

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, July 07, 2008

Time: 7:00 PM

Work Sessions

5:30 p.m. Board of Equalization and Review Meeting

Regular Agenda

7:00 p.m. Invocation

Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment

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

Item 3 **Public Hearing and Action** PB 88-66 Villages at Ocean Hill PUD: Amended Sketch Plan/SUP for Automobile Parking. The property is located on NC 12 (Ocean Trail) and adjacent to Lakeside Drive and the Villages at Ocean Hill wastewater disposal area, Tax Map 114, Parcel 3L, Poplar Branch Township.

Item 4 **Public Hearing and Action** PB 08-25 Katie Dozier Hill: Request to rezone 14.31 acres from Agricultural (A) to Residential (R). The property is located in Jarvisburg on the north side of Fisher Landing Road approximately .11 miles east of the intersection with Caratoke Highway, Tax Map 109, Parcel 145L, Poplar Branch Township.

Item 5 **Public Hearing and Action** PB 08-26 Paula Lipman: Request to rezone 7.81 acres from Agricultural (A) to General Business (GB). The property is located on the east side of Caratoke Highway approximately 500 feet south of Forbes Road, Tax Map 109, Parcel 57A, Poplar Branch Township.

Item 6 **Public Hearing and Action** PB 08-27 Paula Lipman: Request to rezone 37.53 acres from Agricultural (A) to Residential (R). The property is located west of Caratoke Highway approximately 1000

feet south of Fisher Landing Road, Tax Map 109, Parcel 122,
Poplar Branch Township.

Item 7 **Award bid for Moyock Library**

Item 8 **Award bid for Solid Waste Contract**

Item 9 **Consent Agenda:**

1. Budget amendments
2. Approval of June 16, 2008 Minutes
3. Resolution to Declare Surplus Items - SOBWS Obsolete Brass Meters
4. Appointment of Gene Gregory as NCACC Annual Conference Voting Delegate
5. Interlocal Cooperation Agreement between County of Currituck and Currituck County Tourism Development Authority
6. Resolution Supporting DOT Widening and Strengthening a Portion of SR 1137 (Narrow Shore Road)

Item 10 Commissioner's Report

Item 11 County Manager's Report

Adjourn

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: July 7, 2008
PB 88-66 VILLAGES AT OCEAN HILL PUD**

ITEM: PB 88-66 VILLAGES AT OCEAN HILL, AMENDED SKETCH PLAN/ SPECIAL USE PERMIT FOR AUTOMOBILE PARKING

LOCATION: The property is located on NC 12 (Ocean Trail) and adjacent to Lakeside Drive and the Villages at Ocean Hill wastewater disposal area.

TAX ID: Tax Map 114, Parcel 3L

ZONING

DISTRICT: The parcel is split zoned RO1/PUD (Outer Banks Standard Residential/ Planned Unit Development) and RO1/PUD/GB (Planned Unit Development /General Business).
The zoning reflects an amended sketch plan approved by the Commissioners August 16, 1999.

PRESENT USE: Vacant

PLAN DATE: March 25, 2008

OWNERS:

Ocean Hill Commercial, LLC
408 Dundaff Street, Apt. 110
Norfolk, VA 23507

Ocean Hill Properties, Inc.
408 Dundaff Street, Apt. 110
Norfolk, CA 23507

ENGINEER:

Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949

NARRATIVE OF REQUEST:

- Ocean Hill Commercial/ Properties are seeking approval of an Amended Sketch Plan/ Special Use permit to allow Automobile Parking as the primary use of the property.
- The intent is to serve as a parking area for vacation house renters in Carova that do not have four wheel drive vehicles to park their cars. The renters would then be transported by realty management companies to their vacation homes.

- This property was previously approved for 15 residential lots and approximately 8 acres of commercial area. The applicant is proposing to place a 58 space parking lot in the rear of the property.
- This property has existing violations of the Federal Clean Water Act, Section 404 (letter dated February 9, 2006). As of the May Planning Board meeting, the property owner has not resolved this violation with the US Army Corps of Engineers.
- The site proposed for the parking lot is a potential wetland that has not had an approved delineation by the Corps of Engineers or the NC Division of Water Quality (potential 401 wetlands)
- Staff cannot find where this parcel has been granted access to Ponton Lane. The access for this property appears to be Lakeside Drive or NC 12. It appears both Mid-Atlantic Builders and Currituck County would have to grant access to the property. As of the May Planning Board meeting, the applicant submitted a plan showing access directly from NC 12.

HISTORY OF APPROVALS:

1. Original sketch plan was approved by the Board of Commissioners on January 3, 1989 for 314 units with a density of 2.04 units per net acre. Initial approval was delayed over 1 year because the developer was cited by the Corps of Engineers for unauthorized filling of wetlands.
2. Amended Sketch Plan approved was granted on February 17, 1992 reducing total number of units to 299.
3. Amended Sketch Plan approval was granted on August 2, 1994 reducing the total number of units from 299 to 268 (1.75 units/acre) and to increase the commercial acreage from 2.0 acres to 10.76 acres (7%).
4. On August 16, 1999 the BOC granted Amended Sketch Plan approval to increase commercial area to 11.23 acres with a total density of 268 units.
5. At the applicant's request, on April 16, 2001 the BOC tabled and never acted on a request to decrease the commercial areas and increase the density by five units to allow for apartments.
6. On February 19, 2003, Planning Director Gary Ferguson administratively approved a additional lot by well site #3 to be off-set by creating additional open space in Phase 5. This increased the total units to 269, for a density of 1.75 units/ acre.
7. On March 5, 2007 the Commissioners approved 4 lots that had previously been well sites as residential lots to bring the total approved Sketch Plan lots to 273. Previous Sketch Plans had approved 269 lots.
8. On November 5, 2007, the Commissioners approved an Amended Sketch Plan to increase the density of the Villages at Ocean Hill by 1 lot. This property on Lakeside Drive appeared on previous Sketch Plans as a Homeowners Association site and a utility site.

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential/Villages at Ocean Hill	PUD/ RO1
SOUTH	Water Plan, A-1 Towing Storage Yard, Wastewater Treatment Disposal Area	PUD/ RO1
EAST:	Residential/Villages at Ocean Hill	PUD/ RO1
WEST:	Open Space, Wastewater Treatment Plan	RO1/PUD

FIRE DISTRICT: Corolla V.F.D.

SIZE OF SITE: Villages at Ocean Hill Total = 153.50 acres
Subject Property = 10.67 acres

STREETS: The property has access

WATER: No water service is being proposed or is required for an automobile parking.

WASTEWATER: No wastewater service is being proposed or is required for an automobile parking.

OPEN SPACE: No open space is required for this use. Open space has been previously dedicated for the Villages at Ocean Hill.

DRAINAGE: The preliminary drainage plan indicates stormwater will infiltrate into the soil and flow into the adjacent wetlands.

SPECIAL USE PERMITS CRITERIA:

Special use permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. In order to approve a special use permit, certain criteria must be satisfied. The criteria are outlined as follows:

1. *The application is complete.*

The application is **not** complete because there was no evidence submitted that all violations have been lifted from this property or that legal access has been formally established.

2. *The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".*

UDO Section 4.3.4 Planned Unit Developments, Overlay Special Requirements states: No construction on any land may take place within such areas until the special use permit is amended to approve specific plans for such areas.

3. *The conditions proposed meet or exceed the minimum requirements of this ordinance and are agreed to by the applicant.*

Until all violations are lifted and the applicant obtains certifications on the location of wetlands this permit would violate a federal cease and desist order dated February 9, 2006 and UDO section 6.11.

4. *The special use will not endanger the public health or safety.*

Public health and safety issues are not specifically addressed. There does not appear to be any provisions for emergency services or equipment to reach the site. Ponton Lane is a 10' wide dirt and gravel road and direct access from NC 12 has not been formally established.

5. *The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.*

An automobile parking area as a principal use will not injure the value of adjoining or abutting property.

6. *The special use will be in conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plan.*

The 2006 Land Use Plan classifies this property as **Full Service** within the **Corolla Sub Area**. The policy emphasis of this area is to allow for predominantly medium density residential development (2 to 3 units per acre) with minimal commercial development arranged in clusters. An overall density of no more than 3 units per acre should also apply to PUDs, the prevailing development form in the Corolla area. PUDs should also have a mandated 30% permanent open space requirement. Strip commercial development is to be avoided for both aesthetic as well as traffic moving considerations. Development and redevelopment should be capable of being supported by the area's infrastructure and services—particularly drinking water, sewage treatment, road capacity, parking areas, and required fire suppression capabilities.

Other relevant land use plan policies include:

POLICY ES3: COASTAL WETLANDS shall be conserved for the valuable functions they perform in protecting water quality and in providing critical habitat for the propagation and survival of important plant and animal species. CAMA use standards and policies for coastal wetlands shall be supported. Uses approved for location in a coastal wetland must be water dependent (i.e. utility easements, bridges, docks and piers) and be developed so as to minimize adverse impacts.

POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. COASTAL AND NON-COASTAL WETLANDS shall not be considered part of a lot's acreage for the purpose of determining minimum lot size or development density. Open space developments shall be encouraged to REDUCE IMPERVIOUS SURFACE AREAS associated with new development and redevelopment.

The proposed special use permit as submitted is in **NOT in compliance** with the Land Use Plan because the plan is proposing impacts to lands that are potential wetlands.

7. *The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).*

The use should have no impact on county services as vehicle parking is not discussed in the county's adequate public facilities ordinance.

TECHNICAL REVIEW STAFF:

On March 19, 2008 Technical Review staff reviewed this application with the following comments:

1. Currituck County Public Works –

Approved with the following comments and conditions:

1. Are there any issues regarding FM easement and depth to pipe from Enviro-Tech WWTP?
2. Provide method of protection against potholes, erosion and dust.
3. Provide method to define perimeter of parking lot.
4. Provide method to mark spaces.
5. Provide method to comply with pavement width per UDO sections 8.6 (Parking Area Surfaces) and 8.10 (Driveways).

2. Soil & Water Conservation – Disapproved: provide a USACOE 404 Delineation.

3. Currituck County Fire Services (James Mims)–In response to the Corolla VFD comments, Mr. Mims stated:

While I can see your concerns, neither the North Carolina Fire Prevention Code or local ordinance can require the improvements as you have requested under the conditions specified by their site plan.

Most if not all the requirements hinge on the protection of a structure or storage of highly volatile material. By most definitions this site plan includes neither. The parking of vehicles is chiefly mentioned when parking is within a structure, I have included the lack of enough parking when I have felt it would hinder the access to a structure, or the design of parking may hinder the access to a structure.

4. **Albemarle Regional Health Services** – No comments
5. **Currituck County Water Department, Southern Outer Banks System:** No comments
6. **Currituck County GIS** - No comments
7. **County Parks & Recreation Department** - Reviewed with no comments
8. **Emergency Management** – No comments received
9. **Corolla VFD** – In reference to the parking lot special use permit for Ocean Hill LLC:
 - 1-Can it be requested for a 8" main with hydrants in the parking lot, since this is assuming that this is for a commercial development.
 - 2-They are requesting turf parking. I would like to see the turn able to hold 75,000lbs for the fire trucks in case of vehicle fires.
 - 3-I would like to see a emergency access put in on the east side going to the commercial side.
 - 4-Last, it must accommodate the platform truck to maneuver around the parking lot.
10. **NC Department of Transportation:** No Comments
11. **US Army Corps of Engineers:** A violation exists on the property as indicated in the letter dated February 9, 2006.
12. **NC Department of Natural Resources, Division of Coastal Management** – No comments
13. **NC Department of Natural Resources, Division of Environmental Health, Public Water Supply:** No comments received.
14. **NC Department of Natural Resources, Division of Water Quality-** No comments received. A 401 Water Quality certification will be required if the USACOE does not claim jurisdiction on the wetlands.

