

CURRITUCK COUNTY
NORTH CAROLINA
MARCH 15, 2004

The Board of Commissioners met prior to the regular scheduled meeting at 6:00 p.m. in Closed Session to discuss Airport operations. The Board also met with the Walnut Island Property Owners.

The Currituck County Board of Commissioners met on Monday, March 15, 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, Bowden, Martin and Gregory.

Bob Henley was present to give the invocation.

Approval of Agenda

Commissioner Miller moved to amend the agenda to add a closed session. Commissioner Bowden 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.
- New Business**
- Item 3 Edie Etheridge, to discuss Red Cross Month.
- Item 4 John Jasinski, American Legion Post 288, to discuss Memorial Day event at Veterans Memorial Park.
- Item 5 Public Hearing and Action PB 04-07: Amendment to Section 1403 of the UDO to remove the requirement of providing location and depth of all in-use wells within .75 miles of a mining operation.
- Item 6 Public Hearing and Action PB 04-08 JAMES MALCO: Rezoning of 36.45 acres from Residential (R) to Agricultural (A) on property located in Point Harbor at 136 Griggs Acres Road, Tax Map 132, Lot 159, Poplar Branch Township
- Item 7 Country Roads/Lakes discussion and consideration on extension of Special Use Permit/Sketch Plan approval and location of 40 acre county site.
- Item 8 Update and discussion of the Waterlily Fire/EMS Station.
- Item 9 Dick George, discussion on amendment to CDBG Program.
- Item 10 Consent Agenda:
Resolution Charter Comm. Franchise Extension Agreement.
- Item 11 Commissioner's Report

Item 12 County Manager's Report

Adjourn

OCEAN SANDS WATER AND SEWER DISTRICT MEETING

Call to order

Item 1 Consideration of Antenna Lease on Water Tower

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.

Mark Wooten, Currituck County Skills USA Club, presented members and requested a donation from the Board to attend a State Championship.

Howard Miller, Point Harbor, requested an update on Point Harbor Park.

Commissioner Bowden requested a public hearing on the Knotts Island Fire Department rating.

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

New Business

Edie Etheridge, to discuss Red Cross Month.

This Item was tabled because Ms. Etheridge was not present.

John Jasinski, American Legion Post 288, to discuss Memorial Day event at Veterans Memorial Park.

Bob Kohler, stated that there would be a National Dedication Day for WWII Veterans at the Veterans Memorial Park on May 29, 2004, and invited all Board members and others to attend.

Public Hearing and Action PB 04-07: Amendment to Section 1403 of the UDO to remove the requirement of providing location and depth of all in-use wells within .75 miles of a mining operation.

Gary Ferguson, Planning Director, reviewed the request.

Mr. James Malco has submitted a text amendment application to modify Section 1403 of the Unified Development Ordinance. Section 1403(12) provides criteria for mining

operations within the County and currently requires that mining operations provide the location and depth of all in use wells within .75 miles of the mine site. Mr. Malco is requesting that this requirement be removed from the ordinance.

STAFF RECOMMENDATION:

Staff has reviewed this request and found the current requirement to be arduous and nearly impossible to meet. Generally, local ordinances parallel state regulations on these matters and the language that currently appears in the UDO is far greater than what the NC Division of Water Quality requires. Therefore, staff recommends approval of the proposed text amendment.

PLANNING BOARD RECOMMENDATION:

On February 10, 2004 the Planning Board reviewed and recommended approval (8-0) of this text amendment request. The Planning Board also recommended requiring the installation of monitoring wells at locations to be determined by the engineer performing the hydrological report.

Chairman O'Neal opened the public hearing.

Bob Stewart, Engineer, stated that a hydrologist would be responsible for the water study on wells.

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

Commissioner Bowden moved to grant the amendment and staff to make a recommendation on monitoring. Commissioner Gregory seconded the motion. Motion carried with Commissioner Martin voting no.

**PB 04-07
UDO AMENDMENT REQUEST**

The following amendment to the Currituck County Unified Development Ordinance has been requested:

PB 04-07 Amendment to Article 14, Section 1403 of the UDO to remove the requirement for the location and depth of in use wells within .75 miles of mining operations.

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:

Part 1. That the following sections be amended:

Section 1403 Specific Standards. (Amended 6/2/03)

12. Mining is allowed in A, RA, LM and HM Districts with a special use permit except as provided in (a) below. The special use permit may be issued only if the applicant receives the State of North Carolina mining permit and complies with the general standards and following specific standards: **(Amended 8/4/97, 7/24/00)**

(15) location ~~and depth of in-use wells~~ of constructed and natural drainageways and streams within .75 mile radius of the excavation. **(Amended 7/24/00)**

Public Hearing and Action PB 04-08 JAMES MALCO: Rezoning of 36.45 acres from Residential (R) to Agricultural (A) on property located in Point Harbor at 136 Griggs Acres Road, Tax Map 132, Lot 159, Poplar Branch Township

Gary Ferguson, Planning Director, reviewed the request.

**Zoning Staff Report: PB 04-08
Malco Rezoning**

TYPE OF REQUEST:	Request for rezoning 36.45 acres from Residential (R) to Agricultural (A).
LOCATION:	This site is located in Poplar Branch Township north of Griggs Acres Road, Tax Map 132, Parcel 159.
PROPERTY OWNER:	James I. Malco

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Residential	Agricultural
ZONING HISTORY:	Property was zoned Residential on the January 1, 1989 Official Zoning Map.	
SURROUNDING ZONING/LAND USE:	NORTH: General Business/Vacant & Residential SOUTH: Residential/Residential EAST: Residential/Residential & Dominion Power site WEST: Residential/Agricultural & Vacant	
EXISTING LAND USE:	Sand Mine & Agricultural	
PROPOSED LAND USE:	Extension of existing sand mine operation	
LAND USE PLAN CLASSIFICATION:	According to the 1990 Land Use Plan this area is designated Rural. The purpose of the rural class 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." This rezoning is consistent with the Rural classification.

