

CURRITUCK COUNTY
NORTH CAROLINA
MARCH 20, 2006

The Board of Commissioners met at 6:00 p.m. in a work session to meet with Fire Chief and Keith McCloud to discuss fire hydrants and other items.

The Board of Commissioners met on Monday, March 20, 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, Miller, and Etheridge.

Invocation and Pledge of Allegiance

Bob Henley was present to give the invocation and pledge of allegiance.

Approval of Agenda

Commissioner Etheridge moved to amend the agenda to delete project ordinance in consent agenda and add Item 4A Presentation by Lynne Bunch, College of the Albemarle. Commissioner Martin seconded the motion. Motion carried.

- Item 3 **PUBLIC HEARING AND ACTION PB 01-08 KILMARLIC CLUB, PHASE II:** Amended Sketch Plan to add 32 lots on property located at the Kilmarlic entrance Rd. approximately 400; north of West Side Lane. Tax Map 124, Lots 57C, 57D, and 57E, Poplar Branch Township.
- Item 4 Public Hearing and Action on amendment to Public Nuisance Ordinance.
- Item 5 Ralph Webster, Whalehead Board, to request funding for the Summer Concert Series at heritage Park.
- Item 6 Request from American Legion Post 288 for funding.
- Item 7 Consideration of EMS Reorganization
- Item 8 Board of Education request Board's support for utilizing the public school capital building fund.
- Item 9 Consideration of increasing Board to 7 members and discussion on re-districting.
- Item 10 Consideration of Wastewater Collection and On-Site Treatment Study for Currituck Airport Industrial Park
- Item 11 Appointment to ABC Board
- Item 12 Appointment to Senior Citizen Advisory Board
- Item 13 Consent Agenda:
 - Budget Amendments
 - Approval of February 20 minutes
 - Approval of Contract for Camden-Currituck water purchase.
 - Request DOT to add Betsy Court to state system.
- Item 14 Commissioner's Report
- Item 15 County Manager's Report
- Item 15 Closed Session to approve closed session minutes
- 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.

Mitch Copeland, thanked the Board and County Manager for supporting the volunteer fire departments and related that the VFDs support the EMS re-organization plan.

Chairman O'Neal, commended the Volunteer Fire Departments for their work putting out the fire on Church's Island.

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

PUBLIC HEARING AND ACTION PB 01-08 KILMARLIC CLUB, PHASE II: Amended Sketch Plan to add 32 lots on property located at the Kilmarlic entrance Rd. approximately 400; north of West Side Lane. Tax Map 124, Lots 57C, 57D, and 57E, Poplar Branch Township.

Sarah Keifer, Planning Director, reviewed the request.

ITEM: PB 01- 08 KILMARLIC CLUB - AMENDED SKETCH PLAN

LOCATION: This site is located in Spot at the terminus of West Side Lane adjacent to the Kilmarlic Club development; Poplar Branch

TAX ID: TM 124 Parcel 133

OWNER:	APPLICANT:	AGENT:
Fortune Bay Golf Club PO Box 1600 Kitty Hawk, NC 27949	Seagrass, LLC PO Box 1600 Kitty Hawk, NC 27949	Bissell Professional Group PO Box 1068 Kitty Hawk, NC 27949

SURROUNDING ZONING / LAND USE:

NORTH: Agricultural /Wetlands
SOUTH: Agricultural /North River
EAST: Agricultural /Kilmarlic Residential Lots & Golf Course
WEST: Agricultural /Woodland & Wetlands

PURPOSE OF REQUEST:
The applicant received approval for an Amended Sketch Plan November 7, 2005 to expand the Kilmarlic subdivision by 32 lots. At that meeting the Board choose layout "A" that was presented. The applicant is now proposing a redesign of the roads and lot configuration while still maintaining the 32 lots.

A redesign of roads is required to be reviewed by the Board and cannot be approved administratively.

HISTORY OF DEVELOPMENT:

When the original Sketch Plan/Special Use Permit approval was granted on May 21, 2001, the approved yield plan was for 155 lots. Due to the amount of land involved with the development of the golf course and conservation areas, only 143 lots were developed.

On July 6, 2004 the BOC approved an amended sketch plan for the location of a new entry road into the development. The new entry road has been installed and received Amended Final Plat approval at the October 11, 2005 Planning Board Meeting.

