

CURRITUCK COUNTY
NORTH CAROLINA
APRIL 17, 2006

The Board of Commissioners met at 6:00 p.m. in a work session with the Albemarle Regional Health Dept.

The Board of Commissioners met on Monday, April 17, 2006, 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 O'Neal, Vice Chair Martin, Commissioners Bowden, Etheridge and Miller.

Invocation and Pledge of Allegiance

The Reverend Glenn McCranie was present to give the invocation and pledge of allegiance.

Approval of Agenda

Commissioner Etheridge moved to amend the agenda by deleting Item 7 and adding Item 7A Litigation update. Commissioner Martin seconded the motion. Motion carried.

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| Item 2 | Public Comment
<i>Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.</i> |
| Item 3 | Special Recognition of Clara Irving, Knotts Island resident. |
| Item 4 | Recognition of Gym Star Academy. |
| Item 5 | NC Association of Public Information Officers
Presentation of Award to Diane Sawyer, Public Information Director. |
| Item 6 | Action PB 04-29 SNOWDEN CROSSING PHASE III: Amended Preliminary Plat for 5 single family lots on Snowden Road, at the rail road crossing, approximately .6 miles from the intersection with Shawboro Road. Tax Map 33, Lot 5, Crawford Township. |
| Item 7 | Public Hearing and Action on PB 04-63 amendment to allow family and church cemeteries in all zoning districts. |
| Item 8 | Presentation on "Project Lifesaver" and "Vial of Life." |
| Item 9 | Consideration of proposal for Economic Development Strategy "Vision Plan" |
| Item 10 | Approval of transfer of common areas in Parker's Landing to the Parker's Landing Homeowners Assoc. |
| Item 11 | Approval of Public Safety System Software.
Appointment to Whalehead Board of Trustees |
| Item 12 | |
| Item 13 | Appointment to ABC Board |
| Item 14 | Consent Agenda:
Budget Amendments
Resolution Northeast Partnership
Request disposal of certain finance records.
Confirmation of the Albemarle Commission as Lead Agency on Aging. |
| Item 15 | Commissioner's Report |
| Item 16 | County Manager's Report
Closed Session to Discuss Legal Issues |

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.

Edith Brickhouse, stated that she, along with AARP, would be giving a driving course for seniors at the Powells Point Center on April 24, 2006.

Bruce Spalding, Point Harbor Beach, requested the Board to make a lot size requirement for his subdivision.

John Snowden, commented on how long it took him to get the attorney bills that are public information.

Commissioner Etheridge moved to draft a resolution on county's position with the Ford Plant closing. Commissioner Martin seconded the motion. Motion carried.

Chairman O'Neal stated that he visited the skate board site and did not see any conflict with the airport.

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

Special Recognition of Clara Irving, Knotts Island resident.

The Board recognized Clara Irving on her 100th birthday.

Chairman O'Neal moved to adopt the resolution. Commissioner Martin seconded the motion. Motion carried.

CERTIFICATE OF RECOGNITION
FOR
CLARA DOXEY IRVING

WHEREAS, longevity of life is a blessing to an individual and to a community by providing an opportunity for an investment of knowledge, creativity, and experience for all; and

WHEREAS, Clara Doxey Irving was born on April 9, 1906 to Isaac and Molly Doxey, she grew up on Mackay's Island where her father was a caretaker for Joseph P. Knapp; and

WHEREAS, on August 29, 1942, Clara Doxey married Paul Irving, Sr., and they had three children and have three grandchildren; and

WHEREAS, in 1949, Clara Irving moved to Knotts Island, thus making her the oldest person living on Knotts Island; and

WHEREAS, during a long and productive lifetime, Clara Irving has demonstrated in countless ways her dedication to the welfare of others and has earned the respect and affection of people from all walks of life and all ages.

WHEREAS, the Currituck County Board of Commissioners recognizes the contribution of senior citizens to our community and the important role they serve in our society.

NOW, THEREFORE, by virtue of the authority vested in me as Chairman of the Currituck County Board of Commissioners, I do hereby deem it an honor and a pleasure

to extend this Certificate of Recognition to Mrs. Clara Irving on the occasion of her 100th birthday, with sincere congratulations and best wishes for many more happy productive years.

Recognition of Gym Star Academy

Calvin Parker, Gym Star Academy, reviewed what they do for the kids in Currituck and recognized their cheerleaders as national champions. He also requested support from the citizens.

