

CURRITUCK COUNTY  
NORTH CAROLINA  
OCTOBER 15, 2007

The Board met in a work session prior to the regular meeting at 1:00 p.m. and 6:00 p.m. to discuss Airport projects.

The Board of Commissioners met on October 15, 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: Commissioners Bowden, Gregory, Taylor and Etheridge. Chairman Nelms was absent.

Vice Chairman Gregory called the meeting to order.

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

The Reverend Glenn McCranie was present to give the invocation.

### **Approval of Agenda**

Commissioner Bowden moved to approve the agenda.  
Commissioner Taylor 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           **Consideration of Resolution** on Proposed Outlying Landing Field (OLF) in North Carolina
- Item 4           **Recognition** of EMT-Paramedic William "Bill" Jones, EMT-Basic Jennifer Donohue, and EMT-Intermediate Bonnie Boyer
- Item 5           **Public Hearing and Action on PB 07-65 NICHOLSON'S POINT REZONING:**  
Request to create a 132.9 acre Planned Unit Development (PUD) Overlay Zone on a property with a base zoning of Mixed Residential (RA). The 7 properties are located adjacent to the Currituck Sound in the vicinity of the intersection of Caratoke Highway and Maple Road, Tax Map 59, Parcels 50, 68A, 68B, 77, 82, 83, and 85, Crawford Township.
- Item 6           **Public Hearing and Action on PB 07-72 NICHOLSON'S POINT PUD VARIANCE:** Variance Request from UDO sections 204 Setbacks, 914 Streets and Section 921 Lots, to allow the creation of a Traditional Neighborhood Design in a Planned Unit Development. The 7 properties are located adjacent to the Currituck Sound in the vicinity of the intersection of Caratoke Highway and Maple Road, Tax Map 59, Parcels 50, 68A, 68B, 77, 82, 83, and 85, Crawford Township.
- Item 7           **Public Hearing and Action on PB 07-39 NICHOLSON'S POINT PUD:**  
Sketch Plan/ Special Use Permit for a 140 unit Planned Unit Development on 132.9 acres. The 7 properties are located adjacent to the Currituck Sound in the vicinity of the intersection of Caratoke Highway and Maple Road, Tax Map 59, Parcels 50, 68A, 68B, 77, 82, 83, and 85, Crawford Township.
- Item 8           **Public Hearing and Action on PB 06-02 FREEDOM FOREST PHASE II:**  
Amended Sketch Plan/Special Use Permit for 6 residential lots on property located on the West side of Shortcut Road (US 158), 1.4

miles east of Airport Road and adjacent to Central Elementary School. Tax Map 60, Lot 99E, Crawford Township.

- Item 9           **Consideration** of ATV Ordinance
- Item 10          **Consideration** of Noise Ordinance
- Item 11          **Consideration and Action** on Bid for Knotts Island Fire Station
- Item 12          **Consideration of amending** Solid Waste Ordinance for R02 District on size of containers
- Item 13          **Consent Agenda:**
  - 1. Approval of Removal of Grave
  - 2. Petition for Road Addition for Tice Road
  - 3. Request to General Assembly regarding JCPC funding
  - 4. Issue the Order of Collections: 2007 Tax Levy to be Charged to Tax Collector
  - 5. Approval of October 1, 2007, Minutes
  - 6. Approval of September 24, 2007, Special Meeting Minutes
  - 7. Consideration of amendment to Section 10 of the Currituck County Personnel Policy.
  - 8. Budget Amendments
  - 9. Appoint members to Fireman's Relief Fund for Corolla and Crawford Fire Department.
  - 10. Project Ordinance Phase 1 Reverse Osmosis Water Plant
- Item 14          Commissioner's Report
- Item 15          County Manager's Report

**Public Comment**

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

Vice-Chairman Gregory opened the public comment period.

Edith and Earl Brickhouse presented an update on the Legislative Tar Heel meeting in Raleigh.

Vice-Chairman Gregory closed the public comment period.

**Consideration of Resolution on Proposed Outlying Landing Field (OLF) in North Carolina**

Commissioner Bowden moved to adopt the following resolution. Commissioner Gregory seconded the motion. Motion carried with Commissioner Etheridge voting no.

Commissioner Etheridge requested the Board consider his resolution that gives more support for our military.

**RESOLUTION**

**WHEREAS**, Governor Easley formed a study group charged with examining and reporting on the strategic, environmental and economic impacts of the proposed Navy outlying landing field (OLF) in North Carolina in February of 2004; and

**WHEREAS**, the Navy and the North Carolina Department of Environment and Natural Resources have proposed four new potential OLF sites in Northeast North Carolina to the Governor's OLF Study Group on September 19, 2007; and

**WHEREAS**, the Navy reported to the OLF Study Group that the proposed OLF would be used primarily by aircraft stationed at Oceana Naval Air Station at Virginia Beach, VA and not at Cherry Point Marine Corps Air Station at Havelock, NC; and

**WHEREAS**, these new proposed sites are in addition to other Northeast North Carolina sites identified and studied in 2002 for consideration by the Navy; and

**WHEREAS**, Northeast North Carolina would receive very few direct benefits from an OLF at any of the previously identified or newly proposed sites; and

**WHEREAS**, Senator Elizabeth Dole has requested that there should be local support and general acceptance by the local citizens for an OLF; and

**WHEREAS**, Northeast North Carolina would receive significant detrimental impacts on our citizens should an OLF be located in the region.

**NOW, THEREFORE, BE IT RESOLVED**, the Currituck County Board of Commissioners opposes locating a new outlying landing field in Currituck County or in Northeast North Carolina;

**FURTHER, BE IT RESOLVED**, the Currituck County Board of Commissioners believes that an OLF to primarily support Oceana Naval Air Station should be located in Virginia and not North Carolina;

**AND BE IT FURTHER RESOLVED**, the Currituck County Board of Commissioners requests more representatives from the counties of Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, and Perquimans on the Governor's OLF Study Group.

Commissioner Etheridge's proposed resolution follows:

## **RESOLUTION**

**WHEREAS**, North Carolina has a long, distinguished history of supporting our Nation's Armed Forces, including hosting several major military installations; and

**WHEREAS**, Governor Easley and our North Carolina US Senators have pledged cooperation with the Navy in locating an Outlying landing Field (OLF); and

**WHEREAS**, Currituck County recognizes the value and significance of all who have served past and present in defense of our Nation and our liberties; and

**WHEREAS**, Currituck County recognizes the need for training facilities for those who serve in the Armed Forces; and

**WHEREAS**, everyone in our Nation benefits from the proficiency of those who defend our liberties; and

**WHEREAS**, each community and their local governments have the right and obligation to evaluate whether hosting a military training facility requires an unfair cost-share for providing facilities that all Americans benefit from; and

**WHEREAS**, Currituck County provided the Navy, State and Federal officials a fair opportunity to explain the considerations of locating a Naval OLF which would directly impact Currituck residents; and

**WHEREAS**, Currituck County officials evaluated the factual details of proposed OLF locations and determined that significant populations of residents in Currituck would be adversely impacted.

**NOW, THEREFORE, BE IT RESOLVED**, the Currituck County Board of Commissioners opposes the proposed locations of an OLF that adversely impact Currituck residents because all Americans benefit from an OLF and no community should bear an unfair proportion of the cost-share, and there are proposed locations where communities want the OLF to be located;

**AND BE IT FURTHER RESOLVED**, because proposed OLF sites include locations in Northeast North Carolina, the Currituck County Board of Commissioners requests more representatives from Northeast North Carolina on the Governor's OLF Study Group.

**Recognition of EMT-Paramedic William "Bill" Jones, EMT-Basic Jennifer Donohue, and EMT-Intermediate Bonnie Boyer**

The Board presented a plaque to William Jones, Jennifer Donohue and Bonnie Boyer for their outstanding performance during an emergency.

**Public Hearing and Action on PB 07-65 NICHOLSON'S POINT REZONING: Request to create a 132.9 acre Planned Unit Development (PUD) Overlay Zone on a property with a base zoning of Mixed Residential (RA). The 7 properties are located adjacent to the Currituck Sound in the vicinity of the intersection of Caratoke Highway and Maple Road, Tax Map 59, Parcels 50, 68A, 68B, 77, 82, 83, and 85, Crawford Township.**

Ben Woody, Planning Director, reviewed the request.

Vice-Chairman Gregory opened the public hearing.

**CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS  
MEETING DATE: OCTOBER 15, 2007  
Zoning Map Amendment:  
PB 07-65 Nicholson's Point  
Overlay Zoning for a Planned Unit Development**

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**TYPE OF REQUEST:** Request to create a 132.9 acre Planned Unit Development (PUD) Overlay Zone on a property with a base zoning of Mixed Residential (RA).