During the initial sketch plan approval process, the developer, The Golf Course Collaborative, was in negotiations with Charles Edward Younts Jr. to purchase the adjacent 49.7 acre tract. At that time the Younts property was being used as a sludge disposal site. The land application of sludge has been abandoned and Seagrass LLC acquired the property on December 5, 2005. Transfer of the property voids any permits held by Mr. Younts to dispose of sludge through land application.

The former Younts property was rezoned to residential on November 7, 2005.

PROJECT DESCRIPTION:

Kilmarlic Club is currently developed as an up-scale golf course community with a typical lot size of 15,000 sf where all of the lots front on a golf course or open space. The lots are served by individual septic systems and county water. There are two points of ingress/egress to the site from Caratoke Highway. A sound access area and contractual provisions that provide for access to the golf course by lot owners are included as recreational amenities.

Phase II of the Kilmarlic Club requires use of the development standards from both 2001 and 2006. For the 20 lots on the former Younts property, the applicant wishes to reduce the required lot size from 40,000 SF to 20,000 SF and create open space, according to UDO Section 921, Lots. Golf hole # 3 will be relocated from its present location in order to fulfill the required open space for lot size reductions.

The lot sizes will range from 20,000 SF to 40,955 SF. On-site wastewater and county water is proposed for the development. The new layout creates two cul-de-sac streets with larger lot areas for lots 144 -155. The 2005 version of the Phase 2 Sketch Plan had 11 lots that were 15,000 SF. The smallest lot in the 2006 version is 20,000. On-site wastewater potentially can work better on 20,000 SF lots rather than 15,000 SF lots.

The additional 32 lots will generate approximately 12 additional elementary school students, two junior high students and five high school students. The Amended Sketch

Plan approved November 7, 2005 accounts for the allocation of the needed school space.

STAFF RECOMMENDATION:

Staff recommends **approval**, subject to the Board of Commissioner's determination that adequate water and 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. Phase II shall be required to be a part of the Kilmarlic Homeowners Association at the time of Final Plat.
2. Indicate on the plans the lot areas that are split by any existing property lines to show the land areas for Phase I and Phase II for lots 144-155.
3. The open space to the west of Hillock Drive shall be deleted. This would create a spite strip that would prevent access to adjacent properties from a future public right of way.
4. Add the adjacent ownership information to sheet 2.
5. Correct the open space table to show the required open space for Phase I was 83.08 acres, according to the original 2001 Sketch Plan.
6. Show a tentative drainage plan with directional flow arrows for stormwater management.
7. State permits, including but not limited to, stormwater, wastewater, erosion & sedimentation control permits will be required in addition to an authorization to construct the waterlines.
8. Prior to Preliminary Plat submission, submitted a letter sealed by the engineer to indicate when the areas that were formally used for sludge disposal can be developed for residential use.
9. That the applicant shall be required to meet all requirements of the UDO including, but not limited to the planting of street trees along all newly paved streets; installation of a water line; water services, and adequate drainage facilities to serve the development.

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
10. That corrected plans be submitted to the Planning Department for review and administrative approval of the corrected Amended Sketch Plan.

Chairman O'Neal opened the public hearing.

David Ryan, Engineer, requested that the spite strip remain in place.

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

Commissioner Martin moved to approve and keep the spite strip. Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action on amendment to Public Nuisance Ordinance.

Kate McKenzie, County Attorney, reviewed the ordinance amendment.

Chairman O'Neal opened the public hearing.

Mike Doxey, Soil and Water Conservation, reviewed the reason for the amendment.

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

Commissioner Etheridge moved to adopt with addition of soil to the wording. Commissioner Bowden seconded the motion. Motion carried.

Sec. 9-71. Certain conditions declared nuisances.

The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the county limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (1) *Growth of weeds and grass.* The uncontrolled growth of noxious weeds or grass causing or threatening to cause a hazard detrimental to the public health or safety.
- (2) *Accumulations of animal or vegetable matter.* Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (3) *Accumulations of rubbish.* Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (4) *Obstruction of drainage ways.* Any accumulation of rubbish, trash, yard

debris, grass clippings, leaves, limbs, branches, soil, or junk impeding the flow of water and/or causing or threatening to cause the obstruction of drainage ways.

