



CURRITUCK COUNTY NORTH CAROLINA

March 4, 2019

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:30 PM Historic Preservation Commission Fees

The Currituck County Board of Commissioners met at 4:30 PM in a work session to discuss the application fee to be charged for historic property designations in the county. The Historic Preservation Commission (HPC) would review applications and had suggested a nominal fee of \$100 to encourage participation in the program. Dan Scanlon, County Manager, said the cost for the Commission to meet to consider applications is \$250. After discussion, the Board agreed to set the fee at \$100 as requested by the HPC. The work session closed at 4:38 PM.

2. 5:00 PM Public Safety Building Design Review

The Board of Commissioners attended a 5:00 PM work session for a review of the county's new Public Safety Complex, slated for construction this year. County Engineer, Michelle Perry, used the overhead and displayed a map of the complex located off of Short Cut Road in the vicinity of the College of the Albemarle's (COA) Regional Aviation and Technical Training Center. The Public Safety building, accessory buildings, and communications tower locations were shown and the Public Safety building interior design was highlighted to show space locations for offices, emergency operations facilities, and classroom and accessory space for COA training programs. Ms. Perry said minor modifications may still be needed. She responded to questions during presentation. An August or September, 2019 ground breaking is anticipated, with a cost estimated at \$18 million. County Manager, Dan Scanlon, reviewed the bid process for the design/build project. Commissioners asked about the angled design at the front of the building and Ms. Perry said she would address the concept with the architect. The work session concluded at 5:35 PM.

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met in regular session at 6:00 PM in the Historic Courthouse Board Meeting Room, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Bob White	Commissioner	Present	
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Absent	
Mary "Kitty" Etheridge	Commissioner	Absent	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	

Chairman White called the meeting to order.

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

Reverend Jerry Cribb attended the meeting to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Payment moved to amend the agenda by removing Old Business Item A, Fost Tract Entry of Order, as the applicant has requested more time for review. Commissioner Beaumont seconded and the motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

1. Motion to add Closed Session to Discuss Personnel Matters

Prior to the Senior Center's presentation under Administrative Reports, Chairman White requested a second amendment to the agenda and added Closed Session to discuss personnel matters after the special meeting of the Tourism Development Authority. Commissioner Payment seconded and the motion passed unanimously.

Approved agenda:

Work Session

4:30 PM Historic Preservation Commission Fees

5:00 PM Public Safety Building Design Review

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Reverend Jerry Cribb, Pilmoor 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.

Commissioner's

Report

Administrative

Reports

A) NC Complete Count Commission Presentation on the 2020 Census- James E. Cofield, Jr.

B) Senior Center Annual Report-Stacy Joseph, Senior Center Coordinator

Public Hearings

- A) **PB 19-02 Hunter Stuart Text Amendment (Crab Shedding)** Request to amend Chapter 4 of the Unified Development Ordinance to allow crab shedding within a fully enclosed building in the General Business zoning district.
- B) **PB 19-04 Currituck County - Revised Solar Text Amendment:** Clarification regarding size limits on solar energy facilities, certifications for required landscaping, ditch maintenance, inverter building door placement, and updating the decommissioning plan when property changes ownership beyond two degrees of kinship.
- C) **PB 19-01 Currituck County:** Request a text amendment to the Unified Development Ordinance, Chapter 4, Use Standards, to allow freestanding telecommunication towers in the Single Family Residential Outer Banks Remote (SFR) zoning district with a use permit.

Old Business

- ~~A) **Consideration and Action: Review and Adoption of Ordinance for Conditional Zoning, PB 18-23 Fost Tract** The agenda was amended and this item was removed from consideration.~~

New Business**A) Board Appointments**

1. ABC Board
2. Board of Adjustment
3. Planning Board
4. Senior Citizens Advisory
5. Whalehead Stormwater Drainage Service District Advisory

B) Consent Agenda

1. Approval Of Minutes for February 18, 2019
2. Budget Amendments
3. Resolution Opposing the Proposed Increase for Homeowners Insurance
4. ITS Surplus Resolution
5. Surplus Resolution-Folder/Sealer, Finance Dept
6. Project Ordinance-Corolla ABC Store
7. Report of Unpaid 2018 Real Estate Taxes & Order of Tax Lien Advertisement
8. Approval of the Establishment of a Public Information Committee as Part of the Community Rating System

C) County Manager's Report**Special Meeting-Tourism Development Authority**

TDA Budget Amendments

Adjourn Special Meeting**Closed Session**

Amended Item: Closed Session Pursuant to G.S. 143-318.11 (a)(6) to Discuss a Personnel Matter

Adjourn**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 White opened the Public Comment period. No one was signed up nor wished to speak and the Public Comment period was closed.

COMMISSIONER'S REPORT

Chairman White thanked the Corolla Civic Association for meeting with him last week. He acknowledged the absences of Commissioner Mary Etheridge, who was attending training, and Commissioner Owen Etheridge, due to health issues.

Commissioner Payment, who serves on the ABC Board, discussed the Save a Life Tour and other student awareness initiatives sponsored and funded by the ABC Board. He described a recent event where students were able to use a simulator device to experience effects of distracted driving or driving under the influence.

Commissioner Beaumont said he attended the Currituck County Business Expo and thanked the Currituck Chamber of Commerce for sponsoring the event.

Commissioner Jarvis thanked Assistant County Manager, Ben Stikeleather, for her recent tour of several Currituck County facilities. She said she learned a lot and complemented County staff on their knowledge and enthusiasm for what they do.

ADMINISTRATIVE REPORTS**A. NC Complete Count Commission Presentation on the 2020 Census-James E. Cofield, Jr.**

James Cofield, Jr., member of the Complete Count Commission, provided information on the upcoming 2020 census. He reviewed the importance of census data, its uses, and challenges with census counts. He stressed the need for community outreach to ensure all residents are counted. State migration trends, population and immigration data, and a breakdown of demographic data for Currituck County were presented. Mr. Cofield asked the county for assistance to help spread the word on the importance of participation and responded to Commissioner questions after presentation.

B. Senior Center Annual Report-Stacy Joseph, Senior Center Coordinator

Stacy Joseph, Currituck County Senior Center Coordinator, provided an update on activities and services available through the county's senior centers. She presented statistics on home delivered and congregate meals, volunteer hours, and highlighted program offerings throughout the county. She updated the Board on facility renovations and new software that will be installed and used to better track senior participation. She spoke of the importance of home delivered meals to seniors, and she encouraged people to volunteer during this year's March for Meals program. Upcoming activities, programs and an overview of information found in the Senior Center newsletter were discussed. She thanked Commissioners and county departments for their contributions and encouraged Board members to drop in and meet Senior Center staff.

PUBLIC HEARINGS**A. PB 19-02 Hunter Stuart Text Amendment (Crab Shedding)**

To: Board of Commissioners
Planning Board

From: Planning Staff
Date: February 12, 2019
Subject: PB 19-02 Hunter Stuart (Crabshedding)

The purpose of this text amendment is to allowing crab shedding on a General Business (GB) lot within a fully enclosed business.

Staff is taking this opportunity to cleanup this section of the UDO as corrections are necessary since this section sets standards for crab shedding in a residential zoning district; however, crab shedding is not a permitted use in a residential zoning district. This is an incorrect carryover from a previous ordinance. Staff changes are highlighted in yellow and the applicant's request is highlighted in blue on the attached staff report.

Background

- Currently crab shedding is allowed in the Agricultural (AG) and Mixed Residential (MXR) zoning district with use specific standards appropriate to those zoning districts. The use does not have to be within a building in these zoning districts.
- The applicant is proposing to allow crab shedding in the GB zoning district. All equipment (i.e. tanks, coolers, freezers) must be within a fully enclosed building. In addition to retail sales, wholesale sales are allowed.

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 request is consistent with the goals, objectives, and policies of the Land Use Plan (See Policies CD1, ED1, ED3, and CA1) and other adopted plans.
- (2) Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The request is consistent with the allowed uses in the UDO within the GB zoning district.
 - b. The request is consistent with the County Code of Ordinances.
- (3) Is required by changed conditions;
 - a. With an increased pressure from consumers for locally grown and harvested food, this request will further the availability of locally harvested products from the Currituck Sound.
 - b. NC Department of Agriculture, Got to be NC Program, stresses the positive economic impact of choosing locally grown products as a result of increased consumer demands.
- (4) Addresses a demonstrated community need;
 - a. With an increased pressure from consumers for locally grown and harvested food, this request will further the availability of locally harvested products from the Currituck Sound.
- (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. The request is consistent with the GB District purpose in that the district is intended to accommodate small to medium-sized commercial, office, personal services, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors.
 - b. There is a multitude of assurances of efficient development with this request. Crab shedding in Currituck's waters is regulated by federal and state agencies including the

FDA, the NC Department of Health and Human Services, the NC Department of Agriculture and Consumer Services, the NC Department of Environmental Quality, and the NC Marine Fisheries Division, insuring that only safe wholesome seafood reaches our customers.

- (6) Would result in a logical and orderly development pattern; and
 - a. Since all crab shedding equipment would be within a fully enclosed business, this request would make the use consistent with other retail operations in a GB zoning district.
- (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. Crab shedding is an environmentally sensitive operation as it depends upon clean waters to harvest from and shed crabs in; therefore, the industry remains vigilant in protecting the environment.
 - b. Crab shedding in Currituck's waters is regulated by federal and state agencies including the FDA, the NC Department of Health and Human Services, the NC Department of Agriculture and Consumer Services, the NC Department of Environmental Quality, and the NC Marine Fisheries Division, insuring environmental protection.

Staff Recommendation

Staff recommends approval as presented.

Planning Board Meeting - February 12, 2019

Planning Board recommends approval as presented.

Vice Chairman Ballance asked if there was anyone present as a representative of this case.

The applicant came forward and stated his name as Hunter Stuart and address as 102 Old Oaks, Bells Island. Chairman Ballance asked Mr. Hunter to have a seat while staff gives their report.

Planner II, Jason Litteral briefed the board on the requested text amendment to allow crab shedding in the General Business (GB) zoning district with the requirement for the business to be located within a fully enclosed building. Mr. Litteral stated staff is also taking this opportunity to cleanup this section of the Unified Development Ordinance (UDO) as corrections are necessary since this section sets standards for crab shedding in a residential zoning district; however, crab shedding is not a permitted use in a residential zoning district. This is an incorrect carryover from a previous ordinance.

Vice Chairman Ballance asked if the board had any questions for staff. There were no questions.

Hunter Stuart came before the board. Mr. Craddock asked what happens after the crab has molted and Mr. Stuart explained the process. The board members had questions by placing them in the water and the shells do not have any odor.

No one else wished to speak. Vice Chairman Ballance closed the public hearing and asked for a motion.

Ms. Hilgendorf motioned to approve and Ms. Bell seconded her motion. Mr. Craddock requested to amend the motion to include the consistency and reasonableness statement.

Mr. Craddock said the request is reasonable and in the public interest because:

- It allows for the appropriate expansion of an industry (Crab shedding) in a commercial zoning district (GB) that has been a part of Currituck's historic fishing and crabbing culture since inception.
- It encourages small-scale business start-ups in appropriate locations to serve neighborhoods and the general public.
- Crab shedding is an environmentally sensitive operation as it depends upon clean waters to harvest from and shed crabs in; therefore, the industry remains vigilant in protecting the environment.

Ms. Hilgendorf accepted the amended motion. There was no further discussion and the motion passed unanimously.

STAFF REPORT PB 19-02 HUNTER STUART PLANNING BOARD FEBRUARY 12, 2019

Hunter Stuart requests an amendment to the Unified Development Ordinance, Chapter 4 Use Standards, to allow crab shedding in the General Business (GB) zoning district within a fully enclosed building.

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:

NOTE: This is a combination of staff's request to correct an error in this section of the UDO and the applicant's request. Staff's corrections are necessary since this section sets standards for crab shedding in a residential zoning district; however, crab shedding is not a permitted use in a residential zoning district. This is an incorrect carryover from a previous ordinance. Staff changes are highlighted in yellow and the applicant's request is highlighted in blue.

Item 1: That Chapter 4 is amended by adding the following bold and underlined language in Section 4.1.2 Table of Permissible Uses:

TABLE 4.1.1: SUMMARY USE TABLE

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

USE CATEG ORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]																A D D I T I O N A L R E Q . (4 . 2 . - - -)

Crab Shedding																			
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Item 1: That Chapter 4 is amended by deleting the following strikethrough language and adding the following bold and underlined language in Section 4.2.5.B:

B. Industrial Services

(1) Crab Shedding

Crab shedding uses located within **all allowed** a residential (Staff) zoning districts 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; (Staff – Moved to AG and MXR Section)**
- (ii) No odor, fumes, excessive 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 a vehicle, which is visible from adjacent public streets may be kept on the site; and (Staff – Moved to AG and MXR Section)**
- (v) No vehicle or trailer which is larger than 8 feet by 32 feet shall be maintained on-site. (Staff – Moved to AG and MXR Section)**
- (vi) Open storage must be fenced with opaque fencing a minimum of six feet in height; and, (Staff – to also apply to GB and not just AG and MXR)**
- (vii) On-premise sale of soft crabs and peeler crabs is allowed. (Staff – to also apply to GB and not just AG and MXR)**

(b) Additional Standards in the AG and MXR Districts

- (i) A sign not exceeding six square feet is allowed;**
- (ii) 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; (Staff – to apply to AG and MXR only)**
- (iii) 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; and, (Staff – to apply to AG and MXR only)

(iv) No vehicle or trailer which is larger than 8 feet by 32 feet shall be maintained on-site. (Staff – to apply to AG and MXR only)

(c) Additional Standards in the GB District (Applicant)

(i) All equipment of the operation (i.e. tanks, coolers, freezers) must be within a fully enclosed building. (Applicant)

(ii) On-premise wholesale of soft crabs and peeler crabs is allowed.

Item 2: Statement of Consistency and Reasonableness:

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

- Neighborhood serving commercial districts and small-scale businesses are encouraged. (Policy CD1)
- The county encourages new and expanding industries and businesses that: 1) diversify the local economy, 2) train and utilized a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County. (Policy ED1)
- The county recognizes the considerable value of small business start-ups, expansions, and spin-offs. (Policy ED3)
- The majority of GB zoned property in the county is either on or visible from Caratoke Highway. The county recognizes the important economic, tourism, and community image benefits of an attractive highway corridor. (Policy CA1) The UDO requires that non-residential uses on or visible from Caratoke adhere to strict design and community compatibility standards.

The request is reasonable and in the public interest because:

- It allows for the appropriate expansion of an industry (Crab shedding) in a commercial zoning district (GB) that has been a part of Currituck's historic fishing and crabbing culture since inception.
- It encourages small-scale business start-ups in appropriate locations to serve neighborhoods and the general public.
- Crab shedding is an environmentally sensitive operation as it depends upon clean waters to harvest from and shed crabs in; therefore, the industry remains vigilant in protecting the environment.

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 _____, 2017.

Laurie LoCicero, Planning and Community Development Director, reviewed the request for the text amendment and revised language proposed for the Unified Development Ordinance to permit crabshedding in the General Business district. She said both the Planning Board

and staff recommend approval and supportive policies were reviewed. Commissioners questioned verbage in the text pertaining to vehicles. After discussion, the Board asked that the language be clarified to denote the one vehicle maximum references vehicles associated with the crabshedding operation.

Applicant, Hunter Stuart, addressed the Board and asked for them to vote in support of the text amendment.

Chairman White opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioner Beaumont moved to approve PB 19-02 text amendment concerning crab shedding with additional language in the description of the vehicles associated with the business, specifically paragraph iii, to state "no more than one car, truck, van or other vehicle allowed on site associated with the crab shedding business". The approval is based on the Land Use Plan (LUP) vision statement references protection of vital water resources while building a thriving and sustainable local economy.

Commissioner McCord seconded the motion and the motion carried unanimously.

RESULT:	MOTION PASSED-ITEM APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

B. PB 19-04 Currituck County - Revised Solar Text Amendment:

Planning and Community Development Director, Laurie LoCicero, reviewed the proposed language revisions for the county's Solar Ordinance. She said staff recommends approval of the language as presented. The Planning Board suggested removing maximum size limitation and the abutting parcel requirement. County plan policies were reviewed.

County Attorney, Ike McRee, reviewed and clarified terms abutting and adjacent as defined in the county's Unified Development Ordinance. There was discussion amongst Board members whether to keep the abutting property requirement or allow a single project for adjacent properties, which is defined as properties that are dissected by a roadway. The Board chose to amend the language to "adjacent", and allow properties that may be separated by a roadway to develop as a single project. No changes were made to setback and opacity requirements.

Chairman White opened the Public hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioner McCord moved to approve PB 19-04, Currituck County Solar Text Amendment, because the request is consistent with the goals, objectives, and policies of the 2006 Land Use Plan (LUP). The Vision Statement in the LUP specifically directs

protection of our vital land and water natural resources. A Solar Energy Facility (SEF) protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use and meets LUP Policy AG1; it provides a new and expanding industry that trains and utilizes a more highly skilled labor force and diversifies the local economy; and 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 limits the size of a SEF. This size reduction, coupled with the increased setbacks in the existing ordinance, protects the public from a SEF encroaching into unwanted areas; it has little to no impact on adequate public facilities (ie: fire, sheriff, schools, water). Conditions include changing the words "adjoining and abutting" to "adjacent and abutting". Size will be limited to 1,000 acres for a single owner and up to 1,500 acres for two or more owners; certification from a landscape contractor, landscape architect or arborist that the opacity will be reached at the maximum panel height within five years shall be submitted; the location of access doors for buildings housing inverter equipment must be facing away from the Naval Support Northwest Annex; SEF is responsible for maintaining all drainage ditches adjoining or traversing the site to keep the ditches free and clear of drainage impediments; development subject to these standards shall provide a 25' maintenance access drainage easement along at least one side of waterway conveyance systems that drains more than five acres. The easement shall include the conveyance measured from the top of embankment; the decommissioning plan shall be updated with the Planning and Community Development Department every three years or upon change of property or SEF ownership, beyond two degrees of kinship.

The motion was seconded by Commissioner Jarvis. The motion carried unanimously.

To: Board of Commissioners
From: Planning Staff
Date: February 13, 2019
Subject: PB 19-04 Currituck County - Revised Solar Text Amendment Language
(Board of Commissioners Version)

Background

The Board of Commissioners adopted the attached solar standards on January 22, 2019. After the adoption of the language, it was determined that additional clarification was needed regarding size limits on solar energy facilities, certifications for required landscaping, inverter building door placement, and updating the decommissioning plan when property changes ownership beyond two degrees of kinship.

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. This request is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans.
 - b. The Land Use Plan encourages new and expanding industries and business that diversify the local economy, train and utilize a more highly skilled labor force, and are compatible with the environmental quality and natural amenity-based economy of Currituck County.
- (2) Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The request is consistent with this Ordinance and the County Code of Ordinances.
 - b. A solar energy facility is an allowable use in the UDO Table of Permitted Uses and is subject to specific development standards.
- (3) Is required by changed conditions;
 - a. North Carolina's Renewable Energy and Energy Efficiency Portfolio Standards, established by Senate Bill 3 in August 2007, requires all investor-owned utilities to supply 12.5% of 2020 retail electricity sales from eligible renewable energy resources by 2021. Municipal utilities and electric cooperatives must meet a target of 10% renewables.
- (4) Addresses a demonstrated community need;
 - a. According to Dominion Energy that services our area, solar energy is key to its clean energy growth. Since 2013, Dominion Energy has helped bring 1,200-megawatts of large-scale solar into operation into nine states, including North Carolina. (www.dominionenergy.com)
- (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. It is consistent and 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. It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.
- (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. A solar energy facility should have insignificant impacts on the natural environment.
 - b. Potential drinking water contamination concerns are address through monitoring wells located throughout the site.

Staff Recommendation

Staff recommends approval as presented.

PB 19-04

CURRITUCK COUNTY

Solar Energy Facilities - Revised

Board of Commissioners Versions

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, to clarify development standards for Solar Energy Facilities.

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 adding the following bold and underlined language and deleting the bold, underlined, and struck through language as Section 4.2.3.K:

K. Solar Energy Facility (SEF)

A SEF shall comply with the following standards:

1. Location

- a. No SEF project shall be located in a Full-Service area designated by the Land Use Plan.
- b. No SEF project shall be located in a Significant Natural Heritage Areas as identified by the NC Natural Heritage Program.

2. Maximum Size

- a. The maximum SEF project size for parcel(s) under single ownership is 1,000 acres.
- b. The maximum SEF project size for adjoining parcels under different ownership is 1,500 acres.
- c. If two or more parcels are a part of the same SEF project, the parcels must be abutting.

3. Setbacks

- a. All panels, equipment, and associated security fencing shall be setback 300' from a major arterial street right-of-way and 150' from all other NCDOT street rights-of-way and property lines.
- b. All panels, equipment, and associated security fencing shall be setback 100' from any CAMA designated navigable water bodies, Army Corps of Engineers or CAMA wetlands, and Significant Natural Heritage areas.
- c. Plantings are allowed in setback areas.

4. Height and Configuration

- a. The maximum height of the SEF, including all mounts, panels, and other equipment, shall not exceed 20' above grade when oriented at maximum height.
- b. The panels and equipment shall be configured to avoid glare beyond the exterior property lines.

5. Sound

- a. The hours of operation during construction phase of the SEF shall be from 7:00am to 7:00pm, Monday through Saturday;

- b. If the construction area for the SEF is located within 1500' of a public school or licensed pre-school, no pile driving shall be allowed during regular school session times.
- 6. Buffers and screening
 - a. Prior to issuance of a Certificate of Compliance by the Building Inspector, a Type D opaque buffer or an earthen berm as tall as the tallest panel at maximum height shall be installed.
 - b. **Certification from a landscape contractor, landscape architect, or an International Society of Arboriculture certified arborist that 100% opacity will be reached at maximum panel height within 5 years shall be submitted.**
 - c. Opacity of the buffer shall be assessed from the exterior property lines and rights-of-way.
 - d. A performance guarantee in the amount of 115% of the cost of the landscaping used for screening shall be submitted prior to the issuance of a building permit and remain valid until 100% opacity is reached. Should 100% opacity not be reached within 5 years of building permit issuance, the county will draw upon the performance guarantee as outlined in Section 6.3.F Default and Forfeiture of Performance Guarantee and install required supplemental landscaping.
 - e. If supplemental landscaping is installed pursuant to this section, additional time for growth will be allowed and the balance of the performance guarantee shall be maintained valid until 100% opacity is reached.
 - f. For SEF projects that have a common interior property line, the Type D buffer is not required on the common, interior property line.
- 7. Development Plan
 - a. The SEF project shall be developed in accordance with an approved major site plan that includes the following information:
 - i. The location of the SEF, including the arrangement of any existing or proposed buildings, structures or panels.
 - ii. **The location of the access door(s) for buildings that house inverter equipment must face away from the Naval Support Activity Northwest Annex.**
 - iii. The distance from any proposed SEF building, structure, panels, and fence to the surrounding property lines.
 - iv. Existing or proposed signs, fencing, lighting, construction and permanent parking areas, driveways, landscaping, vegetative screening, or required buffers.
 - v. Horizontal and vertical elevation to-scale drawings with dimensions.
 - vi. Certification that all panels have passed UL 1703 regarding PV module safety.
 - vii. Approval from access controlling agencies for street access (i.e. NCDOT, Rail Road).
 - b. The SEF project shall designate 30% of the total land area in one or a combination of the following plans:
 - i. Approved plan from the North Carolina Wildlife Resources Commission, Habitat Conservation Division, designating 30% of the total land area of the SEF as an acceptable native pollinator habitat; or,

- ii. An annual cultivation plan detailing crops and harvest schedule should at least 30% of the total land area of the SEF remain active farmland.
- 8. Environmental Concerns
 - a. Appropriate ground cover/grass is required for soil stabilization and shall be maintained in a manner that does not create a fire hazard.
 - i. Grass and weeds not associated with the pollinator habitat shall not exceed two feet in height at any time.
 - b. Ground water monitoring wells
 - i. Shall be a minimum of 20' deep.
 - ii. Monitoring wells shall be installed prior to construction of any of the SEF components.
 - iii. Monitoring wells shall be located near the center of the site and along either the north and south or east and west exterior property lines at approximately the lowest ground elevation point on the respective property line.
 - iv. Testing data prepared by a laboratory certified by the North Carolina Department of Health and Human Services to analyze water subject to the regulations under the North Carolina Drinking Water Act shall be submitted prior to construction of the SEF. If evidence of contaminants (from list provided in Section K.7.b.v) is shown, another test shall be performed every year until no contaminants are detected. If no contaminants are detected, a follow up test will be conducted in two years. If no contaminants are found with the first two tests, a test will be conducted every five years and then at decommissioning. All test results must be submitted to the Planning and Community Development Department until the SEF is decommissioned.
 - v. Testing data shall show compliance with the NC Department of Health and Human Services Private Well Inorganic Chemical Contaminants standards for the following contaminants:
 - 1. Arsenic
 - 2. Barium
 - 3. Cadmium
 - 4. Chromium
 - 5. Copper
 - 6. Iron
 - 7. Lead
 - 8. Magnesium
 - 9. Manganese
 - 10. Mercury
 - 11. Nitrate/Nitrite
 - 12. Selenium
 - 13. Silver
 - 14. Zinc
 - vi. The Board of Commissioners may require testing for other contaminants.
 - vii. Should the initial ground water testing indicate that the site is not in compliance with N.C. Department of Health and Human Services Private Well Inorganic Chemical standards,

subsequent annual reports shall indicate no increase in noncompliance with those standards.

9. Solar Energy Facility Impact Analysis

a. As part of an application for a SEF project, a Solar Energy Facility Impact Analysis shall be submitted and contain the following information:

i. General project description

ii. Construction Activity Plan:

1. Amount of land disturbance
2. Land surface clearing and grading plan
3. Energy, water, and material needs
4. Fencing and lighting plans
5. Waste stream management plan
6. Construction work force and timeframe
7. Protection plans for soil, disturbed areas, and surface water

iii. Operational Plan

1. Maintenance activities and schedule
2. Vegetation management plan
3. Protection plans for soil, disturbed areas, and surface water

iv. Impacts and Resources affected

1. Geology
2. Environmentally sensitive areas
 - a. CAMA jurisdictional areas
 - b. USACE designated wetlands
 - c. Natural Heritage Areas
3. Soils
4. Air Quality
5. Noise
6. Water Resources
7. Ecology
8. Land Use
9. Water management
10. Socioeconomics
11. Health and safety

10. **Ditch Maintenance**

a. **The SEF is responsible for maintaining all drainage ditches adjoining or traversing the site to keep the ditches free and clear of drainage impediments.**

b. **Development subject to these standards shall provide a 25' maintenance access drainage easement along at least one side of waterway conveyance systems that drains more than five acres. The easement shall include the conveyance measured from the top of embankment.**

11. Discontinued Use and Decommissioning

a. Decommissioning shall include removal of solar collectors, cabling, electrical components, and any other SEF associated facilities, grading, and re-seeding disturbed earth from the project.

b. A decommissioning plan certified by a North Carolina licensed engineer or a licensed contractor is required and shall include the following:

- i. A description of any lease or other agreement with all landowners regarding decommissioning.
- ii. The identification of the party responsible for decommissioning, if not the property owner.

