

CURRITUCK COUNTY
NORTH CAROLINA
November 16, 2009

The Board of Commissioners met at 5:00 p.m. prior to the regular meeting to discuss the Moyock Wastewater and at 6:00 p.m. with the Wild Horse Committee.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Etheridge, Commissioners O'Neal, Rorer, Aydlett, Gregory, and Taylor. Commissioner Nelms was absent.

Invocation

Pledge of Allegiance

The Reverend David Coxson with Powells Point Christian Church was present to give the invocation.

Approval of Agenda

Chairman Etheridge moved to amend the agenda by deleting Item 4 and adding to consent agenda a budget amendment for the food bank.

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Presentation by East Carolina Behavioral Health**
- Item 4 **Bryant Brooks, Dominion Power Presentation - Deleted**
- Item 5 **Public Hearing and Action** PB 09-32 Currituck County Planning Board: An amendment to Chapter 2: Permissible Uses Table, Chapter 4: Overlay Districts, and Chapter 17: Definitions to prohibit domestic horses in the Outer Banks Limited Residential (R02) zoning district.
- Item 6 **Public Hearing and Action** on Resolution for funding the Whalehead Watershed District not to exceed \$3,000,000
- Item 7 **Consideration and Action** on Ordinance regulating the use of horses on the Outer Banks
- Item 8 **Consideration of request** for funding Nightingale
- Item 9 **Appointments to Tourism Advisory Board**
- Item 10 **Consent Agenda:**
 - 1. Approval of November 2, 2009, Minutes
 - 2. Petition to NCDOT for Addition of Douglas Court to State System
 - 3. Approval of Records Retention and Disposition Schedule-County Sheriff's Office
 - 4. Approval of Records Retention and Disposition Schedule Amendment for County Sheriff's Office

5. Budget Amendments:

Cooperative Extension increase appropriations for SHIIP Grant for insurance assistance for senior citizens.

Southern Outer Banks Water System transfer funds for emergency repairs to Whalehead Deep Well discharge line.

Moyock Commons Sewer transfer funds to replace computer for sewer operator and increase contracted services for site maintenance at Moyock Commons.

***Food Bank
Nightingale Medical Helicopter***

Item 11 Commissioner's Report

Item 12 County Manager's Report

Adjourn

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Chairman Etheridge opened the public comment period.

Mike Doxey, Soil and Water Conservation Service, made a presentation on the flooding during the recent storm. The most severe flooding was in Eagle Creek. Mr. Doxey requested the Board to address new storm water rules and regulations before we have another severe storm.

There being no further comments, Chairman Etheridge closed the public comment period.

Presentation by East Carolina Behavioral Health

Mr. Ray Wilson, provided the Board with an update on services they are providing for Albemarle Mental Health.

They also provide a quarterly financial report to the Board.

Bryant Brooks, Dominion Power Presentation

deleted

Public Hearing and Action PB 09-32 Currituck County Planning Board: An amendment to Chapter 2: Permissible Uses Table, Chapter 4: Overlay Districts, and Chapter 17: Definitions to prohibit domestic horses in the Outer Banks Limited Residential (RO2) zoning district.

Ben Woody, Planning Director, reviewed the amendment.

The enclosed text amendment, requested by the Planning Board, prohibits domestic horses in the Outer Banks Limited Access Residential District (RO2). Currently the Unified Development Ordinance (UDO) allows for horseback riding, schools, and boarding in the RO2 zoning district with a special use permit. This amendment also proposes an additional subsection (E) to section 4.7.2 of Chapter 4 Overlay Districts, which further clarifies that domestic horses are prohibited in the off-road area.

The request is intended to ensure the long term safety and wellbeing of the Corolla wild horse herd and residents of the off-road area. Domestic horses may be carriers of equine diseases for which the wild horses have no immunity, and therefore pose a threat to the longevity of the herd. Additionally, inexperienced riders of domestic horses are at risk of injury if they are thrown from a horse as a result of aggressive interactions between territorial wild horses and domestic horses.

The Planning Board recommended unanimous approval at their October 13, 2009 meeting and included a definition of domestic horse.

Should you have any questions, do not hesitate to contact Jason Litteral at 453-8555, extension 233.

PLANNING BOARD DISCUSSION

Mr. Woody provided a definition of domestic horse which would be added to the text amendment.

Mr. West asked if this amendment would also eliminate a special use permit to have horseback riding in the RO2 zoning district.

Mr. Woody stated yes.

Ms. Wilson stated it is a safety issue as well as protecting the wild herd.

ACTION

Ms. Wilson motioned to recommend approval of PB 09-32 text amendment with the addition of the definition of domestic horse is included as presented. Mr. Bell seconded the motion. Motion carried unanimously.

Currituck County Planning Board PB 09-32 UDO AMENDMENT REQUEST

An amendment to Chapter 2: Permissible Uses Table, Chapter 4: Overlay Districts, and Chapter 17: Definitions to prohibit domestic horses in the Outer Banks Limited Residential (RO2) zoning district.

