

CURRITUCK COUNTY  
NORTH CAROLINA  
May 4, 2009

The Board of Commissioners met at 6:00 p.m. to discuss Fire Hydrant Policy. The Board requested staff to bring back a policy for commercial use at the June 15 meeting.

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, Aydlett, Nelms, Rorer, Gregory and Taylor.

### **Invocation and Pledge of Allegiance**

The Reverend Walter Gallop was present for the invocation.

### **Approval of Agenda**

Commissioner O'Neal moved to approve. Commissioner Taylor 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            **Barbara Snowden to discuss "Currituck Day" at the Museum of the Albemarle**
- Item 4            **Proclamation for the National Day of Prayer**
- Item 5            **Public Hearing and Action** PB 08-56 Julia Loening: Request to establish a Conditional District - General Business (CD-GB) Overlay Zone on 1.5 acres. The property is located at 200 Barnard Road, Tax Map 94, Lot 25, Poplar Branch Township.
- Item 6            **Public Hearing and Action** PB 09-05 Dave Holton: Request to amend the Currituck County Unified Development Ordinance, Chapter 3, Section 3.10.7.3.A and Section 3.10.7.3.B regarding telecommunication towers and structure setbacks on the subject property.
- Item 7            **Public Hearing and Action** PB 09-11 Outer Banks Community Development Corporation: Request to amend the Currituck County Unified Development Ordinance, Chapter 3: Special Requirements, Chapter 10: Subdivision Requirements, and Chapter 17: Definitions to provide a density bonus for attached workforce housing developments in the General Business zoning district.
- Item 8            **Public Hearing and Action** PB 00-44 Holly Ridge: Preliminary Plat/Special Use Permit for 33 lots located on the northwest side of Guinea Road (SR 1214), approximately 200' north of the intersection with Guinea Mill Road (SR1282), Tax Map 22, Parcel 71X, Moyock Township.
- Item 9            **Appointments to ABC Board**
- Item 10           **Appointments to Fire & EMS Advisory Board**
- Item 11           **Consent Agenda:**  
1. Budget amendments  
2. Petition to NCDOT for Addition of Pine Circle to State System

3. Approval of April 20, 2009, Minutes

Item 12 Commissioner's Report

Item 13 County Manager's Report

Item 14 **Closed Session:**

1. According to 143-318(5) land acquisition, Donald Stone, Spot Road, to be used for any public purpose

Adjourn

**Special Meeting**

Tourism Development Authority Meeting

Budget Amendments

**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.

Mitch Copeland, LCFD, expressed his concerns with budget proposed by the County.

Commissioner O'Neal stated that Mr. Copeland should meet with County Manager to review their budget.

John Snowden, stated that the Airport Board has scheduled a special meeting to meet with the County Attorney to review his findings at the airport.

Jim Winebarger, Chairman of Airport Board, was upset with article in paper about the findings at the airport and that he has not misused airport hangars.

Ike McRee, County Attorney, explained the airport lease policy.

Commissioner Gregory stated that he blamed some of the commissioners for the problem at airport.

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

**Barbara Snowden to discuss "Currituck Day" at the Museum of the Albemarle**

Barbara Snowden, invited the Board and public to attend the "Currituck Day" at the Museum of the Albemarle on Sunday, May 17 from 2:00 p.m. to 5:00 p.m.

**Proclamation for the National Day of Prayer**

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

**NATIONAL DAY OF PRAYER**

**MAY 7, 2009**

**BY THE CURRITUCK COUNTY BOARD OF COMMISSIONERS OF THE  
STATE OF NORTH CAROLINA**

**A PROCLAMATION**

**WHEREAS**, National Days of Prayer have been part of our country's heritage since the first one was declared by the Continental Congress in 1775; and

**WHEREAS**, leaders of our Nation have relied upon the power of prayer throughout American history; and

**WHEREAS**, May 7, 2009, marks the 58<sup>th</sup> consecutive observance of the National Day of Prayer, as mandated by both Houses of Congress and by our President in Public Law 100-307; and May 7, 2009 has been set aside as our National Day of Prayer.