- iii. The type of panels and material specifications used at the SEF.
- iv. All costs for the removal of solar panels, buildings, cabling, electrical components, road, fencing, and any other associated facilities below grade.
- v. All costs associated with the grading and re-seeding of disturbed earth from the project.
- c. The decommissioning plan shall be updated with the Planning and Community Development Department every three years or upon change of **property or SEF** ownership, **beyond two degrees of kinship, of the property or the SEF.**
- d. The SEF owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
- e. Disturbed earth shall be graded and re-seeded unless a written request is submitted by the property owner specifying areas not to be restored.
- f. A Decommissioning Performance Guarantee (See Section 6.3) is required that meets the following standards:
 - i. Shall be submitted prior to issuance of a building permit,
 - ii. Shall equal 115 percent of the estimated decommissioning costs.
 - iii. Shall not be reduced by salvage value.
 - iv. The performance guarantee amount shall be reviewed every three years as part of the decommissioning plan update and adjusted based upon current costs. In the event the decommissioning costs decrease, the performance guarantee shall not be changed to reflect the lower cost.
 - v. The performance guarantee shall remain in effect until decommissioning and site restoration is complete.

Item 2: Staff Suggested Statement of Consistency and Reasonableness:

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

- 1. It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1) - Solar
- 2. It provides a new and expanding industry that trains and utilizes a more highly skilled labor force and diversifies the local economy. (LUP ED1) - Solar

The request is reasonable and in the public interest because:

- 3. It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.

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 __, 2019.

RESULT:	MOTION PASSED-ITEM APPROVED [UNANIMOUS]
MOVER:	Kevin E. McCord, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

) **Recess**

Chairman White called for a recess at 7:14 PM. The Board reconvened at 7:20 PM.

C. PB 19-01 Currituck County:

To: Board of Commissioners
From: Planning Staff
Date: February 22, 2019
Subject: PB 19-01 Currituck County

The county is submitting a text amendment to the Unified Development Ordinance, Chapter 4, Use Standards to allow freestanding telecommunication towers in limited areas of the Single Family Residential Outer Banks Remote (SFR) zoning district with a use permit. The SFR zoning district is located north of Corolla in the 4-wheel drive area of the county.

The proposed language requires:

- A use permit;
- 1,000' from the Atlantic Ocean mean high water mark;
- 190' maximum tower height; and,
- 4-mile setback from existing towers in the SFR zoning district.

Background

Since the adoption of a Unified Development Ordinance in 1989, towers greater than 50 feet in height were not a permitted use in the zoning district now known as the SFR zoning district. Historically, towers have not been allowed in residential zoning districts.

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. This request is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans.
 - b. The county supports infrastructures and services to meet the quality of life and public health and safety requirements of residents on the Outer Banks that does not stimulate inappropriate intensive development in environmentally fragile, hazardous barrier island areas. (POLICY OB1)

2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The UDO encourages towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact.
3. Is required by changed conditions;
 - a. There are no known changed conditions that require this amendment.
4. Addresses a demonstrated community need;
 - a. The Carova sub-area maintains hundreds of previously platted lots that are not developed. As these lots continue to develop with houses, the proposed text amendment addresses a community need by allowing telecommunication towers in a limited, remote, and underserved area of the county.
 - b. The allowance of a telecommunication tower in the off-road area could provide increased cellular and emergency communication services.
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. An increased setback from the Atlantic Ocean mean high water mark, maximum tower height, and the strategic location of potential telecommunication towers limits the adverse impacts to nearby properties and provides a buffer from the ocean erodible area of environmental concern.
6. Would result in a logical and orderly development pattern; and
 - a. The 1,000' setback from the Atlantic Ocean mean high water mark and established maximum height will result in an orderly development pattern and is consistent with the UDO telecommunication towers purpose statement by:
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. There are no known significantly adverse impacts on the natural environment created as a result of this amendment.

Staff Recommendation

The 2006 Land Use Plan policy emphasis for the Carova sub-area identifies the lack of infrastructure and services in this remote area of the county, and the plan does not support investments that could stimulate growth and development. However, the policy emphasis also allows only services that protect the health, safety, and welfare (law enforcement, fire and rescue). The Carova sub-area policy emphasis does not support commercial and other convenience services. The telecommunication towers purpose statements in the UDO does not support towers in the residential zoning districts. A request to rezone properties in the SFR zoning district to a district that would allow telecommunication towers would not be considered consistent with the 2006 Land Use Plan and could be an action that stimulates growth and development or other commercial uses in this remote area of the county. It is staff's opinion that a telecommunication tower that improves emergency communications and limits adverse impacts to the residential areas and land uses would be consistent with the adopted plans of the county. Staff recommends approval of the request as submitted and suggests the following:

Staff Suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan because:

1. A telecommunication tower would provide improved communication services (cellular and emergency communications) in an effort to protect the health, safety, and welfare of the

- residents and visitors in the remote off-road area. (POLICY OB1) (The Vision Statement in the LUP)
2. An increased setback from the Atlantic Ocean mean high water mark, maximum tower height, and the strategic location of potential telecommunication towers limits the adverse impacts to nearby properties and provides a buffer from the ocean erodible area of environmental concern. (POLICY CA7)

The request is reasonable and in the public interest because:

1. The Carova sub-area maintains hundreds of previously platted lots that are not developed. As these lots continue to develop with houses, the proposed text amendment addresses a community need by allowing telecommunication towers in a limited, remote, and underserved area of the county.
2. The 1,000' setback from the Atlantic Ocean mean high water mark and established maximum height will result in an orderly development pattern and is consistent with the UDO telecommunication towers purpose statement by:
 - a. Encouraging the location of towers in areas where the adverse impact on the community is minimal; (UDO)
 - b. Protects the residential areas of land uses from potential adverse impacts of towers and antennas; and (UDO)
 - c. Encourages towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact. (UDO)

Planning Board Meeting - February 12, 2019

Planning Board recommends approval as presented.

The Planning & Community Development Assistant Planning Director, Donna Voliva presented the staff report for the requested text amendment to allow freestanding telecommunication towers in limited areas of the Single Family Residential Outer Banks Remote (SFR) zoning district with a use permit. Ms. Voliva gave maps to the board members showing the existing towers and their setbacks from existing towers and a map showing the zoning.

Vice Chairman Ballance asked if the board had any questions for staff. There were no questions. Vice Chairman Ballance opened the public hearing and asked if anyone would like to speak. No one wished to speak and the public hearing was closed.

Board member discussion was held with staff on setbacks and the land that the fire department currently owns. Mr. Craddock asked Ms. Voliva about the limitation on height being set at 190' instead of the county's usual 450' limit. Ms. Voliva said it was for aesthetic purposes due to the beach location. Also, 200' height would require a light and this will not.

Discussion was held over the reasoning for this text amendment and Ms. Voliva said the intent is for safety by allowing communication.

Planning Board Recommendation

Mr. Craddock motioned to approve PB 19-01 Currituck County Telecommunication

Towers text amendment because the text amendment request is consistent with the goals, objectives, and policies of the 2006 Land Use Plan (LUP) because:

- The County shall monitor the placement of communication and other towers and shall take action as necessary to regulate their design and location. (POLICY CA7)
- It is consistent with POLICY OB1

And the request is reasonable and in the public interest because:

- The Carova sub-area maintains hundreds of previously platted lots that are not developed. As these lots continue to develop with houses, the proposed text amendment addresses a community need by allowing telecommunication towers in a limited, remote, and underserved area of the county.

Ms. Bell seconded the motion and the motion carried unanimously.

**STAFF REPORT PB 19-01 CURRITUCK
COUNTY BOARD OF COMMISSIONERS MARCH
4, 2019**

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

Item 1: That Chapter 4. Use Standards is amended by adding the following underlined language and removing the following strike-through language:

TABLE 4.1.1: SUMMARY USE TABLE

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

USE CATEG ORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															A D D I T I O N A L R E Q . (4 . 2 . - - -)
Telecommunications tower, freestanding																	3 . H .

4.2.3. Institutional Uses

H. Utilities

(1) Telecommunication Towers

(a) Purpose

This section is intended to establish general standards for the siting of telecommunications towers and antennas that will:

- (i) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (ii) Encourage the location of towers in nonresidential areas;
- (iii) Minimize the total number of new towers throughout the county;
- (iv) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (v) Encourage the location of towers and antennas in areas where the adverse impact on the community is minimal;
- (vi) Encourage towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact;
- (vii) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (viii) Consider the public health and safety concerns of communication towers and antennas; and
- (ix) Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure.

(b) Applicability

All new telecommunications facilities, whether a principal or accessory use, shall comply with these standards unless specifically exempted in Section 4.2.3.H.1.c, Exemptions.

(c) Exemptions

The following shall be exempt from the standards of this section, (but shall be required to comply with other relevant standards in this Ordinance, such as accessory use or design standards):

- (i) Satellite dish antennas.
- (ii) Receive-only television or radio antennas for noncommercial use.
- (iii) Antennas legally operated by FCC-licensed amateur radio operators.
- (iv) Emergency communication towers owned by the county or other public agency that are used wholly or in part for public safety or emergency communication purposes.
- (v) Emergency communication towers owned by a volunteer fire department that are used wholly or in part for public safety or emergency communication purposes.

(d) Freestanding Towers

Freestanding telecommunications towers, whether as a principal or accessory use, shall comply with the following standards:

(i) Safety

- (A) Before obtaining a building permit, the applicant shall submit to the County Engineer engineering drawings for the tower, sealed by a registered engineer, that include a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards.
- (B) Every two years after construction of a tower, the owner shall submit to the Planning Director a statement on the tower's structural soundness that is signed and sealed by an engineer. Every sixth year, the statement shall be signed and sealed by an independent, registered, and licensed engineer.

(ii) Height

- (A) Excluding the SFR district, the height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 450 feet.
- (B) In the SFR district, the height of a telecommunications tower including any building or structure atop which the tower is located shall not exceed 190' feet.

(iii) Aesthetics

- (A) Towers shall either maintain a galvanized steel finish or be painted.
- (B) Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
- (C) The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).

(iv) Lighting

If lighting is required by the Federal Aviation Administration (FAA), it shall comply with FAA standards. Unless required by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto any surrounding residentially-zoned property. Documentation from the FAA that the lighting is the minimum lighting it requires shall be submitted to the Planning Director before issuance of any building permit for the tower.

(v) Setbacks

- (A) Towers and antennas shall be required to

maintain a one foot setback from front, side, and rear property lines for every one foot of tower height. Guy wires, when applicable, shall conform to district setback provisions.

(B) There shall be no setback requirements between the tower and other structures located on the subject property.

(C) Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located.

(D) In the SFR district, the tower and antennas shall maintain a 1000' setback from the mean high water mark of the Atlantic Ocean.

(vi) Separation from Other Towers

(A) Excluding the SFR district, new telecommunication towers shall not be located within one-half-mile of an existing telecommunications tower (unless the towers are placed on the same lot). This standard shall not apply to a telecommunications tower placed out of view in a building or other structure.

(B) In the SFR district, new telecommunication towers shall not be located within four miles of an existing telecommunications tower in the SFR district (not on the same lot) and one-half mile of an existing telecommunications tower in all other districts. This standard shall not apply to a telecommunications tower placed out of view in a building or other structure.

(vii) Collocation

(A) No freestanding telecommunications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas.

(B) New freestanding telecommunications towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users. Unused space on an existing telecommunications tower shall be made available to other users at a fair market rental value unless mechanical, structural, or regulatory factors prevent collocation. In determining fair market rental value, the rent paid by a current collocater under a swapping agreement need not be considered.

(viii) Buffer and Screening

A Type D buffer (see Section 5.2.6, Perimeter Landscape Buffers) shall be provided around the perimeter of a freestanding telecommunications tower facility (including equipment structures and guy anchor supports).

(ix) Security Fencing

Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than ten feet in height.

(x) Interference

No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio or television or similar reception on adjoining residentially-zoned land.

(xi) Compliance with State or Federal Laws and Regulations

Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the State or Federal government that regulates telecommunications towers and antennas.

(xii) Replacement of Existing Towers

Existing freestanding towers may be replaced with a new tower that increases the number of collocation opportunities, subject to the following standards:

(A) The height of the replacement tower shall not exceed 110 percent of the height of the replaced tower.

(B) The replacement tower shall be located within 100 feet of the replaced tower, unless the Planning Director determines that a farther distance furthers the purpose and intent of this Ordinance.

(C) The replacement tower shall comply with all the standards of this section (including setbacks).

(xiii) Nonconforming Telecommunications Towers

Nonconforming telecommunications towers shall be allowed to remain and be maintained in accordance with the standards in Chapter 8: Nonconformities. Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.

(xiv) Discontinued Use

If a telecommunications tower is not used for a period of six consecutive months, the Planning Director may send the tower owner notice indicating that the tower must be removed within 90 days from the date of notice.

(e) Collocation of Antennas on Existing Towers

Antennas may be collocated on existing towers if they comply with the following standards:

(i) It is demonstrated the tower can accept the additional structural loading created by the collocation.

(ii) Any modification of an existing tower to accommodate the collocation of additional antenna shall comply with the height limit established for freestanding telecommunications towers in Section 4.2.3.H.1.d.ii, Height.

(iii) Antennas and associated equipment shall comply with

the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this subsection.

(f) Placement of Antennas on an Existing Buildings

An antenna may be attached to any business or multi-family residential building in accordance with the following standards:

(i) Height

The antenna shall not extend above a height 20 percent higher than the highest point of the building or structure.

(ii) Other Standards

Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this sub-section.

(iii) Screening

(A) Antennas visible from the street shall be omnidirectional, be screened, or be camouflaged, to the maximum extent practicable, to minimize their appearance.

(B) All other equipment shall be located within the building or screened in some other fashion to prevent off-site views.

Item 2: Staff Suggested Statement of Consistency and Reasonableness

(THE BOARD OF COMMISSIONERS MAY MODIFY THE STAFF SUGGESTED STATEMENT)

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan because:

1. *A telecommunication tower would provide improved communication services (cellular and emergency communications) in an effort to protect the health, safety, and welfare of the residents and visitors in the remote off-road area. (POLICY OB1) (The Vision Statement in the LUP)*
2. *An increased setback from the Atlantic Ocean mean high water mark, maximum tower height, and the strategic location of potential telecommunication towers limits the adverse impacts to nearby properties and provides a buffer from the ocean erodible area of environmental concern. (POLICY CA7)*

The request is reasonable and in the public interest because:

1. *The Carova sub-area maintains hundreds of previously platted lots that are not developed. As these lots continue to develop with houses, the proposed text amendment addresses a community need by allowing telecommunication towers in a limited, remote, and underserved area of the county.*
2. *The 1,000' setback from the Atlantic Ocean mean high water mark and established maximum height will result in an orderly development pattern and is consistent with the UDO telecommunication towers purpose statement by:*
 - a. *Encouraging the location of towers in areas where the adverse impact on the community is minimal; (UDO)*
 - b. *Protects the residential areas of land uses from potential adverse impacts of towers and antennas; and (UDO)*
 - c. *Encourages towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact. (UDO)*

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 _____, 2019.

Planning and Community Development Director, Laurie LoCicero, reviewed the county's request for a text amendment to allow communications towers, with restrictions, in the Single-Family Residential zoning district on the off-road area. A use permit would be required and tower height would be restricted. Approval was recommended by staff and supporting policies were presented.

Chairman White and Ms. LoCicero agreed that the potential tower location would allow for good coverage on the entire off-road area. Chairman White opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Chairman White moved to approve PB 19-01: Currituck County, because the text amendment request is consistent with the goals, objectives, and policies of the 2006 Land Use Plan (LUP) because the Vision Statement in the LUP references maintaining and enhancing the quality of life within our communities; the allowance of a telecommunication tower in the off-road area could provide increased cellular and emergency communication services; it is consistent with Policy CA7: An increased setback from the Atlantic Ocean mean high water mark, maximum tower height, and the strategic location of potential telecommunication towers limits the adverse impacts to nearby properties and provides a buffer from the ocean erodible area of environmental concern. It also meets Policy OB1: A telecommunication tower would provide improved communication services in an effort to protect the health, safety, and welfare of the residents and visitors in the remote off-road area. The request is reasonable and in the public interest because:

1. The Carova sub-area maintains hundreds of previously platted lots that are not developed, and as these lots continue to develop with houses, the proposed text amendment addresses a community need by allowing telecommunication towers in a limited, remote, and underserved area of the county.
2. The 1,000' setback from the Atlantic Ocean mean high water mark and established maximum height will result in an orderly development pattern and is consistent with the UDO telecommunication towers purpose statement by:
 - a. Encouraging the location of towers in areas where the adverse impact on the community is minimal; (UDO)
 - b. Protects the residential areas of land uses from potential adverse effects of towers and antennas; and (UDO)
 - c. Encourages towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact. (UDO)

Included in the motion is a condition that towers in the Single Family Residential district be camouflaged or painted in some way as to not stand out like galvanized steel would.

Commissioner Payment seconded the motion. The motion passed unanimously.

RESULT:	MOTION PASSED-ITEM APPROVED [UNANIMOUS]
MOVER:	Bob White, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

OLD BUSINESS

A. Consideration and Action: Review and Adoption of Ordinance for Conditional Zoning, PB 18-23-Fost Tract

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

NEW BUSINESS

A) Board Appointments

1. ABC Board

Commissioner Payment moved to reappoint David Griggs to the ABC Board. Commissioner Beaumont seconded and the nominee was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

2. Board of Adjustment

Commissioner Jarvis nominated Steven Craddock to serve on the Board of Adjustment. Chairman White seconded and the nominee was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Bob White, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

Board of Adjustment

Commissioner Payment nominated Lynn Hicks to serve on the Board of Adjustment. Chairman White seconded and the nominee was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Bob White, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

3. Planning Board

No Planning Board nominations were made.

4. Senior Citizens Advisory

Chairman White nominated Cindy Scott for reappointment to the Senior Citizens Advisory. Commissioner Jarvis seconded and the nominee was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

5. Whalehead Stormwater Drainage Service District Advisory

Chairman White moved to nominate John McTear and Sid Wilson for reappointment to the Whalehead Stormwater Drainage Service District Advisory. Larry Queen was nominated to replace Martin Kruelle.

Commissioner Payment seconded and all nominees were unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

B) Consent Agenda

Chairman White discussed Item 3, highlighting the Resolution Opposing the Proposed Increase for Homeowners Insurance and noted the Board's opposition to any insurance rate increase.

Commissioner Payment moved for approval of the Consent Agenda and the motion was seconded by Commissioner McCord. The Consent Agenda was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

1) Approval Of Minutes for February 18, 2019

1. Minutes for February 18, 2019

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10990-587050	T T - Co Governmental Facilities	200,000	
10380-488400	ABC Profits		200,000
		<u>\$ 200,000</u>	<u>\$ 200,000</u>
Explanation:	Transfers to Other Funds (10990) - Increase appropriations for anticipated ABC Profits. These additional revenues will be used for design of a new ABC store in Corolla, NC.		
Net Budget Effect:	Operating Fund (10) - Increased by \$200,000.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10795-590000	Capital Outlay	3,498	
10795-576001	Baseball/Softball		3,498
		<u>\$ 3,498</u>	<u>\$ 3,498</u>
Explanation:	Parks & Recreation (10795) - Transfer budgeted funds for repairs to restroom doors at Knotts Island Ruritan Park.		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10511-590000	Capital Outlay	1,550	
10511-514500	Training & Education		1,550
		<u>\$ 1,550</u>	<u>\$ 1,550</u>
Explanation:	Detention Center (10511) - Transfer budgeted funds to purchase a training shock vest.		
Net Budget Effect:	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10750-514500	Training & Education	360	
10750-532000	Supplies	3,100	
10750-557700	Crisis Intervention	13,042	
10750-557701	LIEAP	8,042	
10750-511010	Data Transmission		360
10750-590000	Capital Outlay		3,100
10752-519700	HCCBG - In Home	5,789	
10752-532003	Supplies - Special Adoption	3,752	
10752-553003	Dues & Subscriptions - Special Adoption	178	
10560-519701	HCCBG - Access Services		14,157
10330-431000	DSS Administration		2,769
10330-432200	HCCBG - In Home	7,918	
10390-499900	Appropriated Fund Balance		21,795
		<u>\$ 42,181</u>	<u>\$ 42,181</u>
Explanation:	Social Services Administration (10750); Public Assistance (10752); Inter-County Transportation (10560) - Increase training for mandatory mental health training and supplies for items needed for the NCFAST program. The remaining items are to adjust to the State Funding Authorizations received to date.		
Net Budget Effect:	Operating Fund (10) - Increased by \$16,646.		

3. Resolution Opposing the Proposed Increase for Homeowners Insurance

RESOLUTION

OPPOSING THE PROPOSED INCREASE FOR HOMEOWNERS INSURANCE

WHEREAS, the North Carolina Rate Bureau is recommending to the North Carolina Department of Insurance a drastic homeowners insurance rate increase, which would severely hurt the people of Currituck County and other coastal communities; and

WHEREAS, the proposed increase unfairly targets coastal communities and would cause them to endure rates that are excessive, unwarranted, and unjustified; and

WHEREAS, the proposed increase will cause property owners in the barrier island portions of Dare, Currituck, and Hyde counties to suffer a 30% increase and impose a 25% increase for homeowners in the inland portions of these counties; and

WHEREAS, since a portion of the homeowner rate is for wind, the filing would have an adverse impact on Wind Only policies including policies in what is commonly referred to as the "Beach Plan" which would result in an increase of over \$700 for \$200,000 of coverage for Outer Banks wind only policyholders; and

WHEREAS, the excessive increase sought by the North Carolina Rate Bureau will cause harm to Currituck County homeowners, especially those struggling to make their mortgage payments, and have an adverse impact on the affordability of housing in our community.

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners strongly opposes the rate increase requested by the insurance industry as unjustified, unfair, and unnecessary and calls upon the North Carolina Department of Insurance to deny the filing.

Adopted this the 4th day of March, 2019.

4. ITS Surplus Resolution

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on March 4, 2019 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sold at auction or given to another governmental entity:

<u>Description</u>	<u>Service Tag/Serial No.</u>	<u>Asset Tag</u>	<u>Item No.</u>
Macromedia Coldfusion Software	NONE	6447	Q001
Granicus Media Manager hardware (Osprey card;not server)	NONE	6789	Q002
Granicus Media Manager software	NONE	6790	Q003
Dell OptiPlex GX620	7GBM1B1	6167	Q004
Dell OptiPlex GX280	FXLCL71	6353	Q005
HP Compaq nx9010	2UA423P0XR	5863	Q006
Dell Latitude D820	BTS5QB1	6302	Q007
Dell OptiPlex 745	BJ5X4D1	6682	Q008
Dell Optiplex 380	3X13PL1	7269	Q009
Dell OptiPlex GX280	6YLCL71	6351	Q010
Dell OptiPlex GX280	GYLCL71	6354	Q011
Dell Optiplex 380 (has XP & W7 HDD)	2RZ9CP1	NONE	Q012
Dell OptiPlex 745	J6GPHC1	6400	Q013
General Dynamics GoBook XR-1	ZZGEG7212ZZ8126	6638	Q014
General Dynamics GoBook XR-1	ZZGEG7212ZZ8125	6637	Q015
General Dynamics GoBook XR-1	ZZGEG7212ZZ8114	6626	Q016
General Dynamics GoBook XR-1	ZZGEG7144ZZ2129	6481	Q017
General Dynamics GoBook XR-1	ZZGEG7144ZZ2138	6472	Q018
General Dynamics GoBook XR-1	ZZGEG6320ZZ3513	6337	Q019
Dell OptiPlex GX620	1MST391	6075	Q020
General Dynamics GoBook XR-1	ZZGEG7212ZZ8121	6633	Q021
General Dynamics GoBook XR-1	ZZGEG7212ZZ8123	6635	Q022
General Dynamics GoBook XR-1	ZZGEG7212ZZ8116	6628	Q023
General Dynamics GoBook XR-1	ZZGEG7212ZZ8119	6631	Q024
General Dynamics GoBook XR-1	ZZGEG7031ZZ0635	6464	Q025
General Dynamics GoBook XR-1	ZZGEG7169ZZ4431	6504	Q026
General Dynamics GoBook XR-1	ZZGEG6320ZZ3519	6343	Q027
General Dynamics GoBook XR-1	ZZGEG7031ZZ0636	6465	Q028
General Dynamics GoBook XR-1	ZZGEG7031ZZ0640	6469	Q029
General Dynamics GoBook XR-1	ZZGEG7144ZZ2131	6479	Q030
General Dynamics GoBook XR-1	ZZGEG7144ZZ2126	6484	Q031
General Dynamics GoBook XR-1	ZZGEG7169ZZ4427	6510	Q032
General Dynamics GoBook XR-1	ZZGEG7144ZZ2145	6518	Q033
General Dynamics GoBook XR-1	ZZGEG6320ZZ3520	6344	Q034
General Dynamics GoBook XR-1	ZZGEG6320ZZ3518	6342	Q035
Dell Optiplex 755	BNQ8LF1	6748	Q036
Dell Optiplex 755	2ZQ8LF1	6763	Q037
Dell Optiplex 755	7PQ8LF1	6747	Q038
Dell Optiplex 755	GMQ8LF1	6746	Q039
Dell Optiplex 755	JYQ8LF1	6765	Q040
Dell Optiplex 755	DNQ8LF1	6750	Q041
Generic Windows Server (was Callxpr1 server)	AC76000695	6399 partial	Q042
Generic Windows Server (was Seneca server)	AC76000694	6399 partial	Q043
Barracuda Archiver 650	BAR-MA-274827	7442	Q044
HP Compaq DC 7900	MXL84119GX	NONE	Q045
Dell Optiplex GX620	7K19P91	6218	Q046
Director's Cut Analog Converter	725056	NONE	Q047
HP P3005n Laser Printer	CNT2R03769	NONE	Q048
IdealStor Backup Appliance	1602-0051	7098	Q049
Dell R710 (ESX01)	8HF1HM1	7800	Q050
Dell R710 (ESX02)	J98GRL1	7307	Q051
Dell R710 (ESX02)	DQVNN51	7626	Q052
Cisco Callmanager Server	MX2934018R	7236	Q053
Ittronix GoBook XR-1	ZZGEG8010ZZ3335	6794	Q054
Ittronix GoBook XR-1	ZZGEG7169ZZ4435	6515	Q055
HP 4515x Printer (from MLW office)	CNDY176283	7058	Q056

Gamber-Johnson vehicle dock (PN:7160-0003-02)	ZZCWA7032AE0019		Q057
Gamber-Johnson vehicle dock (PN:7160-0003-02)	ZZCWA7015AE0080		Q058
Havis vehicle dock	GD8101671		Q059
Gamber-Johnson vehicle dock (PN:7160-0194-01)	G31712AZZ006		Q060
Gamber-Johnson vehicle dock (PN:7160-0011-02)	ZZCWA7353AE0006		Q061
Fingerprint Machine No Monitor	2206-00300		Q062
Fingerprint Machine	AAV248000310		Q063
Ittronix GoBook XR-1	ZZGEG6320ZZ3512		Q064
Ittronix GoBook XR-1	ZZGEG7144ZZ2142		Q065
Ittronix GoBook XR-1	ZZGEG7031ZZ0631		Q066
Ittronix GoBook XR-1	ZZGEG7212ZZ8115		Q067
Ittronix GoBook GD8200	ZZSJC1336ZZ0002	7500	Q068
Dell Precision M6600	12FYBT1	7627	Q069
Cisco Emergency Responder	MX273400VL		Q070
Cisco Callmanager Server	MX273501YN		Q071
Cisco VG224	FHK1328F0SY		Q072
Cisco 2821 PRI Router	FTX1131A1N8		Q073
Dell Precision 370	6CNCX51	5928	Q074
Dell Optiplex GX620	299FPB1	6277	Q075
Dell Precision T3500	2ZDYKM1	7323	Q076
Dell Precision T3500	2ZCYKM1	7326	Q077
Dell Precision T3500	2ZBZKM1	7325	Q078
Dell Latitude E6520	CL556Q1	7452	Q079
HP Proliant ML110 computer (from old 911 stuff)	NONE		Q080
HPxw 4600 computer (from old 911 stuff)	2UA83106RD		Q081
HP Compaq d530 computer (from old 911 stuff)	2UA4230HYL		Q082
Dell Optiplex GX270	F56GW41	5852	Q083
HP Compaq dx2000 computer (from old 911 stuff)	MXD606086Q		Q084
Dell Optiplex 380	JF5D9P1	7394	Q085
Dell Optiplex 740	BLBGJTJ1		Q086
Fujitsu fi-5120c scanner	11870		Q087
Dell Precision M6400 laptop	HF1DTJ1	7024	Q088
Sony Vaio laptop (model: PCG-8111L)	C3LQS5V5		Q089
Cisco Catalyst 3750G switch	F0C1128Y42A		Q090
Cisco CVPN 3002	CAM10510948	NONE	Q091
Cisco Linksys E1200	10820C642H8690	NONE	Q092
Dlink DGS-1008G	QB201B7000402	NONE	Q093
Rhub TurboMeeting	902R10020	NONE	Q094
Panasonic DVD Recorder	VN7DA001989	NONE	Q095
Panasonic DVD Recorder	VN7DA001997	NONE	Q096
JVC SR-DVM600 DVD Player/Recorder	072C0097	NONE	Q097
Dell Latitude D820	CSS5QB1	6303	Q098
Dell Inspiron 9300	GHDQ771	5972	Q099
Are You Ok? Modem and software	NONE	7653	Q100
Qty 3 - SQL Server 2005 Licenses	NONE	6294A-C	Q101
Dell Optiplex GX620	HLST391	6074	Q102
Dell Optiplex GX620	1071NB1	6282	Q103
Kenwood KMC-41 Radio Mic (Sheriff, qty 1)	NONE		Q104
Kenwood KSC-24 Charger w/cords (Sheriff, qty 6)	NONE		Q105
Kenwood TK-380 Radio (Sheriff)	50300685		Q106
Kenwood TK-380 Radio (Sheriff)	50302659		Q107
Kenwood TK-380 Radio (Sheriff)	50302425		Q108
Kenwood TK-380 Radio (Sheriff)	50302429		Q109
Kenwood TK-380 Radio (Sheriff)	60300303		Q110
Kenwood TK-380 Radio (Sheriff)	50302421		Q111
Kenwood TK-380 Radio (Sheriff)	50302658		Q112
Kenwood TK-380 Radio (Sheriff)	61104729		Q113
Dell Optiplex GX620	C530N81	6069	Q114
Dell Optiplex GX620	4630N81	6073	Q115
Dell Latitude E6510	76ZQWN1	7374	Q116
Dell Optiplex GX620	DQS8L81	6043	Q117
Dell Optiplex 780	567FFN1	7322	Q118
Cisco WS-C3560-24PS-S Switch	FD01123Y3V6	NONE	Q119
Nortel Phone Modular ICS (was at Moyock Welcome Center)	NNTM8456GCFB	5889	Q120
Dell Optiplex 3010 Tower	1WHDFX1	7868C	Q121
Dell Latitude E5530	DKWCJX1	7844	Q122
Dell Optiplex GX280	72B9X51	5934	Q123
Dell Latitude E6510	88PCRM1	7331	Q124
Ipad 2	DMQJKW14DFHW	7691E	Q125

5. Surplus Resolution-Folder/Sealer, Finance Dept

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.

