

CURRITUCK COUNTY
NORTH CAROLINA
MAY 21, 2007

The Board met prior to the regularly scheduled meeting at 6:00 p.m. as the Board of Equalization and Review.

The Board of Commissioners met on Monday, May 21, 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

The Reverend Glenn McCranie was present to give the invocation.

Approval of Agenda

Commissioner Bowden moved to amend the agenda by deleting Item 3, ATV Ordinance, deleting #5 from consent agenda and adding Item 9A, Appointment to Whalehead Board of Trustees. Commissioner Gregory seconded the motion. Motion carried.

- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Public Hearing and Action on Recreational Vehicles ordinance**
Amendment to Chapter 9 (Offenses and Miscellaneous Provisions) of the Currituck County Code of Ordinances to codify Article V, Recreational Vehicles. **(Deleted)**
- Item 4 **Public Hearing and Action on Junk Car Ordinance** Amendment to Chapter 9 of the Currituck County Code of Ordinances (Offenses and Miscellaneous Provisions), Article IV (Junk Car Ordinance), Section 9-88, Exceptions
- Item 5 **Public Hearing and Action: PB 87-56 MONTERAY SHORES PUD, PHASE II**
Amended Sketch Plan/ Special Use Permit for 3 Commercial Lots on property located on the west side of NC 12 across from the Monterey Plaza at 819 and 824 Malia Drive and 810 Ocean Trail. Tax Map 116, Parcels 3Y, 3X, and 3W, Poplar Branch-Outer Banks Township.
- Item 6 **Consideration of awarding bid** for Forbes Road water main extension
- Item 7 **Commissioner Bowden** request discussion on Noise Ordinance
- Item 8 **Appointment** Currituck County Game Board
- Item 9 **Appointment** Nursing Home Advisory Board
- Item 9A **Appointment** to Whalehead Board of Trustees
- Item 10 **Consent Agenda:**
1. Budget Amendments
2. Resolution in support of legislation for the Northeastern NC Heritage area Initiative
3. Approval of May 7, 2007, Minutes
4. Approval of Change Order for Historic Jarvisburg School
5. Approval of contract to piggy-back with City of Chesapeake for turnout gear **(Deleted)**

Dan Scanlon, County Manager, reviewed the ordinance.

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

Commissioner Gregory moved to adopt the ordinance.
Commissioner Taylor seconded the motion. Motion carried.

ARTICLE IV.

JUNK CAR ORDINANCE

Sec. 9-75. Administration.

(a) The code enforcement officer shall be responsible for the administration and enforcement of this article. Said officer shall be responsible for administering the removal and disposition of "abandoned," "nuisance," or "junked" vehicles located on private property. The sheriff's department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways of the county, and on property owned by the county.

(b) The county may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles, and junked vehicles in compliance with this article and applicable state laws.

(c) Nothing in this article shall be construed to limit the legal authority and/or powers of officers of the county in enforcing other laws and/or in otherwise carrying out their duties.

(Ord. of 8-7-06)

Sec. 9-76. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

- (1) Abandoned vehicle means a motor vehicle, as authorized and defined in G.S. 153A-132 and G.S. 153A-132.2, and one that:
 - a. Is left upon the right-of-way of a public street or highway in violation of a law or ordinance prohibiting parking; or
 - b. Is left on the right of way of a public street or highway for longer than seven days; or
 - c. Is left on property owned or operated by the county for longer than 24 hours; or
 - d. Is left on private property without the written consent of the owner

occupant or lessee thereof, for longer than two hours.

- (2) A junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle, as authorized and defined in G.S. 153A-132 and G.S. 153A-132.2, and that:
 - a. Is partially damaged or wrecked; or
 - b. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
 - c. Is more than five years old and appears to be worth less than \$100.00.

- (3) A nuisance vehicle means a motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:
 - a. A breeding ground or harbor for mosquitoes, other insects, rats, or other pests; or
 - b. A point of heavy growth of weeds or other noxious vegetation over eight inches in height; or
 - c. A point of collection of pools or ponds of water; or
 - d. A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
 - e. A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials; or
 - f. So situated or located that there is a danger of it falling or turning over; or
 - g. One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrefied matter of any kind; or
 - h. One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
 - i. Any other vehicle specifically declared a health and/or safety hazard by the board of county commissioners.