**WHEREAS**, it is good that we acknowledge that we are all God's handiwork and that it is appropriate to call upon Him in prayer; and

**WHEREAS**, "National Day of Prayer's theme is 'Prayer: America's Hope' and the scripture is "May your unfailing love rest upon us, O Lord, even as we put our hope in you." -Psalm 33:22.

**WHEREAS**, while American troops fight for democracy and freedom around the globe and battle the war on terror, citizens of the United States will gather on May 7, 2009, to worship and pray for the American troops, our nation, churches, families, schools and governmental leaders, asking the Lord to grant them wisdom for the challenges they face on a daily basis;

**NOW, THEREFORE**, the Board of Commissioners of Currituck County, North Carolina, do hereby proclaim May 7, 2009, as "**NATIONAL DAY OF PRAYER**" in Currituck, North Carolina, and urge our citizens to join together in their homes, places of work, and places of worship, to pray for the unity of the hearts of all mankind and to continue in prayer for our State and our Nation.

**Public Hearing and Action PB 08-56 Julia Loening: Request to establish a Conditional District - General Business (CD-GB) Overlay Zone on 1.5 acres. The property is located at 200 Barnard Road, Tax Map 94, Lot 25, Poplar Branch Township.**

Ben Woody, Planning Director, reviewed the request.

**TYPE OF REQUEST:** To rezone 1.50 acres from C to CD-GB.

**LOCATION:** Located at 200 Barnard Road, on the north side of the intersection of NC 158, Caratoke Highway.

**TAX ID:** Tax Map 94, Parcel 25  
0094-000-0025-0000

**OWNER:** Matthias and Julia Loening  
1422B Duck Road  
Duck, NC 27949

**APPLICANT:** Matthias and Julia Loening  
1422B Duck Road  
Duck, NC 27949

**CURRENT ZONING:** Commercial (C)

**PROPOSED ZONING:** Conditional District-General Business (CD-GB)

**ZONING CONDITIONS:** The applicant has excluded the following uses from the conditional district:

- Tattoo and Body Piercing Studios
- Landfills, Demolition
- Landfills, Reclamation

**ZONING HISTORY:** The property was rezoned from Agricultural (A) to Commercial (C) on November 15, 2004.

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Residential	GB
<b>SOUTH:</b>	Residential	A
<b>EAST:</b>	Residential/Outdoor Storage	GB/A
<b>WEST:</b>	Residential	A

**EXISTING LAND USE:**The existing building was previously used as a church.

**PURPOSE LAND USE:** Residential and commercial uses.

**LAND USE PLAN CLASSIFICATION:** The 2006 Land Use Plan classifies the site as **Full Service** within the **Grandy Sub area**.

The purpose of the Full Service Area class is to provide areas preferred for community centers. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available to the public and/or private sectors. With nonresidential uses, it is essential that the existing community character be preserved.

The policy emphasis of the Grandy Sub-Area is to allow Grandy to further evolve as a community center. Residential development densities should be medium to high depending upon available services.

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

POLICY CD1. NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.

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

**PUBLIC SERVICES AND UTILITIES:**

The Lower Currituck Fire Department provides fire protection for this area. Electric, telephone, cable television, and public water are available. On-site wastewater exists on the property.

**FLOOD ZONE:**

Flood Zone X.

**WETLANDS:**

The wetland inventory maps do not identify wetlands on the site.

**SOILS:**

The Currituck County Soils map indicates the property contains suitable soils.