County		
Asset Tag	Description	Serial Number
6080	Formax 1500 Folder/Sealer Machine	2283

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

ADOPTED, this 4th day of March, 2018.

6. Project Ordinance-Corolla ABC Store

COUNTY OF CURRITUCK

CAPITAL PROJECT ORDINANCE

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

SECTION 1. The project authorized is design of ABC Store in Corolla, NC.

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

Corolla ABC Store 2019	\$ 200,000
	<u>\$ 200,000</u>

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

Transfer from Operating Fund (ABC Profits)	\$ 200,000
	<u>\$ 200,000</u>

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 4th day of March 2019.

7. Report of Unpaid 2018 Real Estate Taxes & Order of Tax Lien Advertisement

8. Approval of the Establishment of a Public Information Committee as Part of the Community Rating System

C) County Manager's Report

County Manager, Dan Scanlon, announced Currituck County Animal Services will hold its free rabies vaccine clinic on April 6, 2019, from 8 AM till 10 AM at the Judicial Center complex. He said the North Carolina Department of Transportation is preparing the bid package for repairs to North Carolina Highway 158 at the southern end of the county.

RECESS

Chairman White recessed the regular meeting of the Board to open a Special Meeting of the Tourism Development Authority.

SPECIAL MEETING-TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners recessed the 6:00 PM regular meeting to hold a Special Meeting sitting as the Tourism Development Authority. The Special Meeting was held in the Board Meeting Room of the Historic Courthouse located at 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering Budget Amendments.

TDA Budget Amendments

Dan Scanlon, County Manager, reviewed the budget amendments for the Board of Commissioners. After review, Commissioner Payment moved for approval. The motion was seconded by Commissioner Jarvis and the budget amendments were approved unanimously.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15448-503500	Temporary Services	\$ 6,000	
15448-514500	Training & Education	\$ 200	
15448-532000	Supplies	\$ 3,000	
15448-513000	Utilities		\$ 6,000
15448-516000	Maintenance & Repair		\$ 3,000
15448-545000	Contract Services		\$ 200
		<u>\$ 9,200</u>	<u>\$ 9,200</u>
Explanation:	Occupancy Tax - Historic Corolla Park (15448) - Transfer budgeted funds to provide programming planned at the Whalehead/Historic Corolla Park for the remainder of this fiscal year.		
Net Budget Effect:	Occupancy Tax Fund (15) -No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-513000	Utilities	\$ 2,000	
15447-545000	Contract Services	\$ 5,000	
15380-481000	Investment Earnings		\$ 7,000
		<u>\$ 7,000</u>	<u>\$ 7,000</u>
Explanation:	Occupancy Tax - Tourism Related (15447) - Increase appropriations for utilities for the remainder of this fiscal year and for costs incurred to bury whale that washed up in Feb 2019.		
Net Budget Effect:	Occupancy Tax Fund (15) -Increased by \$7,000.		

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

ADJOURN SPECIAL MEETING

There was no further business and Commissioner Payment motioned for adjournment. Commissioner McCord seconded the motion. The motion passed unanimously and the Special Meeting of the Tourism Development Authority adjourned at 7:37 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

CLOSED SESSION

Chairman White reconvened the regular meeting of the Board of Commissioners.

Amended Item: Closed Session Pursuant to G.S. 143-318.11 (a)(6) to Discuss a Personnel Matter

Chairman White reconvened the regular meeting of the Board and Commissioners entered into Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

ADJOURN

Motion to Adjourn Meeting

The Board of Commissioners returned from Closed Session and had no further business. Commissioner Beaumont moved to adjourn and the motion was seconded by Commissioner Payment. The motion passed unanimously and the regular meeting of the Board of Commissioners concluded at 8:05 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner

**Currituck County**

Planning and Community Development Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232302

To: Board of Commissioners
 Planning Board

From: Planning Staff

Date: February 12, 2019

Subject: PB 19-02 Hunter Stuart (Crabshedding)

The purpose of this text amendment is to allowing crab shedding on a General Business (GB) lot within a fully enclosed business.

Staff is taking this opportunity to cleanup this section of the UDO as corrections are necessary since this section sets standards for crab shedding in a residential zoning district; however, crab shedding is not a permitted use in a residential zoning district. This is an incorrect carryover from a previous ordinance. Staff changes are highlighted in yellow and the applicant's request is highlighted in blue on the attached staff report.

Background

- Currently crab shedding is allowed in the Agricultural (AG) and Mixed Residential (MXR) zoning district with use specific standards appropriate to those zoning districts. The use does not have to be within a building in these zoning districts.
- The applicant is proposing to allow crab shedding in the GB zoning district. All equipment (i.e. tanks, coolers, freezers) must be within a fully enclosed building. In addition to retail sales, wholesale sales are allowed.

Attachment: Staff Report (Text Amendment) (PB 19-02 Hunter Stuart)

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 request is consistent with the goals, objectives, and policies of the Land Use Plan (See Policies CD1, ED1, ED3, and CA1) and other adopted plans.
- (2) Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The request is consistent with the allowed uses in the UDO within the GB zoning district.
 - b. The request is consistent with the County Code of Ordinances.
- (3) Is required by changed conditions;
 - a. With an increased pressure from consumers for locally grown and harvested food, this request will further the availability of locally harvested products from the Currituck Sound.
 - b. NC Department of Agriculture, Got to be NC Program, stresses the positive economic impact of choosing locally grown products as a result of increased consumer demands.
- (4) Addresses a demonstrated community need;
 - a. With an increased pressure from consumers for locally grown and harvested food, this request will further the availability of locally harvested products from the Currituck Sound
- (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. The request is consistent with the GB District purpose in that the district is intended to accommodate small to medium-sized commercial, office, personal services, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors.
 - b. There is a multitude of assurances of efficient development with this request. Crab shedding in Currituck's waters is regulated by federal and state agencies including the FDA, the NC Department of Health and Human Services, the NC Department of Agriculture and Consumer Services, the NC Department of Environmental Quality, and the NC Marine Fisheries Division, insuring that only safe wholesome seafood reaches our customers.
- (6) Would result in a logical and orderly development pattern; and
 - a. Since all crab shedding equipment would be within a fully enclosed business, this request would make the use consistent with other retail operations in a GB zoning district.

- (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. Crab shedding is an environmentally sensitive operation as it depends upon clean waters to harvest from and shed crabs in; therefore, the industry remains vigilant in protecting the environment.
 - b. Crab shedding in Currituck's waters is regulated by federal and state agencies including the FDA, the NC Department of Health and Human Services, the NC Department of Agriculture and Consumer Services, the NC Department of Environmental Quality, and the NC Marine Fisheries Division, insuring environmental protection.

Staff Recommendation

Staff recommends approval as presented.

Planning Board Meeting – February 12, 2019

Planning Board recommends approval as presented.

Vice Chairman Ballance asked if there was anyone present as a representative of this case. The applicant came forward and stated his name as Hunter Stuart and address as 102 Old Oaks, Bells Island. Chairman Ballance asked Mr. Hunter to have a seat while staff gives their report.

Planner II, Jason Litteral briefed the board on the requested text amendment to allow crab shedding in the General Business (GB) zoning district with the requirement for the business to be located within a fully enclosed building. Mr. Litteral stated staff is also taking this opportunity to cleanup this section of the Unified Development Ordinance (UDO) as corrections are necessary since this section sets standards for crab shedding in a residential zoning district; however, crab shedding is not a permitted use in a residential zoning district. This is an incorrect carryover from a previous ordinance.

Vice Chairman Ballance asked if the board had any questions for staff. There were no questions.

Hunter Stuart came before the board. Mr. Craddock asked what happens after the crab has molted and Mr. Stuart explained the process. The board members had questions by placing them in the water and the shells do not have any odor.

No one else wished to speak. Vice Chairman Ballance closed the public hearing and asked for a motion.

Ms. Hilgendorf motioned to approve and Ms. Bell seconded her motion. Mr. Craddock requested to amend the motion to include the consistency and reasonableness statement.

Mr. Craddock said the request is reasonable and in the public interest because:

- It allows for the appropriate expansion of an industry (Crab shedding) in a commercial zoning district (GB) that has been a part of Currituck's historic fishing and crabbing culture since inception.
- It encourages small-scale business start-ups in appropriate locations to serve neighborhoods and the general public.

- Crab shedding is an environmentally sensitive operation as it depends upon clean waters to harvest from and shed crabs in; therefore, the industry remains vigilant in protecting the environment.

Ms. Hilgendorf accepted the amended motion. There was no further discussion and the motion passed unanimously.



STAFF REPORT PB 19-02 HUNTER STUART PLANNING BOARD FEBRUARY 12, 2019

Hunter Stuart requests an amendment to the Unified Development Ordinance, Chapter 4 Use Standards, to allow crab shedding in the General Business (GB) zoning district within a fully enclosed building.

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:

NOTE: This is a combination of staff's request to correct an error in this section of the UDO and the applicant's request. Staff's corrections are necessary since this section sets standards for crab shedding in a residential zoning district; however, crab shedding is not a permitted use in a residential zoning district. This is an incorrect carryover from a previous ordinance. Staff changes are highlighted in yellow and the applicant's request is highlighted in blue.

Item 1: That Chapter 4 is amended by adding the following bold and underlined language in Section 4.1.2 Table of Permissible Uses:

TABLE 4.1.1: SUMMARY USE TABLE

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

USE CATEGORY	USE TYPE	ZONING DISTRICT															
		[NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															
		RC	AG	SFM	SFO	SFR	SFI	MXR	CB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O
	Crab Shedding		Z					Z	Z				Z	Z	M P	M P	

Item 1: That Chapter 4 is amended by deleting the following strikethrough language and adding the following bold and underlined language in Section 4.2.5.B:

Attachment: Staff Report (Text Amendment) (PB 19-02 Hunter Stuart)

B. Industrial Services

(1) Crab Shedding

Crab shedding uses located within all allowed a residential (Staff) zoning districts 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; (Staff - Moved to AG and MXR Section)
- (ii)** No odor, fumes, excessive 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 a vehicle, which is visible from adjacent public streets may be kept on the site; and (Staff - Moved to AG and MXR Section)
- (v)** No vehicle or trailer which is larger than 8 feet by 32 feet shall be maintained on-site. (Staff - Moved to AG and MXR Section)
- (vi)** Open storage must be fenced with opaque fencing a minimum of six feet in height; and, (Staff - to also apply to GB and not just AG and MXR)
- (vii)** On-premise sale of soft crabs and peeler crabs is allowed. (Staff - to also apply to GB and not just AG and MXR)

(b) Additional Standards in the AG and MXR Districts

- (i)** A sign not exceeding six square feet is allowed;
- (ii)** 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; (Staff – to apply to AG and MXR only)

(iii) 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; and, (Staff – to apply to AG and MXR only)

(iv) No vehicle or trailer which is larger than 8 feet by 32 feet shall be maintained on-site. (Staff – to apply to AG and MXR only)

(c) **Additional Standards in the GB District (Applicant)**

(i) All equipment of the operation (i.e. tanks, coolers, freezers) must be within a fully enclosed building. (Applicant)

(ii) On-premise wholesale of soft crabs and peeler crabs is allowed.

Item 2: Statement of Consistency and Reasonableness:

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

- Neighborhood serving commercial districts and small-scale businesses are encouraged. (Policy CD1)
- The county encourages new and expanding industries and businesses that: 1) diversify the local economy, 2) train and utilized a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County. (Policy ED1)
- The county recognizes the considerable value of small business start-ups, expansions, and spin-offs. (Policy ED3)
- The majority of GB zoned property in the county is either on or visible from Caratoke Highway. The county recognizes the important economic, tourism, and community image benefits of an attractive highway corridor. (Policy CA1) The UDO requires that non-residential uses on or visible from Caratoke adhere to strict design and community compatibility standards.

The request is reasonable and in the public interest because:

- It allows for the appropriate expansion of an industry (Crab shedding) in a commercial zoning district (GB) that has been a part of Currituck's historic fishing and crabbing culture since inception.
- It encourages small-scale business start-ups in appropriate locations to serve neighborhoods and the general public.

- Crab shedding is an environmentally sensitive operation as it depends upon clean waters to harvest from and shed crabs in; therefore, the industry remains vigilant in protecting the environment.

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 _____, 2017.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

Attachment: Staff Report (Text Amendment) (PB 19-02 Hunter Stuart)

DATE ADOPTED: _____
 MOTION TO ADOPT BY COMMISSIONER: _____
 SECONDED BY COMMISSIONER: _____
 VOTE: _____AYES _____NAYS _____

 PLANNING BOARD DATE: 2/12/2019
 PLANNING BOARD RECOMMENDATION: Approved
 VOTE: 5 AYES 0 NAYS
 ADVERTISEMENT DATE OF PUBLIC HEARING: 2/20/2019 & 2/27/2019
 BOARD OF COMMISSIONERS PUBLIC HEARING: _____
 BOARD OF COMMISSIONERS ACTION: _____
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
 AMENDMENT NUMBER: _____

Attachment: Staff Report (Text Amendment) (PB 19-02 Hunter Stuart)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: _____
Date Filed: _____
Gate Keeper: _____
Amount Paid: _____

Contact Information

APPLICANT:

Name: Hunter Stuart
Address: 102 Old Oaks Dr
Currituck NC 27929
Telephone: 252-207-3540
E-Mail Address: daioli6225@yahoo.com

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

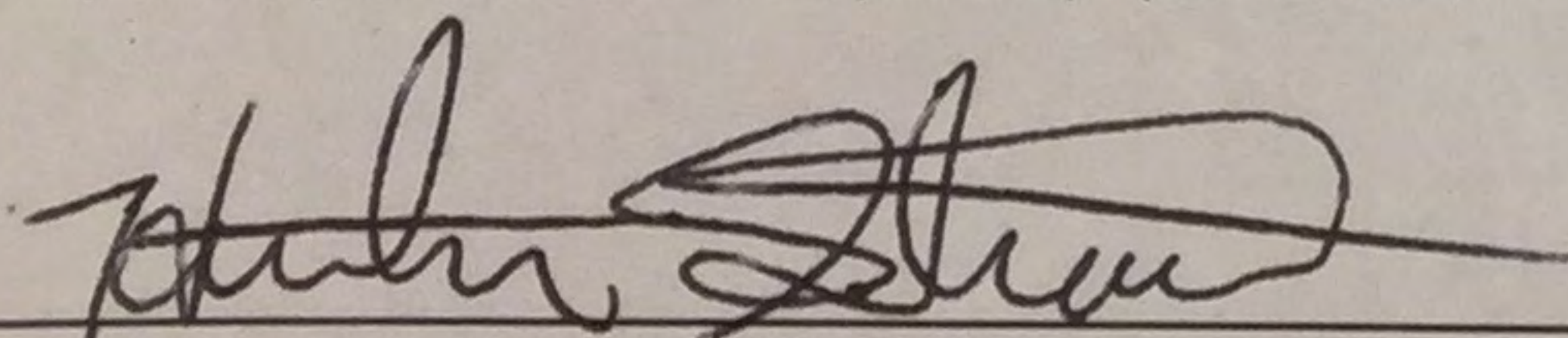
Amend Chapter(s) 4 Section(s) 4.1.2 and 4.2.5.B.1 as follows:

To allow crabshedding within a fully enclosed building in the General Business (GB) zoning district subject to the following conditions:

1. All components of the operation (i.e. tanks, coolers, freezers) must be within a fully enclosed building.

2. On-premise wholesale of soft crabs or peeler crabs is allowed.

*Request may be attached on separate paper if needed.


Petitioner

12/20/18
Date



Currituck County

Planning and Community Development Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232302

To: Board of Commissioners

From: Planning Staff

Date: February 13, 2019

Subject: PB 19-04 Currituck County – Revised Solar Text Amendment Language
 (Planning Board Version)

Background

The Board of Commissioners adopted the attached solar standards on January 22, 2019. After the adoption of the language, it was determined that additional clarification was needed regarding size limits on solar energy facilities, certifications for required landscaping, inverter building door placement, and updating the decommissioning plan when property changes ownership beyond two degrees of kinship.

The Planning Board heard this request at its February 12, 2019 meeting and recommend approval as presented without the acreage size limitations or abutting property requirement. The Planning Board version of the text amendment is attached.

Text Amendment Review Standards with Staff Comments

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. This request is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans.
 - b. The Land Use Plan encourages new and expanding industries and business that diversify the local economy, train and utilize a more highly skilled labor force, and are compatible with the environmental quality and natural amenity-based economy of Currituck County.
- (2) Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The request is consistent with this Ordinance and the County Code of Ordinances.
 - b. A solar energy facility is an allowable use in the UDO Table of Permitted Uses and is subject to specific development standards.

- (3) Is required by changed conditions;
 - a. North Carolina's Renewable Energy and Energy Efficiency Portfolio Standards, established by Senate Bill 3 in August 2007, requires all investor-owned utilities to supply 12.5% of 2020 retail electricity sales from eligible renewable energy resources by 2021. Municipal utilities and electric cooperatives must meet a target of 10% renewables.
- (4) Addresses a demonstrated community need;
 - a. According to Dominion Energy that services our area, solar energy is key to its clean energy growth. Since 2013, Dominion Energy has helped bring 1,200-megawatts of large-scale solar into operation into nine states, including North Carolina. (www.dominionenergy.com)
- (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. It is consistent and 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. It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.
- (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. A solar energy facility should have insignificant impacts on the natural environment.
 - b. Potential drinking water contamination concerns are address through monitoring wells located throughout the site.

Staff Recommendation

Staff recommends approval as presented.

Planning Board Meeting – February 12, 2019

Planning Board recommends approval with the following exception: Remove K.2. Maximum Size

Senior Planner, Tammy Glave presented the staff report for the revised solar text amendment and explained the additional changes.

The board asked staff several questions concerning ditch maintenance, kinship and the decommission plan. Vice Chairman Ballance asked about the easement and if it will be deeded to the County. Ms. Glave said it will not. It will be dedicated and noted on the plat.

Mr. Craddock asked if the County has heard from any solar operators yet with the last solar text amendment. Ms. Glave said one is trying to get ahead of this change going into effect.

Ms. Hilgendorf disclosed she owns a warehouse and a solar company has approached her to use the building for storage. She asked if she should excuse herself from this case. Ms. Glave said since this is a countywide change it should not affect Ms. Hilgendorf.

Mr. Craddock held discussion over limiting the land and how this does not work in relation to the text amendment review standards of North Carolina's Renewable Energy and Energy Efficiency Portfolio Standards, established by Senate Bill 3 in August 2007 which requires all investor-owned utilities to supply 12.5 % of 2020 retail electricity sales from eligible renewable energy resources by 2021. Municipal utilities and electric cooperatives must meet a target of 10% renewable and this cannot be achieved by the County limiting the size of the solar fields.

Ms. Glave asked Mr. Craddock to explain how it is incompatible. Mr. Craddock said page 24 & 25 in the staff report for text amendment review standards is asking us to be environmentally friendly, but on the other hand limiting the acreage is not beneficial for citizens, business owners, or property rights.

Mr. Craddock said he agrees to all except the maximum size requirement. It is not logical to limit the size.

Mr. Craddock said the last text amendment passed 6-1 by the Board of Commissioners without the limit on size.

Vice Chairman Ballance agreed he does not think the size should be limited.

Mr. Craddock asked Ms. Bell her opinion on property rights. She said she believes in property rights but citizens have to abide by the ordinance and laws of our county and should not be infringing on other citizens' rights.

Ms. Bell motioned to approve PB 19-04 Currituck County Revised Solar Text Amendment as presented because:

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

1. It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1) - Solar
2. It provides a new and expanding industry that trains and utilizes a more highly skilled labor force and diversifies the local economy. (LUP ED1) - Solar

The request is reasonable and in the public interest because:

3. It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.

Vice Chairman Ballance asked Ms. Bell if her motion is as it is written and she said yes, I said as presented. Balance asked if there was a second.

Mr. Thomas said he thinks we should change the maximum since we said they should be able to do whatever with their property, if we could just change that in there. Balance asked if he would like to do an amendment. Mr. Craddock said you cannot do an amendment until you have a second and if you don't have a second then the motion dies.

Ms. Hilgendorf seconded lifting the size because we voted on that last time.

Ms. Glave said, as a point of order, you should let the motion die without a second and then make the motion that I think I'm hearing.

Mr. Thomas said he was going to second her motion and then we are just going to change the wording on the maximum. Ms. Glave and Mr. Craddock said you cannot change her wording unless she agrees to your change. Vice Chairman Ballance asked Ms. Bell if she agrees to the change and Ms. Bell said yes I agree.

Chairman Ballance said we have a motion, a second, and an agreement with removing the cap on the acreage. Mr. Thomas said correct. Vice Chairman Ballance said for the single owner and the two owners, no cap on anything and removing the abutting property as well.

Ms. Bell said she just wants to make sure there is no limit to the acreage.

Vice Chairman Ballance asked for a vote and the amended motion carried unanimously.

**PB 19-04
CURRITUCK COUNTY
Solar Energy Facilities – Revised
Planning Board Version**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, to clarify development standards for Solar Energy Facilities.

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 adding the following bold and underlined language and deleting the bold, underlined, and struck through language as Section 4.2.3.K:

K. Solar Energy Facility (SEF)

A SEF shall comply with the following standards:

1. Location
 - a. No SEF project shall be located in a Full-Service area designated by the Land Use Plan.
 - b. No SEF project shall be located in a Significant Natural Heritage Areas as identified by the NC Natural Heritage Program.
- ~~2. Maximum Size~~
 - ~~a. The maximum SEF project size for parcel(s) under single ownership is 1,000 acres.~~
 - ~~b. The maximum SEF project size for adjoining parcels under different ownership is 1,500 acres.~~
 - ~~c. If two or more parcels are a part of the same SEF project, the parcels must be abutting. (Planning Board voted to remove this section.)~~
3. Setbacks
 - a. All panels, equipment, and associated security fencing shall be setback 300' from a major arterial street right-of-way and 150' from all other NCDOT street rights-of-way and property lines.
 - b. All panels, equipment, and associated security fencing shall be setback 100' from any CAMA designated navigable water bodies, Army Corps of Engineers or CAMA wetlands, and Significant Natural Heritage areas.
 - c. Plantings are allowed in setback areas.
4. Height and Configuration
 - a. The maximum height of the SEF, including all mounts, panels, and other equipment, shall not exceed 20' above grade when oriented at maximum height.
 - b. The panels and equipment shall be configured to avoid glare beyond the exterior property lines.
5. Sound
 - a. The hours of operation during construction phase of the SEF shall be from 7:00am to 7:00pm, Monday through Saturday;
 - b. If the construction area for the SEF is located within 1500' of a public school or licensed pre-school, no pile driving shall be allowed during regular school session times.
6. Buffers and screening

- a. Prior to issuance of a Certificate of Compliance by the Building Inspector, a Type D opaque buffer or an earthen berm as tall as the tallest panel at maximum height shall be installed.
- b. **Certification from a landscape contractor, landscape architect, or an International Society of Arboriculture certified arborist that 100% opacity will be reached at maximum panel height within 5 years shall be submitted.**
- c. Opacity of the buffer shall be assessed from the exterior property lines and rights-of-way.
- d. A performance guarantee in the amount of 115% of the cost of the landscaping used for screening shall be submitted prior to the issuance of a building permit and remain valid until 100% opacity is reached. Should 100% opacity not be reached within 5 years of building permit issuance, the county will draw upon the performance guarantee as outlined in Section 6.3.F Default and Forfeiture of Performance Guarantee and install required supplemental landscaping.
- e. If supplemental landscaping is installed pursuant to this section, additional time for growth will be allowed and the balance of the performance guarantee shall be maintained valid until 100% opacity is reached.
- f. For SEF projects that have a common interior property line, the Type D buffer is not required on the common, interior property line.

