

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, September 21, 2009 Time: 7:00 PM

Work Sessions

5:00 dinner in Kitchen

5:30 p.m. Water Line & Fire Hydrant Policy

Regular Agenda

7:00 p.m. Invocation

 Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment

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

Item 3 **Recognition of Communications Personnel**

Item 4 **Ashley Stoop, Presentation on H1N1 Virus**

Item 5 **Public Hearing and Action** PB 09-25 Outdoor Tour Operators: Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts, Chapter 3: Special Requirements, Chapter 17: Definitions, and Chapter 15: Administration to require a special use permit for outdoor tour operators and increase civil penalty amounts up to 500 dollars.

Item 6 **Public Hearing and Action** PB 09-30 Currituck County Board of Commissioners: Request to amend the Currituck County Unified Development Ordinance, Chapter 10: Subdivision Requirements, to exempt property divisions transferred to a family member from the requirements of the ordinance.

Item 7 **Public Hearing and Action** PB 09-31 Currituck County Board of Commissioners – Administrative Setback Waiver: Request to amend the Currituck County Unified Development Ordinance,

Chapter 13 to allow administrative setback variances for proposed single family dwellings.

- Item 8 **Sustainability Resolution** Currituck Goes Green Effort
- Item 9 **Amendment to County Smoking Ordinance**
- Item 10 **Appointments to Carova Beach Road Service District Committee**
- Item 11 **Consent Agenda:**
 - 1. Approval of September 8, 2009, Minutes
 - 2. Budget Amendments
 - 3. JCPC Revised Funding Plan for FY 2010
 - 4. Resolution Declaring Water Pump as Surplus and Authorizing Disposal
- Item 12 Commissioner's Report
- Item 13 County Manager's Report
- Adjourn



September 2, 2009

To Whom It May Concern:

During the annual banquet of the NC APCO/NENA Conference at Sunset Beach on September 2, 2009, it was announced that Mr. Randall Edwards was the 2009 NC APCO recipient of the Communications Support Personnel of the Year. This was the first year that Communications Support Personnel of the Year was awarded.

Our awards committee proposed this award because we did not have an award for some of the most important people in our profession. This award was created for Assistant Director, Training Officer, Quality Assurance Officer, Administrative Assistant, CAD Specialist and other support personnel not otherwise listed. The personnel who fill these positions are key staff members in the Communications Centers. Without their input our centers would not function as smoothly and efficiently as they do.

Mr. Edward's nomination letter contained many things that he is doing to promote the dispatchers of Currituck County Communications. The statements that I believe say it all are "Randall is helping our dispatchers be recognized. He's providing the public with faces to the voices." As you can see he is promoting Public Safety Communications in a positive light. He is letting the public know that there are caring individuals behind the voices that answer what may be the worst phone call they may ever have to make. He is building the public's confidence in the staff of the 911 center. To me this is one of the most important things that can occur between the public and public safety professionals.

Congratulations Randall on receiving the first Communications Support Personnel of the Year Award. I can't think of anyone who deserves it more and I'm sorry I cannot be there to congratulate you in person.

Sincerely,

Marsha Withrow
NC APCO President 2008-2009



North Carolina

National Emergency Number Association



September 2, 2009

To Whom It May Concern:

During the annual banquet of the NC APCO/NENA Conference at Sunset Beach on September 2, 2009, it was announced that Ms. Elizabeth (Liz) Hodgis was NC Nena recipient of the Communications Supervisor of the Year.

N.C. Nena awards this honor for Communications Supervisor who has shown dedication in the performance of their duties. N.C. Nena feels the personnel who fill these positions are key staff member in the Communications Centers. Without their skill in leadership our Centers would not function as smoothly and efficiently as they do.

Ms. Hodgis' nomination letter contained many things that stated she was the person for the award. Here are some of the statements from her peers:

"Liz is very dedicated and is always trying to better our Center. She is a hands-on type supervisor that does not put herself above the other Telecommunicators. When she is needed she instinctively puts on her headset and works the console."

"She listens when we have concerns and responds to our concerns. It may not be what we want to hear but she does listen."

"Liz is not only our Supervisor, she is our friend and at times she is family"

Congratulations to Liz on receiving N.C. Nena's 2009 Communications Supervisor of the Year Award, it was an honor to present this to her, as you can see in the statements above it is well deserved.

Sincerely,

Jerry W. Boggs
NC Nena President 2008-2009



North Carolina

National Emergency Number Association



September 2, 2009

To Whom It May Concern:

During the annual banquet of the NC APCO/NENA Conference at Sunset Beach on September 2, 2009, it was announced that Ms. Ruth Barefoot, of Currituck County Communications, was 2009 N.C. Nena recipient of the Training Officer of the Year.

N.C. Nena awards this honor for Communications Training Officer who has shown dedication in preparing and building the skills and knowledge base of emergency communications professionals. N.C. Nena feels the personnel who fill these positions are key staff members in the Communications Centers. Without their input our centers would not function as smoothly and efficiently as they do.

Ms. Barefoot's nomination letter contained many things that stated she was the person for the award. Here are some of the statements from her peers:

"During the past two years, she has obtained her CPR Instructor, CTO-Instructor and ETC-Instructor credentials. She holds an EMD-Q and is currently working on her NC Level 1 EMS Instructor."

"Ms. Barefoot has shown overwhelming dedication to Currituck County 911 Center, not only by establishing an excellent and professional working relationship with multiple departments within Currituck County, but outside of Currituck County as well"

"In late 2008 early 2009, Ms. Barefoot played a major role obtaining the status of Model EMS System through the N.C. State Office of EMS. This made Currituck County one of only fourteen systems to achieve this level of accreditation in the state and only one in North Eastern North Carolina"

Congratulations to Ruth on receiving N.C. Nena's Training Officer of the Year Award, it was an honor to present this to her, I can't think of anyone that deserves it more.

Sincerely,

A handwritten signature in cursive script that reads "Jerry W. Boggs".

Jerry W. Boggs
NC Nena President 2008-2009



Currituck County

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

MEMORANDUM

To: Planning Board
From: Planning Staff
Date: August 25, 2009
Re: PB 09-25 Outdoor Tour Operators

The enclosed text amendment submitted by the Currituck County Planning Department at the direction of the Board of Commissioners is intended to clarify the regulation of outdoor tour operators and establish civil penalty amounts up to 500 dollars. The amendment request includes an amortization period of four months from the date of adoption, requiring all vehicular outdoor tour operators to apply for a special use permit.

Currently the Unified Development Ordinance (UDO) does not directly address outdoor tour operators. The county has historically classified tour operators as outdoor recreation uses; however, this does not adequately represent the unique nature of a tour operation, particularly those located in the outer banks area. This amendment will clarify the conditions and standards under which an outdoor tour operator can exist and provide a clear permitting and approval process. In order to ensure all outdoor tour operators are treated equitably, this text amendment includes an amortization period of four months requiring existing tour operators to apply for a special use permit.

This amendment request also includes an increase in the maximum civil penalty amount from 100 dollars up to 500 dollars. The current maximum of 100 dollars is often an insufficient amount to achieve compliance with ordinance regulations. By increasing the civil penalty amount up to 500 dollars, staff feels enforcement of the ordinance will be more effective.

What follows are the minutes from the August 11 Planning Board meeting and a draft of the text amendment as described above. The Planning Board recommended unanimous approval of this request with the following condition: *"All vehicular outdoor tours must be accompanied by a guide. The independent rental of motor vehicles shall be prohibited."*

This request appears to be consistent with Policy OB7 of the 2006 Land Use Plan and is reasonable and in the public interest and promotes orderly growth and development.

Should you have any questions, do not hesitate to contact Holly White at 232-6029.

PLANNING BOARD DISCUSSION (August 11, 2009)

Mr. West asked if someone was in violation of the SUP, in addition to the monetary penalty, could the SUP be pulled.

Mr. Woody stated there is some language in the ordinance that pertains to permits.

Mr. West stated that as part of the SUP approval the BOC could set the permit duration.

Mr. Woody stated after the penalty has been levied that everyone has the right to appeal the penalty and if an applicant appeals and it was unsuccessful or didn't pay the penalty, then it is turned over to the county attorney.

Mr. West stated that all tours should be guided to enforce the regulations.

Ms. Robbins asked who would be responsible for issuing and enforcing the SUP.

Mr. Woody stated the Planning Department, but the sheriff's department would be involved if there were a trespassing violation.

Mr. Clark stated that a new ordinance, which was recently approved, states you cannot be within 50 ft. of the wild horses. Is there a separate fine?

Mr. Woody stated it would fall under the County Code of Ordinances.

ACTION

Mr. West motion to recommend approval with staff recommendations of PB 09-25 Outdoor Tour Operators text amendment with the following condition:

- All vehicular outdoor tours must be accompanied by a guide. The independent rental of motor vehicles shall be prohibited.

Mr. Clark seconded the motion. Motion carried unanimously.