**LOCATION:** The 7 properties are located adjacent to the Currituck Sound in the vicinity of the intersection of Caratoke Highway and Maple Road.

**TAX ID:**

Nicholson's Point Parcels according to GIS

Tax Map	Parcel Number	Size (acres)	
59	50	0.66	
59	68A	30.84	
59	68B	9.98	
59	77	7.14	
59	82	18.48	
59	83	28.91	2 segments split by Brabble St
59	85	37.38	

**OWNERS:** James and Becky Owens  
734 Maury Ave.  
Norfolk, VA 23517

Doris Walker  
PO Box 44  
Maple, NC 27956

**APPLICANT:** NC Rose, LC  
P.O. Box 6186  
4001 S. Military Highway  
Chesapeake, VA 23321  
757-681-8606

**ENGINEER:** Engineering Services of Virginia Inc.  
Chris Abel  
3351 Stoneshore Road,  
Virginia Beach, VA 23452  
757-468-6800

**ZONING:** Current Zoning Mixed Residential (RA)      Proposed Zoning Planned Unit Development Overlay (PUD)

**ZONING HISTORY:** The property was zoned RA on the 1989 zoning atlas.

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Agricultural, Residential (Woodard Acres) and Vacant Wetlands	RA
<b>SOUTH</b>	Agricultural, Currituck Sound	RA
<b>EAST:</b>	Currituck Sound, Residential (Woodard Acres)	RA
<b>WEST:</b>	Residential, Maple Post Office and vacant woodlands	RA

**EXISTING LAND USE:** Agricultural

**PROPOSED LAND USE:** Planned Unit Development

**LAND USE PLAN**

**CLASSIFICATION:**

The property is predominately designated **Full Service** within the **Barco/Coinjock/Airport** sub-area by the 2006 Land Use Plan. With respect to residential development in Full Service Areas, base development density is contemplated to be 2 units per acre 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.

The policy emphasis of the 2006 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. In addition, once the proposed Mid-County Bridge is completed, it is quite likely that this area will become a major new mainland service area for the Corolla and Carova areas of Currituck County. This means that the area is apt to see a large number of residences built for workers commuting to construction and service jobs on the Outer Banks.

Residential development densities should be medium to high in the Barco/Coinjock/Airport area 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.

The uses allowed in a Planned Unit Development zoning district conform to the Full Service Land Use Plan designation. This request **generally complies** with the 2006 Land Use Plan.

**PUBLIC SERVICES  
AND UTILITIES:**

The Crawford Volunteer Fire Department provides fire protection.  
Electric, telephone, county water and cable are currently available.

**TRANSPORTATION:**

The site has approximately 2,790 linear feet of frontage along Caratoke Highway.

**FLOOD ZONE:**

Approximately 92 acres of the property are located in Flood Zones AE (4, 5 and 6). The remaining 41 acres are in Flood Zones (X) or Shaded (X), outside of the 100 year flood plain.

**WETLANDS:**

Approximately 61 acres of the site are wetlands according to the applicant.

**SOILS:**

The Currituck County Soils map indicates the property contains approximately 67 acres of suitable soils and 8.5 acres of marginal soils and 57 acres of un-suitable soils for on-site septic systems.

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**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.”

Because the request is in general compliance with the 2006 Land Use Plan and adjacent to existing residential zones and use, staff recommends **approval** of the request to approve a 132.9 acre Planned Unit Development overlay zone

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**PLANNING BOARD DISCUSSION**

Pete Burkheimer, Chris Aebel, Tim Owens, and Wayne Taylor appeared before the board.

Mr. Webb presented the case analysis to the board.

Pete Burkheimer, Engineering Services, Inc. talked about three things that make a great project: land, vision, and people. Mr. Burkheimer talked about the land. Urban Design Associates held a workshop on Bell's Island. This is a nicely arrange plan.

Tim Owens explained the history of land. A traditional neighborhood will be development.

Wayne Taylor stated that he is not opposed to the rezoning but he does have some problems with the plan for the development. He will hold his comments until then.

### **PLANNING BOARD ACTION**

Mr. Kovacs motioned to recommend approval of the request to create 132.9 acre Planned Unit Development (PUD) overlay zone on a property with a base zoning of mixed residential as presented. Mr. Etheridge seconded the motion. Motion passed unanimously.

Pete Burkheimer, Engineering Services of Va., Inc., discussed the project and commended the plan.

Becky W. Owens, owner, was present to request support from the Board.

There being no further comments, Vice-Chairman Gregory closed the public hearing.

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

**Public Hearing and Action on PB 07-72 NICHOLSON'S POINT PUD VARIANCE: Variance Request from UDO sections 204 Setbacks, 914 Streets and Section 921 Lots, to allow the creation of a Traditional Neighborhood Design in a Planned Unit Development. The 7 properties are located adjacent to the Currituck Sound in the vicinity of the intersection of Caratoke Highway and Maple Road, Tax Map 59, Parcels 50, 68A, 68B, 77, 82, 83, and 85, Crawford Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

### **CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS**

**DATE: October 15, 2007  
PB 07-72 Nicholson's Point  
Variance Request in a PUD**

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**ITEM:** PB 07-72 Nicholson’s Point Planned Unit Development Variance Request

**LOCATION:** The seven properties are located adjacent to the Currituck Sound in the vicinity of the intersection of Caratoke Highway and Maple Road.

**TAX ID:**  
Nicholson's Point Parcels according to GIS

Tax Map	Parcel Number	Size (acres)	
59	50	0.66	
59	68A	30.84	
59	68B	9.98	
59	77	7.14	
59	82	18.48	
59	83	28.91	2 segments split by Brabble St
59	85	37.38	

**ZONING**

**DISTRICT:** Mixed Residential RA (PUD overlay zone proposed)

**PRESENT USE:** Agricultural

**OWNERS:** James and Becky Owens  
734 Maury Ave.  
Norfolk, VA 23517

Doris Walker  
PO Box 44  
Maple, NC 27956

**APPLICANT:** NC Rose, LC  
P.O. Box 6186  
4001 S. Military Highway  
Chesapeake, VA 23321  
757-681-8606

**ENGINEER:** Engineering Services of Virginia Inc.  
Chris Abel  
3351 Stoneshore Road,  
Virginia Beach, VA 23452  
757-468-6800

**VARIANCE REQUIREMENTS:**

Section 2102 indicates a variance for a PUD may be granted by the Board of Commissioners if it finds the proposed change:

- (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; 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. 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 granting variance the Board of Commissioners may attach additional conditions or requirements that will, in its judgment, secure the objective of the standards or requirements so varied or modified.

#### **PUD VARIANCES REQUIRED FOR A TRADITIONAL NEIGHBORHOOD DESIGN:**

The Currituck UDO does not have design standards to accommodate a design such as Nicholson's Point. To allow the development to proceed with the proposed designs, a separate action will be required for Variances. Section 2102 of the UDO indicates the Board of Commissioners has jurisdiction over PUD variances.

- A. The applicant is requesting variances from Section 914, Streets and Section 921, Lots to allow the creation of alleys 20 feet in width. The UDO requires the following with respect to rights-of-way:
  1. Section 914, Streets, provides that the minimum required right-of-way for a private street is 45 feet.
  2. Section 921, Lots, Item 7, prohibits the creation of double frontage lots.

The proposed plan provides for rear access for a number of the lots through the use of alleys. Alleyways provide a way to accommodate local traffic, secondary access to dwellings, parking to the rear of buildings rather than along the public road, and service delivery such as trash collection and utility service. Alleys however are not contemplated by the street standards in the UDO. Given the benefit of providing rear access to the proposed lots, staff **recommends approval** of a variance from the above-referenced Ordinance sections with the condition that the applicant shall set forth legally binding ownership and maintenance

responsibilities and obligations for the proposed alleys for review at the preliminary plan submission.

- B. The applicant is requesting reduced setbacks for the lots that will be served by rear yard parking and alleyways. These reduced setbacks are in keeping with the principles of neo-traditional development. **Staff recommends the variance be approved** from Section 204 and the following condition be added to the Special Use Permit:

Front street setbacks (all structures): 15'

Side yard setbacks (all structures): 10'

(Including corner lots with a ROW on the side)

Rear setbacks for principal structures with no alley: 15'

(Section 204 allows accessory structures to be 10')

Rear setbacks for all structures with a rear alley: 5'

Vice-Chairman Gregory opened the public hearing.

Walter Taylor, adjacent property owner, questioned if this project belonged in this area.

Pete Burkheimer, stated that this project does belong in the area.

There being no further comments, Vice-Chairman Gregory closed the public hearing.

Commissioner Etheridge moved to approve with findings of fact. Commissioner Taylor seconded the motion. Motion carried.

