

CURRITUCK COUNTY  
NORTH CAROLINA  
APRIL 2, 2007

The Board of Commissioners met on Monday, April 2, 2007, 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 Nelms, Commissioners Gregory, Bowden, Taylor and Etheridge.

### **Invocation and Pledge of Allegiance**

Mr. Bob Henley, was present to give the invocation.

### **Approval of Agenda**

Commissioner Bowden moved to amend the agenda by deleting Items 4 and 5, add Item 12b, Lease of Horse Farm, add to consent agenda resolution for surplus property and budget amendment for Library. Commissioner Gregory seconded the motion. Motion carried.

#### **6:00 Secondary Road Meeting**

- 7:00 p.m. Invocation  
Pledge of Allegiance
- 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 **Emergency Medical Services** Certificate of Appreciation
- Item 4 **Public Hearing and Action on Amendment to Code of Ordinances**, Chapter 9 (Offenses and Miscellaneous Provisions), Discharge of Fire Arms prohibited
- Item 5 **Public Hearing and Action PB 07-08 Dennis Anderson**, Muddy Motorsports Park: special use permit from outdoor recreation facility located at 5423 Caratoke Highway on the east side of Caratoke Highway, approximately 1100' north of the rest area, Poplar Branch Township.
- Item 6 **Public Hearing and Action on PB 07-16 Weeping Radish**: special use permit for Outdoor Events. The property located at 6810 Caratoke Hwy. Poplar Branch Township.
- Item 7 **Public Hearing and Action on PB 07-11 Kim Old**, S. Currituck Road: rezone 60 acres of a 102.7 acre parcel from Agricultural to Mixed Residential (RA). The rezoning area included 26.7 acres pf uplands and 33.3 acres of wetlands. This site is located on South Currituck Road, ½ mile from the intersection with Caratoke Highway, Crawford Township.
- Item 8 **Public Hearing and Action on PB 07-12 BKS Investments**: rezoning to create a 26.5 acre multi-family overlay district. The property is located at the intersection of Caratoke Highway and Simpson Road in Barco, Crawford Township.
- Item 9 **Public Hearing and Action on PB 07-17 Amendment-Vehicle and Boat Sales**: an amendment to Article 14, Conditional and Special Uses, Section 1402, General Standards, Item 24 Motor Vehicle and Boat

Sales or Rental or Sales and Service to revised the conditions of approval for such use.

- Item 10      **Public Hearing and Action on PB 06-23 Covey Run:** sketch plan/special use permit for a 16 lot open space residential subdivision. The 44 acre property is located on South Indiantown Road, Crawford Township.
- Item 11      **Appointment to Airport Board** to fill unexpired term of Robert Kohler.
- Item 12      **Appointments** to Guinea Mill Advisory Board.
- Item 13      **Consent Agenda:**  
Budget Amendments  
Approval of FBO Services and Lease Agreement Currituck Airport
- Item 14      Commissioner's Report
- Item 15      County Manager's Report
- Item 16      Adjourn

**Public Comment**

***Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.***

Chairman Nelms opened the public comment period.

Earl and Edith Brickhouse, presented the Senior Tar Heel Legislation for the upcoming General Assembly.

Ginger Webster, Currituck Dare Community Foundation, reviewed services provided by the foundation and requested the Board's support.

James Miller, Grandy, expressed concerns with proposed firearms ordinance.

Doug Brindley, Corolla, expressed concerns with HB 1102 and requested a work session with the Board.

Herb Robbins, Corolla, expressed his concerns with statements made by the County Manager in the Daily Advance on revenue sharing.

John Burke, Corolla, was outraged by statements the County Manager made about Corolla incorporation revenues.

Jim Smith, Corolla, expressed concerns with statements made about incorporation.

Gary McGee, Corolla, expressed his desire for the Board to work together with citizens supporting incorporation.

Eddie Younts, Powells Point, expressed concerns with firearm ordinance.

Commissioner Bowden supported County Manager on comments made about revenues for incorporation and that his comments were taken out of context.

Commissioners Gregory, Etheridge and Taylor agreed with Commissioner Bowden that the County Manager's comments were for information only, not threats.

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

**Emergency Medical Services Certificate of Appreciation**

Julie Cherry, EMS Chief, along with Chad Lewis and Bruce Miller, EMS Staff, presented certificates of recognition to Ian Newbern and EMS Staff for their quick action with saving the life of Ian's sister.

**Public Hearing and Action on Amendment to Code of Ordinances, Chapter 9 (Offenses and Miscellaneous Provisions), Discharge of Fire Arms prohibited**

deleted

**Public Hearing and Action PB 07-08 Dennis Anderson, Muddy Motorsports Park: special use permit from outdoor recreation facility located at 5423 Caratoke Highway on the east side of Caratoke Highway, approximately 1100' north of the rest area, Poplar Branch Township.**

deleted

**Public Hearing and Action on PB 07-16 Weeping Radish: special use permit for Outdoor Events. The property located at 6810 Caratoke Hwy. Poplar Branch Township.**

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director, reviewed the request.

**LOCATION:** The property is located at 6810 Caratoke Highway, approximately 1/2 mile south of the intersection with Hickory Hill Drive, Poplar Branch Township.

**ZONING DISTRICT:** Light Manufacturing (LM)

**TAX ID:** TM 108, Parcel 52C (0108000052C0000)

**OWNER/ APPLICANT:** Currituck Eco Brewery, LLC  
PO Box 1909  
Manteo, NC 27954

(252) 491-5205

**LAND USE/ZONING OF SURROUNDING PROPERTY:  
SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Vacant	LM
<b>SOUTH</b>	Vacant	LM
<b>EAST:</b>	County Waste Disposal Site	GB
<b>WEST:</b>	Vacant	LM

**FIRE DISTRICT:** Lower Currituck V.F.D.

**SIZE OF SITE:** 7.5

**WATER:** The site is served by County Water

**WASTEWATER:** The restrooms at the Weeping Radish Brewery will be used and supplemented by port-a-johns when required by the Health Department.

