

CURRITUCK COUNTY
NORTH CAROLINA
APRIL 19, 2004

The Currituck County Board of Commissioners met prior to the regular meeting at 6:00 p.m. to discuss airport operations. The Board also had a closed session to discuss economic development.

The Currituck County Board of Commissioners met on Monday, April 19, 2004, at 7:00 p.m. at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman O'Neal and Commissioners Miller, Martin, Bowden and Gregory.

Bob Henley was present to give the invocation. The Board expressed sympathy to the families of Herbert Waterfield and Tom Collie who passed away.

Approval of Agenda

Commissioner Martin moved to amend the agenda to add a closed session and resolution to appoint review officers. Commissioner Martin seconded the motion. Motion carried.

- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Old Business**
- Item 3 Public Hearing and Action PB 03-04 CTX, INC: rezone 190 acres from A (Agricultural) to Residential (R) on property located in Moyock at the intersection of Caratoke Highway and Tulls Creek Road, Tax Map 9, Parcel 29K, Moyock Township. (**recessed from April 5, 2004**)
- New Business**
- Item 4 Diane Sawyer, Public Information Director, presentation on new county web site.
- Item 5 Discussion of 3 acre lots on Knotts Island.
- Item 6 Discussion on Carova Beach Park.
- Item 7 Consideration of off premise directional sign for Crabbie's Restaurant.
- Item 8 Public Hearing and Action on moratorium on building in the Whalehead Subdivision.
- Item 9 Public Hearing and action on amendment to Animal Control Ordinance.
- Item 10 Appointment to Offender Referral Services Advisory Board.
- Item 11 Consent Agenda:
Budget Amendments
Resolution declaring surplus property
Approval of Park Rules and Regulations.
Carova Beach Fire Dept. to purchase SCBA.

Item 12 Commissioner's Report
 1. Up-coming Board Appointments for June 1

Item 13 County Manager's Report

Item 14 Closed Session to discuss attorney client privilege.

Adjourn

Ocean Sands Water and Sewer District Meeting

Call to order

1. Approval of contract to maintain the Ocean Sands Water System.

Adjourn

Public Comment

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

Chairman O'Neal opened the public comment period.

Commissioner Bowden stated that he supported the continuation of the operation of the Currituck Beach Lighthouse by OBC and allowing them to continue to use county facilities until other arrangements could be made. He went on to say he would like a resolution of this matter with OBC.

Richard Barkalow, expressed concerns with the stopping of NC 12 widening.

Commissioner Miller requested staff to review phasing of subdivisions in UDO.

Commissioner Martin, stated that OBC has known over a year that they needed a conditional use permit to operate the Lighthouse. Currituck County residents are required to uphold the law and OBC should also.

Chairman O'Neal requested a letter be sent to our Legislators and DOT for the state to take responsibility of the secondary roads in the state and continue their funding by the General Assembly and not approve any new programs for this.

There being no further comments, Chairman O'Neal closed the public comment period.

Old Business

Public Hearing and Action PB 03-04 CTX, INC: rezone 190 acres from A (Agricultural) to Residential (R) on property located in Moyock at the intersection of Caratoke Highway and Tulls Creek Road, Tax Map 9, Parcel 29K, Moyock Township. (recessed from April 5, 2004)

Gary Ferguson, Planning Director, reviewed the request and stated that developer would like to rezone only 145 acres.

TYPE OF REQUEST: Request for rezoning 180 acres from Agricultural (A) to Residential (R).

LOCATION: This site is located on the east side of Caratoke Highway approximately 1500' northeast of Tulls Creek Road, Tax Map 9, Parcel 29E, Moyock Township.

PROPERTY OWNER: CTX, Inc.

CONTACT PERSON: Mark Bissell

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Agricultural	Residential (180 acres)

ZONING HISTORY: This property has been zoned Agricultural (A) since the adoption of the 1989 Zoning Map.

SURROUNDING ZONING/LAND USE:		
NORTH:	Agricultural & Light Manufacturing Zone/Woodlands & Cultivated farmland	
SOUTH:	Agricultural Zone/ Cultivated farmland & Residential	
EAST:	Residential Zone/Moyock Run, Woodlands, Residential & Cultivated farmland	
WEST:	General Business Zone/Vacant, Residential & Commercial	

EXISTING LAND USE: Farmland and woodlands

PUBLIC SERVICES AND UTILITIES: Moyock Volunteer Fire Department provides fire protection for this area. Electric, telephone, county water and cable are currently available.

TRANSPORTATION: The ingress/egress for this property is on Caratoke Highway which is classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan. Non-gated railroad tracks must be crossed when utilizing this access.

LAND USE PLAN CLASSIFICATION: Property appears to be located within the *Rural* and *Conservation* classifications in the County's 1990 Land Use Plan. However, the maps are not clear due to a diminished scale and it is difficult to precisely determine the exact locations of these classifications on this property.