- (4) Open places mean areas of properties or portions thereof that are open to the exterior, including building openings, such as carports, or porches, and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side, and rear yards.

(Ord. of 8-7-06)

Sec. 9-77. Abandoned vehicles unlawful; removal authorized.

(a) It shall be unlawful for the registered owner or person(s) entitled to possession of a vehicle to cause or allow such a vehicle to be abandoned;

(b) Upon investigation, the code enforcement officer may determine that a vehicle is abandoned and order the vehicle removed.

(c) A written assessment must be provided the county manager itemizing the findings prior to any action being taken.

(Ord. of 8-7-06)

Sec. 9-78. Nuisance and junked vehicles regulated; removal authorized.

(a) It shall be unlawful for the registered owner or person(s) entitled to the possession of a nuisance or junked vehicle, or for the owner, lessee, or occupant of the real property upon which a nuisance or junked vehicle is located to leave or allow the vehicle to remain on the property after which the vehicle has been ordered to be removed.

(b) Upon investigation, the county code enforcement officer may order the removal of a junked vehicle as defined in this article after finding in writing that the aesthetic benefits of removing the vehicle outweigh the financial burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following among other relevant factors may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness, and emotional stability of area residents.

(Ord. of 8-7-06)

Sec. 9-79. Pre-towing notice requirements for removal of abandoned, nuisance, or junked vehicles.

(a) Except as set forth in section 9-80 below, an abandoned, nuisance, or junked vehicle that is to be removed shall be towed only after notice to the registered owner or person(s) entitled to possession of the vehicle. Notice shall be given by affixing a notice on the windshield or some other conspicuous place on the vehicle. The notice

shall state that the county will remove the vehicle on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the owner or legal possessor moves the vehicle prior to that time. In the case of a nuisance vehicle or a junked vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address (es) to which mailed and the date mailed.

(b) With respect to abandoned vehicles on private property, nuisance vehicles and junked vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the board of adjustment in writing prior to the applicable date of abatement and heard at the earliest regularly scheduled meeting of the board of adjustment.

(Ord. of 8-7-06)

Sec. 9-80. Exception to prior notice requirement.

The requirement that written notice be given prior to removal of an abandoned, nuisance, or junked vehicle may, as determined by the code enforcement officer, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstruction or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the code enforcement officer in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

- (1) *Vehicles abandoned on streets or highways.* For vehicles left on the public streets and highways, the board of county commissioners hereby determines that immediate removal of such vehicles may be warranted when they are obstructing traffic.
- (2) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on county-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety, and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses or residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

(Ord. of 8-7-06)

Sec. 9-81. Removal of vehicles post-towing notice requirements.

- (a) Any abandoned, nuisance, or junked vehicle which has been ordered and

removed may, as directed by the county, be removed to a storage garage or any other designated storage area by the tow truck operator or towing business contracting to perform such services for the county. Whenever such a vehicle is removed, the authorizing county official shall immediately notify the last known registered owner of the vehicle in writing, such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner shall follow to redeem the vehicle; and
- (5) The procedure the owner shall follow to request a probable cause hearing on the removal.

(b) The county shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsection (a)(1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

(c) If the vehicle is registered in North Carolina, notice shall be given within 24 hours. If the vehicle is not registered in North Carolina, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

(d) Whenever an abandoned, nuisance, or junked vehicle is removed, and such vehicle has no valid registration or registration plates, the code enforcement officer shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle and to notify the owner of the information set forth in subsection (a)(1) through (5) above.
(Ord. of 8-7-06)

Sec. 9-82. Owner's responsibility for cost.

If an abandoned, nuisance, or junked vehicle is removed by or at the direction of the code enforcement officer, the owner shall pay all reasonable costs incurred as a result of the removal and storage of such vehicle.
(Ord. of 8-7-06)

Sec. 9-83. Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle, or junked vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing shall be filed in writing within 30 days of the post-towing notification. Such request for hearing shall be filed with the county manager's office and county magistrate designated by the chief district court judge to receive such hearing requests. The

magistrate shall set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 219.11.

(Ord. of 8-7-06)

Sec. 9-84. Redemption of vehicle during proceedings.

