

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, February 01, 2010 Time: 7:00 PM

- 7:00 p.m. Invocation
 Pledge of Allegiance
- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Resolution-Boy Scouts of America 100th Anniversary**
- Item 4 **Pittard, Perry & Crone Inc to present audit for June 30, 2009**
- Item 5 **Public Hearing and Action:** PB 99-13 Brady Landing, Phase I, Lot 8A: Request for an amended preliminary plat/special use permit for one additional lot, adjacent to the Currituck County Airport and west of Brady Landing, Phase I, Tax Map 52C, Parcel 8A, Crawford Township.
- Item 6 **Public Hearing and Action:** PB 09-33 Baybreeze Cove: Request for a preliminary plat/special use permit for a three lot subdivision located on Knotts Island on Solo Lane, Tax Map 76, Parcels 108H and 95F, Fruitville Township.
- Item 7 **Public Hearing and Action:** PB 07-10 South Ridge, PUD: Request for an amended preliminary plat/special use permit for 146 patio home lots, 5.46 acres of limited business-hotel designation, and a 1.75 acre county dedication community facility site located on Survey Road adjacent to Eagle Creek subdivision, Moyock Township.
- Item 8 **Consideration of modified Golf Cart Ordinance**
- Item 9 **Appointment to Library Board**
- Item 10 **Appointments to Recreation Advisory Board**

- Item 11 **Consent Agenda:**
1. Budget Amendments
 2. Resolution of intent to close Milburn Sawyer Road
 3. Petition to NCDOT for Addition of Deerfield Trail for State Maintenance
 4. Approval of January 19, 2010, Minutes
- Item 12 Commissioner's Report
- Item 13 County Manager's Report
- Adjourn

**RESOLUTION
BOY SCOUTS OF AMERICA
100TH ANNIVERSARY**

WHEREAS, Boy Scouts of America was incorporated by Chicago publisher, William Boyce, on February 8, 1910, after learning of the Scouting movement during a visit to London;

WHEREAS, on June 21, 1910, a group of 34 national representatives met, developed organization plans, and opened a temporary national headquarters in New York;

WHEREAS, the purpose of Boy Scouts of America is to teach America's youth patriotism, courage, self-reliance, and kindred values;

WHEREAS, by 1912, Scouts were enrolled in every State; and in 1916, Congress granted Boy Scouts of America a Federal charter;

WHEREAS, each council will commit each Boy Scout to perform 12 hours of community service yearly, totaling 30,000,000 community service hours each year;

WHEREAS, membership since 1910 totals more than 111,000,000 scouts and is found in 185 countries around the world;

WHEREAS, the organization presented the 2 millionth Eagle Scout award in 2009;

WHEREAS, more than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America; often neither receiving nor seeking the thanks of the public;

WHEREAS, February 8, 2010, would be an appropriate day to designate as 'Boy Scouts of America Day' in celebration of the Boy Scouts of America's 100th anniversary; and

WHEREAS, Boy Scouts of America endeavors to develop American citizens who are physically, mentally, and emotionally fit; have a high degree of self-reliance as evidenced in such qualities as initiative, courage, and resourcefulness; have personal values based on religious concepts; have the desire and skills to help others; understand the principles of the American social, economic, and governmental systems; take pride in their American heritage and understand our Nation's role in the world; have a keen respect for the basic rights of all people; and are prepared to participate in and give leadership to American society;

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners supports the designation of February 8, 2010, as '**Boy Scouts of America Day**' in celebration of its 100th anniversary.

BE IT FURTHER RESOLVED, that the Board of Commissioners commends the dedicated volunteer Scout leaders and institutions assisting the Scouting programs for the benefit of the youth in our community.

ADOPTED this 1st day of February, 2010.

S. Paul O'Neal, Chairman

ATTEST:

Gwen H. Keene, CMC, Clerk to the Board

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: February 1, 2010
PB 99-13 Brady Landing, Phase 1, Lot 8A
Residential Airpark Subdivision**

ITEM: PB 99-13 Brady Landing, Phase 1, Lot 8A, Amended Preliminary Plat/Special Use Permit, for one additional lot.

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

TAX ID: 052C-000-008A-0000

ZONING DISTRICT: Residential Airpark Development (RAD) Overlay

PRESENT USE: Single Family Dwelling

OWNERS: Terry & Bennie McKinney
PO Box 338
Maple, NC 27956

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

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

	Land Use	Zoning
NORTH:	Single Family Dwelling	RAD
SOUTH	Single Family Dwelling	RAD
EAST:	Vacant	RAD
WEST:	Single Family Dwellings/Vacant	A/RAD

LAND USE PLAN

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

SMALL AREA PLAN

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

SIZE OF SITE: Total Development: 2.03 acres

NUMBER OF UNITS: 2 residential lots (Brining total to 15 lots for Phase 1)

PROJECT DENSITY: 1.02 units/ acre

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

UTILITIES: The development will be served by county water. The proposed water usage is 720 gpd. The applicant is proposing on-site wastewater systems for the new lot.

OPEN SPACE: The UDO does not require this subdivisions to dedicate open space.

I. NARRATIVE OF REQUEST:

- The applicant is seeking amended preliminary plat/SUP approval for one additional lot within a proposed residential airpark subdivision.
- The sketch plan/SUP for this phase was approved on September 10, 2004.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

- a. The application is complete.

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

Suggested Findings:

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

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

Suggested Findings:

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

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

Suggested Findings:

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

5. THE SPECIAL USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED

Suggested Findings:

- a. The Unified Development Ordinance indicates that a residential airpark development is allowed in the RAD overlay zoning district with a special use permit.
- b. The parcel is currently within a neighborhood with densities similar to those proposed and should be in harmony with that neighborhood.

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

Suggested Findings:

- a. The 2006 Land Use Plan classifies this site as Full Service within the Barco-Coinjock, Airport subarea and the proposed use is in keeping with the policies of the plan, some of which are:
 - i. This area has many of the ingredients in place to become a significant community center for the mainland over the next 10 to 15 years.
 - ii. The policy emphasis of this plan is for this subarea to emerge as the principal community center serving the central area of the mainland and is therefore included as a Full Service Area.
 - iii. Policy ES1: New development shall be permitted to locate only in areas with suitable soil and where adequate infrastructure is available.
 - iv. Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
 - v. Policy HN8: To protect the county's tax base and to ensure the long-term viability of the county's neighborhoods and housing stock, the county will continue to enforce appropriate construction and site development standards for residential developments.
- b. The 2009 Maple-Barco Small Area Plan classifies this site as Transitional and the proposed use is in keeping with the policies of the plan, including:
 - i. LU1: Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

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

III. STAFF RECOMMENDATION:

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends approval** of this amended plat/SUP as presented. Prior to final plat submittal, the following items must be addressed:

1. Water tap fees must be paid prior to approval of the final plat.
2. Amended restrictive covenants that include the new parcel and that are compliant with Section 10.5.2 of the UDO must be recorded in the Currituck County Register of Deeds office simultaneously with the final plat.
3. Correct Certificate of Approval.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** with staff recommendations of the amended preliminary plat/special use permit for one additional lot.

PLANNING BOARD DISCUSSION (January 12, 2010)

Mr. West stated that this will bring the lots up to 15 and originally it was approved for 14 lots. Mr. West asked Mr. Woody what is the lot size of the remaining lots.

Mr. Woody stated the lot sizes are one acre but some may be two acres.