7. Development Plan

- a. The SEF project shall be developed in accordance with an approved major site plan that includes the following information:
 - i. The location of the SEF, including the arrangement of any existing or proposed buildings, structures or panels.
 - ii. **The location of the access door(s) for buildings that house inverter equipment must face away from the Naval Support Activity Northwest Annex.**
 - iii. The distance from any proposed SEF building, structure, panels, and fence to the surrounding property lines.
 - iv. Existing or proposed signs, fencing, lighting, construction and permanent parking areas, driveways, landscaping, vegetative screening, or required buffers.
 - v. Horizontal and vertical elevation to-scale drawings with dimensions.
 - vi. Certification that all panels have passed UL 1703 regarding PV module safety.
 - vii. Approval from access controlling agencies for street access (i.e. NCDOT, Rail Road).
- b. The SEF project shall designate 30% of the total land area in one or a combination of the following plans:
 - i. Approved plan from the North Carolina Wildlife Resources Commission, Habitat Conservation Division, designating 30% of the total land area of the SEF as an acceptable native pollinator habitat; or,

- ii. An annual cultivation plan detailing crops and harvest schedule should at least 30% of the total land area of the SEF remain active farmland.
- 8. Environmental Concerns
 - a. Appropriate ground cover/grass is required for soil stabilization and shall be maintained in a manner that does not create a fire hazard.
 - i. Grass and weeds not associated with the pollinator habitat shall not exceed two feet in height at any time.
 - b. Ground water monitoring wells
 - i. Shall be a minimum of 20' deep.
 - ii. Monitoring wells shall be installed prior to construction of any of the SEF components.
 - iii. Monitoring wells shall be located near the center of the site and along either the north and south or east and west exterior property lines at approximately the lowest ground elevation point on the respective property line.
 - iv. Testing data prepared by a laboratory certified by the North Carolina Department of Health and Human Services to analyze water subject to the regulations under the North Carolina Drinking Water Act shall be submitted prior to construction of the SEF. If evidence of contaminants (from list provided in Section K.7.b.v) is shown, another test shall be performed every year until no contaminants are detected. If no contaminants are detected, a follow up test will be conducted in two years. If no contaminants are found with the first two tests, a test will be conducted every five years and then at decommissioning. All test results must be submitted to the Planning and Community Development Department until the SEF is decommissioned.
 - v. Testing data shall show compliance with the NC Department of Health and Human Services Private Well Inorganic Chemical Contaminants standards for the following contaminants:
 - 1. Arsenic
 - 2. Barium
 - 3. Cadmium
 - 4. Chromium
 - 5. Copper
 - 6. Iron
 - 7. Lead
 - 8. Magnesium
 - 9. Manganese
 - 10. Mercury
 - 11. Nitrate/Nitrite
 - 12. Selenium
 - 13. Silver
 - 14. Zinc
 - vi. The Board of Commissioners may require testing for other contaminants.
 - vii. Should the initial ground water testing indicate that the site is not in compliance with N.C. Department of Health and Human

Services Private Well Inorganic Chemical standards, subsequent annual reports shall indicate no increase in noncompliance with those standards.

9. Solar Energy Facility Impact Analysis

a. As part of an application for a SEF project, a Solar Energy Facility Impact Analysis shall be submitted and contain the following information:

- i. General project description
- ii. Construction Activity Plan:
 1. Amount of land disturbance
 2. Land surface clearing and grading plan
 3. Energy, water, and material needs
 4. Fencing and lighting plans
 5. Waste stream management plan
 6. Construction work force and timeframe
 7. Protection plans for soil, disturbed areas, and surface water
- iii. Operational Plan
 1. Maintenance activities and schedule
 2. Vegetation management plan
 3. Protection plans for soil, disturbed areas, and surface water
- iv. Impacts and Resources affected
 1. Geology
 2. Environmentally sensitive areas
 - a. CAMA jurisdictional areas
 - b. USACE designated wetlands
 - c. Natural Heritage Areas
 3. Soils
 4. Air Quality
 5. Noise
 6. Water Resources
 7. Ecology
 8. Land Use
 9. Water management
 10. Socioeconomics
 11. Health and safety

10. **Ditch Maintenance**

- a. **The SEF is responsible for maintaining all drainage ditches adjoining or traversing the site to keep the ditches free and clear of drainage impediments.**
- b. **Development subject to these standards shall provide a 25' maintenance access drainage easement along at least one side of waterway conveyance systems that drains more than five acres. The easement shall include the conveyance measured from the top of embankment.**

11. Discontinued Use and Decommissioning

- a. Decommissioning shall include removal of solar collectors, cabling, electrical components, and any other SEF associated facilities, grading, and re-seeding disturbed earth from the project.

- b. A decommissioning plan certified by a North Carolina licensed engineer or a licensed contractor is required and shall include the following:
 - i. A description of any lease or other agreement with all landowners regarding decommissioning.
 - ii. The identification of the party responsible for decommissioning, if not the property owner.
 - iii. The type of panels and material specifications used at the SEF.
 - iv. All costs for the removal of solar panels, buildings, cabling, electrical components, road, fencing, and any other associated facilities below grade.
 - v. All costs associated with the grading and re-seeding of disturbed earth from the project.
- c. The decommissioning plan shall be updated with the Planning and Community Development Department every three years or upon change of property or SEF ownership, beyond two degrees of kinship, of the property or the SEF.
- d. The SEF owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
- e. Disturbed earth shall be graded and re-seeded unless a written request is submitted by the property owner specifying areas not to be restored.
- f. A Decommissioning Performance Guarantee (See Section 6.3) is required that meets the following standards:
 - i. Shall be submitted prior to issuance of a building permit,
 - ii. Shall equal 115 percent of the estimated decommissioning costs.
 - iii. Shall not be reduced by salvage value.
 - iv. The performance guarantee amount shall be reviewed every three years as part of the decommissioning plan update and adjusted based upon current costs. In the event the decommissioning costs decrease, the performance guarantee shall not be changed to reflect the lower cost.
 - v. The performance guarantee shall remain in effect until decommissioning and site restoration is complete.

Item 2: Staff Suggested Statement of Consistency and Reasonableness:

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

- 1. It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1) - Solar
- 2. It provides a new and expanding industry that trains and utilizes a more highly skilled labor force and diversifies the local economy. (LUP ED1) – Solar

The request is reasonable and in the public interest because:

- 3. It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.

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 _____, 2019.

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: 2/12/19
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 5 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 2/20/19 & 2/27/19
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Currituck County

Planning and Community Development Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232302

To: Board of Commissioners

From: Planning Staff

Date: February 13, 2019

Subject: PB 19-04 Currituck County – Revised Solar Text Amendment Language
 (Board of Commissioners Version)

Background

The Board of Commissioners adopted the attached solar standards on January 22, 2019. After the adoption of the language, it was determined that additional clarification was needed regarding size limits on solar energy facilities, certifications for required landscaping, inverter building door placement, and updating the decommissioning plan when property changes ownership beyond two degrees of kinship.

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. This request is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans.
 - b. The Land Use Plan encourages new and expanding industries and business that diversify the local economy, train and utilize a more highly skilled labor force, and are compatible with the environmental quality and natural amenity-based economy of Currituck County.
- (2) Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The request is consistent with this Ordinance and the County Code of Ordinances.
 - b. A solar energy facility is an allowable use in the UDO Table of Permitted Uses and is subject to specific development standards.

- (3) Is required by changed conditions;
 - a. North Carolina's Renewable Energy and Energy Efficiency Portfolio Standards, established by Senate Bill 3 in August 2007, requires all investor-owned utilities to supply 12.5% of 2020 retail electricity sales from eligible renewable energy resources by 2021. Municipal utilities and electric cooperatives must meet a target of 10% renewables.
- (4) Addresses a demonstrated community need;
 - a. According to Dominion Energy that services our area, solar energy is key to its clean energy growth. Since 2013, Dominion Energy has helped bring 1,200-megawatts of large-scale solar into operation into nine states, including North Carolina. (www.dominionenergy.com)
- (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. It is consistent and 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. It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.
- (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. A solar energy facility should have insignificant impacts on the natural environment.
 - b. Potential drinking water contamination concerns are address through monitoring wells located throughout the site.

Staff Recommendation

Staff recommends approval as presented.

**PB 19-04
CURRITUCK COUNTY
Solar Energy Facilities – Revised
Board of Commissioners Versions**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, to clarify development standards for Solar Energy Facilities.

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 adding the following bold and underlined language and deleting the bold, underlined, and struck through language as Section 4.2.3.K:

K. Solar Energy Facility (SEF)

A SEF shall comply with the following standards:

1. Location
 - a. No SEF project shall be located in a Full-Service area designated by the Land Use Plan.
 - b. No SEF project shall be located in a Significant Natural Heritage Areas as identified by the NC Natural Heritage Program.
2. **Maximum Size**
 - a. **The maximum SEF project size for parcel(s) under single ownership is 1,000 acres.**
 - b. **The maximum SEF project size for adjoining parcels under different ownership is 1,500 acres.**
 - c. **If two or more parcels are a part of the same SEF project, the parcels must be abutting.**
3. Setbacks
 - a. All panels, equipment, and associated security fencing shall be setback 300' from a major arterial street right-of-way and 150' from all other NCDOT street rights-of-way and property lines.
 - b. All panels, equipment, and associated security fencing shall be setback 100' from any CAMA designated navigable water bodies, Army Corps of Engineers or CAMA wetlands, and Significant Natural Heritage areas.
 - c. Plantings are allowed in setback areas.
4. Height and Configuration
 - a. The maximum height of the SEF, including all mounts, panels, and other equipment, shall not exceed 20' above grade when oriented at maximum height.
 - b. The panels and equipment shall be configured to avoid glare beyond the exterior property lines.
5. Sound
 - a. The hours of operation during construction phase of the SEF shall be from 7:00am to 7:00pm, Monday through Saturday;
 - b. If the construction area for the SEF is located within 1500' of a public school or licensed pre-school, no pile driving shall be allowed during regular school session times.
6. Buffers and screening

- a. Prior to issuance of a Certificate of Compliance by the Building Inspector, a Type D opaque buffer or an earthen berm as tall as the tallest panel at maximum height shall be installed.
- b. **Certification from a landscape contractor, landscape architect, or an International Society of Arboriculture certified arborist that 100% opacity will be reached at maximum panel height within 5 years shall be submitted.**
- c. Opacity of the buffer shall be assessed from the exterior property lines and rights-of-way.
- d. A performance guarantee in the amount of 115% of the cost of the landscaping used for screening shall be submitted prior to the issuance of a building permit and remain valid until 100% opacity is reached. Should 100% opacity not be reached within 5 years of building permit issuance, the county will draw upon the performance guarantee as outlined in Section 6.3.F Default and Forfeiture of Performance Guarantee and install required supplemental landscaping.
- e. If supplemental landscaping is installed pursuant to this section, additional time for growth will be allowed and the balance of the performance guarantee shall be maintained valid until 100% opacity is reached.
- f. For SEF projects that have a common interior property line, the Type D buffer is not required on the common, interior property line.

7. Development Plan

- a. The SEF project shall be developed in accordance with an approved major site plan that includes the following information:
 - i. The location of the SEF, including the arrangement of any existing or proposed buildings, structures or panels.
 - ii. **The location of the access door(s) for buildings that house inverter equipment must face away from the Naval Support Activity Northwest Annex.**
 - iii. The distance from any proposed SEF building, structure, panels, and fence to the surrounding property lines.
 - iv. Existing or proposed signs, fencing, lighting, construction and permanent parking areas, driveways, landscaping, vegetative screening, or required buffers.
 - v. Horizontal and vertical elevation to-scale drawings with dimensions.
 - vi. Certification that all panels have passed UL 1703 regarding PV module safety.
 - vii. Approval from access controlling agencies for street access (i.e. NCDOT, Rail Road).
- b. The SEF project shall designate 30% of the total land area in one or a combination of the following plans:
 - i. Approved plan from the North Carolina Wildlife Resources Commission, Habitat Conservation Division, designating 30% of the total land area of the SEF as an acceptable native pollinator habitat; or,

- ii. An annual cultivation plan detailing crops and harvest schedule should at least 30% of the total land area of the SEF remain active farmland.
- 8. Environmental Concerns
 - a. Appropriate ground cover/grass is required for soil stabilization and shall be maintained in a manner that does not create a fire hazard.
 - i. Grass and weeds not associated with the pollinator habitat shall not exceed two feet in height at any time.
 - b. Ground water monitoring wells
 - i. Shall be a minimum of 20' deep.
 - ii. Monitoring wells shall be installed prior to construction of any of the SEF components.
 - iii. Monitoring wells shall be located near the center of the site and along either the north and south or east and west exterior property lines at approximately the lowest ground elevation point on the respective property line.
 - iv. Testing data prepared by a laboratory certified by the North Carolina Department of Health and Human Services to analyze water subject to the regulations under the North Carolina Drinking Water Act shall be submitted prior to construction of the SEF. If evidence of contaminants (from list provided in Section K.7.b.v) is shown, another test shall be performed every year until no contaminants are detected. If no contaminants are detected, a follow up test will be conducted in two years. If no contaminants are found with the first two tests, a test will be conducted every five years and then at decommissioning. All test results must be submitted to the Planning and Community Development Department until the SEF is decommissioned.
 - v. Testing data shall show compliance with the NC Department of Health and Human Services Private Well Inorganic Chemical Contaminants standards for the following contaminants:
 - 1. Arsenic
 - 2. Barium
 - 3. Cadmium
 - 4. Chromium
 - 5. Copper
 - 6. Iron
 - 7. Lead
 - 8. Magnesium
 - 9. Manganese
 - 10. Mercury
 - 11. Nitrate/Nitrite
 - 12. Selenium
 - 13. Silver
 - 14. Zinc
 - vi. The Board of Commissioners may require testing for other contaminants.
 - vii. Should the initial ground water testing indicate that the site is not in compliance with N.C. Department of Health and Human

Services Private Well Inorganic Chemical standards, subsequent annual reports shall indicate no increase in noncompliance with those standards.

9. Solar Energy Facility Impact Analysis

a. As part of an application for a SEF project, a Solar Energy Facility Impact Analysis shall be submitted and contain the following information:

- i. General project description
- ii. Construction Activity Plan:
 1. Amount of land disturbance
 2. Land surface clearing and grading plan
 3. Energy, water, and material needs
 4. Fencing and lighting plans
 5. Waste stream management plan
 6. Construction work force and timeframe
 7. Protection plans for soil, disturbed areas, and surface water
- iii. Operational Plan
 1. Maintenance activities and schedule
 2. Vegetation management plan
 3. Protection plans for soil, disturbed areas, and surface water
- iv. Impacts and Resources affected
 1. Geology
 2. Environmentally sensitive areas
 - a. CAMA jurisdictional areas
 - b. USACE designated wetlands
 - c. Natural Heritage Areas
 3. Soils
 4. Air Quality
 5. Noise
 6. Water Resources
 7. Ecology
 8. Land Use
 9. Water management
 10. Socioeconomics
 11. Health and safety

10. **Ditch Maintenance**

- a. **The SEF is responsible for maintaining all drainage ditches adjoining or traversing the site to keep the ditches free and clear of drainage impediments.**
- b. **Development subject to these standards shall provide a 25' maintenance access drainage easement along at least one side of waterway conveyance systems that drains more than five acres. The easement shall include the conveyance measured from the top of embankment.**

11. Discontinued Use and Decommissioning

- a. Decommissioning shall include removal of solar collectors, cabling, electrical components, and any other SEF associated facilities, grading, and re-seeding disturbed earth from the project.

- b. A decommissioning plan certified by a North Carolina licensed engineer or a licensed contractor is required and shall include the following:
 - i. A description of any lease or other agreement with all landowners regarding decommissioning.
 - ii. The identification of the party responsible for decommissioning, if not the property owner.
 - iii. The type of panels and material specifications used at the SEF.
 - iv. All costs for the removal of solar panels, buildings, cabling, electrical components, road, fencing, and any other associated facilities below grade.
 - v. All costs associated with the grading and re-seeding of disturbed earth from the project.
- c. The decommissioning plan shall be updated with the Planning and Community Development Department every three years or upon change of property or SEF ownership, beyond two degrees of kinship, of the property or the SEF.
- d. The SEF owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
- e. Disturbed earth shall be graded and re-seeded unless a written request is submitted by the property owner specifying areas not to be restored.
- f. A Decommissioning Performance Guarantee (See Section 6.3) is required that meets the following standards:
 - i. Shall be submitted prior to issuance of a building permit,
 - ii. Shall equal 115 percent of the estimated decommissioning costs.
 - iii. Shall not be reduced by salvage value.
 - iv. The performance guarantee amount shall be reviewed every three years as part of the decommissioning plan update and adjusted based upon current costs. In the event the decommissioning costs decrease, the performance guarantee shall not be changed to reflect the lower cost.
 - v. The performance guarantee shall remain in effect until decommissioning and site restoration is complete.

Item 2: Staff Suggested Statement of Consistency and Reasonableness:

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

- 1. It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1) - Solar
- 2. It provides a new and expanding industry that trains and utilizes a more highly skilled labor force and diversifies the local economy. (LUP ED1) – Solar

The request is reasonable and in the public interest because:

- 3. It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.

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 ___, 2019.

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: 2/12/19
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 5 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: _____

Address: _____

Telephone: _____

E-Mail Address: _____

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) _____ Section(s) _____ as follows:

*Request may be attached on separate paper if needed.

 Petitioner

 Date



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: February 22, 2019
 Subject: PB 19-01 Currituck County

The county is submitting a text amendment to the Unified Development Ordinance, Chapter 4, Use Standards to allow freestanding telecommunication towers in limited areas of the Single Family Residential Outer Banks Remote (SFR) zoning district with a use permit. The SFR zoning district is located north of Corolla in the 4-wheel drive area of the county.

The proposed language requires:

- A use permit;
- 1,000' from the Atlantic Ocean mean high water mark;
- 190' maximum tower height; and,
- 4-mile setback from existing towers in the SFR zoning district.

Background

Since the adoption of a Unified Development Ordinance in 1989, towers greater than 50 feet in height were not a permitted use in the zoning district now known as the SFR zoning district. Historically, towers have not been allowed in residential zoning districts.

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. This request is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans.
 - b. The county supports infrastructures and services to meet the quality of life and public health and safety requirements of residents on the Outer Banks that does not stimulate inappropriate intensive development in environmentally fragile, hazardous

PB 19-01 Currituck County (SFR Towers)
 Text Amendment
 Page 1 of 14

Attachment: 19-01 Currituck County _SFR Towers (BOC) (PB 19-01 Currituck County)

barrier island areas. (POLICY OB1)

2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The UDO encourages towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact.
3. Is required by changed conditions;
 - a. There are no known changed conditions that require this amendment.
4. Addresses a demonstrated community need;
 - a. The Carova sub-area maintains hundreds of previously platted lots that are not developed. As these lots continue to develop with houses, the proposed text amendment addresses a community need by allowing telecommunication towers in a limited, remote, and underserved area of the county.
 - b. The allowance of a telecommunication tower in the off-road area could provide increased cellular and emergency communication services.
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. An increased setback from the Atlantic Ocean mean high water mark, maximum tower height, and the strategic location of potential telecommunication towers limits the adverse impacts to nearby properties and provides a buffer from the ocean erodible area of environmental concern.
6. Would result in a logical and orderly development pattern; and
 - a. The 1,000' setback from the Atlantic Ocean mean high water mark and established maximum height will result in an orderly development pattern and is consistent with the UDO telecommunication towers purpose statement by:
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. There are no known significantly adverse impacts on the natural environment created as a result of this amendment.

Staff Recommendation

The 2006 Land Use Plan policy emphasis for the Carova sub-area identifies the lack of infrastructure and services in this remote area of the county, and the plan does not support investments that could stimulate growth and development. However, the policy emphasis also allows only services that protect the health, safety, and welfare (law enforcement, fire and rescue). The Carova sub-area policy emphasis does not support commercial and other convenience services. The telecommunication towers purpose statements in the UDO does not support towers in the residential zoning districts. A request to rezone properties in the SFR zoning district to a district that would allow telecommunication towers would not be considered consistent with the 2006 Land Use Plan and could be an action that stimulates growth and development or other commercial uses in this remote area of the county. It is staff's opinion that a telecommunication tower that improves emergency communications and limits adverse impacts to the residential areas and land uses would be consistent with the adopted plans of the county. Staff recommends approval of the request as submitted and suggests the following:

Staff Suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan because:

1. A telecommunication tower would provide improved communication services (cellular and emergency communications) in an effort to protect the health, safety, and welfare of the residents and visitors in the remote off-road area. (POLICY OB1) (The Vision Statement in the LUP)
2. An increased setback from the Atlantic Ocean mean high water mark, maximum tower height, and the strategic location of potential telecommunication towers limits the adverse impacts to nearby properties and provides a buffer from the ocean erodible area of environmental concern. (POLICY CA7)

The request is reasonable and in the public interest because:

1. The Carova sub-area maintains hundreds of previously platted lots that are not developed. As these lots continue to develop with houses, the proposed text amendment addresses a community need by allowing telecommunication towers in a limited, remote, and underserved area of the county.
2. The 1,000' setback from the Atlantic Ocean mean high water mark and established maximum height will result in an orderly development pattern and is consistent with the UDO telecommunication towers purpose statement by:
 - a. Encouraging the location of towers in areas where the adverse impact on the community is minimal; (UDO)
 - b. Protects the residential areas of land uses from potential adverse impacts of towers and antennas; and (UDO)
 - c. Encourages towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact. (UDO)

Planning Board Meeting – February 12, 2019

Planning Board recommends approval as presented.

The Planning & Community Development Assistant Planning Director, Donna Voliva presented the staff report for the requested text amendment to allow freestanding telecommunication towers in limited areas of the Single Family Residential Outer Banks Remote (SFR) zoning district with a use permit. Ms. Voliva gave maps to the board members showing the existing towers and their setbacks from existing towers and a map showing the zoning.

Vice Chairman Ballance asked if the board had any questions for staff. There were no questions. Vice Chairman Ballance opened the public hearing and asked if anyone would like to speak. No one wished to speak and the public hearing was closed.

Board member discussion was held with staff on setbacks and the land that the fire department currently owns. Mr. Craddock asked Ms. Voliva about the limitation on height being set at 190' instead of the county's usual 450' limit. Ms. Voliva said it was for aesthetic purposes due to the beach location. Also, 200' height would require a light and this will not.

Discussion was held over the reasoning for this text amendment and Ms. Voliva said the intent is for safety by allowing communication.

Planning Board Recommendation

Mr. Craddock motioned to approve PB 19-01 Currituck County Telecommunication Towers text amendment because the text amendment request is consistent with the goals, objectives, and policies of the 2006 Land Use Plan (LUP) because:

- The County shall monitor the placement of communication and other towers and shall take action as necessary to regulate their design and location. (POLICY CA7)
- It is consistent with POLICY OB1

And the request is reasonable and in the public interest because:

- The Carova sub-area maintains hundreds of previously platted lots that are not developed. As these lots continue to develop with houses, the proposed text amendment addresses a community need by allowing telecommunication towers in a limited, remote, and underserved area of the county.

Ms. Bell seconded the motion and the motion carried unanimously.



STAFF REPORT
PB 19-01 CURRITUCK COUNTY
BOARD OF COMMISSIONERS
MARCH 4, 2019

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

Item 1: That Chapter 4. Use Standards is amended by adding the following underlined language and removing the following strike-through language:

TABLE 4.1.1: SUMMARY USE TABLE

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

USE CATEGORY	USE TYPE	ZONING DISTRICT															L REQ	
		[NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]																
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Telecommunications tower, freestanding			U			U			U				U	U				3.H.2

4.2.3. Institutional Uses

H. Utilities

(1) Telecommunication Towers

(a) Purpose

This section is intended to establish general standards for the siting of telecommunications towers and antennas that will:

- (i) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

- (ii) Encourage the location of towers in nonresidential areas;
- (iii) Minimize the total number of new towers throughout the county;
- (iv) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (v) Encourage the location of towers and antennas in areas where the adverse impact on the community is minimal;
- (vi) Encourage towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact;
- (vii) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (viii) Consider the public health and safety concerns of communication towers and antennas; and
- (ix) Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure.

(b) Applicability

All new telecommunications facilities, whether a principal or accessory use, shall comply with these standards unless specifically exempted in Section 4.2.3.H.1.c, Exemptions.

(c) Exemptions

The following shall be exempt from the standards of this section, (but shall be required to comply with other relevant standards in this Ordinance, such as accessory use or design standards):

- (i) Satellite dish antennas.

- (ii) Receive-only television or radio antennas for noncommercial use.
- (iii) Antennas legally operated by FCC-licensed amateur radio operators.
- (iv) Emergency communication towers owned by the county or other public agency that are used wholly or in part for public safety or emergency communication purposes.
- (v) Emergency communication towers owned by a volunteer fire department that are used wholly or in part for public safety or emergency communication purposes.

(d) Freestanding Towers

Freestanding telecommunications towers, whether as a principal or accessory use, shall comply with the following standards:

(i) Safety

- (A) Before obtaining a building permit, the applicant shall submit to the County Engineer engineering drawings for the tower, sealed by a registered engineer, that include a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards.
- (B) Every two years after construction of a tower, the owner shall submit to the Planning Director a statement on the tower's structural soundness that is signed and sealed by an engineer. Every sixth year, the statement shall be signed and sealed by an independent, registered, and licensed engineer.

(ii) Height

- (A) Excluding the SFR district, the height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 450 feet.
- (B) In the SFR district, the height of a telecommunications tower including any building or structure atop which the tower is located shall not exceed 190' feet.

(iii) **Aesthetics**

- (A) Towers shall either maintain a galvanized steel finish or be painted.
- (B) Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
- (C) The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).

(iv) **Lighting**

If lighting is required by the Federal Aviation Administration (FAA), it shall comply with FAA standards. Unless required by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto any surrounding residentially-zoned property. Documentation from the FAA that the lighting is the minimum lighting it requires shall be submitted to the

Planning Director before issuance of any building permit for the tower.

(v) Setbacks

- (A) Towers and antennas shall be required to maintain a one foot setback from front, side, and rear property lines for every one foot of tower height. Guy wires, when applicable, shall conform to district setback provisions.
- (B) There shall be no setback requirements between the tower and other structures located on the subject property.
- (C) Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located.
- (D) In the SFR district, the tower and antennas shall maintain a 1000' setback from the mean high water mark of the Atlantic Ocean.

(vi) Separation from Other Towers

- (A) Excluding the SFR district, new telecommunication towers shall not be located within one-half-mile of an existing telecommunications tower (unless the towers are placed on the same lot). This standard shall not apply to a telecommunications tower placed out of view in a building or other structure.
- (B) In the SFR district, new telecommunication towers shall not be located within four miles of an existing telecommunications tower in the SFR district (not on the same lot) and one-

half mile of an existing telecommunications tower in all other districts. This standard shall not apply to a telecommunications tower placed out of view in a building or other structure.

(vii) Collocation

- (A) No freestanding telecommunications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas.
- (B) New freestanding telecommunications towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users. Unused space on an existing telecommunications tower shall be made available to other users at a fair market rental value unless mechanical, structural, or regulatory factors prevent collocation. In determining fair market rental value, the rent paid by a current collocater under a swapping agreement need not be considered.

(viii) Buffer and Screening

A Type D buffer (see Section 5.2.6, Perimeter Landscape Buffers) shall be provided around the perimeter of a freestanding telecommunications tower facility (including equipment structures and guy anchor supports).

(ix) Security Fencing

Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than ten feet in height.

(x) Interference

No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio or television or similar reception on adjoining residentially-zoned land.

(xi) Compliance with State or Federal Laws and Regulations

Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the State or Federal government that regulates telecommunications towers and antennas.

(xii) Replacement of Existing Towers

Existing freestanding towers may be replaced with a new tower that increases the number of collocation opportunities, subject to the following standards:

- (A)** The height of the replacement tower shall not exceed 110 percent of the height of the replaced tower.
- (B)** The replacement tower shall be located within 100 feet of the replaced tower, unless the Planning Director determines that a farther distance furthers the purpose and intent of this Ordinance.
- (C)** The replacement tower shall comply with all the standards of this section (including setbacks).

(xiii) Nonconforming Telecommunications Towers

Nonconforming telecommunications towers shall be allowed to remain and be maintained in accordance with the standards in Chapter 8: Nonconformities. Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.

(xiv) Discontinued Use

If a telecommunications tower is not used for a period of six consecutive months, the Planning Director may send the tower owner notice indicating that the tower must be removed within 90 days from the date of notice.

(e) Collocation of Antennas on Existing Towers

Antennas may be collocated on existing towers if they comply with the following standards:

- (i)** It is demonstrated the tower can accept the additional structural loading created by the collocation.
- (ii)** Any modification of an existing tower to accommodate the collocation of additional antenna shall comply with the height limit established for freestanding telecommunications towers in Section 4.2.3.H.1.d.ii, Height.
- (iii)** Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this subsection.