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** – No comments received.
19. **Charter Communications Cable** - No comments received.

STAFF RECOMMENDATION:

Because it appears the application is incomplete and does not meet the requirements of the UDO, staff recommends **Denial** of this Amended Sketch Plan/ Special Use Permit.

If the Board chooses to grant the permit, staff recommends the following conditions be made a part of the approval:

1. The Technical Review Committee shall approve the plan prior to the use of the property beginning. The revised plan shall be submitted to the TRC for a second review. The plan dated 3-25-08 has not been approved by the TRC.
2. The plan shall be revised to meet the requirements of UDO Chapter 5, Landscaping, Bufferyards, & Shading; Chapter 6, Environmental Protection, and Chapter 8, Parking.
3. Prior to the use beginning, the applicant shall obtain from the Corps of Engineers a letter and map stating that the proposed lot development is not a part of the violation area as described in a letter dated September 21, 2006. This must be done before any land disturbing activities are authorized.
4. Prior to the use beginning, the applicant shall obtain from the NC Division of Water Quality documentation that the proposed parking lot will not impact wetlands.
5. All lot lines shall reflect their current boundaries as approved by previous subdivision maps on a revised site plan.
6. That applicant shall submit documentation and/or revised permit from the NC Division of Water Quality that the proposed new commercial area is no longer needed as a green area for drain fields.
7. The applicant shall record a boundary line agreement with Currituck County or execute a quitclaim deed to settle the disputed property ownership prior to the use beginning.
8. The parking lot shall directly access NC 12 or Lakeside Drive. If the NC 12 access is used, NCDOT shall grant a driveway permit prior to the use beginning.
9. Show a shading calculation on the plan.
10. Indicate the species of trees to be used for plantings.
11. Indicate how the parking spaces will be marked.
12. Indicate that the driveway meets the minimum 18' drive aisle requirements.

13. Indicate what the specifications are on the seeding or sod surface to be used for the parking lot surface.

PLANNING BOARD DISCUSSION (April 8 Meeting)

Mr. Midgette stated that this case has many unresolved issues...why does it even come before the planning board.

Mr. Webb stated that the UDO requires staff to make a recommendation on a case which has been brought to the planning department.

Mr. Kingston asked that the board vote on it tonight. They have had an environmental consultant visit the site and delineate the wetlands that were submitted to the Army Corps of Engineers for their review. Mr. Kingston stated that the Army Corps of Engineers has been on site and reviewed the delineation. They have given them a verbal confirmation that the delineation is good for the parking lot plan that they have proposed. The plan does not affect any of the delineated wetlands. Mr. Kingston's apologized on behalf of his client that it was not their intent to submit a plan with existing violations. Mr. Kingston explained that his client was trying to get this approved before the tourist season would begin and he has been actively working to get the violations removed.

Mr. Kingston stated he thought with the Ponton Lane easement was to utilize the existing road. A condition of approval would be that they would have to widen the existing road to 18 feet the entire length. The client would be willing to provide a direct access to NC 12 and forgo the Ponton Lane access. Mr. Kingston stated they have a draft agreement prepared by the lawyers for his client and Mr. Bickford to show that he has legal ownership of this property.

Mr. Midgette asked if the Planning Board were to table this item, several people have signed up to speak, would they have to hear the comments before they table the item or is it best to table it before we hear their comments.

Mr. Woody suggested that they hear their comments before a decision is made.

Mr. Kingston asked the board to vote either yes or no.

Mr. Midgette stated with the lack of information provided he cannot make a decision either way.

Ms. Ish stated she is representing the Board of Directors for the Ocean Hill property owner's association. They are the community directly to the west of the proposed access to the parking lot. They are not objecting to the parking lot itself but are very concerned with the access. The existence and location of Ponton Lane is unclear, and one of the sketches labels Ponton Lane as including a portion of Coral Lane, in Ocean Hill Section One. Coral Lane is part of the road system of Ocean Hill Section One that was deeded to them by developer Gerald Friedman in 1993. The 6000 sq area has been a storm water retention area. The unopened Coral Lane serves as a rain garden, collecting storm water run off from NC 12, as well as lots 112 and 113 of Ocean Hill One. Trespassing has been taking place on lot 112 to gain access to Ponton Lane. They are unwilling to accept a residential lot as an access which is prohibited by their Association Covenants. They strongly oppose access to the proposed parking lot via the area referred to as Ponton Lane, and request that the Planning Board require the developer to provide safe, paved, direct legal access to the proposed parking lot.

Mr. Ish stated he is in agreement with what Ms. Ish stated.

Ms. Mehrhof stated she is concerned about the traffic and hopes the Planning Board tables this request.

Mr. Mehrhof stated that the road is illegal as it exists on one of the homeowner's lot and the developer should be required to use the access north.

Ms. Collins stated she supports the recommendation of Ms. Ish.

Ms. McCarthy stated that the proposed section of road is actually on someone's private lot. She is concerned if this area is closed how it will affect the stormwater runoff.

Mr. Kingston stated they are not opposed to putting an entrance off of NC 12 it just made more sense to make improvements to an existing road.

ACTION

Mr. West motioned to recommend tabling the request with staff recommendations. Ms. Turner seconded the motion. Motion passed unanimously.

Mr. Woody stated the Planning Department will contact the developer and work on the access entrance and violation issues.

PLANNING BOARD DISCUSSION (May 13 Meeting)

Mr. Woody addressed two issues from the Planning Board meeting on April 8, 2008 which were access to the property and the concerns of wetlands on the property and the impact it may or may not have on them. Mr. Woody stated that several years ago the Army Corps of Engineers issued a violation for the fill of wetlands on this property. Mr. Woody showed where the violation took place which is not where the proposed parking lot is sited. The wetlands filling took place on a different part of the property, so the parking lot has no direct impact on the violation; however it is located on the property that is subject to the violation. The property owner contends that the wetlands area was formally a fill or spoil disposal area and not wetlands. The property owner is working with the Army Corps of Engineers through these issues, but the Planning Department has not heard anything formal from the Army Corps.

Mr. West asked about the wetlands not being wetlands but a fill.

Mr. Woody stated a spoil disposal area.

Mr. West stated that if it is wetlands they cannot be filled.

Mr. Kingston stated that they are working with the Army Corps of Engineers to get the wetlands delineation signed off which is taking much longer than they anticipated. He spoke with the environmental consultant this morning and the Army Corps of Engineers has verbally given his authorization and the plat was FedEx to the Army Corps of Engineers for his signature today. They do not have anything in writing, but it should be coming within the next week.

Ms. Turner asked what the verbal authorization is for?

Mr. Kingston stated for the wetlands delineation which states that the portion of the proposed site for the parking lot does not have any wetlands.

Ms. Turner asked about the existing violation.

Mr. Kingston stated he does not know what is happening with any existing violation.

Mr. West stated that the document that you will be receiving and verbal authorization is just the delineation of where the wetlands are on the property and does not contain anything regarding the existing violation.

Mr. Kingston stated he does not know what is happening with the violation.

Mr. Midgette asked if the access off NC 12 has been addressed.

Mr. Kingston stated that they are showing direct access off NC 12 instead of using Ponton Lane. The new drawing shows a small portion of wetlands that the new proposed access would cross and they would have to get the Army Corps to approve this. Mr. Kingston stated they will be required to work with the Army Corps of Engineers and Department of Transportation.

Mr. Kingston also stated that it is his understanding that once they get the 401 delineation approved by the Army Corps then there should not be any further issues with this site. There are some wetlands areas on the southern portion of this property which needs to be worked out between the Army Corps and their environmental consultant.

Mr. Woody stated that once the violation with the Army Corps is resolved then this would resolve any associated violations with the state or county.

Ms. Turner asked what is the likelihood of CAMA issuing a permit for this property with a violation on the property.

Mr. Kingston stated he thought it would be in the jurisdiction of the Army Corps and not CAMA.

Mr. West stated that it would make it easier for the board to make a decision either way if this violation was cleared up. The plan looks fine but the violation needs to be cleared up before the board makes a decision.

Mr. Kingston stated he appreciates this and it was his understanding that this issue would have been cleared up.

Mr. Etheridge asked Mr. Kingston if he just FedEx the paperwork to the Army Corps of Engineer today.

Mr. Kingston stated yes. Mr. Kingston stated he is doing the drawings and the environmental consultant is working with the Army Corps.

Mr. Woody stated this is a complicated issue. In February 2006 the Army Corps issued a violation to the property owner that they were illegally filling wetlands. The property owner contends that these were not wetlands so the violation is not valid. The debate with the Army Corps is whether or not wetlands were actually filled or was it just a spoil disposal area. The

property owner has hired a scientist that did a study on the area where the violation was to have taken place.

Mr. Keel asked how much of the property was suppose to have been in violation of fill.

Mr. Woody stated approximately 1.3 acres and the total tract is 10.6 acres.

Ms. Ish is concerned with the access to NC 12 and asked the access be established to the north. The other concern is that in the last two weeks additional filling has been taking place without permits. The Army Corps has been notified. The parking lot is fine but they do ask that the board take the necessary steps to ensure responsible development and protection of the wetlands.

Bonny McCarthy stated she was acting as a representative of Ocean Hills. They have a concern with the access. They have no objection to the parking lot or that area being developed.

Mr. West asked Mr. Woody to show the board where the legal access is located.

Mr. Kovacs stated that the planning board has sixty days to approve or deny the request; otherwise it would go to the Board of Commissioners as an approval.

Ms. Turner asked what the county attorney position is.

Mr. Woody stated that the board can choose to proceed with development that does not encroach in an existing violation area, or it can require the mitigation of all violations on a parcel prior to allowing any new development. This would be a local decision on how to proceed.

Mr. West stated that if the Army Corps does find that there is a violation of the wetlands on this property then the fines could be very costly.

Ms. Turner stated she is in favor of the NC 12 access.

ACTION

Mr. Kovacs motion to recommend denial with staff recommendations of the Amended Sketch Plan/Special Use Permit for automobile parking until the violation with the Army Corps of Engineer is cleared up and that the access is on their own property off NC 12. Mr. Etheridge seconded the motion. Motion passed unanimously.



PB 88-66 Villages at Ocean Hill PUD:
 SUP for Automobile Parking.



**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: July 7, 2008
Zoning Map Amendment:
PB 08-25 Katie Dozier Hill**

TYPE OF REQUEST: Request to rezone 14.31 acres from Agricultural (A) to Residential (R).

LOCATION: The property is located in Jarvisburg on the north side of Fisher Landing Road, approximately 1/10 mile east of the intersection with Caratoke Highway, Poplar Branch Township.

TAX ID: 0109-000-145L-0000

OWNER: Katie Dozier Hill
7245 Caratoke Highway
Jarvisburg NC 27947

APPLICANT: C.A. Howard, Jr.
PO Box 94
Currituck NC 27929

ZONING:	<u>Current Zoning</u> Agricultural (A)	<u>Proposed Zoning</u> Residential (R)
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ZONING HISTORY: The property was zoned Agricultural (A) on the 1989 zoning atlas.

SURROUNDING PROPERTY:

	Use	Zoning
NORTH:	Vacant Farmland	A
SOUTH:	Single Family Dwelling	A
EAST:	Vacant Farmland	A
WEST:	Radio Tower and Vacant Farmland	A

EXISTING LAND USE: Vacant

PROPOSED LAND USE: To allow single family development.

DENSITY: Approximate number of lots allowed with existing A zoning: 7
Approximate number of lots allowed with requested R zoning: 15

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service Area within the Jarvisburg sub-area.

