

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, October 19, 2009

Time: 7:00 PM

- 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 2A Resolution Opposing Option B for the Mid-County Bridge**
- Item 3 **Public Hearing and discussion** on funding for Nightingale Helicopter
- Item 4 **Public Hearing and Action** PB 09-29 Sumit Gupta (OM Management Group, LLC): Request to amend the Currituck County Unified Development Ordinance, Chapter 2: Zoning Districts to allow multi-family dwellings in the Limited Business Hotels Allowed (LBH) zoning district with a special use permit.
- Item 5 **Pat Irwin, Presentation of County-wide Fats, Oil and Grease (FOG) Program**
- Item 6 **Appointment to Fire and EMS Advisory Board**
- Item 6A Appointment to the Tourism Advisory Board**
- Item 6B Appointment to the Economic Development Board**
- Item 7 **Budget Amendments:**
Moyock Library (50790) - To transfer funds from professional services to contracted services for fuel used in generator awaiting power installation in the amount of \$4,898; watchlights in the amount of \$9,674; water tap fee in the amount of \$5,500 and grading and seeding along Campus Dr. in the amount of \$6,985.

Airport (10550) - \$5,000 To increase appropriations to purchase an ice machine, golf cart, secure the front counter area and a pressure washer from NC Flyports funding.

Item 8

Consent Agenda:

1. Amendment to Home Care Community Block Grant
2. Approval of October 5, 2009, Minutes
3. Resolution for surplus property damage by Lightning 7/17/2009
4. Report of Rural Fire Conditions; Corolla Fire and Rescue
5. Report of Rural Fire Conditions; Moyock Fire Department
6. Report of Rural Fire Conditions; Carova Beach
7. Report of Rural Fire Conditions; Crawford
8. Request to destroy Finance Records
9. Permission for Inter County Public Transit Authority to transfer the unspent portion of Currituck County's EDTAP Supplemental funding, in the amount of \$7,623.53 to Pasquotank County.

Item 9

Commissioner's Report

Item 10

County Manager's Report

Adjourn

Special Meeting

Currituck County Tourism Development Authority

Call to Order

TDA Budget Amendments

1 - increase appropriations for the Corolla Bike Path. This project will be funded by \$500,000 PARTF funds and up to \$860,549 in Occupancy Tax funding. There was \$500,000 allocated in the original budget and this amendment will make up the additional funding as required by the grant;

2 - increase appropriations for the AM radio signal to broadcast information in Corolla. \$30,000 was appropriated in the budget and this will bring the funding to \$36,000 for this project.

Adjourn



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners
From: Planning Staff
Date: September 23, 2009
Re: PB 09-29 Sumit Gupta – Multi-Family uses in the LBH Zoning District

The enclosed text amendment submitted by Sumit Gupta requests that multi-family dwellings be allowed in the Limited Business Hotels Allowed (LBH) zoning district with a special use permit. Currently the Unified Development Ordinance (UDO) allows for multi-family dwellings in the General Business (GB) zoning district with a special use permit. This request basically extends the GB multi-family use to the LBH district.

Multi-family uses are defined as townhomes, condos and apartments. In addition to the GB zoning district, the UDO also provides for multi-family dwellings in the Residential Multi-family (RMF) and Planned Unit Development (PUD) overlay zoning districts. If this request is approved, it will create a fourth zoning option for multi-family developments.

The context for this request is the establishment of a mixed use development on a parcel of land zoned LBH in the Corolla area. As presented the text amendment will provide for multi-family dwellings with a special use permit in the LBH zoning district, but does not require accompanying commercial development. As is the case with any text amendment, the resulting changes will apply county wide.

This request appears to be consistent with Policy CD8 of the 2006 Land Use Plan provided the addition of multi-family uses in the LBH zoning district are established in the context of a mixed use development.

The Planning Board considered Mr. Gupta's request at their September 15th meeting and unanimously recommended approval provided that when multi-family is located within the LBH zoning district it shall contain mixed-uses, including but not limited to offices, hotels, retail, recreation, entertainment, and a variety of housing types. Attached please find the Planning Board meeting minutes.

Should you have any questions, do not hesitate to contact Donna Voliva at 232-6032.

PLANNING BOARD DISCUSSION

Mr. Valdivieso stated the request is for an oceanfront property located in Pine Island, and he understands that this request would go countywide if approved. This would not be the fourth zoning tool to allow multi-family condos in this situation because the RMF overlay district is not allowed in the Outer Banks. The property is currently zoned LBH at 14 acres; the minimum size for a PUD is 50 acres, site specific.

They would like to put a hotel on this property and it is important to know as well that this site, as is, allows 20 hotel units per acre not condos. The conceptual site specific is mixed use development. The request is to allow multi-family in the LBH zoning district and currently GB is the only zoning district which allows it. Mr. Valdivieso stated he is only aware of two other stand alone pieces which are zoned LBH in the County. There are other LBH districts associated with a PUD.

