



**CURRITUCK COUNTY
NORTH CAROLINA**

Minutes- Regular Meeting of the Board of Commissioners

January 17, 2023, 6:00 p.m.

Present: Bob White
Selina S. Jarvis
Paul M. Beaumont
J. Owen Etheridge
Kevin E. McCord
Michael H. Payment

Absent: Mary "Kitty" Etheridge

1. Work Session

1. 4:30 PM: Ward and Smith, P.A.

The Board of Commissioners met in a Work Session at 4:30 PM to discuss the Board's legislative agenda with representatives of Ward and Smith, the firm recently contracted to lobby the North Carolina state legislature on the County's behalf. Jamie Norment, Whitney Christensen, Trafton Dinwiddie and Jonathan Brooks attended, and each highlighted their experience, areas of expertise and responded to questions from Commissioners. The County's legislative agenda items and priorities were presented and Ms. Christensen discussed the viability, familiarity of the items and the different processes followed to secure appropriations or legislation. Next steps and a legislative timeline were reviewed.

At the conclusion of the Work Session, Ms. Christensen said a draft legislative agenda would be provided to the County Manager for review and approval. Commissioner Beaumont moved to close the Work Session and Commissioner Jarvis seconded the motion. The motion passed, 6-0, and the Work Session closed at 5:42 PM.

2. Call to Order - 6:00 PM

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

Chairman White called the meeting to order and announced the earlier Work Session.

1. Invocation & Pledge of Allegiance

Commissioner Beaumont offered the Invocation and led the Pledge of Allegiance.

2. Ethics Awareness and Conflict of Interest Reminder

The Clerk to the Board read the Ethics Awareness and Conflict of Interest Reminder. No conflicts were disclosed.

3. Approval of Agenda

Commissioner Payment amended the agenda and added appointments to the Lower Currituck Volunteer Fire Department Fireman's Relief Fund Board.

MOVER: Michael H. Payment

SECONDER: Selina S. Jarvis

AYES (6): Bob White, Selina S. Jarvis, Paul M. Beaumont, J. Owen Etheridge, Kevin E. McCord, and Michael H. Payment

AWAY (1): Mary R. Etheridge

RESULT: Approved (6 to 0)

3. Public Comment

Chairman White recognized the absence of Commissioner Mary Etheridge and opened the Public Comment period.

Denise Fallon, Principal of JP Knapp Early College, announced the start of recruitment for students interested in attending the early college. The application and interview process, selection and notification timeline, and upcoming informational meetings were presented.

John Snowden of Maple Road thanked citizens for attending the meeting and offered his apologies to Commissioner Payment for an earlier, heated phone conversation.

No others were signed up nor wished to speak and the Public Comment period was closed.

4. Commissioner's Report

Chairman White presented Commissioner Payment with a plaque in recognition of two years of prior service as Chairman of the Board of Commissioners.

Commissioner Payment thanked the Board for the recognition and citizens in attendance at the meeting. He encouraged citizens to reach out to Board members to discuss issues.

Commissioner Jarvis wished everyone a Happy New Year and shared her experience so far serving as Commissioner. She recognized Currituck County student members of College of the Albemarle's Phi Beta Kappa chapter, the first and only 5-Star chapter. She thanked members of the County's Juvenile Crime Prevention Council for their efforts supporting Currituck County youth.

Commissioner J. Owen Etheridge responded to citizen inquiries related to solid waste permits and reviewed the policy and issuance procedures for residents and property owners. Policies for beach parking permits for the off-road area were also reviewed.

Commissioner McCord encouraged citizens to come out and support the Wounded Warriors as they are escorted through the County at the start of their annual visit. He reported on a positive, well-attended meeting of the Animal Services and Control Advisory Board on which he serves. He took time to recognize the excellent training of the County's Fire and Emergency Medical Services staff and offered prayers and condolences to a local family after a tragic motor-vehicle accident.

Commissioner Beaumont reported on the many calls he has received about the solid waste decals, and noted the positive performance of Waste Management staff at the convenience sites. He asked that staff address the use of convenience sites by commercial businesses. The County Manager agreed to follow up with Public Works and Waste Management.

Chairman White encouraged citizens to attend the 2023 Annual Board Retreat at the Public Safety Center, February 3rd and 4th.

5. County Manager's Report

County Manager, Ike McRee, announced the upcoming Board Retreat and some of the budget topics that will be discussed.

6. County Attorney's Report

Megan Morgan, County Attorney, updated Commissioners on County litigation and upcoming court appearances.