**Public Hearing and Action on PB 07-39 NICHOLSON'S POINT PUD: Sketch Plan/ Special Use Permit for a 140 unit Planned Unit Development on 132.9 acres. The 7 properties are located adjacent to the Currituck Sound in the vicinity of the intersection of Caratoke Highway and Maple Road, Tax Map 59, Parcels 50, 68A, 68B, 77, 82, 83, and 85, Crawford Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS**

**DATE: October 15, 2007**

**PB 07-39 Nicholson's Point**

**Planned Unit Development**

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**ITEM:** PB 07-39 Nicholson's Point Planned Unit Development, 140 residential units

**LOCATION:** The seven properties are located adjacent to the Currituck Sound in the vicinity of the intersection of Caratoke Highway and Maple Road.

**TAX ID:**  
Nicholson's Point Parcels according to GIS

Tax Map	Parcel Number	Size (acres)	
59	50	0.66	
59	68A	30.84	
59	68B	9.98	
59	77	7.14	
59	82	18.48	
59	83	28.91	2 segments split by Brabble St
59	85	37.38	

**ZONING DISTRICT:** Mixed Residential RA (PUD overlay zone proposed)

**PRESENT USE:** Agricultural

**OWNERS:** James and Becky Owens  
734 Maury Ave.  
Norfolk, VA 23517

Doris Walker  
PO Box 44  
Maple, NC 27956

**APPLICANT:** NC Rose, LC  
P.O. Box 6186  
4001 S. Military Highway  
Chesapeake, VA 23321  
757-681-8606

**ENGINEER:** Engineering Services of Virginia Inc.  
Chris Abel  
3351 Stoneshore Road,  
Virginia Beach, VA 23452  
757-468-6800

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Agricultural, Residential (Woodard Acres) and Vacant Wetlands	RA
<b>SOUTH</b>	Agricultural, Currituck Sound	RA
<b>EAST:</b>	Currituck Sound, Residential (Woodard Acres)	RA
<b>WEST:</b>	Residential, Maple Post Office and vacant woodlands	RA
<b>SCHOOL DISTRICT:</b>	Central	
<b>FIRE DISTRICT:</b>	Crawford	
<b>SIZE OF SITE:</b>	132.67 acres	
<b>NUMBER OF UNITS:</b>	140 total- 58 Single Family Lots (with 15 optional apartments), 41 Patio Lots, 13 Duplex Lots	
<b>DENSITY:</b>	0.94 units/ acre	
<b>MINIMUM LOT SIZE:</b>	Single Family- 7,500 SF/ Patio Home Lots- 3,000 SF	
<b>STREETS:</b>	The streets will be built to NCDOT Design and Construction standards. The developer intends to offer the streets for public dedication. The site has approximately 2,790 linear feet of frontage along Caratoke Highway.	
<b>WATER:</b>	The development will be served by the Currituck County Water System.	
<b>WASTEWATER:</b>	Wastewater will be collected, treated and disposed of by a central wastewater facility constructed for the development. The sewer system is expected to serve the commercial area and the county site.	
<b>OPEN SPACE:</b>	Planned unit developments are required to have 35% open space plus 2,500 SF for each lot that is 7,500 SF (which is 3.162 acres). The required open space for Nicholson's Point is 46.51 acres (132.67 AC *.35 + 3.162 AC). The submitted plan proposes 42.3% (56.25 acres) open space. Fifty percent (23.25 acres) of the required open space is required to have recreational opportunities and must be uplands.	
<b>DRAINAGE:</b>	The development will have a series of engineered drainage systems along the streets with ponds and drainage to the wetlands.	

**FLOOD ZONE:** Approximately 92 acres of the property are located in Flood Zones AE (4, 5 and 6). The remaining 41 acres are in either Flood Zones (X) or Shaded (X), outside of the 100 year flood plain.

**WETLANDS:** Approximately 61 acres of the site are wetlands according to the applicant.

**SOILS:** The Currituck County Soils map indicates the property contains approximately 67 acres of suitable soils, 8.5 acres of marginal soils and 57 acres of un-suitable soils for on-site septic systems.

#### **1. NARRATIVE OF REQUEST:**

NC Rose, LLC is requesting approval of Nicholson's Point. The project is a planned unit development with a traditional neighborhood design. The design is based on New Urbanism concepts that emphasize mixed use development with different incomes and lifestyles. To obtain this goal, Nicholson's Point uses compact communities with connecting blocks, a central waterfront park with a mix of uses, pedestrian trails that connect all blocks, an abundance of open spaces, and alleys behind houses to access rear yard parking. The firm that created the master plan is Urban Design Associates, a member of the Congress of New Urbanism. This firm has designed such projects as the town of Celebration, Florida (near Orlando) and the Granby Street district in Norfolk, Va.

Some of the New Urbanism concepts include:

- A. Neighborhoods should be compact, pedestrian-friendly, and mixed-use. Districts generally emphasize a special single use and should follow the principles of neighborhood design when possible. Corridors are regional connectors of neighborhoods and districts; they range from boulevards and rail lines to rivers and parkways.
- B. Many activities of daily living should occur within walking distance, allowing independence to those who do not drive, especially the elderly and the young. Interconnected networks of streets should be designed to encourage walking, reduce the number and length of automobile trips, and conserve energy.
- C. A range of parks, from tot-lots and village greens to ball fields and community gardens, should be distributed within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods and districts.
- D. Streets and squares should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities.

- E. Architecture and landscape design should grow from local climate, topography, history, and building practice.

(Source: Congress of New Urbanism website- [www.cnu.org](http://www.cnu.org)- 2001)

The Master Plan dated July 2007 indicates the project will be:

“A Waterfront hamlet, characteristic of traditional settlements found throughout North Carolina.”

The Development Impact Statement received May 7, 2007 indicates the sales prices of the different units:

Single Family: \$500,000 to \$1,000,000

Patio Homes: \$400,000

Duplex (1 unit): \$300,000

### **PUD VARIANCES REQUIRED FOR A TRADITIONAL NEIGHBORHOOD DESIGN:**

The Currituck UDO does not have design standards to accommodate a design such as Nicholson’s Point. To allow the development to proceed with the proposed designs, a separate action will be required for Variances. Section 2102 of the UDO indicates the Board of Commissioners has jurisdiction over PUD variances.

- C. The applicant is requesting variances from Section 914, Streets and Section 921, Lots to allow the creation of alleys 20 feet in width. The UDO requires the following with respect to rights-of-way:
1. Section 914, Streets, provides that the minimum required right-of-way for a private street is 45 feet.
  2. Section 921, Lots, Item 7, prohibits the creation of double frontage lots.

The proposed plan provides for rear access for a number of the lots through the use of alleys. Alleyways provide a way to accommodate local traffic, secondary access to dwellings, parking to the rear of buildings rather than along the public road, and service delivery such as trash collection and utility service. Alleys however are not contemplated by the street standards in the UDO. Given the benefit of providing rear access to the proposed lots, staff **recommends approval** of a variance from the above-referenced Ordinance sections with the condition that the applicant shall set forth legally binding ownership and maintenance responsibilities and obligations for the proposed alleys for review at the preliminary plan submission.

- D. The applicant is requesting reduced setbacks for the lots that will be served by rear yard parking and allyways. These reduced setbacks are in keeping with the principles of neo-traditional development. **Staff recommends the variance be approved** from Section 204 and the following condition be added to the Special Use Permit:

Front street setbacks (all structures): 15’

Side yard setbacks (all structures): 10’

(Including corner lots with a ROW on the side)  
Rear setbacks for principal structures with no alley: 15'  
(Section 204 allows accessory structures to be 10')  
Rear setbacks for all structures with a rear alley: 5'

## 2. SPECIAL USE PERMIT CRITERIA:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. 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. The purpose of a planned unit development is to allow mixed residential and commercial development as a unit and where a more efficient use of the land and additional on-site amenities can be delivered.

In order to approve a special use permit, certain criteria must be satisfied. The criteria are outlined as follows:

### A. *Is the application complete?*

The application meets the submission requirements for Sketch Plan review.

### B. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The application complies with the requirements for Sketch Plan approval.

### C. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

#### 1. *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.

#### 2. *Will not injure the value of adjoining or abutting property.*

The proposed mixed use subdivision should have no negative impact on adjoining property. The adjoining uses are low density single family dwellings.

#### 3. *Will be in harmony with the area in which it is located.*

The density of the proposed subdivision is slightly higher than the adjacent residential developments. In general, however; the proposed project is in keeping with the suburbanizing character of the surrounding area.

4. *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

**a. LAND USE PLAN CLASSIFICATION:**

The property is designated **Full Service** within the **Barco/Coinjock/Airport** sub-area by the 2006 Land Use Plan. With respect to residential development in Full Service Areas, base development density is contemplated to be 2 units per acre 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.