Mr. Gupta stated that under the LBH zoning they are planning a hotel site and technically they are allowed 20 units per acre which is approximately 280 potential hotel units. They are not looking for this many units but are looking at a resort style hotel with approximately 100 units mixed with retail and restaurant. If this request is approved, it would allow up to 35 condos in the multi-family use which would add value to the project. They would like to incorporate condos in the project up to 35 units.

The Planning Board discussed the effects of implementing the proposed text amendment countywide.

Ms. Wilson stated she would like to make a recommendation that retail and some food be available on the site which might contain some of the traffic and keep the residents/visitors on site.

Mr. Kovacs asked if there was any way that you could incorporate mixed-use to the multi-family overlay in the LBH zoning district.

Mr. Valdivieso stated the applicant is open to adding some language to the text amendment.

Ms. Voliva stated the Planning Board could make a recommendation to add language to the text amendment. Ms. Voliva stated that you could not just apply this language to the Outer Banks, but you could establish additional special requirements.

ACTION

Mr. Kovacs motioned to recommend approval of PB 09-29 Sumit Gupta to allow multi-family dwellings in the LBH zoning district provided staff add language for the addition of a mixed use element requirement for multi-family overlay district in the LBH zone. Ms. Wilson seconded the motion. Motion carried unanimously.

**Sumit Gupta – LBH Zoning District
PB 09-29
UDO AMENDMENT REQUEST**

An amendment to Chapter 2 and Chapter 3: Zoning Districts to allow multi-family dwellings in the Limited Business Hotels Allowed (LBH) zoning district with a special use permit.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 2: Zoning Districts, Section 2.5 Permitted Uses Table is amended by adding the following underlined language:

Section 2.5 Permitted Uses Table

Use	LUC	Zoning Districts											Special Requirements
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
Multi-family (townhomes, condos, apartments)	III							S		<u>S</u>			3.2.6

Item 2: That Chapter 3: Special Requirements, Section 3.2.6.1. Use is amended by adding the following underlined language:

C. In the LBH zoning district multi-family developments shall contain a mixed-use element that would include commercial uses permissible in accordance with the Permitted Uses Table, LBH zoning district. Such commercial uses would include offices, hotels, retail, recreation, and entertainment.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES_____NAYS_____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



MEMORANDUM

To: Board of Commissioners

From: Patrick Irwin
Public Utilities Director

Ref: Adopting the County wide Fats, Oil, and
Grease (FOG) Program

Date: October 19, 2009

Background

Fats, Oils, and Grease (FOG) is the leading cause of Sanitary Sewer Overflows (SSO) in North Carolina, and FOG is a primary concern of the County's Public Utilities Department in residential and commercial connections to our wastewater collection systems.

Analysis

Attached for your review is a copy of the program and a short presentation for the necessity of a County wide Fats, Oils and Grease Program that includes the Ocean Sands Sewer District Collection System, the Newtown Sanitary District Collection System, and the Moyock Commons Sewer District Collection System.

Conclusion

The County's Public Utilities Departments recommends the adoption of the FOG Program to reduce the amounts of Sanitary Sewer Overflows due to the concentration of Fats, Oils, and Grease in the County operated wastewater collection systems.

FIRE AND EMS ADVISORY BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Hugh McCain-Corolla	District 1				4/1/2010
Rick Galganski - Corolla	District 2			5/4/2009	4/1/2011
Carl Soltow-Grandy	District 3				4/1/2010
Albert Stegner-Bells Island	District 4			5/4/2009	4/1/2011
Mick Lasinski-Moyock	District 5				4/1/2010
Chris Dailey - Moyock				5/4/2009	4/1/2011
Ronald Powell*	At-Large		O'Neal	5/18/2009	4/1/2010
Greg Laput-Moyock	At-Large				4/1/2010

* To Be Replaced



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of October 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50790-594500	Contracted services	27,057	
50790-596100	Professional Services		\$ 27,057
		<u>\$ 27,057</u>	<u>\$ 27,057</u>

Explanation: *Moyock Library (50790) - To transfer funds from professional services to contracted services for fuel used in generator awaiting power installation in the amount of \$4,898; watchlights in the amount of \$9,674; water tap fee in the amount of \$5,500 and grading and seeding along Campus Dr. in the amount of \$6,985.*

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of October 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit <u>Decrease Revenue or Increase Expense</u>	Credit <u>Increase Revenue or Decrease Expense</u>
10550-590000	Capital Outlay	5,000	
10330-449900	Miscellaneous Grants		\$ 5,000
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

Explanation: *Airport (10550)* - To increase appropriations to purchase an ice machine, golf cart, secure the front counter area and a pressure washer from NC Flyports funding.

