

CURRITUCK COUNTY
NORTH CAROLINA
NOVEMBER 21, 2005

The Board of Commissioners met at 6:00 p.m. to discuss density bonus points and phasing.

The Board of Commissioners met on Monday, November 21, 2005, at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Martin, Vice Chair O'Neal, Commissioners Bowden, Miller and Etheridge.

Invocation and Pledge of Allegiance

Bob Henley was present to give the invocation and lead the Pledge of Allegiance.

Approval of Agenda

Commissioner Miller moved to delete Item 5 and add a closed session to discuss land acquisition. 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.

Item 3 Recognition of David Stoner

Item 4 Marshall Cherry, Corolla Fire & Rescue to discuss Ocean Rescue.

Item 5 Public Hearing and Action on Business Licenses.

Item 6 Action on PB 02-13 Creekside Estates, Preliminary Plat for 62 lots in Moyock

Item 7 Action on PB 84-11 Corolla Light PUD amended sketch plan to allow 6 additional apartments within Phase 3 Corolla Light Town Center.

Item 8 Discussion on revising tipping fees structure and polices.

Item 9 Discussion and Action on Moyock Visitor Center.

Item 10 Appointment to ABC Board

Item 11 Appointment to Albemarle Commission

Item 12 Consent Agenda:

Budget Amendments

Approval of October 17 Minutes

Approval of Whalehead Club policy

Change Order for Coinjock Fire Station.

Approval of Albemarle Mental Health quarterly fiscal Monitoring Report

Item 13 Commissioner's Report

Item 14 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.

Tim Walter, EMS volunteer, expressed his concerns with Interim Emergency Medical Services Director and other organization issues.

Margaret Garrett, Moyock, expressed concern with a visitor's center location and suggested it be located near the middle school.

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

Recognition of David Stoner

Chairman Martin invited the family of David Stoner up to present them with a Resolution honoring Mr. Stoner.

**RESOLUTION RECOGNIZING
THE CONTRIBUTIONS OF**

DAVID STONER

WHEREAS, David Stoner's life has been spent in hard work, commitment to family and service to his community; and

WHEREAS, David Stoner's desire to serve his fellow man has been demonstrated by his many years volunteering with the Crawford Volunteer Fire & Rescue Department and Moyock Volunteer Fire & Rescue Department; and

WHEREAS, David Stoner has been a volunteer since 1973 and was one of Currituck County's first volunteer Emergency Medical Technicians; and

WHEREAS, Mr. Stoner has demonstrated an overwhelming commitment to the citizens of Currituck County and the many people traveling through Currituck County; and

WHEREAS, Mr. Stoner has inspired many of his friends and family members to volunteer.

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners expresses its sympathy to the family of David Stoner, for their loss, and furthermore honors his legacy of compassion, respect, outstanding leadership, and dedicated service to the people of Currituck County.

BE IT FURTHER RESOLVED that this Resolution be spread upon the minutes of the Currituck County Board of Commissioners as a permanent record of the contributions of one of Currituck County's finest citizens, and that the original be presented to David Stoner's family with sincere appreciation.

Marshall Cherry, Corolla Fire & Rescue to discuss Ocean Rescue.

Sylvia Wolfe, Ocean Rescue Supervisor, made a presentation on the SEAL Program and requested more lifeguard towers and personnel for the next tourist season.

Commissioner Bowden commented on the need for a roving patrol for the Carova area beyond the beach access.

The Board will discuss the proposal during the next budget cycle.

Public Hearing and Action on Business Licenses.

Deleted

Action on PB 02-13 Creekside Estates, Preliminary Plat for 62 lots in Moyock

Gary Ferguson, Planning Director, reviewed the request.

OWNERS:	APPLICANT/AGENT
NCBC, LLC	MSA, PC
1492 South Independence Rd., Ste 200	5033 Rouse Drive
Virginia Beach, VA 23462	Virginia Beach, VA 23462

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland - zoned A
SOUTH: Farmland, Residential - zoned GB & A
EAST: Residential (Cypress Landing) - zoned R
WEST: Moyock Elementary, Residential, Farmland - zoned R & A

NARRATIVE OF REQUEST:

NCBC, LLC is requesting Preliminary Plat approval for 62 single family lots located off Tulls Creek Road adjacent to Moyock Elementary School. The site is approximately 111 acres and is comprised of two parcels of approximately 42 acres and 69 acres. There are approximately 29 acres of wetlands located within the site. The proposed development is located at the intersection of Tulls Creek Road and Sawyertown Road.

