

CURRITUCK COUNTY  
NORTH CAROLINA  
SEPTEMBER 18, 2006

The Board of Commissioners met on Monday, September 18, 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.

**Call to Order**  
**Invocation and Pledge of Allegiance**

The Reverend Bill Thorn, was present for the invocation and pledge of allegiance.

**Approval of Agenda**

Commissioner Miller moved to move Item 3 to Item 4A as requested by applicant. Commissioner Martin seconded the motion. Motion carried.

- Item 1            Approval of Agenda
- Item 2            **Public Comment**  
*Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.*
- Item 3            **Public hearing and action on PB 06-35 Christine/ Moore** An application to rezone approximately 58 acres from Agricultural (A) to Residential (R). The property is located on Tulls Creek Road, 50 feet north of the intersection with Shingle Landing Road, Moyock Township, Currituck Co. Tax Map 9, Parcel 41 (000900000410000)
- Item 4            Public Hearing and Action on County's CAMA Core Land Use Plan.
- Item 5            Discussion on Ferry between Knotts Island and Mainland Currituck.
- Item 6            Rodney Sawyer and Jason Weeks, presentation on Currituck County Horse Park
- Item 7            Presentation of the Master Plan for the Cooperative Extension Community Center Site.
- Item 8            Consent Agenda:  
Budget amendments  
Albemarle Mental Health quarterly report
- Item 9            Commissioner's 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 O'Neal opened the public comment period.

Ginger Webster, Corolla, invited the Board and public to Coastival, sponsored by the Currituck-Dare Community Foundation, to be held on October 13, 2006.

Mike Doxey, Soil and Water Conservation, commented on the Carova flooding and health department permitted.

James Moseman, Lower Currituck Fire Department, commended the Board for supporting them and the new fire department in Waterlily.

Barry Nelms, strongly opposed the County joining the Albemarle Economic Development Commission.

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

**Public Hearing and Action on County's CAMA Core Land Use Plan.**

David Webb, Planner, reviewed the Land Use Plan.

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY, NORTH CAROLINA, ADOPTING THE COUNTY'S CAMA CORE LAND USE PLAN**

**WHEREAS**, the County's CAMA Core Land Use Plan was financed in part through a grant provided by the North Carolina Coastal Management Program through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration; and

**WHEREAS**, from 2003 through 2006, the County drafted a Land Use Plan with the assistance of its consultants Blue and Glenn Harbeck Associates, and conducted a series of public workshops and meetings as part of a comprehensive public participation program under the leadership of the CAMA Land Use Plan Committee; and

**WHEREAS**, on September 12, 2006 the Planning Board recommended adoption of the draft CAMA Core Land Use Plan; and

**WHEREAS**, at a duly advertised Business Meeting on Monday, September 18, 2006 the Board of Commissioners held a public hearing on the draft CAMA Land Use Plan; and

**WHEREAS**, at the Business Meeting on Monday, September 18, 2006 the Board of Commissioners of Currituck County, North Carolina found the policies in the draft CAMA Land Use Plan to be internally consistent; and

**WHEREAS**, at the Business Meeting on Monday, September 18, 2006 the Board of Commissioners of Currituck County, North Carolina found the policies and Future Land Use Map in the draft CAMA Land Use Plan to be consistent with the County's

desired vision for the future and approved to adopt the draft CAMA Land Use Plan as amended; and

**WHEREAS**, the adopted Plan will be submitted as required by state law to the Northeast District Planner for the Division of Coastal Management under the North Carolina Department of Environmental and Natural Resources and forwarded to the Coastal Resources Commission; and

**WHEREAS**, a presentation by the County to the Planning and Special Issues (P&SI) committee of the Coastal Resources Commission will be scheduled; and

**WHEREAS**, the P&SI committee will decide on a recommendation to the Coastal Resource Commission (CRC) at the meeting; and

**WHEREAS**, the P&SI committee chairman will submit the recommendation to the CRC and the CRC will then vote on certification of the County's Land Use Plan; and

**WHEREAS**, a certified Currituck County CAMA Land Use Plan will be forwarded to the Office of Ocean and Coastal Resource Management (OCRM) for federal approval.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Commissioners of Currituck County, North Carolina, has adopted the CAMA Core Land Use Plan; and

**BE IT FURTHER RESOLVED** that the Planning Director of Currituck County is hereby authorized to submit the adopted CAMA Land Use Plan to the State for certification as described above.