Net Budget Effect: Operating Fund (10) - Increased by \$5,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Home and Community Care Block Grant for Older Adults

DOA-731 (Rev. 2/09)

County Funding Plan

Currituck County
July 1, 2009 through June 30, 2010

County Services Summary

Services	A				B	C	D	E	F	G	H	I
	Block Grant Funding				Required Local Match	Net Service Cost	USDA Subsidy	Total Funding	Projected HCCBG Units	Projected Reimbursement Rate	Projected HCCBG Clients	Projected Total Units
	Access	In-Home	Other	Total								
In-Home Lv. I		22480		//////////	2498	24978		24978	1710	14.6	7	1710
In-Home Lv. II		18481		//////////	2053	20534		20534	1406	14.6	7	1406
In-Home Lv. III		10626		//////////	1181	11807		11807	809	14.6	5	809
Adult Day Health			8069	//////////	897	8966		8966	199	45	4	199
Transportation	26011			//////////	2890	28901		28901	2925	9.88	14	2925
Congregate Meals		29620		//////////	3291	32911	3066	35977	5110	6.44	132	5110
Home Del. Meals		34877		//////////	3875	38752	3088	41840	5146	7.53	145	5146
				//////////	0	0		0				
				//////////	0	0		0				
				//////////	0	0		0				
				//////////	0	0		0				
				//////////	0	0		0				
				//////////	0	0		0				
				//////////	0	0		0				
				//////////	0	0		0				
Total	26011	116084	8069	150164	16685	166849	6154	173003	17305	//////////	314	17305

J. Owen Etheridge
Signature, Chairman, Board of Commissioners

Date

CURRITUCK COUNTY
NORTH CAROLINA
October 5, 2009

The Board met at 6:00 p.m. to discuss legislation requested by homeowners to withdraw public dedication of roads in Ocean Hill, I.

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 Etheridge, Commissioners O'Neal, Rorer, Nelms, Aydlett, Gregory, and Taylor.

Approval of Agenda

Commissioner O'Neal moved to amend the agenda and add a closed session to discuss personnel and consult with attorney on a contract. Commissioner Taylor 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 **Presentation by Currituck 4-H Clubs** Requesting Designation of October 9 as Countywide Green Day in Honor of the 100th Birthday of 4-H
- Item 4 **North Carolina Department of Transportation:** Comprehensive Transportation Plan for Currituck County
- Item 5 **Public Hearing & Action on PB 06-34 Brady Landing Airpark:**
Preliminary Plat/SUP for 13 lots located adjacent to the Currituck County Airport, Tax Map 52, Parcel 3E, Crawford Township.
- Item 6 **Public Hearing and Action on PB 09-26 Karen Pierce:** Request to rezone 116 acres from residential to agricultural, approximately 1/4 mile from the intersection of Waterlily Road & Piney Island Road, tax map 112/112A, Poplar Branch Township
- Item 7 **Appointment to Fire & EMS Board to replace Ronald Powell**
- Item 8 **Approval of Draft ED Board Vision & Policy Actions**
- Item 9 **Consent Agenda:**
 - 1. Budget Amendments
 - 2. Sheriff's Office Request to Raise Fingerprinting Fees
 - 3. Request to destroy records in Planning Department
 - 4. Request to purchase Fire Apparatus for Lower Currituck & Corolla Fire & Rescue
 - 5. Approval of September 21, 2009 Minutes
- Item 10 Commissioner's Report

Item 11 County Manager's Report

Closed Session according to GS 143-318.11 (3)(6) to discuss personnel and contracts.

Adjourn

Public Comment

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

Chairman Etheridge moved to open the public comment period. There being no comments, he closed the public comment period.

Currituck 4-H Clubs Requesting Designation of October 9 as Countywide Green Day in Honor of the 100th Birthday of 4-H

Jamie Hauser, requested the Board to designate October 9 as countywide wear green day.

Katie Jernigan, Dalton House and other 4-H members also made this request.

Commissioner O'Neal moved to adopt a resolution. Commissioner Aydlett seconded the motion. Motion carried.

**Resolution
100th Birthday of 4-H**

WHEREAS, 2009 is the 100th birthday of 4-H; and

WHEREAS, in celebration of this big event the Seeking Success 4-H Club of Currituck County would like to designate Friday, October 9, 2009 as County Wide wear Green Day.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners support the efforts of the Currituck County 4-H Clubs to designate Friday, October 9, 2009 as wear green day.

North Carolina Department of Transportation: Comprehensive Transportation Plan for Currituck County

Kerry Morrow, Transportation Engineer, reviewed the transportation planning process updating the Comprehensive Transportation Plan.

Commissioner Gregory questioned if she could assist with getting the grass mowed on the roadways.

