

CURRITUCK COUNTY  
NORTH CAROLINA  
August 4, 2008

The Board of Commissioners met 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**

Commissioner Bowden moved to approve the agenda by adding Item 5A, Approval of Agreement to Purchase Easement on Tulls Creek Road. Commissioner Gregory seconded the motion. Motion carried.

- Item 2**            **Public Comment**  
*Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.*
- Item 3**            **Public Hearing and Action**    PB 08-32 Historic Jarvisburg Colored School, Inc.: Request a Special Use Permit for a museum located at 7302 Caratoke Highway and approximately 400 feet north of Colonial Beach Road, Tax Map 109, Parcel 114B, Poplar Branch Township.
- Item 4**            **A Resolution of the Board of Commissioners for the County of Currituck Declaring Its Intention to Consider the Permanent Closing of Portions of Rock Lane, Shad Lane and Shark Lane in Fruitville Township.**
- Item 5**            **Consideration of Bid Award Recommendation for RO Deep Wells-Mainland Water System Upgrades**
- Item 6**            **Consent Agenda:**  
1. Budget Amendments  
2. Petition to NCDOT for Road Addition - Bayview Road  
3. Petition to NCDOT for Road Addition - Armstead Court  
4. Final Adjusting Change Order-Law Enforcement Kitchen Addition  
5. Approval of July 21, 2008, Minutes
- Item 7**            **Commissioner's Report**
- Item 8**            **County Manager's Report**

Adjourn

**Tourism Development Authority Meeting**

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.

Chip Friedman presented the Board with his proposal for Moyock Commons Wastewater Project and requested the Board to move forward with his proposal.

The Board agreed to hold a work session on this subject at their next meeting August 18, 2008 at 5:00 p.m.

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

**Public Hearing and Action PB 08-32 Historic Jarvisburg Colored School, Inc.: Request a Special Use Permit for a museum located at 7302 Caratoke Highway and approximately 400 feet north of Colonial Beach Road, Tax Map 109, Parcel 114B, Poplar Branch Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Church	Zoned A
<b>SOUTH:</b>	Residential	Zoned A
<b>EAST:</b>	Residential/Dominion Power Substation	Zoned GB
<b>WEST:</b>	Church/Residential	Zoned A/R

**NARRATIVE:**

1. The Historic Jarvisburg Colored School is proposing to construct a 416 square foot visitor's center on the same parcel as the historic school. The structures will be used as a museum.
2. The property contains 41,580 square feet.
3. This property is zoned Agricultural and museums are listed as a permissible use requiring a special use permit in the Table of Permissible Uses.

**SPECIAL USE PERMIT 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. *COMPLETENESS OF THE APPLICATION*  
**Suggested Findings:**
  - a. Based on staff review all required information has been submitted.
2. *COMPLIANCE WITH ORDINANCE REQUIREMENTS*  
**Suggested Findings:**
  - a. The proposed development generally complies with the provisions of the UDO.

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

*i. The proposed use **will not** materially endanger the public health or safety for the following reasons:*

**Suggested Findings:**

Public health and safety issues including stormwater management, wastewater disposal and access for emergency services have been adequately addressed for this development.

*ii. The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:*

**Suggested Findings:**

The proposed construction of a 416 square foot visitor's center in conjunction with the existing historic school used as a museum should have no negative impact on adjoining property. The adjoining uses include residential and religious uses. The proposed development is consistent with the objectives of the Currituck County Unified Development Ordinance and promotes compatibility between the subject property and surrounding area.

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

**Suggested Findings:**

The preservation and cultural Historic Colored School and proposed museum should be compatible with the neighborhood, and have no negative impact on the adjoining property.

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

**Suggested Findings:**

The 2006 Land Use Plan classifies the site as **Limited Services** within the **Jarvisburg** sub-area.

The purpose of the Limited Services Area class is to ensure that the existing community character is preserved. Design criteria should be established to ensure to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. Businesses designed to serve the tourist industry should not be prohibited provided the character and intensity of the use is in keeping with the character of the surrounding area.

