

CURRITUCK COUNTY
NORTH CAROLINA
MARCH 7, 2005

The Currituck County Board of Commissioners met in closed session to discuss economic development. After reconvening from closed session, no action was taken.

The Currituck County Board of Commissioners met on Monday, March 7, 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, and Commissioners Bowden, O'Neal, Miller and Etheridge.

Invocation and Pledge of Allegiance

Bob Henley, was present to give the invocation.

Approval of Agenda

Commissioner O'Neal moved to add a closed session to discuss Economic Development. Commissioner Etheridge 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 94-47 Dozier Acres Amended Sketch Plan to add 1 additional lot that was previously approved as an open space and reserve utility area on property located along Tulls Creek Rd. and Dozier Rd. Tax Map 40, Lot 2T, Crawford Township.
Presentation of Board of Education's 10 Year Capital Plan - Superintendent Mike Warren.
- Item 4 Presentation of Board of Education's 10 year Capital Plan.
- Item 5 Discussion on residential rezoning.
- Item 6 Update on cleaning up of trash on highways in the County.
- Item 7 Appointment to ABC Board
- Item 8 Appointment of a Commissioner to the Juvenile Crime Prevention Council.
- Item 9 Appointment of a Commissioner to Recreation Advisory Board.
- Item 10 Consent Agenda
Budget Amendments
Request state to maintain roads in Dozier Acres Section 1.
Albemarle Mental Health Quarterly fiscal Monitoring Report.
Approval of February 21 minutes.

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.

John Snowden, commented on the Board's action regarding the Currituck Beach Lighthouse.

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

Public Hearing and Action PB 94-47 Dozier Acres Amended Sketch Plan to add 1 additional lot that was previously approved as an open space and reserve utility area on property located along Tulls Creek Rd. and Dozier Rd. Tax Map 40, Lot 2T, Crawford Township.

Gary Ferguson, Planning Director, reviewed the request.

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

NARRATIVE OF REQUEST:

The applicant requests an Amended Sketch Plan to allow the conversion of the approved open space/reserve utility area to a single family lot. This lot is 5.70 acres. At the time of Sketch Plan approval in 1997, major residential subdivisions were required to have a 5% Reserve Utility/Open Space area set aside to accommodate a community sewage treatment facility if one became necessary in the future due to septic tank failure.

PROJECT HISTORY:

- In October 1994 a four lot minor subdivision with frontage on Dozier Road was approved.
- A 111 lot Common Open Space Subdivision was heard by the BOC on November 7, 1994. This item was continued until the February 6, 1995 meeting.
- The BOC amended the minimum lot size in the Agricultural district from 40,000 sf to 3 acres in February, 6 1995. This required Dozier Acres to either increase the lot sizes to the new standards or request a rezoning to Residential. At this meeting the BOC continued until the October 2, 1995 meeting.
- On October 2, 1995, the Board of Commissioners denied rezoning 136 acres in Dozier Acres from "Agricultural" to "Residential". As a result of the rezoning denial, the Board of Commissioners did not consider the special use permit/sketch plan approval for Dozier Acres Subdivision since the design did not conform to the maximum density requirements of the Unified Development Ordinance.
- On June 3, 1996 the Board of Commissioners scheduled action on the 111 lot Dozier Acres Subdivision as originally submitted by the developers. The Board of Commissioners voted to deny the request stating that the developer had no vested rights and that the proposal did not meet the requirements of the county's Unified Development Ordinance.

- A revised sketch plan design for 32 lot major subdivision was approved on June 2, 1997. The approved plan included a common open space area and reserve utility area.
- A Final Plat for one lot created under the family member exception was approved on July 13, 1999.
- Preliminary Plat approval for 28 lots was granted on June 5, 2000. The reduction in lots from the approved sketch plan was due to soil suitability for conventional septic systems.
- On March 13, 2001, the first 14 lots received Final Plat approval.
- The 14 lots in the final phase were given Final Plat Approval on January 11, 2005. At the time of Final Plat approval, the subject 5.70 acre lot was shown as Open Space and Reserve Utility Space.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The streets within the subdivision have been installed and the pavement has been certified as meeting NCDOT pavement requirements. Street trees and required signage have been installed. Street maintenance bond has been posted.

WATER: This development will be served by the county's water system. The water lines have been installed.

FIRE: Crawford Volunteer Fire Department provides fire coverage to the area. Fire hydrants have been installed.

WASTEWATER: The site will be evaluated for an individual on-site septic system.

SOILS: Approximately one third of the site has soils marginally suitable for conventional septic systems while the remaining portion is suitable.