Chairman O'Neal opened the public hearing.

Ginger Webster, Corolla, commended members of the committee and the Board for their efforts and urged the Board to adopt the plan.

Judy Passerini, Harbinger, opposes the designation of full service area.

Linda Pasqua, Harbinger, opposes the designation of full service area.

Frank Passerini, Harbinger, opposes the designation of full service area.

Lynn Wilson, Carova, commends the staff and Board for efforts and supports the adoption of the land use plan.

June Raffa, Harbinger, opposes the designation of full service area.

Susan Tarrao, Harbinger, opposes the designation of full service area.

Gwenn Cruickshanks, Point Harbor, supports the mid-county bridge and opposes the designation of full service area.

Sharon Martz, Griggs Acres, supports limited service designation.

Bill McCarty, Harbinger, opposes the designation of full service area.

Sophia Bilinski, Lighthouse Drive, opposes the OB4 designation, does not support language.

Jan DeBlieu, Coastal Federation, commended staff and Board for work on the plan and urges adoption of the Land Use Plan.

Commissioner Martin suggested moving the full service area.

Commissioner Miller stated that these issues needed to be addressed and their impact on county services.

Commissioner Bowden expressed his concerns with stormwater drainage and problem has existed since 1980. He also expressed his concerns that the plan does not address large homes and cottages.

Commissioner Etheridge moved to continue the public hearing to the next meeting and have staff address concerns in a work session. Commissioner Martin seconded the motion. Motion carried.

**Public hearing and action on PB 06-35 Christine/ Moore. An application to rezone approximately 58 acres from Agricultural (A) to Residential (R). The property is located on Tulls Creek Road, 50 feet north of the intersection with Shingle Landing Road, Moyock Township, Currituck Co. Tax Map 9, Parcel 41 (000900000410000)**

David Webb, Planner, reviewed the request.

**TYPE OF REQUEST:** Rezone approximately 58 acres from Agricultural (A) to Residential (R).

**LOCATION:** The property is located on Tulls Creek Road, 50 feet north of the intersection with Shingle Landing Road, Moyock Township, Currituck Co.

**TAX ID:** Tax Map 9, Parcel 41  
(000900000410000)

**OWNER:** Bonnie Tynes Christine, Et Al  
1550 Beach Blvd.  
Biloxi, MS 39530

**AGENT:** James Moore, Jr.  
328 Harbinger Ridge Road  
Harbinger, NC 27941

**ZONING:** Current Zoning                      Proposed Zoning  
Agricultural (A)                              Residential (R)

**ZONING HISTORY:** This property was zoned Agricultural (A) on the April 2, 1989 zoning atlas.

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Residential/ Agricultural (The future Shingle Landing Subdivision is to the north)	R, GB and A
<b>SOUTH</b>	Residential (The future Creekside Estates subdivision is across Shingle Landing Creek)	R and GB
<b>EAST:</b>	Agricultural	R
<b>WEST:</b>	Residential	A and GB

**EXISTING LAND USE:** Agricultural

**PROPOSED LAND USE:** Residential Subdivision

**LAND USE PLAN CLASSIFICATION:**

The 1990 Land Use Plan designates this property as **Rural with Services**. The purpose of the Rural with Services class is to provide for low density land uses, including residential, where limited water services are provided. Development within this class should be low intensity residential uses with a gross density if one (1) unit per acre.

A Residential zoning district is compatible with this land use classification.

**PUBLIC SERVICES AND UTILITIES:**

Moyock Volunteer Fire Department provides fire protection for this area. Public utilities, including, electric, telephone, county water and cable, are currently available.