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the request to establish a 1.5 acre tract from Commercial (C) to Conditional District-General Business (CD-GB) based on the following reasons:

1. The proposed request is in general compliance with the Full Service designation of the 2006 Land Use Plan and the Grandy Sub-Area Policy Emphasis.
2. The proposed zoning conditions are consistent with the objectives of the Currituck County Unified Development Ordinance and 2006 Land Use Plan and promote compatibility between the subject property and surrounding area (LUP Policies CD5 and OB5)

Outstanding Staff Concerns: The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. Staff feels the following concerns could be appropriately addressed through the conditional zoning process.

1. The 2006 Land Use Plan discourages the placement of adjacent incompatible land uses (LUP Policy HN9 and CD5). Such incompatible land uses could include large-scale commercial uses or automobile-oriented

commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like. Staff recommends the following automobile-oriented commercial uses be excluded from the property:

- a. Automobile Rental, Service and Repair
- b. Boat Rental, Service and Repair
- c. Heavy Equipment Rental, Service and Repair
- d. Car Washes

**PLANNING BOARD ACTION**

Mr. West motioned to approve the request to rezone 1.50 acres from Commercial to Conditional District-General Business due to its consistency with the 2006 Land Use Plan and with the following conditions:

1. The following uses shall be excluded:
  - a. Boat Rental, Service and Repair
  - b. Heavy Equipment Rental, Service and Repair
  - c. Car Washes
2. Lighting shall meet the standards of the Outer Banks overlay requirements
3. Outdoor storage screening will be provided

Ms. Newbern seconded the motion. Motion carried unanimously.

**PLANNING BOARD DISCUSSION**

Ms. Loening stated they do not agree with all of the excluded uses for a conditional district as recommended by staff. They are in agreement to Tattoo and Body Piercing Studios, Landfills, Demolition, and Landfills, Reclamation. Ms. Loening asked that no more limitations are put on the property. If they should have to sell the property in the future it will make it more difficult with so many excluded uses. Ms. Loening stated the reason they are asking for this request is so they could have residential on site.

Mr. Midgette asked what they are planning to do with the property.

Ms. Loening stated office space for medical or dental.

Mr. West stated that with a conditional zoning request the applicant has the option of what you won't do with property or what you will do with the property. The Planning Board's desire is to have more of an indication of what will be done with the property. Mr. West stated the zoning and limitations would go with the property if you were to sell it; then the next person could put these items which have not been excluded.

Ms. Loening stated they are asking for General Business so they can have residential on the site. They would like to have offices on the first floor and residential on the second floor.

Mr. Kovacs stated that what ever is put on the property it will affect the properties across the street which is residential.

Mr. Woody stated that the property is currently zoned commercial. Conditional zoning is a tool which has been adopted by the Board of Commissioners. Since the adoption of this the Board has given the direction to clean up the corridors of the county.

Mr. Kovacs stated that access to the property was Barnard Road and not the highway.

Ms. White stated they could apply for access to the property from the highway.

Mr. Clark asked Mr. Woody that since the property is zoned commercial now and they are asking to change it to general business (GB), does this mean they can have the same exact businesses on this lot now with the only exception under GB they can have residential.

Mr. Woody stated yes but there may be a few differences.

Ms. White stated if the board was to allow general business maybe a compromise is to allow the applicant to provide outdoor storage screening and lighting that would meet the standards of the Outer Banks overlay requirements.

Ms. Loening stated she is fine with these conditions.

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

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

**Public Hearing and Action PB 09-05 Dave Holton: Request to amend the Currituck County Unified Development Ordinance, Chapter 3, Section 3.10.7.3.A and Section 3.10.7.3.B regarding telecommunication towers and structure setbacks on the subject property.**

Ben Woody, Planning Director, reviewed the request.

Mr. Holton is requesting a text amendment to Chapter 3, Section 3.10.7.3 of the UDO regarding telecommunication tower setback requirements from structures. The current ordinance does specify a tower setback provision from property lines and existing dwellings on adjacent properties. However, there is no reference to setbacks from existing or proposed dwellings located on the subject property. This amendment request will clarify that there is not a setback requirement between a telecommunication tower and a structure located on the same individual parcel. This amendment request does not absolve the UDO requirement that telecommunication towers exceeding 50' in height receive a conditional use permit.