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

**POLICY HP1:** Local efforts to identify, designate and preserve SITES, BUILDINGS, AND DISTRICTS OF PARTICULAR HISTORIC SIGNIFICANCE shall be supported.

**POLICY HP3:** Development of the TOURISM AND EDUCATIONAL POTENTIAL of the area's architectural, historic and cultural resources shall be encouraged.

**POLICY HP7:** The County, working in cooperation with non-profit groups and private organizations, shall seek to maintain and restore the architectural and cultural HERITAGE OF VARIOUS "COMMUNITIES" in Currituck County.

The proposed development is consistent with the objectives of the Currituck County Unified Development Ordinance, 2006 Land Use Plan, and promotes compatibility between the subject property and surrounding area.

- C. *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 sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with the UDO.*

**Suggested Findings:**

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

**TECHNICAL REVIEW COMMENTS:**

Fire Marshal Comments (James Mims 252-232-6641):

No Comment.

Building Inspector Comments (Spence Castello 252-232-6020):

Approved as is.

Soil Conservation Comments (Mike Doxey 252-232-3360):

Approved as is.

County Engineer Comments (Eric Weatherly 252-232-6035)

Approved as is including 2.9% increased lot coverage allowance.

Public Works, Utilities, Comments (Pat Irwin 252-232-2769):

Flushometers toilets and urinals will require a one inch service. *Comment: The revised plans indicate a one inch water service.*

Albemarle Regional Health Services (Kevin Carver):

Approved. The engineer wants proposed structure at 480 gpd and plans state 600 gpd.  
*Comment: The revised plans indicate 480 gpd.*

NCDOT Comments (Roger Ward) 252-331-4737:

A driveway permit is required.

County Manager, Dan Scanlon

No comments received.

**STAFF RECOMMENDATION**

The proposal appears to meet the criteria for granting a Special Use Permit and staff recommends **APPROVAL** with the following conditions:

1. The site plan shall meet the requirements of the UDO.
2. A type C bufferyard shall be installed along Caratoke Highway and identified on the site plan.
3. A landscape reduction from a type A bufferyard to a type C bufferyard will be authorized once the written acknowledgement is received from Corinth Missionary Baptist Church. All required landscaping along the church property line shall be located so that it does not interfere with the adjoining church parking area as well as access to the neighboring properties.
4. All exterior display racks must be properly secured and materials removed during periods of severe weather conditions.
5. The access to the parking area shall be clearly identified with signage to guide traffic entering the property to the designated parking areas.

6. An overflow parking area shall be identified. If the overflow parking area is located on an adjacent property, written authorization shall be provided.

#### **PLANNING BOARD DISCUSSION**

Mr. Stewart stated that the property line between the church and school house the way it is set up is where the church parking is and a buffer will not work in this location. Mr. Stewart stated he got permission from the church to waive the requirements for the buffer in this area.

Mr. Woody stated that the ordinance does require a buffer with some type of landscaping and trees.

Mr. Stewart stated it would be a good idea to plant trees, but what you would be doing is inconveniencing the people that you are trying to protect if the bufferyard is for the benefit of the adjoining property owners which are the church people who will want to park there.

Mr. Woody stated that the Planning Board does not have the authority to delete the bufferyard, but they could reduce it. The planning staff can work with the applicant where the trees should be planted.

Mr. Stewart stated that they could come up with the number of trees required and have a consensus between the church and the planning staff where the trees could be planted in a reasonable location.

#### **ACTION**

Mr. Kovacs motion to recommend approval with staff recommendations for a Special Use Permit for a museum. Mr. West seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Bob Stewart, Engineer, stated that the buffer questions have been resolved.

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

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

#### **Resolution of the Board of Commissioners for the County of Currituck Declaring Its Intention to Consider the Permanent Closing of Portions of Rock Lane, Shad Lane and Shark Lane in Fruitville Township.**

Ike McRee, County Attorney, reviewed the request.

Commissioner Bowden stated that there was no Shark Lane, just an easement for pedestrian access.

