. Burch has had a fishing license since 2001. Mr. Woody suggested taking time to educate and provide outreach to the community so they are aware of tools that are available and responsibilities. He said nothing will change with those already in operation.

Mr. McRee reviewed the nuisance ordinance and explained how enforcement of the nuisance ordinance can resolve some issues.

Commissioner Payment said he doesn't feel a text amendment is needed, as he is not

aware of any other complaints against commercial crabbers. When asked, Mr. Woody said the county can educate commercial fishermen and residents. He said if the text amendment is denied current operators may continue to do so, and any future complaints would be reviewed on a case by case basis. It would be difficult for new businesses to start up in a small lot residential subdivision, he said, with restrictive covenants and deed restrictions in place.

Commissioner Payment moved to deny PB 16-18 because it is not consistent with the Land Use Plan because it's incompatible commercial encroachment within or immediately adjoining residential areas shall be prohibited as stated in Policy CD5; access to a higher intensity development or other large traffic generators shall not be permitted through a local street serving a single-family residential neighborhood, in Policy TR11. The request is not reasonable and not in the public's best interest because it allows a recently expanded commercial fishing use in a residentially zoned subdivision; and the intensity of the use, including commercial traffic, outdoor storage, and wholesale sales, is not compatible with the surrounding small-lot residential uses.

The motion was seconded by Commissioner Gilbert and passed unanimously with 7 in favor, 0 opposed.

<b>RESULT:</b>	<b>DENIAL [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner

## NEW BUSINESS

### A) Board Appointments

#### 1. Library Board of Trustees

Commissioner Beaumont nominated Leigh Dix to serve on the Library Board of Trustees. Commissioner Etheridge motioned for approval and Commissioner Gilbert seconded. The nominee was unanimously approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner

#### 2. Senior Citizens Advisory

Bob White nominated Cindy Scott for reappointment to the Senior Citizens Advisory. Commissioner Etheridge motioned for approval and Commissioner Gilbert seconded. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner

## B) Consent Agenda

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner

### 1) Approval Of Minutes for February 20, 2017

#### 1. Minutes for February 20, 2017

#### 2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
61818-514000	Travel	\$ 1,000	
61818-514500	Training & Education	\$ 1,000	
61818-532000	Supplies	\$ 3,990	
61818-545000	Contracted Services	\$ 3,000	
61818-533800	Chemicals		\$ 8,990
		\$ 8,990	\$ 8,990
<b>Explanation:</b> Mainland Water (61818) - Transfer budgeted funds between line items for operations for the remainder of this fiscal year.			
<b>Net Budget Effect:</b> Mainland Water Fund (61) - No change.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
68888-533200	Lab Test	\$ 1,000	
68888-533800	Chemicals	\$ 2,000	
68888-553000	Dues & Subscriptions	\$ 1	
68888-590000	Capital Outlay		\$ 3,001
		<u>\$ 3,001</u>	<u>\$ 3,001</u>
<b>Explanation:</b>	Walnut Island Sewer (68888) - Transfer funds from capital outlay for operations for the remainder of this fiscal year.		
<b>Net Budget Effect:</b>	Walnut Island Sewer (68) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-516000	Repairs & Maintenance		\$ 2,000
10460-590000	Capital Outlay	\$ 2,000	
		<u>\$ 2,000</u>	<u>\$ 2,000</u>
<b>Explanation:</b>	Public Works (10460) - Transfer funds for additional cost for gutter replacement at the Cooperative Extension facility.		
<b>Net Budget Effect:</b>	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>		
67878-590000	Capital Outlay	\$ 6,500	
67878-545000	Contract Services		\$ 6,500
		<u>\$ 6,500</u>	<u>\$ 6,500</u>
<b>Explanation:</b>	Moyock Central Sewer (67878) - Transfer funds to replace blower unit at the Moyock Central Sewer System.		
<b>Net Budget Effect:</b>	Moyock Central Sewer Fund (67) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
66868-590000	Capital Outlay	\$ 23,000	
66868-532000	Supplies	\$ 7,000	
66868-513000	Fuel		\$ 5,000
66868-533800	Chemicals		\$ 15,000
66868-545000	Contracted Services		\$ 10,000
		\$ 30,000	\$ 30,000
<b>Explanation:</b>	Southern Outer Banks (66868) - Transfer funds for emergency replacement of RO skids at the Southern Outer Banks Water Plant.		
<b>Net Budget Effect:</b>	Southern Outer Banks Water (66) - No change.		

### 3. Resolution Opposing Petition to Reclassify Coastal Waters as Secondary Nursery Areas

#### RESOLUTION OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

**WHEREAS**, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

**WHEREAS**, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

**WHEREAS**, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

**WHEREAS**, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

**WHEREAS**, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

**NOW THEREFORE BE IT RESOLVED** that the Currituck County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

**BE IT FURTHER RESOLVED** that the Currituck County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 6th day of March, 2017.

#### **4. Proclamation Declaring March 2017 as American Red Cross Month**

##### **AMERICAN RED CROSS MONTH 2017**

###### **A Proclamation**

In Currituck County, **we have a long history of helping our neighbors in need.** American Red Cross Month is a special time to recognize and thank our heroes - those Red Cross volunteers and donors who give of their time and resources to help community members.

These heroes help families find shelter after a home fire. They give blood to help trauma victims and cancer patients. They deliver comfort items to military members in the hospital. They use their lifesaving skills to save someone from a heart attack, drowning or choking. They enable children around the globe to be vaccinated against measles and rubella.

The American Red Cross depends on local heroes to deliver help and hope during a disaster. **We applaud our heroes here in Currituck County who give of themselves** to assist their neighbors when they need a helping hand.

Across the country and around the world, the American Red Cross responds to disasters big and small. In fact, every eight minutes the organization responds to a community disaster, providing shelter, food, emotional support and other necessities to those affected. It collects nearly 40 percent of the nation's blood supply; provides 24-hour support to military members, veterans and their families; teaches millions lifesaving skills, such as lifeguarding and CPR; and through its Restoring Family Links program, connects family members separated by crisis, conflict or migration.

We dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission.

NOW, THEREFORE, the Currituck County Board of Commissioners does hereby proclaim March 2017 as American Red Cross Month and encourages all Americans to support this organization and its noble humanitarian mission.

ADOPTED this, the 6th day of March, in the year of our Lord two thousand seventeen, by the Currituck County Board of Commissioners. State of North Carolina.

#### **5. Proclamation Declaring March 5-11, 2017 as Severe Weather Preparedness Week**

##### **SEVERE WEATHER PREPAREDNESS WEEK 2017**

##### **BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CURRITUCK**

###### **A PROCLAMATION**

WHEREAS, North Carolina is traditionally an active tornado and severe thunderstorms state; and

WHEREAS, in 2016 the National Weather Service (NWS) in North Carolina issued 61 tornado warnings and recorded 16 tornadoes; and

WHEREAS, in 2016 the National Weather Service in North Carolina issued 697 severe thunderstorm warnings and recorded 827 incidents of severe thunderstorms with damaging winds and/or large hail; and

WHEREAS, the average warning lead time for severe weather and tornadoes was 20 minutes; and

WHEREAS, severe thunderstorms produce hail at least an inch in diameter, 58 mph + winds or can produce a tornado; and

WHEREAS, all thunderstorms produce lightning, and strikes are a significant threat in North Carolina. Remember, if you hear thunder roar, go indoors!

WHEREAS, Currituck County residents should listen to local radio, television, a weather channel or a National Oceanic and Atmospheric Administration radio for information on severe weather; and

WHEREAS, residents should make a family emergency plan with details on how to get to a safe location, contact each other and get back together. Include in the plan the safest locations on their regularly traveled routes; and

WHEREAS, residents should have an emergency supply kit in their homes and vehicles that include a first aid kit, battery-powered radio, flashlight and non-perishable foods, bottled water, sturdy shoes and gloves; and

WHEREAS, Currituck County residents, businesses and schools are urged to participate in the statewide tornado drill on Wednesday, March 8<sup>th</sup> at 9:30 a.m.; and

WHEREAS, Currituck County Emergency Management works to inform and educate residents about staying safe when severe weather strikes and ReadyNC.org and the free mobile app are available to provide current weather and traffic conditions; and

NOW THEREFORE BE IT RESOLVED, that the Currituck County Board of Commissioners, do hereby support the statewide “**SEVERE WEATHER PREPAREDNESS WEEK**” MARCH 5 - 11 in Currituck County, and call upon our residents to observe the week with appropriate activities that promote awareness of severe weather and how to stay safe.

ADOPTED this, the 6th day of March, 2017.

## **6. Proclamation Declaring April 9-15, 2017 as Telecommunicators Week**

### **Proclamation**

#### **National Public Safety Telecommunicators Week**

**April 9-15, 2017**

*Whereas*, emergencies can occur at anytime that require police, fire or emergency medical services; and,

*Whereas*, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

*Whereas*, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Currituck County Communications center; and,

*Whereas*, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

*Whereas*, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and,

*Whereas*, Public Safety Telecommunicators of Currituck County have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

*Whereas*, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

*Therefore Be It Resolved*, that the Board of Commissioners of Currituck County declares the week of April 9 through 15, 2017 to be National Public Safety Telecommunicators Week in Currituck County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

*Be it Further Resolved* that the Currituck County Board of Commissioners, to honor these dedicated professionals each year going forward, do proclaim and recognize the second week in April as National Public Safety Telecommunicators Week.

Signed this 6th day of March, 2017.

### **C) Commissioner's Report**

Commissioner White said he met with the Tourism Advisory Board, with nothing to report. He said Carteret county had passed a resolution to add party tickets for candidates running for the school board.

Commissioner Gilbert announced the month of March is the March for Meals month and encouraged colleagues to sign up to deliver meals. Contact the senior center if interested.

Commissioner Hall announced the Moyock Women's Club chili cook off to be held Sunday at 1 PM at the truck center in Moyock.

### **D) County Manager's Report**

The County Manager had nothing to report.

### **RECESS AND RECONVENE AS THE OCEAN SANDS WATER & SEWER DISTRICT BOARD**

Chairman Hanig recessed the meeting of the Board of Commissioners and reconvened sitting as the Ocean Sands Water and Sewer District Board.

### **SPECIAL MEETING OF THE OCEAN SANDS WATER & SEWER DISTRICT BOARD**

The Currituck County Board of Commissioners held a Special Meeting in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, sitting as the Ocean Sands Water and Sewer District Board for the purpose of considering a budget amendment.

### **E. Budget Amendment**

County Manager, Dan Scanlon, reviewed the budget amendment with the Board. Commissioner Gilbert moved for approval. Chairman Hanig seconded and the motion passed unanimously.



		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
60808-533801	Chemicals	\$ 7,000	
60808-590001	Capital Outlay	\$ 21,000	
60808-545001	Contracted Services		\$ 28,000
		<u>\$ 28,000</u>	<u>\$ 28,000</u>
<b>Explanation:</b>	Ocean Sands Water and Sewer District (60808) - Transfer funds for additional chemicals and replacement of the ground water lowering station at the Ocean Sands sewer.		
<b>Net Budget Effect:</b>	Ocean Sands Water and Sewer District Fund (60) - No change.		

With no further business Chairman Hanig closed the special meeting of the Ocean Sands Water and Sewer District Board.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Bobby Hanig, Chairman
<b>AYES:</b>	Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner

## CLOSED SESSION

Upon adjournment of a special meeting of the Ocean Sands Water and Sewer District Board, Chairman Hanig reconvened the regular meeting of the Board of Commissioners.