**Currituck County
PB 09-25
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts, Chapter 3: Special Requirements, Chapter 17: Definitions, and Chapter 15: Administration, to require a special use permit for outdoor tour operators and increase civil penalty amounts up to 500 dollars.

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 deleting the strikethrough language and 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		
<i>Recreation & Entertainment</i>														
<u>Outdoor Tour Operators</u>	<u>II</u>							<u>S</u>	<u>S</u>	<u>S</u>				<u>3.7.3</u>
Recreation Grounds	III						S							3.7. 3 4

Item 2: That Chapter 3: Special Requirements is amended by adding the following underlined language and renumbering accordingly:

3.7.3 Outdoor Tour Operators (Special Use Permit only)

The requirements of this section shall apply to the base operation and extended business operations of outdoor tour operators.

- A. When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics.
- B. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
- C. As part of the special use permit approval process, the Board of Commissioners may establish a maximum number of vehicles, hours of operation, and permit duration.

D. All vehicular outdoor tour operators with a base operation within the jurisdiction of Currituck County shall apply for a special use permit within four months from the date of passage of this ordinance (effective September 21, 2009).

Item 3: That Chapter 17: Definitions is amended by adding the following underlined language alphabetically:

Outdoor Tour Operators

A company or individual that arranges travel tours associated with outdoor recreation. This shall include, but is not limited to, guided or independent horse, bicycle, segway, aviation, boat, or vehicle tours. For the purposes of this definition, the term vehicle includes any self-propelled device or structure used for transporting persons.

Item 4: That Chapter 15: Administration, Section 15.2.4 Penalties and Remedies for Violations is amended by deleting the strikethrough language and adding the following underlined language:

15.2.4 Penalties and Remedies for Violations

B. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use or conditional use permits, shall also subject the offender to a civil penalty of 400 up to 500 dollars for each day the violation continues. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation and did not take an appeal to the Board of Adjustment within the prescribed time. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

Item 5: 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 6: 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: _____



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 4, 2009.

Re: PB 09-30 Currituck County Text Amendment for Family Subdivision Exemption

The enclosed text amendment requested by the Currituck County Board of Commissioners is intended to create an exemption for the division of a tract or parcel transferred to a family member.

As proposed, the amendment will allow a parcel of land to be subdivided for the purposes of transfer to a child or grandchild. As an exempt subdivision lot, the newly created parcel is not subject to the provisions of the ordinance.

Should you have any questions please contact the Planning staff at 252-232-3055.

Currituck County
PB 09-30
UDO AMENDMENT REQUEST

An amendment to Chapter 10: Subdivision Requirements to exempt property divisions transferred to a family member from the requirements of the Currituck County Unified Development Ordinance.

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 10: Subdivision Requirements is amended by adding the following underlined language.

10.1.4 Family Division Exemption

The division of a tract or parcel transferred to a family member within two degrees of kinship (e.g., child, grandchild) shall not be subject to the requirements and review processes of this ordinance provided no more than one lot is created out of the parent parcel. A maximum of one exemption shall be used on the parent parcel. The transferred parcel shall be a minimum of 40,000 square feet in size and share a common access with the original parcel.

Item 2: 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 violate 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 3: 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 _____



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: August 26, 2009

Re: PB 09-31 Currituck County Board of Commissioners
Administrative Setback Variance

The Currituck County Board of Commissioners is requesting a text amendment to the Unified Development Ordinance (UDO) to allow an administrative variance option for single family dwellings proposed on nonconforming lots of record that due to the lot configuration or other constraints may not meet the minimum setbacks. Currently the Unified Development Ordinance (UDO) allows a similar procedure for existing or partially constructed buildings. If the amendment is approved it would offer another less complex option for citizens that demonstrate a particular hardship to setback regulations.

The purpose of the text amendment is to establish an administrative variance process for proposed single family dwellings on existing nonconforming lots of record that do not meet the minimum lot area or lot width standards.

This request appears to be consistent with Policy HN8 of the 2006 Land Use Plan.

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

Currituck County Board of Commissioners
PB 09-31
UDO AMENDMENT REQUEST

An amendment to Chapter 13: Board of Adjustment to allow administrative setback variances for proposed single family dwellings.

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 13, Section 13.8.1 be amended by adding the following underlined language and removing the following stricken language:

13.8.1 Administrative Variances

- A. The administrator shall have the authority ~~shall have the authority~~, as qualified below, to approve a reduction in the minimum setback requirements in the case of any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected or a single family dwelling proposed on a nonconforming lot of record. Such reduction may be approved in accordance with the following provisions:
1. The ~~error~~ setback reduction does not exceed ~~ten~~ twenty percent of the required setback measurement ~~that is involved~~, or ~~one foot~~ two feet whichever is less;
 2. ~~The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a building permit, if such was required;~~
 3. Such reduction will not impair the purpose and intent of the ordinance;
 4. The reduction will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
 5. The reduction will not create an unsafe condition with respect to both other property and public streets;
 6. To enforce compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and,
 7. The reduction will not result in an increase in density or impervious surface coverage from that permitted by the ordinance.

- B. Applications for an administrative variance shall be submitted to the Planning Department. The application shall be in such form and contain such information and documentation as shall be prescribed from time to time by the department but shall in all instances contain at least the following:
1. The name, address, and phone number of the applicant. If the applicant is not the owner of the property in question, (i) the name, address, and phone number of the owner and (ii) the legal relationship of the applicant to the owner that entitles the applicant to make application.
 2. Three copies of an as-built survey for existing encroachments and a survey for proposed construction. The survey shall not to exceed 24" x 36" inches nor be less than 8.5" x 11". ~~The as-built survey~~ and shall be drawn on dimensionally stable reproducible sheets and shall be drawn to scale and shall be at a scale of one inch equals 50 feet or larger. The survey shall include the following:
 - a. Property lines, rights-of-way and easements within 50 feet as a minimum of adjoining parcels.
 - b. Current zoning of the subject site and adjacent properties; adjacent ~~platted and unplatted~~ parcels shall be identified with the legal description and owner's name.
 - c. Boundaries of the property with dimensions and with building setback lines on all sides.
 - d. Existing and proposed streets with right-of-way dimension, lots, ~~reservations~~, easements and areas dedicated to public use.
 - e. Location of existing and proposed buildings; number of stories; gross square footage; retaining walls, fences, culverts, bridges, roadways.
 - f. Limits of existing flood hazard areas.
 - g. Location of existing and proposed utilities (water, septic/sewer, gas, electric, telephone) with related easements.
 - h. Location of power poles, guy wires and other major electrical equipment.
 - i. Location of existing and proposed parking; location of existing and proposed access and driveways.
 - j. Location, size and height of any signs.

- k. Location and nature of existing and proposed fencing and/or screening and general landscaping.
 - l. North arrow, scale, acreage.
 - m. A clear designation of the features of the proposed development or use which require a variance and the extent of the variance requested.
 - n. Any other information that may be required to be shown on the site plan by the administrator to determine that the application is in compliance with the codes and ordinances of the county.
3. A statement of the particular requirements of the ordinance by citation and description.
 4. A statement of the characteristics of the subject property which prevents compliance with the requirements of the ordinance.
 5. A statement of the minimum variance of the requirements of the ordinance which would be necessary to permit the proposed activity.
 6. A statement of the exceptional or undue hardship which would result if said particular requirements of this ordinance were applied to the subject property.
 7. Any additional information and documentation as the director or designee may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
 8. Where a proposed administrative variance is for a rear or side setback, the applicant shall submit an affidavit from the owner of any abutting property expressing whether such owner accepts or opposes the proposed variance. If consent is not given, the adjustment shall be considered as a standard variance, reviewed, and decided by the Board of Adjustment as provided in this chapter.
 9. A review fee as determined by the Board of Commissioners and included in the Currituck County fee schedule.
- C. Upon receipt of a completed application the administrator shall determine whether the variance requested meets the criteria outlined above for an administrative variance. In any case where the variance requested does not meet the criteria listed above, the applicant may apply to the Board of Adjustment for hearing and decision as provided by the ordinance.

- D. The administrator shall provide written notice to property owners within 200 feet of the subject property and accept written statements for ten working days from the date of mailing and shall grant or deny the administrative variance.
- E. In taking any such action, the administrator shall be governed by all the procedures, standards, and limitations of this ordinance applicable to the Board of Adjustment in granting administrative variances, except the public hearing requirements.
- F. Within 30 working days after the application for administrative variance is submitted and accepted, the administrator shall approve, conditionally approve, or deny the application. The administrator shall inform the applicant in writing of the conditions, if any, for approval or the reasons for disapproval. Such written notice shall also describe the process of appeals.
- G. The decision of the administrator may be appealed by the applicant to the Board of Adjustment.