**TRANSPORTATION:**

The property is accessed by Tulls Creek Road

**FLOOD ZONE:**

The property is located in Flood Zone AE (5) and Shaded X.

**SOILS:**

The Currituck County Soil Suitability map indicates the soils to the northern third of the property are Suitable and the soils on the remainder of the property are Not Suitable

**STAFF RECOMMENDATION:**

Section 2406 of the Unified Development Ordinance provides the standards by which the Board shall evaluate proposed amendments to the Official Zoning Atlas. Specifically, the Ordinance provides that the “central issue before the board is whether the proposed amendment advances the public health, safety or welfare” of the county and further directs that “the Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the

impact of the proposed change on the public at large.” In addition, the Ordinance provides that the “Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification”.

The Residential (R) Zoning District provides for low density residential development at a development density of approximately one (1) unit per acre which is in keeping with the Rural with Services Land Use Plan designation. The subject site is located in an area of the County experiencing an increase in residential development. The majority of the surrounding area is currently zoned for General Business and Residential purposes making this application an extension of an existing district. Finally, the uses permitted in the Residential district appear compatible with the surrounding area.

It appears that the request satisfies the criteria set forth in the Ordinance; therefore, staff recommends **approval** of the application.

*This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.*

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#### **PLANNING BOARD DISCUSSION – August 8, 2006**

Eddie Moore appeared before the board.

Mr. West asked if there was a development planned.

Mr. Moore said yes, but it is not imminent.

Earl Sutton, resident of Fox Lane, asked about schools and road improvements. He commented on standing water and voiced his concern with the application.

Jason Reed, resident of Fox Lane, also stated that he is in opposition to the project.

Mr. Keel and Mr. West commented on the rights of property owners to sell their property.

Mr. Moore stated that the county also has interest in the property.

#### **PLANNING BOARD ACTION**

Mr. West motioned to recommend approval the request as requested. Ms. Turner seconded the motion. Motion passed unanimously.

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

Commissioner Bowden moved to approve according to the current Land Use Plan in effect. Commissioner Martin seconded the motion. Motion carried.

**Discussion on Ferry between Knotts Island and Mainland Currituck.**

Dan Scanlon, County Manager, stated that he had received a petition with about 200 signatures supporting a larger ferry for the students on Knotts Island.

John Barnes, Chairman, Board of Education, requested the Board to support their efforts to have a larger ferry or extend the hours of operation.

Martha Burns, supports a study to determine what is needed.

Melinda Capps, Knotts Island, supports request for larger ferry.

Justin Martin, student, requests support for a larger ferry.

Barbara Humphries, supports need for larger ferry.

Walter Humphries, supports need for larger ferry.

Mike Warren, School Superintendent, reviewed reasons for a larger ferry or an additional ferry and extending the hours.

Commissioner Bowden moved to support Board of Education's request for larger ferry. Commissioner Etheridge seconded the motion. Motion carried.

**Rodney Sawyer and Jason Weeks, presentation on Currituck County Horse Park**

Rodney Sawyer, reviewed the operation and management of the Horse Park. Jason Weeks, reviewed the services and activities to be offered.

The Parks and Recreation Department and the NC Cooperative Extension Service will work jointly to provide a comprehensive recreational and educational horse program for the citizens of Currituck County and the visiting public.

Parks and Recreation will assume physical and fiscal responsibility for the operation of the park. Cooperative Extension will assume responsibility for programming, event management and educational activities.

Commissioner Martin moved to move forward and approve the budget submitted of \$183,353. Commissioner Miller seconded the motion. Motion carried.

**Presentation of the Master Plan for the Cooperative Extension Community Center Site.**

Dan Scanlon, County Manager, presented the board an outline of the Master Plan for the Cooperative Extension Community Center. The first phase should be completed by October 2007.