**NARRATIVE:**

- A Special Use Permit is required for all Special Events according to use 26.000 of the UDO Article 13.
- The applicant is requesting a permit that would apply to all future outdoor events held at the site.
- The 7.5 acre site is the site of the Weeping Radish Micro Brewery.
- The applicant requests approval to hold festivals and events for more than one day of duration outside of an enclosed building. The dates for future events have not been scheduled. The regular and annual events may include a Seafood and Blues Festival, a stop for Motorcycle rallies, and Renaissance Festival.

**QUESTION(S) BEFORE THE BOARD:**

**Special Use Permit Criteria and Staff Findings:**

(The Board must find that the applicant meets all criteria in order for a Special Use Permit to be approved.)

In granting a Special Use Permit, the Board may attach to the Permit such reasonable requirements in addition to those specified in this Ordinance as will ensure that the development in its proposed location:

- (a) Will not endanger the public health or safety;
- (b) Will not injure the value of adjoining or abutting property;
- (c) Will be in harmony with the area in which it is located;
- (d) Will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners; and,
- (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.

Following is the staff Suggested Findings for each criteria (as is required by the UDO).

1. COMPLETENESS OF THE APPLICATION

**Suggested Findings:**

The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

**Suggested Findings:**

The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.

- (a) The proposed use **will not** materially endanger the public health or safety for the following reasons:

**Suggested Findings:**

The proposed use will be monitored by Currituck County EMS and law enforcement agencies.

- (b) The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:

**Suggested Findings:**

A Special Event will not injure the value of adjacent properties.

- (c) The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.

**Suggested Findings:**

A special event will be in harmony with the surrounding vacant properties.

- (d) The proposed use **will** be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners.

**Suggested Findings:**

1. The 2006 Land Use Plan classifies this site as Full Service.
2. A special event complies with the 2006 Land Use Plan.

- (e) The proposed use **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 applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family 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.

**Suggested Findings:**

Approval of this request should have no negative impact upon public facilities.

**(The plan has been submitted for review to Emergency Services and the Sheriff's Department)**

**STAFF RECOMMENDATION**

Staff recommends **approval** of the request with the following conditions:

1. The applicant shall notify the following departments in writing sixty (60) days prior to individual events or provide an annual schedule of events: Planning and Inspections, Emergency Services, Albemarle Regional Health Department, Currituck Sheriff's Department, and the Fire Prevention office (Fire Marshal).
2. Failure to notify these departments of a scheduled event will result in the immediate suspension of the use permit until it can be review at a scheduled Board of Commissioners meeting.
3. A noise permit issued by the Sheriff's Department shall be acquired prior to the event for any outdoor amplified sound.
4. No vehicles shall be parked within the right-of-way of Caratoke Highway, or within 20 feet of any adjoining property line in spaces that are not previously approved as part of the Weeping Radish Brewery operations.
5. A zoning permit shall be obtained for any on-premise signage. No sign advertising the event shall exceed the allowances of the Currituck County Unified Development Ordinance.
6. Portable toilets shall be provided per the requirements of the Health Department. A copy of the contract for the portable toilets with NC registered sewage pumper shall be submitted to the Department of Planning and Inspections one week prior to the event.
7. All vendors serving food shall receive permits from the Albemarle Regional Health Services 30 days prior to individual events. A list of the food vendors and copies of their permits shall be submitted by 25 days before individual events, to the Department of Planning and Inspections.
8. Any tents used for events will require a tent permit issued by the Department of Planning and Inspections. The tents shall be inspected by the Fire Marshall. The applicant shall be responsible for scheduling this inspection with the Fire Marshall.
9. Any arenas, bleachers, tents or other structures for the event shall be permitted and inspected **24 hours** prior to the event commencing. The applicant shall be responsible for scheduling this inspection with the Inspections division.
10. All items associated with the event (tents, bleachers, litter, port-a-johns, etc.) shall be removed from the event site within three (**3**) days of the end of the event.
11. There shall be no fireworks used at this event that do not receive the prior, written approval of the Fire Marshal.
12. Upon a determination of need by the Sheriff and EMS director, Law Enforcement, EMS and a fire truck shall be scheduled to be on-site for each event and the NC Highway Patrol notified or contracted to provide traffic control.
13. Provide proof of Liability Insurance on an annual basis or individual events as applicable.
14. The applicant shall demonstrate compliance with the above stated conditions no less than 15 days prior to any event.

*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.*

#### **PLANNING BOARD DISCUSSION**

Uli Bennewitz appeared before the Board.

Ms. Keifer presented the case analysis to the board.

Mr. Bennewitz said that there will be a Renaissance Faire, seafood and blues festivals, other restaurants and businesses will participate in order to make it a community event rather than just a for profit event for the Weeping Radish.

Mr. Kovacs stated that the building itself needs more work; ie landscaping, lot needs cleaned up, trees planted, etc.

Mr. Bennewitz answered Mr. Kovacs concerns.

#### **PLANNING BOARD ACTION**

Ms. Turner motioned to recommend approval of the request including the staff recommendations. Mr. Bell seconded the motion. Motion passed unanimously.

Chairman Nelms, opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Etheridge moved to approve and review in one year. Commissioner Taylor seconded the motion. Motion carried.

**Public Hearing and Action on PB 07-11 Kim Old, S. Currituck Road: rezone 60 acres of a 102.7 acre parcel from Agricultural to Mixed Residential (RA). The rezoning area included 26.7 acres pf uplands and 33.3 acres of wetlands. This site is located on South Currituck Road, ½ mile from the intersection with Caratoke Highway, Crawford Township.**

Sarah Keifer, Planning Director, reviewed the request.