(f) Placement of Antennas on an Existing Buildings

An antenna may be attached to any business or multi-family residential building in accordance with the following standards:

(i) Height

The antenna shall not extend above a height 20 percent higher than the highest point of the building or structure.

(ii) Other Standards

Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this sub-section.

(iii) Screening

(A) Antennas visible from the street shall be omni-directional, be screened, or be camouflaged, to the maximum extent practicable, to minimize their appearance.

(B) All other equipment shall be located within the building or screened in some other fashion to prevent off-site views.

Item 2: Staff Suggested Statement of Consistency and Reasonableness

(THE BOARD OF COMMISSIONERS MAY MODIFY THE STAFF SUGGESTED STATEMENT)

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan because:

1. *A telecommunication tower would provide improved communication services (cellular and emergency communications) in an effort to protect the health, safety, and welfare of the residents and visitors in the remote off-road area. (POLICY OB1) (The Vision Statement in the LUP)*
2. *An increased setback from the Atlantic Ocean mean high water mark, maximum tower height, and the strategic location of potential telecommunication towers limits the adverse impacts to nearby properties and provides a buffer from the ocean erodible area of environmental concern. (POLICY CA7)*

The request is reasonable and in the public interest because:

1. *The Carova sub-area maintains hundreds of previously platted lots that are not developed. As these lots continue to develop with houses, the proposed text amendment addresses a community need by allowing telecommunication towers in a limited, remote, and underserved area of the county.*

2. *The 1,000' setback from the Atlantic Ocean mean high water mark and established maximum height will result in an orderly development pattern and is consistent with the UDO telecommunication towers purpose statement by:*
- Encouraging the location of towers in areas where the adverse impact on the community is minimal; (UDO)*
 - Protects the residential areas of land uses from potential adverse impacts of towers and antennas; and (UDO)*
 - Encourages towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact. (UDO)*

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 _____, 2019.

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: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: 19-01
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information
APPLICANT:

Name: Currituck County
 Address: 153 Courthouse Road
Currituck, NC 27929
 Telephone: 252-232-2075
 E-Mail Address: _____

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 4 Section(s) 4.2.3.H. as follows:

See Attached

*Request may be attached on separate paper if needed.


 Petitioner

12-27-2018
 Date

TABLE 4.1.1: SUMMARY USE TABLE

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

USE CATEGORY	USE TYPE	ZONING DISTRICT															AL RE	
		[NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]																
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Telecommunications tower, freestanding			C			IC			C				C	C				3 H.2

(I) Telecommunication Towers**(a) Purpose**

This section is intended to establish general standards for the siting of telecommunications towers and antennas that will:

- (i) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (ii) Encourage the location of towers in nonresidential areas;
- (iii) Minimize the total number of new towers throughout the county;
- (iv) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (v) Encourage the location of towers and antennas in areas where the adverse impact on the community is minimal;
- (vi) Encourage towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact;
- (vii) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (viii) Consider the public health and safety concerns of communication towers and antennas; and
- (ix) Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure.

(b) Applicability

All new telecommunications facilities, whether a principal or accessory use, shall comply with these standards unless specifically exempted in Section 4.2.3.H.1.c, Exemptions.

(c) Exemptions

The following shall be exempt from the standards of this section, {but shall be required to comply with other relevant standards in this Ordinance, such as accessory use or design standards};

- (i) Satellite dish antennas.
- (ii) Receive-only television or radio antennas for noncommercial use.
- (iii) Antennas legally operated by FCC-licensed amateur radio operators.
- (iv) Emergency communication towers owned by the county or other public agency that are used wholly or in part for public safety or emergency communication purposes.
- (v) Emergency communication towers owned by a volunteer fire department that are used wholly or in part for public safety or emergency communication purposes.

(d) Freestanding Towers

Freestanding telecommunications towers, whether as a principal or accessory use, shall comply with the following standards:

(i) Safety

- (A) Before obtaining a building permit, the applicant shall submit to the County Engineer engineering drawings for the tower, sealed by a registered engineer, that include a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards.
- (B) Every two years after construction of a tower, the owner shall submit to the Planning Director a statement on the tower's structural soundness that is signed and sealed by an engineer. Every sixth year, the statement shall be signed and sealed by an independent, registered, and licensed engineer.

(ii) Height

- (A) Excluding the SFR district, the height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 450 feet.
- (B) In the SFR district, the height of a telecommunications tower including any building or structure atop which the tower is located shall not exceed 190' feet.

(iii) Aesthetics

- (A) Towers shall either maintain a galvanized steel finish or be painted.
- (B) Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
- (C) The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).

(iv) Lighting

If lighting is required by the Federal Aviation Administration (FAA), it shall comply with FAA standards. Unless required by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto any surrounding residentially-zoned property. Documentation from the FAA that the lighting is the minimum lighting it requires shall be submitted to the Planning Director before issuance of any building permit for the tower.

(v) Setbacks

- (A) Towers and antennas shall be required to maintain a one foot setback from front, side, and rear property lines for every one foot of tower height. Guy wires, when applicable, shall conform to district setback provisions.
- (B) There shall be no setback requirements between the tower and other structures located on the subject property.
- (C) Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located.
- (D) In the SFR district, the tower and antennas shall maintain a 1000' setback from the mean high water mark of the Atlantic Ocean.

(iv) Separation from Other Towers

- (A) Excluding the SFR district, new telecommunication towers shall not be located within one-half-mile of an existing telecommunications tower (unless the towers are placed on the same lot). This standard shall

(iii) Aesthetics

- (A) Towers shall either maintain a galvanized steel finish or be painted.
- (B) Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
- (C) The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).

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- (B) There shall be no setback requirements between the tower and other structures located on the subject property.
- (C) Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located.
- (D) In the SFR district, the tower and antennas shall maintain a 1000' setback from the mean high water mark of the Atlantic Ocean.

(iv) Separation from Other Towers

- (A) Excluding the SFR district, new telecommunication towers shall not be located within one-half-mile of an existing telecommunications tower (unless the towers are placed on the same lot). This standard shall

Commission (FCC), and any other agency of the State or Federal government that regulates telecommunications towers and antennas.

(xii) Replacement of Existing Towers

Existing freestanding towers may be replaced with a new tower that increases the number of collocation opportunities, subject to the following standards:

- (A) The height of the replacement tower shall not exceed 110 percent of the height of the replaced tower.
- (B) The replacement tower shall be located within 100 feet of the replaced tower, unless the Planning Director determines that a farther distance furthers the purpose and intent of this Ordinance.
- (C) The replacement tower shall comply with all the standards of this section (including setbacks).

(xiii) Nonconforming Telecommunications Towers

Nonconforming telecommunications towers shall be allowed to remain and be maintained in accordance with the standards in Chapter 8: Nonconformities. Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.

(xiv) Discontinued Use

If a telecommunications tower is not used for a period of six consecutive months, the Planning Director may send the tower owner notice indicating that the tower must be removed within 90 days from the date of notice.

(e) Collocation of Antennas on Existing Towers

Antennas may be collocated on existing towers if they comply with the following standards:

- (i) It is demonstrated the tower can accept the additional structural loading created by the collocation.
- (ii) Any modification of an existing tower to accommodate the collocation of additional antenna shall comply with the height limit established for freestanding telecommunications towers in Section 4.2.3.H.1.d.ii, Height.
- (iii) Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this subsection.

(f) Placement of Antennas on an Existing Buildings

An antenna may be attached to any business or multi-family residential building in accordance with the following standards:

(i) Height

The antenna shall not extend above a height 20 percent higher than the highest point of the building or structure.

(ii) Other Standards

Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this sub-section.

(iii) Screening

(A) Antennas visible from the street shall be omnidirectional, be screened, or be camouflaged, to the maximum extent practicable, to minimize their appearance.

(B) All other equipment shall be located within the building or screened in some other fashion to prevent off-site views.



**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING THE OFFICIAL ZONING MAP FOR CURRITUCK COUNTY IN THE MATTER OF
PB 18-23 FOST TRACT CONDITIONAL REZONING OF 228.83 ACRES FROM
AGRICULTURAL (AG) TO PLANNED DEVELOPMENT-RESIDENTIAL (PD-R) ON
PROPERTY LOCATED IN MOYOCK TOWNSHIP ON THE WEST SIDE OF CARATOKE
HIGHWAY AND NORTH OF RANCLAND SUBDIVISION, PIN 0015-000-0086-0000**

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that:

Section 1: The Official Zoning Map for Currituck County is hereby amended by conditionally rezoning 228.83 acres located in Moyock Township located on the west side of Caratoke Highway and north of Ranchland Subdivision with Parcel Identification Number 0015-000-0086-0000, (the "Property") from Agriculture (AG) to Planned Development – Residential (PD-R).

Section 2: The zoning map amendment for the Property is appropriate for the reasons that:

- a. the conditional rezoning is consistent with the 2006 Land Use Plan and the Moyock Small Area Plan;
- b. the conditional rezoning is consistent with all review standards provided under Unified Development Ordinance (UDO) Section 2.4.3.C;
- c. the proposed conditions for the conditional rezoning of the Property will improve drainage problems within nearby Ranchland and Eagle Creek Subdivisions; and
- d. the conditional rezoning is compatible with existing Moyock Township subdivisions

Section 3: The zoning map amendment for the Property is reasonable and in the public interest because of the need for higher density growth in areas of Moyock Township outside of Currituck Station regardless of the availability of public and centralized sewer treatment and disposal.

Section 4: The zoning map amendment for the Property is approved with the following conditions:

- a. The Developer shall obtain to the satisfaction of the County's Attorney easements, permits, licenses or other right to access, install and improve storm water drainage systems provided in Section 4.b. of this ordinance before approval of a preliminary plat for the Property.
- b. The following Improvements to storm water drainage systems on the Property and outside the Property shall be completed by the Developer prior to beginning any phase of development on the Property:
 - 1. Improve Rowland Creek from the Eagle Creek subdivision to U.S. Highway 168, as shown on maps entitled in part "Rowland Creek Drainage Analysis, Drainage Overview, Rowland Creek Drainage Analysis" dated October 16, 2018 prepared by Bissel Professional Group,

including construction of the ditch on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property is located.

2. Clear and snag Rowland Creek from U.S. Highway 168 to the east end of Rowland Creek Estates Subdivision as shown on maps entitled in part "Rowland Creek Drainage Analysis, Drainage Overview, Rowland Creek Drainage Analysis" dated October 16, 2018 prepared by Bissel Professional Group .
3. Improve Ranchland Outlets ditch, and included from the northwest point with Ranchland Subdivision to U.S. Highway 168, as shown on maps entitled in part "Rowland Creek Drainage Analysis, Ranchland Potential Impact" dated October 16, 2018 prepared by Bissel Professional Group, including construction of the ditch on a positive grade with 3:1 side slopes and sized for a 500 year storm event from drainage basin in which the Property and Ranchland Subdivisions are located.
4. Clear and snag Ranchland Outlets ditch from Hwy 168 to its intersection with Rowland Creek as shown on maps entitled in part "Rowland Creek Drainage Analysis, Ranchland Potential Impact" dated October 16, 2018 prepared by Bissel Professional Group.
5. Install a new ditch along the entire length of the Property's western common boundary line with Ranchland Subdivision including construction of the ditch on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
6. Improve the ditch along U.S. Highway 168 from Survey Road to the south side of Guinea Road by constructing the ditch on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
7. BMP's shall be sized and constructed to store runoff from a 100 year storm event.
8. The Developer shall construct berms along ditch outlets against Ranchland to keep proposed development's runoff from flooding Ranchland during a 100 year storm.
9. A minimum of 2' of fill shall be used for the areas designated on "The Fost Tract, Planned Development-Residential Preliminary Master Plan" dated August 23, 2018, prepared by Bissell Professional ("Master Plan") as Neighborhood Commercial and Townhomes.
10. All lots in areas to be built upon as shown on the Master Plan shall be elevated with fill to provide freeboard for storm events greater than the 10 year storm event.

11. On-site stormwater will be managed by constructing a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. A portion of the stormwater will also overflow to an existing culvert that runs under NC168 from near the northwest corner of the property. The ditch that drains that outlet will also be improved as necessary.

In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard of the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater shall be modeled for the 100-year storm event and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties. Implementation of this plan shall improve drainage for neighboring properties compared to existing conditions.

Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes, and open vegetated swales.

12. Flashboard risers shall be installed on the series of stormwater management ponds. These risers will allow the stormwater management ponds to increase capacity prior to a storm event by lowering the pond level to pre-storm conditions. Management and operation procedures shall be agreed upon by the county prior to preliminary plat approval.
 13. The storm water drainage system improvements set forth in this section, including ditches located on property not owned by the Developer, shall be maintained by the Developer, or a management association created by the Developer with a funding mechanism to provide revenue for ongoing storm water drainage system maintenance, in perpetuity.
- c. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the Phasing Plan for the development. Notwithstanding the foregoing, the first phase of development shall not exceed 70 residential dwelling units.
 - d. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
 - e. The density/intensity standards, dimensional standards and development

standards for development of the Property shall be in accordance with the Master Plan.

- f. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- g. Development standards and setbacks shall be as outlined in Schedule A (attached) and in the Supplemental Report for the Master Plan.
- h. Rear loaded cottage lots, if market conditions warrant, may be converted to conventional frontloaded single family dwelling lots at the rate of up to 50% in each phase that includes cottage lots. No more than 22,000 square feet of neighborhood commercial development shall be constructed on the ground floor of the townhouse section along the entrance boulevard where indicated on the Master Plan drawings, if market conditions support this style of development. If not, these areas may be converted to residential use (without increasing the approved density).
- i. Perimeter compatibility shall be addresses as follows:
 - To the west: A 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line.
 - To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks, berms and landscaping.
 - To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
 - To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line.
 - Limited commercial development is located interior to the

development and shall front along the landscaped entrance boulevard.

- j. Transportation, potable water, and wastewater shall be provided for development on the Property as follows:

1. Transportation: The main subdivision entrance will be connected directly to U.S. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000.

The standards promulgated in the NC Complete Streets Planning and Design Guidelines shall be used as a guide for the streets in the development on the property. Specifically, excerpts from Chapter 4 of NC Complete Streets Planning and Design Guidelines shall be used to design:

- Sidewalk Zone (or Multi-Use Path Zone)
- Motor Vehicle Zone (or Shared Vehicle Zone)
- Parking/Transit Stop Zone
- Bicycle Zone (Bicycle Lane)
- Median Zone
- Urban/Suburban Main Street Cross-Sections and Design Elements
- Rural Village Main Street Cross-Section and Design Elements
- Urban/Suburban Avenue Cross-Section and Design Elements

Roadways shall be laid out generally as shown on the Master Plan and shall follow the information outlined in Schedule C.

2. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on U.S. Highway 168, which will be tapped and looped through the site. Fire protection shall be provided in accordance with UDO standards and the applicable Insurance Service Office (ISO) standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the

maximum day domestic demand.

3. Wastewater: The Developer shall construct a wastewater collection and disposal system on the Property, permitted and approved by NCDEQ. It will be regulated by the North Carolina Utilities Commission and will apply for a Certificate of Public Necessity and Convenience. If an off-site wastewater service becomes available development on the Property may connect to the off-site wastewater service.

- k. Provisions Related to Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. Wetland buffers have been shown on the Master Plan and the Development plan honors those buffers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of the buffer areas other than incidental tree cutting and vegetation removal.

The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Currituck County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as periodic improvements to Rowland Creek both through the development, as well as a contribution to off-site maintenance.

Wind tides will be considered in the design of site grading, with structures located above the elevation of the historic wind tidal influence from Rowland Creek.

Section 5: This property shall be subject to the standards applicable for the Agriculture base zoning district of the Unified Development Ordinance and the Official Zoning Map.

Section 6: 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.

Section 7: This zoning map amendment shall be in effect from and after the 18th day of February, 2019.

IN WITNESS WHEREOF, the County has caused this zoning map amendment to be approved in its name.

ATTEST:

Clerk to the Board

Chairman
Board of Commissioners

Date

(NOT VALID UNTIL FULLY EXECUTED)

(SEAL)

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

STYLE:	<u>2-SIDED T.H.</u>	<u>TND T.H.</u>	<u>TND SF LOT</u>	<u>CONV. SF LOT</u>
Min Lot Size:	800 SF	1,800 SF	8,000 SF	10,000 SF
Typ. Lot Size:	800 SF	1,800 – 3,000 SF	8,000 – 10,000 SF	10,000 – 17,600 SF
Min. Lot Width:	22'	20'	50'	60'
Typ. Lot Width:	22' – 24'	20' – 25'	50' – 60'	65' – 100'
Front Setback:	N/A	20'	20'	20'
Side Setback:	0	0	10'	10'
Rear Setback:	N/A	20'	20'	25'
Corner Side Setback:	15'	15'	15'	15'
Maximum Setback:	N/A	25'	25'	35'
Maximum Height:	35'	35'	35'	35'
Maximum Bldg. Size:	4,800 SF	6,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	100%	40%	35%

SCHEDULE B
PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (Ac.)</u>	<u>DEVELOPMENT INTENSITY (D.U./Ac)</u>	<u>2-SIDED T.H.</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	22.8	3.07	32	11	23	4	70	Rowland Creek Drainage Improvements
2	26.5	1.70	-	-	18	27	45	Main Lake
3	13.8	2.54	-	14	21	-	35	Village Green & Clubhouse
4	16.8	3.51	-	26	10	23	59	Up to 22,000 SF Neighborhood Commercial
5	11.2	2.96	-	-	20	13	33	Swimming Pool
6	20.1	3.33	40	-	-	27	67	Multi-Use Path
7	17.8	4.10	-	40	-	33	73	
8	35.9	1.67	-	-	29	31	60	
9	24.4	1.52	-	-	-	37	37	
10	25.8	1.32	-	-	-	34	34	
Utility	<u>13.7</u>	<u>0</u>	—	—	—	—	—	
TOTALS	228.8	2.24	72	91	121	229	513	

SCHEDULE C
ROADWAY STANDARDS

<u>TYPE</u>	<u>R/W WIDTH</u>	<u>PAV' T . WIDTH</u> <u>(B -B)</u>
Boulevard w/on-street parking & bike lane	100' – 130'	35' each way
Local Road w/parking both sides	60'	43'
Local Road w/parking one side	50' – 55'	35
Local Road w/no parking	40'	27'
Alley	20' – 30'	20'

ABC BOARD
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
O. Vance Aydlett, Jr.	Consensus			11/21/16	1st 9/1/2019
David Griggs*	Consensus			5/16/2016	1st 2/16/2019
Harold Capps, Sr.	Consensus			01/18/2019	2nd 9/1/2021
Sybil O'Neal	Consensus			01/18/2019	1st 9/1/2021
Mike Payment	Consensus			Init Designation 2/2016	2/16/2019

Can Be Reappointed

Commissioner Payment serves on this Board

*Chairman-David Griggs designated June 6, 2016

**BOARD OF ADJUSTMENT
3-Year Terms**

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Cathy Bontemps-Alt	District 1		Bob White	08/06/2018	Unexpired Term 12/31/2020
Matthew Battey	District 2		Selina Jarvis	5/15/2017	Unexpired Term 12/31/2018
Zia Montessi	District 3	Resigned	Mike Payment	4/3/2017	1st Term 12/31/2019
Greg Hammer	District 4		Paul Beaumont	5/15/2017	1st Term 12/31/2019
Thom Roddy	District 5		Owen Etheridge	3/5/2018	Unexpired Term 12/31/2019
William Rawson-Alt	At Large	Resigned	Kevin McCord	6/18/2018	1st Term 12/31/2020
Troy Breathwaite	At-Large		Kitty Etheridge	12/4/2017	1st Term 12/31/2020

Must Be Replaced

PLANNING BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Ana Hilgendorf	District 1		Bob White	December 3, 2018	1st Term 12/31/2020
Garry Owens	District 2		Selina Jarvis	February 18, 2019	Unexp Term 12/31/2020
James Timothy Thomas	District 3		Mike Payment	February 18, 2019	2nd Term 12/31/2020
Bryan Bass	District 4		Paul Beaumont	February 18, 2019	Unexp Term 12/31/2020
Carol Bell	District 5		J. Owen Etheridge	January 4, 2016	2nd Term 12/31/2017
C. Shay Ballance	At-Large		Kevin McCord	February 18, 2019	2nd Term 12/31/2020
Joanne DiBello	At-Large		Kitty Etheridge	Nov 5, 2018	Unexp. 12/31/2019

Must be replaced

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	3/6/2017	1st 2/1/2019
Rita Ferebee	District 2		Selina Jarvis	8/6/2018	2nd 2/1/2020
Janet Lovell	District 3		Mike Payment	2/18/2019	2nd 2/1/2021
Michael Williams	District 4		Paul Beaumont	2/18/2019	1st 2/1/2021
Mary Ellen Maxwell	District 5		Owen Etheridge	4/3/2017	Unexp 2/1/2018
Betty Ann Fairchild	At-Large		Kevin McCord	8/20/2018	Unexp 2/1/2020
Alisa Hugdahl	At-Large		Kitty Etheridge	8/6/2018	Unexp 2/1/2020

Can Be Reappointed

Must be replaced

Commissioner Mary Etheridge Serves on this Board

WHALEHEAD STORMWATER DRAINAGE SERVICE DISTRICT ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
	Consensus			Dec 5, 2016	1st Term January 2019
Martin Kruelle					
	Consensus			Dec 5, 2016	1st Term January 2020
Lee Foreman					
	Consensus			Dec 5, 2016	1st Term January 2020
Jim Pruden					
	Consensus			Dec 5, 2016	1st Term January 2019
John J. McTear					
	Consensus			Dec 5, 2016	1st Term January 2019
Sid Wilson					

WHALEHEAD PROPERTY OWNERS' ASSOCIATION

Corolla, North Carolina

February 16, 2019

Chairman Bob White
Currituck County Board of Commissioners
Currituck, North Carolina 27929

Re: Vacancies on Whalehead Drainage District Advisory Board

Dear Chairman White:

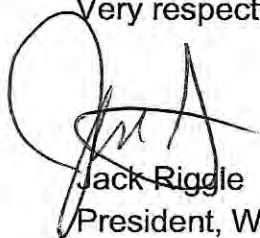
The terms of three members of the Whalehead Drainage District Advisory Board (Sid Wilson, John McTear, and Marty Kruelle) expired in January 2019. I recommend that Mr. Wilson and Mr. McTear be reappointed. Both are willing to serve another term.

Mr. Kruelle is unable to serve another term. I recommend that Larry Queen be appointed to replace Mr. Kruelle.

Mr. Queen is a permanent resident of Whalehead and has owned his property in Whalehead since 1972. He resides at 851 Whalehead Drive. He has been a member of the Whalehead Property Owners' Association for many years. He has a master's degree in electrical engineering and worked for IBM until he retired. He has experience serving on the architectural committee of another homeowners' association. He has attended the last two meetings of the Advisory Board as a visitor. He is familiar with the issues before the Advisory Board, and he is willing to serve as a member of the Board.

The Chairman of the Advisory Board, Lee Foreman, concurs in the above recommendations.

Very respectfully,



Jack Riggle
President, WPOA

Whalehead Property Owners' Association

252 202-9890

Jack@JackRiggle.com

Attachment: WPOA Drainage Advisory Board Nomination Letter (Board Appts-Whalehead Drainage Advisory)



**CURRITUCK COUNTY
NORTH CAROLINA**

February 18, 2019

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Court Security

The Board of Commissioners met in a work session to hear security enhancement suggestions for the county's judicial center building. Clerk of Court, Ray Matusko, and Sheriff Matt Beickert, attended the work session to present the security upgrades recommended after a safety assessment of the facility. Security modifications presented included installation of retractable barriers, relocation of existing metal detectors, additional security and screening personnel, and associated furniture and equipment. Enhanced screening processes for both general public and court attendees and the need for exterior modifications for public entry and handicap access. After presentation, Commissioners requested staff prepare a budget for Board consideration. The work session concluded at 5:23 PM.

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met in regular session at 6:00 PM in the Board Meeting Room of the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Bob White	Commissioner	Present	
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	

Chairman White called the meeting to order.

**A) Invocation & Pledge of Allegiance-Reverend Dawne Hollis-Custer, Currituck
United Methodist Charge**

Reverend Dawne Hollis-Custer attended to offer the Invocation and lead the Pledge of Allegiance.

Communication: Minutes for February 18, 2019 (Approval Of Minutes for February 18, 2019)

B) Approval of Agenda

Commissioner Mary Etheridge made a motion to amend the agenda by moving Item 5 of the Consent Agenda, Resolutions Approving Amendments to the Albemarle Commission, to New Business. The motion was seconded by Commissioner Payment and the agenda was unanimously approved. (Note: An additional item was added and acted upon after the Board returned from closed session.)

Approved agenda:

Work Session

5:00 PM Court Security

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Reverend Dawne Hollis-Custer, Currituck United Methodist Charge

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.

Commissioner's**Report****Public Hearings**

A) **PB 08-48 Cape Currituck (Horgan/Mason):** PB 08-48 Cape Currituck (Horgan/Mason): Amended Conditional District-Planned Unit Development Zoning Overlay to decrease the number of dwelling units/density, canal realignment, reduce wetland fill, and reorient development layout on property located at 291 West Side Lane, Powells Point, Poplar Branch Township, Parcel Identification Numbers 0112-000-003B-0000 and 0112-000- 003C-0000.

B) **Public Hearing and Consideration of Resolution Authorizing Purchase and Sale Agreement and Conveyance of Maple Commerce Park Lot 9 to BEI Tactical, LLC**

Old Business

A) **Consideration and Action: Review and Adoption of**

Ordinance for Conditional Zoning, PB 18-23-Fost Tract**New Business****A) Consideration of Bid Award: Corolla Greenway, Phase V****B) Board Appointments**

1. ABC Board
2. Historic Preservation Commission
3. Planning Board Appointments
4. Recreation Advisory
5. Senior Citizens Advisory

C) Amended-Resolutions Approving Amendments to Albemarle Commission Charter and Commission Member Appointments**D) Consent Agenda**

1. Approval Of Minutes for February 4, 2019
2. Budget Amendments
3. Surplus Resolution-Animal Services and Control
4. Surplus Resolution-Tax Department
5. NC Department of Public Safety-No-Cost Lease Agreements-Adult & Juvenile Probation
6. Job Description Revision-Telecommunicator I

E) County Manager's**Report****Closed Session**

Closed Session Pursuant to G. S. 143-318.11(a)(3) to Consult With the County Attorney and to Preserve the Attorney-Client Privilege

Adjourn

- 1) **Amended Item: Consideration of Resolution Approving a Memorandum of Agreement between The Currituck Club Property Owners and Ocean Club Centre Owners**

Communication: Minutes for February 18, 2019 (Approval Of Minutes for February 18, 2019)

RESULT: APPROVED [UNANIMOUS]
MOVER: Mary "Kitty" Etheridge, Commissioner
SECONDER: Mike H. Payment, Vice Chairman
AYES: Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, 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.

No one was signed up nor wished to speak at Public Comment.

COMMISSIONER'S REPORT

Chairman White announced an upcoming meeting on Currituck County Airport facility operations and projects. Assistant County Manager, Ben Stikeleather, will attend to provide information and answer questions from airport stakeholders. Chairman White said two House Bills recently introduced in the legislature by State House Representative Bobby Hanig would address isolated schools and school transportation, and would likely provide financial relief to the county school system.

Commissioner Mary Etheridge encouraged people to visit the Historic Jarvisburg Colored School museum in celebration of Black History Month, as it is open to the public and depicts a history of rural life in Currituck County.

Commissioner McCord offered condolences to the Walker family on the recent loss of their son, and thanked the hundreds who attended the services for their support.

