

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);

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.

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 their 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 Newns, 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.

Debit	Credit
Decrease Revenue	Increase Revenue

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

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

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 Decrease Revenue or <u>Increase Expense</u>	Credit Increase Revenue or <u>Decrease Expense</u>
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
		<u>\$ 114,690</u>	<u>\$ 114,690</u>

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 Decrease Revenue or Increase Expense	Credit 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 Decrease Revenue or Increase Expense	Credit 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 Appropriated Retained	\$ 162,500	
60390-499900	Earnings		\$ 162,500
61818-545000	Contract Services	\$ 104,600	
61818-561000	Professional Services Appropriated Retained	\$ 317,881	
61390-499900	Earnings		\$ 422,481
		\$ 978,363	\$ 978,363

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
			\$ 978,363

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>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10445-561000	Professional Services	\$ 3,520	

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
Cyber 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
Dell LCD Monitor	CN-0CC299-64180-65U-4CEA		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	\$ 550,000	
15390-499900	Fund balance 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	
15390-499900	Fund Balance 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
		<u>\$</u>	<u>654,416</u>

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

Adjourn

There being no further business, the meeting adjourned.