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities (one unit per acre). With respect to nonresidential uses, it is essential that the existing community character be preserved.

The policy emphasis of this plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments.

The following policies are also relevant to this request:

POLICY ES1: New development shall be permitted to locate only in areas with SUITABLE SOIL and where ADEQUATE INFRASTRUCTURE is available.

POLICY AG3: County ACTIONS CONCERNING INFRASTRUCTURE (e.g. schools, parks, and utilities) and regulations shall serve to direct new development first to targeted growth areas near existing settlements identified as Full Service Areas on the Future Land Use Map.

POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land.

POLICY HN4: Currituck County shall discourage all forms of housing from "LEAPFROGGING" INTO THE MIDST OF FARMLAND and rural areas, thereby eroding the agricultural resource base of the county.

TRANSPORTATION: The site has approximately 1026 linear feet of frontage on Fisher Landing Road.

FLOOD ZONE: X (Outside of 100 year floodplain).

**PUBLIC SERVICES
AND UTILITIES:**

The Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric service and telephone. County water is not available to this lot (currently located along Caratoke Highway, approximately 1/10 mile from subject property).

SOILS:

The Currituck County Soils map indicates the property contains NOT SUITABLE soils for on-site septic.

**STAFF
RECOMMENDATION:**

Upon evaluating the application, staff concludes that the proposed rezoning **does not** satisfy the above-referenced criteria and for the reasons listed below staff recommends **denial**:

1. The rezoning is in conflict with Policies ES1, AG3, AG4, and HN4 of the Land Use Plan.
2. There is no R zoned property adjacent to this parcel. The closest R zoned property is approximately .35 miles to the south of this parcel. Fisher Landing Road can be viewed as the break between the cluster of R zoned property to the south and A zoned property to the north. Encouraging rezoning to the north of Fisher Landing Road would expand residential density in a primarily agricultural area that is potentially incompatible with the Land Use Plan.
3. This section of the county serves as a transition point between the Grandy Full Service area and the emerging growth area around Jarvisburg Elementary School. Until development further intensifies in Grandy and the area surrounding the elementary school, it is important to maintain the rural nature between these growth areas and avoid a "leap frog" development pattern.

PLANNING BOARD DISCUSSION

Mr. Howard stated that he did have the soil checked by Albemarle Regional and the soil is suitable with the exception of the eastern end. Mr. Howard stated with the right engineering suitable soil could be put in the backyard and the septic system in the front. Mr. Howard stated that on the western side of the property it is zoned agricultural, but is used as residential. There is also a commercial tract that is being used as residential. This needs to be taken into consideration that even though it may be zoned agricultural this doesn't mean that is what it is being used for. Mr. Howard stated that they are not taking a 100 acre tract of farmland and taking 10 acres from the center to have it rezone to residential. Mr. Howard stated that his request is not taking away from the farmland of the community because this property fronts a road. He stated that they would be conforming to the use in the area which is being used for residential. They are not looking for high density and looking at 14 housing units on this property. Mr. Howard stated that the property owner does not wish to farm these 14.31 acres because it is not conducive to get into the farming business with only 14 acres.

Mr. West asked what the current use of the property.

Mr. Howard stated farm.

Mr. Kovacs stated that he was a part of the Land Use Plan (LUP) committee which discussed the "leap frog" development pattern. The committee felt like boundaries were needed to prevent leapfrogging in the midst of farmland. Another recommendation of the LUP committee was to have Transfer of Development Rights (TDR), which would give the property owners outside these full service areas some benefits to sell these property rights to another property owner.

Mr. West asked Mr. Howard if any TDRs were in place to transfer property rights.

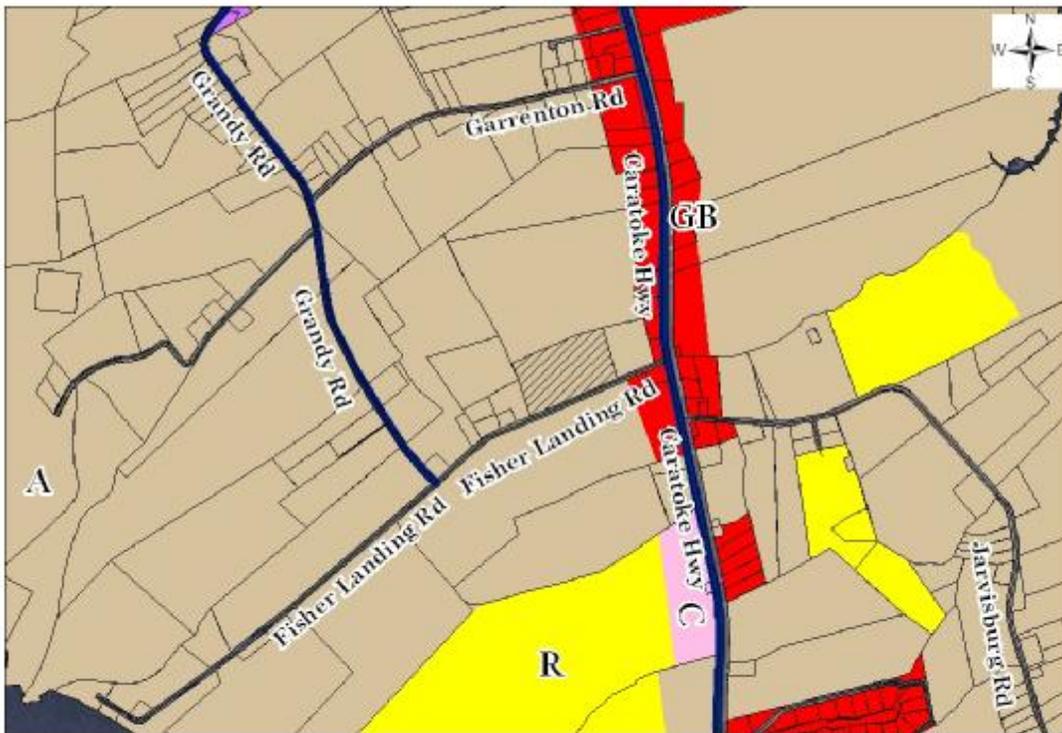
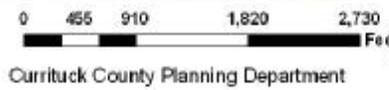
Mr. Howard stated no.

ACTION

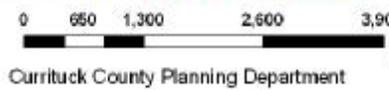
Mr. West motion to recommend approval to rezone 14.31 acres from Agricultural (A) to Residential (R) because there is no "Leapfrogging". Mr. Etheridge seconded the motion. Ayes: Mr. West, Mr. Etheridge, Mr. Midgette and Mr. Keel. Nays: Mr. Winter, Ms. Robbins, Ms. Turner, Mr. Bell, and Mr. Kovacs. Motion failed 4-5.



**PB 08-25 KATIE DOZIER HILL
REZONING REQUEST
Aerial Photography**



**PB 08-25 KATIE DOZIER HILL
REZONING REQUEST
Zoning Classification**



**Case Analysis For The
BOARD OF COMMISSIONERS
Meeting Date: July 7, 2008
Zoning Map Amendment:
PB 08-26 Paula Lipman**

TYPE OF REQUEST: Request to rezone 7.81 acres from Agricultural (A) to General Business (GB).

LOCATION: Located on the east side of Caratoke Highway approximately 500 feet south of Forbes Road.

TAX ID: Map 109, Parcel 57A, Poplar Branch Township

OWNER/APPLICANT: Pauline C. Wright, Trustee &
Paula W. Lipman, Trustee
PO Box 9
Jarvisburg, NC 27947

AGENT: Same

ZONING:	<u>Current Zoning</u> Agricultural (A)	<u>Proposed Zoning</u> General Business (GB)
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ZONING HISTORY: The property was zoned Agricultural (A) on the 1989 zoning atlas.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Medical Office/Undeveloped	A and GB
SOUTH:	Single Family Dwelling/Undeveloped	A and GB
EAST:	Single Family Dwelling	A
WEST:	Single Family Dwelling/Undeveloped	A and C

EXISTING LAND USE: Undeveloped

PROPOSED LAND USE: No specific plans were presented with the application. The application states the purpose of the request is to change zoning from Agricultural to Residential to seek the highest and best use for the land over time.

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies the subject property as **Limited Service** within the **Jarvisburg Sub-Area**.

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. In general, neighborhood commercial uses are more appropriate than large scale commercial complexes. However, business designed to serve the tourist industry such as small gift shops or agri-tourism related uses should not be prohibited provided the character and intensity of the use is in keeping with the character of the surrounding area.

The policy emphasis of the 2006 plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments.

The following Land Use Plan policies are also relevant to this request:

POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-

oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

POLICY CD7: Attractive, environmentally beneficial LANDSCAPING shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate BUFFERING or other effective DESIGN FEATURES may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

POLICY TR4: ACCESS TO THE COUNTY'S MAJOR ROADWAYS shall be managed so as to preserve the intended purpose of the highway, protect taxpayer dollars invested, and minimize hazardous turning movements in and out of traffic flows. Methods may include, for example, limits on the frequency of driveway cuts, shared driveway access, minimum lot frontages, connections between adjoining parking lots, central medians, etc.

**PUBLIC SERVICES
AND UTILITIES**

The Lower Currituck Volunteer Fire Department provides fire protection for this area. Public water is also available.

TRANSPORTATION:

The property has 845 feet of frontage along Caratoke Highway.

FLOOD ZONE:

The property is located outside of the 100 year floodplain.

SOILS:

The Currituck County Soils map indicates the property contains approximately 4.83 acres of marginally suitable and 2.98 acres of non-suitable soils for septic systems. The non-suitable soils are located on the eastern portion of the property.

WETLANDS:

The property contains approximately 2.45 acres of Managed Pineland and Swamp Forest wetlands.

**STAFF
RECOMMENDATION:**

Staff recommends **denial** of the request to rezone 7.81 acres from Agricultural (A) to General Business (GB) for the following reasons:

- 1) There appears to be ample land zoned General Business in the county to meet existing needs and uses. This request does not appear to comply with Section 12.5.2 of

the UDO, which requires an extraordinary showing of public need or demand.

- a. Total GB zoned property = 4,278 acres
 - b. Total GB zoned property developed for commercial use = 1,167 acres (27%)
 - c. Percentage of GB zoned property currently vacant or not used for commercial purposes = 73%
- 2) The proposed rezoning does not comply with the 2006 Land Use Plan designation of Limited Service due to the range of uses permitted by right in a General Business zone that may not be compatible with the surrounding area. Staff suggested a conditional zoning application to alleviate this concern.
- 3) While the properties to the north and south are currently zoned General Business, many of these are platted as smaller lots and are occupied by existing single family dwellings and a small medical office. Considering the comparatively large size of the subject property in relation to its immediate surroundings, the establishment of unconditioned General Business zoning would allow incompatible commercial development. As a result, issues of commercial encroachment within an established residential development pattern should be considered (Policies CD5, CD7).
- 4) Considering the economic importance of the US 158 corridor, measures should be taken when possible to ensure development is of a high quality. Additionally, the Land Use Plan discourages strip development along the corridor and places priority on the clustering of commercial uses. Development standards addressing improved appearance, landscaping, buffering, and access should always be carefully considered through the use of conditional zoning (Policies CA1, CD4, TR4).

PLANNING BOARD DISCUSSION

Mr. Bell asked about the business to the north and south.

Mr. Woody stated most of the land use is residential and a small medical business is to the north.

Mr. Woody stated that staff made a recommendation to the applicant to submit this as a conditional zoning request.