**NC Association of Public Information Officers
Presentation of Award to Diane Sawyer, Public Information Director.**

Mr. Ed Wooters, NCACC, was present to recognize Diane Sawyer and John Nixon for receiving the NCAGPIO award with the publication of the county newsletter.

Chairman O'Neal commended the Tourism Department on the new brochure.

Discussion on County Litigation

Kate McKenzie, County Attorney, the county has 11 active law suits, 6 the county are defendants and 4 are UDO violations, tax foreclosures or water department fees. Over the last 10 years the county has settled 23 cases.

Action PB 04-29 SNOWDEN CROSSING PHASE III: Amended Preliminary Plat for 5 single family lots on Snowden Road, at the rail road crossing, approximately .6 miles from the intersection with Shawboro Road. Tax Map 33, Lot 5, Crawford Township.

Sarah Keifer, Planning Director, reviewed the request.

**STAFF ANALYSIS FOR THE BOARD OF COMMISSIONERS
MEETING DATE: April 17, 2006**

ITEM: PB 04-29 SNOWDEN CROSSING, PRELIMINARY/FINAL 'PLAT FOR 5 SINGLE FAMILY LOTS

LOCATION: On Snowden Road, at the rail road crossing, approximately 0.6 miles from its intersection with Shawboro Road, Crawford Township.

TAX ID: 0033-000-005F-0000

ZONING DISTRICT: Agricultural

OWNER:
Three of a Kind, Inc.
257 Caratoke Highway, Ste. B
Moyock, NC 27958

APPLICANT/AGENT
Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Low Density Residential, Farmland & Woodland - zoned A
SOUTH: Farmland - zoned A
EAST: Farmland & Woodland - zoned A
WEST: Farmland - zoned A

SIZE OF SITE: 15.08 Acres (total tract area 23.31 acres)

NUMBER OF LOTS: 5

DENSITY: 1 DU per 3 Acres

MINIMUM LOT SIZE: 3 Acres

STREETS: The streets are built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance. There is also a dedicated right-of-way to the south for a future street connection.

WATER: County water is not available to this area at this time. The site will be served by individual wells. Future waterline improvements for the site have been bonded.

FIRE: This development is located within the jurisdiction of the Crawford Volunteer Fire Department and will be serviced by a fire pond located on Snowden Road. The fire pond was designed to handle a 50 year drought. The fire pond has passed final inspection.

WASTEWATER: The 5 remaining lots of the 17 lot sketch plan are now approved for individual wastewater systems. The Division of Water Quality issued a permit January 30, 2006 for five (5) 480 gallon per day (GPD) surface irrigation treatment and disposal facilities to serve 20 bedrooms at Snowden Crossing lots 1, 2, 9, 16 and 17.

OPEN SPACE: No open space is required or provided.

DRAINAGE: Roadside and property line swales/ditches which tie into an existing ditch system are being used to address the drainage for the site.

FLOOD ZONES: The property is located outside of a 100 year floodplain.

NARRATIVE OF REQUEST:

In October 2004, the Board of Commissioners granted Sketch Plan approval for Snowden Crossing Subdivision comprised of 17 lots. Subsequently only 12 of the proposed lots were found to be suitable for conventional septic systems. The Planning Board granted Preliminary Plat approval on August 1, 2005 for those 12 lots and Final Plat approval on January 10, 2006.

In an effort to proceed with the balance of the subdivision, which consists of lots 1, 2, 9, 16 and 17, the applicant proposed engineered individual on-site septic systems to serve the lots. On January 30, 2006 the NC Division of Water Quality issued a permit for 5 engineered septic systems which will involve land application of treated wastewater on each of the subject lots. Conditions of approval for these systems include substantial buffering from property lines, wells, drainage ways, surface water bodies, etc.; regular inspection by a certified operator; maintenance of a generator on-site; and fencing of the disposal site. The details of the permit as well as an explanation of the system provided by the applicant are included for the Board's review (Letter dated 3-10-06 from James B. Innes with enclosures and permit # WQ0029272 dated 1-30-06).

Given the increased level of monitoring and maintenance required for the proposed on-site systems as compared to conventional on-site systems, staff has also requested that the applicant include language regarding homeowners' maintenance responsibility in the Declaration of Restrictive Covenants for the subdivision. The language has been included in Item 2 of the restrictions.