Commissioner Gregory moved to approve the resolution and set public hearing for September 2, 2008. Chairman Nelms seconded the motion. Motion carried.

#### **A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CURRITUCK DECLARING ITS INTENTION TO CONSIDER THE**

**PERMANENT CLOSING OF PORTIONS OF ROCK LANE, SHAD LANE AND SHARK LANE IN FRUITVILLE TOWNSHIP**

The Board of Commissioners for the County of Currituck, North Carolina, hereby adopts the following resolution:

BE IT RESOLVED, that the Board of Commissioners for the County of Currituck hereby declares its intention to consider the permanent closing of that portion of certain roads described as follows:

**Rock Lane**

Being a certain tract of land lying and situated in Fruitville Township, Currituck County, North Carolina and being further described as follows:

Beginning at a point situated at the south west corner of Lot 15, Block 4, Section 1, Carova Beach recorded in the Currituck County Public Registry, Deed Book 116, Page 1, and Map Book 2, Page 113, and also being situated on the northeast corner of the intersection of Sandfiddler Road, a 60' public right of way and Rock Lane, a 60' public right of way. Said point of beginning also being located on the northern right of way of the aforementioned Rock Lane at a point where Rock Lane becomes a 40' public right of way.

Thence leaving said point of beginning and running and binding with the northern right of way line of the aforementioned Rock Lane and the southern line of the aforementioned Lot 15 N  $88^{\circ}15'00''$  E approximately 536.95 feet to a point, the Mean High Water Line of the Atlantic Ocean as observed on February 14, 2008. Thence running with the aforementioned Mean High Water Line S  $00^{\circ}43'42''$  E approximately 40.01 feet to a point situated on the southern right of way line of the aforementioned Rock Lane, said point also being on the northern boundary of Carova Beach Business Area, Lot A, Section 2, Carova Beach recorded in the Currituck County Public Registry, Deed Book 115, Page 453 and Map Book 2, Page 125.

Thence leaving the Mean High Water Line of the Atlantic Ocean and running and binding with the south right of way of the aforementioned Rock Lane and the north line of the aforementioned Lot A S  $88^{\circ}15'00''$  W approximately 536.24 feet to a point at the intersection of the south right of way of the aforementioned Rock Lane and the east right of way of the aforementioned Sandfiddler Road, said point also being situated at the north west corner of the aforementioned Lot A.

**Shad Lane**

Being a certain tract of land lying and situated in Fruitville Township, Currituck County, North Carolina and being further described as follows:

Beginning at a point situated on the south west boundary of Carova Beach Business Area, Lot A, Section 2, Carova Beach recorded in the Currituck County Public Registry, Deed Book 115, Page 453, and Map Book 2, Page 125, and also being situated on the northeast corner of the intersection of Sandfiddler Road, a 60' public right of way and Shad Lane, a 60' public right of way. Said point of beginning also being situated S  $01^{\circ}45'00''$  E 310.00 feet of the intersection of

the aforementioned Sandfiddler Road and Rock Lane, a 60' public right of way and also being located on the northern right of way of the aforementioned Shad Lane.

Thence leaving said point of beginning and running and binding with the northern right of way line of the aforementioned Shad Lane and the southern line of the aforementioned Lot A S  $46^{\circ}45'00''$  E 56.57 feet to a point. Thence running and binding with the northern right of way of Shad Lane and the south line of Lot A N  $88^{\circ}15'00''$  E approximately 492.73 feet to a point, the Mean High Water Line of the Atlantic Ocean as observed on February 14, 2008. Thence running with the aforementioned Mean High Water Line S  $00^{\circ}35'07''$  W approximately 30.02 feet to a point on the Mean High Water Line. Thence running with the Mean High Water Line S  $01^{\circ}45'00''$  E 30.00 feet to a point situated on the southern right of way line of the aforementioned Shad Lane, said point also being on the northern boundary of Lot 1, Block 1, Section 2, Carova Beach recorded in the Currituck County Public Registry, Deed Book 893, Page 809 and Map Book 2, Page 125.