Mr. Hyman stated that Mr. Brady had one or two lots which were two acres and the other lots are one acre.

Mr. West stated that when a subdivision is platted and people buy into it expecting the lots to be the way they were originally design, then you come back to make changes, he has a problem with it.

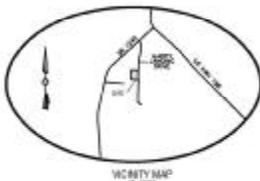
Mr. McKiney stated this is one of a couple of lots that Mr. Brady had set aside for his family and they are twice the size as the other lots. Mr. McKiney stated he brought this lot with the intention of dividing it.

Mr. Midgette asked Mr. Hyman if he is okay with staff recommendations.

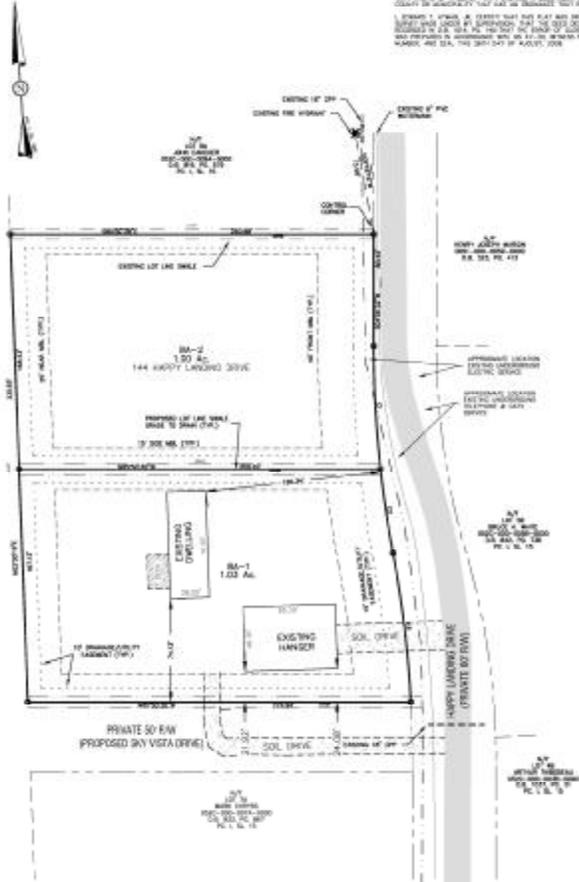
Mr. Hyman stated yes.

ACTION

Ms. Newbern recommended approval with staff recommendations of PB 99-13 Brady Landing, Phase I, Lot 8A for an amended preliminary plat/special use permit for one additional lot as presented. Mr. Kovacs seconded the motion. Ayes: Mr. Bell, Mr. Kovacs, Ms. Newbern, Ms. Wilson, Mr. Clark, and Mr. Midgette. Nays: Mr. West.



1. OVERSIGHT/DESIGN: JAMES L. ROBEY, JR., P.E., L-2000
2. SITE PLAN: JAMES L. ROBEY, JR., P.E., L-2000
3. TOTAL NUMBER OF LOTS: 7
4. SITE & SURROUNDING ZONING: R-1
5. THE PROPERTY IS LOCATED IN PLANNED AREA 144 BRADY LANDING DRIVE, CRAWFORD TOWNSHIP, CURRITUCK COUNTY, NORTH CAROLINA. THE PROPERTY IS ZONED R-1. THE PROPERTY IS LOCATED IN PLANNED AREA 144 BRADY LANDING DRIVE, CRAWFORD TOWNSHIP, CURRITUCK COUNTY, NORTH CAROLINA. THE PROPERTY IS ZONED R-1.
6. A PLAN FOR THE PROPOSED LOT 8A AND THE PROPOSED LOT 8A-1 AND 8A-2 IS ATTACHED TO THIS PLAN. THE PROPOSED LOT 8A AND THE PROPOSED LOT 8A-1 AND 8A-2 ARE TO BE DEVELOPED AS A SINGLE LOT. THE PROPOSED LOT 8A AND THE PROPOSED LOT 8A-1 AND 8A-2 ARE TO BE DEVELOPED AS A SINGLE LOT.
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1. EDWARD T. FRY, JR., P.E., L-2000

THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. THE PROPOSED LOT 8A AND THE PROPOSED LOT 8A-1 AND 8A-2 ARE TO BE DEVELOPED AS A SINGLE LOT. THE PROPOSED LOT 8A AND THE PROPOSED LOT 8A-1 AND 8A-2 ARE TO BE DEVELOPED AS A SINGLE LOT.



HYMAN ROBEY

1501 Lee Hwy, Suite 100
 PO Box 100
 Currituck, NC 27821
 (252) 338-3011
 (252) 338-3012 fax
 hroby@hymanroby.com
 License 12-0008

PRELIMINARY
 NOT TO BE USED FOR CONSTRUCTION

AMENDED PRELIMINARY PLAT FOR BRADY LANDING AIRPARK LOT 8A

CRAWFORD TOWNSHIP
 CURRITUCK COUNTY
 NORTH CAROLINA

LEGEND



NO.	DATE	DESCRIPTION
1	11-15-2018	PRELIMINARY PLAT
2	11-15-2018	PRELIMINARY PLAT
3	11-15-2018	PRELIMINARY PLAT
4	11-15-2018	PRELIMINARY PLAT
5	11-15-2018	PRELIMINARY PLAT
6	11-15-2018	PRELIMINARY PLAT
7	11-15-2018	PRELIMINARY PLAT
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9	11-15-2018	PRELIMINARY PLAT
10	11-15-2018	PRELIMINARY PLAT
11	11-15-2018	PRELIMINARY PLAT
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97	11-15-2018	PRELIMINARY PLAT
98	11-15-2018	PRELIMINARY PLAT
99	11-15-2018	PRELIMINARY PLAT
100	11-15-2018	PRELIMINARY PLAT

Project # 180200
 Designer J. ROBEY, JR., P.E.
 Draftsman J. ROBEY, JR., P.E.
 Approver J. ROBEY, JR., P.E.
 Date 11-15-2018
 Sheet 1 OF 1

REVISIONS: NONE
 DATE: 11/15/2018

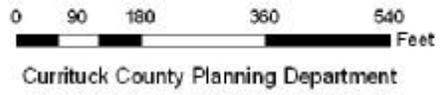
SHEET TITLE:
Preliminary Plat

SHEET NUMBER:
1





**PB 99-13 Brady Landing, Phase 1, Lot 8A
Preliminary Plat/SUP
January 2008 Aerial Photography**





**PB 99-13 Brady Landing, Phase 1, Lot 8A
Preliminary Plat/SUP
Zoning Map**



Currituck County Planning Department





**PB 99-13 Brady Landing, Phase 1, Lot 8A
 Preliminary Plat/SUP
 Land Use Classification**



Currituck County Planning Department



MEMORANDUM

To: Kevin Hankins, Hyman and Robey
Terry McKinney

From: Tammy D. Glave, CZO
Planner II

Date: December 10, 2009

Re: PB 09-33 Brady Landing, Lot 8A, Amended Preliminary and Amended Final Plat

The following comments have been received for the December 16, 2009 TRC meeting. In order for the preliminary plat to be scheduled for the January 12, 2010 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on December 21, 2009. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Tammy Glave

Preliminary Plat – Approved with no comment.