The policy emphasis of the 2006 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. In addition, once the proposed Mid-County Bridge is completed, it is quite likely that this area will become a major new mainland service area for the Corolla and Carova areas of Currituck County. This means that the area is apt to see a large number of residences built for workers commuting to construction and service jobs on the Outer Banks.

Residential development densities should be medium to high in the Barco/Coinjock/Airport area 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.

The uses allowed in a Planned Unit Development zoning district and the proposed density of 0.94 units/ acre conform to the Full Service Land Use Plan designation. This request **generally complies** with the 2006 Land Use Plan.

5. *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.*

**SCHOOL**

**CAPACITIES:** The revised capacity formula and generation rates taken from the 2004 Tischler & Associates, Inc. study were used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

<b>Nicholson’s Point (140 units)</b>	Available Capacity	Demand	Remaining Capacity if approved
Elementary School	122	35	87
Middle School	92	11	81
High School	132	20	112

**Staff has determined adequate public facilities are available for the project.**

**PUD VARIANCES REQUIRED FOR A TRADITIONAL NEIGHBORHOOD DESIGN:**

The Currituck UDO does not have design standards to accommodate a design such as Nicholson’s Point. To allow the development to proceed with the proposed designs, a separate action will be required for Variances. Section 2102 of the UDO indicates the Board of Commissioners has jurisdiction over PUD variances.

- E. The applicant is requesting variances from Section 914, Streets and Section 921, Lots to allow the creation of alleys 20 feet in width. The UDO requires the following with respect to rights-of-way:
  - 1. Section 914, Streets, provides that the minimum required right-of-way for a private street is 45 feet.
  - 2. Section 921, Lots, Item 7, prohibits the creation of double frontage lots.

The proposed plan provides for rear access for a number of the lots through the use of alleys. Alleyways provide a way to accommodate local traffic, secondary access to dwellings, parking to the rear of buildings rather than along the public road, and service delivery such as trash collection and utility service. Alleys however are not contemplated by the street standards in the UDO. Given the benefit of providing rear access to the proposed lots, staff **recommends approval** of a variance from the above-referenced Ordinance sections with the condition that the applicant shall set forth legally binding ownership and maintenance responsibilities and obligations for the proposed alleys for review at the preliminary plan submission.

- F. The applicant is requesting reduced setbacks for the lots that will be served by rear yard parking and alleyways. These reduced setbacks are in keeping with the principles of neo-traditional development. **Staff recommends the variance be**

**approved** from Section 204 and the following condition be added to the Special Use Permit:

- Front street setbacks (all structures): 15'
- Side yard setbacks (all structures): 10'  
(Including corner lots with a ROW on the side)
- Rear setbacks for principal structures with no alley: 15'  
(Section 204 allows accessory structures to be 10')
- Rear setbacks for all structures with a rear alley: 5'

**STAFF RECOMMENDATION:**

The intent of a PUD is to allow for a mix of uses where additional on-site amenities can be achieved. A decision by the Commissioners on the acceptance of the land offered for public dedication should be made before this proposed plan is approved.

Because it appears the application has satisfied the criteria for granting a Sketch Plan/Special Use Permit and a PUD overlay staff recommends **conditional approval** of the application subject to the following conditions and a determination that adequate public facilities will exist to serve this development. The corrections to the open space calculations to show how the 50% recreational areas are being met shall be made prior to the Board of Commissioners meeting and public hearing.

**I. Code and Technical Review Committee Requirements:**

- 1) Indicate the size of each Open Space parcel in a table. The current plan is not clear which lines are wetlands lines and which lines are property lines. Fifty percent of the open space is required to be uplands.
- 2) Include the 15 optional apartments in the dwelling count for a total of 140 units.
- 3) Indicate a schedule of amenities on the plan. At least 50 percent of the open space should be dedicated to active or passive recreation.
- 4) The parcel with the restaurant shall be designated as a commercial parcel.
- 5) The Nicholson's Point Master Plan dated July 2007 and the architectural standards and design elements indicated shall be incorporated with the approval of the Sketch Plan.
- 6) The dedication of land to the county shall be one contiguous acre that is suitable for development. This shall be transferred to the county immediately upon recordation of the Final Plat.
- 7) A wetland delineation approved by the Army Corps of Engineers is required at Preliminary Plat submission.
- 8) The street connections shall be paved to the property line.
- 9) The wastewater plant along with any ponds and disposal facilities needs to be on a separate parcel and cannot be counted as open space.

- 10) Sidewalks are required along both sides of all streets (Section 914).
- 11) Need the township, county, and state in the title block
- 12) Provide an adequate stormwater analysis of onsite and offsite (downstream) drainage during planning stages. Follow requirements of UDO Section 922, which indicates the post development stormwater run off shall not exceed the pre-development runoff prior to preliminary plan submission.
- 13) Boat and RV storage cannot be counted as recreational open space to meet the 50% requirement.
- 14) The open space in front of lots 100 – 104 does not qualify as open space according to the definition found in sections 701 and 905.
- 15) The pond/ boat basin, if it is under CAMA jurisdiction, cannot be counted as open space. This pond does not appear to be completely surrounded by the development.
- 16) A full archaeological survey of the entire project area and assessment of project impacts to site #31CK15 is needed. This shall be completed prior to any land disturbing activities.
- 17) The required improvements shall be installed and accepted prior to submission for Final Plat approval for each phase.
- 18) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.
- 19) As a continuing condition to this approval, the applicant must meet all requirements of the County's Unified Development Ordinance.
- 20) The note for the county dedicated parcel on page 2 shall be corrected to indicate that the Brabble Street right of way shall be dedicated for public use, and not county ownership. Currituck County cannot own any road right of ways.
- 21) In keeping with Section 607 and Section 917, Items 2, 3, and 8, the applicant shall create a sewer district for the proposed development prior to final plat submission. In addition, the applicant shall provide the following information regarding the waste water treatment system at preliminary plan submission:
  - (a) A detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;
  - (b) State approval of the proposed system; and;
  - (c) The expected life of the facility and the establishment of a reserve fund to support the continued maintenance, upkeep and replacement of the facility.

**Staff Recommendations:**

- (1) With respect to the nonresidential buildings, staff suggests the following conditions:
  - (a) Consideration be given to proportional attributes including overall height-to-width ratios of existing building facades, doors, windows, projecting canopies, and other architectural features within the vernacular of the area.
  - (b) Facades of new buildings incorporate, but not mimic, the sense of lightness or weight exhibited in the architecture of existing buildings on neighboring properties or the vernacular of the general area and should incorporate similar proportions of solids (i.e. siding, blank walls, etc.) to voids (i.e. windows, door openings, etc.).
  - (c) The principal building façade of proposed buildings be oriented toward the primary street frontage and in the same direction as the majority of existing buildings on the frontage street. Proposed buildings on corner or dual frontage properties shall reflect a public façade on both streets.
  - (d) Facades are designed to reduce the massive scale and the one dimensional appearance of large retail buildings and to provide visual interest.
  - (e) The street facing elevations incorporate functioning windows into the overall design concept. Functioning windows are defined as those windows which let light into the interior of the structure and are integrated and related to the interior layout of the space.
  - (f) In addition to functioning windows, the corridor elevations contain at least two of the following elements:
    - (i) A primary entrance door or doors (except for loading doors).
    - (ii) A primary entrance feature, such as a porch, portico, awning, entrance walk, or other similar feature.
    - (iii) Landscaping integrated into the building design concept.
    - (iv) Architectural or urban design elements, which link adjacent structures together, such as plazas, walkways, colonnades, or similar features.
    - (v) Architectural relief, such as vertical and horizontal off-sets in exterior wall elevations, band courses, lintels and sill courses, cornices and the like to create shadow lines.

- (g) Large expanses of blank walls should be avoided. The public facade should incorporate windows and primary doorway entrances along the street frontage as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines, and overhangs.
  - (h) The commercial plan shall incorporate durable exterior surface materials complementary with the color, texture, size, and scale of exterior materials reflected on existing buildings in the immediate vicinity or the vernacular of the general area; and
  - (i) The general roof shape, ridge and eave heights, and material characteristics proposed are visually compatible with these same attributes expressed in existing buildings in the immediate vicinity or in keeping with the vernacular of the general area.
  - (j) Building materials include brick, wood, fiber-cement siding, stone textured split face block, tinted and textured concrete masonry, or synthetic stucco. Metal building materials shall only be permitted on elevations not visible from the public right-of-way.
- (2) Staff recommends a landscape plan be submitted in conjunction with the preliminary plan showing the location, spacing, caliper dimension, and species of proposed landscaping materials.
  - (3) In keeping with Policy WS7 of the 2006 Land Use Plan, staff recommends the waste water system be design so as to facilitate assimilation into a centralized system at a future date. Compliance shall be demonstrated at preliminary plan submission.
  - (4) All visual relief open space within each phase should be stabilized and vegetated with grass and the proposed landscape buffer.

