

CURRITUCK COUNTY
NORTH CAROLINA
JANUARY 18, 2005

The Currituck County Board of Commissioners met on Monday, January 18, 2005, at 5:30 p.m. prior to their regular meeting in a closed session to discuss economic development and at 6:00 p.m. to discuss a rezoning request by Shirley Weber.

The Currituck County Board of Commissioners met on Monday, January 18, 2005, at 7:00 p.m. for their regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Martin, Commissioners O'Neal, Bowden, Miller and Etheridge.

Invocation and Pledge of Allegiance

The Reverend David Cox was present to give the invocation.

Approval of Agenda

After consulting with Attorney, Chairman Martin moved to table item 5 for further discussion. Commissioner O'Neal 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 Recognition of Rodney Johnson
- Item 4 David Rowe, WRC, to discuss deer hunting regulations.
- Item 5 Action PB 00-53 Country Lakes (Country Roads) Preliminary Plat for 150 lots on property located on Tulls Creek Rd. adjacent to N. Lou Sawyer Rd. Tax Map 40, Lots 10, 25A, 26A, 26B, Tax Map 40G, Lots OPEN, 1, 2, 3, 4, Crawford Township.
- Item 6 Public Hearing and Action on amendment to Solid Waste Ordinance.
- Item 7 Public Hearing and Action PB 04-53 BRUMSEY WOODS: Sketch Plan/Special Use Permit for 17 lots located on Brumsey Road approximately 500' west of the intersection with Tulls Creek Road, Tax Map 49, Lots 34S and 34T, Crawford Township.
- Item 8 Consent Agenda:
Budget Amendments
Capital Project Ordinance Waterlily Fire Dept.
Approval of December 20 and January 3 minutes.
- Item 9 Commissioners Report
- Item 10 County Manager's Report

Public Comment

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

Chairman Martin opened the public comment period.

David Palmer, reviewed the update for the Land Use Plan meetings and dates of public hearings on the plan.

Sara Koch, Moyock, discussed storm water drainage ditches that needed to be cleaned and lighting of billboards.

Commissioner O'Neal stated that he had calls regarding Camden Landfill on property in Currituck County.

Chairman Martin, directed staff to send a letter to OBC, John Wilson, and request if he would sell the Lighthouse to the County and OBC would continue to operate. The Board would like to work with OBC for the good of the residents and visitors.

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

New Business

Recognition of Rodney Johnson, RC&D

Mike Doxey, SCS, stated that Mr. Johnson has been with the RC&D Council for 18 years and discussed his accomplishments on grants that Currituck County has received.

Chairman Martin presented Mr. Johnson with a plaque in recognition of his service and best wishes in his retirement.

David Rowe, WRC, to discuss deer hunting regulations.

County Manager Scanlon stated that he has received several calls from residents on the Outer Banks regarding the deer population. Because of our local law, the WRC cannot place this area in a management program.

Mr. Rowe, WRC, reviewed the options for the county.

Commissioner O'Neal moved to have staff bring a couple of recommendations for the Board to review. Commissioner Etheridge seconded the motion. Motion carried.

Action PB 00-53 Country Lakes (Country Roads) Preliminary Plat for 150 lots on property located on Tulls Creek Rd. adjacent to N. Lou Sawyer Rd. Tax Map 40, Lots 10, 25A, 26A, 26B, Tax Map 40G, Lots OPEN, 1, 2, 3, 4, Crawford Township.

Deleted.

Public Hearing and Action on amendment to Solid Waste Ordinance.

County Manager Scanlon reviewed the proposal.

Chairman Martin opened the public hearing, there being no comments closed the public hearing.

Commissioner O'Neal moved to adopt. Commissioner Bowden seconded the motion. Motion carried.

11-28 Frequency of Removal: R02 Zoning District.

The owner, occupant, tenant or lessee of any property in the R02 Zoning District as defined in Section 120 of the Currituck County Unified Development Ordinance shall remove or cause to be removed all solid waste from his property at least two times each week (seven-day period).

11-29 Enclosure of Roll-Out Carts: R02 Zoning District.

The owner of any property in the R02 Zoning District shall construct an enclosure in which to store solid waste receptacles. Such enclosure shall be four-sided and constructed of wood, concrete, block, brick or other material **as approved by the building inspector.** Such enclosure shall allow for ventilation and accessibility by the sanitation company. The enclosure shall be placed within 4 feet of the right-of-way. The enclosure shall be constructed within 60 days of the adoption of this ordinance.

This Section shall only apply to those owners, occupants, tenants, or lessees utilizing a commercial service pick-up. Any owner, occupant, tenant, or lessee disposing of his or her own solid waste at a County solid-waste facility shall not be required to construct an enclosure in which to store solid waste receptacles.

Public Hearing and Action PB 04-53 BRUMSEY WOODS: Sketch Plan/Special Use Permit for 17 lots located on Brumsey Road approximately 500' west of the intersection with Tulls Creek Road, Tax Map 49, Lots 34S and 34T, Crawford Township.