- (5) *Conditions violating health department rules.* Any condition detrimental to the public health which violates the rules and regulations of the local health department.
 - (6) *Burned or partially burned buildings or structures.* Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the county building official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
 - (7) *Storm or erosion damaged structures and resulting debris.* The existence of any of the following conditions associated with storm-damaged or erosion-damaged structures or their resultant debris shall constitute a public nuisance:
 - a. Damaged structure in danger of collapsing;
 - b. Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury;
 - c. Any structure, regardless of condition, or any debris from damaged structure which is located in whole or in part in a public trust area or public land.
 - (8) *Structurally deteriorated, or storm damaged automobile service station canopies.* Any automobile service station canopy with loose, unanchored, or missing cladding, or fascia panels prone to progressive collapse, or structurally unsound members damaged by storms, vehicles, or deterioration.
 - (9) *Vicious animals.* The keeping of a vicious animal as defined in section 3-62.
 - (10) *Miscellaneous.* Any other condition that is specified as a nuisance in this Code.
- (Ord. of 8-16-04)

Ralph Webster, Whalehead Board, to request funding for the Summer Concert Series at Heritage Park.

Ralph Webster, Whalehead Board of Trustees, requested County to sponsor the summer concert series at Heritage Park.

There are 8 concerts and they would like the County to support \$1,000 per concert.

Commissioner Etheridge moved to approve the request of \$8,000. Commissioner Martin seconded the motion. Motion carried.

Request from American Legion Post 288 for funding.

Mr. Bob Kohler, American Legion Post 288, Coinjock, requested support to display the "Moving Wall," a replica of the Vietnam Veterans Memorial in Washington, DC, at the Veterans Memorial Park for October 24, 2006.

Commissioner Miller moved to appropriate \$8,500 from the occupancy tax. Commissioner Martin seconded the motion. Motion carried.

Presentation by Lynne Bunch, President, College of the Albemarle.

Ms. Bunch, President, College of the Albemarle, reviewed many of the curriculum programs sponsored by the College. She also reviewed the new building plans for the College and thanked the Board for their continued support.

The Board thanked her for her presentation.

Consideration of EMS Reorganization

Dan Scanlon, County Manager, reviewed the EMS reorganization chart for the Board. This chart and job descriptions have been reviewed by the Volunteer Fire & Rescue Departments for their input. The Manager would like to move forward with advertising the 4 Lt. positions, shift supervisors.

Commissioner Etheridge moved to endorse the plan and proceed with advertising positions. Commissioner Martin seconded the motion. Motion carried.

Board of Education request Board's support for utilizing the public school capital building fund.

Dan Scanlon, County Manager, stated that the funding source would come from the state for \$234,316.04, and Land Transfer Tax in the amount of \$1,562,683.96 would be appropriated as the local match, for a total of \$1,797,000.00.

Commissioner Martin moved to approve the funding for the architectural design for 2 schools as presented. Commissioner Etheridge seconded the motion. Motion carried.

Consideration of increasing Board to 7 members and discussion on re-districting.

Kate McKenzie, County Attorney, review the process to increase the Board to 7 members.

Commissioner Bowden stated he opposes increasing the Board.

Chairman O'Neal stated that his township has the largest amount of people and should be divided up more equally and should be placed on the November election for the people to decide.

Commissioner Miller stated he supported letting people vote on the issue but supports commissioners representing the entire county. He also stated he needed more information to make a decision.

Commissioner Etheridge stated the he did not think this legislation could be introduced in the short session. He also needs more information to make a decision.

The Board agreed to hold a work session and have the County Attorney bring back more information on plan.

Consideration of Wastewater Collection and On-Site Treatment Study for Currituck Airport Industrial Park.

Dan Scanlon, County Manager, reviewed the proposed study for the Airport Industrial Park prepared by McKim & Creed Engineers.

Chairman O'Neal stated that the Airport Board and Economic Development Board should meet on a regular basis to review plans for the Airport Industrial Park to avoid conflicts.

Commissioner Etheridge moved to approve the study and scope of services in the amount of \$139,200. Commissioner Martin seconded the motion. Motion carried.

Appointment to ABC Board

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

Appointment to Senior Citizen Advisory Board

Commissioner Martin moved to appoint Mildred Market to fill the unexpired term of Fay Bonney. Commissioner Etheridge seconded the motion. Motion carried.