Thence leaving the Mean High Water Line of the Atlantic Ocean and running and binding with the south right of way of the aforementioned Shad Lane and the north line of the aforementioned Lot 1 the following two (2) courses and distances:

- 1) S  $88^{\circ}15'00''$  W approximately 491.51 feet to a point
- 2) S  $43^{\circ}15'00''$  W 56.57 feet to a point situated in the intersection of the south right of way of the aforementioned Shad Lane and the east right of way of the aforementioned Sandfiddler Road, said point also being situated at the south west corner of the aforementioned Lot 1.

Thence leaving the south right of way of Shad Lane and running and binding with the east right of way of Sandfiddler Road N  $01^{\circ}45'00''$  W 140.00 feet to a point, the point and place of beginning, containing 33,509 square feet more or less.

Said parcel of land being a portion of Shad Lane, a 60' public right of way including the intersection triangle with Sandfiddler Road extending from the east right of way of Sandfiddler Road to the Mean High Water Line of the Atlantic Ocean.

### **Shark Lane**

Being a certain tract of land lying and situated in Fruitville Township, Currituck County, North Carolina and being further described as follows:

Beginning at a point situated at the south west corner of Lot 15, Block 4, Section 5, Carova Beach recorded in the Currituck County Public Registry, Deed Book 463, Page 574, and Map Book 2, Page 139, and also being situated N  $35^{\circ}07'12''$  E 100.00 feet of the south east intersection of Sandfiddler Road a 60' public right of way and Shark Lane, a 60' public right of way. Said point of beginning also being located on the eastern right of way of the aforementioned Sandfiddler Road.

Thence leaving said point of beginning and running and binding with the southern line of the aforementioned Lot 15 N  $88^{\circ}15'00''$  E approximately 639.62 feet to a point, the Mean High Water Line of the Atlantic Ocean as observed on February 14, 2008. Thence running with the aforementioned Mean High Water Line S  $01^{\circ}49'58''$  E approximately 20.00 feet to a point

situated on the northern line of the Lot 2A, the north 100 feet of Business Area A, Section 5, Carova Beach recorded in the Currituck County Public Registry, Deed Book 353, Page 652 and Map Book 2, Page 139.

Thence leaving the Mean High Water Line of the Atlantic Ocean and running and binding with the north line of the aforementioned Lot 2A S 88° 15'00" W approximately 639.65 feet to a point at the intersection of the east right of way of the aforementioned Sandfiddler Road, said point also being situated at the north west corner of the aforementioned Lot 2A.

Thence leaving the north line of Lot 2A and running and binding with the east right of way of Sandfiddler Road N 01°45'00"W 20.00 feet to a point, the point and place of beginning, containing 12,793 square feet more or less.

Said parcel of land being a 20' public pedestrian beach access extending from the east right of way line of Sandfiddler Road to the Mean High Water Line of the Atlantic Ocean.

The Petitioner having set forth the following:

WHEREAS, Rock Lane, Shad Lane and Shark Lane, described above, were dedicated to the public upon approval of Carova Beach Subdivision; and

WHEREAS, the portions of Rock Lane, Shad Lane and Shark Lane proposed to be closed have never actually been opened and used by the public or by any other party within fifteen years from and after the filing or record of the plat of Carova Beach Subdivision in the office of the Register of Deeds of Currituck County, North Carolina, and the County of Currituck has never actually opened or assumed responsibility for maintaining any portion of the sections of the roads proposed for closing; and

WHEREAS, no property owner would be deprived of a reasonable means of ingress and egress to his or her property by virtue of the closing of the portion of the road described above.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners for the County of Currituck hereby declares its intention to consider the permanent closing of that section of Sandfiddler Road described above and that appropriate notice of public hearing of this matter be given pursuant to §§ 153A-241 of the General Statutes of North Carolina, and that the public hearing be at the Board's regular meeting at 7:00 o'clock P.M., or as soon thereafter as the matter can be reached, on the 2nd day of September, 2008.