Item 2: 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 3: 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: _____

Currituck County Sustainability Resolution

WHEREAS, Sustainability means focusing on the environmental, economic, and social characteristics of our community in order to meet the needs of the present without compromising the needs of future generations;

WHEREAS, the County is committed to lead by example, through its operations and policies, demonstrating the benefit of sustainable practices through financial savings from increased operational efficiencies and reduced energy costs;

WHEREAS, the County continues to support and be involved in the Currituck Goes Green initiative that will work to save tax dollars, assure clean land, air and water, improve working and living environments, and allow the county to thrive in the future;

WHEREAS, the County is committed to the design of more environmentally conscientious facilities, promoting LEED or other similar certified facilities; and,

WHEREAS, the County staff should be a leader in Currituck in setting policies, guidelines, goals, and strategic actions that will result in:

- a more sustainable community,
- energy, water and cost savings through the location, construction, operation and maintenance of high performance buildings and landscapes,
- increased recycling and materials reuse,
- a healthier and more productive staff and work environments,
- reduced environmental risk and liability, and
- better educated staff, elected officials, and community.

NOW, THEREFORE, BE IT RESOLVED That the Board of Commissioners of Currituck County, North Carolina, authorizes County staff to develop policies, guidelines, and strategic actions for becoming a more sustainable County;

That the Board of Commissioners directs County staff to provide continual training and education opportunities for staff and the community to further sustainable stewardship;

That in order for the County to fully achieve the above initiatives, the Board requests that staff explore the feasibility of developing a Sustainability Plan; and

BE IT FURTHER RESOLVED that the County through all the initiatives described above hereby acknowledges its commitment to the residents of Currituck County to provide a more stable, sustainable future for its residents that will ensure lasting social, economic, and environmental prosperity.

Adopted this 21 day of September 2009.

Board of Commissioners' Chairman
Attest:

1 **AN ORDINANCE AMENDING SECTION 9-3 OF THE CURRITUCK COUNTY CODE**
2 **OF ORDINANCES TO PROHIBIT THE USE OF TOBACCO PRODUCTS IN COUNTY**
3 **BUILDINGS AND TRANSPORTATION VEHICLES**
4
5

6 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
7 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
8 welfare of its citizens; and
9

10 WHEREAS, pursuant to N.C. Gen. Stat. §130A-498 a county may adopt and enforce
11 ordinances restricting or prohibiting smoking that apply in county government buildings, on
12 county government grounds, in county owned vehicles or in public places; and
13

14 WHEREAS, in 1993 a Currituck County ordinance was enacted prohibiting the use of
15 tobacco products in specifically named county owned buildings or on specifically named county
16 owned property and since 1993 additional properties have been acquired by the county.
17

18 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
19 County of Currituck as follows:
20

21 Part I. **Section 9-3. Smoking prohibited in certain county buildings.** of the Currituck County
22 Code of Ordinances is rewritten to read as follows:
23

24 **Sec. 9-3. Smoking prohibited in ~~certain~~ county buildings and transportation**
25 **vehicles.**
26

27 (a) It shall be unlawful for any person to ~~smoke~~ use tobacco products, ~~to cause or allow~~
28 ~~smoke to be emitted from tobacco products or to use smokeless tobacco products within~~
29 ~~the following county buildings, except in designated smoking areas where feasible as~~
30 ~~determined by the county manager; in all of the following:~~
31

32 ~~Currituck County Courthouse and accessory buildings~~
33

34 ~~Currituck County Public Library~~
35

36 ~~Currituck County Department of Social Services and Senior Citizens Center~~
37

38 ~~Currituck County Health Department~~
39

40 ~~Currituck County Satellite Office Building~~
41

42 ~~The Old Mental Health Building~~
43

44 ~~Currituck County Mental Health Facility (Southern Shores Realty Building)~~
45

1 ~~Currituck County Water Department~~

2 ~~Powells Point Community Building~~

3 ~~Whalehead Club Property~~

4 ~~Animal Control Office~~

5 ~~Scales Office at Landfill~~

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11 (1) buildings and grounds that are owned, leased as lessor, or the area leased as lessee by
12 Currituck County.

13
14 (2) any place in a passenger-carrying vehicle owned, leased or otherwise controlled by
15 Currituck County and assigned permanently or temporarily to a Currituck county
16 employee or agency for official Currituck County business.

17
18 ~~(b) It shall be unlawful for any person to leave tobacco product ashes or residue,~~
19 ~~cigarettes or cigarette butts upon any floor, stairway, windowsill, or any other surface~~
20 ~~within the county buildings except in designated smoking areas, named in paragraph (a)~~
21 ~~above. For purposed of this section, the term "tobacco products" shall mean any product~~
22 ~~that contains tobacco and is intended for human consumption.~~

23
24 (c) The violation of this section shall be a ~~misdemeanor~~ an infraction and upon
25 conviction shall be punishable by a fine ~~not more than \$500.00~~ or by imprisonment for
26 ~~not more than 30 days.~~ in the amount of fifty dollars (\$50.00).

27
28 PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby
29 repealed.

30 PART III. This ordinance is effective upon its adoption.

31
32 ADOPTED this _____ day of _____, 2009.

33
34 _____
35 J. Owen Etheridge, Chairman

36
37 ATTEST:

38
39 _____
40 Gwen H. Keene
41 Clerk to the Board

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APPROVED AS TO FORM:

Donald I. McRee, Jr.

County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS

RESOLUTION ESTABLISHING AND CREATING THE CAROVA BEACH ROAD
SERVICE DISTRICT

WHEREAS, Chapter 153A, Article 16 of the North Carolina General Statutes, authorizes counties within North Carolina, to define service districts to finance, provide, or maintain for such districts one or more services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire county; and,

WHEREAS, said statutes further provide that the county may define a service district for the purpose of street maintenance; and

WHEREAS, acting in response to a need for action in order to protect and maintain public safety, address increasing traffic demands resulting from property development within the Carova Beach area and to preserve and protect private property rights through the re-establishment of rights-of-way thus ending travel across private property, the Board of Commissioners for the County of Currituck has determined that the creation of a service district for street maintenance will be for the benefit of those properties located within the service district boundaries and adjacent thereto; and

WHEREAS, the Board of Commissioners for the County of Currituck finds that the proposed district is in need of projects and programs to the standards of G.S. 153A-301(b) and (c) to a demonstrably greater extent than the remainder of the county to meet the needs and goals set forth above and, further, that a county is statutorily limited to establishing such projects and programs only within an area of the county having characteristics of the proposed service district area and thus it is impossible to provide the planned services on a countywide basis; and

WHEREAS, it is economically feasible to provide the proposed services within the district without an annual tax levy as property within the district is dedicated as street rights-of-way with an assessed valuation of zero and the County of Currituck has identified Occupancy Tax revenue as a source of funding to provide street maintenance within the district; and

WHEREAS, there is a demonstrable demand and need for the services proposed within the district as set forth and incorporated into a report which has been available for public inspection in the office of the Clerk to the Board of Commissioners for four (4) weeks prior to the public hearing on the matter of the establishment of the service district which report is incorporated herein by reference; and

WHEREAS, the Board of Commissioners for the County of Currituck has caused a notice of such hearing to be duly published in a newspaper having general circulation in the County of Currituck, said hearing having been conducted on September 8, 2009, and the County Attorney has certified to the Board of Commissioners that the mailing of notice of hearing has been completed, all in conformity to G.S.153A-302(c);

NOW, THEREFORE, BE IT RESOLVED BY the Board of Commissioners for the County of Currituck, North Carolina that:

Section 1. The County of Currituck has fully complied with each and every requirement of Chapter 153A, Article 16 of the North Carolina General Statutes and the Board of Commissioners determines and finds the same as a fact.

Section 2. The Carova Beach Service District for street maintenance is hereby established and created consisting of the rights-of-way of in Carova Beach as more particularly shown on the map attached hereto as Exhibit A and incorporated herein by reference.

Section 3. The County of Currituck may allocate to the Carova Beach Road Service District any revenue whose use is not otherwise restricted by law including, but not limited to, Occupancy Tax, in order to finance, provide or maintain for the district, services provided therein, in addition to or to a greater extent than those financed, provided or maintained for the entire county. If at any time Occupancy Tax is not sufficient to fund a street maintenance or improvement project then such project will not be implemented until sufficient Occupancy Tax is available to fund such project.

Section 4. There is created a Carova Beach Road Service District Advisory Board comprised of seven members appointed by and serving at the Currituck County Board of Commissioners. Three members shall be residents of Carova Beach Subdivision, one member shall be an absentee owner of property in Carova Beach Subdivision, one member shall be a representative of the Carova Beach Volunteer Fire Department, Inc., one member shall be a representative of Currituck County Emergency Medical Services and one member shall be a representative of the Currituck County Sheriff's Department.

The Carova Beach Road Service District Advisory Board shall have the following responsibilities:

- a. assess road rights-of-way comprising the service district;
- b. develop a prioritized list of road rights-of-way in need of maintenance and the type of maintenance or improvement recommended;
- c. prepare and submit to the Currituck County Board of Commissioners a report of advisory board assessment and recommendation;
- d. monitor and report to the Currituck County Board of Commissioners the status and progress of approved road maintenance and improvement projects; and
- e. any other tasks or responsibilities requested by the Currituck County Board of Commissioners related to the purpose for the service district.