Staff feels the proposed text amendment is reasonable and recommends approval as the request simply clarifies the existing setback language in the UDO. Attached please find the Planning Board meeting minutes and recommendation for approval, proposed text amendment, and copy of the application.

Should you have any questions, please contact Ben Woody, Planning Director, at 232-6029

**PLANNING BOARD DISCUSSION**

Mr. Kovacs asked if this was for new construction of a dwelling or an existing structure on the property.

Ms. White stated it does not specify new or existing so it would be for both.

Mr. Kovacs asked about the liability if the owner sells the property.

Mr. Holton stated he has looked into if there would be any additional insurance requirements. Mr. Holton stated there are no direct comments

made to cell towers in North Carolina. It does affect the beach plan under wind damage in a hurricane. The county does not have any extended liability. Mr. Holton stated this text amendment will bring it in line with what they are finding in other areas.

The board discussed minimum setbacks and fall areas.

Mr. West stated that the text amendment is saying you can build next to a tower on your own property, but you still have the setback from adjoining properties.

Mr. Kovacs asked what the height of the tower is in questioned.

Mr. Holton stated 185 feet.

**ACTION**

Mr. West motioned to recommend approval of the text amendment regarding telecommunication towers and structure setbacks on the subject property as presented. Mr. Etheridge seconded the motion. Motion carried unanimously.

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

Chairman Nelms moved to approve with staff findings of fact. Commissioner O'Neal seconded the motion. Motion carried.

**Public Hearing and Action PB 09-11 Outer Banks Community Development Corporation: Request to amend the Currituck County Unified Development Ordinance, Chapter 3: Special Requirements, Chapter 10: Subdivision Requirements, and Chapter 17: Definitions to provide a density bonus for attached workforce housing developments in the General Business zoning district.**

Ben Woody, Planning Director, reviewed the request.

The enclosed text amendment submitted by the Outer Banks Community Development Corporation (OBX-CDC) is intended to provide for workforce housing in Currituck County. The amendment will establish a 20 percent density bonus for workforce housing units that meet specific management and design requirements. The density bonus is derived from individual workforce housing units and is not applied to market-rate dwellings.

Considering the County's estimated 2007 median home value was \$233,800, planning staff feels there is a real need for workforce housing in Currituck County. By comparison the nationwide median home value was \$181,800. In partnering with the OBX-CDC, this text amendment provides a reasonable mechanism to provide workforce housing. The density bonus will help lessen the impact of land costs, thereby lowering the overall cost of a home. At the same time, the ordinance provides safeguards to ensure the housing is properly managed and offered to those most in need.

While this amendment request addresses workforce housing on a basic level, there are other issues that may warrant further consideration. Currently the county does not adequately provide for accessory dwelling units, which may offer additional housing options for elderly parents or older children. Some jurisdictions have also provided fee waivers or fast-tracking options for legitimate workforce housing projects.

The implementation of workforce housing provisions is supported by the 2006 Land Use Plan and staff does recommend approval of this request.

The Planning Board recommendation for approval and minutes from the April 14, 2009 meeting are attached, as well as the proposed text amendment.

**PLANNING BOARD DISCUSSION**

Mr. West asked for clarification on whether you could not charge over 80% of the median home value.

Mr. Woody stated the home has to be affordable to a family with a gross annual income of 80% of the median income for Currituck County.

Mr. Poe stated the median income for a family of four is a little over \$60,000.

Mr. West asked if the house is valued on income or the median home value.

Mr. Woody stated it is valued on the income.

Mr. West asked what happens when the income goes up or down.

Mr. Poe stated there is an annual income recertification of the rent for the home. The developer can adjust the rent as long as it does not exceed 80% of their income. If they exceed that 80% level there is no conduit to evict the family.

Mr. West asked if the income starts coming down will the rent be adjusted.