Currently, Three of a Kind, Inc. is seeking Preliminary/ Final Plat approval for the above-referenced 5 single family lots through the major subdivision process. According to UDO section 904(3), an application for a Preliminary/ Final Plat can be made when no improvements, such as street construction or extension of utility lines to service a new lot of record, are required. This site is located on the west side of Snowden Road and comprises the western portion of the parent parcel.

The required improvements including streets, street trees, drainage infrastructure, and street signs have been installed by the applicant. In addition the following TRC members have performed final inspections with the following approvals:

1. County Engineer - reviewed & approved;
2. Fire Marshal – reviewed & approved;
3. Albemarle Regional Health Services – approval is not needed because of the Division of Water Quality permit issued January 30, 2006 for engineered septic systems;
4. County Water Department – Approved, an improvement bond in the amount of **\$87,540.00** for future connections was submitted December 29, 2005; and
5. NCDOT – Approved driveway permit and pavement as installed, based on test reports from McCallum Laboratories dated November 15, 2005. An Irrevocable Letter of Credit for Street/ Site Maintenance in the Amount of **\$69,300.00** was drawn on November 22, 2005. This bond was originally drawn for the previously approved Phase II lots and will include the Phase III lots since there is no additional street construction required.

STAFF RECOMMENDATION:

Because the required improvements have been installed and the applicable TRC agencies have approved the plan, Staff recommends **conditional approval** subject to the following conditions:

1. Corrected copies of the Final Plat and the As-Builts shall be submitted to the Planning Department for review and approval.
2. The Articles of Incorporation for Snowden Crossing Homeowners Association shall be filed with the NC Secretary of State and the Declaration of Covenants,

Conditions and Restrictions have been recorded with the Currituck County Register of Deeds.

3. A note shall be placed on the plat that indicates the additional buffer requirements for the wastewater system according to condition 8 (a-h) on the Division of Water Quality Permit.
4. Place a note on the plat that states "Lots 1, 2, 9, 16, and 17 are limited to 20 bedrooms and the wastewater disposal system includes a requirement for land application.
5. The Street Maintenance Bond in the amount of **\$69,300.00** that was submitted shall be held by the County for a minimum period of at least 18 months and then the bond will only be released at such time as the streets are turned over to either a property owners association or NCDOT.
6. The recordation information for Snowden Crossing Phase II shall be added to the plat on Note 3 and the lots on Sheets 2 and 3.
7. As a continuing condition of Final Plat approval the development shall meet all the requirements of the Currituck Unified Development Ordinance.

Chairman Martin stated that the cost of system could add up to \$5,000 for each property owner.

Commissioner Etheridge moved to approve with statement in covenants that cost of septic system could be up to \$5,000 per year. Commissioner Bowden seconded the motion. Motion carried.

Public Hearing and Action on PB 04-63 amendment to allow family and church cemeteries in all zoning districts.

Continued

Presentation on "Project Lifesaver" and "Vial of Life."

Diane Bray, Senior Citizen Coordinator stated the "vial of life" speaks for citizens who cannot speak for themselves, such as the elderly and children.

Sheriff Johnson reviewed what "project lifesaver" was and the cost for the program. It is a bracelet that can be placed on the wrist of the elderly so, in case they wander off, they can be more easily located.

Consideration of proposal for Economic Development Strategy "Vision Plan"

Mr. Scanlon stated that this is a proposal submitted on behalf of the Frank Hawkins Kenan Institute of private enterprise and the UNC Center for Competitive Economic Grant to study our development strategy and a vision plan.

Commissioner Etheridge moved to approve the proposal in the amount of \$153,896. Commissioner Miller seconded the motion. Motion carried.

Approval of transfer of common areas in Parker’s Landing to the Parker’s Landing Homeowners Assoc.

Commissioner Bowden moved to approve the transfer. Commissioner Etheridge seconded the motion. Motion carried.

Approval of Public Safety System Software.

Kate McKenzie, Attorney, reviewed the request for proposals for a new fully integrated public safety system to include computer aided dispatch, records management, jail management, mobile field reporting, message switch, mobile client/digital dispatch software and fire and EMS records software. Five bids were received.

Commissioner Bowden moved to approve the bid from Sungard OSSI in the amount of \$817,073. Commissioner Martin seconded the motion. Motion carried.

Appointment to Whalehead Board of Trustees

Commissioner Martin moved to appoint the following. Commissioner Etheridge seconded the motion. Motion carried.