### F. Closed session pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

Chairman Hanig moved to enter Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss matters related to personnel. Commissioner Beaumont seconded and the motion passed unanimously. The Board of Commissioners entered Closed Session.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bobby Hanig, Chairman
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner

## ADJOURN

### Motion to Adjourn Meeting

Commissioners had no further business after returning from Closed Session. Commissioner Payment moved to adjourn and Commissioner Beaumont seconded the motion. The motion passed unanimously and the regular meeting of the Board of Commissioners was adjourned.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike D. Hall, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner, Bob White, Commissioner



## Currituck County

Planning and Community Development Department  
*Planning and Zoning Division*  
 153 Courthouse Road, Suite 110  
 Currituck, North Carolina 27929  
 252-232-3055 FAX 252-232-3026

To: Board of Commissioners

From: Planning Staff

Date: November 14, 2016

Subject: PB 16-18 Lauren Berry Text Amendment REVISED

Lauren Berry initially submitted a text amendment to establish commercial fishing (watermen) as a principal use. After reviewing the proposed language, it did not appear to be consistent with the land use plan policies and goals. Ms. Berry worked with staff to address concerns related to the proposed text amendment.

There are portions of the commercial fishing operation that present concerns (i.e. outdoor storage of equipment, watercraft, and number of employees). The revised text amendment provides outdoor storage regulations associated with commercial fishing on-site operations. The revised text amendment provides a maximum outdoor storage limit (10%), buffers to adjacent properties, and requires the operation meet the accessory use general standards in the UDO. The number of watercraft or vessels and employees are not specifically addressed but would require the operation to maintain the residential neighborhood character of the community.

### **BACKGROUND**

In many instances, commercial fishing operations are home occupations or accessory uses to principal uses of property. The home occupation standards require a dwelling unit on the property and limit the size and appearance of the commercial activity.

Occasionally, the county receives complaints related to commercial fishing operations near residential subdivisions. The complaints range from crab pot storage, boat storage, parking, noise, and odor. A notice of violation was sent to Wayne Burch in April, 2016 for not meeting the home occupation standards related to a commercial fishing and crabbing operation. Lauren Berry and Wayne Burch met with staff and elected to submit a text amendment in an effort to allow larger commercial fishing operations in residential districts by modifying the crab shedding principal use regulations. On November 3, 2016 after discussing the county concerns related to the proposed amendment, Ms. Berry modified her request to establish accessory use standards for commercial fishing. It should be noted that current operations may continue to

operate under their approved permits. Expansions of operations or operations not approved would be subject to the text amendment.

In 2009, a stakeholder steering committee was established to assess the storage of boats for commercial fishermen. A draft text amendment was proposed and, no action was taken by the Board of Commissioners. During the 2013 UDO re-write many of the industrial uses found in the UDO were evaluated to determine what districts the use should be allowed. The 2013 UDO re-write removed crab shedding as a principal use from residential zoning districts.

The activities typically associated with commercial fishing often include:

- Outdoor storage of boats, nets, crab pots, refrigeration units, and other types of equipment.
- Crab shedding
- Traffic
- On site sales and storage of fish, crabs, bait, and equipment.

### **LAND USE PLAN CONSISTENCY**

The 2006 Land Use Plan states, “traditional commercial crabbing activities, both on Knotts Island and the Mainland have generated some conflicts with sound front residential uses but with no associated water quality impacts.” The 2006 Land Use Plan Policy statements that are relevant to the request and the secondary impacts 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 CD7: Attractive, environmentally beneficial LANDSCAPING shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate BUFFERING or other effective DESIGN FEATURES may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

The 2006 Land Use and Development Goals relevant to the request are as follows:

10. To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surround land uses.

### **RECOMMENDATION**

The board may include limitations on the number of employees and watercraft not owned by the property owner to be consistent with home occupation standards. Planning staff recommends approval of the revised text amendment since the request is consistent with the goals, objectives, and policies of the Land Use Plan, and is reasonable and in the public interest by providing setbacks and buffers from adjacent properties that will improve the compatibility among uses to ensure efficient development within the county.

### Planning Board Discussion (11/8/2016)

Donna Voliva gave a revised staff report to the board members. Originally, PB 16-18 Lauren Berry was a request to amend the Unified Development Ordinance (UDO) to modify the standards and title of crabshedding uses and allow commercial watermen in the single family mainland (SFM) and Agriculture (AG) zoning districts as a principal use. Ms. Berry worked with staff to revise the language so it would be more consistent with the land use plan policies and goals. The revised text amendment would permit commercial fishing uses as an accessory use instead of a principal use.

Ms. Voliva said at least once per year they receive a complaint regarding something related to commercial fishing. It is usually related to outside storage, too many boats, noise, etc. Commercial fishing as proposed as an accessory use will allow for storage that was not allowed under the home occupation standards. This text amendment attempts to minimize the impacts by having some additional general requirements and additional standards in the AG and SFM districts as outlined in the revised staff report. Some requirements are having 10 foot setbacks, onsite freezing and packing are allowed, no increased traffic, no onsite signs. No retail sales of products, but wholesale would be allowed. Excluding personal vehicles, one additional vehicle and one trailer (8 x 32) are allowed. Also, one employee is allowed. Most of these requirements are already in the crabshedding regulation, with the exception of outdoor storage. Outdoor storage would be permissible at 10 percent of the total lot area or 1,000 square feet, whichever is greater. Outdoor storage has to be buffered with a minimum of a 6 foot opaque fence or retained vegetation equivalent to a six foot opaque fence. The storage cannot exceed the height of the buffer or must be in an enclosed building and has to be located to the side or rear of the principal structure.

Ms. Voliva said the planning staff is recommending approval for the revised text amendment because it is consistent with the goals and objectives, policies of the Land Use Plan and it is considered reasonable in the public interest by providing setbacks and buffers from adjacent properties that would improve the compatibility among uses to ensure efficient development within the county.

Ms. Overton asked if this would apply in an industrial zone and Ms. Voliva said this text amendment would not apply to that zone and an additional text amendment would be needed if that was required.

Ms. Bell asked what prolonged means in the General Terms and said it was vague and unenforceable. Mr. Whiteman agreed with Ms. Bell with the use of the words prolonged and excessive. Mr. Whiteman also said that the excessive noise is redundant since we already have a noise policy in the county. Chairman Cooper said if something is redundant and unenforceable then we need to strike it.

Chairman Cooper asked the applicant to come and present her case.

Applicant, Lauren Berry, appeared before the board. Ms. Berry said Currituck County has approximately 100 full time watermen and ninety percent of all the catch is through crabpots. The county has a long history that was built around the water and we need to allow for commercial crabbing to continue. She said the average income of commercial fisherman in Currituck County is \$24,000 and the average medium income is \$32,000. Ms. Berry said the waterman's lower income does not allow for the ability to rent a building for \$2,000 per month to maintain their business. Ms. Berry said the reason the word prolonged was included in the

General Requirements (b) was for protection of the waterman when a complaint is received on a boat that just came in with their catch.

Chairman Cooper asked Ms. Berry what a normal day was like for a waterman. Ms. Berry said they start work depending on sunrise that day. Their boats are already in the water in their backyards. They usually have one to two dock hands. They go out to get their catch; they bring it back in and load it into baskets into the back of a pickup truck to take to the wholesaler. Normally, one of the dock hands stays and cleans the boat. The waterman does not want to leave their boat dirty since this is their means of making money. There is a smell when they come in, but after it's cleaned the smell is gone.

Mr. Whiteman asked what the average size house is for a waterman. Ms. Berry said she does not know the average size for all, but Mr. Burch's house is approximately 750 feet. Ms. Berry said with the old policy of 25 percent only gives you 250 square feet of storage for a 1000 square foot home and this is not enough storage space. This is why this text amendment is important.

Mr. Whiteman asked how long crab pots are stored and how long before they are used again. Ms. Berry said they are usually in the water, but by regulation they have to be out of the water about 30 days around January-February. There will also be times, such as during a hurricane when the watermen will bring in their pots since they are valued at \$50 each. They may also bring them in for maintenance.

Chairman Cooper asked for clarification on the 25 percent and 10 percent. Ms. Voliva said the 25 percent would be mainly for refrigeration units and structures. The 10 percent will be mostly crab pot storage.

Chairman Cooper opened the public hearing.

Terry Overton appeared before the board. He said he was unable to purchase a house at one time in Woodard Acres due to people complaining about fifty crab pots in his yard. So when the issue came up with Wayne Burch, he decided to support him because of what he had been through.

Melvin Lewis appeared before the board. He said he had been through this some ordeal back in 1993 in Shawboro. His competitors made several complaints on him to the county. He planted a buffer and ran his business until 2003 with no complaints from residences. Mr. Lewis said storage is the problem. Crab pots have a smell when they first come in off the boats, but after spraying them down, they will not smell the next day. Boats will also smell, but bleach and spraying them down takes away the smell. The bait comes in frozen on pallets and goes into the freezer so there is no smell.

Daniel Boan appeared before the board and said he has 300 crab pots which he stacks five high in a 40' x 40' area and he has not received any complaints.

Karen Dupie appeared before the board. She said her retired military husband is working as a fisherman. He has 400 pots and two boats without any complaints, but does need the additional square footage for storage.

Retired Navy Chief, William Dupie appeared before the board and said he works with Wayne Burch and was present when a complaint was made on the refrigerators being too loud. When the sheriffs did the noise test, it was no louder than an air conditioner.

Mark Roman appeared before the board and said he has been a commercial fisherman for 30 years. He stacks his crab pots 3 high. He has twelve acres and does not currently have a problem with any complaints, but is here to support the waterman who have smaller lot sizes and need the storage area.

Heidi Smith who works with Lauren Berry appeared before the board in support of the text amendment.

Chairman Cooper closed the public hearing.

**Motion** - Mr. Whiteman motioned to approve the text amendment with the following modification: Remove "excessive noise" from General Requirements (b) and remove "or 1,000 square feet whichever is greater" from Additional Standards in the AG and SFM Districts. Approval for this text amendment is consistent with the goals and objectives, policies of the Land Use Plan and it is considered reasonable in the public interest by providing setbacks and buffers from adjacent properties that would improve the compatibility among uses to ensure efficient development within the county. Ms. Overstreet seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [7 TO 0]</b>	<b>Next: 12/5/2016 6:00 PM</b>
<b>MOVER:</b>	Fred Whiteman, Board Member Jane	
<b>SECONDER:</b>	Overstreet, Board Member	
<b>AYES:</b>	John Cooper, Chairman, Carol Bell, Vice Chairman, Robert (Bobby) Bell, Board Member, Mike Cason, Board Member, John McColley, Board Member, Jane Overstreet, Board Member, Fred Whiteman, Board Member	
<b>RECUSED:</b>	Steven Craddock, Board Member	

#### **Planning Board Discussion (10/11/2016)**

A motion was made by Mr. Cartwright to table PB 16-18 Lauren Berry to the next Planning Board Meeting to be held on November 8, 2016 since the applicant nor was a representative present. Mr. Craddock recused himself from voting. Mr. Whiteman seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>TABLED [6 TO 0]</b>	<b>Next: 11/8/2016 7:00 PM</b>
<b>MOVER:</b>	Clay Cartwright, Board Member	
<b>SECONDER:</b>	Fred Whiteman, Board Member	
<b>AYES:</b>	Carol Bell, Vice Chairman, Robert (Bobby) Bell, Board Member, Clay Cartwright, Board Member, John McColley, Board Member, Jane Overstreet, Board Member, Fred Whiteman, Board Member	
<b>RECUSED:</b>	Steven Craddock, Board Member	

**PB 16-18  
LAUREN BERRY**

Amendment to the Unified Development Ordinance, Chapter 4. Use Standards establish commercial fishing as an accessory use.