Mr. Poe stated yes. Mr. Poe stated Jarvis Landing is a tax credit project with a minimum rent that is set based on the cash flow of the project. Mr. Poe said that during the annual income recertification this gives them the opportunity to also do an inspection of the property.

Mr. Woody stated this applies to rental and ownership of the property.

Mr. Poe discussed a blended community which would be a mixture of rental and ownership of property. Mr. Poe stated Dare County and Kill Devil Hills has one workforce housing project. In Kill Devil Hills there were twenty units approved. They have built out the first two buildings for which ten units have sold. In Dare County there are twenty-one units that are presently under construction. Five units are rented and a contract on two for sale.

The board discussed the language be revised or clarified stating you are presently residing in Currituck County for more than 1 year. The board also discussed if workforce housing brings down adjoining property owners values.

Mr. Kovacs asked that in Item B the 1.2 be changed to reflect 20%.

Ms. Wilson asked if priority could be given to people who work in the Outer Banks.

Mr. Poe stated that in the management of these units the Outer Banks Community Development Corporation can submit a management admission criteria requesting this, which can outline priorities.

**ACTION**

Mr. Kovacs motioned to recommended approval of the text amendment with the two changes as presented. Mr. West seconded the motion. Motion approved unanimously.

Chairman Etheridge opened the public hearing.

Chuck Poe, reviewed the conditions and restrictions for housing.

Commissioner O'Neal and Commissioner Rorer had several questions and concerns.

Sarah Alford, opposes affordable housing in General Business if the county is going to clean up the corridor.

Commissioner Etheridge closed the public hearing.

Commissioner O'Neal moved to table to June 1 meeting. Commissioner Rorer seconded the motion. Motion carried.

**Public Hearing and Action PB 00-44 Holly Ridge: Preliminary Plat/Special Use Permit for 33 lots located on the northwest side of Guinea Road (SR 1214), approximately 200' north of the intersection with Guinea Mill Road (SR1282), Tax Map 22, Parcel 71X, Moyock Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**PB 00-44 Holly Ridge, Preliminary Plat/Special Use Permit, for a 33 lot subdivision.**

**LOCATION:** On the northwest side of Guinea Road (SR 1214), approximately 200' north of the intersection with Guinea Mill Road (SR 1282), Moyock Township.

**TAX ID:** Tax Map 22, Parcel 71X

**ZONING DISTRICT:** Residential (R)

**PRESENT USE:** Agricultural

**OWNERS:** Old Brothers, LLC.  
Attn: Kim Old  
101 Commerce Drive  
Moyock, NC 27958

**ENGINEER:** Mel Hopkins Engineering  
204 Walden Dr.  
Yorktown, VA 23692

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Low density residential uses/farmland	A
<b>SOUTH</b>	Low density residential uses//farmland	A
<b>EAST:</b>	Low density residential/farmland	A
<b>WEST:</b>	Farmland	A

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as **Full Service** within the **Moyock** subarea.

**SIZE OF SITE:** Total Development: 53.29 acres

**NUMBER OF UNITS:** 33 total residential lots

**PROJECT DENSITY:** 1.62 units/ acre

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

**UTILITIES:** The development will be served by county water. The proposed water usage is 12,600 gpd. The applicant is proposing on-site wastewater systems for each lot.

**OPEN SPACE:** The UDO requires this subdivisions to dedicate 30 percent of the net area as open space. The required open space for this development is 15.99 acres, and the proposed preliminary plat indicates 17.51 acres as open space.

**I. NARRATIVE OF REQUEST:**

- The applicant is seeking preliminary plat/SUP approval for 33 lots within a proposed conventional subdivision.
- This subdivision was formerly known as Clover Bend.
- In January 2004, the Board of Commissioners granted sketch plan approval for 17 residential lots.
- In December 2005, the Board of Commissioners granted amended sketch plan approval for 16 residential lots.
- In October 2007, the Board of Commissioners rezoned this property from Agricultural (A) to Residential (R).
- In January 2008, the Board of Commissioners granted amended sketch plan to allow 33 lots in this subdivision.