Ms. Lipman stated that there is a long line of general business to the north and south of this property, as well as general business and commercial across the highway to the north and south. Ms. Lipman stated at this time there are no plans to sell the property in the immediate future. The only reason it would be sold is for a medical center.

Mr. Kovacs asked Ms. Lipman since she knows what she would like to see on this property wouldn't conditional zoning be the appropriate zoning request?

Ms. Lipman stated that this would have limited her when everything else around her is unlimited. What will go on this property is controlled by a large degree by what is around you.

Mr. Kovacs stated that conditional zoning only came in affect this year so they cannot control previously rezoning.

Ms. Lipman stated she should not be penalized to have conditions since all the other properties around her can do what they want.

Mr. West asked if all the property around the subject property is all General Business with no conditions.

Mr. Woody stated yes.

Mr. West stated it would be hard to put conditions on properties which have already been approved for rezoning.

Mr. Woody stated you could amend the UDO to establish development standards for the individual zoning districts. The other way would be to do an overlay district. The Planning Board has approved one conditional zoning request this year and two other requests are pending which are in the Jarvisburg area.

Mr. Keel stated that neither of the requests is in the middle of a General Business (GB) section.

Mr. Sawyer stated that there are a lot of businesses in the area.

Mr. Keel stated that he has a problem with the properties on both sides with no conditions, but put conditions on this property.

Mr. Midgette asked Mr. Woody if the board could add conditions.

Mr. Woody stated that the only way the board could add conditions would be if it was a conditional zoning request.

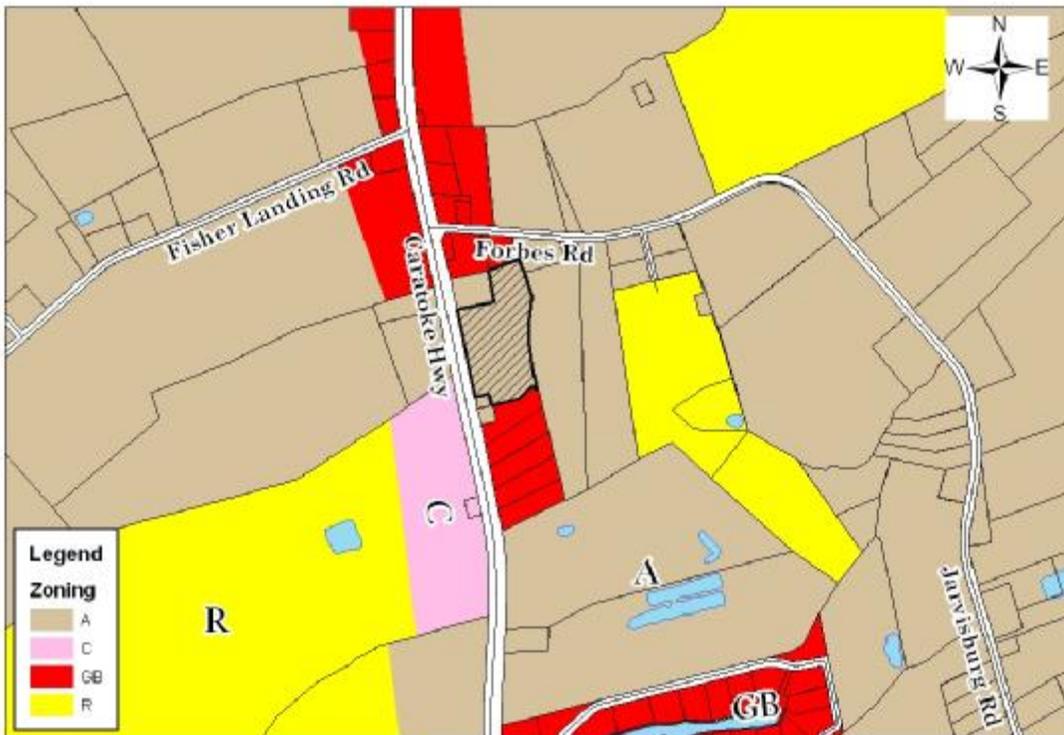
ACTION

Mr. Kovacs motion to recommend approval to rezone 7.81 acres from Agricultural (A) to General Business (GB) because it is consistent with the Land Use Plan because the surrounding properties are zoned General Business. Mr. Etheridge seconded the motion. Ayes: Mr. Kovacs, Mr. Bell, Mr. West, Mr. Keel, Mr. Midgette and Mr. Etheridge. Nays: Ms. Robbins, Ms. Turner and Mr. Winter Motion carried 6-3.



PB 08-26 PAULA LIPMAN
REZONING: A TO GB

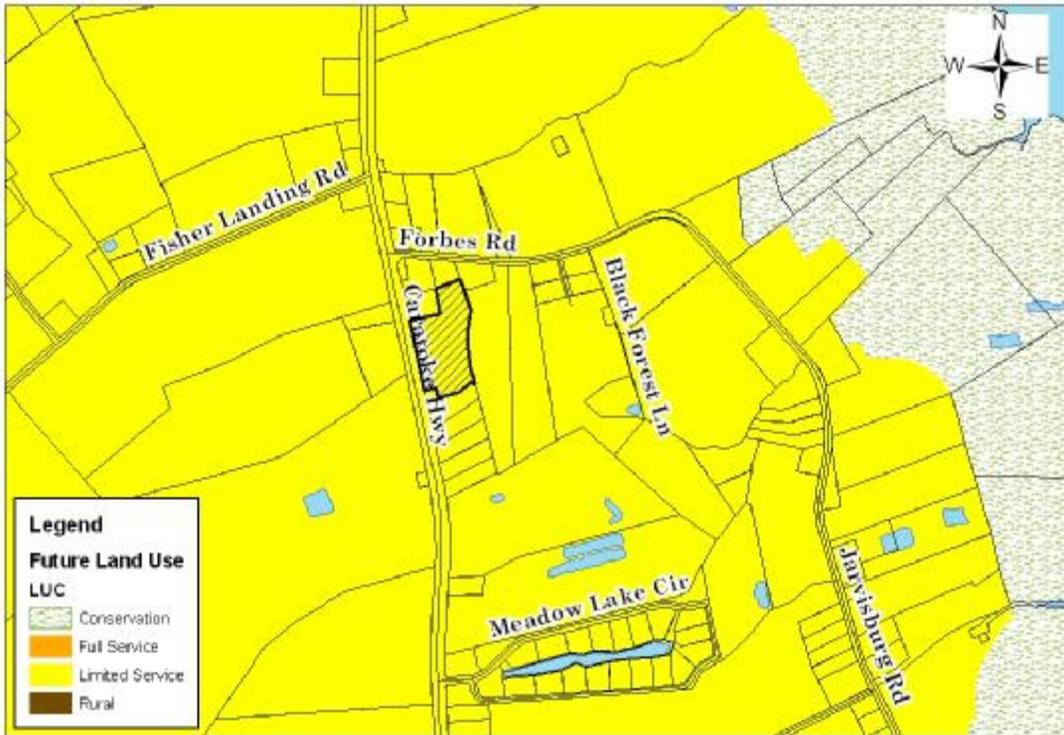
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PB 08-26 PAULA LIPMAN
REZONING: A TO GB

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Currituck County Planning Department





**PB 08-26 PAULA LIPMAN
REZONING: A TO GB**

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Feet
Currituck County Planning Department



**Case Analysis For The
PLANNING BOARD
Meeting Date: July 7, 2008
Zoning Map Amendment:
PB 08-27 Paula Lipman**

TYPE OF REQUEST: Rezone approximately 37 acres from Agricultural (A) to Residential (R).

LOCATION: Located west of Caratoke Highway approximately 1000 feet south of Fisher Landing Road

TAX ID: Map 109, Parcel 122, Poplar Branch Township

OWNER/APPLICANT: Pauline C. Wright, Trustee &
Paula W. Lipman, Trustee
PO Box 9
Jarvisburg, NC 27947

AGENT: Same

ZONING:	<u>Current</u> Agricultural (A)	<u>Proposed</u> Residential (R)
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ZONING HISTORY: The property was zoned Agricultural (A) on the 1989 zoning atlas.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Undeveloped/Agricultural	A
SOUTH:	Undeveloped/Agricultural	C and R
EAST:	Single Family Dwellings	A
WEST:	Undeveloped/Agricultural	A

EXISTING LAND USE: Undeveloped

PROPOSED LAND USE: No specific plans were presented with the application. The application states the purpose of the request is to change zoning from Agricultural to Residential.

DENSITY:	<u>Allowed as Agricultural (A)</u> Approximately 16 lots	<u>Proposed as Residential (R)</u> Approximately 37 lots.
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**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies the subject property as **Limited Service** within the **Jarvisburg Sub-Area**.

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. Despite the overall low density of these areas, efforts should be made to encourage clusters of residential uses to preserve open space and to provide for a sense of a "community". Base development density should be 1 unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in place or planned and the potential impact on the surrounding community. In the same instances where slightly higher density is considered appropriate a moderate mix of housing types such as semi-detached would also be considered reasonable.

The policy emphasis of the 2006 plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments. Similar to the Grandy area, but at a lower overall density, new residential development should be encouraged to locate in compact, village like clusters, preferably near existing, non-agricultural activities and services. An example might be a new compact, walkable neighborhood of homes built near an existing or proposed church, school or compatibly designed general store.

The following Land Use Plan policies are also relevant to this request:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. Projects within areas designated as Limited Service would be permitted a density of one to one and one half units per acre depending upon the surrounding development pattern and availability of resources.

POLICY AG6: For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes.

**PUBLIC SERVICES
AND UTILITIES:**

The Lower Currituck Volunteer Fire Department provides fire protection for this area. Public water is also available.

TRANSPORTATION:

The property is only accessible from Caratoke Highway via adjacent parcels. This does present a potential concern as staff feels proper access should be established prior to the development of the subject property. The property also presents an opportunity to establish future street connections to the north and south.

FLOOD ZONE:

The property is located outside of the 100 year floodplain.

SOILS:

The Currituck County Soils map indicates the property contains marginally suitable soils for septic systems.

WETLANDS:

There are no wetlands present on the property.

**STAFF
RECOMMENDATION:**

Staff recommends **approval** of the request to rezone 37 acres from Agricultural (A) to Residential (R) for the following reasons:

- 1) The request is in general compliance with the Limited Service designation and Jarvisburg Sub-Area policy emphasis of the 2006 Land Use Plan.
- 2) The Jarvisburg Sub-Area, while primarily zoned Agricultural, is emerging in a suburban low-density residential development pattern. The permitted density in the Residential (R) zoning district of approximately one unit per acre is consistent with the objectives of the Currituck County Unified Development Ordinance and 2006 Land Use Plan, and promotes compatibility between the subject property and immediately surrounding area (Policies HN1, AG6).

- 3) New residential development should be encouraged to locate near an existing or proposed church, school, or compatibly designed general store. The subject property is in close proximity to the Jarvisburg elementary school and a county recreation site (Jarvisburg Sub-Area Policy Emphasis).

PLANNING BOARD DISCUSSION

Mr. West asked does the accessibility of the property play into the rezoning of residential.

Mr. Woody stated that it does not prohibit you from rezoning the property, but access will have to be worked out before it is developed.

Mr. West stated it is one thing to access through property for farming, but when you have access through property which is a subdivision, he was concerned with this.

Mr. Woody stated that the applicant could have access from a track just south of the property.

Mr. Etheridge asked where the county recreation facility is located.

Mr. Woody stated adjacent to the school site.

Mr. Etheridge expressed a concern about too many residential subdivisions and meeting the needs of the subdivisions with county services, i.e. schools, fire departments.

Mr. Woody stated that one thing the planning staff tries to do on these large tracks is to make sure they include the non-residential components. It is important to integrate commercial that is compatible with residential.