**TYPE OF REQUEST:** Rezone 60 acres of a 102.7 acre parcel from Agricultural to Mixed Residential (RA). The rezoning area includes 26.7 acres of uplands and 33.3 acres of wetlands.

**LOCATION:** This site is located on South Currituck Road, 1/2 mile from the intersection with Caratoke Highway, Crawford Township.

**TAX ID:** Tax Map 51, Parcel 30A (0051000030A000)

**OWNER:** Old Brothers, LLC  
Kim Old

101 Commerce Drive  
Moyock, NC 27958

**AGENT:** Resource International, Ltd.  
751 Thimble Shoals Blvd., Suite N  
Newport News, VA 23606-3563

**ZONING:** Current Zoning                      Proposed Zoning  
Agricultural (A)                              Mixed Residential (RA)

**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>	Agricultural and Residential	RA
<b>SOUTH</b>	Agricultural and vacant wetlands	A
<b>EAST:</b>	Agricultural	A
<b>WEST:</b>	Agricultural and Residential	A

**EXISTING LAND USE:** Agricultural

**PROPOSED LAND USE:** Develop property similar to surrounding property.

**LAND USE PLAN**

**CLASSIFICATION:** This property is designated **Limited Services Area** and **Conservation** in the 2006 Land Use Plan. It is also in the **Shawboro/Crawford** sub-area. The Conservation class line generally follows the wood line at the rear of the existing farm field.

The purpose of the **Conservation** class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Much of the land included in the Conservation classification is environmentally sensitive and therefore already protected through existing, federal, state, and local regulations. However, for areas within the classification that would be considered developable, uses such as agriculture, agriculture related services, and extremely low density residential development (1 unit per 3 acres or less) would be permitted.

The purpose of the **Limited Services Area** class is to provide for primarily residential development at low densities. Base development density should be 1 unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in place or planned and the potential impact on the surrounding community.

The predominantly rural **Shawboro/Crawford** area contains some of the best, most extensive agricultural lands in the county. Current development density is 1 unit per 3 acres. Residential

development, when approved, should bear some direct relationship to agricultural activity so as to minimize land use conflicts between farm operations and nearby residents. When residential development does occur, it should be strategically located to minimize conflicts. Common sense examples include placing residential development: (1) upwind of prevailing winds and open fields (2) behind or in and among wooded areas (3) clustered near existing non-farm uses such as a church, general store or other residences. "Leapfrog" residential subdivisions, unrelated to farm activities, and that would interrupt a large expanse of agriculture and open space, should be strongly discouraged

Mixed Residential (RA) allows a lot size of 40,000 or a density of .9 unit per 1 acre. An RA zone would not comply with the Conservation classification, but would comply with the Limited Services designation of 1 unit per acre.

**PUBLIC SERVICES AND UTILITIES:**

Crawford Volunteer Fire Department provides fire protection for this area. Some public utilities, including, electric and telephone are currently available. County water is not currently available on this section of South Currituck Road. The waterline ends after a 20 foot stub at the intersection with Caratoke Highway.

**TRANSPORTATION:**

The ingress/egress for this property is from South Currituck Road which is not classified in the 1988 NCDOT Thoroughfare Plan.

**FLOOD ZONE:**

The 33.3 acres that are wetlands and wooded of the proposed rezoning are in flood zone AE (5). The areas out of the wetlands are not in the 100 year flood zone.

**SOILS:**

The areas that are wetlands (33.3 acres) are classified not suitable for on-site septic. The uplands (26.7 acres) are a mix of suitable and marginal soils for on-site septic systems

**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."

Given that the subject site is split between the Conservation and Limited Service Areas of the 2006 Land Use Plan and the proposed rezoning complies only with the Limited Service designation, staff recommends a **modified**

**approval** of the request. Staff recommends rather than rezoning the entire 60 acre site to Mixed Residential, only 26.7 acres of the site be rezoned following the Limited Service area line based upon the following reasons:

1. Rezoning a limited portion of the property would be in compliance with the Future Land Use Map and the policies of the Land Use Plan with respect to preserving the existing rural character of the Shawboro/Crawford sub-area and protecting sensitive environmental areas;
2. The 1 unit per acre density permitted in the RA zoning district complies with the density contemplated in the Limited Service Area but not the low density (1 unit per 3 acres) contemplated in the Conservation Area;
3. The 26.7 acres toward the front of the property would eliminate the wetlands included in the Conservation Area from the rezoning;
4. A 20 to 25 lot medium density residential development permitted by the modified rezoning would be in character with the surrounding area with respect to development type and density; and
5. There is an existing RA zoning district to the north side of the state road and the proposed modified rezoning would be an extension of an existing RA district while still avoiding an interruption to a large expanse of agriculture and open space.

The area recommended for approval of an RA zone is bound by the existing north property line, east property line, west property line and the Land Use Plan Conservation class line to the south.

*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.*

#### **PLANNING BOARD DISCUSSION**

Kim Old, Jerry Old, and Mel Hopkins appeared before the board.

Ms. Keifer presented the case analysis to the board.

Mr. Kim Old stated that they haven't had the opportunity to delineate the wetlands, so he is confident with the modified version recommended by staff.

Mr. West asked if there is a graveyard on site.

The applicants indicated there is a cemetery on site.

Josanna Johnson, adjoining property owner, expressed concerns about schools and capacity. They know all the people who drive on their street. She asked what the meaning of RA is.

Mr. Keifer explained the differences between zoning districts, there would still be 40,000 sq.ft. lots.

Mr. Johnson asked how many lots were proposed for this application.

Ms. Keifer said that there could be approximately 26 houses but roads, open space, and buffers would also be incorporated.

Mr. Kim Old stated that there isn't a sketch plan yet, but approximately 25 lots with stick built homes.