ADOPTED the 8th day of September, 2009.

ATTEST:

Chairman

Clerk to the Board

Gwen Keene

From: Dan Scanlon
Sent: Friday, September 11, 2009 7:58 AM
To: Gwen Keene
Subject: FW:

I guess we need to included this on an upcoming BOC agenda.

From: Vance Aydlett
Sent: Thursday, September 10, 2009 10:51 PM
To: Owen Etheridge; Janet Taylor; S Paul O'Neal; barryobx@compueasy.com; Dan Scanlon; John Rorer; gregor1@inteliport.com
Subject:

Fellow Commissioners,
Listed is names of people I would like to nominate for the Carova Beach Road Service District. I have spoken to each one of them and they would like to serve. Each of them also support this effort and wants to see it succed. Thank you each in advance for your consideration in allowing me to place these names in nomination at our next meeting.

Residents-- Bob Brett, Mart Pinner, Randall Spence. Non-resident property owner-Lin Alphin. Fire Department-- Bill Vann. Sheriff and EMS Department--Yet to be determined,

Thank You,
Vance

CURRITUCK COUNTY
NORTH CAROLINA
September 8, 2009

The Board met at 5:30 p.m. with the Economic Development Board.

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.

Invocation and Pledge of Allegiance

The Reverend Bill Ralph was present for the invocation.

Approval of Agenda

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

- Item 2 **Public Comment**
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Proclamation for Constitution Week**
- Item 4 **Update on County Inspection Review Process**
- Item 5 **Public Hearing and Action** on the Creation of the Carova Beach Road Service District
- Item 6 **Public Hearing and Action:** PB 08-45 Estates at Carova Beach: Request for preliminary plat/special use permit approval of an open space subdivision to re-plot 20 existing lots into 28 residential lots in Carova Beach Subdivision, Sections 1, 2, 3, 5, and 9, Fruitville Township.
- Item 7 **Public Hearing and Action** PB 09-24 Jarvis Landing: Request to establish a 15.3 acre Residential Multifamily (RMF) overlay district. Property is located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Rd, Tax Map 110, Parcel 74, Poplar Branch Township.
- Item 8 **Presentation and Discussion** on updating the County's Hazard Mitigation Plan
- Item 9 **Appointment to Jury Commission**
- Item 10 **Consent Agenda:**

1. Transfer Unspent FY 2008/2009 ROAP Allocation
2. Moyock Welcome Center Addition - Change Order #1, Revelle Builders
3. RO Water Treatment Plant-Change Order #5, ML Water System Upgrades
4. Budget amendments
5. Resolution Authorizing Sale by Upset Bid Residential Structures at Milburn Sawyer Road and North Spot Road
6. Resolution declaring surplus property and authorizing auction of surplus property
7. Approval of Board of E&R minutes
8. 2009 Tax Levy & Prior Year Taxes to be Charged to the Tax Collector
9. Approval of August 17, 2009, Minutes

Item 11 Commissioner's Report

Item 12 County Manager's Report

Item 13 **Closed Session:**

1. According to GS 143-318.112 (4) to discuss economic development

Adjourn

Special Meeting

Tourism Development Authority Meeting

Call to order

TDA Budget amendments

Adjourn

Public Comment

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

Chairman Etheridge opened the public comment period.

Commissioner Taylor commented on the flooding in Moyock.

Eric Weatherly, Engineer, reviewed the out falls and access to ditches and drainage problems. The Board requested staff to contact DOT for assistance.

Commissioner O'Neal requested staff to contact DOT on the timing of stoplights countywide.

Commissioner Gregory reminded citizens of the Wildlife Festival September 12 and 13.

Commissioner Rorer reminded citizens of the Fall Festival at Jarvisburg Church.

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

Proclamation for Constitution Week

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

**Proclamation
Constitution Week
September 17-23, 2009**

WHEREAS, September 17, 2009 marks the two-hundred twenty-second anniversary of the drafting of the Constitution of the United States of America by the Constitution Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, BE IT PROCLAIMED that we, the commissioners for Currituck County do hereby ask all citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have set my hand and affixed the Great Seal of the County of Currituck.

Update on County Inspection Review Process

Peter Bishop, Economic Development Director, reviewed the goals and process to improve services in the Inspection Department.

Public Hearing and Action on the Creation of the Carova Beach Road Service District

Ike McRee, County Attorney, reviewed the creation of the district.

Chairman Etheridge opened the public hearing.

Debra Ianucci, Swan Beach property owner, strongly opposes a district.

Lynne Wilson, Swan Beach, opposes the district, does not want to encourage development.

Charlie Poole, Carova Beach, submitted a petition with 61 signatures supporting the district.

Bill Vann, Carova Beach Fire Chief, supports district and that it would enhance response to emergencies.

William Thrasher, Carova Beach, questioned drainage in area.

Commissioner O'Neal submitted a letter of support from the Sheriff and EMS.

Commissioner Aydlett, thanked the citizens and staff for work on this effort.

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

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

RESOLUTION ESTABLISHING AND CREATING THE CAROVA BEACH ROAD SERVICE DISTRICT

WHEREAS, Chapter 153A, Article 16 of the North Carolina General Statutes, authorizes counties within North Carolina, to define service districts to finance, provide, or maintain for such districts one or more services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire county; and,

WHEREAS, said statutes further provide that the county may define a service district for the purpose of street maintenance; and

WHEREAS, acting in response to a need for action in order to protect and maintain public safety, address increasing traffic demands resulting from property development within the Carova Beach area and to preserve and protect private property rights through the re-establishment of rights-of-way thus ending travel across private property, the Board of Commissioners for the County of Currituck has determined that the creation of a service district for street maintenance will be for the benefit of those properties located within the service district boundaries and adjacent thereto; and

WHEREAS, the Board of Commissioners for the County of Currituck finds that the proposed district is in need of projects and programs to the standards of G.S. 153A-301(b) and (c) to a demonstrably greater extent than the remainder of the county to meet the needs and goals set forth above and, further, that a county is statutorily limited to establishing such projects and programs only within an area of the county having characteristics of the proposed service district area and thus it is impossible to provide the planned services on a countywide basis; and

WHEREAS, it is economically feasible to provide the proposed services within the district without an annual tax levy as property within the district is dedicated as street rights-of-way with an assessed valuation of zero and the County of Currituck has identified Occupancy Tax revenue as a source of funding to provide street maintenance within the district; and

WHEREAS, there is a demonstrable demand and need for the services proposed within the district as set forth and incorporated into a report which has been available for public inspection in the office of the Clerk to the Board of Commissioners for four (4) weeks prior to the public hearing on the matter of the establishment of the service district which report is incorporated herein by reference; and

WHEREAS, the Board of Commissioners for the County of Currituck has caused a notice of such hearing to be duly published in a newspaper having general circulation in the County of Currituck, said hearing having been conducted on September 8, 2009, and the County Attorney has certified to the Board of Commissioners that the mailing of notice of hearing has been completed, all in conformity to G.S.153A-302(c);

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particularly shown on the map attached hereto as Exhibit A and incorporated herein by reference.

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Section 4. There is created a Carova Beach Road Service District Advisory Board comprised of seven members appointed by and serving at the Currituck County Board of Commissioners. Three members shall be residents of Carova Beach Subdivision, one member shall be an absentee owner of property in Carova Beach Subdivision, one member shall be a representative of the Carova Beach Volunteer Fire Department, Inc., one member shall be a representative of Currituck County Emergency Medical Services and one member shall be a representative of the Currituck County Sheriff's Department.

The Carova Beach Road Service District Advisory Board shall have the following responsibilities:

- a. assess road rights-of-way comprising the service district;
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- c. prepare and submit to the Currituck County Board of Commissioners a report of advisory board assessment and recommendation;
- d. monitor and report to the Currituck County Board of Commissioners the status and progress of approved road maintenance and improvement projects; and
- e. any other tasks or responsibilities requested by the Currituck County Board of Commissioners related to the purpose for the service district.

Public Hearing and Action: PB 08-45 Estates at Carova Beach: Request for preliminary plat/special use permit approval of an open space subdivision to re-plat 20 existing lots into 28 residential lots in Carova Beach Subdivision, Sections 1, 2, 3, 5, and 9, Fruitville Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**STAFF ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: September 8, 2009
PB 08-45 Estates at Carova Beach, Open Space Subdivision**

ITEM: PB 08-45 Estates at Carova Beach, Open Space Subdivision, Preliminary Plat/SUP to re-plat 20 existing lots into 28 residential lots.