Ms. Lipman stated a deed of easement was created by herself, her mother and Shirley Webber whereby either one of them can reopen the road which will give her access to Caratoke Hwy. at anytime. This will take care of the access to this property. She has no immediate plans to sell.

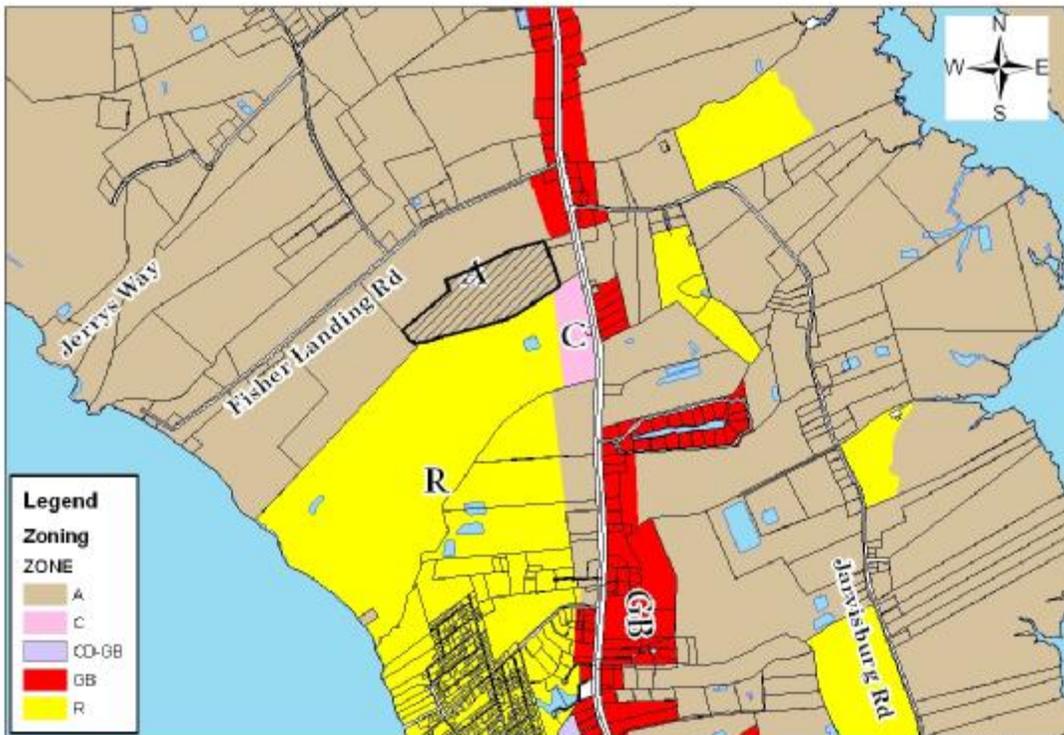
ACTION

Mr. Bell motion to recommend approval with staff recommendations and a note from the owner to ensure access to the property to rezone approximately 37 acres from Agricultural (A) to Residential (R) according to the 2006 Land Use Plan. Ms. Robbins seconded the motion. Motion passed unanimously.



PB 08-27 PAULA LIPMAN
REZONING: AG TO R

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Currituck County Planning Department

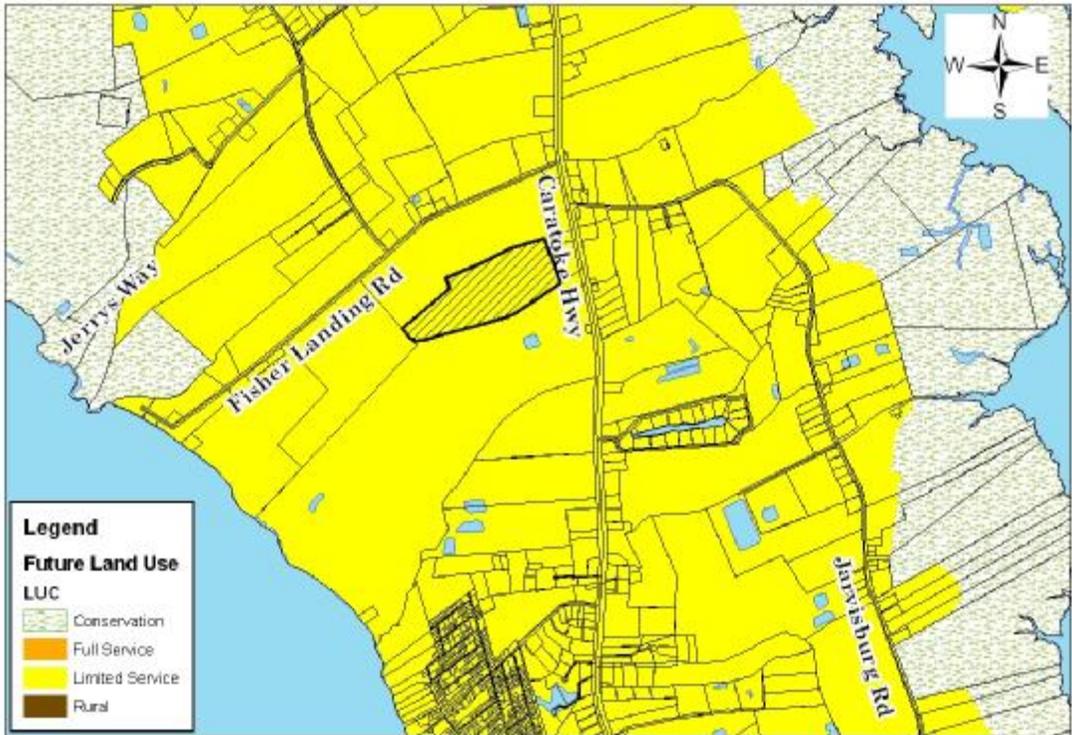


Legend	
Zoning	
ZONE	
	A
	C
	CD-GB
	GB
	R

PB 08-27 PAULA LIPMAN
REZONING: AG TO R

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Feet
Currituck County Planning Department





**PB 08-27 PAULA LIPMAN
 REZONING: AG TO R**

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 Currituck County Planning Department





BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of July 2008 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2008.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
55818-593008	Dist Sys - RO Outfall Main	\$ 161,792	
55818-588003	Dist Sys - Contingency		\$ 161,792
		<u>\$ 161,792</u>	<u>\$ 161,792</u>

Explanation: Mainland Water Construction Fund (55818) - Relocation of 6,600 feet of 12" outfall pipe per DOT Encroachment Agreement on U S 158 between Waterlily and Aydlett Road.

Net Budget Effect: Mainland Water Construction Fund (55) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of July 2008 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
24690-545000	Crawford Fire District	\$ 17,150	
24390-499900	Fund Balance Appropriated		\$ 17,150
		<u>\$ 17,150</u>	<u>\$ 17,150</u>

Explanation: Crawford Fire District (24690) - To appropriate Crawford Fire District Tax Funds for clearing the remainder of the land around the station and to provide adequate additional space for training for \$11,000 and to install a natural gas powered electric back-up generator at the Maple Station for \$6,150.

Net Budget Effect: Crawford Fire District (24) - Increased by \$17,150.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

CURRITUCK COUNTY
NORTH CAROLINA
JUNE 16, 2008

The Board of Commissioner met at 6:00 to discuss the Welcome Center plan modifications and also met with the Fire and EMS Advisory Board.

The Board of Commissioners met on June 16, 2008, 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 Bowden, Gregory, Taylor and Etheridge.

Invocation

Pledge of Allegiance

The Reverend Glenn McCranie was present to give the invocation.

Approval of Agenda

Chairman Nelms moved to amend the agenda by moving Item 6 to Item 3A and add to consent agenda resolution supporting second ferry to Knotts Island, add a Closed Session and a special meeting to adopt the Tourism Development budget. Commissioner Gregory seconded the motion. Motion carried

- 7:00 p.m. Invocation
 Pledge of Allegiance
- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Public Hearing and Action on FY 08-09 County Budget**
- Item 4 **Public Hearing and Action** on Submittal of a Community Development Block Grant Application to the NC Division of Community Assistance for the 2008 Scattered Site Housing Program.
- Item 5 **Action On** PB 08-19 Shirley D. Webber: Request to establish a Conditional District - Planned Unit Development Overlay Zone (CD-PUD) on 226 acres. The property is located at 7160 Caratoke Highway, approximately 2/10ths of a mile south of the intersection with Forbes Road, adjacent to the North River. Tax Map 109, Parcel 156, Poplar Branch Township.

- Item 6 **Commissioner Etheridge** to report on recent recognition of the Tourism Department by the Destination Marketing Association of North Carolina
- Item 7 **Appointment** to the Game Commission
- Item 8 **Consent Agenda:**
 1. Budget Amendments
 2. Approval of June 2, 2008, Minutes
- Item 9 Commissioner's Report
- Item 10 County Manager's Report
- Adjourn

Public Comment

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

Chairman Nelms opened the public comment period.

Commissioner Gregory moved to direct staff to proceed with construction plans for the Recreation and Senior Citizens Center. Chairman Nelms seconded the motion. Motion carried.

Commissioner Etheridge reminded citizens of the LUP meeting on Tuesday.

Chairman Nelms commended staff on the recent Hurricane Workshop.

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

Public Hearing and Action on FY 08-09 County Budget

Dan Scanlon, County Manager, presented the budget.

Chairman Nelms opened the public hearing.

Commissioner Bowden expressed his concerns with not having more work sessions on the budget.

There being no further comments, Chairman Nelms moved to close the public hearing.

Commissioner Gregory moved to adopt the FY 08-09 Budget. Commissioner Etheridge seconded the motion. Motion carried.

**COUNTY OF CURRITUCK
BUDGET ORDINANCE**

For the Year Ending June 30, 2009

BE IT ORDAINED by the Board of Commissioners, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2008 and ending June 30, 2009.

SECTION 1. GENERAL FUND

A. Estimated Resources:

Ad Valorem Taxes	\$	24,950,416
Other Taxes and Licenses		6,563,148
Restricted Intergovernmental Revenues		3,549,602
Unrestricted Intergovernmental Revenues		375,500
Permits and Fees		1,763,500
Sales and Services		458,476
Investment Earnings		750,000
Miscellaneous		<u>50,000</u>
		38,460,642
Transfers In		4,636,208
Fund Balance Appropriated		<u>4,321,893</u>
TOTAL ESTIMATED RESOURCES	\$	<u><u>47,418,743</u></u>

B. Appropriations:

Administration	\$	449,581
Legal		493,602
Governing Body		162,620
Elections		164,239
Finance		339,017
Information Technology Services		530,823
Human Resources		142,406
Public Information		171,143

Tax	498,196
Public Works	1,544,241
Wastewater	179,190
Register of Deeds	743,666
Court Facilities	192,589
Agency Appropriations	36,200
Central Services	538,555
Sheriff	5,500,889
Detention Center	1,999,480
Animal Control	381,027
Jury Commission	1,800
Emergency Medical Services	5,466,774
Emergency Management	207,648
Communications	1,406,401
Inspections	558,288
Fire Services	106,284
Moyock Volunteer Fire Department	258,963
Crawford Volunteer Fire Department	258,963
Lower Currituck Volunteer Fire Department	258,963
Corolla Volunteer Fire and Rescue Squad	258,963
Carova Beach Volunteer Fire Department	258,963
Knotts Island Volunteer Fire Department	258,963
Medical Examiner	10,000
Airport	436,384
Inter-County Transportation	125,033
Soil Conservation	160,604
Forestry	82,575
Cooperative Extension	465,517
Support Our Students Economic Development	80,000