Gretchen Byrum, District Engineer, stated that the state budget has been cut for this contract.

Commissioner O'Neal requested her assistance with cleaning the ditch in Moyock in front of the Moyock Baptist Church. She stated to make that request to Jerry Jennings.

The Board thanked Ms. Morrow for her presentation.

Public Hearing & Action on PB 06-34 Brady Landing Airpark: Preliminary Plat/SUP for 13 lots located adjacent to the Currituck County Airport, Tax Map 52, Parcel 3E, Crawford Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request. Sky Vista Road would be included in the road paving.

ITEM: PB 06-34 Brady Landing, Phase 2C, Preliminary Plat/Special Use Permit, for a 13 lot subdivision.

LOCATION: In Maple, adjacent to the Currituck County Airport and west of Brady Landing, Phase I, Crawford Township.

TAX ID: Tax Map 52, Parcel 3E

ZONING

DISTRICT: Residential Airpark Development (RAD) Overlay

PRESENT USE: Vacant

OWNERS: Thomas W and Janet Brady
Thomas S and Debra Brady
261 Maple Road
Maple NC 27956

ENGINEER: Hyman and Robey, PC
PO Box 339
Camden NC 27921

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

	Land Use	Zoning
NORTH:	Single Family Dwellings	A
SOUTH	Airport	HM
EAST:	Single Family Dwellings	A/RAD
WEST:	Single Family Dwellings/ NCDOT Maint. Facility	A/RAD

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service** within the **Barco-Coinjock-Airport** subarea.

SMALL AREA PLAN

CLASSIFICATION: The 2009 Maple-Barco Small Area Plan classifies the site as **Transitional**.

SIZE OF SITE: Total Development: 15.90 acres

NUMBER OF UNITS: 13 total residential lots

PROJECT DENSITY: 1.22 units/ acre

STREETS: The streets will be built to NCDOT design and construction standards.

UTILITIES: The development will be served by county water. The proposed water usage is 4,680 gpd. The applicant is proposing on-site wastewater systems for each lot.

OPEN SPACE: The UDO does not require this subdivisions to dedicate open space. The proposed preliminary plat indicates 8,402 sf as open space.

I. NARRATIVE OF REQUEST:

- The applicant is seeking preliminary plat/SUP approval for 13 lots within a proposed residential airpark subdivision.
- The sketch plan/SUP for this phase was administratively approved on July 27, 2009.
- The prior phases of this development contain 22 residential lots. Since the property for this phase of development was acquired after the original subdivision approval, it is being treated separately in regards to open space calculations, etc.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed

subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve an SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

a. The application is complete.

2. THE PROPOSED USE IS AMONG THOSE LISTED IN THE TABLE OF PERMISSIBLE USES AS A SPECIAL USE INDICATED WITH AN "S".

Suggested Findings:

a. Chapter 10 of the UDO allows a major subdivision as a permissible use with a special use permit.

3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.

Suggested Findings:

a. The conditions proposed meet the minimum requirements of this ordinance.

4. THE SPECIAL USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY:

Suggested Findings:

a. The proposed subdivision should have little to no impact on public health or safety.

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

Suggested Findings:

a. The Unified Development Ordinance indicates that a residential airpark development is allowed in the RAD overlay zoning district with a special use permit.

b. The parcel is currently within a neighborhood with densities similar to those proposed and should be in harmony with that neighborhood.

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

Suggested Findings:

a. The 2006 Land Use Plan classifies this site as Full Service within the Barco-Coinjock, Airport subarea and the proposed use is in keeping with the policies of the plan, some of which are:

i. This area has many of the ingredients in place to become a significant community center for the mainland over the next 10 to 15 years.

ii. The policy emphasis of this plan is for this subarea to emerge as the principal community center serving the central area of the mainland and is therefore included as a Full Service Area.

- iii. Policy ES1: New development shall be permitted to locate only in areas with suitable soil and where adequate infrastructure is available.
 - iv. Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
 - v. Policy HN8: To protect the county's tax base and to ensure the long-term viability of the county's neighborhoods and housing stock, the county will continue to enforce appropriate construction and site development standards for residential developments.
- b. The 2009 Maple-Barco Small Area Plan classifies this site as Transitional and the proposed use is in keeping with the policies of the plan, including:
- i. LU1: Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.
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).
- Suggested Findings:**
- a. The county should have adequate public facilities to service this subdivision.