Mr. Midgette asked Ms. Keifer to address the school issues.

Ms. Keifer spoke to the school concerns. The high school/middle schools are just about at their limits, but also explained the Adequate Public Facilities Ordinance with respect to school numbers and stated that the concerns are founded.

Mr. West asked how many lots are already sold.

Mr. Old said that there are 4 lots in a minor subdivision that are already under contract.

### **PLANNING BOARD ACTION**

Mr. Keel motioned to recommend a modified approval (26.7 acres rezoned to RA) as recommended by the staff. Ms. Turner seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Kim Old, Developer, was present to answer questions.

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

Commissioner Gregory approved the modified plans and it is consistent with Land Use Plan. Commissioner Taylor seconded the motion. Motion carried.

**Public Hearing and Action on PB 07-12 BKS Investments:  
rezoning to create a 26.5 acre multi-family overlay  
district. The property is located at the intersection of  
Caratoke Highway and Simpson Road in Barco, Crawford  
Township.**

Sara Keifer, Planning Director, reviewed the request.

**TYPE OF REQUEST:** Rezoning request to create a 26.8 acre multi-family overlay district. The property contains 10.84 acres of wetlands.

**LOCATION:** The property is located at the intersection of Caratoke Highway and Simpson Road in Barco, Tax Map 69, Parcel 3B, Crawford Township.

**TAX ID:** Tax Map 69, Parcel 3B  
(0069-000-003B-0000)

**OWNER:** BKS Investments, LLC  
300 Sir Walter Raleigh Street  
Manteo, NC 27954

**AGENT/ ENGINEER:** Quible & Associates, P.C.  
PO Drawer 870  
Kitty Hawk, NC 27949

<b>ZONING:</b>	<b><u>Current Zoning</u></b> General Business (GB-2.9 acres) and Residential (R-23.6 acres)	<b><u>Proposed Zoning</u></b> Residential Multi Family Overlay (RMF)
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**ZONING HISTORY:** The property was split zoned GB and R on the 1989 zoning atlas.

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Agricultural and Commercial	GB and R
<b>SOUTH</b>	Seafood Market and Residential	GB and R
<b>EAST:</b>	Currituck Sound	
<b>WEST:</b>	Mix of Commercial (7-11) and Residential Uses	GB

**EXISTING LAND USE:** Agricultural

**PROPOSED LAND USE:** Multi-Family development

**LAND USE PLAN**

**CLASSIFICATION:** This property is classified **Full Service and Conservation** (8.2 acres) and the **Barco/Coinjock/Airport** sub-area in the 2006 Land Use Plan. With respect to residential development, base development density is contemplated to be 2 units per acre in Full Service areas but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area. A greater diversity in housing types (i.e. semi-detached, attached, multi-family) would be considered appropriate in the Full Service areas.

The purpose of the **Conservation** class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas, for areas within the classification that would be considered developable, uses such as agriculture, agriculture

related services, and extremely low density residential development (1 unit per 3 acres or less) would be permitted. With the exception of agricultural related uses, nonresidential uses should not be encouraged. It is anticipated that any uses within the Conservation area would be served by individual on-site water and wastewater. The 10 acres of wetlands could not be developed.

The policy emphasis of the Land Use Plan is for the Barco/Coinjock/Airport area to emerge as the principal community center serving the central area of the mainland and is therefore included as a Full Service Area. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

A Residential Multi-Family Overlay zone would comply with the Full Service classification and Barco/Coinjock/Airport subarea, but not the Conservation classification.

**PUBLIC SERVICES  
AND UTILITIES:**

Crawford 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 Caratoke Highway and Simpson Road.

**FLOOD ZONE:**

The property is located in Flood Zones X, AE (6), AE (5), AE (4) and VE (7). Approximately 24 acres of the property is located in a flood zone.

**SOILS:**

The Currituck County Soil Suitability map indicates that 3.95 acres are suitable, 8.58 acres contains soils that are Marginal, with the remainder (13.97) being non-suitable for on-site septic.

**STAFF  
RECOMMENDATION:**

The Residential Multi-Family Overlay District (RMF) was created by the Board of Commissioners to provide for medium density residential development in close proximity to major thoroughfares and commercial zones. The district is designed to have insignificant impacts on surrounding single family residential development.

Staff recommends a **modified approval** of an approximately 18.3 acre Multi-Family Overlay district within the areas of the Full Service Classification on the property for the following reasons:

1. The area recommend for the overlay zone complies with the Full Service designation of the Land Use Plan but not the Conservation classification.
2. There is transportation access to both US 158 and NC 168.
3. The site exceeds the required 5 acre minimum and would have a maximum density of 70 units after the wetlands are deducted. The site is served by public water and has access to Caratoke Highway and Simpson Road.
4. This site is located in an area that has a mix of commercial and medium density residential uses.

*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**

Eddie Valdivieso, Quible and Associates, appeared before the board.  
Ms. Keifer presented the case analysis to the Board.

Mr. Kovacs asked what type of housing is intended.

Mr. Valdivieso said that it hasn't been determined.

Mr. Kovacs stated that the intent of the ordinance is for affordable housing and asked if the developer intends to provide that in this case.

Mr. Valdivieso said that he cannot answer the question because there is no scope of development. The request today is to simply ask for the rezoning.

Mr. Kovacs asked if the developer is agreeable to the fact that only part of the property will be rezoned.

Mr. Quible said yes.

Marvin Fulter asked how many families were possible.

Ms. Keifer stated 1 family per 10,000 sq. ft.

Mr. Fulter asked who would regulate who lives there.

Ms. Keifer stated that cannot be regulated.

Mr. West asked what types of soils are there. He feels that the soil type should be looked at closely for a multi family development.

Mr. Valdivieso agreed and stated that there would be a centralized system. If the property is utilized for multi family the system would be on the highest part.