	166,736
Planning	656,724
Health Administration	127,000
Mental Health	39,592
Social Services Administration	2,383,575
Public Assistance	1,969,450
County Assistance	56,000
Smart Start - Eat Smart, Move More	9,470
Juvenile Crime Prevention Control	105,422
Recreation	798,485
Library	526,933
Senior Centers	332,960
Debt Administration	3,232,310
Transfers Out	<u>2,411,584</u>
	<u>37,544,791</u>
School Local Current Expense	8,603,952
School Capital Outlay	1,220,000
Community College	<u>50,000</u>
	<u>9,873,952</u>
TOTAL APPROPRIATIONS	<u><u>\$ 47,418,743</u></u>

SECTION 2. REVALUATION FUND

A. Estimated Resources:

Investment Earnings	\$ 9,000
Transfer In	<u>121,000</u>
TOTAL ESTIMATED RESOURCES	<u><u>\$ 130,000</u></u>

B. Appropriations:

Operations	\$ 130,000
TOTAL APPROPRIATIONS	<u><u>\$</u></u>

	<u>130,000</u>
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SECTION 3. EMERGENCY EQUIPMENT REPLACEMENT FUND

A. Estimated Resources:

Investment Earnings	\$ 2,000
Transfer In	266,528
Fund Balance Appropriated	<u>548,135</u>
TOTAL ESTIMATED RESOURCES	<u>\$ 816,663</u>

B. Appropriations:

Operations	<u>\$ 816,663</u>
TOTAL APPROPRIATIONS	<u>\$ 816,663</u>

SECTION 4. EMERGENCY TELEPHONE SYSTEM FUND

A. Estimated Resources:

Other Taxes and licenses	\$ 288,000
Investment Earnings	<u>5,000</u>
TOTAL ESTIMATED RESOURCES	<u>\$ 293,000</u>

B. Appropriations:

Operations	<u>\$ 293,000</u>
TOTAL APPROPRIATIONS	<u>\$ 293,000</u>

SECTION 5. GUINEA MILL WATERSHED IMPROVEMENT DISTRICT FUND

A. Estimated Resources:

Special District Taxes	\$ 10,644
Investment earnings	<u>500</u>
TOTAL ESTIMATED RESOURCES	<u>\$ 11,144</u>

B. Appropriations:

Operations	<u>\$ 11,144</u>
TOTAL APPROPRIATIONS	<u>\$ 11,144</u>

SECTION 6. HOG DITCH WATERSHED IMPROVEMENT DISTRICT FUND

A. Estimated Resources:

Special District Taxes	\$	936
TOTAL ESTIMATED RESOURCES	\$	<u>936</u>

B. Appropriations:		
Operations	\$	936
TOTAL APPROPRIATIONS	\$	<u>936</u>

SECTION 7. MOYOCK WATERSHED IMPROVEMENT DISTRICT FUND

A. Estimated Resources:		
Special District Taxes	\$	12,714
Investment earnings		500
TOTAL ESTIMATED RESOURCES	\$	<u>13,214</u>
B. Appropriations:		
Operations	\$	13,214
TOTAL APPROPRIATIONS	\$	<u>13,214</u>

SECTION 8. NORTHWEST WATERSHED IMPROVEMENT DISTRICT FUND

A. Estimated Resources:		
Special District Taxes	\$	1,754
TOTAL ESTIMATED RESOURCES	\$	<u>1,754</u>
B. Appropriations:		
Operations	\$	1,754
TOTAL APPROPRIATIONS	\$	<u>1,754</u>

SECTION 9. WHALEHEAD WATERSHED IMPROVEMENT DISTRICT FUND

A. Estimated Resources:		
Special District Taxes	\$	372,557
Investment earnings		5,000
TOTAL ESTIMATED RESOURCES	\$	<u>377,557</u>
B. Appropriations:		
Operations	\$	377,557
TOTAL APPROPRIATIONS	\$	<u>377,557</u>

SECTION 10. CAPITAL IMPROVEMENTS FUND

A. Estimated Resources:	
Other Taxes and Licenses	\$ 1,473,154
Investment Earnings	<u>25,000</u>
TOTAL ESTIMATED RESOURCES	<u>\$ 1,498,154</u>
B. Appropriations:	
Transfers Out	\$ 612,300
Contingency	<u>885,854</u>
TOTAL APPROPRIATIONS	<u>\$ 1,498,154</u>

SECTION 11. SCHOOL CAPITAL FUND

A. Estimated Resources:	
Other Taxes and Licenses	\$ 1,210,245
Investment Earnings	<u>9,755</u>
TOTAL ESTIMATED RESOURCES	<u>\$ 1,220,000</u>
B. Appropriations:	
Transfers Out	<u>\$ 1,220,000</u>
TOTAL APPROPRIATIONS	<u>\$ 1,220,000</u>

SECTION 12. TRANSFER TAX CAPITAL FUND

A. Estimated Resources:	
Other Taxes and Licenses	\$ 2,752,249
Investment Earnings	<u>48,451</u>
TOTAL ESTIMATED RESOURCES	<u>\$ 2,800,700</u>
B. Appropriations:	
Operations	\$ 700
Transfers Out	<u>2,800,000</u>
TOTAL APPROPRIATIONS	<u>\$ 2,800,700</u>

SECTION 13. LAND BANKING CAPITAL FUND

A. Estimated Resources:	
Transfers In	<u>\$ 300,000</u>
TOTAL ESTIMATED RESOURCES	<u>\$</u>

	<u>300,000</u>
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B. Appropriations:

Operations	\$ 300,000
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TOTAL APPROPRIATIONS	<u>\$ 300,000</u>
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SECTION 14. OCEAN SANDS WATER AND SEWER FUND

A. Estimated Resources:

Operating Revenues	\$ 874,900
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Non-operating Revenues	125,000
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Appropriated Retained Earnings	<u>899,403</u>
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TOTAL ESTIMATED RESOURCES	<u>\$ 1,899,303</u>
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B. Appropriations:

Administration	\$ 10,938
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Water Treatment Operations	420,300
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Sewer Treatment Operations	763,165
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Capital Outlay	<u>704,900</u>
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TOTAL APPROPRIATIONS	<u>\$ 1,899,303</u>
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SECTION 15. MAINLAND WATER FUND

A. Estimated Resources:

Operating Revenues	\$ 2,178,106
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Non-operating Revenues	110,000
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Appropriated Retained Earnings	<u>899,403</u>
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TOTAL ESTIMATED RESOURCES	<u>\$ 3,187,509</u>
---------------------------	---------------------

B. Appropriations:

Administration	\$ 162,688
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Water Treatment Operations	1,332,749
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Debt Service	1,625,072
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Capital Outlay	<u>67,000</u>
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TOTAL APPROPRIATIONS	<u>\$ 3,187,509</u>
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SECTION 16. NEWTOWN ROAD SEWER FUND

A. Estimated Resources:

Operating Revenues	\$	8,200
Non-operating Revenues		100,400
Appropriated retained earnings		<u>145,700</u>
TOTAL ESTIMATED RESOURCES	\$	<u><u>254,300</u></u>

B. Appropriations:

Administration	\$	590
Sewer Treatment Operations		68,710
Capital Outlay		<u>185,000</u>
TOTAL APPROPRIATIONS	\$	<u><u>254,300</u></u>

SECTION 17. SOLID WASTE FUND

A. Estimated Resources:

Operating Revenues	\$	1,867,661
Non-operating Revenues		<u>2,778,820</u>
TOTAL ESTIMATED RESOURCES	\$	<u><u>4,646,481</u></u>

B. Appropriations:

Administration	\$	77,661
Solid Waste Operations		<u>4,568,820</u>
TOTAL APPROPRIATIONS	\$	<u><u>4,646,481</u></u>

SECTION 18. MOYOCK COMMONS SEWER FUND

A. Estimated Resources:

Operating Revenues	\$	74,902
Non-operating Revenues		<u>48,465</u>
TOTAL ESTIMATED RESOURCES	\$	<u><u>123,367</u></u>

B. Appropriations:

Administration	\$	1,933
Sewer Treatment Operations		86,836

Debt Service	<u>34,598</u>
TOTAL APPROPRIATIONS	<u><u>\$ 123,367</u></u>

SECTION 19. SOUTHERN OUTER BANKS WATER FUND

A. Estimated Resources:

Operating Revenues	\$ 1,607,000
Non-operating Revenues	220,000
Appropriated retained earnings	<u>212,815</u>
TOTAL ESTIMATED RESOURCES	<u><u>\$ 2,039,815</u></u>

B. Appropriations:

Administration	\$ 83,085
Water Treatment Operations	787,352
Debt service	1,169,378
Capital outlay	<u>6,800</u>
TOTAL APPROPRIATIONS	<u><u>\$ 2,039,815</u></u>

SECTION 20. POST-EMPLOYMENT RETIREMENT BENEFITS FUND

A. Estimated Resources:

Retiree benefits	<u>\$ 192,421</u>
TOTAL ESTIMATED RESOURCES	<u><u>\$ 192,421</u></u>

B. Appropriations:

Operations	<u>\$ 192,421</u>
TOTAL APPROPRIATIONS	<u><u>\$ 192,421</u></u>

SECTION 21. AD VALOREM TAX RATE ESTABLISHED

There is hereby levied a tax rate of Thirty-two cents (\$0.32) per One Hundred dollars (\$100) valuation of all real and personal property situated in the County of Currituck on January 1, 2008 for the purpose of raising the revenue listed as "Ad Valorem Taxes" in Section 1, Part A of this ordinance.

The rate of tax is based on estimated total valuation of property for the purpose of taxation of \$8,032,000,000 and an estimated rate of collection of 98.56%. The estimated rate of collection is based on the fiscal year ended June 30, 2007.

SECTION 22. SPECIAL DISTRICT TAX RATE ESTABLISHED

There is hereby levied a tax rates (in cents) for Special Districts per One Hundred dollars (\$100) valuation of all real and personal property situated in said district on January 1, 2008 for the purpose of raising the revenue listed as "Ad Valorem Taxes" in Part A of Sections 5 through 9 and Section 18 of this ordinance.

Guinea Mill Watershed Improvement District	0.010
Hog Ditch Watershed Improvement District	0.010
Moyock Watershed Improvement District	0.015
Northwest Watershed Improvement District	0.020
Whalehead Watershed Improvement District	0.040
Moyock Commons Sewer District	0.245

SECTION 23. ANIMAL TAX RATE ESTABLISHED

There is hereby levied an animal tax of Three dollars (\$3.00) for all male and spayed female dogs and Six dollars (\$6.00) for all fertile female dogs listed for taxes as of January 1, 2008.

SECTION 24. SOLID WASTE COLLECTION AND DISPOSAL RATE ESTABLISHED

There is hereby established a disposal fee pursuant to Section 11-5(a) of the Solid Waste Ordinance of Sixty-Eight dollars (\$68.00) per ton for in County waste and Seventy-Eight dollars (\$78.00) per ton for out of County waste.

There is hereby levied an annual solid waste collection and disposal availability fee pursuant to Section 11-5(b) of the Solid Waste Ordinance of Two Hundred Thirty-Five (\$235) for all units on the Southern Currituck Outer Banks and Ninety-Nine dollars (\$99) for all units located elsewhere within the County of Currituck.

SECTION 25. EMPLOYEE COMPENSATION

Employee compensation is included here within in summary form. Individual employee salaries are hereby approved and set as presented in the supporting documents presented as part of the budget deliberation process and officially filed with the Human Resources Director.

SECTION 26. OTHER FEES

Currituck County charges various fees. These fees are detailed in the Master Fee schedule that is presented in the appendix of the budget document.

SECTION 27. DISBURSEMENT OF SCHOOL APPROPRIATIONS

The amount here within appropriated as School Local Current Expense shall be disbursed to the school finance officer in twelve (12) equal monthly installments.