(a) At any stage in the proceedings, including before the probable cause hearing, the owner(s) may obtain possession of the removed vehicle by paying the towing fee, including any storage charges and administrative fees, or by posting a bond for double the amount of such fees and charges due as a result of the abatement. Upon regaining possession of a vehicle, the owner(s) or person(s) entitled to the possession of a vehicle shall not allow or engage in further violations of this ordinance.

(b) In the event that the vehicle has been declared a violation of sections 9-77 and 9-78, the owner(s) of the vehicle or person(s) entitled to possession, prior to regaining possession, shall submit in writing his or her plan to insure the violation is not repeated and obtain the approval of the appropriate official of the county, who shall examine the plan for compliance with this article.

(Ord. of 8-7-06)

Sec. 9-85. Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance, or junked vehicle which is not claimed by the owner or other party entitled to possession within 30 days of official post-towing notification will be disposed of by the tow truck operator, towing business, or county having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the county and in accordance with North Carolina General Statutes.

(Ord. of 8-7-06)

Sec. 9-86. Conditions on removal of vehicles from private property.

As a general policy, the county will not remove a vehicle from private property if the owner, occupant, or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the county from private property without a written request by the owner, occupant, or lessee, except in those cases in which a vehicle is a nuisance vehicle or is a junked vehicle that has been ordered removed by the county manager or designee(s). The county may require any persons requesting the removal of an abandoned, nuisance, or junked vehicle from private property to indemnify the county against any loss, expense, or liability incurred due to the removal, storage, or sale.

(Ord. of 8-7-06)

Sec. 9-87. Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance, or junked vehicle, for disposing of such vehicle as provided in this article.

(Ord. of 8-7-06)

Sec. 9-88. Exceptions.

- (a) Nothing in this article shall apply to any vehicle which:
 - (1) Is located in a bona fide "automobile graveyard" or "junkyard" as defined in North Carolina General Statutes, in accordance with the "Junkyard Control Act" and has been issued the appropriate permits as required by the Currituck County Unified Development Ordinance; or
 - (2) Is in an enclosed building; or
 - (3) Is on the premise of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or
 - (4) Is in an appropriate storage place or depository maintained in a lawful place and manner by the county.
- (b) A lot may have no more than one (1) motor vehicle which does not have a current license plate and inspection sticker as long as said vehicle shall be stored outside of an enclosed structure.

(Ord. of 8-7-06)

Sec. 9-89. Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the county any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing, impoundment, and administrative fees have been paid, or bond in lieu of such fees, has been posted.

(Ord. of 8-7-06)

Sec. 9-90. Right of entry.

For the purpose of enforcing the provisions of this article, the code enforcement officer or his designee(s) may at all times during regular business hours, Saturdays, Sundays, and legal holidays excepted, enter upon any premises within the county's jurisdiction, other than within any building actually occupied for a residence, for the purpose of determining whether or not the provisions of this article are being violated or for the purpose of determining whether or not any notice by the county requiring the abatement of the nuisance has been complied with.

(Ord. of 8-7-06)

Sec. 9-91. Article cumulative.

Procedures set forth in this article shall be in addition to any other remedies that may exist under law or ordinance to the abatement of public nuisances.

(Ord. of 8-7-06)

Sec. 9-92. Severability.

Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or part thereof other than the part so declared to be unconstitutional or invalid. (Ord. of 8-7-06)

Sec. 9-93. Effective date.

This article shall take effect and be enforced as of January 1, 2007. (Ord. of 8-7-06)

Public Hearing and Action: PB 87-56 MONTERAY SHORES PUD, PHASE II Amended Sketch Plan/ Special Use Permit for 3 Commercial Lots on property located on the west side of NC 12 across from the Monterey Plaza at 819 and 824 Malia Drive and 810 Ocean Trail. Tax Map 116, Parcels 3Y, 3X, and 3W, Poplar Branch-Outer Banks Township.

Sworn testimony was given prior to making comments.

David Webb, Chief Planner, reviewed the request.

**STAFF ANALYSIS FOR THE BOARD OF COMMISSIONERS
MEETING DATE: May 21, 2007
PB 87-56 MONTERAY SHORES PUD, AMENDED SKETCH PLAN**

ITEM: PB 87-56 MONTERAY SHORES, PHASE II, PUD
AMENDED SKETCH PLAN FOR 3 COMMERCIAL
LOTS

LOCATION: The properties are located at 819 and 824 Malia Drive; and
810 Ocean Trail; on the west side of NC 12, across from
the Monterey Plaza.