**TECHNICAL REVIEW STAFF:** On June 20, 2007, Technical Review staff reviewed this application and provided the following comments:

- 1) **Currituck County Public Works/ County Engineer (Eric Weatherly)** – Approved with the following comments:
  - a) Water system completion, July 2009
  - b) Show proposed sewer system
- 2) **Soil & Water Conservation** - Approved with the following comments:
  - a) Show soils and contours on a separate sheet.
  - b) Concerned about the location of lots 10,11,12, 45-48 and 51-55.
- 3) **Currituck County Fire Services**–

- a) Any structure other than a one and two family dwelling will be required to have a fire hydrant within 400' of all portions of the structure measured as hose comes off the back of the fire apparatus.
  - b) Any structure other than a 1 and 2 family dwelling will be required to have access to fire apparatus sitting on an all weather surface capable of withstanding 75,000 lbs. within 150' of all portions of the structure.
  - c) Any structures requiring an automatic fire suppression system is to have the location of the fire department connection indicated on the site plan.
  - d) The fire department connection is to be located so that the fire apparatus may use the fire department connection and an adjacent fire hydrant without blocking the full width of the road.
  - e) Place a template on the site plan indicating that an 18 wheeled truck can make the circle near lot 99.
- 4) **Currituck County Water Department:** Submit waterline extension plans and specifications for review by water department.
  - 5) **Albemarle Regional Health Services** – Approved with the following comments: A central wastewater system will be under the jurisdiction of the Division of Water Quality.
  - 6) **Currituck County GIS** – Approved with the following comment- street names are still under review and have not yet been approved. The following street names were not approved:  
Coinjock Bay View, Maple Leaf Drive, Walker Lane  
Nicholson's Way was approved as an alternate.
  - 7) **County Parks & Recreation Department** – Approved with no comment
  - 8) **Emergency Management** – No comments received.
  - 9) **Crawford VFD**– No comments received.
  - 10) **NC Department of Transportation:**
    - a) The Development Impact Statement (DIS) provided contained a traffic analysis of the site. The computations for trips generated are less conservative than NCDOT. I figured the site as 106 Single family Homes, 24 Townhomes, and a 75 seat Quality Restaurant. (The DIS noted a 750 seat restaurant but I took this to be a typo. If I am wrong then I will need to re-analyze the site). This gave a weekday trip generation of 1371 trips a day.
    - b) I recommend a right turn lane be constructed along NC 168 going into the site with a full storage requirement of 50 feet with a deceleration length of 250 feet and a taper length of 200 feet. See Attached sketch.
    - c) The site plan proposed a future secondary access just north of the proposed driveway. Given that NC 168 is a Strategic Highway Corridor, driveways should

- be kept to a minimum. Therefore I do not recommend the secondary access connection.
- d) It should be recorded for this site that no additional driveways are to be made along NC 168 except for the proposed driveway and the existing public access driveway/street labeled as Brabble St.
- 11) **US Army Corps of Engineers:** No comments received. A signed wetlands plat is required at Preliminary Plat.
- 12) **NC Office of State Archaeology** (Lawrence Abbot 919-733-7342)-  
A full archaeological survey of the entire project area and assessment of project impacts to site #31CK15 is needed.
- 13) **NC Division of Coastal Management** (Charlan Owens- 252-264-3901)
- a) A 75' Estuarine Shoreline Area of Environmental Concern (AEC) is located along Coinjock Bay. Permits and/or authorization from the Division of Coastal Management (DCM) are needed for work within the AEC.
  - b) A CAMA Major Permit will be required to construct the roadway within the AEC. It is recommended that the roadway be located outside of the AEC.
  - c) CAMA Major Permit No. 31-06 was issued to Jim Owens on February 21, 2006. The permit is to connect the existing pond to Coinjock Bay, and includes channel dredging and breakwater construction. One of the conditions of the Major Permit is an archaeological survey and assessment required prior to initiation of any ground disturbing activities to determine whether site 31CK15 will be adversely affected by the project activities. If so, development and implementation of an appropriate mitigation plan is required.
- 14) **NC Department of Natural Resources, Division of Water Quality** – No comments received.
- 15) **NC Department of Natural Resources, Division of Land Resources** – No comments received.
- 16) **Currituck County Superintendent of Schools**- No comments received.
- 17) **N C Dominion Power** – No comments received.
- 18) **Sprint Telephone** – Approved with no comments.
- 19) **Mediacom Cable** - No comments received.

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Pete Burkheimer, Wayne Taylor, and Jim Bickford appeared before the board.  
Mr. Webb presented the following case analysis to the board.

#### **PLANNING BOARD DISCUSSION**

Pete Burkheimer, Wayne Taylor, and Jim Bickford appeared before the board.

Mr. Webb presented the case analysis to the board.

Mr. Wayne Taylor stated that on page 13 all waterfront will be made public, but lot 103 and lot 104 will not. These lots should be made public. Mr. Taylor asked what is the conventional septic drain system.

Mr. Webb explained the guidelines for a conventional septic drain system.

Mr. Keel asked if there would be sidewalks on both sides.

Mr. Burkheimer stated yes.

Wayne Taylor stated that on page 13 it states that all waterfront will be public, but lot 103 and lot 104 will not. These lots should be made public. Mr. Taylor asked what a conventional septic drain system is.

Mr. Webb explained the guidelines for a conventional septic drain system.

Wayne Taylor asked what is parcel 68B.

Mr. Webb stated that the developer wants it to be restored wetlands. RV parking will be to the North.

Wayne Taylor asked about the archeologically site.

Mr. Webb stated this information has not been provided.

Wayne Taylor has concerns about are the materials being used earth friendly and look into energy issues. He had concerns regarding the street names. Mr. Taylor suggested that all landscaping plants be native and drought resistant. He has concerns that only ½ acre is for a central park which is too much. Mr. Taylor would like this project to be a little more modest.

Jim Bickford, City Planner and Developer for towns for 20 years. He supports the plan. He has one reservation about a beach in a community being used as a public beach.

Mr. West asked Mr. Bickford what his reservation is regarding a public beach in a community.

Jim Bickford stated the issue of who controls the beach whether it's the community or the county.

Mr. Burkheimer addressed the issues of parcel 68B, septic systems, designs, and stated that Coastal Carolina University has performed an archeologically survey and has found no area of concern. This information will be shared with staff.

## **ACTION**

Mr. Kovacs motioned to recommend approval of the request for a planned unit development of 140 residential units as presented. Mr. Etheridge seconded the motion. Motion passed unanimously.

Vice-Chairman Gregory opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Etheridge moved to approve with findings of fact. Commissioner Taylor seconded the motion. Motion carried.

**Public Hearing and Action on PB 06-02 FREEDOM FOREST PHASE II: Amended Sketch Plan/Special Use Permit for 6 residential lots on property located on the West side of Shortcut Road (US 158), 1.4 miles east of Airport Road and adjacent to Central Elementary School. Tax Map 60, Lot 99E, Crawford Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**STAFF ANALYSIS FOR  
THE BOARD OF COMMISSIONERS  
MEETING DATE: October 15, 2007  
PB 06-02 Freedom Forest, Phase II**

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**ITEM:** PB 06-02 Freedom Forest, Phase II  
Amended Sketch Plan/ Special Use Permit for 6 Residential Lots

**LOCATION:** On the West side of Shortcut Road (US 158), 1.4 miles east of Airport Road and adjacent to Currituck Central School, Crawford Township.

**TAX ID:** 0060-000-099E-0000

**ZONING DISTRICT:** Agricultural

<b>OWNER:</b> Frank Mashuda C/O Larry Gaither 378 Caratoke Hwy. Moyock, NC 27958	<b>APPLICANT/AGENT</b> Mel Hopkins Resource International 751 Thimble Shoals Blvd. Suite L Newport News, VA 23606
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**LAND USE/ZONING OF SURROUNDING PROPERTY:**  
**NORTH:** Elementary School and Agricultural- Zone A  
**SOUTH:** Residential and Vacant- Zoned A  
**EAST:** Elementary School- Zoned A  
**WEST:** Agricultural - Zoned A

**NARRATIVE OF REQUEST:**

Frank Mashuda and Larry Gaither are requesting an Amended Sketch Plan/ Special Use Permit approval for a 6 lot residential subdivision. This property is located adjacent to Currituck Central School and behind the existing Freedom Forest 4 lot subdivision. On April 16, 2003 the Private Access Subdivision was created from this parcel. A sketch plan for 5 lots was approved February 6, 2006.