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, Section 4.3 Accessory Use Standards is amended by adding the following underlined language and renumber accordingly:

**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;  
CZ= Allowed in a Conditional Zoning District    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	
INDUSTRIAL USE CLASSIFICATION																	
Commercial Fishing		Z	Z					Z									3.F

**F. Commercial Fishing**

Commercial fishing uses shall be permitted as an accessory use and shall comply with the following standards:

**(1) General Requirements**

- (a) All phases of the operation must be conducted not less than 10 feet from the property line and not less than 50 feet from any adjacent dwelling;
- (b) No prolonged, excessive, odor, fumes, ~~excessive noise~~, or traffic shall be allowed; and,  
*Commentary: Planning Board recommends removal of "excessive noise" since the Code of Ordinances regulates noise.*
- (c) On-premise freezing, packing and preparation for shipping is allowed.



**(2) Additional Standards in the AG and SFM Districts**

- (a) The accessory use shall not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, or other impacts;
- (b) On-premise signage shall not be allowed;
- (c) On-premise retail sales of products shall not be allowed;
- (d) Excluding personal vehicles, no more than one truck, van, car, or other vehicle, or part of a vehicle, which is visible from adjacent public streets may be kept on the site;
- (e) No vehicle or trailer which is larger than 8 feet by 32 feet shall be maintained on-site; and,
- (f) Outdoor storage shall be subject to the following standards:
  - (i) Outdoor storage shall not exceed 10 percent of the total lot area ~~or 1,000 square feet whichever is greater;~~  
*Commentary: The Planning Board recommends removal of 1,000 square foot since the statement will only apply to lots less than 10,000.*
  - (ii) Outdoor storage shall be buffered from adjacent properties with opaque fencing a minimum of six feet in height or retained vegetation equivalent to a six foot opaque fence.;
  - (iii) Outdoor storage shall be located to the side or rear of the principal structure; and,
  - (iv) Temporary storage of crab pots shall be located inside a fully enclosed building or not exceed the height of the opaque buffer.

**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.

\_\_\_\_\_  
 Board of Commissioners' Chairman  
 Attest:

\_\_\_\_\_  
 Leeann Walton  
 Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
 MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
 SECONDED BY COMMISSIONER: \_\_\_\_\_  
 VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS \_\_\_\_\_  
 .....

PLANNING BOARD DATE: 11/08/2016  
 PLANNING BOARD RECOMMENDATION: Approval  
 VOTE: 7 AYES 0 NAYS  
 ADVERTISEMENT DATE OF PUBLIC HEARING: 11/20/2016 and 11/30/2016  
 BOARD OF COMMISSIONERS PUBLIC HEARING: 12/05/2016  
 BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
 AMENDMENT NUMBER: \_\_\_\_\_

Attachment: PB 16-18 Lauren Berry BOC 12516 (1695 : PB 16-18 Lauren Berry)

## RESIDENT/NONRESIDENT QUESTIONNAIRE

18

I IDENTIFY MYSELF AS A			
Answer Options		Response Count	Response Percent
RESIDENT		17	94.44%
NONRESIDENT		1	5.56%

MY PROPERTY IS ADJACENT TO A BAY, SOUND, CREEK, CANAL, OR OTHER BODY OF WATER			
Answer Options		Response Count	Response Percent
YES		14	77.78%
NO		3	16.67%
NO ANSWER		1	5.56%

MY PROPERTY IS LOCATED NEAR A COMMERCIAL FISHING OPERATION (WITHIN 1500 FEET)			
Answer Options		Response Count	Response Percent
YES		10	55.56%
NO		7	38.89%
NO ANSWER		1	5.56%

I CONSIDER THE FOLLOWING ACTIVITIES OF COMMERCIAL FISHING OPERATIONS NOT APPROPRIATE IN RESIDENTIAL AREAS				
Answer Options		Response Count	Weighted Response	Response Rank
OPEN STORAGE OF CRAB POTS AND NETS		4	30	5
CRABSHEDDERS		5	31	4
DOCKING OF BOATS		3	14	
ON-SITE SALES		6	42	1
PARKING AND STORAGE OF VEHICLES AND TRUCKS		6	33	3
TRAFFIC AND ROAD ACCESS		7	38	2
FREEZER AND/OR REFRIGERATION UNITS		6	31	4
OTHER				

EMPLOYEE VEHICLES AND TRANSPORT VEHICLES CREATE A LOT OF TRAFFICE TO A LARGER OPERATION	1	1
I DO NOT CONSIDER COMMERCIAL FISHING ACTIVITIES INAPPROPRIATE IN RESIDENTIAL AREAS	3	20
NO ANSWER	1	

**I CONSIDER THE FOLLOWING METHODS APPROPRIATE TO REDUCE THE IMPACTS OF COMMERCIAL  
FISHING OPERATIONS AND PROTECT THE RESIDENTIAL CHARACTER OF SUBDIVISIONS**

Answer Options	Response Count	Weighted Response	Response Rank
INCREASED SCREENING AND BUFFERS	2	19	
INCREASED SETBACK FROM PROPERTY LINES	4	26	3
SIZE OF OPERATION RELATED TO SIZE OF PROPERTY	5	28	2
NO ON-SITE SALES	6	38	1
NCDOT STATE MAINTAINED ROADS ACCESSING THE PROPERTY	3	24	5
NO SIGNAGE	3	19	
ENCLOSED WALK-IN FREEZER AND REFRIGERATION UNITS	4	25	4
NO TRANSPORT VEHICLES GREATER THAN 8'X32'	3	24	
LIMIT THE NUMBER OF EMPLOYEES	2	19	
REQUIRE COMMERCIAL FISHERMAN TO LIVE ON THE SAME PROPERTY AS THE OPERATION	4	15	
OTHER			
I DO NOT CONSIDER ANY METHOD APPROPRIATE TO REDUCE IMPACTS	6	25	4
NO ANSWER	1		

**ADDITIONAL COMMENTS AND SUGGESTIONS**

- 1 WHAT IS THE DEFINITION OF COMMERCIAL FISHERMAN?
- 2 COMMERCIAL WHOLESALE DOES NOT BELONG IN NEIGHBORHOODS ZONED SINGLE  
FAMILY
- 3 I AM CONCERNED THAT YOU HAVE NO MEASURES IN PLACE TO MONITOR ANY  
COMMERCIAL/WHOLESALE OPERATION
- 4 WHAT WOULD THE FINES BE?
- 5 HOW WOULD IT BE IMPLEMENTED?

6 HOW MANY CRAB POTS PER CRABBER?

7 HOW MANY BOATS PER CRABBER?

8 HOW CAN YOU POSSIBLY MONITOR?

9 WHAT IS THE DEFINITION OF WHOLESALE CRABBER?

10

DO NOT PERMIT WHOLESALE CRABBING OR COMMERCIAL FISHING SF NEIGHBORHOODS

11 I BOUGHT MY HOME KNOWING THEY WERE THERE AND HAVE NO REGRETS

12 THESE FISHERMEN HAVE BEEN HERE DOING THS MUCH LONGER THAN WE HAVE BEEN

HERE LET THEM KEEP THEIR HERITAGE

13 THIS DOES BELONG IN TULLS BAY ACRES

14 LET THEM MAKE A LIVING THE WAY THEY WANT TO

15 THEY NEED TO MAKE A LIVING LIKE EVERYONE ELSE

16

THIS AREA IS RESIDENTIAL EVERYTHING MENTIONED IS ABOUT COMMERCIAL OPERATION

17 NO COMMERCIAL OR WHOLESALE CRABBING/FISHING IN RESIDENTIAL AREAS (ZONED  
RESIDENTIAL)

18 THESE ARE PEOPLE WHO COULD CARE LESS ABOUT THEIR NEIGHBORS OR THEIR PROPERTY  
ONLY OF THEMSELVES AND THEIR PROFIT

19 DEFINE TO ME COMMERCIAL CRABBING? WHOLESALE WE KNOW BUT HOW MUCH IN  
DOLLARS

20 ACCORDING TO NEW ARTICLES 1 COMPLAINT PER YEAR WITH ESTIMATED 100 FULL TIME  
CRABBERS = 99% SUCCESS OF ORIGINAL UDO. WHAT ARE WE TRYING TO FIX

21 I DO NOT OPPOSE COMMERCIAL FISHING. I OPPOSE WHOLESALE COMMERCIAL SEAFOOD  
OPERATIONS IN RESIDENTIAL AREAS

22 IT IS NOT APPROPRIATE TO RUN ANY BUSINESS IN A COMMERCIAL CAPACITY IN ANY  
NEIGHBORHOOD

23 COMMERCIAL FISHING, HUNTING, CRABBING IS THE HERITAGE OF OUR COUNTY

24 IT HAS BECOME INCREASINGLY HARD TO MAKE ENDS MEET. MORE REGULATIONS ONLY  
SERVES TO PUT MORE OUT OF BUSINESS. MANY OF THESE BUSINESSES WERE HERE  
BEFORE RESIDENTIAL ENCROACHMENTS BECAME THE PROBLEM THE OPERATORS  
SHOULD ALTHOUGH TAKE CARE OF THEIR PROPERTY

25 MORE ENFORCEMENT OFFICERS AND STRICTER REGULATIONS

## COMMERCIAL FISHERMEN QUESTIONNAIRE

## I IDENTIFY MYSELF AS A

Answer Options	Response Count	Response Percent
RESIDENT	18	100.00%
NONRESIDENT		

## MY COMMERCIAL FISHING OPERATION CONSISTS OF THE FOLLOWING ACTIVITIES

Answer Options	Response Count	Response Percent
OPEN STORAGE OF POTS AND/OR NETS	17	94.44%
STORAGE OR PARKING OF VEHICLES OR TRAILERS THAT ARE FULLY ENCLOSED	10	55.56%
REFRIGERATION AND OR FREEZER UNITS	8	44.44%
SIGNAGE	2	11.11%
ON-SITE BAIT DELIVERIES	6	33.33%
ON-SITE BAIT SALES	6	33.33%
LICENSED DEALER OPERATIONS	9	50.00%
OTHER		0.00%
NO ANSWER	1	5.56%

## SIZE OF COMMERCIAL FISHING OPERATION PROPERTY

Answer Groupings	Response Count	Response Percent
LESS THAN ONE ACRE	4	22.22%
ONE ACRE TO LESS THAN TWO ACRES	4	22.22%
TWO ACRES TO LESS THAN FIVE ACRES	6	33.33%
GREATER THAN FIVE ACRES	3	16.67%
NO ANSWER	1	5.56%

## NUMBER OF EMPLOYEES IN COMMERCIAL FISHING BUSINESS

Answer Groupings	Response Count	Response Percent
1-2	12	66.67%

3-4	4	22.22%
5 OR MORE		0.00%
NO ANSWER	2	11.11%

**TOTAL NUMBER OF CRAB POTS, STORED ON PROPERTY**

Answer Groupings	Response Count	Response Percent
LESS THAN 200	1	5.56%
200-500	3	16.67%
501-1000	7	38.89%
MORE THAN 1000	7	38.89%

**THE TOTAL NUMBER OF BOATS IN MY COMMERCIAL FISHING OPERATION**

Answer Options	Response Count	Response Percent
1-	2	11.11%
2-	10	55.56%
3-	4	22.22%
4-	2	11.11%
5 OR MORE		0.00%

**I ALLOW OTHER COMMERCIAL FISHERMEN TO DOCK THEIR BOATS AT MY PROPERTY**

Answer Options	Response Count	Response Percent
YES	8	44.44%
NO	10	55.56%

**IF YES, AT ANY TIME I MAY HAVE**

Answer Groupings	Response Count	Response Percent
1-2	3	16.67%
3-4	6	33.33%
5 OR MORE	1	5.56%
NO ANSWER	8	44.44%

**THE TOTAL NUMBER OF SHEDDERS (TANKS) ON MY PROPERTY**

Answer Groupings	Response Count	Response Percent
NONE	10	55.56%
1-10	1	5.56%
11-20	1	5.56%
21-30	1	5.56%
31 OR MORE	3	16.67%
NO ANSWER	2	11.11%