ZONING DISTRICT: PUD/ RO1 and PUD/ GB

Parcels: Tax Map 116, Parcels 3Y, 3X and 3W.
0116000003Y0000
0116000003X0000
0116000003W0000

OWNERS:
0116000003X0000
Corolla Bay West Side
821 Ocean Trail, Suite 4
Corolla, NC 27927

0116000003Y0000
Monteray Shores, Inc.
824 Malia Drive
Corolla, NC27927

0116000003W0000
Corolla Worship Center
810 Ocean Trail
PO Box 668
Nags Head, NC 27959

APPLICANT:

Carolina Water Service, Inc of NC
PO Box 240908
Charlotte, NC 28224-0908

ENGINEER:

Coastal Engineering & Surveying
934 W. Kitty Hawk Rd.
Kitty Hawk, NC 27949

DEVELOPMENT SUMMARY FOR MONTERAY SHORES-ALL PHASES

Area:	Total:	355.60 acres
	CAMA Wetlands:	43.00 acres
	Net Usable:	312.60 acres

Residential Density: 3 units per acre allowed
570 Proposed/ 312.6 AC = 1.82 units/ acre

Commercial Allocation: 10% (35.56 AC) allowed, 9.67% (34.38 AC) proposed

Open Space: 35% (124.46) required,
36.98% (131.502 acres) provided

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Buck Island PUD and Open Space – zoned PUD/ RO1& GB
SOUTH:	Monteray Pines Condominiums – zoned PUD/ GB
EAST:	Monteray Plaza – zoned PUD/ GB
WEST:	Currituck Sound

NARRATIVE:

Carolina Water Services, Inc. is requesting an Amended Sketch Plan as part of their agreements to purchase the Monteray Shores Wastewater Treatment Plant and associated Utility Open Space.

The purpose of this request is to:

1. Create a lot and right of way for the Monterey Shores office building and rezone the lot as PUD/ GB. (Proposed Commercial Lot 7)
2. Create a lot around the Sprint Building that will be Utility Open Space.
3. Staff notes that the Proposed Commercial Lot 6 was also shown on the May 7, 2001 Amended Sketch Plan but a Preliminary Plat and Final Plat have not been submitted to subdivide the lot.

PREVIOUS AMENDMENTS TO THE MONTEARY SHORES SKETCH PLAN

Original Sketch Plan approval was granted October 13, 1987 for 608 residential lots, 20 acres of commercial areas (5.6%) which were never entirely delineated on original plans, associated recreational amenities and common areas. At the time of approval, the applicant was allowed up to 10% (35.5 ac) of total land area (355.6 ac.) for commercial development. Density for the development was 1.94 units/acre.

Since that time, the Board has made the following Sketch Plan Amendments:

CHANGES APPROVED BY BOC ON DECEMBER 6, 1999

1. Decrease density from 658 units to 598 units (loss of 60 units). Overall density will be reduced from 2.36 units/acre to 2.14 units/acre which is below the 3 units/acre allowed within PUD's.
2. Increase of open space from 38.6% (137.22 ac.) to 39.3% (139.75 ac.) which exceeds the minimum 35% required within PUD's.
3. Increase commercial area from 20.05 ac. to 34.1 ac. which equals 9.59% (up to 10.0% allowed). Applicant also requested a LBH designation.
4. Addition of 2 amenities areas (1 at south end; 1 at north end) plus dedication of a sound access easement to Currituck County at the south end.
5. Proposed roadway connections with Whalehead Subdivision at both Herring and Perch Streets.

CHANGES APPROVED BY BOC ON SEPTEMBER 11, 2000

1. To show a 33,000 square foot. Food Store on northernmost commercial parcel;
2. To depict a minor variation in the overall commercial boundary ("404" wetland areas have been delineated and taken out of the original commercial area);

3. To convert 72 single-family lots to 24 multi-family and 48 Hotel units;
4. To show parking lot within area to be dedicated to Currituck County for public sound access; and,
5. Increase minimum lot area within all single-family lots.

CHANGES APPROVED BY BOC ON MAY 7, 2001

1. Proposing to increase density from 598 units to 600 units. Overall density will be 1.92 units/acre which is below the 3 units/acre allowed within PUD's.
2. Add Commercial Lot 6 adjacent to Malia Drive.