The open space requirements mandate that a minimum 30% of the total tract(s) area be dedicated as open space. To meet the open space requirements, 44 acres, or 40% of the site, will be dedicated as open space.

In addition, 50% of the required open space shall be lands suitable for development and shall not include wetlands. The minimum required open space for this project is 33 acres with approximately 16 acres being located in uplands. The project is proposing to dedicate approximately 44 acres of open space with 16 acres of it being uplands.

The subdivision will have one point of entry from Tulls Creek Road. The revised Sketch Plan has the entry aligned with Sawyertown Road which both the Planning Board and Board of Commissioners supported. Due to the site being bordered by Shingle Landing Creek, the site does not offer any opportunities for future street connections. The lots will require individual septic systems and the developer will be required to install a waterline and fire hydrants.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: All streets will be built to NCDOT design and construction standards. The developer expects to dedicate streets for maintenance by the NCDOT.

- WATER: This development will be served by the County water system.
- FIRE: Moyock Volunteer Fire Department provides fire coverage for the area. The development will have fire hydrants.
- WASTEWATER: Individual on-site septic systems are proposed. All of the individual lots have been tested and were classified as provisionally suitable for septic systems.
- OPEN SPACE: Under the open space provisions a minimum 30% of the total tract(s) must be set aside as open space. Approximately 44 acres has been provided as undivided open space, approximately 40% of the total site area.
- FLOOD ZONES: The majority of the property is located within a 100 year floodplain with a base flood elevation of 6' (Flood Zone A3). A small portion of the site, adjacent to Tulls Creek Road, is located outside of the 100 year floodplain.

STAFF COMMENTS:

- In December 2003 the Planning Board approved the Sketch Plan for an 81 lot subdivision known as Poyner/Crossno. The approved Sketch Plan contained lots which averaged between 20,000 sf and 22,000 sf with a minimum 100' lot width. The larger lots within this development contained wetlands. Due to Board of Commissioners concerns, the site was reconfigured into a 62 lot subdivision with a minimum lot size of 40,000 sf and renamed to Napoitano III, LLC and NCBC, LLC Properties. Sketch plan approval was granted at the August 2, 2004 BOC meeting.
- On June 9, 2005, Technical Review staff reviewed this application. At the TRC meeting, the primary concerns were with the drainage plan, lack of pad elevations, need for additional drainage calculations, and fire hydrant spacing. The Preliminary Plat has been revised to address the major concerns expressed by the Technical Review staff.
 - (a) Planning Staff - additional corrections are required on the preliminary plat.
 - (b) County Engineer - reviewed & approved
 - (c) Soil & Water Conservation - reviewed & approved
 - (d) Fire Marshal - reviewed & approved
 - (e) Health Services - reviewed & approved all lot for conventional on-site septic systems
 - (f) County Water Department - reviewed and approved
 - (g) County Mapper - reviewed and approved as is
 - (h) Moyock VFD Fire Chief - no comments received

- (i) Emergency Management Services - reviewed and approved as is
 - (j) Recreation Department - no comments received
 - (k) NCDENR, Water Quality - reviewed and approved a Low Density Stormwater Permit
 - (l) NCDENR, Land Quality Section - reviewed and issued erosion & sedimentation control permit
 - (m) NCDENR, Public Water Supply Section - approved construction of the waterlines
 - (n) CAMA - reviewed with no comments
 - (o) NCDOT - driveway permits and encroachment agreements granted
 - (p) Phone Company - E911 addresses on final plat
 - (q) Superintendent of Schools - no comments received
 - (r) Dominion Power - no comments
 - (s) USACOE - reviewed and approved the wetland delineation.
- In August and September revised plans were submitted for review. The plans have been revised to reflect the required fire hydrant spacing. The concern with the discharge from the drainage basins has been resolved.
 - The following corrections shall be made to the plans:
 - o Clarification of the front building setbacks
 - o Clarification of the width of the pedestrian easement
 - o Show a road cross section with the sidewalk
 - o Show street and stop signs and both ends of N. Sawyer Town Road
 - o Sheet C 3.2 call out Open Space Lot A and show the area
 - o No monumentation is shown
 - o Remove the water meters
 - o Legend lacks symbols for top of bank, center of ditch, street signs and wetlands
 - o Show the pavement radius in the cul-de-sac
 - Corrected plans were submitted and approved after the Planning Board meeting.