The property is zoned Agricultural and the applicant is using a conservation subdivision design.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

- STREETS:** All streets will be built to NCDOT Design and Construction Standards. The developer expects these streets will be dedicated for maintenance to the NCDOT.
- WATER:** This development will be served by county water.
- FIRE:** This development will be located within the Crawford Volunteer Fire Department district. A fire hydrant will be installed for the new phase.
- WASTEWATER:** On-site septic systems are proposed. The property contains the following soils: Altavista Sandy Loam, State Sandy Loam, Dragston Loamy fine sand and Portsmouth Sandy Loam. The Currituck Soil Suitability Map indicates lots 5-8 to have areas of suitable soil and lot 9 to have marginally suitable soils. No information was received from Albemarle Regional Health Services on this subdivision.
- OPEN SPACE:** Open Space of 45% is required for this conservation subdivision. The plan shows 54% open space is provided.
- DRAINAGE:** Lot line swales will be installed and the building pads will be elevated above the 10-year storm design, as required by Article 16 of the UDO. Since the soils are sandy and the development will be low density, it is not anticipated that infiltration ponds will be needed. Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office.
- FLOOD ZONES:** This site has been designated an X Flood Zone by FEMA and is therefore out of the 100 year floodplain.

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

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 proposal appears to comply with UDO requirements for Sketch Plan conditional approval.
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 fire protection, 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;
  - (c) *Will be in harmony with the area in which it is located.*  
This development will be in harmony with the surrounding area.
  - (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 CAMA Land Use Plan classification of Full Service.
  - (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.*

**SCHOOL**

**CAPACITIES:** The revised capacity formula and generation rates taken from the 2004 Tischler & Associates, Inc. study were used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

<b>Freedom Forest, Phase II (6 lots)</b>	<b>Available Capacity</b>	<b>Demand</b>	<b>Remaining Capacity if approved</b>
Elementary School	122	2	120

Middle School	92	1	91
High School	132	1	131

**Staff has determined adequate public facilities are available for the project.**

**STAFF RECOMMENDATION:**

Staff recommends **conditional approval** subject to the conditions below and the Board of Commissioners determination that adequate school facilities exist or will exist to meet the demands generated by this subdivision

Planning

1. Show the ownership name.
2. Indicate the date the wetlands were delineated and who signed the wetlands plat on the plan. (Appendix 9-A)
3. A plan for recreational amenity improvements shall be indicated on the plan.

Soil and Water (Mike Doxey)

The following is required to be addresses prior to Preliminary Plat: -Submit a stormwater narrative with pre and post development calculations.

1. Route stormwater to ditches along north and east property line.
2. Show a profile for culvert certifications
3. Install a swale between phase 1 and 2
4. Indicate a 25' drainage easement along ditches
5. Indicate the building pad and finished floor elevations.

Currituck Fire Services( James Mims)

Need construction details for cul-de-sac. The cul-de-sac pavement should be 96' in diameter.

Water Department (Leland Gibbs)

Provide the following information: Copy of the Contractor's North Carolina water utility license. Inspector's qualifications for review and possible approval. Provide 2 days notice prior to start of waterline installation.

State Archaeology (Lawrence Abbott)

Approved as is- no records of previously recorded archeological sites.

**PLANNING BOARD DISCUSSION**

Melvin Hopkins appeared before the board.

Mr. Webb presented the case analysis to the board.

Mr. Bell asked if the road will be improved.

Melvin Hopkins responded yes.

**ACTION**

Mr. West motioned to recommend approval of the request for a amended sketch plan/special use permit for 6 residential lots with staff recommendations as presented. Mr. Etheridge seconded the motion. Motion passed unanimously.

Vice-Chairman Gregory opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Bowden moved to approve with findings of fact. Commissioner Taylor seconded the motion. Motion carried.

**Consideration of ATV Ordinance**

Ike McRee, County Attorney, reviewed the ordinance.

Commissioner Taylor moved to adopt. Commissioner Bowden seconded the motion. Motion carried. This will be on the November 5 agenda for a second reading.

**AN ORDINANCE AMENDING CHAPTER 9 AND CHAPTER 10 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO REGULATE THE USE OF ALL TERRAIN VEHICLES**

**BE IT ORDAINED**, by the Board of Commissioners for the County of Currituck, North Carolina the Code of Ordinances for Currituck County is amended as follows:

Section 1. Chapter 9 of the Code of Ordinance is amended by adding a new article to read as follows:

**ARTICLE V**

**Use of All Terrain Vehicles (ATVs)**

**Section 9-101. Short Title.**

This ordinance shall be known and may be cited as the county ATV Ordinance.

**Section 9-102. Operation of All Terrain Vehicles.**

- (a) No person shall operate an all terrain vehicle on any residential lot or within 300 feet from the lot line of an improved residential lot. For purposes of this article, "all terrain vehicle" or "ATV" shall mean a wheeled or tracked motorized vehicle designed and used primarily for off-road use with two, three, four or six low-pressure tires and including, but not limited to, dirt or trail bikes.
  
- (b) No person operating an all terrain vehicle shall, after receiving a visible or audible signal from any law enforcement officer to come to a stop, (1) operate an all terrain vehicle in willful or wanton disregard of such

signal, or (2) interfere with or endanger the law enforcement officer or any other person or vehicle, or (3) increase speed or attempt to flee or elude the law enforcement officer.

**Section 9-103. Impoundment and Redemption.**

In addition to the penalties set forth in Section 9-106 of this article, a law enforcement officer may immediately impound an all terrain vehicle operated in violation of Section 9-103 of this article. The impounded all terrain vehicle shall be stored by the pertinent law enforcement agency pending the identification of the owner, notice of such impoundment and determination of the charge arising from violation of this article. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner. The owner of the all terrain vehicle utilized in violation of this article may, upon determination of the charge arising from violation of this article, redeem the all terrain vehicle upon satisfactory proof of ownership and payment of a \$250.00 redemption fee plus costs of impoundment and storage. Where an all terrain vehicle is impounded in breach of this article, the all terrain vehicle if not claimed within 180 days from the date of impoundment may be disposed of in accordance with the process provided by Article 2 of Chapter 15 of the General Statutes of North Carolina.

**Section 9-104. Exception.**

This article shall not apply to use of an all terrain vehicle for bona fide farming use, commercial use, lot maintenance, hunting or trapping with the written permission of the property owner on whose land the ATV is operating, use in a parade or in the course of governmental or law enforcement purposes.

**Section 9-105 Penalty.**

Any violation of this section shall be a Class 3 misdemeanor and upon conviction shall be punishable by fine of \$500.00 or by imprisonment for not more than 30 days.

Section 2. Section 10-51 of the Code of Ordinances is amended as follows:

**Sec. 10-51. Definitions.**

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

*Aiding and abetting* means a person over the age of 16 years that is present at the time of an act and has the opportunity and duty to prevent the act and fails to do so.

All terrain vehicle or ATV means a wheeled or traced motorized vehicle designed and used primarily for off-road use with two, three, four or six low pressure tires and including, but not limited to, dirt or trail bikes.

*Beach strand* means that area of the beach extending from the dune line to the waters edge.

*Driver* means the operator of a vehicle.

*Foreshore* means the area from the water's edge to a wash line created by the previous high tide; specifically, the hard-packed sand strip adjacent to the water's edge.

*Impairing substance* means any alcohol, controlled substance under G.S. ch. 90, any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances.

*License* means any driver's license or any other license or permit to operate a motor vehicle issued under or granted by the laws of this state including any temporary license or learner's permit.

*Moped* means a type of passenger vehicle as defined in G.S. 20-4.01(27)d1.

*Motor vehicle* means every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. 20-4.01(27)d1, ~~but shall include three-wheeled and four-wheeled offroad vehicles.~~

*Motorcycle* means a type of passenger vehicle as defined in G.S. 20-4.01(27).

*Operator* means a person in actual physical control of a vehicle which is in motion or which has the engine running.

*Permit* means a license issued by Currituck County allowing for vehicular access to those areas of Currituck County, including but not limited to the beach and fore shore areas of the Currituck County Outer Banks.

*Private road or driveway* means every road or driveway not open to use of the public as a matter of right for the purpose of vehicular traffic.

*Public vehicular area* means any area within the state that is generally open to and used by the public. This includes by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of:

- (1) Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or other facilities maintained and supported by the state or any of its subdivisions;

(2) Any service station, drive-in theater, supermarket, store, restaurant, or office building, or any other business, residential, or municipal establishment providing parking space for customers, patrons, or the public; or

(3) Any property owned by the United States and subject to the jurisdiction of the state. The inclusion of property owned by the United States in this definition shall not limit assimilation of state law when applicable under the provisions of 18 United States Code § 13.

The term "public vehicular area" also includes any beach area used by the public for vehicular traffic as well as any road opened to vehicular traffic within or leading to a subdivision for use by subdivision residents, their guests, and members of the public, whether or not the subdivision roads have been offered for dedication to the public. The term "public vehicular area" shall not be construed to mean any private property not generally open to and used by the public. *Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks, provided that for the purposes of this division, bicycles shall be deemed vehicles, and every provision of this division applicable to the driver of a vehicle shall also be applicable to persons on bicycles except those which by their nature can have no application.