CHANGES APPROVED BY BOC ON JUNE 17, 2002

1. Further defined development intent within the "Phase IV" commercial portion of Corolla Shores. Phase IV portion of the amended sketch plan showed approximately 75,000 square feet of retail/restaurant commercial complex within ten (10) proposed buildings. It should be noted that this did not represent an increase in overall commercial acreage within Corolla Shores as it remains at 14.05 acres.
2. Increased the total number of single family home sites from 92 to 116.
3. Reduced the total number of multi-family/hotel/lodge density from 72 to 48.
4. Reduced open space from 28.92 acres to 23.67 acres which still exceeds the minimum 35% required with PUD's.

CHANGES APPROVED BY BOC ON DECEMBER 1, 2003

1. The 10.07 acre site that Currituck County has purchased is reflected on the new Sketch Plan and has been designated residential. This area was previously designated as commercial.
2. The total amount of commercial area in Phase 3 was reduced from 14.05 acres to 13.95 acres.
3. The total number of single family home sites was reduced from 134 to 115 units.
4. Open space in Phase 3 was reduced from 23.67 acres to 14.28 acres. Under this proposal, the total amount of open space for Monterey Shores was 124.46 acres which meets the 35% minimum required.

CHANGES APPROVED BY BOC ON NOVEMBER 15, 2004

1. Phasing (Section) lines within Corolla Bay, Monterey Shores Phase III.;

2. Approval for 36 single family home sites located in Section 1.
3. To show the location of the wastewater treatment system. The wastewater treatment facility will serve the 36 home sites in Section 1 in addition to the 7.32 acre Commercial Site #1 in Section 1, and the future Food Lion site in Section V. The water for the development will be provided by Currituck County from the new SOBWS plant.

CHANGES APPROVED BY BOC ON FEBRUARY 20, 2006

1. Change the alignment of the proposed streets from the 2004 plan.
2. Increase the number of lots in Section II from 33 to 40.
3. Decrease the number of lots in Section III from 44 to 39.
4. Increase the size of the utility open space needed to serve as a disposal area from 4.116 acres to 8.574. This area will be the disposal area for the treated water for the 83,600 Gallons Per Day(GPD) Corolla Bay Wastewater Treatment system.
5. Place 32 lots in Section III into utility open space, for a total of **83** available lots that can receive Preliminary Plat approval without an Amended Sketch Plan.
6. Sections II and III are allowed to create 47 lots according to this Amended Sketch Plan.
7. Section I received Preliminary Plat approval for 36 lots on September 13, 2005.
8. The resulting density for Corolla Bay is 0.39 units per acre. The total density for Monterey Shores is 1.62 units per acre.

THE PLANNING BOARD APPROVED A PRELIMIARY PLAT FOR COROLLA BAY, SECTION I ON SEPTEMBER 13, 2005 FOR:

1. 36 Residential lots located on the west side of NC 12;
2. 7.32 acre site located on the East side of NC-12 to be developed commercially;
3. Construction of an 83,600 GPD wastewater treatment and disposal system to serve 24 eight bedroom homes, 12 seven bedroom homes, 30,000 sq. ft. retail space, and two 150 seat restaurants, and the proposed Food Lion site in Section V.
4. The construction of 1,700 linear feet of roadway called Cruz Bay; 280 linear feet of roadway called Devils Bay and approximately 970 feet of roadway called Herring Street which will tie into Corolla Drive in the Whalehead subdivision.

- STREETS:** Other than the Church parcel that fronts on NC 12, the streets will be constructed to the PUD private street standards in effect in 1987, which allowed for a 30 foot right of way with 20 feet of pavement.
- WATER:** Water will be provided by the Monterey Shores/ Carolina Water System
- FIRE:** The development will be served by the Corolla Fire & Rescue Station and fire hydrants will be installed in accordance with Volume 5 of the NC Building Code.
- WASTEWATER:** The current and future buildings will be supplied by the Monterey Shores treatment plant. A permit to expand the plant from 180,000 GPD to 520,000 GPD was issued March 21, 2007.
- OPEN SPACE:** Under this proposal the total amount of open space for all of Monterey Shores will be 125.14 acres which meets the 35% minimum required.
- DRAINAGE:** Draining for the existing office building
- FLOOD ZONES:** Parts of the site are in Flood Zone AE(5). The remainder of the site is in zone Shaded X.