**THE WHOLESALE OR RETAIL SALE OF CRABS MOST OFTEN OCCURS**

Answer Options	Response Count	Response Percent
ON-SITE, AT MY RESIDENCE	6	33.33%
OFF-SITE, TAKEN TO A LICENSED DEALER	9	50.00%
OTHER	2	11.11%
DELIVER THROUGHOUT THE COUNTY AS A DEALER		
ON-SITE AND OFF-SITE SALES (COUNTED AS ON-SITE)		
RECREATIONAL CRABBING		
NO ANSWER	1	5.56%

**MY COMMERCIAL FISHING OPERATION IS ACCESSED BY**

Answer Options	Response Count	Response Percent
A PUBLIC PAVED ROAD MAINTAINED BY NCDOT	9	50.00%
A PRIVATE GRAVEL OR DIRT ROAD	7	38.89%
OTHER		0.00%
NO ANSWER	2	11.11%

**BRIEFLY DESCRIBE YOUR SHEDDING OPERATION**

1

WOODEN TANKS, 4X4 PLATFORMS, 2X8 SIDES PLYWOOD BOTTOMS 4X8 TANKS NORMALLY  
6 TO 8 WEEKS A YEAR LIGHTS ON 30 MINUTES AT A TIME, PUMPED SOUND WATER

1



2 25 WEEKS	1
3 50'X100' BUILDING WITH LIGHTING AND 36 SHEDDERS	1
4 12 SHEDDERS AT WATER'S EDGE FLOW THROUGH SYSTEM	1

**ADDITIONAL COMMENTS**

- 1 MY POTS ARE IN THE YARD THREE MONTHS OUT OF THE YEAR. BAIT COSTS TOO MUCH TO BRING IT HOME YOU USE IT UP AND COME HOME.
- 2 WHAT A SHAME AFTER 100'S OF YEARS OF COMMERCIAL FISHING IN CURRITUCK COUNTY THAT OUR DEW DAY CURRITUCK COMM. EVEN ENTERTAIN PEOPLE WHEN THEY TALK AGAINST OUR LIFE LONG FAMILY HISTORY AND WAY OF LIFE.
- 3 OVER 150 YEARS OF COMMERCIAL FISHING RUNS IN MY FAMILY GREAT GREAT GRANDFATHER TO PRESENT TIME MY SON. WE AS COMMERCIAL FISHERMAN WERE HERE LONG BEFORE ANY HOUSING DEVELOPMENTS. LEAVE US ALONE.
- 4 MY FATHER MADE ALL HIS INCOME FROM THE CURRITUCK SOUND. MY GRANDFATHER MADE MOST HIS INCOME FROM THE CURRITUCK SOUND. I HAVE MADE ALL MY INCOME FROM THE CURRITUCK SOUND. I AM 68 NOW AND WANT TO CONTINUE AS I HAVE BEEN DOING.
- 5 HAVE HELD COMMERCIAL LICENSE FOR MANY YEARS WITH PLANS TO PART TIME CRAB IN THE FUTURE

CRABSHEDDING

Challenges

How many shedders are allowed on a residential property?

Minimize size of shedders relative to size of property

Traffic in and out of neighborhood

Keeping it running

Leave it alone

No shedders in residential areas – they have overgrown their small business and now have become a commercial size operation

Smell

Trying to stay in business

Eye sore

Environmental issue – CAMA

The less equipment the less money. This is seasonal work. We have to get what we can while we can get it. The less shedders the less money. We are trying to make a living out of our own property.

Solutions

Should be in commercial waterway areas – agricultural or rural area.

Don’t move next to crab shedders if you don’t want to be close to it.

Leave it alone

Doesn’t belong in residential neighborhood

Guide lines for a home business

Amount of shedders should be proportional to acreage

Shedding is water dependent. You cannot stop shedding on riparian properties but can limit size

Limit size

OUTDOOR STORAGE

<u>Challenges</u>	<u>Solutions</u>
Staying in business as a commercial fisherman	Leave it alone
Keeping my operation running	Use vegetation for buffers not fencing
Provide bait to other fishermen	Grandfather all commercial fishing operations
Keeping my commercial fishing gear in my yard	You can put guidelines on these operations (fences, number of pots, inside storage, 8x32 trailers) but unless you have someone to inspect and make sure operations don't encroach on the neighbor.
You can't challenge someone who doesn't respect other people's properties. It's not just the crab pots, etc., it's the nasty junky yards that makes the neighborhood prices go down	No more than 2 storage areas. Put tall hedges between properties. Put storage inside a building.
Halls of our county buildings have pictures of working people in Currituck. Why do we have to change?	We as commercial fisherman need to keep our equipment neatly as possible and not strewed about.
Help.They never take measures to block view of crab pots	Except what you have moved to don't try and change it.
If outdoor storage is going to be allowed in residential areas shouldn't it at least be decent and clean looking?	Get a commercial property and then service the community
Watermen been making a living here 200 years it's hard to reason with people who just want us to go away.	
Getting a crabber to be mindful of neighbors	
Effect property value	
Appearance, never neat never meet home business guidelines	

Attachment: Comm Fishing Challenges and Solutions (1695 : PB 16-18 Lauren Berry)

OUTDOOR STORAGE

(continued)

Challenges

Crabber will have an attitude leave pots anywhere

Getting crabber to comply will be hard.

Being homeless if I can't keep pots in my yard

Attachment: Comm Fishing Challenges and Solutions (1695 : PB 16-18 Lauren Berry)

## WHOLESALE AND/OR RETAIL SALES

### Challenges

Increased traffic; roads can't handle especially big trucks – 18 wheelers

Increased traffic, trucks, and 18 wheelers . Commercial/retail should not be allowed in residential areas – children playing; creates lower sales prices

Creates traffic for retail or wholesale

Tractor trailers do not belong in SFM

Traffic, road shoulders, oversized trucks, trashy appearance, odd hours

What about the property taxes?

Increased truck traffic from all over the east coast at all hours

Noisy and unsafe for children or animals

Wholesale is not a good fit in single family neighborhoods

What about penalties and fines? When exactly are they finally held accountable for what they owe the county?

How to keep it running without selling to Robert White

Must sell fresh product on site (hint) Fresh Seafood

### Solutions

No sales in residential area zone – State/county needs to increase maintenance if going to allow

Kept in rural areas/agricultural not residential areas

Occupational permits that limit number of crab pots, renewed yearly with a nominal fee of \$50-\$100. At the renewal time if there are complaints they can be shutdown

We should be grandfathered. We do feed you

Stop turning agricultural into residential

Set up off site on main road

Clearing house for waterman in a commercial setting

People maintaining businesses should be paying additional taxes for privileges of running a business

Let land owners do what they have done for 200+ years

Do not allow sales of any kind in residential areas

Stop building new houses

WHOLESALE AND/OR RETAIL SALES

(Continued)

Challenges

If bait sales are shut down there is nowhere to get bait except a couple of big buyers who then want your crabs in E. City and Weeksville and they may not sale to you if you don't sell to them.

Solutions

- Transport product to location on main road
- Anyone owing fines/penalties should pay within 30 days or start paying additional penalties
- No wholesale in residential neighborhoods
- No different than UPS/Fed ex
- Accept what you move into We're trying to accept you
- County run fish market
- Grandfather bait sales in or just leave us alone
- Retail on main road

Attachment: Comm Fishing Challenges and Solutions (1695 : PB 16-18 Lauren Berry)



Case Number: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Gate Keeper: \_\_\_\_\_  
Amount Paid: \_\_\_\_\_

Text Amendment Application  
Page 3 of 4

**Chapter 4: Use Standards****Section 4.2: Use Specific Standards****Subsection 4.5.5: Industrial Uses****B. Industrial Services****(I) Commercial Watermen-persons holding a NC Commercial Fishing or Dealer's License**

Commercial watermen uses located within a residential zoning district shall comply with the following standards:

**(a) General Standards**

- (i) All phases of the operation must be conducted not less than 10 feet from the property line and not less than 50 feet from any adjacent dwelling;
- (ii) No prolonged, excessive, odor, fumes, noise, or traffic shall be allowed;
- (iii) On-premise freezing, packing and preparation for shipping is allowed;
- (iv) No more than one truck, van, car, or other vehicle, or part of vehicle, which is visible from adjacent public streets may be kept on the site; and
- (v) No vehicle or trailer which is larger than 8 feet by 32 feet shall be maintained on-site.
- (vi) A sign not exceeding six square feet is allowed
- (vii) On-premise sale of products is allowed; and
- (viii) Open storage must not be visible from the front access road



LIBRARY BOARD OF TRUSTEES  
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Shelly Haskell	District 1		Bob White	6/17/2013	1st 6/30/2017
Deborah Mountain	District 2		Bobby Hanig	10/5/2015	2nd 6/30/2017
Colleen Umphlett	District 3		Mike Payment	6/17/2013	1st 6/30/2017
<b>Keith Dix (Resignation)</b>	District 4		Paul Beaumont	7/18/2016	2nd 6/30/2018
Stacy Vasquetellas	District 5		Marion Gilbert	1/4/2016	1st 6/30/2017
George Gregory	At-Large		Mike Hall	6/17/2013	2nd 6/30/2017
Tom Oakes	At-Large		Kitty Etheridge	7/18/2016	2nd 6/30/2018

**Needs replacement to fill unexpired term-Member now serves on Tourism Advisory**

SENIOR CITIZEN ADVISORY BOARD  
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Cindy Scott	District 1		Bob White	6/6/2016	Unexp. 2/1/2017
Rita Ferebee	District 2		Bobby Hanig	3/7/2016	1st 2/1/2018
Janet Lovell	District 3		Mike Payment	6/1/15	Unexpired Term 2/1/2017
Doris Ballance	District 4		Paul Beaumont	10/7/2013	2nd 2/1/2017
George Rhine	District 5		Marion Gilbert	1/4/2016	1st 2/1/2018
Marcia Steele	At-Large		Mike Hall	1/19/16	2nd 2/1/2018
Joanne DiBello	At-Large		Kitty Etheridge	1/4/2016	2nd 2/1/2018

Can be Reappointed

Must be replaced

Commissioner Etheridge Serves on this Board



**CURRITUCK COUNTY  
NORTH CAROLINA**

February 20, 2017

Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

**1. 5:00 PM Discussion of Merger-Planning Board and Board of Adjustment**

The Board of Commissioners attended a work session at 5 PM in the Historic Courthouse Conference Room to discuss the idea of merging the Planning Board and Board of Adjustment. Ben Woody, Planning and Community Development Director, was present and described the duties of each Board, provided meeting counts and presented possible work scenarios for the Board if merged. Mr. Woody said the Planning Board members were generally open to the idea. After some discussion, the Board of Commissioners chose not to merge the Board of Adjustment and Planning Board at this time but did ask Mr. Woody to bring a text amendment for consideration to reduce Planning Board membership from nine to seven.

County Manager, Dan Scanlon, reported Towne Bank was interested in selling their property located at the south end of Corolla Bay. Mr. Scanlon explained an earlier land swap discussion that did not happen due to deed restrictions on a county-owned parcel next to Food Lion and discussed plans for a proposed park at the bridge terminus and an . Mr. Scanlon said Towne Bank's property had a market value of \$3 million and was offered for sale at \$1.7 million. Commissioners were interested and suggested reopening a land swap discussion before considering for purchase.

**6:00 PM CALL TO ORDER**

The Currituck County Board of Commissioners met at 6 PM in the Board Meeting Room of the Historic Currituck Courthouse for its regular meeting.

Attendee Name	Title	Status	Arrived
Bobby Hanig	Chairman	Present	
Mike D. Hall	Vice Chairman	Absent	
Paul M. Beaumont	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike H. Payment	Commissioner	Present	
Bob White	Commissioner	Absent	

Chairman Hanig called the meeting to order.