OPEN SPACE: 5% was required when the original sketch plan was approved in June 1997.

FLOOD ZONES: Portions of the lot are located outside of the 100 year floodplain (Zone C) and within the 100 year floodplain with a base flood elevation of 5' (Zone A6).

LAND USE PLAN: The 1990 Land Use Plan classifies this site as Rural with Services. The purpose of this class is to provide for low density land uses including residential with low intensity development with a gross density of approximately one unit per acre.

STAFF COMMENTS:

1. At the time of sketch plan approval the UDO required a Reserve Utility Open Space to accommodate a community sewage treatment facility if one was necessary in the future due to septic tank failure or other reasons.
2. The current UDO does not require that a Reserve Utility Open Space area be set aside for the possible septic tank failure at the present time.
3. There is no Property Owners Association established by the developer who would be responsible for the maintenance of this area set aside for the Reserve Utility Open Space.
4. All required improvements have been built according to the requirements of the UDO. A performance bond has been posted for the roads within this subdivision.
5. All lots in the subdivision except this lot have been approved for a conventional on-lot septic system.
6. According to staff's current projections this one lot will generate less than one student.

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 already been constructed.

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

The proposed lot should have no negative impact on adjoining property;

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

The residential lot will be in harmony with the rest of the subdivision and 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.

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. The access easement across remain for future development of the adjoining property.
2. Prior to Amended Preliminary Plat submittal, the lot shall be evaluated for septic suitability.
3. 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.
4. 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
5. 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 February 8, 2005, the Planning Board reviewed this request and recommended denial with a vote of 7 to 0.

Chairman Martin opened the public hearing.

John Larenz, stated that there was a property owners association.

James Alman, representing the developer, answered questions.

Richard Lane, requested Board to keep open space as is.

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

Commissioner Martin moved to deny. Commissioner Etheridge seconded the motion. Motion carried with Commissioner Bowden voting no.

Presentation of Board of Education's 10 Year Capital Plan - Superintendent Mike Warren.

Mike Warren, School Superintendent, along with Board of Education members, presented the following plan.

Build new northern elementary school to accommodate growth and to move 5th grade students out of Moyock Middle School; Close JP Knapp as an elementary school and move students to new northern elementary and to Central Elementary; build a new school at Jarvisburg; build a new high school to open 2014-2015.

Mr. Warren also requested for now funds for modular units in the amount of \$128,999.

Commissioner Miller moved to endorse the Board of Education's 10 year plan and funding for the modular classrooms. Commissioner Bowden seconded the motion. Motion carried.

Discussion on residential rezoning.

Commissioner Etheridge stated that any new rezoning should wait until the adoption of the Land Use Plan.

Chairman Martin stated that the county presently has sufficient lots to build on.

Commissioner O'Neal requested staff to find out exactly how many lots are vacant in the county.

The Chair allowed people to speak on this subject.

Mr. Dowdy, opposes limiting what you can rezone.

Colon Grandy, stated that there were few farmers left in the County that could make a living and opposes limiting rezoning.

Bo Moore, requested the Board not to be scared into making a quick decision.

Commissioner Etheridge stated he would like to continue this discussion further at a public hearing.

Update on cleaning up of trash on highways in the County.

Dan Scanlon, County Manager, reviewed the "Adopt a Highway" program and the spring "Litter Sweep".

Commissioner Etheridge moved to have the county move forward with this program and have county employee participation. Commissioner O'Neal seconded the motion. Motion carried.

Commissioner Etheridge also stated that the last weekend the county would sponsor a "pig pickin" at the park after the clean up.

Commissioner O'Neal stated that there should be more "no littering" signs posted in the county.

Appointment to ABC Board

Chairman Martin moved to appoint Robert Lassiter. Commissioner Miller seconded the motion. Motion carried.

Appointment of a Commissioner to the Juvenile Crime Prevention Council.

This item was tabled

Appointment of a Commissioner to Recreation Advisory Board.

Commissioner O'Neal moved to appoint Chairman Martin. Commissioner Miller seconded the motion. Motion carried.

Consent Agenda

Budget Amendments

**Request state to maintain roads in Dozier Acres Section 1.
 Albemarle Mental Health Quarterly fiscal Monitoring Report.
 Approval of February 21 minutes.**

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10535-514000	Travel	\$ 1,500	\$
10535-514500	Training & Education		1,500
		\$ 1,500	\$ 1,500

EXPLANATION: Communications (535) – Transfer budgeted funds to cover travel expenses for off-site training of telecommunications staff.