STAFF RECOMMENDATION:

Staff recommends approval subject to the following conditions:

1. That required improvements be installed and accepted prior to submission for final plat approval;
2. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners;
3. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer

- may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval;
4. That applicant meet all requirements of the county's Unified Development Ordinance; and
 5. That should any conditions within this permit conflict with any other permit(s) issued for this activity, and then the more restrictive condition shall prevail.

PLANNING BOARD DISCUSSION:

Mr. Kovacs asked if there would be access to the cemetery at the rear.

Ms. Eggar said that there is direct access.

Mr. Kovacs asked what the access is now.

Ms. Eggar said that she did not believe there was a road, she could not access it due to field ditches.

Mr. Hawley asked about school impacts from this project.

Ms. Eggar said it will be approximately 6 elementary school students from this project.

Mr. Bell asked if the Supt. Schools had contacted the dept. regarding this proposal.

Ms. Eggar said no.

PLANNING BOARD RECOMMENDATION:

Mr. Hawley motioned to approve the request as presented. Mr. Midgett seconded the motion. Motion passed unanimously.

Commissioner Miller requested a stop light at Tulls Creek and Sawyertown Road.

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

Action on PB 84-11 Corolla Light PUD amended sketch plan to allow 6 additional apartments within Phase 3 Corolla Light Town Center.

Gary Ferguson, Planning Director, stated that this item was heard at the last meeting and the developer has agreed to hook up to the Southern Outer Banks water system.

Commissioner O'Neal moved to approve with the understanding that the developer will hook up to county water. Commissioner Bowden seconded the motion. Motion carried.

Discussion on revising tipping fees structure and polices.

Commissioner Etheridge moved to approve the following fee structure effective January 1, 2006. Commissioner Bowden seconded the motion. Motion carried.

Residential Garbage \$63/ton first 500 lbs free.
Commercial Residential \$63/ton first 500 lbs free
Commercial Refuse \$63/ton first 1,000 lbs free

Discussion and Action on Moyock Visitor Center.

Dan Scanlon, County Manger, reviewed the proposed new Moyock Visitor Center in Moyock. The center would also include a library. Mr. Scanlon is requesting a budget of \$250,000 and the annual cost of salaries and benefits is \$100,000.

Commissioner Bowden expressed concerns with renting and not owning and the parking.

Commissioner Etheridge moved to move forward with proposal. Commissioner O'Neal seconded the motion. Motion carried with Commissioner Bowden voting no.

Appointment to ABC Board

Commissioner O'Neal moved to re-appoint Donald Jones. Commissioner Etheridge seconded the motion. Motion carried.

Appointment to Albemarle Commission

Commissioner O'Neal appointed Chairman Martin. Commissioner Etheridge seconded the motion. Motion carried.

Consent Agenda:

Budget Amendments

Approval of October 17 Minutes

Approval of Whalehead Club policy

Change Order for Coinjock Fire Station.

Approval of Albemarle Mental Health quarterly fiscal Monitoring Report

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10795-576010	Community Cheerleading Community Tackle	\$	545		
10795-576015	Football	\$	505		
10350-469001	Community Flag Football Community Tackle			\$	175
10350-469015	Football			\$	250
10795-503500	Temporary Services			\$	255
10795-576011	Community Adult Volleyball			\$	370
		<u>\$ 1,050</u>		<u>\$ 1,050</u>	

Explanation: Recreation (795) - Increase expense line items for Cheerleading due to increased participation and uniform costs and increase Tackle Football for league referee fees paid directly to the league rather than through temporary services.

Net Budget Effect: Operating Fund (10) - Increased by \$425.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10470-545000	Contract Services	\$	5,100		
10390-495015	T F - Occupancy Tax			\$	5,100
15780-545000	Contract Services	\$	6,600		
15780-587010	T T - Operating Fund	\$	5,100		
15320-415000	Occupancy Tax			\$	11,700
		<u>\$ 16,800</u>		<u>\$ 16,800</u>	

Explanation: Satellite Office (470) & Occupancy Tax - Tourism (780) - Increase budgeted line items to have the live oaks trimmed away from the Satellite Office and to open up the space in front to allow sunlight to penetrate the canopy and to have Pine Island beach access site cleared between parking lot and beach restroom facility (remove briars, grapevines, dead trees and shrubs), fix up the front between the road and the parking lot (thinning out, removing dead trees, shrubs and mulching).