Communication: Minutes for February 20, 2017 (Approval Of Minutes for February 20, 2017)

**A) Invocation & Pledge of Allegiance-Reverend Eric Rainwater, Currituck Bible Baptist Church**

Reverend Rainwater was not in attendance. Reverend Spencer Cooper of Currituck Bible Baptist Church gave the Invocation and led the Pledge of Allegiance.

**B) Approval of Agenda**

Commissioner Gilbert moved the approve the agenda. Commissioner Beaumont seconded the motion which passed unanimously.

Approved agenda:

**Work Session**

5:00 PM Discussion of Merger-Planning Board and Board of Adjustment

**6:00 PM Call to Order**

A) Invocation & Pledge of Allegiance-Reverend Eric Rainwater, Currituck Bible Baptist Church

B) Approval of Agenda

**Public Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.*

**Administrative Reports**

A) Trillium Health Annual Report-Bland Baker

B) YMCA Annual Report-Billy George and Dean Mattix

C) Senior Services Annual Report-Stacy Joseph, Senior Center Coordinator

D) Currituck County 350th Anniversary-Barbara Snowden

**Public Hearings**

A) **PB 16-28 Currituck County BOC:** Request to amend the Unified Development Ordinance Chapter 4: Use Standards, to remove solar array as an allowable use.

**New Business**

**A) Consideration of Resolution of the Board of Commissioners for Currituck County, North Carolina Establishing Legislative Agenda and Request for the Introduction of Certain Local Acts by the County's Legislative Delegation**

**B) Board Appointments**

1. Planning Board

**C) Consent Agenda**

1. Approval Of Minutes for February 6, 2017
2. Budget Amendments
3. Grant Ordinance - NC Department of Agriculture Mitigation Grant for Stormwater Management in the aftermath of Hurricane Matthew
4. Resolution of Support for Adequate Funding to Meet the Mental Health, Intellectual and Developmental Disabilities, and Substance Use Disorder Service Needs for Citizens of Currituck County
5. Resolution of Support for a Speed Limit Study on South Mills Road in the Vicinity of Backwoods Road.
6. Job Description Revision-Visitor Relations Specialist

**D) Commissioner's Report**

**E) County Manager's Report**

**Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	Mike D. Hall, Vice Chairman, Bob White, Commissioner

**PUBLIC COMMENT**

***Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.***

A public comment period was held.

Cole Barlow of Moyock discussed the industrial hemp product program as an agricultural option for Currituck County.

John Decker of Moyock spoke about solar farms and described his negative experience with the current solar farm construction near his home. He cited nighttime working hours and lighting, noise, dust, flooding and chemical use to kill vegetation.

Barbara Buzitski spoke against solar farm construction, agreeing with Mr. Decker's comments and said the construction has done nothing for residents of Currituck County.

Barbara Snowden, Currituck, talked about the upcoming 100th anniversary of United States involvement in World War I and said a list of over 200 soldiers from Currituck County who fought in the war were submitted for posting on the county website. She encouraged those with relatives who served in World War I to contact the library or Currituck Historical Society so their names can be added to the list.

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

## **ADMINISTRATIVE REPORTS**

### **A. Trillium Health Annual Report-Bland Baker**

Bland Baker presented the Trillium Health Services annual report. He reviewed results of the needs and gaps survey and reinvestment plan projects. He provided service statistics and noted 737 consumers were served in Currituck County. He reviewed state funding cuts and their impacts over the past two years and asked the Board to contact our legislators to encourage support for Trillium Health by providing funding or modifying the funding formula.

### **B. YMCA Annual Report-Billy George and Dean Mattix**

Billy George, President and CEO of YMCA Hampton Roads, and Dean Mattix, Vice President, reviewed scholarship opportunities and highlighted partnerships with the county's Parks and Recreation Department, Senior Center, Cooperative Extension, and schools. Mr. Mattix elaborated on the swimming lessons provided to kindergarten students free of charge. Chairman Hanig touted employment opportunities available at the YMCA for Currituck youth.

### **C. Senior Services Annual Report-Stacy Joseph, Senior Center Coordinator**

Stacy Joseph, Senior Center Coordinator, presented an annual report to Commissioners on the Senior Center and its activities and services. Ms. Joseph provided statistics on attendance, meal services, and home meal deliveries and informed Commissioners of services and activities at the senior center locations including meals, health and education programs, exercise programs, games, and sports. Other services and activities include both day and overnight trips, tax preparation, health screenings and fairs, and social events. She noted the activities and programs that have been added in the Corolla and announced upcoming events and services to include tax preparation assistance and Senior Dinner Dance.

Ms. Joseph honored Mr. George Rhine, a member of the Senior Citizens advisory board, who recently passed-away.

Ms. Joseph and Commissioner Gilbert encouraged residents to volunteer to deliver meals. For information about services and programs call the Senior Center at 232-3505.

#### **D. Currituck County 350th Anniversary-Barbara Snowden**

Barbara Snowden of the Currituck Historical Society and the Historic Preservation Commission discussed the need to begin planning for the upcoming 350th anniversary celebration for Currituck County and neighboring Northeastern North Carolina counties in 2018. The year-long celebration will include a general Albemarle regional celebration and a county-wide celebration. Ms. Snowden requested that Currituck County contribute to the general celebration and set aside funds for Currituck County's event. The Northeastern North Carolina counties celebration will include a traveling exhibit, an historic site passport stamp program and several events at Museum of the Albemarle, with the original charter on display.

Mrs. Snowden said a location nor date have been established yet for the main celebration in Currituck County and would like the Board of Commissioners to appoint a planning committee made up of residents from all areas of the county.

### **PUBLIC HEARINGS**

#### **A. PB 16-28 Currituck County BOC:**

To: Board of Commissioners

From: Planning Staff

Date: February 15, 2017

Subject: PB 16-28 Currituck County Text Amendment

The enclosed text amendment was initiated by the Board of Commissioners (BOC) to amend the Unified Development Ordinance (UDO) to remove solar array as an allowable use.

#### **Background**

- June 2, 2014 - The BOC approved a use permit for PB 14-07 Ecoplexus, Inc. for a solar array in Shawboro. The only UDO regulation at the time was that panels not produce excessive glare. District setbacks applied to the panels. The applicant increased the setback to 50' for the panels from Shawboro Road with vegetative screening between the property line and the panels.
- May 4, 2015 - The BOC approved a text amendment to add solar array standards to the UDO including requirements for ground cover, screening, height limits, decommissioning plans, and a decommissioning requirement if the system does not generate electricity for a continuous 12 month period.
- May 4, 2015 - The BOC approved use permit PB 15-14 Wildwood Solar for a solar array near Moyock. The owner agreed to a 300' setback for panels from an existing dwelling and that they would install a landscape berm.
- October 5, 2015 - The BOC approved a text amendment to add additional solar array standards to the UDO including requirements for the 300' setback for all components of the solar array to the property line, ground water testing, and a performance guarantee to ensure decommissioning.

- January 4, 2016 - The BOC approved a text amendment to allow a reduction in the 300' setback with increased screening, changed the permit required from a use permit to a conditional rezoning, and removed the solar array use from all zoning districts except the AG district.
- January 3, 2017 - The BOC adopted an ordinance imposing a moratorium on the acceptance, processing, or consideration of applications for solar arrays.

### Amendment Request

This request is to amend the Unified Development Ordinance Chapter 4: Use Standards to remove solar array as an allowable use. This proposed amendment to the UDO is determined advisable to meet and preserve the stated goals established by the Currituck County 2006 Land Use Plan.

Existing permitted solar arrays will become legal nonconformities.

### Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

- (1) Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
  - a. *The amendment promotes farmland preservation. (LUP POLICY AG1)*
  - b. *The amendment prohibits all energy producing facilities within the county's jurisdiction. (LUP POLICY ID9)*
- (2) Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
  - a. *The amendment eliminates a conflict between the 2006 Land Use Plan and the UDO.*
- (3) Is required by changed conditions;
  - a. *The North Carolina Utilities Commission Public Staff reported to the North Carolina General Assembly on February 10, 2016 that as of January 31, 2016 Currituck County was ranked fifth among the top ten counties in the number of pending North Carolina Utilities Commission certificate applications. The amendment clarifies that renewable energy facilities are not consistent with the 2006 Land Use Plan and are also prohibited in the county.*
- (4) Addresses a demonstrated community need;
  - a. *The amendment promotes the conservation of farmland which is consistently a community value and need included in adopted plans.*
- (5) Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
  - a. *County residents have reported adverse effects of solar array construction, activity and operation including aesthetic impacts and potential impacts on residential and other property values. The amendment prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.*
- (6) Would result in a logical and orderly development pattern; and
  - a. *There exists in the county two solar arrays located adjacent to residential uses of land, that has resulted in numerous complaints to the county of incompatible activity on the solar array site with use of adjacent property for residential purposes. The amendment prevents this type of development pattern while promoting compatible uses and protecting agriculturally productive lands.*



- (7) Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
- a. *In a February 10, 2016 report to the North Carolina General Assembly the North Carolina Department of Environmental Quality expressed concern for the loss of agricultural land and jobs in the state from conversion of agriculturally used property to use for solar arrays and the loss of wildlife habitat due to large areas encompassed by solar arrays that are fenced and affect food availability for wildlife. (Attachment 1)*

#### **Land Use Plan Consistency**

The UDO requires that the Board of Commissioners adopt a statement of consistency and reasonableness that describes whether the decision on the amendment is consistent with county adopted plans that are applicable and why the decision is reasonable and in the public interest. The 2006 Land Use Plan is the controlling plan and the following policy statements are relevant to this request:

POLICY AG1: ACTIVE AGRICULTURAL LANDS having a high productive potential, and especially those removed from infrastructure and services, should be conserved for continued agricultural use.

LUP POLICY 1D9: Currituck County shall not support the exploration or development of ENERGY PRODUCING FACILITIES within its jurisdiction including, but not limited to, oil and natural gas wells, and associated staging, transportation, refinement, processing or on-shore service and support facilities

#### **Staff Recommendation**

Staff recommends adoption of the proposed text amendment because it complies with all applicable review standards of the UDO and is consistent with the 2006 Land Use Plan.

#### **Planning Board Discussion - February 14, 2017**

Tammy Glave, Senior Planner, presented the case on behalf of the Currituck County Board of Commissioners (BOC). Ms. Glave gave background information on solar arrays in Currituck County which began in June 2, 2014 with one condition that panels did not produce excessive glare and later changes were made to add ground cover, screening, height limits, decommission plans and setbacks. The permit required was also changed from a use permit to conditional rezoning and removed the solar array use from all zoning districts except the AG district on January 4, 2016. The BOC adopted an ordinance imposing a moratorium on the acceptance, processing, or consideration of applications for solar arrays on January 3, 2017. For the requested text amendment tonight, Staff recommends adoption of the proposed text amendment to remove solar array as an allowable use from the Unified Development Ordinance (UDO) Chapter 4 since it preserves the stated goals established by the Currituck County 2006 Land Use Plan with the preservation of farmland and prohibition of all energy producing facilities within the county's jurisdiction.

Ms. Overton asked if there were any open requests for solar arrays. Ms. Glave said there is one in construction and one that is complete. There are no new applications since the moratorium had a condition to not accept any new applications.

Mr. Craddock asked what reasons were cited by the Board of Commissioners for this text amendment. Mr. Woody said the Board of Commissioners referenced an environmental report which shows concern for loss of wildlife and agricultural land. Another reference is the fact that Currituck County is ranked fifth among the top ten counties in North Carolina for applications through the department of utilities for solar arrays. Also, property owners complained of loss in property values and the aesthetic complaints of the solar arrays. Lastly, they referenced a Land Use Plan policy that

says Currituck will not support energy producing facilities and the Board of Commissioners have determined solar arrays fall under the energy producing category.