Final Plat

Approved with comments:

1. Water tap fees must be paid prior to approval of the final plat.
2. Call out the drainage and utility easements along all property lines.
3. Call out the street addresses for each lot.
4. Call out the building pad and first floor elevation for lot 8A2.
5. Amended restrictive covenants that include the new parcel and that are compliant with Section 10.5.2 of the UDO must be recorded in the Currituck County Register of Deeds office simultaneously with the final plat.
6. Add all final plat certifications/notes to the plat.

Currituck Soil and Water, Mike Doxey

Approved with no comment.

Currituck County Engineer, Eric Weatherly

Approved with no comment.

Currituck County Utilities, Pat Irwin

Approved with no comment.

Currituck County GIS, Harry Lee

Reviewed with no comment.

Currituck County Building Inspections, Spence Castello

Approved with no comment.

Currituck County Parks and Recreation, Jason Weeks
Reviewed with no comment.

NC Division of Coastal Management, Charlan Owens
Reviewed with no comment.

NCDENR, Land Quality, Pat McClain
Approved with comment:

1. Provided that the only "developer involvement in this request is the subdividing of a lot, then no erosion and sedimentation control plan approval is required. "

Albemarle Regional Health Services, Joe Hobbs
Approved with comment:

1. PLEASE CONSULT WITH HEALTH DEPT.(252-232-6603)IN FUTURE FOR SITE EVALUATIONS/SEPTIC PERMITS AND PRIVATE WELL PERMITS FOR EACH LOT WHEN READY TO CONSTRUCT PROPOSED DWELLING ON LOT 8A-2.

NCDOT, Gretchen Byrum
Reviewed with no comment.

Currituck County Emergency Management, James Mims
Approved with no comment.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

Comments Not Received From:

Currituck County Schools, Dr. Megan Doyle
Currituck County Local Volunteer Fire Department
Currituck County Economic Development, Peter Bishop
Currituck County Sheriff, Susan Johnson
NCDENR, Environmental Management, Roger Thorpe
NCDENR, Public Water, Siraj Chohan
NC State Archaeology, Lawrence Abbot
US Army Corps of Engineers, Tom Steffens
Embarq, Hester Jones
Charter Communications, Sam Scilabba
Dominion Power, Troy Lindsey

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: February 1, 2010
PB 09-33 Baybreeze Cove
Major Subdivision**

ITEM: PB 09-33 Baybreeze Cove, Preliminary Plat/Special Use Permit, for three lots.

LOCATION: On Knotts Island on Solo Lane, Fruitville Township.

TAX ID: 0076-000-108H-0000 (8 prior splits)
0076-000-095F-0000 (5 prior splits)

ZONING DISTRICT: Agricultural (A)

PRESENT USE: Single Family Dwelling/Vacant

OWNERS: Bryan Construction Company
281 South End Road
Knotts Island NC 27950

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

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

	Land Use	Zoning
NORTH:	Single Family Dwelling	A
SOUTH	Single Family Dwelling	A
EAST:	Currituck Sound	
WEST:	Single Family Dwelling	A

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Limited Service** within the **Knotts Island-Gibbs Woods** subarea.

SIZE OF SITE: Total Development: 12.39 acres

NUMBER OF UNITS: 3 residential lots

- PROJECT DENSITY:** .24 units/ acre
- STREETS:** Solo Lane must meet NCDOT requirements.
- UTILITIES:** The development will be served by individual septic systems and individual wells.
- OPEN SPACE:** The UDO does not require this subdivisions to dedicate open space; however, the applicant is proposing to reduce lot size and dedicate 4.49 acres to open space to allow each lot access to the sound.

I. NARRATIVE OF REQUEST:

- The applicant is seeking preliminary plat/SUP approval for three lots.
- The sketch plan for this phase was approved on October 21, 2009.

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 major subdivision is allowed in the A 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 Limited Service within the Knotts Island-Gibbs Woods subarea and the proposed use is in keeping with the policies of the plan, some of which are:
 - i. The policy emphasis is for development to remain as low to very low density residential lots, predominantly one unit per three acres.
 - ii. POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
 - iii. POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
 - iv. POLICY HN3: Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open.

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 preliminary plat/SUP as presented. Prior to final plat submittal, the following items must be addressed:

1. Correct flood zone elevation from 5.0 to 5.3 as noted at the rear of lots one and two.
2. Provide pavement certification or provide a letter from NCDOT or an engineer that at the time the road was constructed, it was built to NCDOT standards.
3. Amended restrictive covenants that include the new parcels and that are compliant with Section 10.5.2 of the UDO must be recorded in the Currituck County Register of Deeds office simultaneously with the final plat.
4. A combined total of \$2003.62 in taxes must be paid prior to January 5, 2010 in order to divide the property.
5. Correct the Certificate of Approval.
6. Rear setback line must be shown at 25', not 20'.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** with staff recommendations of the preliminary plat/special use permit for a three lot subdivision.

PLANNING BOARD DISCUSSION (January 12, 2010)

Mr. Woody stated that 4.49 acres will be dedicated to open space to allow each lot access to the sound.

Mr. Kovacs asked if the lots will have access to Woodleigh Road.

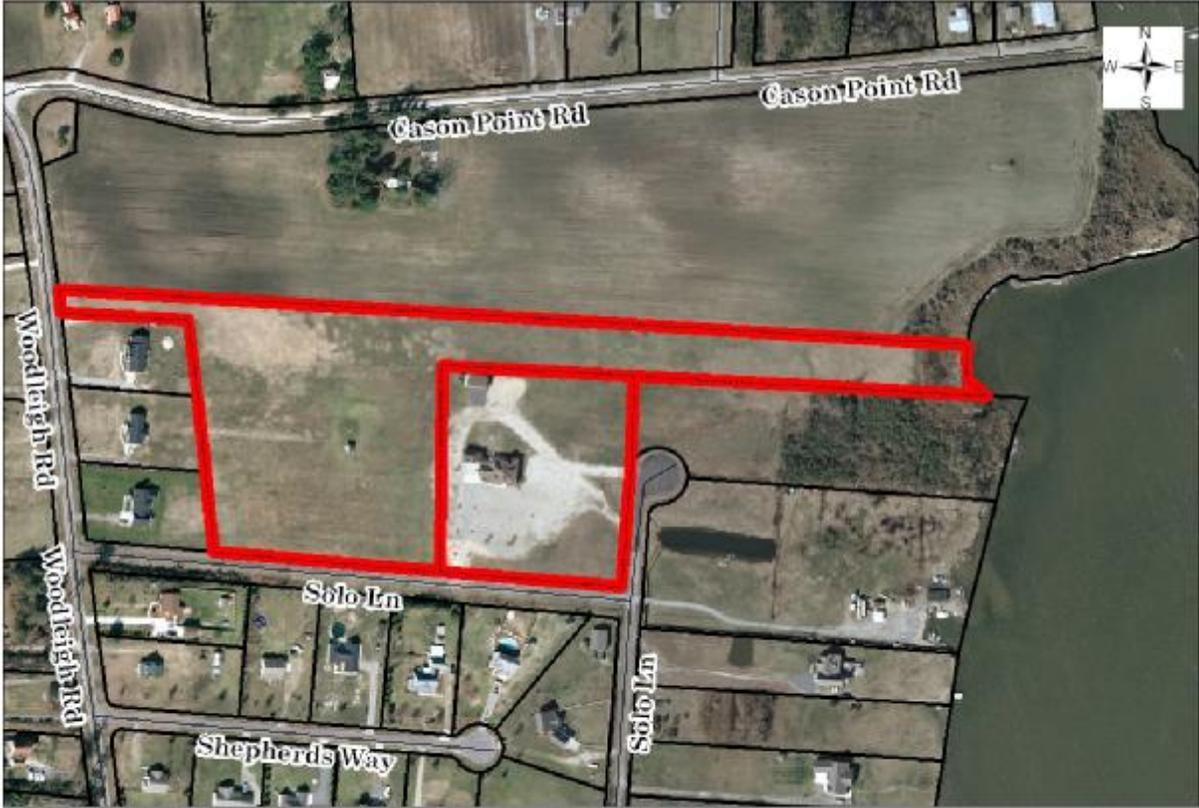
Mr. Hyman stated there is a gate at Woodleigh Road which will give you access to the property. The gate will remain to restrict public access.