7. Public Hearings

1. PB 87-56 Monteray Shores, Phase 10, Part A

The Board of Commissioners resumed discussion that began on December 19, 2022, and Mark Bissell, Engineer for the project, presented information on action that has been taken since. He presented a letter from the North Carolina Department of Transportation (NCDOT) stating that permission to grant vehicle access to the right-of-way could not be considered at this time. Mr. Bissell said the right-of-way access and causeway would not be necessary until phase 4 of construction and requested approval and bonding for those phases be delayed. He presented a design for a potential one-way access through the NCDOT right-of-way which was requested by the Board. He said an alternate design would be necessary if NCDOT does not approve use of the right-of-way. He said a permit application has been prepared for submittal to Coastal Area Management Act (CAMA) to construct the planned boardwalk and updated Commissioners on plans for a concrete walkway along the back of the townhomes, and a study of Malia Drive to ensure the roadway meets construction standards.

Applicant, Rick Willis, discussed multi-stage paving of the roadway to allow for construction traffic prior to finished paving and Senior Planner, Jennie Turner, determined changing certification of Malia Drive prior to final plat approval would still meet the ordinance requirement. Ms. Turner addressed discussion at the prior hearing and said, after review, the extension over the pond would meet internal connectivity requirements if it is deemed one-way.

Ms. Turner did stress the importance of meeting the conditions related to NCDOT approvals to meet access and connectivity requirements. Ms. Turner explained the review process based on what was submitted for approval.

Commissioners discussed the general lack of interconnectivity in the Corolla area. Ms. Turner discussed review challenges with changes to the layout that are different from what was initially submitted and Mr. Bissell responded to questions from Board members. Ms. Turner said the changes being shown on the plat will be addressed later, and this consideration relates only to one piece of the development, which is the six-lot subdivision.

Construction of the dock was discussed and the processes related to construction and promise of water access to future owners. Staff would like to see the dock as part of subdivision. Commissioners discussed the impacts of having or not having the dock and boardwalk built with the applicant.

The Chairman recessed the meeting at 7:38 PM. The meeting reconvened at 7:50 PM.

Mr. Bissell confirmed the applicant is comfortable tying the permitting of the dock to the Phase II multi-family construction approval, which would not be able to proceed until the dock permit is issued. Phase II multi-family and dock construction would run concurrently.

Interconnectivity requirements for Phase I were discussed, and Ms. Turner said bonding would be appropriate as long as physical access to the commercial lot is preserved. She suggested setting a construction timeline for completion.

Chairman White opened the Public Hearing and swore in those who wished to speak.

Anthony Cerri of Corolla asked the Board to step back and consider the possible impacts to the community. He questioned where occupants will park to visit the beach, where additional workforce will live, and impacts related to Public Safety, grocery stores, utilities, traffic, and the lake at the location.

Wayne Evans of Corolla agreed with Mr. Cerri's comments and asked the Board to consider the full-time residents and the site being located where the Mid-Currituck bridge will be coming in.

Barbara Marzetti of Corolla, President of the Corolla Civic Association, believes the traffic impact study was not adequate due to the timing of study. She expressed stormwater concerns and noted existing flooding issues in TimBuck II. She also cited a lack of worker housing and infrastructure needs to support new businesses.

Tom Wright of Jarvisburg, business owner in TimBuck II, voiced concern with the traffic study and noted the tremendous traffic issue that exists at the location. He said issues at the corner need to be addressed.

There were no other speakers and the Public Hearing was closed.

Chairman White discussed the duties of the Technical Review Committee (TRC) which include assessing impacts to public health and safety. He is familiar with the area and shares traffic concerns, and he said the traffic engineer previously confirmed Malia Drive could handle all of the traffic if needed. Chairman White recognized concerns with worker housing and the Mid-Currituck Bridge.

Commissioner Payment expressed concern with the farm market at the corner and said NCDOT approval would allow for better traffic flow and potentially more business.

Commissioner Beaumont acknowledged the Board is aware of the challenges. Commissioner McCord said he takes issue with the traffic study based on his familiarity of the area.

Ms. Turner confirmed the final phases would need to be redesigned if NCDOT does not approve the right-of-way.

Commissioner Beaumont was excused from voting because he was not present for the testimony provided at the December 19th, 2022 hearing.

Chairman White called a recess at 8:27 PM. The meeting reconvened at 8:45 PM.