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 2, Zoning Districts, Section 2.5, Permitted Uses Table is amended by deleting the following strikethrough language:

2.5 Permitted Uses Table

Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
Recreation & Entertainment														
Horseback Riding, Schools, Boarding	III	C	C	C		<u>S</u>		C	C			C	C	

Item 2: That Chapter 4: Overlay Districts, Section 4.7.2 Uses is amended by deleting the following strikethrough language and adding the following underlined language:

4.7.2 Uses

- C. ~~Moped rentals, and hang gliding businesses, and horseback riding, schooling, and boarding facilities~~ may be permitted with a special use permit provided all activities (i.e. money collection, rides, parking, etc.) occur only on the property under control of the operator either by ownership or lease. Such uses shall only be permitted in zoning districts as allowed in the Permitted Uses Table, but shall require a special use permit as opposed to a conditional use permit.
- E. Domestic horses are prohibited in the Outer Banks Limited Access Residential (RO2) zoning district.

Item 3: That Chapter 17: Definitions is amended by adding the following underlined language alphabetically:

Domestic Horse

A non-feral ungulate mammal. For the purposes of this definition, domestic horse shall include any horse that is not living and breeding in a wild state in the Fruitville Township - Outer Banks and has never been dependent on humans for survival.

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

Chairman Etheridge opened the public hearing.

Mike Hoff, Mackay Island Refuge, supports the ordinance.

Bo Dane, Site Manager for Coastal Reserve, supports the ordinance.

Karen McCalpin, Director of the Wild Horse Fund, supports the request.

Wesley Stallings, Wild Horse Herd Manager, supports the ordinance.

Kimberlee Hoey, President Wild Horse Fund, supports the ordinance.

There being no further comments, Chairman Etheridge closed the public hearing.

Commissioner Aydlett moved to approve as presented by staff due to its consistency with the policies of the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Commissioner O'Neal seconded the motion. Motion carried.

Public Hearing and Action on Resolution for funding the Whalehead Watershed District not to exceed \$3,000,000.

Commissioner O'Neal moved to adopt the following resolution. Commissioner Aydlett seconded the motion. Motion carried.

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Currituck, North Carolina desires to construct the Whalehead Subdivision Drainage Improvements – Phase I (the “Project”) to better serve the citizens of Whalehead Watershed Service District, Corolla, NC; and

WHEREAS, The County of Currituck desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Currituck, North Carolina, meeting in regular session on the 16th day of November, 2009, make the following findings of fact:

1. The proposed contract is necessary or expedient to correct drainage deficiencies within the Whalehead Watershed Service District.
2. The proposed contract is preferable to a bond issue for the same purpose because the County desires to borrow an amount not to exceed \$3,000,000, which would be bank qualified debt, for fifteen (15) years and it is more economical for the County to do an installment purchase contract for this amount rather than increase the borrowing costs with the costs associated with a bond referendum and issuing bonds.

3. The cost of financing under the proposed contract is comparable to the cost of issuing general obligation bonds. The process of having a bond referendum and going through the approval process would delay the project by six to eight months and therefore the County desires to move forward with the installment purchase contract.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the County has established a service district with a tax rate of four cents per One Hundred Dollars of property valuation, which will meet the debt obligations for this installment purchase agreement.
5. The County of Currituck's debt management procedures and policies are good because the County has identified revenue sources to make debt payments and invests and monitors all funds to assure that debt payments are made when due.
6. The County does not anticipate increasing taxes for this new debt. The County anticipates that this service district tax generated will be sufficient for future debt payments for the life of this debt.
7. The County of Currituck is not in default in any of its debt service obligations.
8. The attorney for the County of Currituck has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to act on behalf of the County of Currituck in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

Consideration and Action on Ordinance regulating the use of horses on the Outer Banks

Ike McRee, County Attorney, reviewed the ordinance.

Commissioner Aydlett moved to adopt the ordinance.
Commissioner Rorer seconded the motion. Motion carried.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-55 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO PROHIBIT USE OF HORSES ON THE NORTHERN CURRITUCK OUTER BANKS

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

WHEREAS, pursuant to N.C. Gen. Stat. §§153A-127 and 153A-131 a county may by ordinance define and prohibit the abuse of animals and regulate, restrict or prohibit the possession or harboring of animals which are dangerous to person or property; and

WHEREAS, the Board of Commissioners for Currituck County finds and determines that humans and Corolla Wild Horses are at risk for injury when mixed with domesticated horses and further that Corolla Wild Horses are at risk from exposure to Equine Infectious Anemia and parasitic infection that may be introduced into the Corolla Wild Horse home range by domesticated horses.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 10-55 of the Code of Ordinances to read as follows:

Sec. 10-55. Locations where use prohibited.