Mr. Craddock opened the public hearing.

Steve Fentress (247 Grandy Road, Grandy), spoke against the total removal of solar arrays in the UDO. He said the county should not completely ban solar arrays, but put more stringent restrictions on them to keep solar arrays from being in Currituck County. Mr. Fentress was concerned that the panels currently used are not tested and may have toxic materials since they are not made in the United States. Mr. Fentress also showed concern for the setbacks not being great enough.

Mr. Craddock closed the public hearing.

Board members discussed tax percentages for farm land verses solar arrays. Some members showed concern for loss in revenue for the county. Discussion was also held on property owners not having the right to put solar arrays on non-productive farm land.

Mr. McColley motioned to approve due to the active agricultural lands (AG1) and the county's nonsupport of energy producing facilities (ID9) for consistency of the Land Use Plan. There was no second and the motion died.

Board members discussed whether the item could be tabled and Mr. Woody encouraged them to make a decision of approval or denial.

Mr. McColley motioned to approve again with the same consistencies of the Land Use Plan as stated before, due to the active agricultural lands (LUP Policy AG1) and the county's nonsupport of energy producing facilities (LUP Policy ID9) and Bobby Bell seconded the motion.

Ms. Overton asked to amend the motion as approved with the recommendation that the Board of Commissioners not rush to a decision since this affects the county with income loss and land sitting vacant for several years.

Mr. McColley agreed to the amended motion and the motion carried unanimously.



The Currituck County Board of Commissioners requests an amendment to the Unified Development Ordinance, Chapter 4 Use Standards, to remove solar array as an allowable use in the county.

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 is amended by deleting the following bold strikethrough language in Section 4.1.2:

USE CATE GORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESES) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]	Σ W C
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		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
INSTITUTIONAL USE CLASSIFICATION																		
Utilit ies	Solar array																	13

**Item 2:** That Chapter 4 is amended by deleting the following bold strikethrough language in Section 4.2.3.H.1:

**4.2.3. Institutional Uses**  
**Utilities**

**Solar Array**

~~Solar arrays shall be configured to avoid glare and heat transference to adjacent lands.~~

~~Appropriate ground cover/grass is required and shall be maintained as not to create a fire hazard.~~

~~The solar panels, equipment, and associated security fencing shall be located at least 300 feet from any perimeter property line abutting a residential dwelling, residential zoning district, religious institution, public school, state licensed day care center, public playground, public swimming pool, or public park. The solar panels, equipment, and associated security fence shall be screened from those uses or zoning districts by a Type D buffer. The buffer may be reduced to a Type C when abutting a right-of-way, use, or zoning district not listed above and the setback may be reduced to 100 feet in these instances.~~

~~The total height of the solar energy system, including any mounts, shall not exceed 15 feet above the ground when orientated at maximum tilt.~~

~~The solar energy system owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.~~

~~Operations, maintenance, and decommissioning plans are required.~~

~~Ground water monitoring wells shall be installed prior to construction of the solar energy system and testing data shall be submitted annually to the Planning and Community Development Department until decommissioning occurs. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point of each property line. Testing data shall be provided to the county indicating compliance with EPA National Primary Drinking Water Standards prior to construction and annually until decommissioning occurs.~~

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~~Should the initial ground water testing indicate that the site is not in compliance with the EPA National Primary Drinking Water Standards subsequent annual reports shall indicate no increase in noncompliance with those standards.~~

~~Prior to the issuance of a building permit, the developer shall post a performance guarantee in the form of cash deposit with the county to ensure decommissioning funds are available in the amount equal to 115 percent of the estimated decommissioning costs minus salvageable value. Estimates for decommissioning the site and salvageable value shall be prepared and certified by a registered engineer or North Carolina licensed general contractor and submitted prior to building permit approval and verified by a registered engineer or North Carolina licensed general contractor and resubmitted every two years thereafter until decommissioning occurs.~~

*Please note that the sections following this item will be renumbered accordingly.*

**Item 3: Statement of Consistency and Reasonableness:**

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1)
- It does not support the exploration or development of energy producing facilities within the county's jurisdiction. (LUP POLICY ID9)

The request is reasonable and in the public interest because:

- It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.
- It promotes the conservation of farmland which is consistently a community value and need included in adopted plans
- In reference to a February 10, 2016 report provided by the North Carolina Department of Environmental Quality, It limits the loss of agricultural land and jobs in the county from conversion of agriculturally used property to use for solar arrays and the loss of wildlife habitat due to large areas encompassed by solar arrays that are fenced and affect food availability for wildlife.

**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 \_\_\_\_\_, 2017.

Ben Woody reviewed the text amendment with the Board, providing a timeline of county action and regulations pertaining to solar arrays, and prior use permits approved up to the January 3, 2017, 60 day moratorium.

When asked, Mr. Woody reviewed the purpose of the performance guarantee which would establish county access to funds for decommissioning, providing protection down the road.

He said Shawboro does not have a performance guarantee, but Moyock does. He could not recall the funds amount. Mr. Woody clarified the stipulation added under the Planning Board recommendation, which asked Commissioners not to rush to a decision, with the intent for careful consideration of prohibition of this use.

Chairman Hanig opened the public hearing.

David Hoare, a Caratoke Highway property owner, supports clean energy and the solar farm project in Grandy.

George Winslow, a farm owner in Moyock, spoke in support of solar farms, citing clean energy and turning land into something productive. He said housing does not pay for itself and solar would preserve land for future development. He suggested looking at each project on a case by case basis.

Jim Bodino of the Carolina Club, Grandy, said he is in favor of solar energy but opposes the project location at Goose Creek, as it is not in harmony or compatible with the residential community. He talked about letters received by property owners that offered payments for support of the project.

Mackenzie Meinhold from SunEnergy1, challenged whether proper advertising and proper procedures were followed. She questioned public attendance at the Planning Board meeting and did not believe the county allowed full public participation. Ms. Meinhold said a vote would be rushed and improper and asked that the item be remanded back to the Planning Board.

John Decker of Moyock discussed the Ranchland Solar Farm project, and said the contractor didn't do what they said they were going to do with regard to noise, dust and lighting, and a berm. He said solar farms are power plants and should not be built in residential areas.

Steve LaFleur of SunEnergy1 referred to an email received via a public records request between commissioners. He said many of the statements in the email were false and provided information and efforts the company made with regard to local employment and lodging, supply purchases and physical aspects of the project. He asked the Board for a postponement.

Linda Nwadike of SunEnergy1 requested postponement of a vote due to the affects on the community. She talked about local impacts related to economic development, the company's local investments and donations to local charities, local hiring and payment of taxes.

Brian Kennedy of SunEnergy1 had a solar panel for the Board to see and discussed the technology and materials, saying no toxins are used to manufacture the panels.

Robert Griffin of Poplar Branch recounted the discussion and action at the Planning Board meeting, noting the vote was unanimous but concerns over rushing a decision and possible financial impacts were noted. He said prohibiting solar farms is a

significant step and he is opposed to it, citing Economic Development. He read an excerpt of a letter from Jim Ferebee.

Clifton Banks of Poyners Road said he does not want the moratorium, as farming is up and down and said solar provides income and generates tax money with no services required.

Laura Darden of Uncle Graham Road, Grandy, said her family and animals will be personally affected. She said drainage is a problem and believes there is property available elsewhere that is more suitable. She produced a letter that offers money and Kevin McCord is assisting the property owner to encourage people to accept the proposal. She supports the text amendment banning solar arrays.

Kevin McCord of Moyock, and former owner of Grandy Golf Club that Mr. Owens purchased from him and his father. He said the solar farm wants to use 50 acres of the 122 acres at the location. He is against the ban, and is helping Mr. Owens. He said drainage will be improved and the solar farm would be a football field away from neighboring properties and the county has the authority to enforce rules.

Jerry Wright of Jarvisburg, said his family has been farming for five generations and is against the text amendment as proposed. He expressed environmental concerns and has researched the solar panels. He said farming isn't what it used to be and other sources of revenue are needed to continue farming operations.

Nathan Rodgers of EcoPlexus, San Francisco, CA, said he believes a ban is misguided. He provided solar industry statistics related to revenue, economic development and employment for North Carolina as well as his own company's spending. Regarding the Grandy golf course project, he ensured installed panels would be non-toxic and would be invisible to surrounding neighbors. Drainage would be improved on the site. He talked of a proposed community energy fund to benefit neighboring residents and an open space development agreement with the county to fund recreational opportunities.

John Morrison of Ecoplexus, Durham, invited the Board to tour some of their projects in North Carolina to see a site in operation. He said sites are quiet after construction and described maintenance and stewardship of the land after construction.

Jim Ferebee of Shawboro spoke against the prohibition and in favor of solar farms. He has been farming here all of his life and said he is looking for something to supplement their farming income. He asked the Board to allow them to put solar panels on their land.

Veronica Reich of Point Harbor said she is pro-solar and against the ban. She said solar helps farmers and provides tax dollars.

Ron Campbell of Point Harbor spoke in favor of solar farms as good for the environment.



John Johnson of Camden, NC, spoke in favor of solar farms and, as an employee working on both solar sites in Currituck, he and other workers support the local businesses.

James Ferebee of Shawboro spoke in favor of solar farms and cited tax dollars generated.

Catherine Worthing and Crystal Ferebee both said they were in favor of solar power.

Diane Ferebee of Indiantown Road, Shawboro, spoke in favor of solar power, and said allowing solar on a portion of their property would provide them with the continued ability to farm their land.

Fidel Escobar of Jarvisburg spoke in support of the text amendment. He said his property is adjacent to the Grandy project and was purchased in 2014 at approximately the same time Mr. Owens purchased the golf course. He expressed concerns with panels in a hurricane and does not want to see solar in Currituck County.

Joe Etheridge of Shawboro spoke against the text amendment believing projects should be on a case by case basis and touted tax revenue.

John McColley of Grandy spoke in favor of the text amendment, saying everyone has property rights, including neighbors. He said some solar arrays are benign but others have a direct effect on their neighbors. He believes solar wouldn't be here without federally subsidized programs and he talked about the financial offers made to residents by Mr. Rogers.

Owen Etheridge of Moyock believes the county is getting preferential treatment by fast tracking the text amendment. He discussed the land use plan created while he was a commissioner, saying the intent was not to outlaw green energy. He said farmers are having a tough time, and landowners need permission to liquidate assets. He addressed property rights, and asked that the Board either deny passage of the text amendment or extend the moratorium if more time is needed for consideration.

Steve Fentress of Grandy spoke in support of the text amendment and banning solar. He discussed Currituck County's need for the right kind of growth and that solar farms do not participate in the economy over time. He said solar companies lie about low cost energy to local homes, training for local labor and sustainable employment, and that tax revenues are grossly exaggerated. He said no local labor was used at either Currituck solar site and said there are alternative developments that increase in value over time and not decline. He said solar companies pay 20% of their tax while all others pay 100%, and he discussed the millions of tax dollars given to solar companies.

Barbara Busitsky of Moyock said she supports solar energy, but does not support solar farms that are taking up farmland and animal habitat. Her property backs up to the Moyock site. She said the contractor has not done what they said they would do and solar farms are not helping the citizens. Solar on a church or school is very practical, but this takes too much away from her home and piece of mind.

Chairman Hanig closed the Public Hearing.

Mr. Woody said the Planning Board meeting was properly advertised. This was confirmed by the County Attorney, Ike McRee.

Commissioner Beaumont discussed the proposed dwelling units in the county over the next 20 years. Mr. Woody said solar farms would not change the number of future homes. He reviewed the three applications submitted to the county for solar projects.

Commissioner Payment said he is not against solar energy but denied the Goose Creek site because it was not an appropriate location. He said there are areas where he could be supportive and the county should work on the Unified Development Ordinance and Land Use Plan to determine suitable solar locations.