STAFF RECOMMENDATION: Staff recommends **Conditional Approval** subject to the following conditions:

1. Add the “open space map” that shows the entire development and a map of Phase III to this package. All of the open space shall be graphically indicated as a condition of approval.
2. Phase III is currently only approved for 116 units in Corolla Bay and 19 units in Corolla Shores. Please correct this in the summary. The 19 units in Corolla Shores only have Preliminary Plat approval and do not currently “exist.”
3. Submit a letter from the Division of Water Quality that the proposed lots are not a part of dedicated reserve “green areas” for the wastewater treatment plant.
4. Indicate the PIN numbers with ownership information for each of the subject parcels.
5. Add the open space calculations for all 3 phases to the same sheet.
6. In accordance with UDO Section 917, Sewage, no other Preliminary Plats may be granted for any residential lots or commercial buildings until adequate wastewater treatment is permitted through an expansion of the plant capacity or allocation from another wastewater plant. This does not apply to existing buildings, only lots that do not already have structures. The utility building owned by Monterey Shores, Inc. and the Sprint Building can have lots created around them without any additional utility construction or permits being issued.
7. Show the Sight triangles (70’ x 10) at intersections with existing streets.
8. Show approximate locations of exiting utilities (wells, culverts, utility lines...)
9. Show approximate locations of Fire Hydrants locations.
10. In the Notes, indicate the Flood zones on the property with map/ panel numbers.
11. Show the flood zone lines shown, including the Base Flood Elevations.
12. Indicate the zoning of the site and adjacent properties.
13. Add a label and indicate the Sprint Building lot will be utility open space.

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

Discussion

Mr. Keel asked if the applicant had any issues with the conditions.

After reviewing the conditions, Mr. Gomez stated the conditions are standard conditions and he will not have a problem meeting them.

Mr. West asked about an unlabeled line that points to a building.

Mr. Gomez responded that it appears to be a line that indicates the Sprint Building and the utility open space lot that will be created. He will correct that on the plan as well.

PLANNING BOARD ACTION

Mr. Keel motioned to **approve** the request as presented with staff comments and also add a note on the Sprint Building. Mr. West 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 with staff recommendations and findings of fact. Chairman Nelms seconded the motion. Motion carried.

Consideration of awarding bid for Forbes Road water main extension

Dan Scanlon, County Manager, stated that two bids had been received. He recommended approval of the lower bid from George Raper and Son, Inc., for \$266,243.00.

Commissioner Gregory moved to award the bid to George Raper and Son, Inc., for \$266,243.00. Chairman Nelms seconded the motion. Motion carried.

Commissioner Bowden request discussion on Noise Ordinance

Commissioner Bowden stated that he thought the ordinance did not serve any use and was concerned with the cost of enforcing this ordinance.

Chairman Nelms, expressed his concerns with ordinance.

Dan Scanlon, County Manager, stated that out of 859 complaints, 20 citations were issued along with 65 warnings.

The Board requested that staff review ordinance and bring back for consideration.

Appointment Currituck County Game Board

Commissioner Etheridge moved to reappoint Charles Eley and Paul Bradley for a two year term. Commissioner Taylor seconded the motion. Motion carried.

Appointment Nursing Home Advisory Board

Commissioner Taylor moved to table for 4 weeks. Commissioner Etheridge seconded the motion. Motion carried.

Appointment to Whalehead Board of Trustees

Commissioner Bowden moved to appoint Carol Molloy. Commissioner Taylor seconded the motion. Motion carried.

Consent Agenda:

Budget Amendments

- Resolution in support of legislation for the Northeastern NC Heritage area Initiative**
- Approval of May 7, 2007, Minutes**
- Approval of Change Order for Historic Jarvisburg School**
- Approval of contract to piggy-back with City of Chesapeake for turnout gear-deleted (deleted)**

Commissioner Etheridge moved to approve. Commissioner Gregory 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
10560-545000	Contract Services	\$ 35,000	
10330-430600	Elderly & Disabled Transportation		\$ 22,167
10330-431200	IV-D Collections		\$ 5,300
10330-445300	CAMA Administration		\$ 2,650
10340-456000	Planning Fees		\$ 4,883
		\$ 35,000	\$ 35,000

Inter-County Public Transportation (560) - To increase contract services to provide nutrition transportation for Senior Citizens for the remainder of this fiscal year.