Mr. Midgette asked Mr. Hyman if he is okay with staff recommendations.

Mr. Hyman stated yes.

ACTION

Mr. Clark recommended approval with staff recommendations of PB 09-33 Baybreeze Cove for a preliminary plat/special use permit for a three lot subdivision as presented. Mr. West seconded the motion. Motion carried unanimously.



**PB 09-33 Baybreeze Cove
Preliminary Plat/SUP Request
January 2008 Aerial Photography**

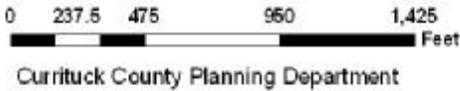


Currituck County Planning Department





**PB 09-33 Baybreeze Cove
Preliminary Plat/SUP Request
Zoning Map**



Currituck County Planning Department



**PB 09-33 Baybreeze Cove
Preliminary Plat/SUP Request
Zoning Map**



MEMORANDUM

To: Kevin Hankins, Hyman and Robey
Gary Bryan

From: Tammy D. Glave, CZO
Planner II

Date: December 10, 2009

Re: PB 09-33 Baybreeze Cove, Preliminary and Final Plat

The following comments have been received for the December 16, 2009 TRC meeting. In order for the preliminary plat to be scheduled for the January 12, 2010 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on December 21, 2009. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Tammy Glave Preliminary Plat

Approved with comments:

1. Call out the building setback lines.
2. Call out the drainage and utility easements along all property lines.

Final Plat

Approved with comments:

1. Call out the drainage and utility easements along all property lines.
2. Provide pavement certification or provide a letter from NCDOT or an engineer that at the time the road was constructed, it was built to NCDOT standards.
3. Call out the street addresses for each lot.
4. Call out the building pad and first floor elevation for each lot.
5. Amended restrictive covenants that include the new parcels and that are compliant with Section 10.5.2 of the UDO must be recorded in the Currituck County Register of Deeds office simultaneously with the final plat.
6. A combined total of \$2003.62 in taxes must be paid prior to January 5, 2010 in order to divide the property.
7. Add all final plat certifications/notes to the plat.

Currituck Soil and Water, Mike Doxey
Approved with no comment.

Currituck County Engineer, Eric Weatherly
Approved with corrections:

1. Show lot line swales, pad and finished floor elevations, ditch along Solo, and driveway culvert requirements.

Currituck County Utilities, Pat Irwin

Approved with comment:

1. There is no County water or wastewater in the area.

Currituck County GIS, Harry Lee

Reviewed with comment:

1. Address Assignment:
Lot 1 = 113 Solo Ln
Lot 2 = 121 Solo Ln
Lot 3 = 129 Solo Ln
Lot 4 = 133 Solo Ln (existing)

Currituck County Building Inspections, Spence Castello

Approved with no comment.

Currituck County Parks and Recreation, Jason Weeks

Reviewed with no comment.

NC Division of Coastal Management, Charlan Owens

Reviewed with no comment.

NCDENR, Land Quality, Pat McClain

Approved with comment:

1. An erosion and sedimentation control plan must be submitted to and approved by the Land Quality prior to any land disturbance. The owner is a construction co., the implied intent is for the construction company to do the building construction, even if it is custom build. *Received e-mail from Pat McClain on 1/7/10, Erosion and Sedimentation Control Plan is not required, provided less than one acre is disturbed in development phase.*

Albemarle Regional Health Services, Joe Hobbs

Approved with comment:

1. PLEASE CONSULT WITH HEALTH DEPT.(252-232-6603)IN FUTURE FOR SITE EVALUATIONS/SEPTIC PERMITS AND PRIVATE WELL PERMITS FOR EACH LOT WHEN READY TO CONSTRUCT PROPOSED DWELLINGS.

NCDOT, Gretchen Byrum

Reviewed without comment.

Currituck County Emergency Management, James Mims

Reviewed without comment.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

Comments Not Received From:

Currituck County Schools, Dr. Megan Doyle
Currituck County Local Volunteer Fire Department
Currituck County Economic Development, Peter Bishop
Currituck County Sheriff, Susan Johnson
NCDENR, Environmental Management, Roger Thorpe
NCDENR, Public Water, Siraj Chohan
NC State Archaeology, Lawrence Abbot
US Army Corps of Engineers, Tom Steffens
Embarq, Hester Jones
Charter Communications, Sam Scilabba
Dominion Power, Troy Lindsey

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**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: February 1, 2010
PB 07-10 South Ridge, Planned Unit Development**

ITEM: PB 07-10 South Ridge, Planned Unit Development, Preliminary Plat/Special Use Permit, for 146 single family patio home lots, 5.46 acres of limited business-hotel designation, and 1.75 acre county dedicated community facility site.

LOCATION: 120 Survey Road, adjacent to Eagle Creek subdivision, Moyock Township.

TAX ID: 0015-000-0083-0000

ZONING DISTRICT: Residential (R) with Planned Unit Development Overlay.
 Residential (PUD Overlay): 68.67 acres
 LBH (PUD Overlay): 5.67 acres*
 *Rezoning/Sketch Plan approved December 3, 2007

PRESENT USE: Farmland

OWNER: Survey Road, LLC
 3500 Virginia Beach Blvd., Suite 528
 Virginia Beach, VA 23452

DEVELOPER: South Moyock Development, LLC
 616 Village Drive, Suite G
 Virginia Beach, VA 23454

ENGINEER: Bissell Professional Group
 3512 North Croatan Highway
 PO Box 1068
 Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Farmland	A
SOUTH	Farmland/Eagle Creek Subdivision	A
EAST:	Single Family Dwellings	A
WEST:	Farmland	A

LAND USE PLAN

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

SIZE OF SITE: 74.23 acres

NUMBER OF UNITS: 146 patio home lots

PROJECT DENSITY: 2.18 units/acre

STREETS: The curb and gutter street design will be built to NCDOT design and construction standards. The developer intends to offer the streets for public dedication.

UTILITIES: The development will be served by county water with an anticipated use of 52,560 gallons per day. The applicant is proposing two wastewater options. The first option includes a 60,000 gallon per day advanced treatment wastewater system utilizing the integrated fixed film activation sludge (IFAS) treatment process. The treated effluent will be pumped to an infiltration pond. The second option includes treatment and disposal within Eagle Creek wastewater system.

OPEN SPACE: The required open space for South Ridge is 35% (1,131,708 SF or 25.98 acres). The proposed development plan provides 25.98 acres of open space.

COMMUNITY FACILITIES:

The required community facilities dedication for 146 lots in South Ridge is 1 acre/100 lots in excess of required open space. The developer is proposing 1.75 acres of community facilities dedication.