Commissioner J. Owen Etheridge recalled earlier discussion at the January Board retreat and asked that a local bill be submitted to the legislature to allow county access to provide maintenance and clearing for ditches and waterways.

PUBLIC HEARINGS

A. PB 08-48 Cape Currituck (Horgan/Mason):

APPLICATION SUMMARY	
Property Owner: Denny Horgan and Donna Mason 291 West Side Lane Powells Point NC 27966	Applicant: Denny Horgan and Donna Mason 291 West Side Lane Powells Point NC 27966
Case Number: PB 08-48	Application Type: Amended Conditional District - Planned Unit Development Zoning Overlay
Parcel Identification Numbers: 0112-000-003B-0000, 0112-000-003C-0000	Existing Use: Single-Family Dwelling, Agricultural
Land Use Plan Classification: Full Service and Conservation	Parcel Size (Acres): 120.15
Zoning History: A (1989) rezoned to CD-PUD (2008)	Access: West Side Lane (SR 1112)
Utilities: County Water/Private WWTP	Stormwater: Multiple manmade wetland pockets, wet detention basins, and permeable pavement

	throughout the development
Plan Request: Decrease the number of dwelling units/density, canal realignment, reduce wetland fill, and reorient types of dwelling units to improve transition from this development to Kilmarlic Subdivision single-family dwelling lots.	

STAFF ANALYSIS

The Board of Commissioners approved a conditional rezoning request (A to CD-PUD Overlay) in 2008 for this property. The CD-PUD Overlay included 237 mixed residential units, a small commercial hub, boat marina, public boat ramp, and associated infrastructure improvements. During the permitting process, the applicant was notified that the proposed waterway connection to the Albemarle Sound was not a desired alignment by State and Federal agencies. Based on that feedback, the master plan has been redesigned to reflect a new access to the sound and a new project layout. Due to the time between the previous approval and the current revised master plan, wetlands were reassessed with the appropriate State and Federal agencies. Changes to the wetland boundaries significantly impacted the uplands available for development and required an overall decrease in the number of units in the previously approved plan.

The proposed amended plan includes a total of 160 mixed residential units with a residential density of 1.33 dwelling units per acre. The project also has neighborhood serving retail uses, a restaurant, traditional uses associated with a full-service marina, and associated infrastructure that includes a small, wastewater treatment plant that serves the project. The development is predicated on a public access marina, including boat ramp, with a realigned access canal to the Albemarle Sound. The project is positioned to take boat traffic from the Intracoastal Waterway (ICW) which traverses just offshore from the proposed project. The marina will provide approximately 208 boat slips for use by the general public, visitors, and ICW traffic.

The approved master plan included approximately 2.7 acres of wetland fill. Because of the reduction in density and site redesign, the proposed wetland fill impact for upland development is 0.48 acres which includes filling for road crossings. Wetland fill will be permitted and mitigated through the appropriate State and Federal agencies. The amended plan also includes a better transition from Kilmarlic Subdivision by placing the single-family condo style housing units closer to that neighborhood. Lot 175 within Kilmarlic Club Phase II is the only lot that directly abuts the proposed planned development. At this location, all buildings have been placed approximately 45 feet from the residential property line. A minimum 10 feet wide vegetated buffer will be provided along the adjacent properties zoned residential. All commercial development has been centralized within the community and will not be adjacent to the existing residential development.

The previously approved plan showed no permanent structures built within 100' of the mean high water mark. The proposed plan reduces that setback to 30' which matches the UDO 30' required riparian buffer. The previous plan required waterfront property within 100' of mean high water mark to remain in common open space. The proposed plan reduces that open space measurement to 30' of the normal water level. This is consistent with the UDO requirement that riparian buffers remain as open space.

Community concern has been expressed regarding West Side Lane (SR 1112) being used to access the development. West Side Lane is an NCDOT maintained road and NCDOT expressed no concern for the increased traffic on West Side Lane during their review process. Internal pedestrian circulation will be provided throughout the development and to all commercial areas. Golf cart and bicycle parking will be provided at the proposed commercial hub to encourage alternative transportation methods.

RECOMMENDATIONS

Technical Review Committee

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

following conditions:

1. Staff is concerned with the maneuverability of vehicles pulling boat trailers (turning radius) at the public boat ramp, lack of vehicle hauling boat trailer parking at the ramp, and the distance from the ramp to the boat trailer parking lot. (Planning) UPDATE FROM APPLICANT: *The drive aisles within the boat ramp parking lot are currently 32'-35' wide to allow for a boat maneuvering and access. AutoTURN has been run using a vehicle length of 19' and boat length of 32' (with an anticipated 11' wheel base). The steering lock angle was assumed at 31.6 degrees. Based on the results of the AutoTURN, simulation areas of the site have been widened and radii enlarged as necessary. Boat and trailer parking remains proposed adjacent to the proposed wastewater treatment plant.* STAFF NOTE: Staff is satisfied with the maneuverability of the vehicles pulling boat trailers at the public boat ramp. Staff remains concerned regarding the distance from the boat ramp to the vehicle/boat parking area (approximately four-tenths of a mile).
2. A CAMA Major Permit will be required for project development. For permitting assistance, please contact Ron Renaldi, DCM Field Representative at 252-264-3901. (CAMA) UPDATE FROM APPLICANT: *Acknowledged. A CAMA Major Permit is being prepared and will be submitted for review prior to the anticipated Board of Commissioners meeting date of December 3, 2018.*
3. Page 3 of the Site Narrative indicates that the proposed subdivision is predicated on a marina being constructed that offers a connection to the Albemarle Sound, however Page 8 indicates that permitting for the marina will occur in Phase 2---after 43 units and associated improvements for those units are installed in Phase 1. It is recommended that permitting for the marina occur in Phase 1. (CAMA) UPDATE FROM APPLICANT: *Acknowledged.*

SURROUNDING PARCELS		
	Land Use	Zoning
North	Undeveloped	AG
South	Albemarle Sound	n/a
East	Kilmarlic Subdivision/Undeveloped	SFM/AG
West	Undeveloped	AG

LAND USE PLAN	
The 2006 Land Use Plan classifies this site as Full Service and Conservation within the subarea. The policy emphasis for the Point Harbor subarea is to allow this area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and the natural features that make the area so attractive. Vegetative buffers should be required/maintained along shorelines to preserve public access and open space at the waters edge and to protect water quality in the sound. The proposed plan is in keeping with the policies of the plan, some of which are:	
Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.
Policy PA1	Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
Policy PA5	PUBLIC AND PRIVATE MARINAS offering access to area waters should be encouraged when developed in accordance with the CAMA specific use standards for marinas (i.e. docks for more than 10 vessels). Marinas shall not be approved, however, that are incompatible with nearby land uses or whose designs fail to meet the environmental quality and development standards of the County's Unified Development Ordinance.
Policy CD8	MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and

	design, are encouraged.
Policy WQ6	Currituck County supports the retention or preservation of VEGETATED BUFFERS along the edge of drainage ways, streams and other components of the estuarine system as an effective, low cost means of protecting water quality.
Policy ML3	The interests of Mainland Area residents in having ACCESS TO THE AREA'S OCEAN AND ESTUARINE WATERS shall be fostered through County actions to increase the number of additional public access sites at a rate commensurate with the population growth of the Currituck County. Included in the actions taken to increase public access shall be a consideration given to transportation needs, including boat docks and ferry services.
Policy ES2	NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species.
Policy WQ5	Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. COASTAL AND NON-COASTAL WETLANDS shall not be considered part of a lot's acreage for the purpose of determining minimum lot size or development density.

CONSISTENCY AND COMPATIBILITY STATEMENT

This amended CD - Planned Unit Development Zoning request is consistent with the goals, objectives, and policies of the Land Use Plan, is compatible with existing and proposed uses surrounding the land subject to the application, and is an appropriate zoning district and use for the land.

CONDITIONS OF APPROVAL

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

Agreed upon conditions of approval:

Staff recommends that the conditions approved in 2008 remain in effect with the following revisions:

Uses

1. Limited to mixed residential uses, neighborhood serving retail uses, restaurants, and those traditional uses associated with a marina, and other items contained in the Currituck Marina Conceptual Plan.
2. Maximum gross residential density shall not exceed 2.0 dwelling units per acre.
3. No more than 50 residential dwelling units shall receive a certificate of occupancy prior to the public marina being fully permitted and approved by any local, state, and federal regulatory or permitting agency. **The board may wish to discuss revising this number with the applicant since total lot count has dropped from 237 residential dwelling units to 160 residential dwelling units*
4. No more than 100 residential dwelling units shall receive a certificate of occupancy prior to the marina being fully operational and open to the public. **The board may wish to discuss revising this number with the applicant since total lot count has dropped from 237 residential dwelling units to 160 residential dwelling units.*
5. No more than 150 residential dwelling units shall receive a certificate of occupancy prior to the commercial components of the request being approved and fully constructed. **The board may wish to discuss revising this number with the applicant since total lot count has dropped from 237 residential dwelling units to 160 residential dwelling units.*

Transportation

1. Multimodal pathways a minimum of six feet in width shall be provided throughout the development. This shall include interconnected sidewalks, bikeways and natural trails.
2. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways.

Landscaping/Screening

1. All inland, non-tidal and coastal wetlands **not proposed to be filled** shall remain undisturbed in accordance with the Currituck Marina Conceptual Plan. Delineated CAMA, 404, and 401 wetlands shall be placed in a conservation easement or preservation trust preventing individual ownership or development.
2. There shall be no development, land disturbing **(other than excavation of access channel, restoration or enhancement of natural ecosystems and management of invasive species)**, or logging activities in areas designated by the 2006 Land Use Plan as Conservation in accordance with the Currituck Marina Conceptual Plan. This shall not preclude elevated walkways, utilities, or other necessary public improvements.
3. A combination of Low Impact Development (LUD) techniques such as cisterns, pervious materials, stormwater rain gardens, and soft stabilization of the marina basin shall be utilized as approved by the County Engineer.
4. Existing mature trees within 300 feet of the mean high water mark or 100 feet of any adjacent property line shall be identified as a tree conservation area and be preserved to the extent practicable.
5. When developing within 300 feet of the shoreline, precedence should be given to "soft" stabilization approaches including but not limited to preservation of existing vegetation, creation of natural, living shorelines for areas needing stabilization, and establishment of vegetative buffers.
6. In commercial areas every parking space shall be entirely located within 120 feet of a landscape island containing a minimum of 2 canopy trees, a minimum of 2 inches in caliper at time of planting. Landscape islands shall be a minimum of 10 feet in width and 400 square feet in size.
7. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided at a rate of 100 square feet for every 2,000 square feet of gross floor area.

Site Design/Architectural

1. The proposed development will be in accordance with the Currituck Marina conceptual site plan dated **(final plan date)**.
2. Maximum size of an individual commercial building shall not exceed 10,000 square feet of gross floor area.
3. Residential structures shall include vertical and horizontal relief in buildings, including but not limited to façade articulation and other architectural elements that add visual interest; variation in exterior architectural materials or styles; and, inclusion of front porches, projecting bays, or vestibules.
4. Commercial structures, including mixed use structures, shall be subject to the following requirements:
 - a. Building facades shall incorporate the traditional architectural style or vernacular of the general area.
 - b. Large expanses of blank walls shall be avoided. Facades shall incorporate architectural elements that add visual interest, including but not limited to variation in exterior materials; functioning windows and doorways; and, projecting elements such as eaves, cornices, canopies, bays, shadow lines, overhangs, porticos and colonnades.
 - c. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent material or on elevations not visible from a right-of-way or area designated for residential uses.

Water Access

1. Public access to the waterfront and Albemarle Sound shall be required and include at a

- minimum a marina, public boat launching and parking, and multimodal pathways.
2. The marina shall include docking for a minimum of ten vessels.
 3. The marina shall participate and become a Certified Clean Marina in the North Carolina Clean Marina program.
 4. No permanent structures shall be built within 100 30 feet of the mean high water mark normal water level, or on or over a pier.
 5. Waterfront property within 100 30 feet of the mean high water mark normal water level shall remain in common open space.

Suggested condition of approval:

1. That the truck with trailer parking be moved closer to the public boat ramp, a method of transportation be provided to get visitors the approximate four-tenths of a mile from the truck with trailer parking lot to the board ramp, or a clearly visible pedestrian pathway be delineated from the truck with trailer parking lot to the boat ramp.

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

Agreed upon conditions of approval:

Planning Board recommends that the conditions approved in 2008 remain in effect with the following revisions:

Uses

1. Limited to mixed residential uses, neighborhood serving retail uses, restaurants, and those traditional uses associated with a marina, and other items contained in the Currituck Marina Conceptual Plan.
2. Maximum gross residential density shall not exceed 2.0 dwelling units per acre.

Transportation

3. Multimodal pathways a minimum of six feet in width shall be provided throughout the development. This shall include interconnected sidewalks, bikeways and natural trails.
4. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways.

Landscaping/Screening

5. All inland, non-tidal and coastal wetlands not proposed to be filled shall remain undisturbed in accordance with the Currituck Marina Conceptual Plan. Delineated CAMA, 404, and 401 wetlands shall be placed in a conservation easement or preservation trust preventing individual ownership or development.
6. There shall be no development, land disturbing (other than excavation of access channel, restoration or enhancement of natural ecosystems and management of invasive species), or logging activities in areas designated by the 2006 Land Use Plan as Conservation in accordance with the Currituck Marina Conceptual Plan. This shall not preclude elevated walkways, utilities, or other necessary public improvements.
7. A combination of Low Impact Development (LUD) techniques such as cisterns, pervious materials, stormwater rain gardens, and soft stabilization of the marina basin shall be utilized as approved by the County Engineer.
8. Existing mature trees within 300 feet of the mean high water mark or 100 feet of any adjacent property line shall be identified as a tree conservation area and be preserved to the extent practicable.
9. When developing within 300 feet of the shoreline, precedence should be given to "soft" stabilization approaches including but not limited to preservation of existing vegetation, creation of natural, living shorelines for areas needing stabilization, and establishment of vegetative buffers.

10. In commercial areas every parking space shall be entirely located within 120 feet of a landscape island containing a minimum of 2 canopy trees, a minimum of 2 inches in caliper at time of planting. Landscape islands shall be a minimum of 10 feet in width and 400 square feet in size.
11. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided at a rate of 100 square feet for every 2,000 square feet of gross floor area.

Site Design/Architectural

12. The proposed development will be in accordance with the Currituck Marina conceptual site plan dated (final plan date).
13. Maximum size of an individual commercial building shall not exceed 10,000 square feet of gross floor area.
14. Residential structures shall include vertical and horizontal relief in buildings, including but not limited to façade articulation and other architectural elements that add visual interest; variation in exterior architectural materials or styles; and, inclusion of front porches, projecting bays, or vestibules.
15. Commercial structures, including mixed use structures, shall be subject to the following requirements:
 - a. Building facades shall incorporate the traditional architectural style or vernacular of the general area.
 - b. Large expanses of blank walls shall be avoided. Facades shall incorporate architectural elements that add visual interest, including but not limited to variation in exterior materials; functioning windows and doorways; and, projecting elements such as eaves, cornices, canopies, bays, shadow lines, overhangs, porticos and colonnades.
 - c. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent material or on elevations not visible from a right-of-way or area designated for residential uses.

Water Access

16. Public access to the waterfront and Albemarle Sound shall be required and include at a minimum a marina, public boat launching and parking, and multimodal pathways.
17. The marina shall include docking for a minimum of ten vessels.
18. The marina shall participate and become a Certified Clean Marina in the North Carolina Clean Marina program.
19. No permanent structures shall be built within **100 30** feet of the mean high water mark normal water level, or on or over a pier.
20. Waterfront property within **100 30** feet of the mean high water mark normal water level shall remain in common open space.

Suggested condition of approval that must be agreed upon:

1. That the truck with trailer parking be moved closer to the public boat ramp, a method of transportation be provided to get visitors the approximate four-tenths of a mile from the truck with trailer parking lot to the board ramp, or a clearly visible pedestrian pathway be delineated from the truck with trailer parking lot to the boat ramp. *NOTE: At the Planning Board meeting the applicant offered a shuttle service or an ADA compliant walkway from the parking area to the boat ramp. The Planning Board was agreeable to either option.*
2. No more than **50 30** residential dwelling units shall receive a certificate of occupancy prior to the public marina being fully permitted and approved by any local, state, and federal regulatory or permitting agency.
3. No more than **100 60** residential dwelling units shall receive a certificate of occupancy prior to the marina being fully operational and open to the public.
4. No more than **150 100** residential dwelling units shall receive a certificate of occupancy prior to the commercial components of the request being approved and fully constructed.

PLANNING BOARD MEETING 12/11/2018

RESULT: RECOMMENDED APPROVAL WITH PLANNING BOARD RECOMMENDED CHANGES [UNANIMOUS]

AYES: Anamarie Hilgendorf, Board Member, Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member

ABSENT: Carol Bell, Board Member, Joanne M. DiBello, Board Member, J. Timothy Thomas, Board Member

MOTION: Mr. Craddock motioned to approve PB 08-48 Cape Currituck for the conditional rezoning with the agreed upon conditions since total number of dwellings has reduced with no more than 30 residential dwelling units shall receive a certificate of occupancy prior to the public marina being fully permitted and approved by any local, state, and federal regulatory or permitting agency, no more than 60 residential dwelling units shall receive a certificate of occupancy prior to the marina being fully operational and open to the public and no more than 100 residential dwelling units shall receive a certificate of occupancy prior to the commercial components of the request being approved and fully constructed. Also, to include the pedestrian walkway between the parking and the boat ramp with additional signage to prevent pedestrian danger.

Ms. Overstreet seconded the motion and the motion carried unanimously.

PLANNING BOARD DISCUSSION 12/11/2018: Senior Planner, Tammy Glave presented the staff report. Ms. Glave said staff is recommending approval. The number of dwelling units will be reduced from 237 to 160 which will reduce the density. The applicants are putting in extra buffers that are not required. All the conditions of approval remain the same except two are changing - Ms. Glave referenced the conditions in the staff report for the changes being underlined (below).

Landscaping/Screening

1. All inland, non-tidal and coastal wetlands ***not proposed to be filled*** shall remain undisturbed in accordance with the Currituck Marina Conceptual Plan. Delineated CAMA, 404, and 401 wetlands shall be placed in a conservation easement or preservation trust preventing individual ownership or development.

2. There shall be no development, land disturbing (***other than excavation of access channel, restoration or enhancement of natural ecosystems and management of invasive species***), or logging activities in areas designated by the 2006 Land Use Plan as Conservation in accordance with the Currituck Marina Conceptual Plan.

This shall not preclude elevated walkways, utilities, or other necessary public improvements.

Ms. Glave said one of staff's concerns was the parking area being a long distance from the boat ramp. Staff would like a walking path from this area with signs for pedestrian safety.

Mr. Craddock asked if there was adequate space for turning in this parking area and Ms. Glave said yes, the applicant has run software to show this is adequate.

Cathleen Saunders with Quible & Associates came before the board to represent the applicant. She said they are reducing the units to 160 and making the design more environmentally friendly with a 30 foot buffer and 42 acre environmental area. Wet pavers will be used to address wet areas. At the community meeting the key concerns was the use of West Side Lane as an entrance and she said they have to use this because of the wetlands. NCDOT was onsite and they are in agreement that using this road as the entrance is compliant with their standards. The boat ramp was not something that we wanted, but was a requirement made by the Board of Commissioners. The wastewater area was flipped with the parking area so it would be farther away from the adjoining properties. As far as the distance of the parking area from the boat ramp, shuttles have been considered.

Chairman Whiteman asked for if there were any persons wishing to speak in opposition.

Tom Voorhees of Duncans Way, Powells Point, said he is the Kilmarlic board representative and they are concerned about the amount of traffic for West Side Lane. He said there are no lights or

sidewalks and this causes safety concerns for people walking in the neighborhood.

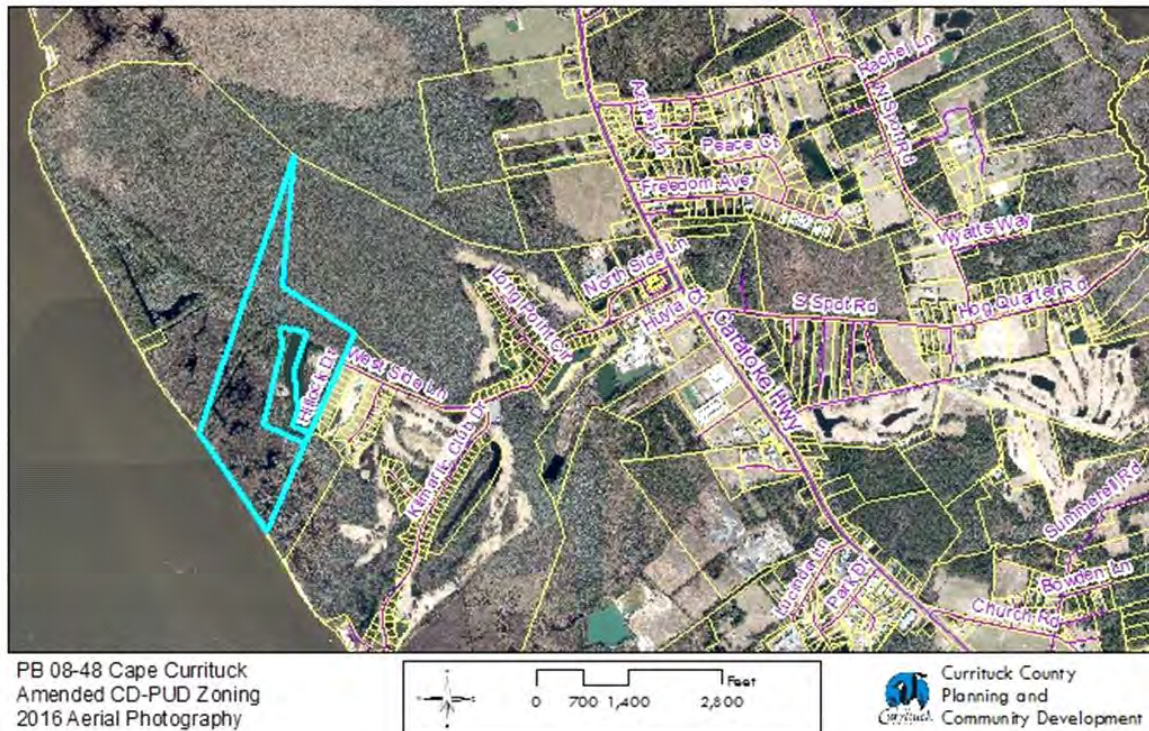
Warren Eadus with Quible & Associates gave their rebuttal. He said they have spoken with NCDOT about having speed bumps put on the road and this is not favorable due to emergency services having to have a quick access if needed.

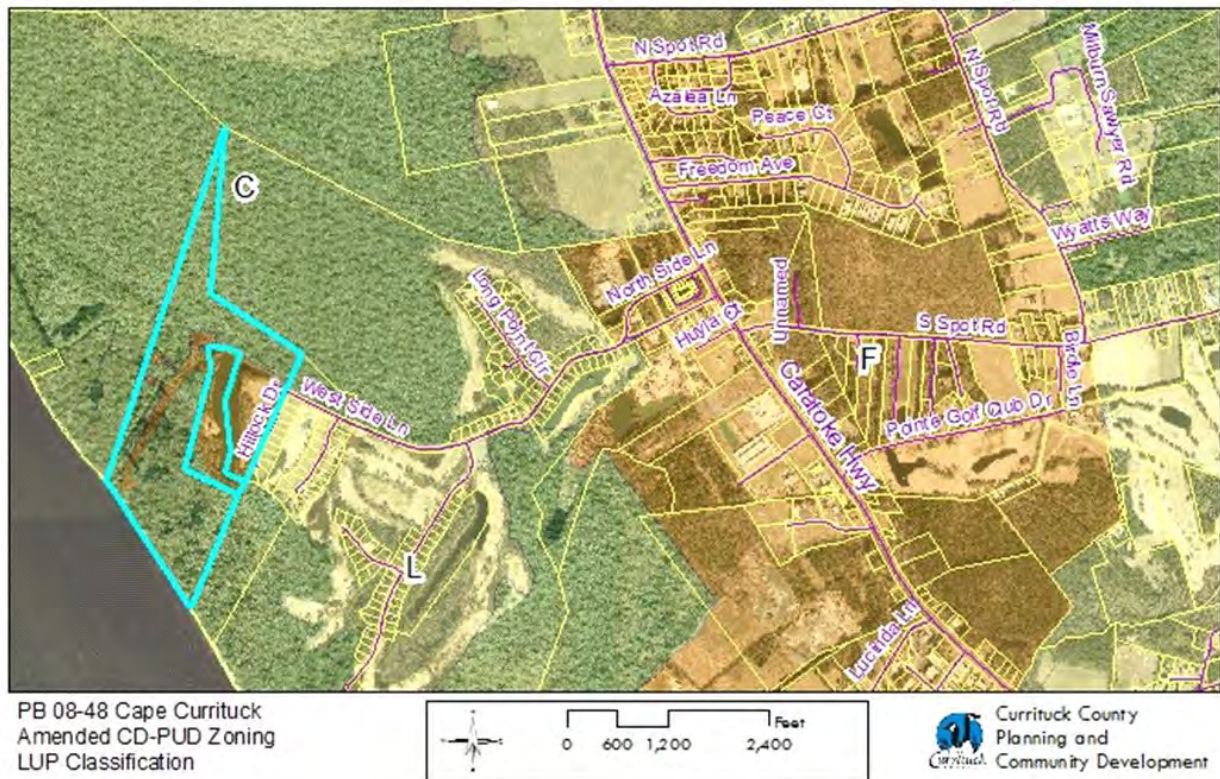
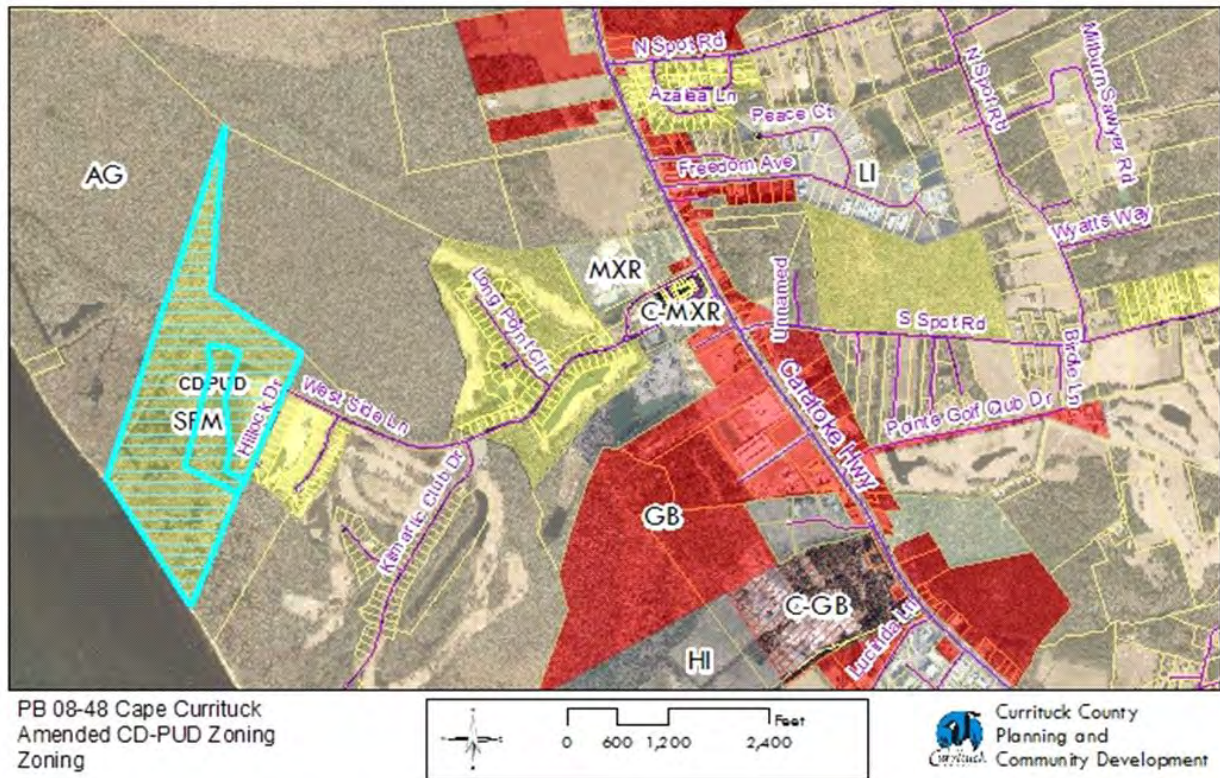
Ray Bruce, a Kilmarlic resident, spoke in opposition. He said he is concerned with flooding and evacuation of his property if needed.