**II. QUESTION(S) BEFORE THE BOARD:**

**Special Use Permit Criteria and Staff Findings:**

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

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

1. COMPLETENESS OF THE APPLICATION  
**Suggested Findings:**  
a. The application is complete.
2. THE PROPOSED USE IS AMONG THOSE LISTED IN THE TABLE OF PERMISSIBLE USES AS A SPECIAL USE INDICATED WITH AN "S".  
**Suggested Findings:**  
a. Chapter 10 of the UDO allows a major subdivision as a permissible use with a special use permit.
3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.  
**Suggested Findings:**  
a. The conditions proposed meet the minimum requirements of this ordinance.
4. THE SPECIAL USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY:

**Suggested Findings:**

- a. The proposed subdivision should have little to no impact on public health or safety.
5. THE SPECIAL USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED

**Suggested Findings:**

- a. The Unified Development Ordinance indicates that a conventional major subdivision is allowed in the R zoning district with a special use permit.
  - b. The parcel is currently within a neighborhood with densities similar to those proposed and should be in harmony with that neighborhood.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

**Suggested Findings:**

- a. The 2006 Land Use Plan classifies this site as Full Service within the Moyock subarea and the proposed use is in keeping with the policies of the plan, some of which are:
    - i. Policy ES1 states "New development shall be permitted to locate only in areas with suitable soil." The soils map indicates that the majority of the soils on this lot are either marginal or not suitable. Engineering solutions may be supported provided that environmental concerns are fully addressed.
    - ii. Policy HN1 states "Currituck County shall encourage development to occur at densities appropriate for the location." The proposed subdivision is within the densities allowed for the location.
    - iii. The Moyock subarea policy emphasizes properly managing the increased urban level of growth that this area is to experience. Residential densities should be limited to one to two units per acre where on-site wastewater is proposed and other county services are limited.
7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

**Suggested Findings:**

- a. The county should have adequate public facilities to service this subdivision.

**III. STAFF RECOMMENDATION:**

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

- 1. The preliminary plat dated March 20, 2009 shall be approved subject to the following:
  - a. Correct open space calculations in notes to match that which is shown on the plat.
  - b. Provide perk test for lots 1, 10, and 11. These lots were previously shown as open space.
- 2. Tap fees shall be due prior to final plat approval for each lot.
- 3. Interconnectivity shall be dedicated to the adjacent parcel currently owned by Lyman Sawyer, Louis Sawyer, and Minnie Arnold (Tax Map 22, Parcel 60) and shall be recorded on the final plat for the development .

4. All street connections shall be paved to the property line with signs installed indicating connection to future development. A note shall be added to the final plat that indicates that the adjacent land owner or developer may connect to this street and will not restrict or prevent the interconnection and infrastructure improvements within this dedicated right-of-way.

"This subdivision contains a right-of-way that is platted with the intent of being extended and continued to and from adjoining properties. Access within the right of way for streets and utilities shall not be restricted."

5. Maintenance access drainage easements are required along all ditches. The easement shall include the width of the ditch from top of embankment to top of embankment and shall include an additional 25 foot wide maintenance area extending from the top of the embankment. (Section 9.6)

**PLANNING BOARD ACTION**

Mr. Kovacs motioned to recommend approval with staff recommendations and that applicant/developer meet with Parks and Recreation to determine the best recreation use on this property. Mr. Clark seconded the motion. Motion carried unanimously.

**PLANNING BOARD DISCUSSION**

Mr. Kovacs stated that he was concerned with the appropriateness of a soccer field in the center of the open space for this development which is a 33 lot subdivision.

Mr. Woody stated that the Parks and Recreation Advisory Board has been meeting recently to discuss the development of open space and how it will relate to a recreation master plan.