**Explanation:
Net Budget
Effect:**

Operating Fund (10) - Increased by \$35,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense

10640-516000	Repairs & Maintenance		\$	1,500
10640-514000	Travel	\$		1,500
			<u>\$</u>	<u>1,500</u>
			<u>\$</u>	<u>1,500</u>

Explanation: Cooperative Extension (640) -Increased amount needed for staff travel to provide programming, client assistance and attend training needed through June 30, 2007.

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

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
10450-531000	Gas, Oil Etc	\$ 600	
10450-561000	Professional Services	\$ 3,000	
10450-526000	Advertising		\$ 1,100
10450-557500	In Rem Foreclosure		\$ 2,500
		<u>\$ 3,600</u>	<u>\$ 3,600</u>

Explanation: Tax (450) -To increase professional services for attorney services to represent the County on a Property Tax Appeal now before the State Property Tax Commission and for fuel for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
10775-545000	Contract Services, Nutrition	\$ 3,500	
10380-481000	Investment Earnings		\$ 3,500
		<u>\$ 3,500</u>	<u>\$ 3,500</u>

Explanation: Senior Center (775) Increase budgeted line items for serving over the allocation of meals to shut ins and at all 3 sites.

Net Budget Effect: Finance will complete

<u>Account</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease
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<u>Number</u>			<u>Expense</u>
10530-502100	Salaries - Overtime	\$ 80,000	
10530-516000	Repairs & Maintenance	\$ 4,000	
10530-531000	Gas, Oil, Etc	\$ 4,000	
10530-502000	Salaries - Regular		\$ 35,000
10530-502200	Holiday		\$ 45,000
10530-553000	Dues & Subscriptions		\$ 1,095
10530-545000	Contract Services		\$ 6,905
		<u>\$ 88,000</u>	<u>\$ 88,000</u>

Explanation: Emergency Medical Services (10530) - To transfer budgeted line items to cover vacancies and for operations for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10511-513000	Utilities		\$ 5,273
10511-514000	Travel		\$ 2,000
10511-545000	Contract Services		\$ 130,000
	Fund Balance		
10390-499900	Appropriated	\$ 130,000	
10511-554000	Insurance & Bonds	\$ 54	
10511-536000	Uniforms	\$ 2,600	
10511-561000	Professional Services	\$ 2,619	
10511-532000	Supplies	\$ 2,000	
		<u>\$ 137,273</u>	<u>\$ 137,273</u>

Explanation: Jail (511) - To transfer budgeted funds for operations for remainder of fiscal year and to reduce budget for lagoon repairs that were done at \$130,000 less than the initial estimated cost of repairs.

Net Budget Effect: Operating Fund (10) - Decreased by \$130,000.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
15780-516002	Outer Banks Ramps	\$ 10,000	
15780-561000	Professional Services		\$ 10,000

\$	10,000	\$	10,000
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Explanation: Occupancy Tax - Tourism related expenditures (15780) - To provide funding for maintenance and repair of Outer Banks drive over ramps through June 30, 2007, in preparation for the summer season.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10540-532004	Supplies - Home Economics	\$	3,100		
10330-449900	Miscellaneous Grants			\$	3,100
		\$	3,100	\$	3,100

Explanation: Cooperative Extension (10640) - To record SHIIP grant for Medicare education.

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15446-526200	Promotional Efforts	\$	18,000		
15350-465002	Co-op Advertising			\$	18,000
		\$	18,000	\$	18,000

Explanation: Occupancy Tax - Tourism promotion (15446) - Increase budgeted line items for Co-op advertising this fiscal year.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$18,000.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10512-542000	Rabies Vaccinations	\$	600		
10512-561000	Professional Services			\$	600

\$	600	\$	600
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Explanation: Animal Control (512) - Transfer budgeted funds for an additional rabies clinic this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795-511000	Telephone & Postage Repairs & Maintenance-Pks	\$ 250	
10795-516001	Pks	\$ 1,800	
10795-576008	Grass Cutting	\$ 3,000	
10796-545000	Contracted Services	\$ 5,951	
10795-576002	Youth Basketball		\$ 321
10795-576007	Youth Wrestling		\$ 319
10795-576009	Youth Soccer		\$ 2,000
10795-576011	Adult Volleyball		\$ 955
10795-576012	Adult Basketball		\$ 450
10795-590000	Capital Outlay Repairs/Maint-Horse		\$ 1,005
10796-516000	Park		\$ 5,951
		\$ 11,001	\$ 11,001