LOCATION: The proposed development is located in the following sections of Carova Beach, Fruitville Township:

Section 1	Sections 2 & 3	Sections 5 & 9
087A-000-000A-0001	087A-000-000A-0002	087A-000-001A-0005
087A-000-000B-0001	087A-000-000A-0003	087A-000-002A-0005
087A-000-000C-0001	087A-000-000B-0002	087A-000-000B-0005
087A-000-000D-0001	087A-000-000B-0003	087A-000-000C-0005
087A-000-000E-0001		087A-000-000D-0005
087A-000-000F-0001		087A-000-000A-0009
087A-000-000G-0001		087A-000-000B-0009
087A-000-000H-0001		087A-000-000C-0009

ZONING

DISTRICT: Outer Banks Limited Access Residential District (R02)

PRESENT USE: Sand dunes and maritime forest

OWNERS: Carova Corp. and Ocean Sands Co.
 C/O Riggs Realty Co.
 P.O. Box 400
 Corolla, NC 27927

Ernest Bowden
 2155 Sandfiddler Road
 Corolla, NC 27927

ENGINEER: Mark Bissell
 Bissell Professional Group
 PO Box 1068
 Kitty Hawk, NC 27949
 252-261-3266

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Residential and Vacant	Zoned: R02
SOUTH:	Residential and Vacant	Zoned: R02
EAST:	Residential and Vacant	Zoned: R02
WEST:	Residential and Vacant	Zoned: R02

SIZE OF SITE: Section 1: 31.36 acres
 Sections 2&3: 22.04 acres
 Sections 5&9: 20.52 acres
 Total: 73.92 acres

NUMBER OF LOTS: 28 total(8 lots proposed, 20 existing, replatted lots)

DENSITY: 0.38 unit/ acre

STREETS: The proposed lots will be accessed by existing sand roads excluding two cul-de-sac streets proposed in Section 1 development. The existing roads and dune crossings will be evaluated at pre-construction phase for re-grading and stabilization.

UTILITIES: The development will be served by individual wells and on-site wastewater.

OPEN SPACE: Proposed lot area reduced from the required 120,000 square feet must be dedicated as open space. The required open space dedication for each section is as follows:

Section	Required Open Space	Dedicated Open Space
Section 1	476,242 square feet	500,802 square feet
Sections 2 & 3	364,938 square feet	379,150 square feet
Sections 5 & 9	265,515 square feet	320,925 square feet

There is a cumulative total of 27.5 acres of open space included in the subdivision proposals. The developer has expressed an interest in dedicating the open space to Currituck County. As provided for in Section 10.4.6 of the Unified Development Ordinance, required open space shall not be dedicated to the public except upon written acceptance by the county.

I. NARRATIVE OF REQUEST:

- Carova Corp., Ocean Sands Co. is requesting preliminary plat/SUP approval for re-platting 20 existing parcels in sections of Carova Beach into 28 proposed lots.
- Carova Beach subdivision was approved in 1966 and 1967, and at that time Currituck County did not require the street improvements.
- The sketch plan was approved by the Board of Commissioners on December 15, 2008.

II. QUESTIONS BEFORE THE BOARD:

Special Use Permit Criteria and Suggested 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 a SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION

Suggested Finding:

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 Finding:

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

3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THE UDO.

Suggested Finding:

a. The proposed conditions meet the minimum requirements of the UDO.

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

Suggested Finding:

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 UDO indicates that an open space subdivision is allowed in the R02 zoning district with a special use permit.

b. The proposed residential lots are currently within a neighborhood with densities comparable to those proposed and should be in harmony with the neighborhood.

6. THE SPECIAL USE WILL BE IN CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN, OR OTHER OFFICIALLY ADOPTED PLAN.

Suggested Findings:

a. The 2006 Land Use Plan classifies the site as **Limited Service Area** within the Carova subarea and the proposed development is in keeping with the policies of the plan such as:

POLICY OB6: Concerning the OFF-ROAD AREAS OF THE OUTER BANKS, Currituck County shall not permit or encourage the provision of growth-inducing facilities and services to these areas, including for example, commercial services, centralized sewage treatment, and hard surface roads.

POLICY OB7: VEHICULAR ACCESS TO THE NORTH BEACHES (off-road area) shall not compromise the environmental integrity of wildlife refuges, the estuarine research reserve, other ecologically sensitive areas, or habitat for wild horses. Structures or other man-made improvements not specifically serving the public interest shall not be permitted to block vehicular access along the beach.

POLICY OB8: In order to protect WILD HORSES, Currituck County shall not permit nor encourage the provision of hard surface roads in the off-road area of Carova.

POLICY OB9: LARGE HOMES ON OCEANFRONT LOTS IN THE OFF-ROAD AREA should be located as far west as possible. Structures should not be built forward of protective dunes, thereby impeding dune recovery. County minimum setbacks may exceed CAMA minimum setbacks in ocean erodible areas.

b. The proposed preliminary plat/special use permit is in general compliance with the policy emphasis of the Carova sub-area and the Outer Banks policies of the 2006 Land Use Plan.

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. School seats are no longer allocated for the Outer Banks areas because of the low year round occupancy rate.

b. The Carova Beach Fire Department testified on September 17, 2007 that the roads in Carova are adequate for their department to respond.

III. STAFF RECOMMENDATION

Staff recommends **approval** of all sections with the following conditions:

1. A detailed analysis of proposed fill within the Coastal High Hazard Area (VE flood zone) shall be provided with pre-construction plans. The analysis shall indicate the effects of fill and wave deflection or run-up as well as increase in base flood elevation. In addition, there shall be no alteration of sand dunes which would increase potential flood damage. No fill shall be used for structural support.
2. A detailed grading plan must be provided with the pre-construction plans to identify any dune modifications or fill.
3. Please provide a detailed narrative for access and development impacts within 404 wetlands with the pre-construction plans.
4. An on-site inspection by the County Engineer and Planning staff must occur prior to submission of the pre-construction plans to determine the extent of improvements of existing roads.
5. Identify significant trees within the development with the pre-construction plan submittal.
6. Provide a short document or narrative explaining maintenance and the party responsible for maintenance of roadside swales and culverts. In addition provide the procedure for when the developer turns the subdivision over to the homeowner's association and their responsibility at that time. The narrative and procedure should be submitted at pre-construction. (Soil and Water TRC Comment)
7. Acceptance by the county of any open space property shall be in the form of a general warranty deed. This shall only occur after the adoption of a written resolution of acceptance by the Board of Commissioners, prior to the recordation of a final plat.
8. A detailed grading, drainage plan for individual lots shall be provided with pre-construction plan. (Public Works, County Engineer TRC Comment)
9. More detailed grading, drainage, stabilization, fill and excavation information shall be provided to Division of Coastal Management. (DCM TRC Comment)
10. Provide details for the four foot barrier fence in Section 1 with the pre-construction plans (DCM TRC Comment).

Suggested Staff Plan Modifications (*SUP December 15, 2008)

1. *All vegetation in open space, except for fire ponds, shall be maintained in its current, natural state.
2. *Submit a narrative ore report on how the proposed development complies with the maritime Forest Guidelines with the pre-construction submittal. (Policy ES7)
3. *The Maritime Forest Guide shall become a mandatory part of this permit (UDO Section 4.7.7) (Policy ES7)
4. Only limited removal of vegetation within 404 wetlands for elevated pedestrian access and minimal road/driveway access shall be permitted. Fill within the wetlands shall be prohibited, except for minimal access to properties (Policy ES2, WQ5, WQ6)
5. Existing vegetation located along proposed street rights-of-way should be protected during construction and retained. (Policy ES7)
6. Lots adjacent to 404 wetlands shall incorporate LID techniques and reduce run-off to the wetland areas. No direct stormwater run-off to wetland areas. No direct stormwater run-off to 404 wetlands shall be permitted. (Policy ES2)

Chairman Etheridge opened the public hearing.

Mark Bissell, Engineer, was present to answer questions.

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

Commissioner Aydlett moved to approve with the findings of fact, staff recommendations and modifications included in the case analysis and the dilapidated structure located on proposed lot 101, Section 5 shall be demolished prior to submittal of a final plat. Commissioner O'Neal seconded the motion. Motion carried.

**Public Hearing and Action PB 09-24 Jarvis Landing:
Request to establish a 15.3 acre Residential Multifamily
(RMF) overlay district. Property is located at 7400
Caratoke Highway, approximately 750 feet North of Case
Landing Rd, Tax Map 110, Parcel 74, Poplar Branch Township.**

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
 BOARD OF COMMISSIONERS
 MEETING DATE: September 8, 2009
 RMF Overlay Zoning Map Amendment:
 PB 09-24 Jarvis Landing**

TYPE OF REQUEST: Request to establish a 15.3 acre Residential Multi-Family (RMF) overlay district.

LOCATION: Located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Rd.