III. STAFF RECOMMENDATION:

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends approval** of this plat/SUP subject to the following conditions:

- 1. The preliminary plat dated July 22, 2009 shall be approved subject to the following:
 - a. A 20' setback is required along all rights-of-way in this subdivision. It appears there may be an encroachment on the lot titled N/F Victor Balance property. The plat calls out that the buildings will be moved if within the setback and this will have to be done prior to final plat approval.
- 2. Tap fees shall be due prior to final plat approval for each lot.
- 3. There shall not be an additional gate or incursion of any kind through the fence adjoining the airport.
- 4. County engineer/Soil and Water must approve the building pad elevations called out on the re-submitted plans.
- 5. County engineer must approve the drainage plans and narrative as called out on the re-submitted plans.

PLANNING BOARD DISCUSSION

Mr. Kovacs stated he thought the setback issue in Phase I had been resolved during Phase I.

Ms. White stated that this is being worked out with the developer.

Mr. Hyman stated this property was not owned by Mr. Brady during Phase I. Since they have created a road, Mr. Brady and Mr. Ballance have an agreement that the building will be removed prior to final plat approval.

Mr. Midgette asked Mr. Hyman to address some of the drainage concerns.

Mr. Hyman stated the construction drawings show that the drainage issue will be fixed in Phase I.

Mr. Kovacs asked if they are proposing any access to the runway.

Mr. Hyman stated no.

Mr. Clark stated the county engineer stated to provide sufficient data to assure the downstream conditions are sufficient. Mr. Clark asked when the drainage pipes are installed, where the water runoff will go.

Mr. Hyman stated the post development discharge will not exceed, but will not be equal to the predevelopment discharge as farmland. The drainage issue has been addressed on sheet nine of the construction plans.

ACTION

Mr. Kovacs motioned to recommend approval with staff recommendations of the preliminary plat/special use permit for 13 lots. Ms. Newbern seconded the motion. Motion carried unanimously.

Chairman Etheridge opened the public hearing.

Eddie Hyman, Engineer, reviewed the project and addressed drainage issues.

Commissioner Gregory questioned the shed owned by Mr. Balance that would have to be moved for the road.

Tom Brady, stated that the road would be re-aligned to prevent the moving of Mr. Balance's shed.

Mark Chryss, discussed the FAA funding for thru-the-fence operations.

Dan Scanlon, County Manager, stated that the FAA and DOT have approved this subdivision.

Commissioner Rorer questioned the fee for use of the airport.

John Snowden, Maple, stated that the drainage issue he was concerned with has not been addressed. Staff will meet with Mr. Snowden to review drainage.

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

Commissioner Nelms moved to approve with findings of fact and staff recommendations. Commissioner Gregory seconded the motion. Motion carried.

**Public Hearing and Action on PB 09-26 Karen Pierce:
Request to rezone 116 acres from residential to agricultural, approximately 1/4 mile from the intersection of Waterlily Road & Piney Island Road, tax map 112/112A, Poplar Branch Township**

Ben Woody, Planning Director, reviewed the request.

TYPE OF REQUEST: To rezone 116 acres from Residential (R) to Agricultural (A)

LOCATION: Approximately ¼ mile from the intersection of Waterlily Road and Piney Island Road.

TAX ID: Tax Map 80, Parcels 112/112A, Poplar Branch Township

OWNER: Mildred T. Quidley
5067 Caratoke Hwy.
Coinjock, NC 27923

AGENT/APPLICANT: Karen Pierce
5067 Caratoke Hwy.
Coinjock, NC 27923

CURRENT ZONING: Residential (R)

PROPOSED ZONING: Agricultural (A)

ZONING HISTORY: The property was zoned Residential (R) on April 2, 1989.

SURROUNDING PROPERTY:

Land Use

Zoning

NORTH:	Undeveloped	Residential
SOUTH:	Undeveloped	Residential
EAST:	Undeveloped/Sparse Residential	Residential
WEST:	Undeveloped	Residential

EXISTING LAND USE: Undeveloped/Agricultural

PROPOSED LAND USE: 5 acres Radio Communication Tower / 111 acres agricultural

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies this site as **Conservation** within the **Poplar Branch Township**.

The purpose of the Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Proper management is needed to conserve the natural, cultural, recreational, scenic or biologically productive values of these areas. The Conservation class should be applied to areas that should not be developed at all (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. Infrastructure and services, public or private, should not be provided in these areas as a catalyst that could stimulate development

The policy emphasis of the 2006 Land Use Plan is for developable areas of Aydlett, Waterlily and Churches Island to remain as low-density residential areas at 1 unit per acre. While services that satisfy direct public health, safety and general welfare needs, such as fire protection, law enforcement, and emergency medical services are to be welcomed, no commercial development should be permitted in these areas.

The following Land Use Plan 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. For existing development located on poor soils, and

where sewage treatment upgrades are necessary, engineering solutions may be supported, provided that environmental concerns are fully addressed.

POLICY AG2: Farms and woodlands shall be recognized as an integral part of the county's OPEN SPACE SYSTEM. Efforts to keep these areas viable as part of the area's resource-based economic sector, shall be encouraged.