William Sawyer, 132 Simpson Rd., stated his concerns with multi family zoning.

Mr. Midgette asked for a definition of multi family.

Ms. Keifer defined it as a medium density development, where no dwelling types are excluded and focus is on apartment type buildings, generally attached housing.

Mr. Valdivieso validated the comments made.

Mr. West stated that if this property is rezoned, a door has opened that can't be closed.

Mr. Midgette said that if it is denied another type can be requested.

Mr. Valdivieso said that the owners would like the RMF on this property.

#### **PLANNING BOARD ACTION**

Mr. Kovacs motioned to recommend denial of the request. Ms. Robbins seconded the motion. Motion passed 8-1 with Ms. Turner voting no.

Chairman Nelms opened the public hearing.

Julie Copeland, opposes request.

Linda McCowan, expressed concerns with modified proposal.

Lyle Hancock, opposes the request.

Jim Basnight, opposes request.

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

Commissioner Gregory moved to deny. Commissioner Etheridge seconded the motion. Motion carried.

**Public Hearing and Action on PB 07-17 Amendment-Vehicle and Boat Sales: an amendment to Article 14, Conditional and Special Uses, Section 1402, General Standards, Item 24 Motor Vehicle and Boat Sales or Rental or Sales and Service to revised the conditions of approval for such use.**

Sarah Keifer, Planning Director, reviewed the request.

**To:** Planning Board

**From:** Sarah E. Keifer, AICP, Director, Planning and Inspections

**RE:** PB 07-17 Motor Vehicle and Boat Sales or Rental or Sales and Service

**Date:** March 23, 2007

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Enclosed please find a text amendment requested by the Board of Commissioners modifying the conditions for Motor Vehicle and Boat Sales or Rental or Sales and Service. The current provisions require that:

- (g) A North Carolina automobile dealership license shall accompany all applications to the County for a Conditional Use Permit and if approved the license shall be prominently displayed at the place of business; and
- (n) Each vehicle shall have a collection system in place to capture leaking fluids from vehicles. This system shall be part of a stormwater management plan or designed for each storage space.

A concern was raised recently that dealership licenses are site specific and cannot be procured until an applicant is certain of the site of the operation. Therefore, the proposed text amendment adds a provision to Item (g) permitting the Board of Commissioners to modify the condition to require the license prior to final inspection approval.

Item (n) is proposed to be deleted with the understanding that existing stormwater management regulations will address the environmental concerns relative to parking areas thereby eliminating the need for an additional condition.

The Planning Board considered this item at their March 13, 2007 meeting and unanimously recommended approval of the amendment. Should you have any questions, please do not hesitate to contact me directly.

**CURRITUCK COUNTY**  
PB 07-17  
UDO AMENDMENT REQUEST  
MOTOR VEHICLE AND BOAT SALES OR RENTAL OR SALES AND SERVICE

An amendment to Article 14, Conditional and Special Uses, Section 1402, General Standards, Item 24 Motor Vehicle and Boat Sales or Rental or Sales and Service to revised the conditions of approval for such use.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Article 14, Conditional and Special Uses, Section 1402, General Standards, Item 24 Motor Vehicle And Boat Sales Or Rental Or Sales And Service is amended by deleting the following language indicated with

strikethrough marks, adding the following underlined language, and renumbering accordingly:

24. Motor Vehicle and Boat Sales or Rental or Sales and Service

All motor vehicle and boat sales or rental or sales and service businesses classified as Use Number 9.100 of Section 1310, Table of Permissible Uses, of the Currituck County Unified Development Ordinance, shall be subject to the following development requirements

a. Area and Bulk Regulations:

(1) Minimum Lot Area: 40,000 square feet

(2) Minimum Road Frontage: 125 feet

(3) Display Area Property Line Setbacks: Front – 20 feet  
Side - 10 feet  
Rear - 25 feet

b. No vehicle or boat shall be stored or displayed within the right-of-way of any public street.

c. All outdoor vehicle and boat display areas shall be graded and paved with concrete, asphalt or gravel.

d. When adjacent to a residential use an exterior lighting plan shall be submitted and approved prior to issuance of any required permit.

e. All major repairs shall be within enclosed buildings. For the purposes of this section “major repairs” shall be defined as any disassembling of the engine or drive-train or the changing of petroleum based fluids or the removal or assembly of sheet metal or fiberglass.

f. A minimum of twenty (20) percent of the vehicle or boat display areas shall be allocated for the landscaping of the site. This provision shall exempt the requirements of Article 5 when a landscaping plan demonstrating compliance with this section has been approved by the permit issuing authority.

g. A North Carolina automobile dealership license shall accompany all applications to the County for a Conditional Use Permit and if approved the license shall be prominently displayed at the place of business. The Board of Commissioners may modify this requirement to permit submission of the license or evidence that the license will be issued at the time of final inspection.

h. Once authorized, the Conditional Use Permit can be transferred subject to Article 20.

- i. Wrecked, damaged or inoperable vehicle or boat storage areas shall be located behind the principal structure and shall not be visible from any public right-of-way.
- j. Designated parking areas for customers and employees shall be provided in accordance with Article 4.
- k. Permanent restroom facilities shall be provided accordance with NC Building Code.
- l. No accessory buildings or storage shall be located between the public right-of-way and principle building on the site.
- m. There shall be no above ground or below ground storage facilities intended for hazardous vehicular fluids greater than 550 gallons on the site.
- n. The lighting of the parking areas and buildings shall meet the requirements of Article 6, Part IV, Sections 629-636.

**Item 2:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Chairman Nelms opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Gregory moved to approve with amended language. Chairman Nelms seconded the motion. Motion carried.

**Public Hearing and Action on PB 06-23 Covey Run: sketch plan/special use permit for a 16 lot open space residential subdivision. The 44 acre property is located on South Indiantown Road, Crawford Township.**

Sworn testimony was given prior to making comments.