Mr. Hopkins stated it could or may not be a soccer field.

Mr. Kovacs asked if the applicant would be willing to work with the parks and recreation department to provide something that would be more suitable for this subdivision.

Mr. Old stated yes but within reason.

Mr. Kovacs asked if the ponds are detention or retention.

Mr. Hopkins stated retention and it will be six feet deep.

Mr. Kovacs asked if the ponds will be aerated.

Mr. Hopkins stated that ponds that are usually six feet deep do well.

Mr. Clark stated that he worked for a company for three years and his job was stormwater pond management. Most of these ponds are not aerated with a large pump. These ponds require monthly maintenance either by the developer or the homeowner's association. A stormwater pond is not made to have cat tails, willow trees or any foreign object to grow in them. The water surface is to remain completely open because it is a stormwater pond and it can't do its job unless it is completely open.

Mr. West asked how much of the property will need to be filled.

Mr. Old stated they will have fill where the septic drain field area is located and where the house pad will need to be raised.

Mr. Clark stated if this is recommended for approval that the stormwater pond be maintained either by the developer or homeowner's association.

Mr. Woody stated that the county ordinance requires that the maintenance be transferred to the homeowner's association once fifty percent of the lots have been sold. The county sets up the framework for these ponds to be maintained, but does not over see if they are being properly maintained. Mr. Woody suggested having the county's engineer come to a work session and talk to the board about stormwater infrastructure.

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

Commissioner O'Neal moved to approve with findings of fact and staff recommendations. Commissioner Taylor seconded the motion. Motion carried.

**Appointments to ABC Board**

Commissioner O'Neal moved to reappoint David Myers. Commissioner Nelms seconded the motion. Motion carried.

Chairman Etheridge moved to table his appointment. Commissioner Rorer seconded the motion. Motion carried.

**Appointments to Fire & EMS Advisory Board**

Commissioner Rorer moved to reappoint Rick Galganski, Albert Stegner and Chris Dailey. Commissioner Gregory seconded the motion. Motion carried.

Commissioner O'Neal moved to table his appointment. Commissioner Taylor seconded the motion. Motion carried.

**Consent Agenda:**

1. Budget amendments
2. Petition to NCDOT for Addition of Pine Circle to State System
3. Approval of April 20, 2009, Minutes

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10660-532000	Supplies	\$ 1,000	
10660-526000	Advertising		\$ 1,000
		\$ 1,000	\$ 1,000

**Explanation:** Planning (10660) - To transfer funds to purchase public notice signs.

**Net Budget Effect:** Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10512-513000	Utilities	\$ 1,300	
10512-590000	Capital Outlay	\$ 100	
10512-561000	Professional services		\$ 1,400
		\$ 1,400	\$ 1,400

**Explanation:** Animal Control (10512) - To transfer funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-531000	Gas,Oil, Tires	\$ 9,000	
10530-513000	Utilities	\$ 650	
10530-516000	Repairs & Maintenance	\$ 4,457	
10380-484001	Insurance Recovery		\$ 4,457
10530-544000	Volunteer Services		\$ 9,000
10530-526000	Advertising		\$ 250
10530-532000	Supplies		\$ 400
10541-531000	Gas,Oil, Tires	\$ 600	
10541-514500	Training & Education		\$ 600
		\$ 14,707	\$ 10,250

**Explanation:** Emergency Medical Services (530) - Transfer funds and increase appropriations to accommodate budget overruns due to increase in prices, personnel and use of facilities.

The increase to repairs and maintenance is for damage incurred to ambulance in accident. This will be covered by third party insurance.