Mr. Eadus said they have addressed the flooding concerns and there will be a softened shoreline and elevated homes.

Mr. Craddock asked if West Side Lane was a state maintained road and Ms. Glave said yes. Mr. Craddock said since it is a state maintained road, shouldn't the residents be taking up their concerns with NCDOT and Ms. Glave affirmed his statement.

More discussion was held concerning the distance of the boat ramp and parking area. Ms. Hilgendorf was in favor of an ADA compliant walkway between the two areas. Mr. Craddock asked if the applicant will agree to walkways and signage. Mr. Eadus said they are willing to do a walkway.





Planning and Community Development Director, Laurie LoCicero, reviewed the application

to amend the Conditional District Planned Unit Development (CD-PUD) originally approved by the Board of Commissioners in 2008. Using the overhead, Ms. LoCicero displayed maps of the project location and the original approved layout. She reviewed the conditions set at that time, presented the amendments to the original plan, and displayed a comparison chart with both the old and new proposal. Conditions and phases for construction included in the current plan were presented. Ms. LoCicero said both the Technical Review Committee and Planning Board recommended approval. Planning Board modifications were presented, as were counter-recommendations made by the applicant.

Construction design elevations were displayed and Ms. LoCicero responded to several questions posed by Commissioners. She said the applicant is still in the process of working to find the best canal design for approval of final permits and confirmed Phase I building could take place prior to receipt of final permits for marina construction.

Warren Eadus, Engineer for Quible and Associates, spoke on behalf of the owners and developers of Cape Currituck. He said they are still moving through the process for permitting through the Army Corps of Engineers and Coastal Management. Mr. Eadus said they want to build the marina, and they are asking to reduce what has already been approved, lessening the project's environmental impact and bringing it up to today's standards in the Unified Development Ordinance.

Mr. Eadus responded to questions from the Board, discussed the challenges with the project, and presented a 2 month timeline for submittal of permitting applications followed by an estimated 120-150 for approvals.

Developer, Timothy Morrison, spoke on behalf of the project. He began with the project's history and said the economy in 2008 didn't support it. Mr. Morrison said initial sale of homes could not be advertised as a marina. He talked of the recent scoping meetings with the various permitting agencies. Mr. Morrison, when asked, said he would be agreeable to securing necessary federal and state permits prior to the start of construction if it means Board approval.

Chairman White called for a brief recess at 7:01 PM. The meeting was reconvened at 7:07 PM.

Chairman White opened the Public Hearing.

Property owner, Denny Horgan, spoke in favor of the project. He described the layout of the property he has owned for 19 years. He said the project would be good for the county, and there is no other place on the Albemarle Sound where this project could be done. Mr. Morrison returned and said presently, there is the ability to launch boats from the property.

No one else was signed up nor wished to speak. Chairman White closed the Public Hearing.

Commissioner Payment moved to approve PB 08-48, Cape Currituck Amended CD-PUD because the request is consistent with the Land Use Plan, because:

- The policy emphasizes the Point Harbor subarea to allow this area to continue to evolve as a full-service community.
- The amended plan is consistent with policies in the Land Use Plan, including policies PA1, PA5, CD8, WQ6, ML3, WQ5.

The request is reasonable and in the public interest because:

- It is consistent with the goals, objectives and policies of the Land Use Plan
- It is an appropriate zoning district for the use of the land

Agreed upon conditions of approval:

- Uses: Limited to mixed residential use; a max density shall not exceed 2.0 dwelling units per acre.
- Transportation: Multimodal pathways and shall include interconnected walkways, bikeways and natural trails; internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways.
- Landscaping/Screening: All inland, non-tidal and coastal wetlands not proposed to be filled shall remain undisturbed in accordance with the Currituck Marina Conceptual Plan. Delineated CAMA 404 and 401 wetlands shall be placed in a conservation easement or preservation trust preventing individual ownership or development; there shall be no development, land disturbing, or logging activities in areas designated by the 2006 Land Use Plan as Conservation in accordance with the Currituck Marina Conceptual Plan. This shall not preclude elevated walkways, utilities or other necessary public improvements; a combination of Low Impact Development techniques such as cisterns, pervious materials, stormwater rain gardens, and soft stabilization of the marina basin shall be utilized as approved by the County Engineer; existing mature trees within 300 feet of the mean high water mark or 100 feet of any adjacent property line shall be identified as a tree conservation area and be preserved to the extent practicable; when developing within 300 feet of the shoreline, precedence should be given to "soft" stabilization approaches including but not limited to preservation of existing vegetation, creation of natural, living shorelines for areas needing stabilization, and establishment of vegetative buffers; in commercial areas every parking space shall be entirely located within 120 feet of a landscape island containing a minimum of 2 canopy trees, a minimum of 2 inches in caliper at time of planting. Landscape islands shall be a minimum of 10 feet in width and 400 square feet in size; in commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided at a rate of 100 square feet for every 2000 feet of gross floor area.
- Site design/architectural: The proposed development will be in accordance with the Currituck Marina conceptual site plan dated 2018 or later; maximum size of an individual commercial building shall not exceed 10,000 square feet of gross floor area; residential structures shall include vertical and horizontal relief in buildings, including but not limited to façade articulation and other architectural elements that add visual interest. Variation in exterior architectural materials or styles, and inclusion of front porches, projecting bays, and vestibules;

commercial structures, including mixed use structures, shall be subject to the following requirements:

1. Building facades shall incorporate the traditional architectural style or vernacular of the general area.
 2. Large expanses of blank walls shall be avoided. Facades shall incorporate architectural elements that add visual interest, including but not limited to variation in exterior materials, functioning windows and doorways, and projecting elements such as eaves, cornices, canopies, bays, shadowlines, overhangs, porticos and colonnades.
 3. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent material or on elevations not visible from a right-of-way or area designated for residential uses.
- Water Access: Public access to the waterfront and Albemarle Sound shall be required and include at a minimum a marina, public boat launching and parking, and multimodal pathways; the marina shall include docking for a minimum of ten vessels; the marina shall participate and become a Certified Clean Marina in the North Carolina Clean Marina program; no permanent structures shall be built within 30 feet of normal water level, or on or over a pier; waterfront property within 30 feet of the normal water level shall remain in common open space.
 - That the truck with trailer parking be moved closer to the public boat ramp, a method of transportation be provided to get visitors the approximate four-tenths of a mile from the truck with trailer parking lot to the board ramp, or a clearly visible pedestrian pathway be delineated from the truck with trailer parking lot to the boat ramp.
 - Include in the motion moving from Phase II to Phase I: require that all appropriate permits for construction including all state, local and federal be obtained prior to any construction of Phase I. The rest of Phase II would remain intact. Include all terms and conditions of the 2008 approval and staff recommendations for residential dwellings: no more than 100 residential dwelling units shall receive a certificate of occupancy prior to the marina being fully operational and open to the public and no more than 150 residential dwelling units shall receive a certificate of occupancy prior to the commercial components of the request being approved and fully constructed.

Commissioner Payment also clarified the motion states no construction may take place until all permits are obtained, marina construction will remain part of Phase II, and an ADA compliant walkway from the parking area to the boat ramp is to be included.

The motion was seconded by Commissioner McCord. The motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

B. Public Hearing and Consideration of Resolution Authorizing Purchase and Sale Agreement and Conveyance of Maple Commerce Park Lot 9 to BEI Tactical, LLC

County Attorney, Ike McRee, presented information on the renewal of a purchase and sale agreement between Currituck County and Brotherhood Enterprise International (BEI), LLC, in the amount of \$401,700.00 for Lot #9 in Maple Commerce Park. The renewal documents call for closing to take place on or before December 31, 2019. Mr. McRee reviewed the advertising and public hearing requirements followed, per state statute.

Chairman White opened the Public Hearing.

Larry Lombardi, Currituck County Economic Development Director, addressed Commissioners and distributed a hard-copy document with information about the company, BEI. He said the company is looking to construct a facility to house infrastructure to perform maritime safety and water survival training and certification. Mr. Lombardi said the facility will have a tremendous impact, as all of this training is currently performed overseas.

No one else was signed up nor wished to speak and the Public Hearing was closed.

Mr. McRee suggested the documents be revised to replace the company name, BEI Tactical, LLC, with Brotherhood Enterprise International, LLC, the official corporate name.

There was no further review and Commissioner Beaumont moved to approve the Resolution Authorizing the Purchase and Sale Agreement and Conveyance of Maple Commerce Park Lot #9 to BEI, LLC, Brotherhood Enterprise International. Commissioner McCord seconded the motion. The motion passed unanimously.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA AUTHORIZING SALE OF PROPERTY HELD FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO SECTION 158-7.1 OF THE GENERAL STATUTES OF NORTH CAROLINA TO BEI TACTICAL, LLC

WHEREAS, N.C. Gen. Stat. §158-7.1 authorizes a county to undertake an economic development project by conveying the property to a company in order to cause the company to locate or expand its operations within the county; and

Communication: Minutes for February 18, 2019 (Approval Of Minutes for February 18, 2019)

WHEREAS, Currituck County is the owner and developer of Maple Commerce Park, Lot 9; and

WHEREAS, Currituck County and BEI Tactical, LLC have engaged in negotiation for the conveyance of Maple Commerce Park Lot 9, to the end that BEI Tactical, LLC may construct a training facility on the tract and have reached tentative agreement on the terms of the conveyance; and

WHEREAS, the Currituck County Board of Commissioners has held a public hearing to consider whether to approve conveyance of the Maple Commerce Park Lot 9 to BEI Tactical, LLC.

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

Section 1. The Chairman of the Board of Commissioners and the County Manager are authorized to execute the necessary documents to convey to BEI Tactical, LLC the real property more particularly described as follows:

All of that parcel of land described as "Lot 9" on a map or plat entitled "Maple Commerce Park, Maple, North Carolina, Crawford Township, Currituck County" prepared by Hyman & Robey, PC, July 25, 2013 and recorded in Plat Cabinet N, Page 2 of the Currituck County Registry which map or plat is incorporated herein by reference as if fully set out.

Section 2. The conveyance of Maple Commerce Park Lot 9 is expected to enhance the local economy, promote business and result in the creation of jobs in Currituck County.

Section 3. As consideration for the conveyance of Maple Commerce Park Lot 9, BEI Tactical, LLC will pay \$401,700.00 at closing. The facility to be constructed by BEI Tactical, LLC is expected to generate property tax revenues, when combined with consideration paid at closing, in an amount that will return to the county the appraised tax value of the property or \$401,700.00.

Section 4. This resolution is effective upon its adoption and supersedes any prior or conflicting resolution.

ADOPTED the 18th day of February, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

OLD BUSINESS

A. Consideration and Action: Review and Adoption of Ordinance for Conditional Zoning, PB 18-23-Fost Tract

Communication: Minutes for February 18, 2019 (Approval Of Minutes for February 18, 2019)

Due to the complexity of the motion made at the February 18, 2019, meeting for the Fost Tract rezoning, parties have agreed to continue the item to the March 4, 2019, meeting to allow time for a thorough review the motion document.

RESULT:	CONTINUED [UNANIMOUS]	Next: 3/4/2019 6:00 PM
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner	

NEW BUSINESS

A. Consideration of Bid Award: Corolla Greenway, Phase V

Eileen Wirth, Project Coordinator, attended to review the bids and make the recommendation for construction of the Phase V portion of the Corolla Greenway. She used the overhead to show the location of the one-mile stretch that will span from Corolla Light to Monterey Shores and reviewed the formal bid process followed by the county. Ms. Wirth recommended Barnhill Contractors for the award, as low bidder, with a bid not to exceed \$545,692.00. Ms. Wirth reviewed the bid alternates that were included in the bid proposal.

Commissioner Payment moved to award the Corolla Greenway Phase V project to Barnhill. The motion was seconded by Commissioner Mary Etheridge. The motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

B) Board Appointments

1. ABC Board

Commissioner Mary Etheridge moved to reappointment Sybil O'Neal and Harold Capps to the ABC Board. The motion was seconded by Commissioner Jarvis and the members were unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

2. Historic Preservation Commission

Commissioner Mary Etheridge moved to reappoint Josh Bass to the Historic Preservation Commission. The motion was seconded by Commissioner McCord and the nominee was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

3. Planning Board Appointments

The following names were submitted as nominees to serve on the Planning Board:

Commissioner McCord nominated Shay Balance.
 Commissioner Beaumont nominated Bryan Bass.
 Commissioner Jarvis nominated Garry Owens.
 Commissioner Payment nominated Timmy Thomas for reappointment.

Commissioner Owen Etheridge voiced concerns with the number of new members and suggested tabling the item so staggered terms can be set for new appointments. After discussion, Commissioner Mary Etheridge moved to accept the nominations and have the Clerk to the Board work on the terms. Commissioner Jarvis seconded the motion. Commissioner Owen Etheridge again requested the item be tabled so staggered terms could be established.

After further discussion, nominees were approved with a vote of 6-1. Commissioner Owen Etheridge voted against the motion.

RESULT:	APPROVED [6 TO 1]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
NAYS:	J. Owen Etheridge, Commissioner

4. Recreation Advisory

The following nominees were submitted to fill vacancies on the Recreation Advisory Board:

Commissioner Mary Etheridge nominated Mike Lane.
 Commissioner Beaumont nominated Mike Fost.
 Commissioner McCord nominated Charles Pickell.

Commissioner Mary Etheridge moved for approval and the motion was seconded by Commissioner Payment. The motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

5. Senior Citizens Advisory

Commissioner Beaumont nominated Mike Williams and Commissioner Payment nominated Janet Lovell for reappointment to the Senior Citizens Advisory.

Commissioner Mary Etheridge moved for approval and the motion was seconded by Commissioner McCord. The nominees were unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

C. Amended-Resolutions Approving Amendments to Albemarle Commission Charter and Commission Member Appointments

Melody Wilkins, Executive Director of Albemarle Commission, attended to discuss the request for an amendment to the Albemarle Commission Charter. The modifications would align the Charter with the Albemarle Commission By-laws, particularly as they relate to delegate member appointments and terms. Ms. Wilkins reviewed the language in the Resolution and highlighted the changes for Board consideration.

Commissioner Beaumont, as the representative on the Albemarle Commission, responded to questions and said the purpose of a past president continuing to serve on the Albemarle Commission as a non-voting member is for the historical perspective they can provide. He said the position is not paid.

There was no further discussion and Commissioner McCord moved for approval of the Resolution. The motion was seconded by Commissioner J. Owen Etheridge. The motion passed unanimously.

FIRST AMENDMENT TO 1997
RESOLUTION MODIFYING AND
AMENDING RESOLUTIONS CREATING
THE REGIONAL PLANNING COMMISSION
KNOWN AS THE ALBEMARLE COMMISSION

WHEREAS, in 1970 the Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans and Tyrrell, (the "Initial Counties"), began a regional cooperative effort by creating a regional planning and economic development commission known as the Albemarle Commission; and

WHEREAS, the County of Washington was granted membership in 1971 with unanimous consent of the Initial Counties (the Initial Counties and the County of Washington may be referred to individually as a "County" and collectively as the "Counties"); and

WHEREAS, N.C. Gen. Stat. '153A-391 provides that the Counties may, by unanimous action, modify and amend the resolution creating the Albemarle Commission; and

WHEREAS, in 1997, the Counties unanimously modified and amended the resolution creating the Albemarle Commission by adopting that certain document entitled

“Resolution Modifying and Amending Resolutions Creating the Regional Planning Commission known as the Albemarle Commission” (the “1997 Resolution”); and

WHEREAS, Article II of the 1997 Resolution provides the method for the appointment of delegates by the member Counties, including terms for such appointments, that the governing board of the Albemarle Commission has requested be changed as set forth below; and

WHEREAS, the Counties, after due and diligent consideration, desire to modify and amend the 1997 Resolution through this First Amendment to the 1997 Resolution to change the method for appointment of delegates and the terms for delegates.

NOW, THEREFORE, BE IT RESOLVED by each of the Boards of Commissioners for the Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington, in separate sessions duly convened, by the adoption and enactment of this First Amendment to the 1997 Resolution by each of the Boards, do hereby modify and amend the 1997 Resolution as follows:

Section 1. By replacing Articles I through VIII thereof with the following:

ARTICLE I

NAME

The name of the regional planning commission shall be the ALBEMARLE COMMISSION.

ARTICLE II

ALBEMARLE COMMISSION MEMBERSHIP AND GOVERNING BOARD

A. Albemarle Commission Membership - The Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington shall be member governments of the Albemarle Commission. The Albemarle Commission shall be

governed by a board of 15 members appointed as follows:

- 1) The governing board of each member government shall appoint one “Commissioner” delegate who must be a member of the member government’s governing board. Commissioner delegates who no longer hold office as an elected member of their member government’s governing board are unable to continue as a delegate unless they can be and are approved as an at large delegate.
- 2) Four additional “At Large” delegates who do not hold an elective office shall be initially appointed as follows:
 - (a) One delegate appointed by Camden County’s governing board;
 - (b) One delegate appointed by Chowan County’s governing board;
 - (c) One delegate appointed by Currituck County’s governing board;
 - (d) One delegate appointed by Dare County’s governing board.

The At Large delegates appointed as of the adoption of this Resolution may continue to serve the remainder of their terms as set forth below.

Successors shall thereafter be appointed by the governing board’s member governments in a rotating manner which order shall be determined alphabetically until the end of the alphabet is reached and then starting over (e.g., two years after the year in which this Resolution is adopted one delegate would be appointed by each of the following counties: Gates, Hyde, Pasquotank, and Perquimans; two years thereafter, one delegate would be appointed by each of the following counties: Tyrrell, Washington, Camden, and Chowan; and the appointments would continue rotating every two years in this alphabetical manner).

- 3) The immediate past chair shall serve for one year as an ex-officio, non-voting member unless they can be and are appointed as a Commissioner Delegate or an At Large Delegate.

The member governments are encouraged to consider making appointments that will result in at least four delegates being racial minorities.

B. Terms; Removal; Vacancies - Delegates of the Albemarle Commission shall serve two-year terms. Terms shall be measured by calendar years but shall end on December 31, regardless of the date of appointment by the appointing authority. A delegate may be removed with or without cause by the appointing member government's governing board. Appointment to fill vacancies shall be made for the remainder of the unexpired term by the respective appointing member government's governing board.

C. Officers; Compensation - Those officers currently serving as of the date of adoption of this resolution, shall continue serving until the next organizational meeting of the Albemarle Commission governing board.

Thereafter, the Albemarle Commission governing board shall hold an organizational meeting annually in January to elect a chair, vice-chair and secretary by simple majority vote of those delegates present and voting at a properly constituted meeting. Only Commissioner delegates, i.e., those delegates who are members of a member government's governing board, shall be eligible to hold an office, other than the non-voting office of immediate past chair.

Delegates may be compensated and reimbursed for their expenses at an appropriate mileage rate by the Albemarle Commission for attendance at meetings of the Albemarle Commission governing board.

ARTICLE III

POWERS AND DUTIES

The Albemarle Commission shall possess the following powers:

- (1) Apply for, accept, receive, and disburse funds, grants, and services made available to it by the State of North Carolina or any agency thereof, the federal government or any agency thereof, any unit of local government or any agency thereof, or any private or civic agency;
- (2) Employ personnel;
- (3) Contract with consultants;
- (4) Contract for services with the State of North Carolina, any other state, the United States, or any agency of those governments;
- (5) Study and inventory regional goals, resources, and problems;
- (6) Prepare and amend regional development plans, which may include recommendations for land use within the region, recommendations concerning the need for and general location of public works of regional concern, recommendations for economic development of the region, and any other relevant matters;
- (7) Cooperate with and provide assistance to federal, state, other regional, and local planning activities within the region;
- (8) Encourage local efforts toward economic development;
- (9) Make recommendations for review and action to its member governments and other public agencies that perform functions within the region;
- (10) Exercise any other power necessary to the discharge of its duties.

ARTICLE IV

FINANCES

Funding for the Albemarle Commission's administrative and general operational requirements shall, in addition to other funds which might become available, be provided by member governments. Each member government's proportionate share shall be determined

by a per capita assessment based on the most recent United States Census. Thereafter, the Albemarle Commission governing board shall develop and adopt, by simple majority vote, an annual budget for each up-coming fiscal year showing the anticipated contribution of each county which budget shall be submitted to the member governments for review and comment not later than May 1.

ARTICLE V

BUDGETARY AND FISCAL CONTROL

The Albemarle Commission budget and fiscal affairs shall comply with the procedures set forth in the Local Government Budget and Fiscal Control Act, Chapter 159, Subchapter III of the North Carolina General Statutes.

The Albemarle Commission shall cause to be made an annual audit of its books and records by an independent certified public accountant at the end of the each fiscal year and a certified copy of the audit shall be filed promptly with each member government.

ARTICLE VI

WITHDRAWAL

A member government may withdraw from the Albemarle Commission by giving at least two years' written notice to the other member governments.

ARTICLE VII

AMENDMENTS

This resolution may be amended, modified or repealed by the unanimous action of the member governments.

ARTICLE VIII

DISSOLUTION

If the Albemarle Commission is dissolved by the unanimous action of the member governments then the proceeds that may be derived from the sale of the Albemarle Commission's assets, less payment of debts and liabilities, shall be distributed among the member governments pursuant to the following formula:

$$\frac{\text{Member Government Population}}{\text{Total population of Member governments}} \times \text{Total Dollar Value of Albemarle Commission assets} = \text{Member government's Share}$$

Section 2. All provisions of resolutions creating, amending or modifying the 1997 Resolution which are not re-enacted by this resolution, are hereby repealed.

Section 3. This resolution shall take effect immediately upon its unanimous adoption by the Counties.

ADOPTED the 18th day of February, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin E. McCord, Commissioner
SECONDER:	J. Owen Etheridge, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

D) Consent Agenda

Commissioner Beaumont moved for approval of the Consent Agenda. The motion was seconded by Commissioner Jarvis. The motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

1) Approval Of Minutes for February 4, 2019

1. BOC Meeting Minutes for February 4, 2019

Communication: Minutes for February 18, 2019 (Approval Of Minutes for February 18, 2019)

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10420-589000	OSD Reserve	\$ 10,000	
10380-481000	Investment Earnings		\$ 10,000
		<u>\$ 10,000</u>	<u>\$ 10,000</u>
Explanation:	Governing Body (10420) - Increase appropriations for grant for Carova and Corolla helipads. The total grant is \$25,000 that will be funded \$10,000 in the current fiscal year and \$15,000 in FY 2020.		
Net Budget Effect:	Operating Fund (10) - Increased by \$10,000.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10795-514500	Training & Education	\$ 85	
10795-553000	Dues & Subscriptions	\$ 26	
10795-514000	Travel		\$ 111
		<u>\$ 111</u>	<u>\$ 111</u>
Explanation:	Parks & Recreation (10795) - Transfer budgets funds for additional costs associated with Forklift certifications and the Sound Park stormwater permit renewal.		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
67878-514500	Training & Education	\$ 4,000	
67878-533800	Chemicals		\$ 4,000
		<u>\$ 4,000</u>	<u>\$ 4,000</u>
Explanation:	Mainland Sewer (61878) - Transfer budgeted funds for additional training for mainland sewer personnel.		
Net Budget Effect:	Mainland Sewer Fund (67) - No change.		

Communication: Minutes for February 18, 2019 (Approval Of Minutes for February 18, 2019)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10511-514000	Travel	\$ 1,300	
10511-514500	Training & Education		\$ 1,300
		\$ 1,300	\$ 1,300
Explanation:	Detention Center (10511) - Transfer budgeted funds for additional travel for training.		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10540-561000	Professional Services	\$ 300	
10540-531000	Fuel		\$ 300
		\$ 300	\$ 300
Explanation:	Community Development/Inspections (10540) - Transfer budgeted funds for additional costs of background checks for new hires.		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10510-590000	Capital Outlay	\$ 14,097	
10510-514500	Training & Education		\$ 5,000
10510-536000	Uniforms		\$ 9,097
		\$ 14,097	\$ 14,097
Explanation:	Sheriff (10510) - Transfer budgeted funds to capital outlay to replace 10 expired Kevlar helmets for the SWAT team and for replacement bullet-proof vests.		
Net Budget Effect:	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10441-590000	Capital Outlay	\$ 2,000	
10660-532000	Supplies		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Move funds for Planning laptop purchase to IT Capital Outlay.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
210546-514506	Travel/Train/Educ - Corolla VFD		\$ 2,500
210546-516006	Maintenance & Repair	\$ 5,000	
210546-516106	Buildings & Grounds		10,000
210546-531006	Gas, Oil, Etc	8,000	
210546-532006	Supplies	1,000	
210546-532106	Fire Supplies		1,000
210546-536006	Uniforms		3,000
210546-561006	Professional Services	2,500	
		<u>\$ 16,500</u>	<u>\$ 16,500</u>

Explanation: Corolla Volunteer Fire (210546) - Mid-year budget adjustments requested by the Corolla Volunteer Fire Department.

Net Budget Effect: Corolla Fire District Fund (210) - No change.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-532160	Maintenance Supplies	\$ 2,000	
10460-590000	Capital Outlay		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Public Buildings (10460) - Transfer budgeted funds for building repairs on County facilities.

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

Communication: Minutes for February 18, 2019 (Approval Of Minutes for February 18, 2019)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10550-590000	Capital Outlay	\$ 26,000	
10550-502000	Salaries		\$ 26,000
		<u>\$ 26,000</u>	<u>\$ 26,000</u>
Explanation:	Airport (10550) - Transfer lapsed salaries from position vacancy to Capital Outlay for roof repair of two hangars and to change the security locks on the terminal door.		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10430-503430	Poll Workers	\$ 35	
10430-516000	Repairs & Maintenance		\$ 152
10430-557100	Software License Fee	117	
		<u>\$ 152</u>	<u>\$ 152</u>
Explanation:	Elections (10430) - Transfer funds to reflect actual costs of poll workers and for software license fee.		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50442-597007	Connecting Corolla Phase V	\$ 571,845	
50390-495015	T F Occupancy Tax		\$ 571,845
		<u>\$ 571,845</u>	<u>\$ 571,845</u>
Explanation:	County Governmental Facilities (50442) - Increase appropriations for Connecting Corolla Greenway Phase V. This will be funded through Occupancy Tax revenue that was budgeted as part of the annual budget process.		
Net Budget Effect:	County Government Facilities Fund (50) - Increased by \$571,845.		

Communication: Minutes for February 18, 2019 (Approval Of Minutes for February 18, 2019)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
63838-590000	Capital Outlay	\$ 11,000	
63838-532000	Supplies		\$ 2,000
63838-526000	Advertising		\$ 250
63838-516400	Equipment Maintenance		\$ 250
63838-516000	Repairs & Maintenance		\$ 1,800
63838-545000	Contracted Services		\$ 2,900
63838-545600	Site Work		\$ 3,800
		\$ 11,000	\$ 11,000

Explanation: Solid Waste (63838) - Transfer budgeted funds to Capital Outlay to replace tippen edge on front of the dump chute at the transfer station and anchor foot plates back to the floor and repair broken braces on the chute

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10420-589000	OSD Reserve	\$ 10,000	
10380-481000	Investment Earnings		\$ 10,000
		\$ 10,000	\$ 10,000

Explanation: Governing Body (10420) - Increase appropriations for grant for Carova and Corolla helipads. The total grant is \$25,000 that will be funded \$10,000 in the current fiscal year and \$15,000 in FY 2020.