Sarah Keifer, Planning director reviewed the request.

**ITEM:** PB 06-23 Covey Run: Sketch Plan/ Special Use Permit for a 16 lot Open Space Residential subdivision.

**LOCATION:** The 44 acre property is located on South Indiantown Road, 8/10 of a mile south of the intersection with US 158 (Shortcut Road), Crawford Township.

**TAX ID:** Tax Map 44, Parcel 11C

**ZONING DISTRICT:** Agricultural

**OWNER:** Looks Good on Paper, LLC  
 Rodney Sawyer  
 9 Palmetto Lane  
 Kitty Hawk, NC 27949  
 252-255-4612

**ENGINEER:** Hyman and Robey, PC  
 150 A US Highway 158 E  
 Camden, NC 27921  
 252-338-2913

**LAND USE PLAN DESIGNATION:** The 2006 Land Use Plan classifies this property in the **Rural** Area and **Shawboro/ Crawford** Sub-Area. Residential development density equal to or less than one unit per three acres is to be encouraged in the Shawboro/Crawford area and it has therefore been identified as a mix of Conservation and Rural Areas on the Future Land Use Map.

**PRESENT USE:** Agricultural

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

<b>NORTH:</b>	Agricultural	Zoned A
<b>SOUTH:</b>	Agricultural	Zoned A
<b>EAST:</b>	Agricultural	Zoned A
<b>WEST:</b>	Agricultural/ Residential	Zoned A

**SCHOOL DISTRICT:** Crawford/ Central Elementary

**SIZE OF SITE:** 44.04 Acres

**NUMBER OF LOTS:** 16

**DENSITY:** 0.36 of a unit per acre

**MINIMUM LOT SIZE:** 3 lots at 40,000 SF, Remaining Lots- 3 acres

**STREETS:** The streets will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance. The proposed street is 1,554 linear feet long with a connection to the Forbes property to the south.

**WATER:** This development is proposing to connect to county water. The water department has requested an analysis to show if this development will impact the service level of other homes on South Indiantown Road. If the study determines there is a negative impact, the applicant will be required to upgrade the waterline.

**FIRE:** This development is located within the jurisdiction of the Crawford Volunteer Fire Department. The applicant is proposing to install fire hydrants when the waterline on South Indiantown Road is upgraded. The availability of an upgraded line has not been determined by the Water Department.

**WASTEWATER:** Individual, on-site septic systems are proposed.

**SOILS:** The Currituck County Soils Map indicates the front 20 acres of the property contain soils that are marginal or suitable for on-site septic. This is the area where the lots are being proposed.

**OPEN SPACE:** The applicant is reducing the lot sizes below the required 3 acres and therefore has to give the corresponding area to open space. The required open space is 27.31 Acres

**DRAINAGE:** The applicant is proposing roadside ditches and property line swales to drain into adjacent farm drainage canals and the South Indiantown Road ditches.

**SCHOOL CAPACITIES:** Using national averages for school age student generation, one can expect .4243 elementary students, .084 middle school students and .1568 high school students per dwelling unit. Based on these pupil generation figures, from this development Currituck can expect:

6 elementary school students; 1 middle school students; and 2 high school students.

Projected School Capacities (11-30-06)

School Level	Projected Capacity for 2008/09	Total Projected Students- With Previous Sketch Plans	Remaining Capacity if <b>Covey Run</b> is approved
K- 5	2,004 (Moyock/ Crawford)	1584	414
Middle	1,142	1,072	69
High	1,456	1,449	5

**Note: Approvals of Sketch Plans after the Planning Board meeting could alter the school space allocations.**

Projected School Capacities (as of December 21, 2006)

School Level	Projected Capacity for 2008/09	Total Projected Students- With Previous Sketch Plans	Remaining Capacity if <b>Covey Run</b> is approved
K- 5	2,004 (Moyock/ Crawford)	1584	414
Middle	1,142	1,079	63
High	1,456	1,462	-6

**Note: Approvals of Sketch Plans after the Planning Board meeting could alter the school space allocations.**

**NARRATIVE OF REQUEST:**

- Looks Good on Paper, LLC is seeking Sketch Plan approval of a 16 lot open space subdivision.
- In February 2006, a 2 lot subdivision was created from this parcel. Both lots front on South Indiantown road.
- The applicant is proposing to cluster the 16 lots towards the front of the property with smaller lot sizes and retain 27 acres for agricultural use.
- The applicant proposes the open space will have an agricultural conservation easement recorded at the time of Final Plat.
- A connection to the Forbes property to the south does satisfies the street design criteria because this would not be a dead-end street.
- Staff concurs with the applicant that a street connection to the north is not needed because of the narrow (300 feet) width of the property that makes it less suitable for development than the Forbes property to the south.
- According to the Development Impact Statement submitted March 13, 2006, the anticipated sale price of homes will be \$300,000 to \$400,000.

**DEVELOPMENT HISTORY:**

1. The Sketch Plan was submitted for review on March 13, 2006.
2. The Technical Review Committee reviewed the project on April 19, 2006.
3. The applicant requested to be taken off the May Planning Board agenda to re-design the project.
4. The applicant re-submitted the project on August 25, 2006, but requested to be taken off the September Technical Review agenda.
5. The Technical Review Committee reviewed the revised plan on November 15, 2006.

**TECHNICAL REVIEW STAFF:**

On November 15, 2006, Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Approved as is.
2. **Currituck Soil & Water Conservation** - Approved as is.
3. **Currituck County Fire Services**– Approved as is.