MOVER: Bob White

SECONDER: J. Owen Etheridge

Discussion concluded and Chairman White moved to approve PB 87-56: Monterey Shores, Phase 10, Part A preliminary plat/special use permit because the applicant has demonstrated the proposed use meets the review standards of the UDO. The use will not endanger the public health or safety; the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located; the use will be in conformity with the Land Use Plan or other officially adopted plans, specifically: Policies 1.3, 2.1, EP 1.1, PR 2.1, and Corolla Policy G-2 and 2.1. The use will not exceed the county's ability to provide adequate public facilities. Conditions included are:

- Roadways be permitted to show one-way in and all traffic exiting out Malia Drive if approval is granted by NCDOT.
- Allow for interconnectivity to be bonded with up to two years to complete, with a one-year extension possible for good cause; or, must come to the Board of Commissioners with a sketch plan to reflect the new design.
- Prior to recording the final plat, road construction across the pond to NCDOT property must be completed and/or amended through a new sketch plan to reflect future phases.
- CAMA permits must be obtained for boardwalk and docks prior to moving into Phase II multi-family, and construction of the boardwalk and docks must be concurrent with Phase II multi-family construction.
- Proposed changes to pond configuration shall not negatively impact the county's easement or purpose for the easement recorded in the Currituck County Register of Deeds Office on Deed Book 1135, Page 302.
- Walkways and piers for private property owner use may not be constructed in open space set-asides.
- Paving can be multi-staged and must be completed prior to final plat approval. Prior to final plat provide certification that Malia Drive meets NCDOT construction standards.

Commissioner J. Owen Etheridge seconded the motion. The motion passed, 5-1, with Commissioner McCord opposed.

AYES (5): Bob White, Selina S. Jarvis, J. Owen Etheridge, Mary R. Etheridge, and Michael H. Payment

OPPOSED (1): Kevin E. McCord

EXCUSED (1): Paul M. Beaumont

RESULT: Approved (5 to 1)

2. PB 22-13 Ashbrook Estates, LLC - Rezoning

Kevin Kemp, Development Services Director, reviewed the rezoning application for Commissioners. He displayed maps noting the area zoning and surrounding uses. He discussed uses that would increase intensity on the lot based on the request to rezone from Agriculture. He contrasted Conventional with Conditional zoning and reviewed allowances for low-density housing at the site based on the Imagine Currituck Land Use Plan (LUP). Applicable Goals and Policies in the Imagine Currituck LUP and Maple-Barco Small Area Plan (SAP) were reviewed and it was noted the site lies within the airport overlay district. The staff analysis of the site and density considerations were presented. The Planning Board recommended denial of the request because with no development or conceptual plan there is no way to ensure compatibility with County plans.

Project Manager, Jason Mizelle of Timmons Group, addressed Commissioners. He noted the area is designated full-service in the 2006 LUP, transitional in the Maple-Barco SAP. The background relative to the applicant's purchase of the property was reviewed and he discussed the impacts to development as the County revises land use plans.

Mr. Mizelle said the plan is to build moderate, affordable housing. Development would likely be phased. He said straight zoning is requested due to potential market changes going forward, and any development plans would require Board approval. He said additional protections would be provided through implementation of regulations in the Unified Development Ordinance.

Commissioners voiced concerns with Conventional rezoning and the site location that lies within the airport overlay. Commissioners prefer Conditional because it is not speculative and provides a plan for development. Mr. Timmons responded to questions related to the airport overlay and its affects on density. School capacities were discussed, and it was noted that Central Elementary is at 93 percent.

Chairman White opened the Public Hearing.

David Conn of Maple Road said he does not see a way to put a high-density development of homes or condos on the road. He discussed traffic concerns, and said the development is not the kind of life residents who move to the area want.

John Snowden of Maple Road stressed the importance of agricultural resources in the County. Mr. Snowden said there is no requirement to rezone, as it is a legislative matter. He said the buyer knew Agricultural zoning of the parcel when it was purchased, and homes can still be built at lower density. He does not think the development is consistent with County plans and is not transitional in nature. Mr. Snowden cited concerns with traffic and the site's location in the airport overlay and opposes the rezoning.

There were no other speakers and the Public Hearing was closed.

MOVER: Paul M. Beaumont

SECONDER: Selina S. Jarvis

There was no further discussion and Commissioner Beaumont moved for denial of PB 22-13: Ashbrook Estates, because it is not possible to determine whether the request is consistent with Imagine Currituck Land Use Plan policies and goals, Maple-Barco Small Area Plan policies, and the Airport Overlay District. Commissioner Jarvis seconded the motion. The motion carried, 6-0.

RESULT: Denied

3. PB 22-14 Porpoise, LLC - Conditional Rezoning

Kevin Kemp, Development Services Director, reviewed the Conditional Rezoning request for Commissioners, to include site location and zoning maps. He said the site is currently operating as light-industrial use and the proposed development plan was reviewed. Goals and Policies of the Imagine Currituck plan were reviewed, and Mr. Kemp said the Planning Board and Technical Review Committee (TRC) recommended approval with conditions related to building design standards. Consistency and compatibility statements were reviewed, and the site plan was presented.