The amount here within appropriated as School Capital Outlay shall be disbursed to the school finance officer according to a mutually agreed disbursing schedule.

A quarterly progress report shall be furnished by the Board of Education to the Board of Commissioners detailing the extent to which all school capital outlay and school capital construction monies have been expended.

SECTION 28. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the funds as contained herein under the following conditions.

- a. He may transfer amounts within the same department within the same fund up to Ten Thousand dollars (\$10,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners on a quarterly basis.
- b. He may transfer amounts between departments within the same fund up to One Thousand dollars (\$1,000) providing an official report on such transfers at the next regular meeting of the Board of Commissioners.

- c. He may appropriate fund balance to salaries and benefits in order to increase salaries of employees who have met requirements to increase certifications required by the County providing an office report on such transfers at the next regular meeting of the Board of Commissioners.
- d. He may make interfund loans for a period of not more than sixty days (60).
- e. He may not transfer any amounts between funds or from any contingency line items within any funds.

SECTION 29. CONTRACTUAL OBLIGATIONS

The County Manager or the County Attorney are hereby authorized to execute contractual documents under the following conditions:

- a. They may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. They may award contracts, reject bids, re-advertise for bids, waive bid bonds or bid deposit requirements, and waive performance and payment bond requirements for all formal bids of apparatus, supplies, materials and equipment as stated in G. S. 143-129.
- c. They may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- d. They may execute grant agreements to and from public and nonprofit organizations which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.
- e. They may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 30. MEMORANDA

- A. Officers:
Daniel F. Scanlon II CPA is the Budget Officer
Sandra L. Hill CPA is the County Finance Director
Donald I. McRee Jr is the County Attorney
- B. Facsimile Signatures:

The use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts is hereby authorized; however, off-line checks and pre-audit certification requires in the minimum of one original authorizing signature. The Finance Director is hereby charged with the custody of all facsimile machines, stamps, plates or other devices.

C. Official Depositories:

The Official depositories of the County of Currituck are:

- The Bank of Currituck, North Carolina
- The East Carolina Bank, Currituck, North Carolina
- Bank of America, North Carolina
- Branch Bank and Trust, North Carolina
- Gateway Bank, North Carolina
- North Carolina Cash Management Trust, Charlotte, North Carolina
- Wachovia Bank, North Carolina

D. Daily Deposits:

Daily deposits are required by all departments when the amount of money held on haNd sums to Two Hundred Fifty dollars (\$250).

E. Returned Check or Electronic Funds Transfer Fees:

The County will assess a returned check charge consistent with G. S. 25-3-512 on all checks or electronic funds transfers returned to the County due to insufficient or unavailable funds, except for the payment of taxes. The returned check fee will be \$25.00 per item returned. This fee will also be charged for ACH or credit card transactions that are not paid due to insufficient funds. The penalty for returned checks and electronic funds transfers for payment of taxes are governed by G. S. 105-357(2).

F. Policy on Appropriations:

The Board of County Commissioners will not consider supplemental appropriations for any service, function, purpose or activity that could have been reasonably considered during the budget process.

G. Tax Collector:

Tracy L. Sample is hereby appointed Tax Collector.

SECTION 31. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this budget ordinance for administration of the budget and for the accounting system.

ADOPTED this 16th day of June 2008.

Barry Nelms

Barry Nelms, Chairman
Board of Commissioners

ATTEST:

Gwen H. Keene

Gwen H. Keene
Clerk to the Board

**CURRITUCK COUNTY
CLASSIFICATION BY SALARY GRADE
FOR THE FISCAL YEAR ENDING JUNE 30, 2009**

SALARY GRADE	SALARY RANGE	CLASSIFICATION
50	\$ 21,568	Custodian Human Resource Aide Senior Center Asst. Coordinator
51	\$ 23,319	Maintenance Helper SOS Assistant Park Attendant
52	\$ 25,069	Accounting Clerk I Deputy Register of Deeds Visitor Relations Coordinator District Administrator 4H-SOS Associate Library Assistant I Permit Officer Processing/Public Information Assistant IV Secretary I Tax Clerk Customer Serv Clerk Water Mechanic Helper Recreation Specialist DCI CP/Clerk Meter Reader Public Info Asst V Recreation Assistant Community Social Services Asst.
53	\$ 26,820	Library Assistant II

		Detention Officer EMT Basic/Firefighter Maintenance/Repair Worker
54	\$ 28,570	Administrative Secretary Agricultural Technician Accounting Clerk II Asst Register of Deeds Income Main Caseworker I Animal Control Officer SOS Program Director Telecommunication Trainee F&C Sciences Associate Deputy Director of Elections Officer Manager/Bulk Mail Supervisor Secretary II Intake Officer Library Associate I
55	\$ 30,322	Superintendent of Parks Maintenance/Repair Worker Electrician EMT Intermediate FF Deputy Tax Collector Accounting Clerk III Telecommunicator I Water Clerk II *Library Associate II Administrative Assist I Water Mechanic
56	\$ 32,074	Sergeant Detention Officer Income Maint Caseworker II Telecommunicator II Deputy Trainee Video Production Assistant

		Animal Control Supervisor Support Technician Wastewater Operator Trainee Water Plant Operator Trainee Planner Technician Tax Mapper
57	\$ 33,823	*Administrative Assistant II Development Code Enforcement Officer Deputy Sheriff I Building Inspector I Human Resources Asst Accounting Technician Program Director- Jail Wastewater Operator Deputy Emerg Management Coord Maintenance Supervisor Water Plant Operator Social Worker I
58	\$ 35,574	Tax Appraiser EMC Deputy Sheriff II *Lieutenant Detention Officer Training Officer Income Maint Caseworker III Income Maint Investigator II
59	\$ 37,325	Legal Assistant EMT Paramedic/Firefighter Deputy Sheriff III Detective I Financial & Budget Asst Building Inspector II probationary/ FQ Inspect I

		Planner I
60	\$ 39,076	Fire Marshal Detective II Marketing Coordinator Sr Center Coordinator Information and Communicator Officer Soil & Water Technician Electronic Media Coordinator *Communications Supervisor GIS Coordinator *Income Maint Supervisor II Social Worker II
61	\$ 40,827	Building Inspector III probationary/ FQ BI II Detective Sergeant Patrol Sergeant *Director of Elections Water Plant Distribution Supervisor
62	\$ 42,578	Social Worker III *Building Superintendent Social Worker Invest/Assess Treatment *Jail Superintendent
63	\$ 44,327	Building Inspector III FQ *Administrative Lieutenant *Captain Shift Supervisor *Captain Training *Patrol Lieutenant *Recreation Director *Social Work Supervisor II *Chief Water Plant Operator
64	\$ 46,079	Senior Planner * Chief Building Inspector

65	\$ 48,205	*Deputy Chief Fire and EMS *Chief Deputy Sheriff Dept *Admin Assistant/ Clerk to Board *Airport Manager
66	\$ 49,582	*Social Worker Supv III *Public Information Director *Water Superintendent
67	\$ 51,330	*Emerg Mgmt Director
68	\$ 53,081	*Tax Administrator *IT Director *Human Resources Director
69	\$ 54,832	
70	\$ 56,636	
71	\$ 58,333	
72	\$ 60,085	
73	\$ 61,835	*Director of Social Services *Chief of EMS *Finance Director *Economic Development Director
74	\$ 63,586	
75	\$ 65,336	
76	\$ 67,088	*Utilities Director
77	\$ 68,837	
78	\$ 70,589	*Planning Director
79	\$ 72,340	
80	\$ 73,876	
81	\$ 75,470	*Engineer

* indicates exempt status

Board determined

Board determined

Board determined

Board determined

*County Manager salary

*Sheriff's salary

*Register of Deeds' salary

*Attorney's salary

Public Hearing and Action on Submittal of a Community Development Block Grant Application to the NC Division of Community Assistance for the 2008 Scattered Site Housing Program.

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

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

Action on PB 08-19 Shirley D. Webber: Request to establish a Conditional District - Planned Unit Development Overlay Zone (CD-PUD) on 226 acres. The property is located at 7160 Caratoke Highway, approximately 2/10ths of a mile south of the intersection with Forbes Road, adjacent to the North River. Tax Map 109, Parcel 156, Poplar Branch Township.

Ben Woody, Planning Director, reviewed the 7 conditions to be accepted by the developer.

At its June 16, 2008 meeting, the Currituck County Board of Commissioners voted to approve the request to establish a Conditional District - Planned Unit Development Overlay Zone (CD-PUD) on 226 acres as shown on Tax Map 109, Parcel 156 with the following conditions:

1. Maximum gross residential density of 1.5 dwelling units per acre.
2. Provide interconnectivity in a north-south direction via stub streets to the existing property line; the specific locations will be identified as part of the sketch plan or an approved master plan.
3. Provide a bike lane along identified proposed rights-of-way to promote alternate means of transportation throughout the proposed development; the specific location of the internal streets will be identified as part of the sketch plan or an approved master plan.
4. Provide design controls by formulating an architectural theme (on both residential and commercial properties) to promote architectural styles that are reflective of a coastal community; the specific styles will be identified as part of the sketch plan or an approved master plan.
5. Provide vegetative buffers and berms as necessary along the property line adjacent to agricultural and

farming properties; additional landscaping requirements in these specific areas will be identified as part of the sketch plan or an approved master plan.

- 6. Allow public access to the water's edge of the North River.
- 7. Agree to design and construct all roads pursuant to North Carolina Department of Transportation standards.

Eddie Valdivieso, Engineer, accepted the 7 conditions.

Commissioner Bowden moved to approve with conditions. Commissioner Gregory seconded the motion. Motion carried.

Commissioner Etheridge to report on recent recognition of the Tourism Department by the Destination Marketing Association of North Carolina

Commissioner Etheridge commended the Tourism Staff for their accomplishments and awards received.

Appointment to the Game Commission

Commissioner Bowden moved to re-appoint Mike Cason. Commissioner Gregory seconded the motion. Motion carried.

Consent Agenda:

- 1. Budget Amendments
- 2. Approval of June 2, 2008, Minutes
- 3. Resolution supporting 2nd ferry to Knotts Island.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
55818-562000	Professional Services - H2O Plant	\$ 610,700	
55818-563000	Professional Services - Dist Sys	\$ 1,261	
55818-588002	Contingency - H2O Plant		\$ 85,180
55818-588003	Contingency - Dist Sys		\$ 62,281
55818-592004	H2O Plant - Raw Storage		\$ 464,500
		\$ 611,961	\$ 611,961

Explanation: *Mainland Water Construciton Fund (55818)* - Transfer funds to reinstate professional services removed prior to debt funding and to transfer duplicate storage

contract.

Net Budget Effect:

Mainland Water Construction Fund (55) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
52661-545001	Housing Rehabilitation Albemarle Commission	7321	
52330-450001	Grant		\$ 7,321
		\$ 7,321	\$ 7,321

Explanation: *2002 CDBG Program (52661)* - To record additional funding from Albemarle Commission for remainder of the 2002 project.

Net Budget Effect:

Multi-year Grant Fund (52) - Increased by \$7,321.

RESOLUTION

KNOTT'S ISLAND FERRY

WHEREAS, the Currituck County Board of Commissioners voted unanimously on June 16, 2008 to support the request to keep the second ferry to Knotts Island; and

WHEREAS, 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, due to the increased growth on Knotts Island we would like to request that we keep the second ferry to Knotts Island;

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners respectfully requests your assistance to keep the 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.

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

Commissioner's Report

Commissioner Bowden, commented on the Carova Beach Shelter.

Commissioner Gregory commended staff on the budget.