Section 3. Section 10-55 of the Code of Ordinances is amended to read as follows:

**Sec. 10-55. Locations where use prohibited.**

(a) No vehicles, mopeds, motorcycles or motor vehicles shall be operated and no horses shall be used on the Outer Banks except on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area. No person shall operate an all terrain vehicle on the foreshore or beach strand.

(b) This section shall not apply to vehicles, horses, mopeds, motorcycles, or motor vehicles operated on private property with the permission of the owner. The owner must be present or written evidence of the owner's permission furnished.

Section 4. Section 10-64 of the Code of Ordinances is amended to read as follows:

**Sec. 10-64. Permit system (county residents and property owners only).**

(a) This section shall be applicable for those areas of Currituck County, including but not limited to the beach strand and foreshore areas, located from the Dare/Currituck line to the North Carolina/Virginia line.

(b) County residents and property owners desiring to operate a moped, or motorcycle ~~or ATV~~ on the areas covered by this section shall obtain a permit from the county manager or his designated representative. Permits may be

obtained at the satellite office in Corolla or at the county manager's office during normal business hours and at such other times and places as may be designated by the county manager.

(c) County residents and property owners may obtain at no fee a maximum of two annual permits upon making application as provided in section 10-64(b) above. ~~Will need to show proof of insurance on ATV.~~

(d) County residents and property owners, operating mopeds, or motorcycles ~~or ATVs~~ shall ensure that these vehicles have a valid permit prominently displayed at all times while operated, parked or being trailered on the Currituck County Banks, beach foreshore or beach strand.

(e) The county manager is directed and authorized to establish forms, procedures, and directives as may be required to implement this permit system and ensure that it is run in an effective, safe and fair manner.

Section 5. Separability.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutional or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the remaining provisions would have been enacted by the board of commissioners without the incorporation into this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**Consideration of Noise Ordinance**

Ike McRee, County Attorney, reviewed the proposed ordinance.

Commissioner Bowden moved to approve. Commissioner Taylor seconded the motion. Motion carried. Will have a second reading on November 5.

**AN ORDINANCE OF THE  
CURRITUCK COUNTY BOARD OF COMMISSIONERS  
AMENDING THE NOISE ORDINANCE FOR CURRITUCK COUNTY**

WHEREAS, pursuant to N.C Gen. Stat. §153A-121 a county may by ordinance define, prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-133 a county may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb or frighten its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck, North Carolina as follows:

PART I. Section 9-33 of the Code of Ordinances for Currituck County is amended to read as follows:

Sec. 9-33. Maximum permitted sound levels by use occupancy.

(a) The use of sound amplifying equipment is limited to the conditions specified in this section.

(b) Outdoor amplified sound, including a live musical group or individual using sound amplifying equipment, may be produced only if an authorized agent of the sponsoring business, organization or group has been granted an "outdoor amplified sound permit." This permit must be signed by a representative of the business, organization or group holding or sponsoring the event at which the outdoor amplified sound will be produced.

(c) Except as allowed in subsection (d) below, no person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which at its peak exceeds the limits set forth for the use occupancy categories in Table 1 when measured at or beyond the point on the property line closest to the dwelling located on ~~of~~ the property from which the sound complaint originates. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges, or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. In all cases the maximum sound level permitted by use occupancy shall be determined on the basis of the use occupancy of the property from which the sound originates and not by the use occupancy of any surrounding property. Sound which originates from a dwelling unit in a duplex or other multifamily housing unit shall be measured from any point which is at least 25 lineal feet, whether inside or outside a building, from the nearest point of the enclosed or habitable space of the dwelling unit from which the sound originates.

TABLE 1  
SOUND LEVELS BY USE OCCUPANCY

TABLE INSET:

Use Occupancy Category	Time	Sound Level Limit (dB(A))
Residential	7:00 a.m.--9:00 p.m.	60
	9:00 p.m.--7:00 a.m.	50
Mobile home park	7:00 a.m.--9:00 p.m.	60
	9:00 p.m.--7:00 a.m.	50

Public space, commercial or business	7:00 a.m.--9:00 p.m.	60
	9:00 p.m.--7:00 a.m.	50
Manufacturing or industrial	At all times	70

- (d) Sound levels in excess of the limits established in Table 1 will be permitted in public space, commercial or business space, manufacturing, industrial space, but not on residential space, as follows:

TABLE 2

TABLE INSET:

	Without Permit (dB(A))	With Permit to exceed (dB(A))
Friday evening (5:00 p.m.--11:00 p.m.)	65	80
Saturday (10:00 a.m.--11:00 p.m.)	65	80
Holidays (as defined in section 9-31) (Noon--11:00 p.m.)	65	80

- (d) No property owner shall allow a noise-related nuisance or health or safety hazard to be created or maintained by or on account of tenants of the property owner. For purposes of this subsection a noise-related nuisance or health or safety hazard shall be deemed to exist when a tenant or group of tenants at a specific location receives a third citation for a noise ordinance violation pursuant to this article.

The property owner shall be liable for the costs of remedying the nuisance or health or safety hazard in accordance with the provisions of section 9-40. A property owner may be held liable for the costs of abating the nuisance or remedying the health or safety hazard only if the property owner has been notified in writing, via actual delivery or certified mail, of the first two ordinance violations.

A property owner shall be liable for the costs of abating the nuisance or remedying the health or safety hazard upon the third and any subsequent action by the same tenant at a specific location, provided the third violation occurs at least 15 days from the date of actual receipt of notice of the second violation. It shall be a complete defense to a citation under the subsection if the owner of the real property involved can prove that he or she is actively pursuing an eviction process according to law, and that the eviction process was begun prior to the date of the third or any subsequent violation by the same tenant at specific location.

(f) Notwithstanding the above, the playing of any musical instrument or electronic sound-amplification equipment in such manner or with such volume, or the keeping of any animal or bird which makes frequent or long, continued sounds, or the use of any automobile, motorcycle or vehicle so out of repair or in such manner as to create unreasonably loud, disturbing sounds, all of which would unreasonably disturb persons of ordinary and reasonable sensibilities in the vicinity, shall be prohibited.

PART II. Section 9-35 of the Code of Ordinances for Currituck County is amended to read as follows:

Sec. 9-35. Exceptions.

The following are exempt from the provisions of Table 1 and Table 2 of section 9-33:

- (1) Sound emanating from scheduled outdoor athletic events-
- (2) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or construction operations not requiring permits; providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition.
- (3) Noise of safety signals, warning devices, emergency pressure relief valves, and all church bells. For purposes of this subsection, the term "church bells" shall not include electronic devices or artificial sound reproduction systems intended to sound like church bells.
- (4) Noise resulting from any authorized emergency vehicle.

- (5) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, provided such activity is of a temporary duration lasting no longer than two hours during any 24-hour period.
- (6) Unamplified and amplified sound at street fairs conducted, sponsored or sanctioned by the county.
- (7) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to Article 59, Chapter 14 of the General Statutes of North Carolina.
- (8) Unamplified and amplified sound at community concerts conducted, sponsored or sanctioned by the county.
- (9) Practice sessions or performances by marching bands.
- (10) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.
- (11) Noise emanating from agricultural or farm equipment.
- (12) Sound emanating from events for which a special use permit has been issued under the Currituck County Unified Development Ordinance by the Board of Commissioners.

Those places of business found to be in violation of this limit shall be subject to the penalties in section 9-40.

PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Consideration and Action on Bid for Knotts Island Fire Station**

Commissioner Bowden moved to award the bid to A.R. Chesson in the amount of \$1,552,720. Commissioner Etheridge seconded the motion. Motion carried.

**Consideration of amending Solid Waste Ordinance for R02 District on size of containers**

Commissioner Bowden moved to amend to allow 30 gallon containers in the R02 area. Commissioner Gregory seconded the motion. Motion carried. Will have a second reading on November 5.

**ARTICLE II. STORAGE AND DISPOSAL**

**Sec. 11-21. Compliance with article.**

No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid waste upon his property that is not stored or disposed of in a manner prescribed by this article.

(Ord. of 5-18-92, § III(A))

**Sec. 11-22. Frequency of removal.**

The owner, occupant, tenant or lessee of any property shall remove or cause to be removed all solid waste from his property at least once each week (seven-day period).

(Ord. of 5-18-92, § III(B))

**Sec. 11-23. Storage of garbage.**

Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, watertight, and easily cleaned, with a close-fitting fly-tight cover in place, with adequate handles or bails to facilitate handling. Solid waste receptacles, as defined by this article, may also be used for storage provided they meet the requirements of this section. The number of containers shall be adequate to store one week's accumulation of garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.