TAX ID: Tax Map 110, Parcel 74
0110-000-0074-0000

OWNER/APPLICANT: GOB, LLC
PO Box 125
Point Harbor, NC 27964

CURRENT ZONING: Conditional District General Business (CD-GB) & Residential (R)

PROPOSED ZONING: Residential Multi-Family (RMF) overlay district

ZONING CONDITIONS: The 15.3 acre CD-GB district is subject to the following conditions:

1. Uses: 39 townhome style dwellings, manager's office/ community center, and related amenities.
2. Density will not exceed 2.574 dwelling units per acre.
3. 25 foot undisturbed natural vegetative buffer will remain along the northern and western property lines.
4. A walking path/sidewalk will be constructed for pedestrian connectivity to the existing GB zoning district to the east.
5. Existing woodlands will be preserved to the extent practicable.
6. An opaque privacy fence will be constructed along the northern property line adjacent to tax map parcel 110-75B and along the western property line adjacent to tax map parcel 110-74D.

7. A minimum of 30% of the acreage of existing woodland, excluding utility areas, shall be designated and maintained as an undisturbed tree preservation area.

ZONING HISTORY: The property was zoned Residential (R) on the 1989 zoning atlas.

A Sketch Plan/ Special Use Permit for a 14 lot residential subdivision was granted for this property on April 3, 2006. The subdivision was constructed and Final Plat approval was granted on May 8, 2007.

The property was rezoned to CD-GB to allow for 39 townhome style dwelling units on March 3, 2008.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential and Sand Mine	R and GB
SOUTH:	Residential and Undeveloped	R
EAST:	Undeveloped	GB
WEST:	Undeveloped	R

EXISTING LAND USE: Vacant Residential Subdivision.

PROPOSED LAND USE: No proposed land use is indicated on the application.

DENSITY: With RMF Overlay (4.3 du/acre): 65 dwelling units.

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. 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.

**PUBLIC SERVICES
AND UTILITIES:**

The Lower Currituck Volunteer Fire Department provides fire protection for

this area. Electric service, telephone and public water are available.

TRANSPORTATION: The site has approximately 24 linear feet of frontage on Caratoke Highway.

FLOOD ZONE: This site has been designated an X Flood Zone by FEMA and is therefore out of the 100 year floodplain.

SOILS: The Currituck County Soils map indicates the property contains suitable soils for on-site septic systems.

STAFF

RECOMMENDATION: Staff recommends **denial** of the request to establish a 16.57 acre Residential Multi-family overlay zone for the following reasons:

1. The proposed Residential Multi-Family (RMF) overlay is not in general compliance with the Limited Service designation and Jarvisburg Sub-Area policy emphasis of the 2006 Land Use Plan.
2. The RMF overlay is not an appropriate zoning district for areas designated as Limited Service on the Future Land Use Map. Rather, the higher densities associated with the RMF overlay are better suited for Full Service areas.
3. The Land Use Plan emphasizes that new RMF overlay zones should only be applied in locations served by centralized utilities and convenient to services.
4. The establishment of RMF overlay's in Limited Service areas may actually increase demand for county services and encourage strip development by locating people in areas removed from existing infrastructure and services.

PLANNING BOARD DISCUSSION

Mr. Valdivieso stated the property has a current Special Use Permit (SUP) which allows for 39 townhomes. What they are asking for in the rezoning overlay will not do away with this permit. In other words, if the RMF is approved and they wanted to add units they would have to come back to amend the SUP to accommodate the increase in density. What they are asking for tonight is a residential multi-family overlay zoning district. This is in an effort to increase the density on the property. Mr. Valdivieso stated the RMF overlay came about in his opinion during the need for affordable housing, but you need to have higher density. The Affordable Housing Group out of Charlotte, NC is now working with the developer on this project. This group would build it, own it, and manage the project. The amount they can charge for rent to qualify for special financing in this program is \$500-\$650 monthly per unit. Mr. Valdivieso stated to get the numbers down they need to develop 50 units on the site. The density will make the project financially feasible to develop and to maintain affordability. Utilities and infrastructure are in place on the property. All the proposed townhomes will have there own septic system.

Mr. West asked Mr. Valdivieso how many units he thinks the property would support.

Mr. Valdivieso stated that he has not done a site evaluation or plan to see what can go on the property, which may accommodate 65 units.

Mr. Midgette asked if the infrastructure that is now there on the property was put there to support the 14 lot residential subdivision which was originally asked for.

Mr. Valdivieso stated yes and it also will support the 39 townhomes.

Mr. Woody stated you could use the street configuration to accommodate single family homes or townhomes.

Mr. Clark stated he is concerned that during these economical times, could the county support 39 to 50 more apartment units being built since 252 units have been approved to be built in Moyock.

Mr. Woody stated that when you build a multi-family dwelling in Currituck County it can be zoned General Business, Planned Unit Development or RMF Overlay. Once you have the zoning in place you do have to come back and get a

Special Use Permit. Zoning is a legislative action and a board has discretion in how to apply a zoning district. An SUP is a quasi-judicial proceeding and a board does not have discretion on when to issue the SUP.

Mr. Praley stated that the surrounding properties were in support of the original 14 single family homes, but since it has changed to 39 townhomes and the possibility of changing to 50 townhomes, he is asking the board to deny the request of the RMF overlay.

Ms. Powell stated she was representing the Jarvis Family who originally sold this land to put 14 single family units on it. Ms. Powell stated that her father was a long time resident of Currituck County and he worked hard to make Jarvis Landing a beautiful place for the family. Their desire is to keep the property beautiful as nature has kept it for years and generations to come. Ms. Powell stated they are asking for denial of this request because of the impact it will have on the land and the land they still own there. Ms. Powell stated when the property was originally sold to Mr. Griggs it was an agreement by word of mouth and a hand shake that 14 single family units would go on the property. Ms. Powell stated Mr. Griggs wrote it down and was in agreement with the 14 single family units.

Mr. Valdivieso stated when Mr. Griggs purchased the property no restrictions were put on the property. Mr. Valdivieso stated the governor has signed Bill 831 effective January 1, 2008 through December 31, 2010 which essentially freezes current special use permits due to economical times in an effort to minimize costs to start a project up when the economy turns around.

ACTION

Ms. Newbern motioned to recommend denial with staff recommendations of the request to establish a 15.3 acre Residential Multifamily (RMF) overlay district as presented. Mr. West seconded the motion. Motion carried unanimously.

Chairman Etheridge opened the public hearing.

John Praley, adjacent property owner, opposes the request.

Kristin Praley, opposes the request.

Eddie Valdivieso, Engineer, was present to answer questions.

Pete Kauffman, representing developer, supported the request.

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

Commissioner Nelms moved to deny due to its inconsistency with policies and limited service designation of the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promote orderly growth and development. Commissioner Taylor seconded the motion. Motion carried.

Presentation and Discussion on updating the County's Hazard Mitigation Plan

Mary Beth News, Emergency Management Director, reviewed the county's hazard plan that will be submitted to FEMA for approval. This plan needs to be updated every 10 years to receive public assistance after a disaster. The Board will receive a final copy before it is submitted.

Appointment to Jury Commission

Commissioner O'Neal moved to reappoint Dorothy Jones. Commissioner Aydlett seconded the motion. Motion carried.

Consent Agenda:

1. Transfer Unspent FY 2008/2009 ROAP Allocation
2. Moyock Welcome Center Addition - Change Order #1, Revelle Builders
3. RO Water Treatment Plant-Change Order #5, ML Water System Upgrades
4. Budget amendments
5. Resolution Authorizing Sale by Upset Bid Residential Structures at Milburn Sawyer Road and North Spot Road
6. Resolution declaring surplus property and authorizing auction of surplus property
7. Approval of Board of E&R minutes
8. 2009 Tax Levy & Prior Year Taxes to be Charged to the Tax Collector
9. Approval of August 17, 2009, Minutes

Commissioner O'Neal moved to approve. Commissioner Gregory seconded the motion. Motion carried with Commissioner Nelms voting no.

Budget Amendments

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10330-431000	DSS Administrative		\$ 20,000
10750-545001	FNS Recovery-ARRA	\$ 20,000	
		\$ 20,000	\$ 20,000

Explanation: *SOCIAL SERVICES ADMIN (750)* - ARRA Administrative Funding for the Food and Nutrition Services program.

Net Budget Effect: Operating Fund (10) - Increased by \$20,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50390-490000	Proceeds of Debt Issuance	\$ 800,000	
50380-481000	Investment Earnings		\$ 800,000
		\$ 800,000	\$ 800,000

Explanation: *Knotts Island Fire Station Construction (50548)* - To appropriate investment earnings to replace funding of the USDA loan for the Knotts Island Fire Station construction. This will cancel the debt for this facility.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
65858-590000	Capital Outlay	\$ 1,405	
65858-516000	Repairs and Maintenance		\$ 1,405
		\$ 1,405	\$ 1,405

Explanation: *Moyock Commons Sewer (65858)* -Ditch lowering pump at Moyock Commons has

burned up and has to be replaced.