**Consent Agenda:**

**Budget amendments**

**Albemarle Mental Health quarterly report**

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10510-590000	Capital Outlay	\$ 4,889	
10750-545000	Contract Services	\$ 23,150	
10750-590000	Capital Outlay	\$ 70,000	
10795-532000	Supplies	\$ 1,275	
10795-578000	Recreation Projects	\$ 50,313	
10390-499900	Fund Balance Appropriated		\$ 149,627
12541-590000	Capital Outlay	\$ 37,193	
12390-499900	Fund Balance Appropriated		\$ 37,193
15780-545002	Historic Preservation	\$ 23,645	
15390-499900	Fund Balance Appropriated		\$ 23,645
26535-545000	Contract Services	\$ 4,328	
26535-590000	Capital Outlay	\$ 383,663	
26390-499900	Fund Balance Appropriated		\$ 387,991
60808-590001	Capital Outlay	\$ 142,500	
60390-499900	Retained Earnings Appropriated		\$ 142,500
61818-561000	Professional Services	\$ 174,250	
61818-590002	Waterline Extension	\$ 13,995	
61818-590003	Fire Hydrants	\$ 249,834	
61390-499900	Retained Earnings Appropriated		\$ 438,079
		<u>\$ 1,179,035</u>	<u>\$ 1,179,035</u>

**Explanation:** To carry forward funds for projects that were started in prior fiscal year and are still in process as follows:

PO Number	Description	Amount
20060102	Hist. Jail research	\$ 645
20060104	Hist. Jail research	\$ 23,000
20060189	DSS Cost Plan	\$ 3,150
20060358	DSS Case Mgmt Support	\$ 20,000
20060502	ECU Study	\$ 168,810
20060596	911 Renovations	\$ 8,925
20060630	WTP Discharge Site	\$ 5,440
20060632	Walnut Is H2O Ext	\$ 7,995
20060639	911 Renovations	\$ 59,660
20060744	Simon phones - 911	\$ 52,847
20060750	Relocate lifeline	\$ 3,929
20060797	Sewer repairs	\$ 140,000
20060798	Install monitoring well	\$ 2,500
20060925	Trail maps	\$ 1,275
20060956	911 Renovations	\$ 262,630
20060992	Moyock Tennis Cts	\$ 50,313
20061046	Riverland Rd H2O Ext	\$ 6,000
20061069	Fire Truck Equipment	\$ 37,193
20061099	Crown Vic Equipment	\$ 4,889
20061176	Install fire hydrant	\$ 5,640
	DSS Optical Imaging	\$ 70,000
	Fire Hydrant project	\$ 244,194

**Net Budget Effect:**

Operating Fund (10) - Increased by \$149,627.  
 Fire Services Fund (12) - Increased by \$37,193.  
 Occupancy Tax Fund (15) - Increased by \$23,645.  
 Emergency Telephone System Fund (26) - Increased by \$387,991.  
 Ocean Sands Water and Sewer District Fund (60) - Increased by \$142,500.  
 Mainland Water Fund (61) - Increased by \$438,079.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
62828-545000	Contracted Services	\$ 2,500	
62390-499900	Retained earnings appropriated		\$ 2,500
		\$ 2,500	\$ 2,500

**Explanation:** Newtown Road Sewer District (62828) - To appropriate retained earnings for a monitoring well needed for the Newtown Road Sewer District.

**Net Budget Effect:** Newtown Road Sewer District (62) - Increased by \$2,500.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50511-596100	Professional Services	\$ 42,628	
50511-588000	Contingency		\$ 42,628
		\$ 42,628	\$ 42,628

**Explanation:** Jail Kitchen (50511) - To move contingency funds to professional services for additional design services requested per amendment #3 of contract with Cederquist Rodriguez Ripley, PC.