**Net Budget Effect:** Operating Fund (10) - Increased by \$4,457.

**Debit** **Credit**

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
		<u>Increase Expense</u>	<u>Increase Expense</u>
10511-516000	Maintenance & Repair	\$ 15,000	
10511-545000	Contract services		\$ 15,000
		<u>\$ 15,000</u>	<u>\$ 15,000</u>

**Explanation:** Jail (10511) - Repairs to HVAC and plumbing in the jail.  
**Net Budget Effect:** Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
		<u>Increase Expense</u>	<u>Increase Expense</u>
50790-596100	Professional Services	\$ 7,417	
50790-594500	Contract Services	\$ 2,023	
50790-590000	Furnishings & Fixtures		\$ 9,440
		<u>\$ 9,440</u>	<u>\$ 9,440</u>

**Explanation:** Moyock Library Construction (50790) - To transfer budgeted funds for dirt removal and arbitration fees.  
**Net Budget Effect:** County Governmental Construction (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
		<u>Increase Expense</u>	<u>Increase Expense</u>
10531-545000	Contract Services	\$ 8,000	
10531-590000	Capital Outlay	\$ 15,337	
10330-445000	Emergency Mgmt Grant		\$ 23,337
		<u>\$ 23,337</u>	<u>\$ 23,337</u>

**Explanation:** Emergency Management (10531) - To record Emergency Management Planning

Grant to complete the repeater move to the Corolla radio tower and to purchase a high frequency radio modem to be used in conjunction with the Emergency Operations center amateur radio (approx \$4000). This will make our amateur radio more roust by adding an internet type connection which will be important to have if all other communications is lost during a catastrophic event. The remaining amount in Capital outlay will be for future EM improvements as required by the grant.

**Net Budget Effect:** Operating Fund (10) - Increased by \$23,337.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-545000	Contract Services	\$ 57,710	
61360-471000	Tap & connection fees		\$ 57,710
		\$ 57,710	\$ 57,710

**Explanation:** Mainland Water Operations (61818) - To increase appropriations for DOT betterment costs to upgrade water lines on Tulls Creek Road from Bridge #4 over Tulls Creek to SR 1214.

**Net Budget Effect:** Mainland Water Fund (61) - Increased by \$57,710.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10511-545000	Contract services	\$ 45,000	
10380-484001	Insurance Recovery		\$ 44,000
10380-482000	Miscellaneous		\$ 1,000
		\$ 45,000	\$ 44,000

**Explanation:** Jail - To increase appropriations to replace pumps and other damage caused by lightning strike on 4/20/2009.

**Net Budget Effect:** Operating Fund (10) - Increased by \$45,000.

**Commissioner's Report**

Commissioner Nelms stated that the Albemarle Commission denied appeal and contract was awarded to Currituck vendor.

Commissioner O'Neal requested a letter sent to DOT regarding the poor conditions of roads on Bells Island, Waterlily and Aydlett.

Commissioner Aydlett stated that he will have a Corolla Town Meeting on May 21 at the Whalehead Fire Station.

**County Manager's Report**

Dan Scanlon, County Manager, updated the Board on the Beach Plan and rate increase.

**Closed Session:**

1. According to 143-318(5) land acquisition, Donald Stone, Spot Road, to be used for any public purpose

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

**Adjourn**

After reconvening from closed session the Board directed staff to prepare a purchase and sales agreement for property owned by Donald Stone on Spot road adjacent to the 4-H Cultural Life Center.

There being no further business, the meeting adjourned.

**Special Meeting**

Tourism Development Authority Meeting

Chairman Etheridge called the Tourism Development Authority meeting to order.

**Budget Amendments**

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
		_____	_____
15442-526200	Promotional Efforts	\$ 26,750	
15442-532000	Supplies	\$ 5,000	
15442-514500	Training and Education		\$ 5,000
15350-465002	Co-op advertising		\$ 26,750
		_____	_____
		<u>\$ 31,750</u>	<u>\$ 31,750</u>

**Explanation:** Tourism Promotion (15442) - To transfer funds to supplies for operations and to record Co-op payments for advertising.

**Net Budget Effect:**      Occupancy Tax Fund (15) - Increased by \$26,750.

There being no further business, the meeting adjourned.