Net Budget Effect: Moyock Commons Sewer District (65) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10796-514000	Travel	\$	1,000		
10796-514500	Training & Education	\$	1,000		
10796-516000	Repairs & Maintenance	\$	10,000		
10796-532000	Supplies	\$	3,189		
10796-590000	Capital Outlay	\$	99,501		
10796-545000	Contracted Services			\$	28,900
	Fund Balance				
10390-499900	Appropriated			\$	62,000
10380-484001	Insurance Recovery			\$	23,790
		\$	114,690	\$	114,690

Explanation: *4H Cultural Life Center (10796)* - Increase appropriations to carry-forward renovations from FY 2009 and for repairs that will be funded through insurance recovery proceeds. Capital items are as follows:

Dragmaster	*	2,765
Jumps		4,680
Announcers booth	*	3,000
PA system		2,500
Scoreboard	*	1,000
Message board	*	1,000
Signage		15,360
Security gate		1,340
Sand		2,750
Stall fronts	*	10,680
Trail material		2,000
Paint		2,200
Wash bay		2,400
Shavings		1,500
Fly spray system		2,000
Stall mats		10,680
Washer/dryer		1,746
Trailers		3,000
Tractor		28,900
		\$ 99,501

* Increased prices from original appropriation 7/6/2009.

Net Budget Effect: Operating Fund (10) - Increased by \$85,790.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-590000	Capital Outlay Tourism Dev Authority	\$ 593,647	
10380-489000	Dist		\$ 550,000
10350-468000	Sale of capital assets		\$ 43,647
		\$ 593,647	\$ 593,647

Explanation: 4H Cultural Life Center (10796) - Capital improvements at the 4H Cultural life center as follows:

Road	117,765
Restroom facility	41,316
Electrical	185,000
Modular office	56,385
Plumbing	54,500
Bleachers	9,781
Barns & Exhibits	28,900
Property	50,000
Septic	10,000
Contingency	40,000
	\$ 593,647

Net Budget Effect: Operating Fund (10) - Increased by \$593,647.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10410-561000	Professional Services	\$ 30,000	
10441-590000	Capital Outlay	\$ 12,546	
10460-516000	Maintenance & Repair	\$ 2,818	
10460-561000	Professional Services	\$ 83,155	
10460-592000	Projects	\$ 8,892	
10490-516000	Maintenance & Repair	\$ 3,382	

10511-545000	Contract Services	\$	270	
10530-590000	Capital Outlay	\$	5,072	
10550-545000	Contract Services	\$	28,280	
10650-545000	Contract Services	\$	10,000	
10650-592000	Econ Dev projects	\$	21,500	
10795-592000	Recreation Projects	\$	30,000	
10390-499900	Fund Balance Appropriated			\$ 235,915
12546-590006	Capital Outlay - Corolla	\$	157,467	
12390-499900	Fund Balance Appropriated			\$ 157,467
60808-590001	Capital Outlay - Sewer	\$	162,500	
60390-499900	Appropriated Retained Earnings			\$ 162,500
61818-545000	Contract Services	\$	104,600	
61818-561000	Professional Services	\$	317,881	
61390-499900	Appropriated Retained Earnings			\$ 422,481
			<u>\$ 978,363</u>	<u>\$ 978,363</u>

Explanation: This budget amendment is requested to carry-forward funds from projects that were funded but not completed in FY 2009:

PO Number	Vendor	Description	Amount
20091059	Artisan Skateparks	Sound Park Skate Park	\$ 30,000
20091708	Vanasse Hangen Brustlin Inc	Maple Park Masterplan	\$ 30,000
20091603	Crowder Construction	Jail sewer/lightning damage	\$ 270
20091789	Embarq	Secondary call manager	\$ 12,546
20090013	Arcadis	Moyock Sewer Masterplan	\$ 37,871
20090014	Arcadis	Moyock Sewer Force Main/Pump	\$ 45,284
20091400	Gordon Sheet Metal	Judicial/DSS Roof repairs	\$ 6,200
20091787	Alee Construction	Remodel PW Trailer	\$ 8,892
20091769	Mid-Atlantic Garage Doors	Bird proof hangars	\$ 28,280
20091771	Stellar Trade LLC	Foreign Trade Zone app	\$ 10,000
20091575	Hyman & Robey	Maple Commercial Pk	\$ 21,500
20091498	Medtronic Physio-control	EMS Software	\$ 5,072
20091601	Instrulogic Corp	Ocean Sands Telemetry	\$ 162,500

20091716	Utility Service Co	Currituck Tower Maint	\$	89,000
20091767	QC By Zeke LLC	Rehab elevated tank	\$	15,600
20090537	East Carolina University	Ecological Assess	\$	188,788
20090538	East Carolina University	Rev Osmosis Study	\$	129,093
	Kovatch Mobile Equip	Corolla engine repair	\$	157,467
			<u>\$</u>	<u>978,363</u>

Net Budget Effect: Operating Fund (10) - Increased by \$235,915.
 Fire Services Fund (12) - Increased by \$157,467.
 Ocean Sands Water & Sewer Fund (60) - Increased by \$162,500.
 Mainland Water Fund (61) - Increased by \$422,481.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
10445-561000	Professional Services	\$ 3,520	
10350-468000	Sales of Capital Assets		\$ 3,520
		<u>\$ 3,520</u>	<u>\$ 3,520</u>

Explanation: *Human Resources (10445)* - To increase professional services to reflect actual bid for pay study.

Net Budget Effect: Operating Fund (10) - Increased by \$3,520.

**RESOLUTION AUTHORIZING SALE BY UPSET BID PURSUANT TO
N.C. GEN. STAT. SECTION 160A-269**

WHEREAS, the County of Currituck owns residential structures on property located at 112 Milburn Sawyer Road and 323 N. Spot Road, Powells Point, N.C. (the "Property"); and

WHEREAS, the Property is not used by the County and, on July 20, 2009, was declared surplus by the Board of Commissioners of Currituck County; and

WHEREAS, North Carolina General Statute 160A-269 permits a county to solicit an offer to purchase property and advertise it for upset bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County that:

1. The County of Currituck shall solicit an offer to purchase the residential structure at 112 Milburn Sawyer Road and the residential structure at 323 N. Spot, which offers shall be subject to the upset bid procedure set forth in N.C. Gen. Stat. Section 160A-269.
2. The Clerk to the Board of Commissioners shall cause publication of a notice of the solicitation of an offer to purchase each residential structure subject to the upset bid procedure. The notice shall describe each residential structure and shall state the terms under which the offer may be upset.
3. Persons wishing to submit an offer to purchase the residential structures shall submit an offer for the structure located at 112 Milburn Sawyer Road or for the structure located at 323 N. Spot Road, with each offer accompanied by a deposit made in cash, cashier's check or certified check in the amount of five percent (5%) of the offer to purchase.
4. Upon receipt of an offer to purchase one of the residential structures and deposit, the Clerk to the Board of Commissioners shall cause publication of a notice of the offer to purchase. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Clerk to the Board of Commissioners within 10 days after the notice is published. At the conclusion of the 10-day period, the Clerk to the Board of Commissioners shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received.
6. A qualifying higher bid is one that raises the existing offer by not less than 10 percent (10%) of the first \$1,000 of that offer and 5 percent (5%) of the remainder of that offer.
7. A qualifying higher bid must also be accompanied by a deposit in the amount of 5 percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return without interest the deposit on any bid not accepted, and will return without interest the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder without interest at closing
8. The terms of the final sale are that the buyer must pay for purchase of the residential structure with cash, cashier's check or certified check at the time of closing and that each residential structure is sold AS IS and must be removed from the sites by the final high bidder.
9. The County reserves the right to withdraw one or both residential structures from sale at any time and the right to reject any and all offers at any time.

10. This resolution is effective upon its adoption.

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on September 8, 2009 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sold at auction or given to another governmental entity:

<u>Description</u>	<u>Service Tag/Serial No.</u>	<u>Asset Tag</u>	<u>Item No.</u>
Dell Precision 340 (old CAD1)	6WYKZ21	5708	E001
Dell Precision 340 (old CAD2)	9BDV121	5643	E002
A Open Computer (generic)	5416	5364	E003
Dell OptiPlex GX260	GZ3VK21	5675	E004
Dell OptiPlex GX270	2SSKG31	5767	E005
Compaq Evo N1000v	1V28KQFZ743N	5641	E006
Compaq Evo N1020v	9X37LDLZ41MX	5737	E007
Dell Optiplex GX270	GRSKG31	5766	E008
Dell Dimension 4300	F5BM311	5557	E009
Gateway 600YGR Laptop	27789051	5644	E010
HP Compaq nx9010 Laptop	CNF33319XJ	5761	E011
Compaq Evo N1020V	9X31LDLZP39Z	5658	E012
Dell Dimension L866r	8QY1H01	5436	E013
D-Link 10/100 Fast Ethernet Switch; 24-port	DRER15B002250	N/A	E014
Dell Dimension L866r	4QY1H01	5434	E015
HP Compaq nx9030	CNF43721D8	5975	E016
HP Compaq nx 9010 (will not power on)	CNF3521YS1	5808	E017
Dell Dimension L800r	GPVF601	5407	E018
HP Compaq nx9010	CNF3331B04	5759	E019
Apple LaserWriter 16/600 PS	D545119Q39M	3229	E020
Toshiba Pocket PC e330	A2033481L		E021
Printek Forms Pro 4503 Line Printer & Floor stand/cabinet	CBX18047		E022
APC Backplate for UPS			E023
Brother HL-5170DN Laser Printer	U60966D5J826939		E024
Brother Intellifax 770	U56495C0K490364		E025
12 Revolabs PHX106MBULK HOSA Phoenix cables			E026
HP J3258C Jetdirect 170X Print Server	SG563176E4		E027
CRT Shuttle Plus Deskmount arm/platform		3283	E028
Cybox Reboot II	AA0034224		E029
Motorola VRM650 radio/modem (law enforcement)			E030
Motorola VRM650 radio/modem (law enforcement)			E031
NICE Mirra Series 2 Recorder	401692001		E032
Quickmail for Social Services		5352	E033
MPC ClientPro PC (was used for Ch18 broadcast)	3443596-0001	5746	E034
HP nx9110 laptop	2UA442P2CQ	5931	E035
	CN-0CC299-64180-65U-4CEA		
Dell LCD Monitor			E036