Gary Ferguson, Planning Director, reviewed the request.

LOCATION: Off Brumsey Road approximately 500' from intersection with Tulls Creek Road (SR 1222), Moyock Township.

ZONING DISTRICT: Residential

TAX ID: 0049-000-034S-000 & 0049-000-034T-0000

OWNER:
Currituck Homes, LLC
PO Box 62
Moyock, NC 27958

APPLICANT/AGENT
Hyman & Robey, PC
150-A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential - zoned R
SOUTH: Residential - zoned R
EAST: Residential - zoned R
WEST: Residential - zoned R

NARRATIVE OF REQUEST:

Currituck Homes is seeking Sketch Plan/Special Use Permit approval for 17 single family lots. The total acreage of the entire development is approximately 20 acres.

This property is zoned Residential. No open space is required or provided. Lots within this development are proposed to range from 40,000 sq. ft. to 2.24 acres with an average lot size of approximately 46,000 sf.

The subdivision will have one point of entry from Brumsey Road. The site offers an opportunity for a future street connection along the southern property line which could tie in at the intersection of Tulls Creek Road and Dozier Road. The lots will be served by individual septic systems and county water.

According to the Development Impact Statement, the developer proposes to build houses that will be three or four bedrooms with two bathrooms ranging in size from 2,000 sf to 3,000 sf. It is estimated that lot and home combinations will have a sales price in the range of \$450,000 to \$560,000, or an average sales price of about \$505,000. The land value is estimated to be approximately \$55,000 per lot.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

- STREETS:** All streets will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT.
- WATER:** This development will be served by County water.
- FIRE:** This development will be serviced by the Crawford Volunteer Fire Department.
- WASTEWATER:** Individual on-site septic systems are proposed.
- SOILS:** There are four soils types found at the site: **AaA** - Altavista fine sandy loam is a moderately well drained soil and is considered acceptable for septic systems; **At** - Augusta fine sandy loam is a somewhat poorly drained soil which requires an extensive drainage system and site modifications to improve the site for a septic system; **StA** - Statefine sandy loam is a well drained soil which is favorable for septic systems; and **To** - Tomotley fine sandy loam which consists of

poorly drained soil which requires extensive drainage and site modification for septic tank systems.`

SCHOOL CAPACITIES: Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 junior high students and .1568 high school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Crawford Township has an occupancy rate of 0.9106

Based on these pupil generation figures, Currituck can expect approximately seven elementary students, one junior high student, and two high school students from this development.

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have a student capacity of (-184) students after full development of the approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

OPEN SPACE: No open space is required or provided.

DRAINAGE: Roadside and property line swales/ditches will be used to address drainage for this property.

FLOOD ZONES: The majority of the property is located outside of the 100 year floodplain (flood zone C) with the eastern portion of the site being located within the 100 year flood plain with a base flood elevation of 6' (Flood Zone A3).

LAND USE PLAN: The property is classified as "Rural with Services" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. The proposed density for the 17 lot subdivision is approximately 0.8 units per gross acre. This proposal is consistent with the Land Use Plan.

STAFF COMMENTS:

- Prior to the TRC meeting, the applicant had numerous soil samples performed by the Health Dept. Based on the findings, the lots were slightly reconfigured to take advantage of the most suitable soils for septic systems.
- On July 8, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
 1. None of the proposed street names were approved. Need to submit additional street names for approval.
 2. Section 921 mandates that no more than 5% of the lots in a subdivision may be flag lots. There is one flag lot in the subdivision which equates to 6% of the total number of lots.
 3. Lots 1 and 17 need a 5' non-access buffer along Brumsey Road.
 4. For connectivity, extend the street and waterline to the lot owned by Ms. Smith at the southern property line.
 5. To meet the 500' hose length requirement, a second fire hydrant is probably required.
 6. For drainage purposes, the slough in the Brumsey Landing Open Space lot needs to be cleaned out. This will be addressed at the Preliminary Plat stage
 7. Joe Hobbs with the Health Dept. did soil evaluations on the site a few months ago and is concerned with the site being low and wet. There were additional concerns with the drainage and the septic suitability.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:
 - o The lots were reconfigured to eliminate the flag lot.
 - o The street and waterline were extended to the southern property line for future connections.
 - o A second fire hydrant was added.
- Additional street names need to be submitted for review and approval.
- The project will require state stormwater and erosion & sedimentation control permits.

QUESTION(S) BEFORE THE BOARD:

1. *Is the application complete?*

Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal complies with all UDO requirements for Sketch Plan approval.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

- (a) *Will not endanger the public health or safety.*

Public health and safety issues including fire protection, stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal.

- (b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property;

- (c) *Will be in harmony with the area in which it is located.*

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The proposal will be consistent with the CAMA Land Use Plan and with the Thoroughfare Plan;

- (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat, or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

Currituck can expect approximately seven elementary students, one junior high student, and two high school students from this development.