- Sharon Twiddy
- Charles Hardy
- Barbara Snowden
- Louis Davis

Appointment to ABC Board

Continued

- Consent Agenda:**
- Budget Amendments**
- Resolution Northeast Partnership**
- Request disposal of certain finance records.**
- Confirmation of the Albemarle Commission as Lead Agency on Aging.**

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

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
12541-590000	Capital Outlay	89,500	
12310-402005	Ad Valorem Taxes - 2005 Levy		\$ 89,500
		\$ 89,500	\$ 89,500

Explanation: Fire Services (12541) - Increase budgeted line items purchase the following items to

equip the vehicles for the Waterlily Fire Station:

VHF Radios - 2	7,300
Air-paks - 10	42,880
Tools/Hoses/Various Supplies	39,320
Total	<u>89,500</u>

Net Budget Effect:

Fire Services Fund (12) - Increased by \$89,500.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10430-503000	Salaries - Part-time	\$	4,000		
10430-505000	FICA	\$	306		
10340-450500	Administration & Filing Fees			\$	4,306
		\$	<u>4,306</u>	\$	<u>4,306</u>

Explanation:

Elections (430) - Increase for part-time employee to cover office while full-time employees are in training.

Net Budget Effect:

Operating Fund (10) - Increased by \$4,306.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10480-508000	Supplemental Pension	\$	4,000		
10480-521000	Equipment Lease	\$	3,600		
10480-532000	Supplies	\$	4,000		
10480-545200	Records Management	\$	4,000		
10480-545700	Microfilm Processing	\$	2,000		
10480-554000	Insurance & Bonds	\$	1,007		
10340-453000	Register of Deeds Fees			\$	18,607
		\$	<u>18,607</u>	\$	<u>18,607</u>

Explanation:

Register of Deeds (480) - Increased budgeted lines items needed due to constant instruments to record and for supplies needed to continue scanning all records for online access.

Net Budget Effect:

Operating Fund (10) - Increased by \$18,607.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
65858-590000	Capital Outlay	\$ 28,000	
	Ad Valorem Taxes - 2005		
65310-403005	Levy		\$ 4,500
	Fund Balance		
65390-491000	Appropriated		\$ 23,500
		<u>\$ 28,000</u>	<u>\$ 28,000</u>

Explanation: Moyock Commons Sewer District (65) - Increase budgeted line items and increase appropriations for purchase and installation of water table lowering pump station.

Net Budget Effect: Operating Fund (10) - Increased by \$18,607.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10540-514000	Travel	\$ 2,400	
105405-14500	Training & Education		\$ 2,400
		<u>\$ 2,400</u>	<u>\$ 2,400</u>

Explanation: Inspections (540) - Transfer budgeted funds between line items for additional travel costs.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550-513000	Utilities	\$ 5,000	
10550-514000	Travel	\$ 1,500	
10550-531002	Aviation Fuel	\$ 10,000	
	Credit Card Maintenance		
10550-535000	Fees	\$ 2,000	
10550-553000	Dues & Subscriptions	\$ 640	
10550-536000	Uniforms		\$ 500
10550-532000	Supplies		\$ 500
10550-531000	Gas, Oil, etc		\$ 2,000

10550-526100	Advertising & Public Relations	\$	1,500
10550-514800	Fees Paid to Officials	\$	1,000
10550-545000	Contract services	\$	640
10350-467100	Aviation Fuel Receipts	\$	13,000
		\$	19,140
		\$	19,140

Explanation: Airport (550) - Transfer funds and increase appropriations for operations for the remainder of this fiscal year. This is the first full year of operations for the terminal building and fuel costs have increased throughout the year. In addition, the increase in travel is for the airport board to attend the 2006 NC Airports Association annual conference.

Net Budget Effect: Operating Fund (10) - Increased by \$13,000.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10511-590000	Capital Outlay	\$ 2,500	
10511-521100	Equipment Lease		\$ 1,000
10511-513000	Utilities		\$ 1,500
		\$ 2,500	\$ 2,500

Explanation: Jail (511) - Transfer of budgeted funds to Capital Outlay is necessary in order to purchase a protective cabinet for fingerprint machine

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
12545-536105	Personal Protective Equip	\$ 5,000	
12545-531005	Gas, Oil, etc	\$ 2,000	
12545-513005	Utilities		\$ 5,000
12545-514505	Travel/Training/Education		\$ 1,000
12545-532105	Fire Supplies		\$ 1,000
		\$ 7,000	\$ 7,000

Explanation: Lower Currituck Vol Fire Department (545) - Transfer budgeted funds for operations for the remainder of this year.