4. **Currituck County Water Department-** Approved with the following comments:
  - a. Provide plans and specifications for water line extension.
  - b. Provide flow test data to show this addition will not adversely affect the present users of the system.
  - c. Provide plan for waterline upgrade along South Indiantown Road if needed.
5. **Currituck County Planning and Inspections, Inspections Section-**Approved as is.
6. **Albemarle Regional Health Services** – Site evaluations will be needed before Preliminary Plat.
7. **Currituck County GIS** - Approved with no comment.
8. **County Parks & Recreation Department** - Approved with no comment.
9. **Currituck County Emergency Management** – No comments received.
10. **NC Department of Transportation:** Approved with the following comment:  
Please note future development may require improvements along SR 1147.
11. **US Army Corps of Engineers:** No comments received.
12. **NC Department of Natural Resources, Division of Coastal Management** – No comments received.
13. **NC Department of Natural Resources, Division of Water Quality**–No comments received.
14. **NC Department of Natural Resources, Division of Land Resources** – No comments received.
15. **Currituck County Superintendent of Schools-** No comments received.
16. **N C Dominion Power** - No comments received.
17. **Sprint Telephone** – Approved as is.

**SPECIAL USE PERMIT CRITERIA:**

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. It is recognized that some land uses have a particular impact on the surrounding land that cannot be determined and controlled by general zoning regulation. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties. In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria are outlined as follows:

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 plan generally complies with the provisions of the UDO.
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 stormwater management, wastewater disposal and access for emergency services have been adequately addressed within this proposal;

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

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, residential and agricultural uses.

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

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, agricultural uses.

- (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 2006 Land Use Plan classification of **Rural**, the **Shawboro/ Crawford** Sub-Area, 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.*

**The Commissioners will need to determine if adequate public facilities, including schools and water service, exist or will exist to meet the demands generated by this subdivision.**

**STAFF RECOMMENDATION:**

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **conditional approval** of the application contingent upon satisfaction of all TRC comments, subject to a finding that adequate public facilities exist, and subject to the following conditions:

**Code and Technical Review Committee Requirements:**

1. A wetlands delineation approved by the US Army Corps of Engineers is required with the Preliminary Plat submission. (Section 922)
2. All applicable state and local permits to construct the infrastructure will be required at Preliminary Plat submission. (Section 922)
3. At Preliminary Plat, a full size plan showing the open space will be required. (Appendix 9-A)
4. A description of the recreational amenities shall be entered on the plan that demonstrates how the open space will serve the community (Section 701)
5. The open space for the community park shall be dedicated to a Homeowners Association. (Section 704)
6. The open space to be retained by the developer for agricultural use shall have an agricultural conservation easement placed on the property, recorded at the time of Final Plat. (Section 704)
7. The County will conduct a study to determine if there is a significant detrimental impact on the water system. If the County determines the impact is significant, the subdivider shall be responsible for upgrading the water line as determined by the Currituck County Engineer.

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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 and Recommendation (December 12, 2006)**

Mr. Hyman said that interconnectivity is planned to the south but felt that it was not viable to the north.

Mr. Midgette asked if there was a problem with installing the 6" water line.

Mr. Hyman said that there is enough there plus 250 gallons per house.

Mr. Riley motioned to recommend **approval** the request as presented per the staff recommendation. Ms. Turner seconded the motion. Motion passed **unanimously**.

**Covey Run Subdivision on Indiantown Road**

Date: March 23, 2007

**Background**

The following is an analysis of the water main flow and pressures along Indiantown Road and the impacts of Covey Run Subdivision on the water system.

The water system consists of an 8" water main to Shawboro, then a 6" water main down Indiantown Road to Short Cut Road. From that point, a 4" water main extends along Indiantown Road south of Short Cut Road. This 4" water main loops around to Gregory Road and back to NC Highway 34.

Covey Run is located on Indiantown Road approximately 2600' south of Short Cut Road. The subdivision consists of 16 residential lots. The subdivision is located on the County's 4" water main. Low water flows and pressure in this area has created a concern about the impacts this subdivision will have on the water system.

### Analysis

Flow tests were performed by Hyman and Robey and the County on March 19, 2007. Attached is a description of the results from Hyman and Robey. Based on the tests, present flows are 294 gpm @ 20 psi. Our criteria are an available fire flow of 250 gpm @ 20 psi.

We estimate a peak instantaneous flow of 3 – 5 gpm per residential connection. At 3 gpm x 16 connections, total additional flow is 48 gpm. Therefore, as a result of the subdivision, flow will drop to 246 gpm @ 20 psi.

### Conclusion

We have a calculated fire flow to be 246 gpm @ 20 psi with the proposed subdivision. They have not met our criteria of 250 gpm @ 20 psi. We requested Hyman and Robey to perform hydraulic modeling in illustrate the flow and pressure improvements if the 4" water main was upgraded to 6" from Short Cut Road to the subdivision, however, this information has not been provided. Therefore, as proposed, this subdivision will drop available flows and pressures on the existing water system below our minimum criteria and should not be approved as is.

An option is to install the 6" main as discussed; however, the developers engineer should provide calculations demonstrating the upgrade will meet the minimum fire flow criteria of 250 gpm @ 20 psi. Another option is to reduce the number of lots to 14, which will provide available fire flows of 252 gpm @ 20 psi.

Additionally, the Currituck UDO requires every major subdivision served by County water or central water install fire hydrants. NC DENR regulations state no fire hydrant shall be installed on a water main smaller than 6". Therefore, the 2600' section of 4" water main from Short Cut Road to the subdivision must be upgraded to 6" to meet this requirement. An estimated cost for this upgrade is \$65,000.

Chairman Nelms opened the public hearing.

Eddie Hyman, Engineer, agreed to upgrade waterline.

Lyle Forbes, expressed concern with drainage.

Lyle Boldt, expressed concerns with water.

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

Commissioner Gregory moved to approve with staff recommendations. Commissioner Bowden seconded the motion. Motion carried with Commissioners Etheridge and Taylor voting no.