Consent Agenda:

Budget Amendments

Approval of February 20 minutes

**Approval of Contract for Camden-Currituck water purchase.
Request DOT to add Betsy Court to state system.**

Commissioner Etheridge moved to approve. Commissioner Martin 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	
10750-511000	Telephone & Postage	\$	1,000		
10750-513000	Utilities	\$	1,000		
10750-590000	Capital Outlay	\$	2,530		
10750-532000	Supplies			\$	2,530
10750-545000	Contracted Services			\$	2,000
10752-519003	St/Co Special Assistance	\$	6,000		
	State Foster Care &				
10752-519005	Boarding	\$	7,450		
10752-519100	Title IV-E Foster Care	\$	12,000		
	Fund Balance				
10390-499900	Appropriated			\$	25,450
		\$	29,980	\$	29,980

Explanation: Social Services Administration (750) - To increase expense line item to cover cost of increased cell phone service, increase power and water expenses and offsite storage shelving units. Public Assistance (752) - To cover costs of increased number of State/County Special Assistance eligible clients and 20 additional foster children since October 2005. These are unprecedented increases.

Net Budget Effect: Operating Fund (10) - Increased by \$25,450.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15780-561000	Professional Services	\$	117,454		
15320-415000	Occupancy Tax			\$	117,454
		\$	117,454	\$	117,454

Explanation: Occupancy Tax (15780) - Increase budgeted line items for occupancy tax audit. Fee was based on percentage of underpayments found during audit. In the businesses audited, underpayments were \$345,451.

Net Budget

Effect: Occupancy Tax (15) - Increased by \$117,454.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10530-503500	Temporary Services	\$	37,000		
10530-514000	Travel	\$	76		
10530-516000	Maintenance & Repair	\$	5,700		
10530-531000	Gas, Oil, Etc	\$	8,240		
10530-532000	Supplies	\$	1,078		
10530-533900	Ambulance Supplies	\$	5,162		
10530-536000	Uniforms	\$	750		
10530-545000	Contract Services	\$	15,840		
10530-502000	Salaries - Regular			\$	37,000
10530-544000	Volunteer Assistance			\$	13,340
10530-514500	Training & Education			\$	1,154
10530-526000	Advertising			\$	300
10310-400005	Ad Valorem Taxes - 2005 Levy			\$	22,052
			<u>\$ 73,846</u>		<u>\$ 73,846</u>

Explanation: Emergency Medical Services (530) - Transfer funds and increase appropriations for operations for the remainder of this fiscal year.

Net Budget

Effect: Occupancy Tax (15) - Increased by \$22,052.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15446-526200	Promotional Efforts	\$	16,500		
15320-415000	Occupancy Tax			\$	16,500
			<u>\$ 16,500</u>		<u>\$ 16,500</u>

Explanation: Tourism (15446) - Increase budgeted line items by \$8,500 to cover the expense of bringing the Vietnam Veterans Memorial "Moving Wall" to Veteran's Park in Coinjock from October 24 - 29, 2006 and by \$8,000 for the Whalehead Preservation Trust's summer concert series.

Net Budget

Occupancy Tax (15) - Increased by \$16,500.

Explanation: Occupancy Tax (15781) - Increase appropriation for the Corolla Wild Horse Fund to purchase a vehicle and for a director's salary.

Net Budget

Effect: Occupancy Tax Fund (15) - Increased by \$85,000.

Commissioner's Report

Commissioner Bowden requested \$10,000 for the Peach Festival. This item will be on next agenda.

Commissioner Etheridge stated he would be working with fire departments to improve communication and improve the system.

Commissioner Miller moved to request DOT to do a traffic study of NC 168 from the state line to Sligo. He also questioned 10 acre lot subdivisions and requested to place this for discussion on next agenda. He also requested cemetery amendment to be placed on next agenda.

Commissioner Martin discussed a Moyock by-pass that was discussed several years ago. He also requested Project Lifesaver be on next agenda.

Chairman O'Neal stated that DOT was doing some mitigation work in Dare County because results of the illegal dredging in the sound why the mitigation was not done in Currituck. He also stated that there was a lot of construction debris on US 158 from the Wright Memorial Bridge and suggested the Sheriff's department be contacted to have the prisoners pick up.

Chairman O'Neal also reviewed the question that had been asked at a previous meeting of Unified Government on the cost of government in Dare compared to Currituck, which he presented.

Commissioner Bowden also requested that the Bright mining operation be placed on the second meeting in May.

Closed Session to approve closed session minutes

Commissioner Martin moved to go into closed session to approve closed session minutes.

Adjourn

After reconvening from closed session, closed session minutes were made public.

There being no further business, the meeting adjourned.