Compaq Evo N1020v	9X31LDLZP2YZ		E037
Dell Dimension 2400	D53JR41	5876A	E038
OKI Microline 320 Turbo Printer	108B2897287		E039
Dell OptiPlex GX260	DV70V21	5705	E040
Xerox WCM123	TFW004679	5982	E041
Tascam DVD Player - model DV-D6500	70354		E042

2009 Tax Levy & Prior Year Taxes to be Charged to the Tax Collector

COUNTY ASSESSED PROPERTY VALUE	\$	8,959,868,859
2009 REAL AND PERSONAL TAX LEVY*	\$	27,884,507.11
PRIOR YEARS TAXES**	\$	<u>1,445,756.49</u>
TOTAL LEVY	\$	29,330,263.60

*The Current Year levy includes all penalties, solid waste fees, special district and animal taxes; does not include the assessments and levies of public utilities valued by the NC Department of Revenue and registered motor vehicles, or for tax discoveries, adjustments, and releases These are reported to the Finance Director as required throughout the year.

** Prior Year Taxes as of June 30, 2009

STATE OF NORTH CAROLINA
 COUNTY OF CURRITUCK

ORDER OF COLLECTIONS

TO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:

You are hereby authorized, empowered, and commanded to collect the Taxes, current and past due, set forth in the tax records filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Currituck, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Commissioner's Report

Commissioner Aydlett announced the Knotts Island Ruritan Oyster Roast October 3.

Commissioner Nelms, commented on the Bike Rally over the weekend.

Commissioner O'Neal requested the County have a policy or sliding scale for people to hook up to county water that cannot afford to pay all at once.

Commissioner O'Neal moved to send a letter to the ABC Board requesting to designate their contingency of \$200,000 to

build a new animal shelter. Commissioner Aydlett seconded the motion. Motion carried.

County Manager's Report

Dan Scanlon, County Manager, recognized Sun Realty for their support of the family that lost a child to drowning in Corolla.

Closed Session:

According to GS 143-318.112 (3) attorney client privilege (4) to discuss economic development

Commissioner Aydlett moved to go into closed session as stated. Commissioner O'Neal seconded the motion. Motion carried.

Adjourn

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

Special Meeting

Tourism Development Authority Meeting

Call to Order

Chairman Etheridge called the meeting to order

TDA Budget Amendments

Commissioner Nelms moved to approve the budget amendments. Commissioner Taylor 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
15447-587010	T T - Operating Fund Fund balance	\$ 550,000	
15390-499900	appropriated		\$ 550,000
		\$ 550,000	\$ 550,000

Explanation: *Occupancy Tax Fund (15) - Transfer funds for capital improvements at the 4H Cultural Life Center.*

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$550,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545002	Historic Preservation	\$ 231,492	
15447-590000	Capital Outlay	\$ 311,048	
15442-590000	Capital Outlay	\$ 11,876	
15447-592000	Whalehead Projects	\$ 100,000	
	Fund Balance		
15390-499900	Appropriated		\$ 654,416
		\$ 654,416	\$ 654,416

Explanation: This budget amendment is requested to carry-forward funds from projects that were funded but not completed in FY 2009:

PO Number	Vendor	Description	Amount
	Revelle Builders	Welcome Ctr Addition	\$ 165,782
20091250	RPC Contracting Inc	Welcome Ctr	\$ 40,616
20091468		Sitework	
20091602	Alee Construction	Display case	\$ 11,876
	Welcome Center	Addition/sitework	\$ 104,650
20091523	Coastal Consulting	Whalehead dredging	\$ 100,000
	Historic Preservation	Jarvisburg Colored School/Historic Jail	\$ 231,492
			\$ 654,416

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$654,416.

Adjourn

There being no further business, the meeting adjourned.



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of September 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>
10380-487001	DSS Donations-Curr Kids		\$ 1,200
10760-585001	Donations-Currituck Kids	\$ 1,200	
10760-532900	FC Supplement		\$ 60,702
10752-511003	Telephone & Postage-Spec Adopt	\$ 250	
10752-514003	Travel-Spec Adopt	\$ 5,000	
10752-514503	Training & Ed-Spec Adopt	\$ 3,000	
10752-526003	Advertising-Spec Adopt	\$ 3,000	
10752-532003	Supplies-Spec Adopt	\$ 8,402	
10752-545003	Contract Serv-Spec Adopt	\$ 15,000	
10752-553003	Dues & Sub-Spec Adopt	\$ 200	
10752-561003	Prof Services-Spec Adopt	\$ 25,850	
		<u>\$ 61,902</u>	<u>\$ 61,902</u>

Explanation: *PUBLIC ASSISTANCE (752) - Carry forward the balance of the Special Adoptions Funds from FY 2008/2009. COUNTY ASSISTANCE (760) - Grant funds received from non-profit organizations, Currituck Kids.*

Net Budget Effect: Operating Fund (10) - Increased by \$1,200.

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of September 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>	
10330-447000	JCPC Grant	\$	4,307		
10794-545000	PASS			\$	657
10794-545001	Teen Court			\$	500
10794-545002	Restitution			\$	500
10794-545005	JCPC Council			\$	2,650
		<u>\$ 4,307</u>		<u>\$ 4,307</u>	

Explanation: *Juvenile Crime Prevention Control (10794)* - To reduce appropriations to reflect reduction in State allocation.

Net Budget Effect: Operating Fund (10) - Decreased by \$4,307.

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of September 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>
10330-448700	Support Our Students Grant	\$ 80,000	
10641-502000	Salaries		\$ 24,913
10641-503000	Salaries - Part time		\$ 8,926
10641-505000	FICA		\$ 2,589
10641-506000	Insurance		\$ 5,904
10641-507000	Retirement		\$ 2,456
10641-511000	Telephone & Postage		\$ 800
10641-511500	Printing		\$ 1,500
10541-514000	Travel		\$ 3,500
10641-514200	Transportation		\$ 3,500
10641-514300	Student Activities		\$ 6,690
10641-514500	Training & Education		\$ 2,500
10641-532000	Supplies		\$ 7,000
10641-540000	Workers Compensation		\$ 179
10641-545000	Contracted Services		\$ 9,543
		<u>\$ 80,000</u>	<u>\$ 80,000</u>

Explanation: *Support Our Students (10641)* - To reduce appropriations to reflect State budget cut. This program was funded 100% through grant funds.

Net Budget Effect: Operating Fund (10) - Decreased by \$80,000.

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Clerk to the Board

Currituck
DJJDP County Funding Plan

Revised Available Funds: \$81,830 Local Match: \$21,320 Rate: 30%

A **Program Agreement Form** for each program listed below is included as an attachment to the Community Prevention and Intervention Plan.

#	Program Provider	DJJDP Funding	LOCAL FUNDING		OTHER	OTHER	Total
			Local Cash Match	Local In-Kind	State/Federal	Funds	
1	JCPC Certification	\$12,423					\$12,423
2	PASS	\$46,959	\$14,285				\$61,244
3	Teen Court	\$14,440	\$4,482				\$18,922
4	Restitution	\$8,008	\$2,553				\$10,561
5							\$0
6							\$0
7							\$0
8							\$0
9							\$0
10							\$0
	TOTALS:	\$81,830	\$21,320	\$0	\$0	\$0	\$103,150

The above plan was derived through a planning process by the Currituck County
 Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2009-10 .

 Chairperson, Juvenile Crime Prevention Council (Date)

 Chairperson, Board of County Commissioners (Date)

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on _____ authorized the following, pursuant to GS 160A and 270(b) that the property listed below be disposed of as scrap at local landfill.

Water pump, Weinman Model 4L1 s/n T1265974. Unit beyond feasible repair.

ADOPTED, this _____ day of _____, 2009.

Owen Etheridge
Currituck County Board of
Commissioners

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board