The purpose of the *Rural* classification is to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Low density dispersed, single family residential uses at a gross density of approximately one unit per acre are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services.

The purpose of the *Conservation* classification is to provide for the effective long-term management and protection of significant, limited or irreplaceable areas. According to the Land Use Plan, *Conservation* areas (if developable) should be done at densities of less than one unit per gross acre.

SOILS: The property contains Roanoke, Augusta, Altavista, and State soils. These soils are marginally suitable to poor for septic tank installation. Swamp Forest wetlands are located along the eastern property line adjacent to Moyock Run.

FLOOD ZONE: The property is in Flood Zones C (outside the 100 year flood plain) and A3 EL6 (within the 100 year floodplain with a 6 foot base flood elevation). 75' of frontage along Moyock Run is within the CAMA Area of Environmental Concern.

STAFF COMMENTS:

- Under the proposed rezoning, single

family density could increase from 1 unit every 3 acres to 1 unit every 40,000 square feet.

- Consistency with the Land Use Plan is difficult to determine due to the fact that the maps do not clearly indicate the classifications. In addition, the current Land Use Plan is dated and may not be valid.
- Staff has concerns regarding the soil suitability for the number of septic systems resulting from an increased density on the property. Due to the poor soil structures on this site, it is recommended that lot sizes for future residential development should not be less than 40,000 square feet.
- The property's ingress/egress is currently off of Caratoke Highway and requires crossing non-gated railroad tracks for access. The applicant has previously indicated that he is willing to install a gated railroad crossing to help mitigate safety concerns for future development.
- A rezoning for this property was previously requested in May 2003. That request was for 30 acres of General Business and 150 acres of Residential. The item was tabled at the Board of Commissioners level and was never voted on.
- A public hearing sign was posted on this property on March 23, 2004. Adjoining property notices were mailed on March 18, 2004. Legal advertisements were published on March 19, 2004 and April 4, 2004.

STAFF**RECOMMENDATION:**

This site is contiguous with an existing Residential zone and is located in an area that is experiencing concentrated growth. On this basis, staff recommends approval of this rezoning. However, staff is

concerned about the impact that increasing density through residential rezoning may have on school capacity.

PLANNING BOARD

RECOMMENDATION: On March 9, 2004 the Planning Board reviewed this request and recommended approval (8-0).

Chairman O'Neal opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Miller moved to approve. Commissioner Martin seconded the motion. Motion carried with Commissioner Bowden voting no.

New Business

Diane Sawyer, Public Information Director, presentation on new county web site.

Diane Sawyer, Public Information Director, presented the updated county web site.

Discussion of 3 acre lots on Knotts Island.

Commissioner Bowden stated that Knotts Island residents have expressed an interest to require 3 acres as minimum lot sizes.

Chairman O'Neal stated that this is a county-wide issue and is being addressed.

Discussion on Carova Beach Park.

Commissioner Bowden requested the status of the Carova Beach Park.

County Manager Scanlon, stated that the 5 acre site has been purchased and the county will move forward and develop the area for public use.

Consideration of off premise directional sign for Crabbie's Restaurant.

Gary Ferguson, Planning Director, reviewed the proposed sign.

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

Public Hearing and Action on moratorium on building in the Whalehead Subdivision.

County Attorney Morrison stated that, because the required 10 day advertisement has not been met, the Board would need to have on the May 3 agenda but could allow the people already here for the public hearing to speak.

Ginger Webster, Whalehead property owner, stated several reasons supporting the moratorium.

Herb Robbins, supports moratorium because of drainage issues.

Peggy Arnette, Newport News, Va. expressed concern that she would not be allowed to build her dream home that she and her husband have waited 20 years to build.

Mary Kay Taylor, expressed concerns with drainage issues.

This item will be for public hearing and action on May 3, 2004.

Public Hearing and action on amendment to Animal Control Ordinance.

County Attorney Morrison, reviewed the proposed ordinance to limit animals to 4 dogs and/or 4 cats.

Chairman O'Neal opened the public hearing.

Mildred Quidley, questioned why the need to limit animals.

John Snowden, stated that the county could apply the zoning instead of limiting animals.

Chairman O'Neal closed the public hearing.

Commissioner Miller moved to approve and begin on May 30, 2004. Commissioner Martin seconded the motion. Motion carried with Commissioner Bowden voting no.

There will be a second reading of the ordinance on May 3, 2004.

Appointment to Offender Referral Services Advisory Board.

Commissioner Miller moved to appoint Dr. Chris Pope.

Commissioner Gregory seconded the motion. Motion carried.

Consent Agenda:

Budget Amendments

Resolution declaring surplus property

Approval of Park Rules and Regulations.

Carova Beach Fire Dept. to purchase SCBA.