PUBLIC SERVICES AND UTILITIES:

The Waterlily Volunteer Fire Department provides fire protection for this area. Public water is available directly adjacent to this site on Piney Island Road.

TRANSPORTATION:

The site is accessible by vehicle on Piney Island Road.

FLOOD ZONE:

The entire site is located in Flood Zone AE (5).

WETLANDS:

Approximately 86 acres of wetlands are located on the site. The remaining 30 acres consists of uplands.

SOILS:

The Currituck County Soils map indicates the property contains primarily non-suitable soils and limited amounts of marginal soils.

STAFF RECOMMENDATION:

Staff recommends approval of the request to rezone 116 acres from Residential (R) to Agricultural (A) for the following reasons:

1. The applicant's request to "down zone" from R to A effectively reduces the possible intensity of uses and density for the property making it more compatible with the conservation land use designation.
2. The proposed request is in general compliance with the Poplar Branch Sub-Area Policy Emphasis.

PLANNING BOARD DISCUSSION

No discussion.

ACTION

Ms. Newbern motioned to recommend approval with staff recommendations to rezone 116 acres from Residential (R) to Agricultural (A) according to the 2006 Land Use Plan. Ms. Wilson seconded the motion. Motion carried unanimously.

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

Commissioner O'Neal moved to approve. Commissioner Nelms seconded the motion. Motion carried.

Appointment to Fire & EMS Board to replace Ronald Powell

Tabled

Approval of Draft ED Board Vision & Policy Actions

Commissioner O'Neal moved to approve. Commissioner Nelms seconded the motion. Motion carried.

Commissioner Rorer thanked the ED Board for their efforts and significant work on this policy.

Consent Agenda:

1. Budget Amendments
2. Sheriff's Office Request to Raise Fingerprinting Fees
3. Request to destroy records in Planning Department
4. Request to purchase Fire Apparatus for Lower Currituck & Corolla Fire & Rescue
5. Approval of September 21, 2009 Minutes

Commissioner O'Neal moved to approve. Commissioner Aydlett 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
55818-593006	Distribution Sys - Tulls Creek Booster	\$ 1,505	
55818-588003	Contingency - Distribution System		\$ 1,505
		\$ 1,505	\$ 1,505

Explanation: *Mainland Water Construction (55818) - To transfer funds for ELJ, Inc. change order #1 for*

additional radio and antenna on the Currituck Tank for repeater. Original radio path was not viable.

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	
10510-540000	Workers Compensation	\$	19,708		
10530-540000	Workers Compensation	\$	41,643		
	Fund Balance				
10390-499900	Appropriated			\$	61,351
		\$	61,351	\$	61,351

Explanation: Sheriff (10510); Emergency Medical Services (10530) - To increase appropriations for the worker's compensation for FY 2009 after the annual worker's comp audit. Actual audited increase was \$68,050.

Net Budget Effect: Operating Fund (10) - Increased by \$61,351.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10752-519602	ARRA Daycare	\$	84,269		
10330-432801	Daycare - ARRA Funding			\$	84,269
		\$	84,269	\$	84,269

Explanation: PUBLIC ASSISTANCE (752) - ARRA funding for Daycare services.

Net Budget Effect: Operating Fund (10) - Increased by \$84,269.

Commissioner's Report

Commissioner Taylor, stated that the County Manager, Chief Carter and Deputy Banks went to Shawboro Elementary School to speak to 2nd and 3rd graders.

Commissioner Nelms stated that the State will continue to cut funding.

Commissioner Gregory, reviewed the EIC meeting he attended. They have \$2 million for 10 counties, and there are 547 families that are below the poverty level. Each family should receive \$4,000 per family to fix up their homes.

Commissioner O'Neal stated that he was on the search committee for COA Board to find a new president.

Commissioner Rorer stated that the State short fall comes from the State over spending.

Chairman Etheridge requested that a public hearing on Nightingale funding be on the next agenda.

County Manager's Report

Dan Scanlon, County Manager, commented on the meeting with Dominion Power last week and the rate will come down as of January 2010. Chairman Etheridge and Mr. Scanlon also met with Congressman Jones on the OLF.

Closed Session according to GS 143-318.11 (3)(6) to discuss personnel and contracts.

Commissioner Nelms moved to go into closed session as stated above. Commissioner Aydlett seconded the motion. Motion carried.

Adjourn

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

NAME OF FIRE DISTRICT Poplar Branch Beach COUNTY Currituck

DISTRICT IS SERVED BY Corolla Fire and Rescue Inc.

Mail to the N.C. Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, N.C., 27699-1202

IT IS RECOMMENDED THIS REPORT BE RETURNED BY CERTIFIED MAIL

NOTE: This report must be filed out completely, must be signed and sworn to, and returned to the Insurance Commissioner **before October 31st** or no later than January 31. Reports postmarked after this date are in non-compliance and the fire department will not be eligible to receive their Firefighter's Relief Fund monies.