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
66868-514000	Travel	\$ 2,500	\$
66868-514500	Training & Education	2,000	
66868-531000	Gas, Oil, Etc	6,000	
66868-536000	Uniforms	2,250	
66868-513000	Utilities		6,897
66868-590000	Capital Outlay		5,853
		<u>\$ 12,750</u>	<u>\$ 12,750</u>

EXPLANATION: Southern Outer Banks Water System (868) – Transfer funds from remaining Utilities and Capital Outlay for continuing education, gas and uniforms for system employees.

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
60808-513001	Utilities	\$ 4,000	\$
60808-516000	Repairs & Maintenance-Water	5,000	
60808-545001	Contract Services	50,000	
60808-553000	Dues & Subscriptions-Water	700	
60808-553001	Dues & Subscriptions-Sewer	200	
60808-561000	Professional Services-Water		38,000
60808-561001	Professional Services-Sewer		20,000
60808-590001	Capital Outlay - Sewer		1,900
		<u>\$ 59,900</u>	<u>\$ 59,900</u>

EXPLANATION: Ocean Sands Water and Sewer District (808) – Transfer budgeted funds to utilities, repairs & maintenance and contract services for operations for the remainder of this fiscal year. Due to the age of the lines the maintenance costs have increased to repair lines. Increase in dues and subscriptions needs for increases in State permits.

NET BUDGET EFFECT: Ocean Sands Water and Sewer Fund (60) – No change.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10530-503500	Temporary Services	\$ 20,000	\$
10530-502100	Salaries - Overtime		20,000
10530-531000	Gas, Oil, Etc	15,000	
10380-488400	ABC Profits		15,000
		<u>\$ 35,000</u>	<u>\$ 35,000</u>

EXPLANATION: Emergency Medical Services (530) – Transfer budgeted funds to increase Temporary Services for additional help while employees were out due to

injuries and illnesses and to increase Gas, Oil, Etc due to increases in gasoline and diesel prices.

NET BUDGET EFFECT: Operating fund (10) – Increased by \$15,000.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10560-519701	HCCBG - Access Services	\$ 819	\$
10330-432200	HCCBG - Revenues		819
		\$ 819	\$ 819

EXPLANATION: Inter-County Transportation (560) – Increase budget line items to reflect increase in State funding.

NET BUDGET EFFECT: Operating fund (10) – Increased by \$819.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10415-561000	Professional Services	\$ 200,000	\$
10320-411003	Article 44 Sales Tax		200,000
		\$ 200,000	\$ 200,000

EXPLANATION: Legal (415) – Increase budget line items to reflect increase in anticipated collections of Article 44 Sales Tax revenues and increase in costs of attorneys fees for NC Legislative representation and extensive research for the proposal to allow counties with no incorporated municipalities to exercise most municipal functions.

NET BUDGET EFFECT: Operating fund (10) – Increased by \$100,000.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
15781-545000	Contract Services	\$ 32,748	
15320-415000	Occupancy Tax (3%)		32,748
		\$ 32,748	\$ 32,748

EXPLANATION: Occupancy Tax – General (15781) – Increase budgeted line to

repair the northern horse fence and to dispose of the damaged debris.

NET BUDGET EFFECT: Occupancy Tax (15) – Increased by \$32,748.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10795-576009	Youth Soccer	\$ 5,500	\$
10795-576010	Cheerleading		791
10795-576007	Wrestling		439
10350-469001	Flag Football - Revenue		100
10350-469002	Cheerleading - Revenue		700
10330-416000	Gasoline Tax Refunds		1,500
10380-482000	Miscellaneous Revenue		1,970
		\$ 5,500	\$ 5,500

EXPLANATION: Recreation (795) – Transfer funds and increase appropriations to increase Youth Soccer funding needed due to increase in participants for the spring season. This year there were 450 participants that registered, which doubled from last spring.

NET BUDGET EFFECT: Occupancy Tax (15) – Increased by \$4,270.

Commissioners Report

Commissioner O’Neal stated there would be a meeting with the Corolla Concerned Citizens on March 16 at the fire station.

Commissioner Miller moved not to support DOT’s recommendations for Tulls Creek Road by not placing a “stop light” at the intersection. Commissioner O’Neal seconded the motion. Motion carried.

Commissioner Bowden stated that the Peach Festival and the Wildlife Festival has been canceled due to the construction of the Corey Ditch Bridge.

County Managers Report

County Manager Scanlon, commended staff during the “Monster Garage” filming at the Airport.

Closed Session to discuss litigation.

Commissioner Etheridge moved to go into closed session to discuss litigation. Commissioner O’Neal seconded the motion.

Adjourn

After reconvening from closed session, staff was advised to send a press release regarding the proposed Lighthouse fence.