(a) No vehicles, mopeds, motorcycles or motor vehicles shall be operated ~~and no horses shall be used~~ on the Outer Banks except on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area.

(b) This section shall not apply to vehicles, ~~horses~~, mopeds, motorcycles, or motor vehicles operated on private property with the permission of the owner. The owner must be present or written evidence of the owner's permission furnished.

(c) It shall be unlawful for any person to keep, harbor, maintain, possess, ride, walk or bring a horse into or upon that area of the county on the Outer Banks from the terminus of the paved portion of N.C. State Highway 12 to the Virginia state line. Notwithstanding the foregoing, a horse may be used on private property with written evidence of the owner's permission or on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area in that area of the county on the Outer Banks from Dare County to the terminus of the paved portion of N.C. State Highway 12.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART III. This ordinance is effective upon adoption.

Consideration of request for funding Nightingale

Commissioner Aydlett moved to fund \$200,000, \$100,000 from occupancy tax and \$100,000 from general fund as a donation to help fund purchase of a new Nightingale medical helicopter. Commissioner O'Neal seconded the motion. Motion carried.

Appointments to Tourism Advisory Board

Commissioner Gregory moved to re-appoint Don Cheek. Commissioner Rorer moved to appoint Lori London. Motion carried by acclamation.

Consent Agenda:

1. Approval of November 2, 2009, Minutes
2. Petition to NCDOT for Addition of Douglas Court to State System
3. Approval of Records Retention and Disposition Schedule-County Sheriff's Office
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5. Budget Amendments:

Cooperative Extension increase appropriations for SHIIP Grant for insurance assistance for senior citizens.

Southern Outer Banks Water System transfer funds for emergency repairs to Whalehead Deep Well discharge line.

Moyock Commons Sewer transfer funds to replace computer for sewer operator and increase contracted services for site maintenance at Moyock Commons.

Food Bank- To increase appropriations to assist with establishing a food pantry in Lower Currituck. This funding will assist with rent, utilities, security and initial purchase of refrigerators and freezers.

Nightingale Medical Helicopter - To increase appropriations for a donation to help fund purchase of medical helicopter.

Commissioner Gregory moved to approve. Commissioner Taylor seconded the motion. Motion carried.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868-516000	Repairs and Maintenance	\$ 11,000	
66868-545000	Contracted Services		\$ 5,000
66868-561000	Professional Services		\$ 6,000
		<u>\$ 11,000</u>	<u>\$ 11,000</u>

Explanation: *Southern Outer Banks Water System (66868)* - To transfer funds for emergency repairs to the Whalehead Deep Well discharge line.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10640-532004	Supplies - Home Economics	\$ 2,624	
10330-449900	Miscellaneous Grants		\$ 2,624
		<u>\$ 2,624</u>	<u>\$ 2,624</u>

Explanation: *Cooperative Extension (10640)* - To increase appropriations for the SHIIP Grant from the NC Department of Insurance for insurance assistance for senior citizens.

Net Budget Effect: Operating Fund (10) - Increased by \$2,624.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
65858-590441	Technology Over \$1,000	\$ 1,740	
65858-545000	Contracted Services	\$ 2,000	
65858-561000	Professional Services		\$ 3,740
		<u>\$ 3,740</u>	<u>\$ 3,740</u>

Explanation: *Moyock Commons Sewer (65858)* - To transfer funds to replace computer for sewer operator and to increase contracted services for site maintenance at Moyock Commons.

Net Budget Effect: Moyock Commons Sewer District (65) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10950-585003	Food Bank	\$ 14,700	
10320-408000	Franchise Taxes		\$ 14,700
		<u>\$ 14,700</u>	<u>\$ 14,700</u>

Explanation: *Agency Appropriations (10950)* - To increase appropriations to assist with establishing a food pantry in Lower Currituck. This funding will assist with rent, utilities, security and initial purchase of refrigerators and freezers.

Net Budget Effect: Operating Fund (10) - Increased by \$14,700.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10950-585001	Agency appropriations Appropriated Fund	\$ 100,000	
10390-499900	Balance		\$ 100,000
		<u>\$ 100,000</u>	<u>\$ 100,000</u>

Explanation: *Agency Appropriations (10950)* - To increase appropriations for a donation to help fund purchase of medical helicopter.

Net Budget Effect: Operating Fund (10) - Increased by \$100,000.

Commissioner's Report

Commissioner Taylor wished Commissioner Nelms congratulations on his wedding. She also attended the Veterans' Day celebration in Coinjock.

There will be a Thanksgiving Dinner for those less fortunate at the High School at 1:00 p.m. sponsored by the Etheridge family.

Commissioner Aydlett thanked Department of Transportation for their work on Knotts Island that prevented severe flooding during the last storm.

Commissioner Rorer commented on the next food drop in Grandy; he attended the Currituck Kids fundraiser and the Moyock Woman's Club fundraiser.

Adjourn

There being no further business, the meeting adjourned.