(Ord. of 5-18-92, § III(C))

**Sec. 11-24. Storage of refuse.**

Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this section includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, and white goods. Useful materials, such as building materials, may be stored on the premises, provided they are stored in a safe manner.

(Ord. of 5-18-92, § III(D))

**Sec. 11-25. Storage of bulky waste.**

No owner, occupant, tenant, or lessee of a building or dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than 72 hours.

(Ord. of 5-18-92, § III(E))

**Sec. 11-26. Accessibility of airtight containers to children.**

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door.

(Ord. of 5-18-92, § III(F))

**Sec. 11-27. Methods of disposal.**

- (a) Solid waste shall be disposed of only in one of the following ways:
  - (1) In a landfill approved by the department;
  - (2) In an incinerator that has all required local, state, and federal control permits;

- (3) By any other method, including recycling and resource recovery, that has been approved by the department.
- (b) In addition to the methods listed in subsection (a) of this section, refuse may be disposed of in a solid waste receptacle provided by the county.
- (c) No person may discard, dispose, leave, or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.
- (d) Construction wastes must be disposed of at disposal sites approved and permitted by the department.
- (e) Regulated medical, hazardous, and radioactive waste must be disposed of according to written procedures approved by the department.
- (f) Any person collecting and transporting solid waste generated on such person's property for disposal at an approved disposal site shall comply with sections 11-3(a) and (b) of this chapter concerning vehicles and containers.
- (g) All sharps shall be placed in a sealed, punctureproof container prior to disposal.
- (h) Open burning of solid waste is prohibited.  
(Ord. of 5-18-92, § III(G)--(N))

**Sec. 11-28. Frequency of removal; RO2 zoning district.**

The owner, occupant, tenant or lessee of any property in the RO2 zoning district as defined in Section 120 of the Currituck County Unified Development Ordinance shall remove or cause to be removed all solid waste from his property at least two times each week (seven-day period).  
(Amd. of 1-18-05)

**Sec. 11-29. Enclosure of roll-out carts: RO2 zoning district.**

The owner of any property in the RO2 zoning district shall construct an enclosure in which to store solid waste receptacles. Such enclosure shall be four-sided and constructed of wood, concrete, block, brick or other material as approved by the building inspector. Such enclosure shall allow for ventilation and accessibility by the sanitation company. The enclosure shall be placed within four feet of the right-of-way. The enclosure shall be constructed within 60 days of the adoption of the ordinance from which this section derives.

This section shall only apply to those owners, occupants, tenants, or lessees utilizing a commercial service pick-up. Any owner, occupant, tenant, or lessee disposing of his or her own solid waste at a county solid-waste facility shall not be required to construct an enclosure in which to store solid waste receptacles.  
(Amd. of 1-18-05)

**Sec. 11-30. Solid waste containers in the RO1 and RO2 districts.**

Every residential unit in the RO1 and RO2 districts as defined in Section 120 of the Currituck County Unified Development Ordinance where solid waste exists shall provide a sufficient number of containers for each residential unit in which shall be deposited all solid waste existing or generated at such premises. All containers must meet the requirements of this ordinance and the requirements of the solid waste collection agency. Furthermore:

- (1) Each residential unit in said RO1 and RO2 districts must have a minimum of one container. Each residential unit container in the RO2 district shall not exceed 30 gallons in capacity.
- (2) Each residential vacation rental unit in said RO1 and RO2 districts must have a minimum of one container for each two bedrooms in the residential vacation rental unit. For purposes of this chapter, the required number of containers shall be based on the next interval of two bedrooms (i.e., a residential vacation rental unit with three bedrooms would require two containers; a residential vacation rental unit with nine bedrooms would require five containers.
- (3) For purposes of this section, a bedroom is any room which provides a facility for sleeping, including, but not limited to, day beds (or other convertibles), sleeper sofas or couches, hide-a-beds, cots, roll-away beds or cribs.

(Ord. of 8-7-06)

**Sec. 11-31. Recycling containers.**

Every residential unit in the RO1 and RO2 districts as defined in Section 120 of the Currituck County Unified Development Ordinance shall provide a sufficient number of containers for each residential unit in which shall be deposited all recyclables existing or generated at such premises. All containers must meet the requirements of this ordinance and the requirements of the recycling collection agency. Furthermore:

- (1) All residential units in said RO1 and RO2 districts shall utilize a minimum of one recycling container for curbside collection per residential unit.
- (2) All residential vacation rental units shall be required to utilize a minimum of one recycling container for every three solid waste containers utilized by the unit in accordance with section 11-30.

(Ord. of 8-7-06)

**Secs. 11-32--11-40. Reserved.**

**Consent Agenda:**

1. Approval of Removal of Grave
2. Petition for Road Addition for Tice Road
3. Request to General Assembly regarding JCPC funding
4. Issue the Order of Collections: 2007 Tax Levy to be Charged to Tax Collector
5. Approval of October 1, 2007, Minutes
6. Approval of September 24, 2007, Special Meeting Minutes
7. Consideration of amendment to Section 10 of the Currituck County Personnel Policy.
8. Budget Amendments
9. Appoint members to Fireman's Relief Fund for Corolla and Crawford Fire Department.
10. Project Ordinance Phase 1 Reverse Osmosis Water Plant

Commissioner Etheridge moved to approve. Commissioner Taylor 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
10510-360000	Uniforms	\$ 5,660	
10510-590000	Capital Outlay	\$ 1,136	
10330-449900	Miscellaneous Grants		\$ 6,796
		<u>\$ 6,796</u>	<u>\$ 6,796</u>

**Explanation:** Sheriff (10510) - To carry-forward remaining balances of grants for bullet-proof vests and in-car cameras from FY 2007.

**Net Budget Effect:** Operating Fund (10) - Increased by \$6,796.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10606-514800	Fees Paid to Officials Fund Balance	\$ 1,250	
10390-499900	Appropriated		\$ 1,250
		<u>\$ 1,250</u>	<u>\$ 1,250</u>

**Explanation:** Soil Conservation (10606) - To appropriate funds to pay the Storm Water Advisory Board for this fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,250.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50330-447500	PARTF Grant	\$ 95	



10410-553000	Dues & Subscriptions	\$	3,000		
10410-561000	Professional Services			\$	3,000
				<u>\$</u>	<u>3,000</u>
				<u>\$</u>	<u>3,000</u>

**Explanation:** Administration (10410) - To transfer funds for rate increases in annual dues.  
**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
10330-432200	HCCBG	\$	3,121		
10330-432800	Daycare	\$	203,433		
	Fund Balance				
10390-499900	Appropriated	\$	46,176		
10750-557700	Crisis Intervention	\$	3,136		
10752-519700	HCCBG	\$	4,773		
10330-431000	DSS Administration			\$	680
10750-502100	Overtime			\$	3,000
10750-514000	Travel			\$	3,000
10750-519500	TANF Emergency Asst.			\$	1,426
10750-561000	Professional Services			\$	2,000
10752-519002	Medical Assistance			\$	33,100
10752-519600	Daycare			\$	163,002
10752-519601	Smart Start			\$	40,431
10760-519500	Adult Emergency Assistance			\$	3,000
10760-532900	Foster Care Supplement			\$	11,000
				<u>\$</u>	<u>260,639</u>
				<u>\$</u>	<u>260,639</u>

**Explanation:** Social Services Administration; Public Assistance; County Assistance (10750;10752;10760) - To adjust appropriations to State appropriations and reallocate for additional SW III position approved in FY 2008 budget.

**Net Budget Effect:** Operating Fund (10) - Reduced by \$46,176.

	<b>Debit</b>	<b>Credit</b>
	Decrease Revenue or	Increase Revenue or

<u>Account Number</u>	<u>Account Description</u>	<u>Increase Expense</u>	<u>Decrease Expense</u>
10490-590003	Capital Outlay - Ct Fac Fees	\$ 9,900	
10330-422000	Court Facility Fees		\$ 9,900
		<u>\$ 9,900</u>	<u>\$ 9,900</u>

**Explanation:** Court Facilities (10490) - To increase budgeted line items for replacement of HVAC unit at the Currituck Detention Center.

**Net Budget Effect:** Operating Fund (10) - Increased by \$9,900.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		<u>Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10550-532000	Supplies	\$ 2,000	
10550-531000	Gas Oil Etc	\$ 3,000	
10550-545000	Contract Services		\$ 5,000
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

**Explanation:** Airport (10550) - To transfer budgeted line items to purchase fire extinguishers for the hangars and for increased fuel due to purchase of tractor to maintain the airport property.

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

**Commissioner's Report**

Commissioner Etheridge commented on the Red Cross fund raising over the weekend.

**County Manager's Report**

Dan Scanlon, County Manager, updated the Board on the recent control burn that was causing dense smoke in the area.

**Adjourn**

There being no further business, the meeting adjourned.