**Consideration of Bid Award Recommendation for RO Deep Wells-Mainland Water System Upgrades**

Eric Weatherly, Engineer, reviewed the bids that were received and recommended Magette Well & Pump be awarded the bid.

Commissioner Etheridge moved to award bid to Magette in the amount of \$687,171.20. Commissioner Taylor seconded the motion. Motion carried.

**Approval of Agreement to Purchase Easement on Tulls Creek Road.**

Ike McRee, County Attorney, reviewed the agreement for an easement that will be used for the mainland water treatment plant. The agreement is for \$2,565.00.

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

**Consent Agenda:**

1. Budget Amendments
2. Petition to NCDOT for Road Addition - Bayview Road
3. Petition to NCDOT for Road Addition - Armstead Court
4. Final Adjusting Change Order-Law Enforcement Kitchen Addition
5. Approval of July 21, 2008, Minutes

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50640-570004	Reimburseable Expenses	\$ 47,309	
50640-588004	Contingency		\$ 47,309
		<u>\$ 47,309</u>	<u>\$ 47,309</u>

**Explanation:** Cooperative Extension Building (50640) - To transfer funds from contingency for computer technology, drapes, seeding and final closeout items for the Cooperative Extension Building.

**Net Budget Effect:** County Governmental Construction Fund (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10441-590000	Capital Outlay Fund Balance	\$ 59,700	
10390-499900	Appropriated		\$ 59,700
		<u>\$ 59,700</u>	<u>\$ 59,700</u>

**Explanation:** Information Technology (10441) - To carryforward the following capital purchases

from FY 2008 to FY 2009:

Phone System Upgrades	\$	50,000
Anti-virus software	\$	1,700
2 Domain Controllers	\$	8,000
	\$	<u>59,700</u>

**Net Budget Effect:**

Operating Fund (10) - Increased by \$59,700.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
50550-592008	Hangar/Taxiway 36237.8.7.1	\$	123,600		
50550-592009	Rehab Taxiway A	\$	260,000		
50330-448000	State Aide to Airports			\$	345,240
50390-495015	T F - Occupancy Tax			\$	38,360
			<u>\$ 383,600</u>		<u>\$ 383,600</u>

**Explanation:** Airport Expansion (50550) - To increase appropriations for Airport Project 36237.8.7.1 - Hangar and Taxiway Construction for \$123,600 and for Airport Project 36244.10.3.1 - Rehabilitate Taxiway A & Concrete Apron. These projects will be funded with a 90% grant from the Division of Aviation and 10% matching funds from Occupancy Tax - Tourism Related Expenditures.

**Net Budget Effect:**

County Governmental Construction Fund (50) - Increased by \$383,600.

**Commissioner's Report**

No comments

**County Manager's Report**

Dan Scanlon, updated the Board on the Tulls Creek Road Bridge and completion date.

**Adjourn**

There being no further business, the meeting adjourned.

Call to Order

Chairman Nelms called the Authority meeting to order.

**Budget Amendments**

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-526201	Promotional Items	\$ 21,475	
15380-481000	Investment Earnings	.	\$ 21,475
		<u>\$ 21,475</u>	<u>\$ 21,475</u>

**Explanation:** Occupancy Tax - Promotion (15442) - To increase appropriation to contract with Lawrence-Park LLC to prepare an Economic Development marketing plan to promote Economic Development in Currituck County.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$21,475.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587050	T T - County Govt Construction	\$ 38,360	
15380-481000	Investment Earnings	.	\$ 38,360
		<u>\$ 38,360</u>	<u>\$ 38,360</u>

**Explanation:** Occupancy Tax - Tourism Related Expenditures (15447) - To increase appropriations to provide 10% matching funds for airport projects 36237.8.7.1 for Hangar and Hangar Taxiway Construction and 36244.10.3.1 to rehabilitate Taxiway A and Concrete apron.

**Net Budget**

**Effect:**                   Occupancy Tax Fund (15) - Increased by \$38,360.

**Adjourn**

There being no further business, the meeting adjourned.