Net Budget Effect: Operating Fund (10) - Increased by \$5,100.
Occupancy Tax Fund (15) - Increased by \$11,700.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-545000	Contract Services	\$ 13,170	
10330-449900	Miscellaneous Grants		\$ 6,585
10390-499900	Fund Balance Appropriated		\$ 6,585
		<u>\$ 13,170</u>	<u>\$ 13,170</u>

Explanation: Elections (430) - To record election's grant for building alterations to the Indian Ridge Community Building to meet requirements for polling site. This grant requires a 50% County match.

Net Budget Effect: Operating Fund (10) - Increased by \$13,170.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-532000	Supplies	\$ 2,340	
10430-545000	Contract Services	\$ 685	
10430-590000	Capital Outlay	\$ 4,315	
10330-449900	Miscellaneous Grants		\$ 7,340
		<u>\$ 7,340</u>	<u>\$ 7,340</u>

Explanation: Elections (430) - To record election's technology grant. This is 100% State funded. This grant will purchase a scanner, laminator, network rack, 2 flat panel monitors and a flash drive.

Net Budget Effect: Operating Fund (10) - Increased by \$7,340.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10550-590000	Capital Outlay	\$	2,450		
10390-495015	T F - Occupancy Tax			\$	2,450
15780-587010	T T - Operating Fund	\$	2,450		
15320-415000	Occupancy Tax			\$	2,450
		<u>\$ 4,900</u>		<u>\$ 4,900</u>	

Explanation: Airport (550) - Increase budgeted line items for a "WELCOME TO CURRITUCK COUNTY" sign for the airport. This will be funded through Occupancy Tax.

Net Budget Effect: Operating Fund (10) - Increased by \$2,450.
Occupancy Tax Fund (15) - Increased by \$2,450

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
61818-590003	Fire Hydrants	\$	300,000		
61390-495010	T F Operating Fund			\$	300,000
10990-587061	T T Mainland Water Fund	\$	300,000		
10390-499900	Fund Balance Appropriated			\$	300,000
		<u>\$ 600,000</u>		<u>\$ 600,000</u>	

Explanation: Mainland Water (818) and Economic Development (650) - To appropriate funds to reimburse businesses for installation of fire hydrants.

Net Budget Effect: Operating Fund (10) - Increased by \$300,000.
Mainland Water Fund (61) - Increased by \$300,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-502000	Salaries - Regular	\$ 21,500	
10510-502100	Salaries - Overtime	\$ 885	
10510-502200	Salaries - Holiday	\$ 1,515	
10510-505000	FICA	\$ 1,830	
10510-506000	Health Insurance	\$ 2,286	
10510-507000	Retirement	\$ 1,145	
10510-508000	Supplemental Retirement	\$ 1,195	
10380-481000	Investment earnings		\$ 30,356
		\$ 30,356	\$ 30,356

Explanation: Sheriff (510) - To authorized funding of one additional deputy sheriff position in the Sheriff's Department.

Net Budget

Effect: Operating Fund (10) - Increased by \$30,356.

Commissioner's Report

Chairman Martin discussed a resolution to re-allocate funding for detention.

Commissioner Miller requested an update on Southern Aviation; debt on hangars; requested to meet with ED Board to discuss draft plan; update on lights at intersections; Extension Building; mainland water and fire hydrants.

Commissioner Bowden reviewed the meeting with Senator Basnight and Representative Owens held last week.

Commissioner Etheridge commented on the TDA meeting.

Commissioner O'Neal requested a survey on how having business licenses would be a benefit to businesses. He also commented on the Camden Landfill.

County Manager's Report

County Manager Scanlon, reported on the meeting with Senator Basnight on flood maps; water quality on the Outer Banks and a scheduled meeting in Raleigh on Dec. 14 to discuss deep well injection.

Closed Session to discuss land acquisition.

Commissioner Miller moved to go into closed session. Commissioner Etheridge seconded the motion.

Adjourn

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