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

STAFF RECOMMENDATION:

Staff recommends approval, subject to the Board of

Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That additional street names be submitted for review and approval.
2. That the applicant shall be required to meet all requirements of the UDO including, but not limited to, providing adequate fire protection and adequate drainage facilities to serve the development.
3. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
4. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

PLANNING BOARD RECOMMENDATION:

On August 10, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That additional street names be submitted for review and approval. **(Done)**
2. That the applicant shall be required to meet all requirements of the UDO including, but not limited to, providing adequate fire protection and adequate drainage facilities to serve the development.
3. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
4. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

BOARD OF COMMISSIONERS:

On November 15, 2004 the Board of Commissioners reviewed this request and recommended to table the request until a meeting with the Board of Education on school facilities.

Chairman Martin opened the public hearing. There being no comments, he closed the public hearing.

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

Consent Agenda:

Budget Amendments

Capital Project Ordinance Waterlily Fire Dept.

Approval of December 20 and January 3 minutes.

Commissioner O'Neal moved to approve. Commissioner Miller seconded the motion. Motion carried.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
22690-561003	Professional Services-Carova	\$ 6,300	\$
22390-499900	Fund Balance Appropriated		6,300
		\$ 6,300	\$ 6,300

EXPLANATION: Fruitville Fire District (22690) – To appropriate fund balance for the audited financial statements for the fiscal years ended June 30, 2001 and June 30, 2002 for the Carova Beach Fire Department.

NET BUDGET EFFECT: Fruitville Fire District Fund (22) – Increased by \$6,300.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10470-590000	Capital Outlay	11,700	
10390-495015	T F - Occupancy Tax		11,700
15781-587010	T T - Operating Fund	11,700	
15380-481000	Investment Earnings		11,700
		\$ 23,400	\$ 23,400

EXPLANATION: Satellite Office (470) – To appropriate funds to replace building identification sign at the Outer Banks Satellite Office.

NET BUDGET EFFECT: Operating fund (10) – increased by \$11,700.
Occupancy Tax fund (15) – increased by \$11,700.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10550-545000	Contract Services	5,622	
10390-499900	Fund Balance Appropriated		5,622
		\$ 5,622	\$ 5,622

EXPLANATION: Airport (550) – To appropriate fund balance to carry-forward final phase of tree clearing around the hangar at the airport. Revenues generated from selling the timber from this project were collected last fiscal year, which will fund this project.

NET BUDGET EFFECT: Operating fund (10) – increased by \$5,622.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10775-590000	Capital Outlay	2,850	
10380-488400	ABC Profits		2,850
		\$ 2,850	\$ 2,850

EXPLANATION: Senior Center (775) – To increase budgeted line items to construct a sandblasted sign at the Powells Point Senior Center. The old sign was vandalized and destroyed.

NET BUDGET EFFECT: Operating fund (10) – increased by \$2,850.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10750-557700	Crisis Intervention	4,769	
10752-519202	Title IV-E Adoption Assistance	4,000	
10752-519300	Title IV-B Adoption Assistance	10,000	
10752-519600	Child Daycare	7,797	
10330-431600	Crisis Intervention		4,769
10330-432800	Day Care		7,797
10752-519100	Title IV-E Foster Care		5,000
10390-499900	Fund Balance Appropriated		9,000
		\$ 26,566	\$ 26,566

EXPLANATION: Social Services (750) & Public Assistance (752) – Increase budgeted line items to reflect changes in State funding and to increase adoption assistance due to increasing numbers of adoption placements.

NET BUDGET EFFECT: Operating fund (10) – increased by \$21,566.

**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 the construction of Lower Currituck Fire Department located at Waterlilly to be financed through existing transfer tax funds.

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

Professional Services	\$	52,500
Construction		750,000
Furnishings & Equipment		100,000
Reimbursable Expenses		50,000
Contingency		<u>50,000</u>
	\$	<u><u>1,002,500</u></u>

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

Transfer from Transfer Tax	\$	1,002,500
		<u>1,002,500</u>
	\$	<u><u>1,002,500</u></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.

**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 the design and preparation of bid documents for a Parks and Recreation facility to be located at Maple, which will be financed through existing occupancy tax funds.

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

Professional Services	\$	700,000
Reimbursable Expenses		<u>70,000</u>
	\$	<u><u>770,000</u></u>

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

Transfer from Occupancy Tax	\$	770,000
		<u>770,000</u>
	\$	<u><u>770,000</u></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.

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- 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.

Commissioners Report

Commissioner Etheridge commended the Board on allowing Mr. Gregory to continue to serve on the Hospital Board as a citizen and not making it a requirement that it had to be a Commissioner.

Commissioner Miller requested an update on the Moyock Boat ramp.

County Manager's Report

County Manager Scanlon commented on the Fire Wise Program.

Adjourn

There being no further business, the meeting adjourned.