I. NARRATIVE OF REQUEST:

- The property was rezoned from Agricultural to Residential on December 4, 2006. The PUD overlay and sketch plan was approved by the Board of Commissioners on December 3, 2007.
- The developer is seeking approval of South Ridge, PUD, amended preliminary plat. The purpose of the amendment is to provide an alternate wastewater treatment plan/relocation the on-site wastewater treatment facility and a patio home development (smaller lots and setbacks). In addition, the developer is seeking clarification to three conditions indicated on the special use permit.
- The patio home style of development has been utilized for sections of other developments that are larger than this entire subdivision, but it has not been utilized previously as the only residential style within a PUD. However, it does meet the requirements of the UDO. The developer indicated that the patio style

is being utilized in order for the lot development plans to be combined to create a streetscape that is scaled appropriately for the size and style of the proposed houses, as shown on the rendering that compares the old and new plans. While the patio lot style of development does not require the dedication of additional open space, the previous plan had smaller lots with a like amount of open space. The average lot size in the approved plan is 9,100 sf, and the smallest lot is 5,000 sf. The new plan has an average lot size of 8,500 sf, and the smallest lot is 8,100 sf. The proposed open space dedication is the same as with the previous plan, and is in conformance with the UDO requirements.

- The proposed development will be constructed in phases:

Phase	Total Lots	Amenities
1A	35	Lake with loop trail, playground
1B	28	Walking trail
2	57	Playground, walking trail
3	26	Playground, walking trail, pond
4		Commercial area

II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

- A. Please remove the note “Not a Part” from preliminary plat sheet 2, Neighborhood Commercial (5.46 Acre).

NCDOT

- A. NCDOT comments are being negotiated and will be finalized by pre-construction.

III. 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 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. Chapters 3 and 10 of the UDO allow a planned unit development 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 planned unit development is allowed in the R base zoning district and PUD overlay with a special use permit.
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 Rural within the Moyock subarea. The Rural classification does not necessarily support the PUD overlay. In areas where central sewer is proposed or existing, additional services are available, and the surrounding areas support it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. The proposed use is in keeping with the policies of the plan, some of which are:

Policy HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Services areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

Policy CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE

CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

Policy CD8: MIXED-USE DEVELOPMENTS, properly planned from the outside, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

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 has adequate public facilities to service this subdivision.

IV. STAFF RECOMMENDATION:

The submittal appears to meet all of the requirements for preliminary plat/SUP, and **staff recommends conditional approval** of this plat/SUP subject to the findings of fact and the following conditions:

1. The pre-construction plans shall meet and address all NCDOT traffic engineer comments and recommended changes.
2. The right-of-way and legal instrument granted by Eagle Creek Property Owner's Association for the South Ridge subdivision entrance shall be resolved and recorded with the pre-construction submittal.
3. Documentation regarding the Eagle Creek open space reduction (right-of-way dedication) shall be provided with the pre-construction submittal.
4. The proposed, improved access connection to the adjacent property does not extend to the property line. This access will not be used by a property owner until such time as the interconnection is made; staff recommends the developer posting a bond for installation in lieu of paving the connection to the property line.
5. The proposed wastewater treatment and disposal provides two options for South Ridge development. The first option includes wastewater treatment and disposal within the boundaries of South Ridge development. The South Ridge utility plan shall also include any required green area, and must be submitted with the pre-construction submittal. The second option includes treatment and disposal within the Eagle Creek development. In order to proceed with the second option (Eagle Creek) the following information must be submitted with the pre-construction submittal:
 - a. A summary of available capacity for the Eagle Creek system. The summary should include all existing demands as well as committed demands (platted lots).
 - b. The basis and DWQ approval for residential flow reduction based on peak usage.

- c. A detailed green area map. Any modifications to green area must be approved by Currituck County and NC DWQ prior to implementation.
 - d. A detailed narrative of necessary improvements to the Eagle Creek wastewater treatment or disposal areas to accommodate anticipated capacity of South Ridge (residential and commercial/county dedication) and financial responsibility for system upgrades.
6. Wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with NCDOT standards. Please provide a curb cut detail with the submittal pre-construction plans.
 7. On street parking, if installed, shall be provided in accordance with the variance issued by the Board of Commissioners.
 8. The pedestrian loop trail system must be located a minimum of 10 feet from all exterior property lines and shall be located such to provide safe movement.
 9. A Dominion Power encroachment agreement is required to allow roads, pedestrian trails, required landscape buffers, and wastewater treatment infiltration pond within their 150 foot utility easement. The agreement must be provided at the pre-construction submittal.
 10. Pedestrian easements shall be provided on the final plat where the sidewalk extends beyond the street right-of-way and on private lots. (Development Review Manual)
 11. Given the relatively small size of the proposed lots, deed restrictions or restrictive covenants shall restrict parking of boats and recreational vehicles on individual lots or a boat/rv parking area shall be provided.
 12. The development impact statement references the pedestrian related active recreation element. In the interest of providing a complete and safe active recreation system, the applicant shall provide sidewalks along Survey Road frontage, and between the proposed residential and nonresidential uses.
 13. The applicant shall provide the following information regarding the waste water treatment system at pre-construction submission:
 - a. A detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;
 - b. State approval of the proposed system; and,
 - c. The expected life of the facility and the establishment of a reserve fund to support the continued maintenance, upkeep, and replacement of the facility.
 14. The required improvements shall be installed and accepted prior to submission of final plat approval for each phase.
 15. In accordance with the UDO, the applicant shall create a sewer district for the proposed development prior to final plat submission.
 16. The applicant shall submit a home and building design template that will be incorporated with the approval. Residential structures shall be designed with:
 - a. Variation in exterior architectural materials (siding, roofing);
 - b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - c. Variation in house styles/types;
 - d. Inclusion of front porches, projecting bays, vestibules; and,

- e. The units shall have proportional attributes including overall height to width ratios of existing building facades, doors, windows, projecting canopies, and other architectural features with in the vernacular of the area.
17. In keeping with Policy WS7 of the 2006 Land Use Plan, the wastewater system shall be designed so as to facilitate assimilation into a centralized system at a future date.
 18. All open space areas surrounding the lake shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.
 19. All visual relief open space within each phase shall be stabilized and vegetated with grass and proposed landscaping buffer.
 20. Low impact development techniques should be integrated in the project to manage treatment of stormwater. (WQ3, WQ6, WQ7)
 21. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways. (CD8, CD9)
 22. In commercial areas, parking located between a commercial building and street rights-of-way shall be screened with a Type B Bufferyard. (CA3, CD7, CD8)
 23. Dumpsters or similar solid waste receptacles, HVAC equipment, commercial mechanical units, or similar appurtenances shall be screened from view using a combination of solid landscaping or opaque fencing. (LUP CA3)
 24. Landscape islands shall be incorporated into the commercial parking areas. (LUP CD7, CD8, CA3)
 25. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided. (LUP CD7, CD8, CD9)
 26. Neighborhood serving commercial development shall integrate pedestrian scale and design (proportional relationship of buildings and spaces to pedestrians). Retail, office, and entertainment uses shall be appropriately designed, small-scale businesses. (LUP CD1, CD5, CD6, CD7, CD8, CD9).
 27. The maximum amount of pond aeration devices allowed by NC DWQ shall be installed.
 28. A complete downstream analysis shall be included with the pre-construction submittal.
 29. *The driveways shall be two vehicle deep parking.
 30. *The slope of ponds shall be considered.
 31. *Cluster mailboxes shall be used.
- * Clarification needed from the Planning Board