Net Budget Effect: Operating Fund (10) - Increased by \$10,000.

3. Surplus Resolution-Animal Services and Control

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting authorized the following, pursuant to GS 160A and 270(b), that the property listed below will be sold at auction, negotiated sale, or will be disposed of if not sellable:

Communication: Minutes for February 18, 2019 (Approval Of Minutes for February 18, 2019)

Asset # Description (Year/Make/Model Dept Serial Number

4044 1998 Ford E350 Passenger Van 512
 1FBNE31L1WHA17955
 9084 12 Cat Condo's -White Laminate 512 N/A
 (Partial)

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

ADOPTED, this 18th day of February, 2019.

4. Surplus Resolution-Tax Department

RESOLUTION		
<p>WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.</p>		
County		
Asset Tag	Description	Serial Number
5514	2001 Ford Taurus	1FAFP53U01A174282
5511	2002 Ford Ranger	1FTYR45EX2TA17944
5689	2004 Jeep Cherokee	1J4GW48S44C198168
<p>NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.</p>		
<p>ADOPTED, this 18th day of February, 2019.</p>		

5. NC Department of Public Safety-No-Cost Lease Agreements-Adult & Juvenile Probation

6. Job Description Revision-Telecommunicator I

Communication: Minutes for February 18, 2019 (Approval Of Minutes for February 18, 2019)

E) County Manager's Report

Dan Scanlon, County Manager, announced next week's commencement of a resurfacing project, weather permitting, for a portion of North Carolina Highway 168 near Guinea Road south to Courthouse Road. He said the work will be done in phases and is scheduled for completion by June 30, 2019. Mr. Scanlon said he inquire as to the paving of the road at south end of the County.

Mr. Scanlon announced the county will be conducting a smoke test in the Ocean Sands area of Corolla to detect where holes or cracks may exist in the Ocean Sands wastewater utility lines. Public notices have been sent to all homeowners to alert them of the testing, and he said the product used is a mist and is harmless to the environment and people.

CLOSED SESSION**1. Closed Session Pursuant to G. S. 143-318.11(a)(3) to Consult With the County Attorney and to Preserve the Attorney-Client Privilege**

Chairman White moved to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the attorney-client privilege. The motion was seconded by Commissioner Mary Etheridge. The motion passed unanimously and the Board entered Closed Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

2. Amended Item: Consideration of Resolution Approving a Memorandum of Agreement between The Currituck Club Property Owners and Ocean Club Centre Owners

The Board of Commissioners returned from Closed Session and, as a result of discussion in Closed Session with the County Attorney, considered a Resolution to approve a Memorandum of Settlement between The Currituck Club Property Owners Association and Ocean Club Centre Owners Association.

Commissioner Payment moved for approval of the Resolution. The motion was seconded by Commissioner Mary Etheridge and passed unanimously.

RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS APPROVING A MEMORANDUM OF SETTLEMENT BETWEEN CURRITUCK CLUB PROPERTY OWNERS ASSOCIATION, INC. AND OCEAN CLUB CENTRE OWNERS ASSOCIATION, INC., AN ASSOCIATION THAT INCLUDES CURRITUCK COUNTY AS A MEMBER

WHEREAS, a dispute has occurred between Currituck County Property Owners Association, Inc., (TCCPOA), and Ocean Club Centre Owners Association, Inc., (OCCOA), regarding the amount of annual assessment that OCCOA is to pay TCCPOA pursuant to the Declaration of Protective Covenants recorded in Book 444, Page 237 of the Currituck County Registry and as amended and recorded in Book 461, Page 702 of the Currituck County Registry; and

WHEREAS, Currituck County owns Lot 2 in Ocean Club Centre and is subject to the Declaration of Protective Covenants; and

WHEREAS, at a Mediated Settlement Conference held on February 12, 2019 representatives of TCCPOA and OCCOA agreed to a Memorandum of Settlement resolving the differences between the parties with the following terms and conditions:

1. Original Declaration, as currently amended ("Declaration"), remains intact
2. New Agreement will provide the following:
 - a. Re-affirming and restating the Declaration terms, including the obligation of the OCC lot owners to jointly and severally pay assessments; any documentation necessary to confirm that the Declaration requirements touch and concern the land and run with the land; and confirming attorneys' fee recovery and lien powers. The Declaration terms will be incorporated by reference into this New Agreement and may be enforced through this New Agreement, as if such terms were fully stated therein.
 - b. Interest will accrue on any past-due assessments at the rate of 18% per annum, and the prevailing party in any collections action will be entitled to recovery of reasonable attorneys' fees and expenses.
3. The owners of the OCC lots adjoining Hunt Club Drive between Old Stoney Road and Highway 12, or the OCCOA, may maintain and repair the landscaped portions of the real property owned by TCCPOA bordering Hunt Club Drive between Old Stoney Road and Highway 12, but TCCPOA reserves the right to maintain or repair any portion of this land, if the owners or OCCOA do not maintain it to a level acceptable to TCCPOA.
4. OCCOA or the OCC lot owners will pay no later than December 1, 2019, the total of the amount of assessments owed under the Declaration to TCCPOA for the calendar years 2017 and 2018, less any credits for payments made on such assessments.
5. OCCOA or the OCC lot owners will pay 90% of the total amount of assessments owed under the Declaration to TCCPOA for the calendar year 2019, less any credits for payments made on such assessments.
6. The assessments owed to TCCPOA by the OCC lot owners for 2020 and moving forward shall be the amount required by the Declaration, except it shall be offset to the following percentage of the total assessment required under the Declaration based on the number of parking spaces provided to TCCPOA and that remain with TCCPOA:
 - a. If 50 or more spaces are provided - 35% of the Declaration amount
 - b. If 30-49 spaces are provided - 45% of the Declaration amount
 - c. If 20-29 spaces are provided - 50% of the Declaration amount
 - d. If less than 20 spaces are provided - 90% of the Declaration amount

To the extent parking spaces provided to TCCPOA are ever lost for any reason, the percentages above shall shift to reflect the number of parking spaces remaining with TCCPOA.

Prior to the start of each year, the OCCOA shall provide notice to TCCPOA of the number of parking spaces available to TCCPOA during the next calendar year. Absent any objection, the assessment offset percentage shall be based on this number of parking spaces.

7. To the extent they are able, the OCCOA and OCC lot owners agree to provide parking spaces to TCCPOA within the Ocean Club Centre. To the extent provided, the following terms shall apply.

- a. The surface of parking spaces shall be the least expense to OCCOA and the OCC Lot Owners, but that still meets all government requirements. TCCPOA will have the right to improve the surface to any better quality level or surface type that it desires and at its expense, to the extent allowed by governmental authorities.
- b. To the extent the parking is in proximity (but not contiguous) to land owned by TCCPOA, the OCCOA or its lot owners agree to give an easement to the TCCPOA over the land outside of the parking area to allow access to the TCCPOA land in proximity to the parking area.
- c. The parking spaces shall be clustered into no more than 2 parking areas.
- d. TCCPOA may put any signage, barriers, or labels within the parking spaces or its surrounding area. Barriers shall be in an aesthetic appearance consistent with TCCPOA's and OCCOA's standards.
- e. The OCCOA and the OCC lot owners shall maintain and repair the parking spaces and surrounding area, but the TCCPOA has the right, but not obligation, to maintain the parking space area to the extent it desires to take such action.
- f. TCCPOA staff or contractors may be present or operate in the parking space area at any time as solely determined by TCCPOA, without interference by the OCCOA or the OCC lot owners in any way.
- g. There will be no time limitation on parking in the TCCPOA parking spaces, except there shall be no overnight parking. Overnight parking shall be parking between 10 p.m. and 6 a.m. OCCOA and the OCC lot owners shall take all steps necessary to make these parking spaces usable, including, but not limited to, amending its covenants, if required.
- h. The parking spaces will be provided without any restrictions by the OCC lot owner or the OCCOA on their usage, except the parking spaces shall be used exclusively for parking.
- i. Parking spaces shall be sufficient size for standard automobile parking and shall meet all County requirements.
- j. OCCOA and the OCC lot owners shall handle and shall cover all costs for regulatory approvals.
- k. Appropriate easements, leases, licenses, and other documents necessary to establish TCCPOA's rights to the parking spaces shall be entered into by the parties.

8. Upon entering into the New Agreement and all related agreements or easements, the parties will include mutual releases of any and all claims from beginning of time until the date of the New Agreement related to any assessments owed and any maintenance or landscaping obligations. At such time, any claim for assessment payments for any previous year not

addressed herein shall be released.

9. The parties will enter into a Tolling Agreement that provides that all statutes of limitation, statutes of repose, perfection, and any other time-related defenses are tolled as of January 1, 2019, and shall not begin to, or continue to, run or accrue against any of the parties to this Agreement until such time as this Agreement is terminated.

10. The parties will cooperate in good faith to memorialize this agreement with other standard terms and any related easements, licenses, leases, or other recordable or non-recordable documents necessary to effectuate this agreement.

The parties signing below, including those signing through their designated representatives with settlement authority, shall be bound by this Mediated Settlement Agreement. Provided, however, Currituck County is not bound by the terms of this agreement until such terms are approved by appropriate County officials, but signs below to confirm the outcome of this mediation. Excluding Currituck County, any party may enforce the terms of this Mediated Settlement Agreement against any other party; and

WHEREAS, by its terms the Mediated Settlement Agreement is not binding on Currituck County until its terms are approved by the appropriate county officials; and

WHEREAS, it is appropriate and desirable to resolve the ongoing dispute between TCCPOA and OCCOA pursuant to the terms of the Mediated Settlement Agreement.

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

Section 1. The terms of the Mediated Settlement Agreement dated February 12, 2019 between TCCPOA and OCCOA are approved and ratified.

Section 2. The County Manager is authorized to execute documents that maybe required to effectuate the Mediated Settlement Agreement.

Section 3. This resolution is effective upon its adoption.

ADOPTED the 18th day of February, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

ADJOURN

Motion to Adjourn Meeting

There was no further business and Commissioner Mary Etheridge moved for adjournment. The motion was seconded by Commissioner McCord. The motion carried unanimously and the regular meeting of the Board was adjourned at 8:18 PM.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Mary "Kitty" Etheridge, Commissioner
SECONDER: Kevin E. McCord, Commissioner
AYES: Bob White, Commissioner, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

Number 20190084

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of March 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10990-587050	T T - Co Governmental Facilities	200,000	
10380-488400	ABC Profits		200,000
		<u>\$ 200,000</u>	<u>\$ 200,000</u>

Explanation: Transfers to Other Funds (10990) - Increase appropriations for anticipated ABC Profits. These additional revenues will be used for design of a new ABC store in Corolla, NC.

Net Budget Effect: Operating Fund (10) - Increased by \$200,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA_Mar 4_General Meeting (Budget Amendments)

Number 20190085

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of March 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10795-590000	Capital Outlay	3,498	
10795-576001	Baseball/Softball		3,498
		<u>\$ 3,498</u>	<u>\$ 3,498</u>

Explanation: Parks & Recreation (10795) - Transfer budgeted funds for repairs to restroom doors at Knotts Island Ruritan Park.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA_Mar_4_General Meeting (Budget Amendments)

Number 20190086

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of March 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10511-590000	Capital Outlay	1,550	
10511-514500	Training & Education		1,550
		<u>\$ 1,550</u>	<u>\$ 1,550</u>

Explanation: Detention Center (10511) - Transfer budgeted funds to purchase a training shock vest.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA_Mar 4_General Meeting (Budget Amendments)

Number 20190087

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of March 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10750-514500	Training & Education	360	
10750-532000	Supplies	3,100	
10750-557700	Crisis Intervention	13,042	
10750-557701	LIEAP	8,042	
10750-511010	Data Transmission		360
10750-590000	Capital Outlay		3,100
10752-519700	HCCBG - In Home	5,789	
10752-532003	Supplies - Special Adoption	3,752	
10752-553003	Dues & Subscriptions - Special Adoption	178	
10560-519701	HCCBG - Access Services		14,157
10330-431000	DSS Administration		2,769
10330-432200	HCCBG - In Home	7,918	
10390-499900	Appropriated Fund Balance		21,795
		<u>\$ 42,181</u>	<u>\$ 42,181</u>

Explanation: Social Services Administration (10750); Public Assistance (10752); Inter-County Transportation (10560) - Increase training for mandatory mental health training and supplies for items needed for the NCFast program. The remaining items are to adjust to the State Funding Authorizations received to date.

Net Budget Effect: Operating Fund (10) - Increased by \$16,646.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA_Mar 4_General Meeting (Budget Amendments)

**RESOLUTION
OPPOSING THE PROPOSED INCREASE
FOR HOMEOWNERS INSURANCE**

WHEREAS, the North Carolina Rate Bureau is recommending to the North Carolina Department of Insurance a drastic homeowners insurance rate increase, which would severely hurt the people of Currituck County and other coastal communities; and

WHEREAS, the proposed increase unfairly targets coastal communities and would cause them to endure rates that are excessive, unwarranted, and unjustified; and

WHEREAS, the proposed increase will cause property owners in the barrier island portions of Dare, Currituck, and Hyde counties to suffer a 30% increase and impose a 25% increase for homeowners in the inland portions of these counties; and

WHEREAS, since a portion of the homeowner rate is for wind, the filing would have an adverse impact on Wind Only policies including policies in what is commonly referred to as the "Beach Plan" which would result in an increase of over \$700 for \$200,000 of coverage for Outer Banks wind only policyholders; and

WHEREAS, the excessive increase sought by the North Carolina Rate Bureau will cause harm to Currituck County homeowners, especially those struggling to make their mortgage payments, and have an adverse impact on the affordability of housing in our community.

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners strongly opposes the rate increase requested by the insurance industry as unjustified, unfair, and unnecessary and calls upon the North Carolina Department of Insurance to deny the filing.

Adopted this the 4th day of March, 2019.

Bob White, Chairman

ATTEST: _____
Leeann Walton, Clerk to the Board

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on March 4, 2019, authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sold at auction or given to another governmental entity:

<u>Description</u>	<u>Service Tag/Serial No.</u>	<u>Asset Tag</u>	<u>Item No.</u>
Macromedia Coldfusion Software	NONE	6447	Q001
Granicus Media Manager hardware (Osprey card;not server)	NONE	6789	Q002
Granicus Media Manager software	NONE	6790	Q003
Dell OptiPlex GX620	7GBM1B1	6167	Q004
Dell OptiPlex GX280	FXLCL71	6353	Q005
HP Compaq nx9010	2UA423P0XR	5863	Q006
Dell Latitude D820	BTS5QB1	6302	Q007
Dell OptiPlex 745	BJ5X4D1	6682	Q008
Dell Optiplex 380	3X13PL1	7269	Q009
Dell OptiPlex GX280	6YLCL71	6351	Q010
Dell OptiPlex GX280	GYLCL71	6354	Q011
Dell Optiplex 380 (has XP & W7 HDD)	2RZ9CP1	NONE	Q012
Dell OptiPlex 745	J6GPHC1	6400	Q013
General Dynamics GoBook XR-1	ZZGEG7212ZZ8126	6638	Q014
General Dynamics GoBook XR-1	ZZGEG7212ZZ8125	6637	Q015
General Dynamics GoBook XR-1	ZZGEG7212ZZ8114	6626	Q016
General Dynamics GoBook XR-1	ZZGEG7144ZZ2129	6481	Q017
General Dynamics GoBook XR-1	ZZGEG7144ZZ2138	6472	Q018
General Dynamics GoBook XR-1	ZZGEG6320ZZ3513	6337	Q019
Dell OptiPlex GX620	1MST391	6075	Q020
General Dynamics GoBook XR-1	ZZGEG7212ZZ8121	6633	Q021
General Dynamics GoBook XR-1	ZZGEG7212ZZ8123	6635	Q022
General Dynamics GoBook XR-1	ZZGEG7212ZZ8116	6628	Q023
General Dynamics GoBook XR-1	ZZGEG7212ZZ8119	6631	Q024
General Dynamics GoBook XR-1	ZZGEG7031ZZ0635	6464	Q025
General Dynamics GoBook XR-1	ZZGEG7169ZZ4431	6504	Q026
General Dynamics GoBook XR-1	ZZGEG6320ZZ3519	6343	Q027
General Dynamics GoBook XR-1	ZZGEG7031ZZ0636	6465	Q028
General Dynamics GoBook XR-1	ZZGEG7031ZZ0640	6469	Q029
General Dynamics GoBook XR-1	ZZGEG7144ZZ2131	6479	Q030
General Dynamics GoBook XR-1	ZZGEG7144ZZ2126	6484	Q031
General Dynamics GoBook XR-1	ZZGEG7169ZZ4427	6510	Q032
General Dynamics GoBook XR-1	ZZGEG7144ZZ2145	6518	Q033
General Dynamics GoBook XR-1	ZZGEG6320ZZ3520	6344	Q034
General Dynamics GoBook XR-1	ZZGEG6320ZZ3518	6342	Q035
Dell Optiplex 755	BNQ8LF1	6748	Q036
Dell Optiplex 755	2ZQ8LF1	6763	Q037
Dell Optiplex 755	7PQ8LF1	6747	Q038
Dell Optiplex 755	GMQ8LF1	6746	Q039
Dell Optiplex 755	JYQ8LF1	6765	Q040

Attachment: Surplus Resolution-IT (ITS Surplus Resolution)

Dell Optiplex 755	DNQ8LF1	6750	Q041
		6399	
Generic Windows Server (was Callxpr1 server)	AC76000695	partial	Q042
		6399	
Generic Windows Server (was Seneca server)	AC76000694	partial	Q043
Barracuda Archiver 650	BAR-MA-274827	7442	Q044
HP Compaq DC 7900	MXL84119GX	NONE	Q045
Dell Optiplex GX620	7K19P91	6218	Q046
Director's Cut Analog Converter	725056	NONE	Q047
HP P3005n Laser Printer	CNT2R03769	NONE	Q048
IdealStor Backup Appliance	1602-0051	7098	Q049
Dell R710 (ESX01)	8HF1HM1	7800	Q050
Dell R710 (ESX02)	J98GRL1	7307	Q051
Dell R710 (ESX02)	DQVNS1	7626	Q052
Cisco Callmanager Server	MX2934018R	7236	Q053
Itronix GoBook XR-1	ZZGEG8010ZZ3335	6794	Q054
Itronix GoBook XR-1	ZZGEG7169ZZ4435	6515	Q055
HP 4515x Printer (from MLW office)	CNDY176283	7058	Q056
Gamber-Johnson vehicle dock (PN:7160-0003-02)	ZZCWA7032AE0019		Q057
Gamber-Johnson vehicle dock (PN:7160-0003-02)	ZZCWA7015AE0080		Q058
Havis vehicle dock	GD8101671		Q059
Gamber-Johnson vehicle dock (PN:7160-0194-01)	G31712AZZ006		Q060
Gamber-Johnson vehicle dock (PN:7160-0011-02)	ZZCWA7353AE0006		Q061
Fingerprint Machine No Monitor	2206-00300		Q062
Fingerprint Machine	AAV248000310		Q063
Itronix GoBook XR-1	ZZGEG6320ZZ3512		Q064
Itronix GoBook XR-1	ZZGEG7144ZZ2142		Q065
Itronix GoBook XR-1	ZZGEG7031ZZ0631		Q066
Itronix GoBook XR-1	ZZGEG7212ZZ8115		Q067
Itronix GoBook GD8200	ZZSJC1336ZZ0002	7500	Q068
Dell Precision M6600	12FYBT1	7627	Q069
Cisco Emergency Responder	MX273400VL		Q070
Cisco Callmanager Server	MX273501YN		Q071
Cisco VG224	FHK1328F0SY		Q072
Cisco 2821 PRI Router	FTX1131A1N8		Q073
Dell Precision 370	6CNCX51	5928	Q074
Dell Optiplex GX620	299FPB1	6277	Q075
Dell Precision T3500	2ZDYKM1	7323	Q076
Dell Precision T3500	2ZCYKM1	7326	Q077
Dell Precision T3500	2ZBZKM1	7325	Q078
Dell Latitude E6520	CL556Q1	7452	Q079
HP Proliant ML110 computer (from old 911 stuff)	NONE		Q080
HPxw 4600 computer (from old 911 stuff)	2UA83106RD		Q081
HP Compaq d530 computer (from old 911 stuff)	2UA4230HYL		Q082
Dell Optiplex GX270	F56GW41	5852	Q083
HP Compaq dx2000 computer (from old 911 stuff)	MXD606086Q		Q084
Dell Optiplex 380	JF5D9P1	7394	Q085
Dell Optiplex 740	BLBGTJ1		Q086
Fujitsu fi-5120c scanner	11870		Q087
Dell Precision M6400 laptop	HF1DTJ1	7024	Q088
Sony Vaio laptop (model: PCG-8111L)	C3LQS5V5		Q089
Cisco Catalyst 3750G switch	F0C1128Y42A		Q090

Cisco CVPN 3002	CAM10510948	NONE	Q091
Cisco Linksys E1200	10820C642H8690	NONE	Q092
Dlink DGS-1008G	QB201B7000402	NONE	Q093
Rhub TurboMeeting	902R10020	NONE	Q094
Panasonic DVD Recorder	VN7DA001989	NONE	Q095
Panasonic DVD Recorder	VN7DA001997	NONE	Q096
JVC SR-DVM600 DVD Player/Recorder	072C0097	NONE	Q097
Dell Latitude D820	CSS5QB1	6303	Q098
Dell Inspiron 9300	GHDQ771	5972	Q099
Are You Ok? Modem and software	NONE	7653	Q100
Qty 3 - SQL Server 2005 Licenses	NONE	6294A-C	Q101
Dell Optiplex GX620	HLST391	6074	Q102
Dell Optiplex GX620	1071NB1	6282	Q103
Kenwood KMC-41 Radio Mic (Sheriff; qty 1)	NONE		Q104
Kenwood KSC-24 Charger w/cords (Sheriff; qty 6)	NONE		Q105
Kenwood TK-380 Radio (Sheriff)	50300685		Q106
Kenwood TK-380 Radio (Sheriff)	50302659		Q107
Kenwood TK-380 Radio (Sheriff)	50302425		Q108
Kenwood TK-380 Radio (Sheriff)	50302429		Q109
Kenwood TK-380 Radio (Sheriff)	60300303		Q110
Kenwood TK-380 Radio (Sheriff)	50302421		Q111
Kenwood TK-380 Radio (Sheriff)	50302658		Q112
Kenwood TK-380 Radio (Sheriff)	61104729		Q113
Dell Optiplex GX620	C530N81	6069	Q114
Dell Optiplex GX620	4630N81	6073	Q115
Dell Latitude E6510	76ZQWN1	7374	Q116
Dell Optiplex GX620	DQS8L81	6043	Q117
Dell Optiplex 780	567FFN1	7322	Q118
Cisco WS-C3560-24PS-S Switch	FD01123Y3V6	NONE	Q119
Nortel Phone Modular ICS (was at Moyock Welcome Center)	NNTM8456GCFB	5889	Q120
Dell Optiplex 3010 Tower	1WHDFX1	7868C	Q121
Dell Latitude E5530	DKWCJX1	7844	Q122
Dell Optiplex GX280	72B9X51	5934	Q123
Dell Latitude E6510	88PCRM1	7331	Q124
Ipad 2	DMQJKW14DFHW	7691E	Q125

Attachment: Surplus Resolution-IT (ITS Surplus Resolution)

 Bob White, Chairman
 Currituck County Board of Commissioners

ATTEST:

 Leeann Walton
 Clerk to the Board

RESOLUTION

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.

County Asset Tag	Description	Serial Number
6080	Formax 1500 Folder/Sealer Machine	2283

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

ADOPTED, this 4th day of March, 2018.

Bob White
County of Currituck, Board of Commissioners

LeeAnn Walton
Clerk to the Board

(Seal)

Attachment: Resolution-Surplus_Finance Folder_Sealer (Surplus Resolution-Finance Folder/Sealer)

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

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

SECTION 1. The project authorized is design of ABC Store in Corolla, NC.

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

Corolla ABC Store 2019	\$ 200,000
	<u>\$ 200,000</u>

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

Transfer from Operating Fund (ABC Profits)	\$ 200,000
	<u>\$ 200,000</u>

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and

- materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 4th day of March 2019.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board



COUNTY OF CURRITUCK

Tax Department
P.O. Box 9
Currituck, North Carolina 27929

Tracy Sample, Tax Administrator
(252) 232-3005
(252) 232-3568 (FAX)

Report of Unpaid 2018 Real Estate Taxes

and

Order of Advertisement of Tax Liens

To: Board of County Commissioners
From: Tracy Sample, Tax Administrator
Date: February 14, 2019

Report of Unpaid 2018 Real Estate Taxes:

As of February 14, 2019, there is \$1,072,634.49 in unpaid taxes that are a lien on real estate for fiscal year 2018-2019.

North Carolina General Statute 105-369 requires that unpaid real estate tax liens be advertised in one or more newspapers having a general circulation in the county and by posting a notice of the tax liens at the county courthouse. This statute requires that the Board of Commissioners order the tax collector to advertise the tax liens.

Attachment: Report of Unpaid 2018 taxes-Order to Advertise_ (Tax Dept-Report of Unpaid Taxes 2018-Advertise)

Order to Tax Collector to Advertise Tax Liens

WHEREAS, N.C.G.S. 105-369 requires the County Tax Collector report to the Board of County Commissioner, the total amount of unpaid taxes for the current fiscal year that are a lien on real property; and

WHEREAS, N.C.G.S. 105-369 also requires that upon receipt of the report, the Board of Commissioners must order the Tax Collector to advertise the tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit; and

WHEREAS, the time and content the tax lien advertisement are dictated by N.C.G.S 105-369(c); and

WHEREAS, the report of unpaid taxes for unpaid taxes for the current fiscal year that are a lien on real property has been received;

NOW, THEREFORE BE IT RESOLVED by the Currituck County Board of County Commissioners that the Currituck County Tax Collector is hereby ordered to advertise the tax liens for unpaid taxes for the current fiscal year that are a lien on real property, in accordance with N.C.G.S. 105-369(c).

THIS, the _____ day of _____, 20_____.

THE CURRITUCK COUNTY BOARD OF COMMISSIONERS

BY: _____(SEAL)
Chairman

Attest:

Clerk to the Board

Number

TDA2019020

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 4th day of March 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15448-503500	Temporary Services	\$ 6,000	
15448-514500	Training & Education	\$ 200	
15448-532000	Supplies	\$ 3,000	
15448-513000	Utilities		\$ 6,000
15448-516000	Maintenance & Repair		\$ 3,000
15448-545000	Contract Services		\$ 200
		<u>\$ 9,200</u>	<u>\$ 9,200</u>

Explanation: Occupancy Tax - Historic Corolla Park (15448) - Transfer budgeted funds to provide programming planned at the Whalehead/Historic Corolla Park for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA_Mar 4_TDA (Special Meeting-TDA Budget Amendments)

Number

TDA2019021

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 4th day of March 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-513000	Utilities	\$ 2,000	
15447-545000	Contract Services	\$ 5,000	
15380-481000	Investment Earnings		\$ 7,000
		<u>\$ 7,000</u>	<u>\$ 7,000</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations for utilities for the remainder of this fiscal year and for costs incurred to bury whale that washed up in Feb 2019.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$7,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA_Mar 4_TDA (Special Meeting-TDA Budget Amendments)