**NORTH CAROLINA
RURAL FIRE DISTRICT
REPORT OF FIRE CONDITIONS**



As required by General Statute 58-84-46 of North Carolina, I Clerk do hereby make the following report on the Rural Fire District:
County of Currituck

LOCAL FIREFIGHTER'S RELIEF FUND BOARD

N.C. General Statutes 58-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firefighter's Relief Fund Trustees appointed by Fire Department (2)

- | | |
|------------------------------------|---------------------------------|
| 1. Mr. <u>Mrs. Eleanor Collins</u> | 2. Mr. <u>Mrs. Amanda Boege</u> |
| Address <u>Lighthouse Drive</u> | Address <u>869 Welk Ct.</u> |
| <u>Corolla, N.C. 27927</u> | <u>Corolla, N.C. 27927</u> |

Firefighter's Relief Fund Trustees appointed by County Commissioners (2)

- | | |
|------------------------------|------------------------------------|
| 3. Mr. <u>Barry Richmond</u> | 4. Mr. <u>Mrs. Bren Robbins</u> |
| Address <u>869 Welk Ct.</u> | Address <u>950 Whalehead Drive</u> |
| <u>Corolla, N.C. 27927</u> | <u>Corolla, N.C. 27927</u> |

Firefighter's Relief Fund Trustee appointed by the Insurance Commissioner (1)

- | | |
|---------------------------------|---|
| 5. Mr. <u>Charles W. Taylor</u> | Same as last year? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Address <u>P.O. Box 205</u> | If no; attach a copy of former Insurance Commissioner |
| <u>Corolla, N. C. 27927</u> | appointee's letter of resignation AND a copy of Fire Chief's letter |
| | of recommendation. |

Select position number of Firefighter's Relief Fund Treasurer: 1 2 3 4 5

I, Sandra Hill Clerk/Finance Officer of Currituck County, NC

do hereby certify that the foregoing is a true, full, and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

Signature

Sworn and subscribed before me, this _____ day of _____, 20 _____

Notary Signature

[SEAL]

NOTE: This report can not be accepted unless sworn to before a Notary or other officer with Seal.

NAME OF FIRE DISTRICT Fruitville Beach COUNTY Currituck

DISTRICT IS SERVED BY Carova Beach Volunteer Fire Department & Rescue Inc

Mail to the N.C. Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, N.C., 27699-1202

IT IS RECOMMENDED THIS REPORT BE RETURNED BY CERTIFIED MAIL

NOTE: This report must be filed out completely, must be signed and sworn to, and returned to the Insurance Commissioner **before October 31st** or no later than January 31. Reports postmarked after this date are in non-compliance and the fire department will not be eligible to receive their Firefighter's Relief Fund monies.



**NORTH CAROLINA
RURAL FIRE DISTRICT
REPORT OF FIRE CONDITIONS**



As required by General Statute 58-84-46 of North Carolina, I Clerk do hereby make the following report on the Rural Fire District:
Carova Beach Volunteer Fire & Rescue County of Currituck

LOCAL FIREFIGHTER'S RELIEF FUND BOARD

N.C. General Statutes 58-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firefighter's Relief Fund Trustees appointed by Fire Department (2)

1. Mr. Ms. Marlene Ann Slate 2. Mr. Gene Walters

Address 2369 Ocean Sands Road Address 2101 Sandfiddler Rd
Corolla, NC 27927 Corolla, NC 27927

Firefighter's Relief Fund Trustees appointed by County Commissioners (2)

3. Mr. Mark Stevens 4. Mr. Donnie Tadlock

Address 1837 Summerhedge Close Address 2006 Ocean Pearl Rd
Virginia Beach, VA 23456 Corolla, NC 27927

Firefighter's Relief Fund Trustee appointed by the Insurance Commissioner (1)

5. Mr. Randall Spencer Same as last year? Yes No
Address 2302 Sandfiddler Rd
Corolla, NC 27927
If no; attach a copy of former Insurance Commissioner appointee's letter of resignation AND a copy of Fire Chief's letter of recommendation.

Select position number of Firefighter's Relief Fund Treasurer: 1 2 3 4 5

I, Sandra Hill Clerk/Finance Officer of Currituck County, NC

do hereby certify that the foregoing is a true, full, and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

Signature

Sworn and subscribed before me, this _____ day of _____, 20 _____

Notary Signature

[SEAL]

NOTE: This report can not be accepted unless sworn to before a Notary or other officer with Seal.

NAME OF FIRE DISTRICT Crawford COUNTY Currituck

DISTRICT IS SERVED BY Crawford Township Volunteer Fire Department, Inc.