V. CLARIFICATION OF SPECIAL USE PERMIT CONDITIONS

1. *The driveways shall be two vehicle deep parking. *Engineer Commentary: The applicant is proposing to address the parking requirement by providing a driveway that is sufficient to provide two side by side vehicles, in front of a garage that would provide additional parking. A detail is included for a typical development lot.*
2. *The slope of ponds shall be considered.
3. *Cluster mailboxes shall be used. *Engineer Commentary: It is agreed that cluster mailboxes will be provided within the common area adjacent to lot 135, with details to be provided at the pre-construction stage.*

VI. NCDOT TRAFFIC IMPACT ANALYSIS (TIA) REVIEW COMMENTS AND RECOMMENDATION (Received 6/8/2009):

1. At the proposed residential entrance to the development, Gerald Boulevard lines up with the old alignment of Survey Road. Survey Road was realigned several years ago. This intersection is now a T-intersection. Gerald Boulevard must be designed to line up with the current configuration of Survey Road, not the old. Another alternative for this intersection would be a roundabout. The roundabout must be designed to accommodate school busses and any service type trucks for the school and residential uses. The roundabout design, if considered, must be submitted to the District and forwarded to the Division Traffic Engineer for further review. Design questions for the roundabout should be coordinated through Chad Edge.
2. The proposed right in right out configuration for Commercial Access Drive #2 is acceptable as well as the proposed median island on Survey Road to physically prohibit left turns. If a roundabout design is proposed as mentioned earlier, this median island should be an extension of the splitter island on this approach.
3. At the proposed Commercial Drive #1, the right turn land proposed is acceptable as having 100 feet of full storage PLUS the appropriate deceleration and taper lengths as outlined in the NCDOT Driveway Manual. In addition, a left turn lane for northbound traffic should be constructed on Survey Road with a minimum of 75 feet of full storage PLUS the appropriate deceleration and taper lengths.
4. At the signalized intersection of NC 168 and Survey Road, the proposed addition of a right turn lane with 100 feet of full storage is acceptable. The appropriate deceleration and taper length will need to be included as well. The addition of this lane may require the addition of guardrail on the southeast quadrant for the traffic signal pole. In addition, for NC168 southbound the right turn lane shall be lengthen to obtain 250 feet of full storage PLUS the appropriate deceleration and taper length.
5. With regard to the internal streets, it is encouraged that interconnection between adjacent parcels and to the commercial areas be designed to minimize trips on NC 168 and Survey Road as well as provide alternative access points.
6. Design details for the above improvements must be reviewed and approved. A signing and pavement marking plan will also be required to be submitted for review and approval.

VII. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended denial of the preliminary plat/special use permit for 146 patio home lots.

PLANNING BOARD DISCUSSION (January 12, 2010)

Mr. Bell asked if anything could be done with the order of the phasing.

Mr. Woody stated that the Planning Board could make a recommendation to the Board of Commissioners.

Mr. Bissell stated this will be a very nice community and all the lots are clustered around a 5 acre lake. Mr. Bissell provided an overview of the project. Mr. Bissell stated that the plan that had been previously approved had an onsite wastewater treatment facility, but as they moved forward in the design it includes a possible opportunity for two wastewater options. One option includes a 60,000 gallon per day advance treatment wastewater system utilizing the integrated fixed film activation sludge treatment process. The treated effluent will be pumped to an infiltration pond. The second option includes treatment and disposal within Eagle Creek wastewater system.

Mr. Bissell stated the parking issue is one that they have been struggling with. With stacked parking this will push the houses back 40 feet instead of 25 feet. They have talked about remote parking for visitors and the idea of parallel parking. Mr. Bissell talked about the slope of the pond. He stated the reason the commercial phasing has been moved up is if the Eagle Creek wastewater connection becomes viable then they will be ready to proceed.

Mr. West stated that the intent was to have two cars parking side-by-side and not include the garage. Mr. West asked what are the issues with the wastewater connection to Eagle Creek.

Mr. Bissell stated an application needs to be filed with the Utility Commission.

Mr. West asked if there is a legal issue that would prevent them from connecting to Eagle Creek.

Mr. Bissell stated in the previous wastewater disposal permit which was issued by Water Quality there was a condition that only Eagle Creek wastewater could be at this facility. When it came time to renew the permit which was issued a few months ago, it was modified to let other entities connect into the wastewater treatment system.

Mr. West stated that 8,000 sq. ft. lots are small with the types of soils you have and only having 60 ft. between each home is tight. Mr. West talked about the traffic which would be added to the intersection and amount of traffic coming out of Eagle Creek.

Mr. Bissell stated a Traffic Consultant was hired to do a study on the area and they made some recommendations.

Mr. Kovacs stated that in the original application it was agreed that four parking spaces would be provided for each house. Without parking on the streets and only parking for two cars this will not be sufficient parking for the development. Mr. Kovacs stated he does not like the parking situation. He asked Mr. Bissell if they get approval from Eagle

Creek to connect to their wastewater treatment, which would free up 6.7 acres of open space, what are the intentions.

Mr. Bissell stated they don't have any plans for it.

Mr. West asked Mr. Woody would it remain open space or could they bring it back for development.

Mr. Woody stated they could bring it back for development.

Mr. Bissell stated the homes will be 3 and 4 bedrooms but does not know the square footage.

Mr. Winslow stated he is the farmer on the northern and western part of this property. Mr. Winslow stated that some type of buffering needs to be provided between the Lindsay farm and what is being planned. Mr. Winslow stated this is a major concern and needs to be addressed.

Mr. Woody stated that the plan would have to meet the minimal ordinance requirement and if the planning board wanted to consider additional width or additional plantings they could include it as a recommendation in the special use permit.

Mr. Bissell stated they are showing a 25 ft. buffer which is the minimal.

Mr. Woody talked about the types of bufferyards and their requirements.

Mr. Bell asked the applicant if they would be willing to work with Mr. Winslow on an adequate buffer between the farmland and project.

Mr. Bissell stated they would be willing to meet and see what they can work out.

Mr. Midgette asked Mr. Woody if the applicant could hook into the Eagle Creek treatment system how many more lots would they be able to add to the project.

Mr. Woody stated approximately 18 to 20 lots.

Mr. Bissell stated this could be a possibility.

Mr. Clark asked if there were any plans for a centralized wastewater system.

Mr. Woody stated the county has discussed a centralized system in Moyock.

ACTION

Mr. Kovacs motioned to recommend denial of PB 07-10 South Ridge, PUD for an amended preliminary plat/special use permit for 146 patio home lots as presented because of (1) traffic concerns; (2) parking spaces decreasing from 4 to 2; and (3)

increase in development if wastewater sewer is connected to Eagle Creek. Mr. West seconded the motion. Motion carried unanimously.

VIII. STAFF CONSIDERATION OF UNRESOLVED CONCERNS:

1. Due to parking lot size concerns, the planning board recommended four parking spaces for each patio home. The UDO requires a minimum of two parking spaces for each patio home. Parking arrangements that provide required off-street parking as well as on street parking throughout the development would make available additional parking to meet peak demands.
2. The development is adjacent to active farming operations and the adjacent farmer requested adequate buffers from the adjacent property lines. The UDO requires a minimum 25 foot buffer from the commercial operations and the farm, and the developer proposes a Type C bufferyard with varying widths of 25 to 90+ feet. Increasing the buffer to an opaque screen (Type A) will offer a barrier between the residential uses and active farming operation.