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10750-557700	Crisis Intervention	\$ 4,410	\$
10752-519202	IV-E Adoption Assistance	1,000	
10390-499900	Fund Balance Appropriated	453	
10752-519300	IV-B Adoption Assistance		1,000
10330-431000	DSS Administration		453
10330-431600	Crisis Intervention		4,410
		\$ 5,863	\$ 5,863

EXPLANATION: DSS Administration (750) and Public Assistance (752) – To amend budgeted line items to reflect changes in State funding.

NET BUDGET EFFECT: Operating Fund (10) – Increased by \$3,957.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
27608-545000	Contract Services	\$ 8,000	\$
27390-499900	Fund Balance Appropriated		8,000
		\$ 8,000	\$ 8,000

EXPLANATION: Moyock Watershed District (27608) – To appropriate fund balance for maintenance work on ditches #4 and #5 in the Moyock Service District.

NET BUDGET EFFECT: Moyock Watershed District (27) – Increased by \$8,000.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
66868-553000	Dues & Subscriptions	\$ 805	\$
66868-516000	Maintenance & Repair		805
		\$ 805	\$ 805

EXPLANATION: Southern Outer Banks Water System (868) – Transfer budgeted funds to cover costs of required State permits.

NET BUDGET EFFECT: Southern Outer Banks Water System Fund (66) – No change.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10790-521000	Rent	\$ 90	\$
10790-532000	Supplies	1,800	
10790-532001	Library Materials	1,300	
10790-545000	Contract Services		1,890
10790-514500	Training and Education		1,300
		\$ 3,190	\$ 3,190

EXPLANATION: Library (790) – Transfer funds to rent due to increase in lease for copier; transfer to supplies to purchase 2 book carts, 2 filing cabinets and a color printer; and transfer to library materials to purchase additional books for the library collection.

NET BUDGET EFFECT: Operating fund (10) – No change.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10640-532000	Supplies	\$ 2,000	\$
10640-516000	Repairs & Maintenance		2,000
		\$ 2,000	\$ 2,000

EXPLANATION: Cooperative Extension (640) – Transfer budgeted funds to supplies for copies for various education programs for the remainder of this fiscal year.

NET BUDGET EFFECT: Operating fund (10) – No change.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10441-590001	Capital Outlay - Other Dept	\$ 1,300	\$
10415-526000	Advertising		500
10415-553000	Dues and Subscriptions		500
10415-561000	Professional Services		300
		\$ 1,300	\$ 1,300

EXPLANATION: Legal (415); Information Technology Services (441) – Transfer budget line items to purchase a replacement laptop computer for the legal assistant.

NET BUDGET EFFECT: Operating fund (10) – No change.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
15780-545002	Historic Preservation	\$ 25,520	\$
15320-415000	Occupancy Tax (3%)		25,520
		\$ 25,520	\$ 25,520

EXPLANATION: Occupancy Tax: Tourism (15780) – To appropriate funds for architect services the restore the Old Jarvisburg Colored School.

NET BUDGET EFFECT: Occupancy Tax (15) – Increased by \$25,520.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10660-502000	Salaries - Regular	\$ 13,886	\$
10660-505000	FICA	1,062	
10660-506000	Health Insurance	330	
10660-507000	Retirement	1,358	
10660-526000	Advertising	1,000	
10660-532000	Supplies	1,000	
10441-590001	Capital Outlay - Other	2,200	
10340-454000	Building Permits		20,836
		\$ 20,836	\$ 20,836

EXPLANATION: Planning and Inspections (660) – Increase budgeted line items to hire an additional Planner I. This position is requested due to the increasing demands on this department because of the continuous growth in the County.

NET BUDGET EFFECT: Operating Fund(10) – Increased by \$20,836.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10660-526000	Advertising	5,000	
10660-561000	Professional Services	12,000	
10340-454000	Building Permits		17,000
		\$ 17,000	\$ 17,000

EXPLANATION: Planning and Inspections (660) – The increase in advertising is requested for increased legal advertising. Also, an increase in professional services is requested due to an increased number of plan reviews requiring technical review by an engineer.

NET BUDGET EFFECT: Operating Fund (10) – Increased by \$17,000.

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 19, 2004 authorized the following, pursuant to GS 160A and 270(b), that the property listed below be declared surplus and will be turned over the Lower Currituck Volunteer Rescue Squad, Inc.

Tag 5615, 1995 Ford Ambulance VIN 1FDKE30F3SHC13332

Commissioner's Report

1. Up-coming Board Appointments for June 1

Commissioner Bowden stated that he attended the Hunter's Feast event and the proceeds went to Hope Haven Children's Home.

County Manager's Report

Closed Session to discuss attorney client privilege.

Commissioner Miller moved to go into closed session to discuss attorney client privilege and litigation.

Adjourn

After reconvening from closed session, the Board took no action. There being no further business, the meeting adjourned.

Ocean Sands Water and Sewer District Meeting

Call to order

1. Approval of contract to maintain the Ocean Sands Water System.

Commissioner Martin moved to approve. Commissioner Miller seconded the motion. Motion carried.

Adjourn

There being no further business, the meeting adjourned.