Commissioner Beaumont said he does not support a permanent ban. He said the Board needs to come up with something that makes sense for the county and protects the rights of all concerned.

Commissioner Gilbert agreed with Commissioners Payment and Beaumont, saying both project approvals were lessons learned. She said she is not against solar arrays.

Chairman Hanig said banning solar is not a permanent solution but allows time to ensure solar is developed properly. He said Commissioners need to look out for every person in the county, not just land owners.

Mr. McRee and Mr. Woody confirmed proper advertising for Board of Commissioner meeting and Planning Board meeting.

Mr. McRee explained there is not enough time for an extension of the moratorium due to procedural requirements.

Commissioner Etheridge questioned why solar companies lease land at a higher cost than purchasing, and expressed worry over the process. With no further discussion Commissioner Beaumont moved to approve PB 16-28 because the request is consistent with the land use plan because:

- It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1)
- It does not support the exploration or development of energy producing facilities within the county's jurisdiction. (LUP POLICY ID9)

The request is reasonable and in the public interest because:

- It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.
- It promotes the conservation of farmland which is consistently a community value and need included in adopted plans
- In reference to a February 10, 2016 report provided by the North Carolina Department of Environmental Quality, it limits the loss of agricultural land and



jobs in the county from conversion of agriculturally used property to use for solar arrays and the loss of wildlife habitat due to large areas encompassed by solar arrays that are fenced and affect food availability for wildlife.

Commissioner Gilbert seconded the motion. Commissioner Payment confirmed with Mr. Woody that the Board could refocus and restructure the UDO and Land Use Plan for future solar farms.

The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul M. Beaumont, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	Mike D. Hall, Vice Chairman, Bob White, Commissioner

## RECESS

Chairman Hanig called for a brief recess at 8:49 PM. The meeting reconvened at 9:04 PM.

## NEW BUSINESS

### A. Consideration of Resolution of the Board of Commissioners for Currituck County, North Carolina Establishing Legislative Agenda and Request for the Introduction of Certain Local Acts by the County's Legislative Delegation

County Attorney, Ike McRee, reviewed the local matters to be brought before the state legislature for consideration of a local act. Included is a request for authorization to be able to accept funds from developers as a payment in lieu for future road construction, similar to authorizations granted to municipalities. Life safety provision requirements for single-family dwellings greater than 5,000 square feet were also requested.

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

### RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA ESTABLISHING LEGISLATIVE AGENDA AND REQUEST FOR THE INTRODUCTION OF LOCAL ACTS BY THE COUNTY'S LEGISLATIVE DELEGATION

**WHEREAS**, the North Carolina General Assembly convened its 2017-2018 Session on January 11, 2017; and

**WHEREAS**, the Board of Commissioners for the County of Currituck desires that the county's legislative delegation introduce and support the adoption of local acts beneficial to the citizens of Currituck County.

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

Section 1. The County of Currituck requests that Representative Bob Steinburg and Senator Bill Cook sponsor, introduce, and support the following legislation:

**Authorize Currituck County to Use Developer Funds for Construction of Roads to Allow for Interconnectivity of Subdivision Streets and Roads**

Pursuant to G. S. 153A-331 a county may by ordinance provide that in lieu of street construction a developer may provide funds to be used for development of roads to serve occupants, residents or invitees to the subdivision. The statute requires that the county transfer the funds to a municipality to expend funds outside its corporate limits for the street construction. Without municipalities, Currituck County is unable to use developer provided funds for purposes authorized by the statute or as required by the county's Unified Development Ordinance. Currituck County requests the same authority granted to municipalities under G. S. 160A-372(f).

**Authorize Currituck County to Adopt Ordinances Requiring Certain Life Safety Measures for Single Family Residential Dwellings 5,000 Square Feet or Greater in Size**

To respond to life safety concerns in large residential structures, especially those rented on a weekly basis by persons not familiar with such structures, Currituck County requests authority to require by ordinance the installation of 13D residential sprinkler systems, deck and floor loading equivalent to nonresidential building loading requirements and exit lighting in residential structures containing 5,000 square feet or more of floor surface area.

Section 2. The County Manager, County Attorney and Clerk to the Board of Commissioners are directed to forward a copy of this resolution to Representative Bob Steinburg and Senator Bill Cook with supporting documentation.

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

ADOPTED this 20th day of February, 2017.

\_\_\_\_\_  
Bobby Hanig, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Clerk to the Board of Commissioners

(COUNTY SEAL)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	Mike D. Hall, Vice Chairman, Bob White, Commissioner

## B) Board Appointments

### 1. Planning Board

Chairman Hanig nominated Steven Craddock for reappointment to the Planning Board.

Commissioner Gilbert moved to approve. The motion was seconded by Commissioner Etheridge and passed unanimously.

Commissioner Gilbert suggested a postponement of the consensus appointments. Commissioner Payment seconded and the motion passed unanimously.

**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Marion Gilbert, Commissioner  
**SECONDER:** Mary "Kitty" Etheridge, Commissioner  
**AYES:** Bobby Hanig, Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner  
**ABSENT:** Mike D. Hall, Vice Chairman, Bob White, Commissioner

### C) Consent Agenda

Commissioner Gilbert moved to approve Consent Agenda. The motion was seconded by Commissioner Etheridge and passed unanimously.

**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Marion Gilbert, Commissioner  
**SECONDER:** Mary "Kitty" Etheridge, Commissioner  
**AYES:** Bobby Hanig, Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner  
**ABSENT:** Mike D. Hall, Vice Chairman, Bob White, Commissioner

#### 1) Approval Of Minutes for February 6, 2017

##### 1. Minutes for February 6, 2017

##### 2. Budget Amendments

			Debit		Credit
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
Account Number	Account Description				
50550-592015	Corp Area Apron 36237.8.13.1		\$ 778,664		
50330-448000	State Aid to Airports				\$ 700,798
50380-481000	Investment Earnings				\$ 38,670
50550-592010	Airport-Nonmatch County Funds				\$ 39,196
			\$ 778,664		\$ 778,664
Explanation:	County Governmental Construction - Airport Projects (50550) - Increase appropriations to record Construction and Construction Administration costs for the Corporate Aircraft Parking Apron Grant 36237.8.13.1, funded by 90% State Aid to Airports funding and 10% County match.				
Net Budget Effect:	County Governmental Facilities (50) - Increased by \$778,664.				

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		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10775 - 516000	Repairs & Maintance	\$ 2,000	
10775 - 513000	Utilities		\$ 1,000
10775 - 514000	Travel		\$ 500
10775 - 531000	Fuel		\$ 500
		\$ 2,000	\$ 2,000
<b>Explanation:</b>	Senior Center (10775) - Transfer funds for repairs to repair kitchen equipment at the Barco Senior Center.		
<b>Net Budget Effect:</b>	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>		
10750-514500	Training & Education	\$ 1,000	
10750-590000	Capital Outlay	\$ 30,998	
10750-514000	Travel		\$ 1,000
10390-499900	Fund Appropriate Balance		\$ 30,998
		\$ 31,998	\$ 31,998
<b>Explanation:</b>	SOCIAL SERVICES ADMIN (750) - Move funds to cover costs of registration fees for social work training and increase appropriations for roof replacement for the DSS building.		
<b>Net Budget Effect:</b>	Operating Fund (10) - Increased by \$30,998.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10330-445000	Emergency Mgmt		\$ 20,625
10531-514000	Travel	\$ 3,000	
10531-532000	Supplies	\$ 7,625	
10531-545000	Contracted Services	\$ 6,000	
10531-514500	Training	\$ 4,000	
		\$ 20,625	\$ 20,625
<b>Explanation:</b>	Emergency Management (10531) - Increase appropriations for Emergency Management Planning Grant from 2016.		
<b>Net Budget Effect:</b>	Operating Fund (10) - Increased by \$20,625.		

### 3. Grant Ordinance - NC Department of Agriculture Mitigation Grant for Stormwater Management in the aftermath of Hurricane Matthew

#### COUNTY OF CURRITUCK GRANT 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 grant ordinance is hereby adopted:

**SECTION 1.** The project authorized is mitigation effort in the aftermath of Hurricane Matthew for snagging and clearing of ditches within Currituck County.

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

NC Dept of Ag - Hurricane Matthew Snagging/Clearing	\$ 114,200
	<u>\$ 114,200</u>

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

Hurricane Matthew Stormwater Mitigation	\$ 114,200
	<u>\$ 114,200</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 20th day of February 2016.

#### **4. Resolution of Support for Adequate Funding to Meet the Mental Health, Intellectual and Developmental Disabilities, and Substance Use Disorder Service Needs for Citizens of Currituck County**

##### **Resolution of Support for Adequate Funding to meet the Mental Health, Intellectual and Developmental Disabilities, and Substance Use Disorder service needs for Citizens of Currituck County**

**WHEREAS**, Currituck County knows that citizens dealing with mental illness and substance use disorders can achieve recovery with the appropriate services and supports and that citizens with intellectual and developmental disabilities can live productive lives in our communities with similar services and supports; and

**WHEREAS**, the funding needed for such services and supports is increasing due to North Carolina's increasing population and the opioid epidemic in our State; and

**WHEREAS**, Currituck County is a member of Trillium Health Resources, a twenty-four county LME/MCO serving eastern North Carolina; and

**WHEREAS**, in accordance with the intent of the NC General Assembly and the NC Department of Health and Human Services, the Board of Trillium Health Resources has developed and is implementing a robust reinvestment plan to use savings that is benefiting the citizens of Currituck County with such enhancements as accessible playgrounds, Access Point Kiosks, and new evidenced-based services; and

**WHEREAS**, the North Carolina General Assembly has made significant budget reductions in State funding for the past two years; and

**WHEREAS**, the formula used to allocate the reduction statewide in the current fiscal year was based on 2015 information which has resulted in a disproportionate reduction to Trillium Health Resources; and

**WHEREAS**, these budget reductions can no longer be absorbed by Trillium Health Resources without jeopardizing services to Currituck County citizens, negatively impacting the lives of people in need of service as well as potentially impacting the local economy through job loss;

**NOW, THEREFORE BE IT RESOLVED** that we, the Currituck County Board of Commissioners do hereby request that the North Carolina General Assembly:

- Maintain full State funding for mental health, developmental disabilities and substance abuse services without further reductions; and
- Allow Trillium Health Resources to continue to use its savings to reinvest in enhanced services in our communities rather than having to use that funding to replace State budget reductions; and
- Modify the formula by which any future reductions in funding are allocated, if such reductions must be made, to ensure the reduction is fairly distributed statewide.

**ADOPTED this 20<sup>th</sup> day of February,**

**2017.**

## **5. Resolution of the Currituck County Board of Commissioners Requesting Speed Limit Study on South Mills Road in Moyock Township**

### **RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS REQUESTING SPEED LIMIT STUDY ON SOUTH MILLS ROAD IN MOYOCK TOWNSHIP**

**WHEREAS**, Currituck County has received citizen concerns regarding the configuration of South Mills Road in the vicinity of Backwoods Road in Moyock Township and the speed limit which may be in excess of speed that should be allowed along that portion of South Mills Road; and

**WHEREAS**, the Currituck County Board of Commissioners believes that a study should be performed to determine whether the speed limit for that portion of South Mills Road in the vicinity of Backwoods Road is safe and appropriate.

**NOW, THEREFORE, BE IT RESOLVED** by the Currituck County Board of Commissioners that Currituck County requests the North Carolina Department of Transportation to conduct a study to determine whether the speed limit on that portion of South Mills Road in the vicinity of Backwoods Road should be reduced.

ADOPTED the 20<sup>th</sup> day of February, 2017.

## **6. Job Description Revision-Visitor Relations Specialist**

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**D) Commissioner's Report**

Commissioner Payment said the Lower Currituck Volunteer Fire Department had a burn last Saturday, providing a good training opportunity. He encouraged citizens to volunteer for fire departments.