PB 07-10 South Ridge PUD





**PB 07-10 South Ridge PUD
Land Use Plan Class**



Currituck County Planning Department



MEMORANDUM

To: Mark Bissell, Bissell Professional Group
Gary Werner, Franciscus Homes & South Moyock Development, LLC
Chip Freidman, Survey Road LLC

From: Donna Voliva, Planner

Date: December 10, 2009

Re: South Ridge, PUD, Amended Preliminary Plat/Special Use Permit

The following comments have been received for the December 16, 2009 TRC meeting. In order to be scheduled for the January 12, 2009 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on December 21, 2009. Additional comments may be received at the meeting and TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva

Approved with comments

Conditions from Special Use Permit issued by the BOC on July 6 2009

1. The plan shall meet and address all NCDOT traffic engineer comments and recommended changes.
 - a. Gerald Boulevard must be designed to line up with the current configuration of Survey Road. Another alternative for this intersection would be a roundabout. The roundabout must be designed to accommodate school busses and any service type trucks for the school and residential uses. The roundabout design, if considered, must be submitted to NCDOT and forwarded to the Division Traffic Engineer for further review.
 - b. The proposed right in right out configuration for Commercial Access Drive #2 is acceptable as well as the proposed median island on Survey Road to physically prohibit left turns. If a roundabout design is proposed as mentioned earlier, this median island should be an extension of the splitter island on this approach.
 - c. At the proposed Commercial Drive #1, the right turn lane proposed is acceptable as having 100 feet of full storage PLUS the appropriate deceleration and taper lengths as outlined in the NCDOT Driveway Manual. In addition, a left turn lane for northbound traffic should be constructed on Survey Road with a minimum of 75 feet of full storage plus the appropriate deceleration and taper lengths.
 - d. At the signalized intersection of NC 168 and Survey Road, the proposed addition of a right turn lane with 100 feet of full storage is acceptable. The appropriate deceleration and taper length will need to be included as well. The addition of this lane may require the addition of guardrail on the southeast quadrant for the traffic signal pole. In addition, for NC168 southbound the right turn lane shall be lengthen to obtain 250 feet of full storage plus the appropriate deceleration and taper length.
 - e. With regard to the internal streets, it is encouraged that interconnection between adjacent parcels and to the commercial areas be designed to minimize trips on NC 168 and Survey Road as well as provide alternative access points.
 - f. Design details for street improvements must be reviewed and approved by NCDOT. A signing and pavement marking plan will also be required to be submitted for review and approval.
2. Wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with NCDOT standards. Please provide a curb cut detail with the submittal pre-construction plans.
3. On street parking shall be provided in accordance with the variance issued by the Board of Commissioners.
4. The pedestrian loop trail system must be located a minimum of 10 feet from all exterior property lines and shall be located such to provide safe movement.

5. A Dominion Power encroachment agreement is required to allow roads, pedestrian trails, required landscape buffers, and wastewater treatment infiltration pond within their 150 foot utility easement. The agreement must be provided at the pre-construction submittal.
6. Pedestrian easements shall be provided on the final plat where the sidewalk extends beyond the street right-of-way and on private lots. (Development Review Manual)
7. Given the relatively small size of the proposed lots, deed restrictions or restrictive covenants shall restrict parking of boats and recreational vehicles on individual lots or a boat/rv parking area shall be provided.
8. The development impact statement references the pedestrian related active recreation element. In the interest of providing a complete and safe active recreation system, the applicant shall provide sidewalks along Survey Road frontage, and between the proposed residential and nonresidential uses.
9. The applicant shall provide the following information regarding the waste water treatment system at pre-construction submission:
 - a. A detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;
 - b. State approval of the proposed system; and,
 - c. The expected life of the facility and the establishment of a reserve fund to support the continued maintenance, upkeep, and replacement of the facility.
10. The required improvements shall be installed and accepted prior to submission of final plat approval for each phase.
11. In accordance with the UDO, the applicant shall create a sewer district for the proposed development prior to final plat submission.
12. The applicant shall submit a home and building design template that will be incorporated with the approval. Residential structures shall be designed with:
 - a. Variation in exterior architectural materials (siding, roofing);
 - b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - c. Variation in house styles/types;
 - d. Inclusion of front porches, projecting bays, vestibules; and,
 - e. The units shall have proportional attributes including overall height to width ratios of existing building facades, doors, windows, projecting canopies, and other architectural features with in the vernacular of the area.
13. In keeping with Policy WS7 of the 2006 Land Use Plan, the wastewater system shall be designed so as to facilitate assimilation into a centralized system at a future date.
14. All open space areas surrounding the lake shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.
15. All visual relief open space within each phase shall be stabilized and vegetated with grass and proposed landscaping buffer.
16. Low impact development techniques should be integrated in the project to manage treatment of stormwater. (WQ3, WQ6, WQ7)
17. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways. (CD8, CD9)
18. In commercial areas, parking located between a commercial building and street rights-of-way shall be screened with a Type B Bufferyard. (CA3, CD7, CD8)
19. Dumpsters or similar solid waste receptacles, HVAC equipment, commercial mechanical units, or similar appurtenances shall be screened from view using a combination of solid landscaping or opaque fencing. (LUP CA3)
20. Landscape islands shall be incorporated into the commercial parking areas. (LUP CD7, CD8, CA3)
21. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided. (LUP CD7, CD8, CD9)
22. Neighborhood serving commercial development shall integrate pedestrian scale and design (proportional relationship of buildings and spaces to pedestrians). Retail, office, and entertainment uses shall be appropriately designed, small-scale businesses. (LUP CD1, CD5, CD6, CD7, CD8, CD9).
31. The maximum amount of aeration devices shall be used for the ponds.
32. The driveways shall be two vehicle deep parking.
33. The slope of ponds shall be considered.
34. Cluster mailboxes shall be used.

Required Plan Corrections and Comments:

1. Provide the right-of-way and legal instrument granted by Eagle Creek Property Owner's Association for subdivision entrance. To date, an acknowledgement has not been submitted from the association that would grant the right-of-way across their open space.
2. The improved access connection to the adjacent property does not extend to the property line. This access will not be used by any property owner until such time as the connection is made; staff recommends the developer posting a bond for installation in lieu of paving the connection to the property line.
3. In addition to pedestrian easements where sidewalks are located on private property, landscape easements for street trees shall be provided.
4. The preliminary plat shall illustrate site triangles at each intersection.
5. The PUD/patio home text does not provide a maximum percentage of development statement. The intent of the patio home text amendment was to allow the patio homes within a PUD and was not intended to become an entire development. In addition, a note must be placed on preliminary and final plat that all lots are patio style home development. By using the patio home development (small lots) additional open space is not required. The proposed development does not meet the open space requirements for single family lot reduction.
6. The engineer stormwater statement must be shown on the plan (DRP).
7. General Note #14 indicates setbacks for single family lots and not patio style setbacks as provided in Section 4.3.5 of the UDO.
8. No portion of the county acceptance of 1.75 acres should be included in the open space summary.
9. The development density should not include commercial acreage. The development density should be 2.12 units/acre based on the residential components of the project area.
10. The right-of-way boundaries shall be identified on the Eagle Creek open space.
11. Off-site improvements as recommended by NCDOT shall be indicated on the preliminary construction plans and pre-construction plans.
12. Please place a note on plans that illustrates the proposed wastewater area as future development in the event off-site wastewater treatment and disposal is achieved.
13. The proposed wastewater treatment and disposal provides two options for South Ridge development. The first option includes wastewater treatment and disposal within the boundaries of South Ridge development. The South Ridge utility plan shall also include any required green area. The second option includes treatment and disposal within the Eagle Creek development. In order to proceed with the second option (Eagle Creek) the following information must be submitted:
 - a. A summary of available capacity for the Eagle Creek system. The summary should include all existing demands as well as committed demands (platted lots).
 - b. The basis and DWQ approval for residential flow reduction based on peak usage.
 - c. A detailed green area map. Any modifications to green area must be approved by Currituck County and NC DWQ prior to implementation.
 - d. A detailed narrative of necessary improvements to the Eagle Creek wastewater treatment or disposal areas to accommodate anticipated capacity of South Ridge (residential and commercial/county dedication) and financial responsibility for system upgrades.