Explanation: Recreation (10795) - To transfer budgeted line items for operating costs for the remainder of this year.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-590000	Capital Outlay	\$ 1,800	
10511-590000	Capital Outlay		\$ 1,800
		\$ 1,800	\$ 1,800

Explanation: Sheriff (510); Jail (511) - Transfer funds to complete safety equipment for new vehicles.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10794-545005	JCPC Council	\$ 1,000	
10794-545004	Restitution		\$ 1,000
		\$ 1,000	\$ 1,000

Explanation: JCPC (794) - To adjust funding to match State authorization.
Net Budget Effect: Operating Fund (10) - No change.

RESOLUTION IN SUPPORT OF AN ACT TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY OF THE SUITABILITY AND FEASIBILITY OF ESTABLISHING THE NORTHEASTERN NORTH CAROLINA HERITAGE AREA IN NORTH CAROLINA

WHEREAS, the sixteen counties in North Carolina’s Northeast Region have many natural, historic, cultural and recreations resources that represent distinctive aspects of American heritage worthy of recognition;

WHEREAS, North Carolina’s Northeast Commission, with the support of the North Carolina Department of Commerce, Division of Tourism, Film & Sports Development; the North Carolina Arts Council; and the Region’s local chambers of commerce, tourism professionals, arts councils and community and economic development organizations, has spearheaded the Northeastern North Carolina Heritage Initiative;

WHEREAS, The Northeastern North Carolina Heritage Initiative has joined the communities in the Northeast Region in an regional effort to strengthen and revitalize their economies through heritage tourism development;

WHEREAS, the House Resolution introduced by Congressman G.K. Butterfield requests that the Secretary of Interior conduct a study to determine the feasibility of designation of the Northeastern North Carolina Heritage Area;

WHEREAS, this prestigious designation would provide the mechanism to preserve the Northeast Region’s nationally significant landscape, create a new economic development and tourism tool for our region, develop new partnerships, and introduce Northeastern North Carolina to its rightful place in the hearts and minds of all Americans.

WHEREAS, the NorthEast Tourism (NET) Group recognizes the importance of tourism to our local and regional economies and that designation as a National Heritage Area will provide national recognition to our counties and Region, as well as provide federal and private funding to preserve and promote our historic, cultural, natural and recreational resources;

BE IT THEREFORE RESOLVED THAT the Currituck County Board of Commissioners respectfully requests that the North Carolina Congressional Delegation support legislation for the Northeastern North Carolina Heritage Area Initiative and voice their support to members of the House Committee on Resources for passage.

Commissioner's Report

Commissioner Etheridge commented on the Historic Jarvisburg Colored School dedication.

Commissioner Bowden expressed his concerns with assessed property values on the beach and out of state property owners with no say.

Chairman Nelms moved to adopt the following resolution. Commissioner Gregory seconded the motion. Motion carried.

**RESOLUTION
KNOTTS ISLAND FERRY**

WHEREAS, the Currituck County Board of Commissioners voted unanimously on September 18, 2006 to support the Currituck County Board of Education's request for an additional ferry for the students and citizens of Knotts Island; and

WHEREAS, as the school buses and student vehicles fill up these departures, other citizens needing transportation to get to work, attend the local colleges, or to take care of their personal needs and business are being turned away; and

WHEREAS, the Knotts Island Ferry is the only ferry run in the state with limited schedules; and

WHEREAS, the Board of Education requested to extend the operating hours of the Knotts Island Ferry but this request was denied; and

WHEREAS, due to the increased growth on Knotts Island we would like to request some immediate assistance with this problem which will only get worse.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners respectfully requests your assistance for a second ferry for the citizens of Knotts Island.

FURTHER BE IT RESOLVED, we would like to request that funding for the ferry come from discretionary funds.

ADOPTED this the 21st day of May, 2007.

County Manager's Report

Dan Scanlon, County Manager, commended Kathy Romm and the DSS Staff on a recent report from the state.

Closed Session:

Closed Session pursuant to G.S 143-318.11(5) - acquisition of real property.

Commissioner Etheridge moved to go into closed session.
Commissioner Gregory seconded the motion. Motion carried.

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.