Net Budget Effect: Fire Services Fund (12) - No change.

Effect:

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
21690-561003	Professional Services - Corolla	\$	5,700		
21380-481000	Investment earnings			\$	5,700
		\$	5,700	\$	5,700

Explanation: Poplar Branch Fire District (21690) - Increase appropriations for additional audit fees for the Corolla Volunteer Fire Department. All audits are now current for this department.

Net Budget Effect: Poplar Branch Fire Fund (21) - Increased by \$5,700.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10795-531000	Gas, Oil, etc	\$	1,500		
10795-526000	Advertising	\$	300		
10795-576007	Youth Wrestling			\$	1,800
		\$	1,800	\$	1,800

Explanation: Recreation (795) - Transfer budgeted funds due to increased fuel and advertising costs.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10512-545000	Contract Services	\$	11,252		
10380-481000	Investment earnings			\$	11,252
		\$	11,252	\$	11,252

Explanation: Animal Control (512) - Increase appropriations to the Animal Lovers Assistance League, Inc.

Net Budget Effect: Operating Fund (10) - Increased by \$11,252.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
52650-545001	UNC ECONOMIC VISION	\$ 153,896	
52390-495010	T F - OPERATING FUND		\$ 76,948
52390-495015	T F - OCCUPANCY TAX FUND		\$ 76,948
10990-587052	T T - MULTI YEAR PROJECT INVESTMENT	\$ 76,948	
10380-481000	EARNINGS		\$ 76,948
15781-587052	T T - MULTI YEAR PROJECT INVESTMENT	\$ 76,948	
15380-481000	EARNINGS		\$ 76,948
		<u>\$ 307,792</u>	<u>\$ 307,792</u>

Explanation: Multi-Year Fund (52660) - Increase appropriations for UNC Economic Development Strategy Vision Plan for Currituck County. This plan will take twelve months for completion.

Net Budget Effect: Operating Fund (10) - Increased by \$76,948.
Occupancy Tax Fund (15) - Increased by \$76,948.
Multi-Year Fund (52) - Increased by \$153,896.

**RESOLUTION
RECOMMENDATIONS
FOR NORTHEAST PARTNERSHIP CHANGES**

WHEREAS, The CEO of the partnership in the future should serve as an employee of the partnership and not as an independent contractor. Also, the new CEO should not be allowed to invest in projects and/or clients of the Partnership; and

WHEREAS, Legal counsel for the Partnership should not be allowed to serve as legal counsel for Partnership clients. Interest of both parties may at time conflict and these issues can best be addressed when both parties retain separate legal counsel; and

WHEREAS, the present organizational model of the Commission, partnership, and Executive Board should be fully reviewed to determine if it is the most effective organization to promote industrial development in our region as well as ensure full accountability for the public tax dollars invested in the Commission. This

recommendation relates to the current practice of public funds flowing from the Commission to a non-profit group, the Partnership that diminishes the accountability of the public funds; and

WHEREAS, the Northeast partnership currently serves 16 counties stretching from Halifax County in the west to Dare County in the east, the counties bordering Virginia on the north, and Beaufort County to the South.

NOW, THEREFORE BE IT RESOLVED, The Currituck County Board of Commissioners would like to recommend that the partnership be reorganized along sub-regional lines so that a specific Developer could concentrate on a sub-region of the partnership rather than trying to cover the entire region. This would benefit the Partnership and its member counties due to the large geographic area that the Partnership covers as well as the wide disparity between many of the counties in types of economy, natural resources, and advantages/disadvantages.

Commissioner's Report

Commissioner Miller stated that DOT stated that the study from the state line to Barco area was too large of an area and requested if the Board would discuss at the next meeting for a private funded study.

Commissioner Etheridge requested county to investigate using bio-diesel for county vehicles and school buses.

Chairman O'Neal asked the Manager to review the issues involving the prayer breakfast at the Senior Center at Knotts Island.

County Manager's Report

Mr. Scanlon stated that the bid opening for the new Extension building will be May 2. He also updated the Board on where we are on health insurance.

Closed Session to Discuss Legal Issues

Commissioner Etheridge move to go into closed session according to GS 143.318.11(3) to discuss legal issues. Commissioner Martin seconded the motion. Motion carried.

Adjourn

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