Mail to the N.C. Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, N.C., 27699-1202

IT IS RECOMMENDED THIS REPORT BE RETURNED BY CERTIFIED MAIL

NOTE: This report must be filed out completely, must be signed and sworn to, and returned to the Insurance Commissioner **before October 31st** or no later than January 31. Reports postmarked after this date are in non-compliance and the fire department will not be eligible to receive their Firefighter's Relief Fund monies.



**NORTH CAROLINA
RURAL FIRE DISTRICT
REPORT OF FIRE CONDITIONS**



As required by General Statute 58-84-46 of North Carolina, I Clerk do hereby make the following report on the Rural Fire District:
Crawford County of Currituck

LOCAL FIREFIGHTER'S RELIEF FUND BOARD

N.C. General Statutes 58-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firefighter's Relief Fund Trustees appointed by Fire Department (2)

1. Mr. Steven VanHise 2. Mr. Mrs. Rebecca F. Mims

Address 103 Caratoke Hwy Address 164 Speckle Perch Lane
Currituck, NC 27929 Moyock, NC 27958

Firefighter's Relief Fund Trustees appointed by County Commissioners (2)

3. Mr. Chris Dailey 4. Mr. Larry Mangold

Address 224 Dozier Road Address 136 Rowland Creek Road
Moyock, NC 27958 Moyock, NC 27958

Firefighter's Relief Fund Trustee appointed by the Insurance Commissioner (1)

5. Mr. John Forbes Jr Same as last year? Yes No
Address PO Box 96 If no; attach a copy of former Insurance Commissioner
Currituck, NC 27929 appointee's letter of resignation AND a copy of Fire Chief's letter
of recommendation.

Select position number of Firefighter's Relief Fund Treasurer: 1 2 3 4 5

I, Sandra Hill Clerk/Finance Officer of Currituck County, NC

do hereby certify that the foregoing is a true, full, and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

Signature

Sworn and subscribed before me, this _____ day of _____, 20 _____

Notary Signature

[SEAL]

NOTE: This report can not be accepted unless sworn to before a Notary or other officer with Seal.

Memorandum

TO: Dan Scanlon

From: Sandra Hill

Date: October 12, 2009

Subject: Record Disposal

The Finance Office would like permission to dispose of the following records, which are scheduled for disposal as per the record retention schedule.

Time Period	Description	Approximate number of records
July 1, 2005 - June 30, 2006	Accounts Payable Invoices	15,952
	Bank Statements	144
	Bank Reconciliation Reports	144
	Bank confirmations	2,600
	Deposit Slips	7,500
	Accounts Receivable Files	2,800
	Daily Receipts	3,276
	Budget Amendments	124
	Journal Vouchers	7,467
	NC Sales Tax Summary Reports	12
	Sales Tax Refund Report	1
	Aviation fuel reports	372
	Purchase Order requisiton forms	1,204
	July 1, 1996 - June 30, 1997	Budget
July 1, 1998 - June 30, 1999	Budget	2
July 1, 1999 - June 30, 2000	Budget	3
July 1, 2000 - June 30, 2001	Budget	2
July 1, 2001 - June 30, 2002	Budget	2
July 1, 2002 - June 30, 2003	Budget	2
July 1, 1999 - June 30, 2000	Board of Eduction Budget	2
July 1, 1999 - June 30, 2000	Audit	4
July 1, 2000 - June 30, 2001	Audit	2
July 1, 2002 - June 30, 2003	Audit	3
October 1, 2000 - March 31, 2003	Gas Audit	1



CURRITUCK COUNTY BOARD OF COMMISSIONERS AGENDA ITEM #

Meeting Date

ITEM TO BE CONSIDERED

SUBJECT

FY 2008/2009 EDTAP SUPPLEMENTAL FUNDS

REQUESTED ACTION

Permission for Inter County Public Transit Authority to transfer the unspent portion of Currituck County's EDTAP Supplemental funding, in the amount of \$7,623.53 to Pasquotank County.

Submitted By

Department

Date

Attachments: Yes No

REVIEW PROCESS

	<u>Approved</u>		<u>Attachment</u>
Finance Director	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
County Attorney	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
County Manager	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>

REVIEW COMMENTS

All eligible clients were served that met the EDTAP criteria in Currituck County.



BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 19th day of October, 2009 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
15447-587050	T T - Co Govt Construction Fund	\$	360,549		
15380-481000	Investment Earnings			\$	360,549
			<u>\$ 360,549</u>		<u>\$ 360,549</u>

Explanation: *Occupancy Tax Fund (15)* - Transfer funds for additional match funding for the Corolla Greenway project, which will be funded through \$500,000 PARTF grant and \$860,549 Occupancy Tax funds.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$360,549.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