**PUBLIC SERVICES
AND UTILITIES:**

Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric, telephone and cable are currently available.

TRANSPORTATION:

Property has access onto Griggs Acres Road, classified as a Minor Collector in the 1988 NCDOT Thoroughfare Plan.

FLOOD ZONE:

According to FEMA maps, the property is located in Flood Zone C (outside of the 100 year flood plain) and A4 EL8 (within the 100 year flood plain, 8' elevation).

SOILS:

The property primarily consists of Conetoe loamy sand. Conetoe soils are well drained with moderate to rapid permeability.

STAFF COMMENTS:

- Property is surrounded on 3 sides by Residential (R) and on the 4th side by General Business (GB).
- On July 18, 1994 the BOC approved a request to rezone 6 acres of this parcel from Residential (R) to Agricultural (A) which included 3.03 acres for a mining area with the balance devoted to the haul road. In addition, on the same date, the BOC approved a Special Use Permit for a sand mine operation on the site.
- On January 6, 1997 the BOC approved an amended SUP to allow de-watering at this site.
- On December 15, 1997 the BOC approved the rezoning of 1.12 acres of this property adjacent to the mine area from Residential (R) to Agricultural (A).
- On November 5, 2001 the BOC approved the rezoning of 2.43 acres of this property adjacent to the mine area from Residential (R) to Agricultural (A).

**STAFF
RECOMMENDATION:**

The proposed rezoning would be consistent with the Rural Classification of the Land Use Plan. However, staff is concerned with the potential impact on adjoining residential properties if the rezoning is approved and the existing mining area is expanded upon. Staff

recommends approval of this request only if the impact on adjacent properties can be mitigated by the applicant.

**PLANNING BOARD
RECOMMENDATION:**

On February 10, 2004 the Planning Board recommended approval (8-0) of this request.

Chairman O'Neal opened the public hearing.

James Malco, owner of property, requested the Board to support request.

A petition was presented with 19 signatures opposing request.

County received 2 letters opposing request and 1 letter supporting.

Christine Waters, opposed request.

Lynn Miller, opposed request.

Dick Godderd, concerned with safety.

John Hopper, opposed request.

Lydia Malco, owner of property, stated that this was a request for zoning only.

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

Commissioner Bowden moved to grant the request. Commissioner Gregory seconded the motion. Motion carried with Commissioner Martin voting no.

Country Roads/Lakes discussion and consideration on extension of Special Use Permit/Sketch Plan approval and location of 40 acre county site.

Gary Ferguson, Planning Director, reviewed the request for an extension of the special use permit and sketch plan and what parcel of property would like for the 40 acre site.

Commissioner Miller moved for a closed session to consult with the attorney. Commissioner Gregory seconded the motion. Motion carried.

After reconvening from closed session Mark Bissell, Engineer, reviewed the request.

County Attorney Morrison reviewed the Board's options that are outlined in the UDO.

Commissioner Bowden moved to deny the request for extension of special use permit/sketch plan approval. Commissioner Gregory seconded the motion. Motion carried

Update and discussion of the Waterlily Fire/EMS Station.

County Manager Scanlon, reviewed the draft site plan for the Waterlily Fire/EMS station. The project has been delayed hoping that this facility and the Lower Currituck facility could both be bid and constructed at the same time. We are now proposing moving this project forward and are moving to final site plan design so that the site work can proceed as soon as possible.

Dick George, discussion on amendment to CDBG Program.

Dick George, stated that two of the homes originally identified for replacement in the current CDBG program must be dropped from consideration and two additional homes selected to replace them. The Citizen Advisory Committee reviewed four applications for replacement and selected Phyliss Lindsey and Chad Tarkington.

Commissioner Gregory moved to approve the Advisory Committee's selection of Phyliss Lindsey and Chad Tarkington. Commissioner Martin seconded the motion. Motion carried.

**Consent Agenda:
Resolution Charter Communications Franchise Extension Agreement.**

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

Commissioner's Report

Commissioner Martin was absent at the last meeting and wanted the Board to know he also supports the resolution of God as a Foundation of our National Heritage.

Commissioner Gregory stated that during the NACo Conference in Washington, D.C., he, Representative Owens and Stan White met with Senator Dole on the mid-county bridge.

Chairman O'Neal stated again that DOT has made no efforts to help with the congested traffic on NC 12 and lower Currituck, and DOT has never filed for a permit for the mid-county bridge.

County Manager's Report

No Comments

Adjourn

Closed Session to discuss legal issues with County Attorney.

Chairman O'Neal moved to go into closed session to discuss legal issues. Commissioner Gregory seconded the motion. Motion carried.

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

OCEAN SANDS WATER AND SEWER DISTRICT MEETING

Call to Order

Chairman O'Neal called to order the Ocean Sands Water and Sewer District Meeting.

Consideration of Antenna Lease on Water Tower

Verizon Wireless has requested to place a cellular antenna on the Water Tower.

Commissioner Gregory moved to allow, contingent upon not interfering with Corolla Fire and Rescue. Commissioner Miller seconded the motion. Motion carried.

Adjourn

There being no further business, the meeting adjourned.