Board commended staff on recent meeting on LUP.

County Attorney will review closing federally funded roadways.

County Manager's Report

Mr. Scanlon, commended staff on recent hurricane meeting. He also commended county fire department volunteers for helping with Hyde County fire.

Closed Session according to GS 143-318.11(3) consult with attorney to prevent the disclosure of information that is privileged.

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

Adjourn

After reconvening from closed session, no action was taken. There being no further business, the meeting was adjourned.

Tourism Development Authority**Call to Order**

Chairman Nelms called the meeting to order.

Public Hearing and Action on FY 08-09 Budget

Chairman Nelms opened the public hearing.

Commissioner Gregory stated that the Board needed a review process for spending.

Commissioner Bowden stated that the realtors and the repeat business is what is keeping the tourist industry going.

After much discussion Commissioner Bowden moved to schedule a work session on the budget. Commissioner Gregory seconded the motion. Motion carried with Commissioner Etheridge and Taylor voting no.

**CURRITUCK COUNTY TOURISM DEVELOPMENT AUTHORITY
BUDGET ORDINANCE**

For the Year Ending June 30, 2009

BE IT ORDAINED by the Currituck County Tourism Development Authority, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2008 and ending June 30, 2009.

SECTION 1. OCCUPANCY TAX - PROMOTION

A. Estimated Resources:

Occupancy Tax	<u>2,321,096</u>
	2,321,096
 TOTAL ESTIMATED RESOURCES	 <u>\$ 2,321,096</u>

B. Appropriations:

Occupancy Tax - Promotion	<u>\$ 2,321,096</u>
	<u>2,321,096</u>
 TOTAL APPROPRIATIONS	 <u>\$ 2,321,096</u>

The information above is presented in summary form. Complete detailed information is on file with the Finance Director.

SECTION 2. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the funds as contained herein under the following conditions.

- a. He may transfer amounts within the same department within the same fund up to Ten Thousand dollars (\$10,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners on a quarterly basis.
- b. He may transfer amounts between departments within the same fund up to One Thousand dollars (\$1,000) providing an official report on such transfers at the next regular meeting of the Board of Commissioners.
- c. He may appropriate fund balance to salaries and benefits in order to increase salaries of employees who have met requirements to increase certifications required by the County providing an office report on such transfers at the next regular meeting of the Board of Commissioners.
- d. He may make interfund loans for a period of not more than sixty days (60).
- e. He may not transfer any amounts between funds or from any contingency line items within any funds.

SECTION 29. CONTRACTUAL OBLIGATIONS

The County Manager or the County Attorney are hereby authorized to execute contractual documents under the following conditions:

- a. They may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. They may award contracts, reject bids, re-advertise for bids, waive bid bonds or bid deposit requirements, and waive performance and payment bond requirements for all formal bids of apparatus, supplies, materials and equipment as stated in G. S. 143-129.
- c. They may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- d. They may execute grant agreements to and from public and nonprofit organizations which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.

- e. They may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 30. MEMORANDA

- A. **Officers:**
Daniel F. Scanlon II CPA is the Budget Officer
Donald Ikerd McRee is the County Attorney
Sandra L. Hill CPA is the County Finance Director

- B. **Facsimile Signatures:**
The use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts is hereby authorized; however, off-line checks and pre-audit certification requires in the minimum of one original authorizing signature. The Finance Director is hereby charged with the custody of all facsimile machines, stamps, plates or other devices.

- C. **Official Depositories:**
The Official depositories of the Tourism Development Authority are:
The Bank of Currituck, North Carolina
The East Carolina Bank, Currituck, North Carolina
Bank of America, North Carolina
Branch Bank and Trust, North Carolina
Gateway Bank, North Carolina
North Carolina Cash Management Trust, Charlotte, North Carolina
Wachovia Bank, North Carolina

- D. **Daily Deposits:**
Daily deposits are required by all departments when the amount of money held on hand sums to Two Hundred Fifty dollars (\$250).

- E. **Returned Check or Electronic Funds Transfer Fees:**
The Tourism Development Authority will assess a returned check charge consistent with G. S. 25-3-512 on all checks or electronic funds transfers returned to the County due to insufficient or unavailable funds, except for the payment of taxes. The returned check fee will be \$25.00 per item returned. This fee will also be charged for ACH or credit card transactions that are not paid due to insufficient funds. The penalty for returned checks and electronic funds transfers for payment of taxes are governed by G. S. 105-357(2).

- F. Policy on Appropriations:
The Tourism Development Authority will not consider supplemental appropriations for any service, function, purpose or activity that could have been reasonably considered during the budget process.

- G. Tax Collector:
Tracy L. Sample is hereby appointed Tax Collector.

SECTION 31. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this budget ordinance for administration of the budget and for the accounting system.

ADOPTED this 23th day of June 2008.

Adjourn

There being no further business, the meeting adjourned.



MEMORANDUM

To: Board of Commissioners

From: Patrick Irwin
Currituck County Utilities Director

Ref: Resolution to Declare Surplus Items.

Date: July 7, 2008

Background

The Southern Outer Banks Water System has 256 obsolete meters made of brass that will be sold for scrap.

Analysis

The meters will be stripped of all parts and the brass bodies will be kept and sold for scrap.

Conclusion

Once the items are declared surplus we will sell them for scrap to the highest bidder.

From: Dan Scanlon
Sent: Wednesday, June 25, 2008 7:50 AM
To: Gwen Keene; Barry Nelms; Gene Gregroy; Janet Taylor; Mary Gilbert; Owen Etheridge
Subject: FW: NCACC Annual Conference voting delegate information

From: Todd McGee [mailto:todd.mcgee@ncacc.org]
Sent: Tuesday, June 24, 2008 5:36 PM
To: Chair Commissioners
Cc: County Clerks; County Managers
Subject: NCACC Annual Conference voting delegate information

Each year, the Association asks counties to select a voting delegate for the NCACC Annual Conference. Attached is the form you will need to fill out and return to us by Aug. 6. Please put this selection on the agenda of one of your upcoming board meetings.

The voting delegate will cast your county's vote in the elections for our officers as well as any other resolutions that are voted on during the annual business session, which will be held on Saturday, Aug. 23.

Please let me know if you have any questions.



Todd McGee
Communications Director
Office: 919.715.7336
Cell: 919.760.5160
Fax: 919.733.1065
www.ncacc.org

100 Years of County Unity, 1908 - 2008

Designation of Voting Delegate to NCACC Annual Conference

I, _____, hereby certify that I am the duly designated voting delegate for _____ County at the 101st Annual Conference of the North Carolina Association of County Commissioners to be held in Craven County, North Carolina, on August 21-24, 2008.

Signed: _____

Title: _____

Article VI, Section 2 of our Constitution provides:

"On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its county commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who is formally designated by the board of county commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year's dues."

Please return this form by: **Wednesday, August 6, 2008:**

**NCACC
215 N. Dawson St.
Raleigh, NC 27603
Fax: 919-733-1065**

NORTH CAROLINA

CURRITUCK COUNTY

INTERLOCAL
COOPERATION AGREEMENT

This Agreement made and entered into the ____ day of _____, 2008,
by and between the COUNTY OF CURRITUCK, NORTH CAROLINA, (the "County"),
a body corporate and politic existing pursuant to the laws of the State of North
Carolina, and CURRITUCK COUNTY TOURISM DEVELOPMENT AUTHORITY, (the
"Authority"), a public authority existing pursuant to Chapter 95 of the 2004 Session
Laws:

WITNESSETH:

ARTICLE I

Recitals

The following recitals are incorporated in this Agreement as an integral part of
this Agreement:

WHEREAS, the Chapter 95 of the 2004 Session Laws establishes the use of
revenue generated by County's levy of an occupancy tax creation of the Authority with
power to expend occupancy tax proceeds to promote travel and tourism, sponsor
tourist-related events and activities in the County and finance tourist-related capital
projects in the County; and

WHEREAS, the Authority requires the assistance of County for staff necessary to
carry out Authority's mandate and to establish the budgetary and financial accounting

controls and processes required of a public authority by the Local Government Budget and Fiscal Control Act; and

WHEREAS, the Board of Commissioners for the County and governing board for the Authority, in separate sessions duly convened, find and declare that it is in the public's welfare and best interest that the County and Authority enter into this Agreement; and

WHEREAS, the County and Authority are authorized by Article 20 of Chapter 160A of the North Carolina General Statutes to enter into contracts or agreements with each other to execute any undertaking involving the joint exercise or the exercise by one for the other of any power, function, public enterprise, right, privilege or immunity of local government;

NOW, THEREFORE, in consideration of the terms, conditions and covenants expressed in this Agreement, the parties agree as follows:

ARTICLE II

Purpose of Agreement

The purpose of this Agreement is to provide for the Authority's promotion of travel and tourism, sponsorship of special tourist-related events, financing of tourist related capital projects, the management, budgetary and fiscal control of Authority by County and Authority's payment to County for such services.

ARTICLE III

Duration

This Agreement shall be effective when executed and delivered to the respective parties. This Agreement shall continue in full force and effect until terminated in accordance with Article VII to this Agreement.

ARTICLE IV

Responsibilities of County

(a) County shall conduct, manage, operate and arrange all the affairs of travel and tourism marketing and promotion services, sponsorship of special tourist-related events, financing of tourist related capital projects as budgeted annually by Authority and the management, budgetary and fiscal control the Authority's budget, including, but not limited to the hiring of employees necessary for County to carry out County's responsibility and obligation under this article.

(b) County shall maintain or cause to be maintained the financial accounting services necessary for the Authority's function as a public authority under the Local Government Budget and Fiscal Control Act including but not limited to the preparation of Authority's budget, the processing and payment of bills, the drafting, execution and administration of contracts and annual audit of Authority's finances.

ARTICLE V

Responsibilities of Authority

Authority shall each year of this Agreement budget for and pay to County all costs incurred by County for the provision of services set forth in Article IV of the Agreement.

ARTICLE VI

Methods for Terminating the Agreement

This Agreement may be terminated upon mutual consent of the County and Authority. In addition, any party may withdraw from this Agreement by giving 30 days notice in writing to each of the other party.

ARTICLE VII

Amendment

This Agreement may not be modified or amended except by subsequent written agreement authorized by the governing bodies of each party and signed by authorized representatives of each party.

ARTICLE VIII

Entire Agreement

This instrument contains the entire agreement between the parties, and no statement, oral or written, made by any party or agent of any party that is not contained in this written Agreement shall be valid or binding.

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ARTICLE IX

Originals

This Agreement shall be executed by the parties in two originals, each of which, when executed, shall constitute one and the same Agreement

ARTICLE X

Governing Law

This Agreement shall be governed in accordance with the laws of the State of North Carolina.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the same having been approved by the respective governing boards of the County and Authority.

ATTEST:

COUNTY OF CURRITUCK

Clerk to the Board

Chairman, Board of Commissioners

(S E A L)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Currituck County Finance Officer

ATTEST:

CURRITUCK COUNTY TOURISM
DEVELOPMENT AUTHORITY

Clerk to the Board

Chairman

(S E A L)

This instrument has been preaudited in the manner required by the Local
Government Budget and Fiscal Control Act.

Finance Officer

RESOLUTION
SECONDARY ROAD FUNDING

WHEREAS, during the 2007-2008 Secondary Road Program the Department of Transportation is proposing to widen and strengthen SR 1137 (Narrow Shore Road) from SR 1139 to SR 1135 (Aydlett Road); and

WHEREAS, the total estimated costs is \$450,000.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners supports the funding of this request from the Secondary Road funds.

ADOPTED this the 7th day of July, 2008.

ATTEST:

Barry C. Nelms, Chairman

Gwen H. Keene, CMC
Clerk to the Board