

CURRITUCK COUNTY
NORTH CAROLINA
JULY 7, 2008

The Board of Commissioners met at 5:30 p.m. as the Board of Equalization and Review Committee.

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

Ms. Julie Laub, Mt. Zion Methodist Church, was present to give the invocation.

Approval of Agenda

Chairman Nelms moved to amend the agenda by adding Item 2A, Presentation by Aaron Gay, NC Forest Service, and add to consent agenda: Request to waive tipping fees for Jarvisburg Church of Christ; and Resolution supporting Committee for Workable Coastal Stormwater Rules. Commissioner Bowden seconded the motion. Motion carried.

- 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 Strengthen a Portion of SR 1137 (Narrow Shore Road)
7. Request to waive tipping fee for Jarvisburg Church of Christ
8. Resolution supporting Committee for Workable Coastal Stormwater Rules.

Item 10 Commissioner's Report

Item 11 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 directed staff to move forward with a bike path in Corolla.

Commissioner Gregory requested staff to go back and look at a restroom facility near the Lighthouse property or another site.

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

Presentation by Aaron Gay, NC Forest Service

Aaron Gay, Forest Service, presented an update on what the NC Forest Service offers Currituck County. He also presented a slide presentation of the current wildfires that are responsible for all the smoke we have had since June.

Pubic 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.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, presented the request.

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.

Chairman Nelms opened the public hearing.

Karen Ish, OHPOA, did not object to request but questioned the access to Ponton Lane and access directly from NC 12.

Kathy Cornet, questioned the Ponton access.

Edward Cornet, President of OHPOA, reviewed concerns with drainage with access on NC 12.

Ed Ish, requested that the access be safe.

Daniel Hunt, requested that run off from site be addressed and there be no commercial parking.

Mark Bissell, Engineer, reviewed request and wetland violation along with other questions.

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

Commissioner Bowden moved to approve with staff recommendations and findings of fact and that Item #4 is to be only passenger vehicles, no commercial; and Item #8 is to state there will be direct access from NC 12 and that wetland violation does not impact existing wetlands. Commissioner Gregory seconded the motion. Motion carried.

**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.

Ben Woody, Planning Director, reviewed the request.

**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>	<u>Proposed Zoning</u>
	Agricultural (A)	Residential (R)

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.

Chairman Nelms opened the public hearing.

C.A. Howard, representing the applicant, stated that soils are suitable and requested the Board to approve.

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

Commissioner Bowden moved to approve stating that it is consistent with the Land Use Plan. Commissioner Gregory seconded the motion. Motion carried with Commissioners Taylor and Etheridge voting no.

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.

Ben Woody, Planning Director, reviewed the request.

**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)
----------------	--	--

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. Midgett and Mr. Etheridge. Nays: Ms. Robbins, Ms. Turner and Mr. Winter Motion carried 6-3.

Chairman Nelms opened the public hearing.

Paula Lipman, requested the Board support her request.

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

Commissioner Gregory moved to approve based on request being consistent with the Land Use Plan. Commissioner Bowden seconded the motion. Motion carried with Commissioners Taylor and Etheridge voting no.

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.

Ben Woody, Planning Director, reviewed the request.

**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)
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>	<u>Proposed as</u>
	<u>Residential (R)</u>	
	Approximately 16 lots	Approximately 37 lots.

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 to 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 motioned 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.

Chairman Nelms opened the public hearing.

Ms. Lipman was present. There being no further comments, Chairman Nelms closed the public hearing.

Commissioner Taylor moved to approve and stated that it was consistent with the Land Use Plan. Commissioner Bowden seconded the motion. Motion carried with Commissioner Etheridge voting no.

Award bid for Moyock Library

Mr. Scanlon, County Manager, stated that the county received 9 bids and McKenzie Construction was the low bidder.

Chairman Nelms moved to award the bid to McKenzie Construction for \$1,512,461.00 and alternate \$76,048.00. Commissioner Bowden seconded the motion. Motion carried.

Award bid for Solid Waste Contract

Commissioner Etheridge moved to award contract to Waste Management for 5 years. Commissioner Gregory seconded the motion. Motion carried.

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)
7. Request to waive tipping fee for Jarvisburg
Church of Christ
8. Resolution supporting Committee for Workable
Coastal Stormwater Rules.

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

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

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.

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

\$	17,150	\$	17,150
----	--------	----	--------

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.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense	Increase Revenue or Decrease Expense	Increase Revenue or Decrease Expense
50790-594500	Contract Services	\$	338,509		
50790-590000	Furnishings & Fixtures	\$	90,000		
50790-588000	Contingency	\$	30,000		
50390-495040	T F - Capital Improvements			\$	458,509
40750-587050	T T - Co Govt Construction	\$	458,509		
40750-588000	Contingency			\$	458,509
		\$	917,018	\$	917,018

Explanation: Moyock Library Construction (50790) - To increase appropriations approved March 19, 2007 to award contract for library construction as shown below. This includes an additional \$70,000 for furniture and fixtures and \$20,000 for technology. This will be funded through Capital Improvements Funds.

	<u>Project Ordinance Approved 3/19/07</u>	<u>Amendment</u>	<u>Total Approved Budget to Date</u>
Contract Services	1,250,000	338,509	1,588,509
Furnishings	200,000	90,000	290,000
Prof Services	250,000	-	250,000
Reimburseables	50,000	-	50,000
Contingency	50,000	30,000	80,000
Total	\$ 1,800,000	\$ 458,509	\$ 2,258,509

Net Budget Effect: Capital Improvements Fund (40) - No change.
County Governmental Construction Fund (50) - Increased by \$458,509.

**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 cost 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.

**A Resolution from the County of Currituck
In Support of A Proposed Committee Substitute for S1967
Resulting in Workable Coastal Stormwater Rules**

WHEREAS, the Counties of Hyde, Tyrrell, Perquimans, Camden, Gates, Chowan, Beaufort, Washington, Currituck, Pasquotank, Bertie, and Hertford unanimously adopted resolutions opposing the efforts of the Environmental Management Commission to rewrite 15A NCAC 02H .1005 STORMWATER REQUIREMENTS COASTAL COUNTIES; and

WHEREAS, Currituck County is one of the twelve (12) CAMA counties named above; and

WHEREAS, Currituck County worked actively throughout the Spring and Summer of 2008 to achieve workable Coastal Stormwater Rules to regulate stormwater run-off pollutants in the jurisdiction of Currituck County; and

WHEREAS, Currituck County views the protection of water quality as vital to its interest in economic development and quality of life; and

WHEREAS, Currituck County questions some parts of the attached committee substitute, but finds overall that the legislation results in a workable rule for Currituck County; and

WHEREAS, Currituck County issues this Resolution of Support provided no other amendments or other committee substitutes replace the proposed committee substitute for S1967

NOW THEREFORE BE IT RESOLVED that Currituck County supports the proposed changes to Coastal Stormwater Rules as specified in the proposed committee substitute for S1967.

Commissioner's Report

Commissioner Taylor commented on the progress of Moyock Library.

Commissioner Etheridge commended staff for July 4 celebration.

Commissioner Bowden commented on parking at the Knotts Island Boat Ramp and the Carova Beach Park meeting on Thursday.

Chairman Nelms commended the EMS and volunteers over the July 4 weekend.

County Manager's Report

Mr. Scanlon commended staff and volunteers for the July 4 celebration in Corolla.

Adjourn

There being no further business, the meeting adjourned.