Michael Strader, Engineer of Record, and L.G. Shaw, Owner and Applicant, were present. Mr. Strader clarified the proposal's consistency and conformity with existing County plans and surrounding land uses.

Chairman White opened the Public Hearing. No one wished to speak and the Public Hearing was closed.

MOVER: Selina S. Jarvis

SECONDER: Michael H. Payment

Commissioner Jarvis moved to approve PB 22-14: Porpoise, LLC, because the request is consistent with Land Use Plan Goal 3 and Economic Development Goal 1. The request is reasonable and in the public interest because it would result in a logical and orderly development pattern, would not conflict with the public interest and is in harmony with the purposes and intent of this Ordinance. As a condition, the building design standards of the Unified Development Ordinance shall be met or exceeded to ensure consistency with Land Use Goal 3.

Commissioner Payment seconded the motion. The motion carried, 6-0.

RESULT: Approved

4. PB 22-16 Currituck County - Campground Access Text Amendment

Kevin Kemp, Development Services Director, reviewed the text amendment which resulted after approval of a campground at the H2OBX water park in June, 2022. As the Ordinance was written, a parallel roadway was required for access to the campground. Staff recommended the text amendment to remedy the issue by allowing the campground to use the same access as the water park.

Mr. Kemp reviewed supporting Goals and Policies in the Imagine Currituck Land Use Plan and said the Planning Board recommended approval of the text amendment.

Chairman White opened the Public Hearing. There were no speakers and the Public Hearing was closed.

MOVER: Paul M. Beaumont

SECONDER: J. Owen Etheridge

Commissioner Beaumont moved for approval of PB 22-16, Currituck County Campground Access Text Amendment. Commissioner J. Owen Etheridge seconded the motion. The motion carried, 6-0.

AYES (6): Bob White, Selina S. Jarvis, Paul M. Beaumont, J. Owen Etheridge, Kevin E. McCord, and Michael H. Payment

AWAY (1): Mary R. Etheridge

RESULT: Approved (6 to 0)

8. New Business

1. Sole Source Purchase Resolution-OmniSite Remote Monitoring Equipment, Mainland Sewer

County Manager, Ike McRee, reviewed the Resolution to request a Sole Source Purchase of remote monitoring equipment for Mainland Sewer.

MOVER: J. Owen Etheridge

SECONDER: Selina S. Jarvis

Commissioner J. Owen Etheridge moved for approval and Commissioner Jarvis seconded the motion. The motion carried, 6-0.

RESULT: Approved

2. Board Appointments

a. Board of Adjustment

MOVER: Kevin E. McCord

SECONDER: Selina S. Jarvis

Commissioner McCord was provided an explanation of the Alternate member rotations on the Board of Adjustment and nominated Shay Ballance to fill the first Alternate position on the Board. Commissioner Jarvis seconded the motion. The motion carried, 6-0.

RESULT: Approved

MOVER: J. Owen Etheridge

SECONDER: Kevin E. McCord

Commissioner J. Owen Etheridge nominated Sam Miller for reappointment to the Board of Adjustment. Commissioner McCord seconded the motion. The motion carried, 6-0.

RESULT: Approved

b. Planning Board

Commissioner McCord nominated Brian Innes to serve on the Planning Board. Commissioner J. Owen Etheridge seconded the motion. The motion carried, 6-0, and the nominee was approved.

c. Lower Currituck Volunteer Fire Department Fireman's Relief Fund Board

The agenda was amended to include the appointment of Commissioner representatives to the Lower Currituck Volunteer Fire Department Fireman's Relief Fund Board. Commissioner Payment nominated Cathy Miller and Jonathan Britton. Commissioner McCord

seconded the motion. The motion passed, 6-0, and the nominees were approved.

3. Consent Agenda

Commissioner Jarvis moved to approve the Consent Agenda. Commissioner Beaumont seconded the motion. The motion carried, 6-0, and Consent Agenda items were approved.

MOVER: Selina S. Jarvis

SECONDER: Paul M. Beaumont

RESULT: Approved

- a. Budget Amendments
- b. Project Ordinance-Dolphin Street Sidewalk
- c. Surplus Resolution-Public Works, Generator and Fuel Tank
- d. Records Disposal Request-Human Resources
- e. Approval of Minutes for March 30, 2022; December 19, 2022

9. Adjourn

There was no further business and Commissioner Beaumont moved to adjourn. The motion was seconded by Commissioner Jarvis. The motion carried, 6-0, and the Regular Meeting of the Board of Commissioners was adjourned.

MOVER: Paul M. Beaumont

SECONDER: Selina S. Jarvis

RESULT: Approved