Commissioner Gilbert offered condolences to the family of George Rhine, a Currituck resident and member of the Senior Citizens Advisory, who had recently passed.

Commissioner Etheridge reported the Department of Social Services will not have to terminate child care subsidies, as the department has received sufficient funding.

**E) County Manager's Report**

Mr. Scanlon reported the County is working in partnership with the Albemarle Commission on a Broadband survey to determine internet needs and costs people are willing to pay. The survey is available on the county website and Mr. Scanlon said results can help to resolve some of our issues and possibly secure finding to find third-party providers to address the shortfall of service in our area.

Mr. Scanlon announced three community meetings for residents who experienced flooding in their primary homes due to Hurricane Matthew. He said Federal assistance through a Hazard Mitigation Grant may be available for those interested in elevating their homes.

Meeting information:

February 27th at the Historic Courthouse from 3 PM till 7 PM.

March 1st at the Corolla Office from 3 PM till 6 PM.

March 9th at the Knotts Island Community Center from 3:30 PM till 6:30 PM.

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

Commissioner Etheridge moved to adjourn. The motion was seconded by Commissioner Gilbert and passed unanimously. The meeting of the Board of Commissioners was concluded.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	Mike D. Hall, Vice Chairman, Bob White, Commissioner



Number

2017069

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of March 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-514000	Travel	\$ 1,000	
61818-514500	Training & Education	\$ 1,000	
61818-532000	Supplies	\$ 3,990	
61818-545000	Contracted Services	\$ 3,000	
61818-533800	Chemicals		\$ 8,990
		<u>\$ 8,990</u>	<u>\$ 8,990</u>

**Explanation:** Mainland Water (61818) - Transfer budgeted funds between line items for operations for the remainder of this fiscal year.

**Net Budget Effect:** Mainland Water Fund (61) - No change.

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\_\_\_\_\_  
Clerk to the Board

Attachment: Mar 6\_BudAmends (1814 : Budget Amendments)

Number

2017070

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of March 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
68888-533200	Lab Test	\$ 1,000	
68888-533800	Chemicals	\$ 2,000	
68888-553000	Dues & Subscriptions	\$ 1	
68888-590000	Capital Outlay		\$ 3,001
		<u>\$ 3,001</u>	<u>\$ 3,001</u>

**Explanation:** Walnut Island Sewer (68888) - Transfer funds from capital outlay for operations for the remainder of this fiscal year.

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

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\_\_\_\_\_  
Clerk to the Board

Attachment: Mar 6\_BudAmends (1814 : Budget Amendments)

Number 2017071

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of March 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-516000	Repairs & Maintenance		\$ 2,000
10460-590000	Capital Outlay	\$ 2,000	
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

**Explanation:** Public Works (10460) - Transfer funds for additional cost for gutter replacement at the Cooperative Extension facility.

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

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\_\_\_\_\_  
Clerk to the Board

Attachment: Mar 6\_BudAmends (1814 : Budget Amendments)

Number

2017072

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of March 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
67878-590000	Capital Outlay	\$ 6,500	
67878-545000	Contract Services		\$ 6,500
		<u>\$ 6,500</u>	<u>\$ 6,500</u>

**Explanation:** Moyock Central Sewer (67878) - Transfer funds to replace blower unit at the Moyock Central Sewer System.

**Net Budget Effect:** Moyock Central Sewer Fund (67) - No change.

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\_\_\_\_\_  
Clerk to the Board

Attachment: Mar 6\_BudAmends (1814 : Budget Amendments)

Number

2017073

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of March 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
66868-590000	Capital Outlay	\$ 23,000	
66868-532000	Supplies	\$ 7,000	
66868-513000	Fuel		\$ 5,000
66868-533800	Chemicals		\$ 15,000
66868-545000	Contracted Services		\$ 10,000
		<u>\$ 30,000</u>	<u>\$ 30,000</u>

**Explanation:** Southern Outer Banks (66868) - Transfer funds for emergency replacement of RO skids at the Southern Outer Banks Water Plant.

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

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\_\_\_\_\_  
Clerk to the Board

Attachment: Mar 6\_BudAmends (1814 : Budget Amendments)

## RESOLUTION OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

**WHEREAS**, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

**WHEREAS**, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

**WHEREAS**, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

**WHEREAS**, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

**WHEREAS**, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

**NOW THEREFORE BE IT RESOLVED** that the Currituck County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

**BE IT FURTHER RESOLVED** that the Currituck County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 6th day of March, 2017.

\_\_\_\_\_  
Bobby Hanig, Chairman  
Currituck County Board of Commissioners

ATTEST: \_\_\_\_\_  
Leeann Walton, Clerk to the Board

## AMERICAN RED CROSS MONTH 2017

### A Proclamation

In Currituck County, we have a long history of helping our neighbors in need. American Red Cross Month is a special time to recognize and thank our heroes – those Red Cross volunteers and donors who give of their time and resources to help community members.

These heroes help families find shelter after a home fire. They give blood to help trauma victims and cancer patients. They deliver comfort items to military members in the hospital. They use their lifesaving skills to save someone from a heart attack, drowning or choking. They enable children around the globe to be vaccinated against measles and rubella.

The American Red Cross depends on local heroes to deliver help and hope during a disaster. We applaud our heroes here in Currituck County who give of themselves to assist their neighbors when they need a helping hand.

Across the country and around the world, the American Red Cross responds to disasters big and small. In fact, every eight minutes the organization responds to a community disaster, providing shelter, food, emotional support and other necessities to those affected. It collects nearly 40 percent of the nation's blood supply; provides 24-hour support to military members, veterans and their families; teaches millions lifesaving skills, such as lifeguarding and CPR; and through its Restoring Family Links program, connects family members separated by crisis, conflict or migration.

We dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission.

NOW, THEREFORE, the Currituck County Board of Commissioners does hereby proclaim March 2017 as American Red Cross Month and encourages all Americans to support this organization and its noble humanitarian mission.

ADOPTED this, the 6th day of March, in the year of our Lord two thousand seventeen, by the Currituck County Board of Commissioners. State of North Carolina.

\_\_\_\_\_  
Bobby Hanig, Chairman

ATTEST: \_\_\_\_\_  
Clerk to the Board

**SEVERE WEATHER PREPAREDNESS WEEK 2017**  
**BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CURRITUCK**  
**A PROCLAMATION**

WHEREAS, North Carolina is traditionally an active tornado and severe thunderstorms state; and

WHEREAS, in 2016 the National Weather Service (NWS) in North Carolina issued 61 tornado warnings and recorded 16 tornadoes; and

WHEREAS, in 2016 the National Weather Service in North Carolina issued 697 severe thunderstorm warnings and recorded 827 incidents of severe thunderstorms with damaging winds and/or large hail; and

WHEREAS, the average warning lead time for severe weather and tornadoes was 20 minutes; and

WHEREAS, severe thunderstorms produce hail at least an inch in diameter, 58 mph + winds or can produce a tornado; and

WHEREAS, all thunderstorms produce lightning, and strikes are a significant threat in North Carolina. Remember, if you hear thunder roar, go indoors!

WHEREAS, Currituck County residents should listen to local radio, television, a weather channel or a National Oceanic and Atmospheric Administration radio for information on severe weather; and

WHEREAS, residents should make a family emergency plan with details on how to get to a safe location, contact each other and get back together. Include in the plan the safest locations on their regularly traveled routes; and

WHEREAS, residents should have an emergency supply kit in their homes and vehicles that include a first aid kit, battery-powered radio, flashlight and non-perishable foods, bottled water, sturdy shoes and gloves; and

WHEREAS, Currituck County residents, businesses and schools are urged to participate in the statewide tornado drill on Wednesday, March 8<sup>th</sup> at 9:30 a.m.; and

WHEREAS, Currituck County Emergency Management works to inform and educate residents about staying safe when severe weather strikes and ReadyNC.org and the free mobile app are available to provide current weather and traffic conditions; and

NOW THEREFORE BE IT RESOLVED, that the Currituck County Board of Commissioners, do hereby support the statewide **“SEVERE WEATHER PREPAREDNESS WEEK”** MARCH 5 – 11 in Currituck County, and call upon our residents to observe the week with appropriate activities that promote awareness of severe weather and how to stay safe.

ADOPTED this, the 6th day of March, 2017.

\_\_\_\_\_  
Bobby Hanig, Chairman

ATTEST: \_\_\_\_\_  
Clerk to the Board

Attachment: PROC\_2017 Currituck SWPW (1811 : Proclamation-Severe Weather Preparedness Week)





Phone (252) 232-2115  
Fax (252) 232-2750

Mary Beth Newns  
Director

Currituck County  
**EMERGENCY MANAGEMENT**

153 Courthouse Rd, Suite 122  
Currituck, North Carolina 27929

February 24, 2017

Bobby Hanig  
Chairman  
Currituck County Commissioners

Dear Chairman Hanig:

Across the nation in times of intense personal crisis and community-wide disasters, the first access point for those seeking all classes of emergency services is 9-1-1. The local and county public safety communications centers that receive these calls have emerged as the first and single point of contact for persons seeking immediate relief during an emergency.

Currituck County is celebrating the second full week of April (April 9-15, 2017) as National Public Safety Telecommunicators Week. This week, sponsored by the Association of Public-Safety Communications Officials (APCO) International and celebrated annually, honors the thousands of men and women who respond to emergency calls, dispatch emergency professionals and equipment, and render lifesaving assistance to the citizens of the United States. We are enlisting your support in the form of a Proclamation to honor these men and women in our area for the work that they do every day to protect the citizens of Currituck County.

The importance of recognizing and celebrating the hard work of these dedicated professionals at every level is immeasurable. We are confident you will stand behind the commitment and devotion these men and women provide to ensure the safety and security of Currituck County citizens. I have enclosed a proposed message for your signature.

Thank you for your attention to this matter and I look forward to your reply.

Respectfully,

*Mary Beth Newns*

Mary Beth Newns

Attachment: Telecommunicators week support letter (1812 : Proclamation-Telecommunicators Week)

## Proclamation

### National Public Safety Telecommunicators Week April 9-15, 2017

*Whereas*, emergencies can occur at anytime that require police, fire or emergency medical services; and,

*Whereas*, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

*Whereas*, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Currituck County Communications center; and,

*Whereas*, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

*Whereas*, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and,

*Whereas*, Public Safety Telecommunicators of Currituck County have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

*Whereas*, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

***Therefore Be It Resolved***, that the Board of Commissioners of Currituck County declares the week of April 9 through 15, 2017 to be National Public Safety Telecommunicators Week in Currituck County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

***Be it Further Resolved*** that the Currituck County Board of Commissioners, to honor these dedicated professionals each year going forward, do proclaim and recognize the second week in April as National Public Safety Telecommunicators Week.

Signed this 6th day of March, 2017.

\_\_\_\_\_  
Bobby Hanig, Chairman

ATTEST: \_\_\_\_\_  
Clerk to the Board

Attachment: Proclamation\_Telecommunicators\_Week (1812 : Proclamation-Telecommunicators Week)

Number OS20170004

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of March 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-533801	Chemicals	\$ 7,000	
60808-590001	Capital Outlay	\$ 21,000	
60808-545001	Contracted Services		\$ 28,000
		<u>\$ 28,000</u>	<u>\$ 28,000</u>

**Explanation:** Ocean Sands Water and Sewer District (60808) - Transfer funds for additional chemicals and replacement of the ground water lowering station at the Ocean Sands sewer.

**Net Budget Effect:** Ocean Sands Water and Sewer District Fund (60) - No change.

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\_\_\_\_\_  
Clerk to the Board

Attachment: BudAmend-Ocean\_Sands\_Mar 6 (1813 : OSWSD-Budget Amendment)