**Kitty Hawk Kites Lease Agreement.**

Chairman Nelms stated that John Harris has requested a lease agreement from the county for the Horse Farm.

Commissioner Bowden requested that the County be relieved from any liability.

Commissioner Etheridge stated that he needed more information before making a decision on a lease agreement.

Kate McKenzie, County Attorney, requested that staff negotiate with Mr. Harris and approve Manager signing the lease.

Commissioner Gregory moved to proceed with lease agreement. Commissioner Taylor seconded the motion. Motion carried with Commissioner Etheridge voting no.

**Appointment to Airport Board to fill unexpired term of Robert Kohler.**

Commissioner Gregory moved to appoint Kenneth Norris. Commissioner Etheridge seconded the motion. Motion carried.

**Appointments to Guinea Mill Advisory Board.**

Commissioner Taylor moved to appoint the following for three year terms: Commissioner Etheridge seconded the motion. Motion carried.

Tommy White

Vernon Garrett

Wallace Cahoon

Nelson Garrett

Martin Jarvis

**Consent Agenda:**

**Budget Amendments**  
**Approval of FBO Services and Lease Agreement Currituck**  
**Airport**  
**Resolution Surplus Property**

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15781-516001	Signs	\$ 3,505	
15780-545003	Public Transportation		\$ 3,505
		<u>\$ 3,505</u>	<u>\$ 3,505</u>

**Explanation:** Occupancy Tax - Tourism Related (15781) - To increase appropriations for mileage markers, no parking signs, fireworks unlawful and North Beach ramp signs to post prior to season.

**Net Budget Effect:** Occupancy Tax Fund (15) - 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
10380-482000	Miscellaneous Revenue		\$ 3,200
10760-516100	Foster Home Assistance		\$ 1,000
10760-526300	District DSS Support	\$ 4,200	
		<u>\$ 4,200</u>	<u>\$ 4,200</u>

**Explanation:** **County Assistance (760): District DSS Support** - Currituck is required to host the biennial meeting for the NCSSA Northeastern District in May 2007. This was not an anticipated cost for this fiscal year, originally Currituck County was scheduled to host this meeting next fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$3,200.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-533900	Ambulance Supplies	\$ 5,500	
10530-544000	Volunteer Assistance		\$ 5,500
		\$ 5,500	\$ 5,500

**Explanation:** *Emergency Services (530) - To transfer funds to replace batteries in automatic defibrillators in various County locations.*

**Net Budget Effect:** Operating Fund (10) - 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
10440-545000	Contract Services	\$ 2,231	
	Fund Balance		
10390-499900	Appropriated	\$ 6,692	
	Article 39 Local Opt Sales		
10320-411000	Tax		\$ 8,923
		\$ 8,923	\$ 8,923

**Explanation:** Finance (440) - To increase budgeted line items for contract with Tax Reduction Specialists, to increased Article 39 Sales Tax Revenue and to decrease fund balance appropriated for additional sales tax found for the years ended June 30, 2002 through June 30, 2005. This additional sales tax will be reflected in the County distribution of sales tax for March 2007.

**Net Budget Effect:** Operating Fund (10) - 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
10790-532000	Supplies	\$ 5,500	
10790-590000	Capital Outlay	\$ 35,500	
10390-495015	T F - Occupancy Tax		\$ 20,500
10320-408000	Franchise Taxes		\$ 20,500
15780-587010	T T - Operating Fund	\$ 20,500	
15380-481000	Investment Earnings		\$ 20,500
		\$ 61,500	\$ 61,500

**Explanation:** Library (790) - Increase appropriations to expand library area in the Corolla office into the Medical Center area to allow more public use computers for residents and tourists, have an area that could be used for a meeting space and expand the children's area. This projects will be funded by 50% operating fund revenues and 50% occupancy tax - tourism related revenues.

**Net Budget Effect:** Operating Fund (10) - Increased by \$41,000.  
Occupancy Tax Fund (15) - Increased by \$20,500.

**RESOLUTION**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held April 2, 2007, authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be disposed of at a public auction:

Asset # 5448 Hewlett Packard 2200DTN LaserJet Printer

Items from Ocean Sands Water Treatment Plant (photos attached)

HP OfficeJet Pro K850 Printer Serial #: TH59N3309D

From Mainland Water Plant:

- Weinman pump and motor 40 HP 3 phase 480 volt motors with 800 GPM pumps. Quantity 2
- Gate valve, American Darling 10 inch
- Motor 20 HP US Electrical 3 phase 480 volt ID GO7943. Quantity 2
- Motor Century 7.5 HP 3 phase 480 volt. Quantity 2
- Weinman pump 700 GPM. Quantity 1

Camper shell for pickup truck (from Animal Control)

**WHEREAS**, the volunteer fire and rescue departments within the county shall have the option to obtain the attached list of surplus property prior to auction in accordance with the adopted **Surplus Property Disposal Policy for Volunteer Fire and Rescue Departments**; and

**WHEREAS**, the public auction will be held Saturday, April 14, 2007, at 10:00 a.m. (rain date April 21, 2007) at the Public Works Storage Compound behind the Transfer Station off Airport Road. NOTE: Items from the Ocean Sand Water Treatment Plant will be auctioned at a date and time to be determined at the Ocean Sands Water Treatment Plant.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of County of Currituck reserves the right to reject any and all bids.

#### **Commissioner's Report**

Commissioner Taylor commented on the Board retreat held March 26 and 27.

Commissioner Etheridge requested the Board to review water tap rules.

Commissioner Bowden commented on the summer season and the traffic on the 4 wheel drive area.

#### **County Manager's Report**

County Manager Scanlon stated that staff was working with Charter Communications to have public information submitted directly to the Corolla office.

#### **Adjourn**

There being no further business, the meeting adjourned.