**Net Budget Effect:** County Gov't Facilities Fund (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
24690-545000	Contract Services	\$ 65,151	
24390-499900	Fund Balance Appropriated		\$ 65,151
		\$ 65,151	\$ 65,151

**Explanation:** Crawford Fire District Tax Fund (24690) - To appropriate fund balance for replacement lighting of fire equipment (\$22,240); awning on Maple station (\$5,500); washing machine and dryer (\$6,200); lighting at the Sligo station - (\$7,037); paint ladder truck

**Net Budget Effect:** Crawford Fire District Tax Fund (24) - Increased by \$65,151.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10535-590000	Capital Outlay	\$ 33,200	
10535-545000	Contract Services		\$ 8,500
10390-499900	Fund Balance Appropriated		\$ 24,700
		\$ 33,200	\$ 33,200

**Explanation:** Communications (535) - To carry forward funds from FY 2006 to purchase ADT security system for communications and to carry forward funds from FY 2006 and transfer funds budgeted in contract services to capital outlay for enhanced reverse 9-1-1 notification system.

**Net Budget Effect:** Operating Fund (10) - Increased by \$24,700.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-536000	Uniforms	\$ 6,800	
10390-499900	Fund Balance Appropriated		\$ 6,800
		\$ 6,800	\$ 6,800

**Explanation:** Sheriff (510) - To carryforward grant funds for bulletproof vests.

**Net Budget Effect:** Operating Fund (10) - Increased by \$6,800.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15780-590000	Capital Outlay	\$ 194,000	
15330-449900	Miscellaneous Grants		\$ 146,372
15390-499900	Fund Balance Appropriated		\$ 47,628
		\$ 194,000	\$ 194,000

**Explanation:** Occupancy Tax - Tourism Related (15780) - To record grant funds from NCDENR and appropriate funds to construct a bath house with showers, 500 sq ft classroom, storage building, and the installation of 2 parking spaces, lighting, benches, water fountains and landscaping.

**Net Budget Effect:** Occupancy Tax Fund Fund (15) - Increased by \$194,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-502000	Salaries	59,372	
10796-505000	FICA	4,542	
10796-506000	Insurance Expense	7,450	
10796-507000	Retirement	5,806	
10796-513000	Utilities	7,200	
10796-514000	Travel	2,000	
10796-516000	Repairs & Maintenance	6,500	
10796-531000	Gas, Oil, Etc	4,800	
10796-532000	Supplies	2,680	
10796-532001	Educational Supplies	1,500	
10796-545000	Contract Services	1,560	
10796-590000	Capital Outlay	79,943	
10390-495015	T F - Occupancy Tax		\$ 79,943
10390-499900	Fund Balance Appropriated		\$ 103,410
15780-587010	T T - Operating Fund	79,943	
15320-415000	Occupancy Tax		\$ 79,943
		\$ 263,296	\$ 263,296

**Explanation:** Equestrian Facility (10796) - To establish initial budget for the Spot Equestrian Facility. The capital purchases are as follows:

Harrow Drag	\$	1,100
Flail Mower	\$	4,200
Lawn Mower	\$	12,000
Truck	\$	16,000
Dressage Ring	\$	2,799
3 Round Pens	\$	7,500
Perimeter Fencing	\$	15,000
Jumps	\$	5,544
Outside Show Pen	\$	4,800
Outdoor PA System	\$	2,500
3 Sets of Bleachers	\$	6,000
Signage	\$	2,500
	\$	<u>79,943</u>

**Net Budget****Effect:**

Operating Fund Fund (10) - Increased by \$103,410.

Occupancy Tax Fund Fund (15) - Increased by \$79,943.

**Commissioner's Report**

Commissioner Miller questioned when the Library in Moyock would be open. The recreation area for Moyock, boat ramp and an update of the following DOT issues; Tulls Bay Bridge, Business Licenses, animal shelter.

Commissioner Martin wanted an update on door to door trash pick up.

Commissioner Bowden wanted an update on the Carova Park, Knotts Island bridge, pot hole on NC 615 and culvert south side of NC 615.

Chairman O'Neal requested a comprehensive list of requests that have been made to DOT and meet with them to discuss action.

Commissioner Etheridge requested a letter to NCACC asking for their support on transferable development rights.

**County Manager's Report**

Dan Scanlon, County Manager, updated Board on flooding on the Outer Banks and stated that the County will be doing some aerial spraying.

**Adjourn**

There being no further business, the meeting adjourned.