Currituck Soil and Water, Mike Doxey

Denied/Resubmit

1. The seasonal high water table (SHWT) is closer to the surface than two feet as indicated on the stormwater management plan.
2. On Monday, December 7, 2009 the SHWT was only eight inches below the ground surface (approximately at 8.3 or 8.4 feet elevation). The 10-year storm event must be stored above this elevation. This relates to the amount of fill which is insufficient at 12 inches for the building pads which should be raised a minimum of 18 inches. The streets may be OK with 12 inches of fill.
3. Staff suggests that the county no longer allow slab on grade construction.
4. Staff suggests the developer obtain an easement to clean the outlet ditch.

Currituck County Engineer, Eric Weatherly

Approval with corrections

1. Provide flow acceptance letter from the Eagle Creek wastewater system.
2. Provide DENR approval of the sewer flow reduction request.
3. Provide a copy of agreement between wastewater plan and golf course as required by DENR.
4. Provide the force main easements from golf course.
5. Stormwater downstream analysis for the pond outfall will be required for both sewer alternatives.

Currituck County Utilities, Pat Irwin

Approved

1. Requested additional valve has been placed into the plans.

Currituck County Emergency Management, James Mims

Approved

1. Modifications will be needed in the commercial area if the structure height is greater than 30 feet.
2. If a structure is sprinklered, fire department connections must be indicated on the plans.

Currituck County GIS, Harry Lee

Reviewed

1. Address assignment sheet being forwarded to Donna Voliva, Planner II.

Currituck County Building Inspections, Spence Castello

Approved

Currituck County Parks and Recreation, Jason Weeks

Approved

1. Playground should be constructed to accommodate children of different ages.

NCDOT, Roger Ward

Approval with corrections

1. Will approve when plans for driveway permit are submitted and an encroachment agreement for turn lane along NC 168.

NC Division of Coastal Management, Charlan Owens

No comment

NC DENR, Land Quality, Pat McClain

Approved

1. The project will require an approved erosion and sedimentation control plan for development. This may be accomplished with individual phase plans or a master/overall plan.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

1. Note: Proposed wastewater treatment plant plans will need to be approved by the NC DWQ (Washington Regional Office) at 252-946-6481. Please submit wastewater treatment plant engineered plans and approval letter to health department for knowledge and review.

The following agencies did not provide TRC comments for this project:

Currituck County Schools, Dr. Megan Doyle

Currituck County Local Volunteer Fire Department

Currituck County Economic Development, Peter Bishop

Currituck County Sheriff, Susan Johnson

NC DENR, Environmental Management, Roger Thorpe

NC DENR, Public Water, Siraj Chohan

NC State Archaeology, Lawrence Abbot

US Army Corps of Engineers, Tom Steffens

Embarq, Hester Jones

Charter Communications, Sam Scilabba

Dominion Power, Troy Lindsey

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

1 AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
2 AMENDING THE CURRITUCK COUNTY CODE OF ORDINANCES TO PERMIT
3 AND REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS AND
4 ROADS WITHIN THE COUNTY

5 Ordinance No. 10-02
6

7 WHEREAS, pursuant to N.C. Gen. Stat. §153A-245 a county may regulate the operation
8 of golf carts on any public street, road or highway where the speed limit is 35 miles per hour or
9 less;

10 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
11 County of Currituck, North Carolina as follows:

12 PART I. That the Code of Ordinances, Currituck County, North Carolina is amended by adding
13 an article and section to Chapter 12 to read as follows:

14 ARTICLE V. OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS

15 **Sec. 12-64. Definitions.**

16 The following words and phrases when used in this article shall have the definitions
17 respectively ascribed to them in this section. Whenever any words or phrases used in this chapter
18 are not defined but are defined in the North Carolina General Statutes, Chapter 20 and
19 amendments thereto, such definitions shall apply.

20 Driver means the operator of a vehicle, as defined in subdivision (25). The terms "driver" and
21 "operator" and their cognates are synonymous.

22 Golf cart means a vehicle designed and manufactured for operation on a golf course for
23 sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20)
24 miles per hour.

25 Highway means the entire width between property or right-of-way lines of every way or
26 place of whatever nature, when any part thereof is open to the use of the public as a matter of
27 right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates
28 are synonymous.

29 Insurance means a liability insurance policy or financial security deposit or by qualification
30 as a self-insurer, as these terms are defined and described in Article 9A, Chapter 20 of the
31 General Statutes of North Carolina, as amended.

32 Operator means a person in actual physical control of a vehicle which is in motion or which
33 has the engine running. The terms "operator" and "driver" and their cognates are synonymous.

1 **Sec. 12-65. Operation of golf carts on public streets not otherwise designated for such**
2 **operation.**

3 It shall be unlawful for any person to operate a golf cart on or over any public road in the
4 County, except as provided in this article.

5 Sec. 12-66. Designation of public streets for operation of golf carts.

6 Upon receipt of a petition signed by 67% of residents and/or property owners in an area
7 proposed for designation of public streets on which golf carts may be operated, the County Board
8 of Commissioners may adopt an ordinance designating the area and public streets within the
9 designated area on which golf carts may be operated.

10 **Sec. 12-667. Limitations and safety criteria.**

11 Golf cart operation on designated public streets of the County shall be in accordance with the
12 following limitations:

13 (1) No golf cart shall be driven across any road at an intersection where the road being
14 crossed has a posted speed limit of more than thirty-five (35) miles per hour.

15 (2) The maximum occupancy of a golf cart traveling on streets will be one (1) person per
16 designated seat. No occupants of a golf cart shall stand at any time while the golf cart is in
17 motion.

18 (3) Golf carts must be operated in accordance with all applicable state and local laws and
19 ordinances, including all laws, regulations and ordinances pertaining to the possession and use of
20 alcoholic beverages.

21 (4) No person may operate a golf cart unless that person is licensed to drive upon the streets
22 and highways of North Carolina and then, only in accordance with such driver's license. An
23 operator of golf cart must be at least sixteen (16) years of age, with the exception that operators
24 under the age of sixteen (16) years may operate golf cart if they possess a valid learner's permit
25 issued by the state of North Carolina and are accompanied by a licensed driver as required by
26 state law.

27 (5) If the operator is over the age of sixteen (16) and qualifies for a handicapped parking
28 space the operator may operate a golf cart on public streets upon the submission of a certificate
29 signed by a licensed physician that the driver is able to operate a motorized golf cart on the
30 roadways designated. The operator must have the certificate and handicap parking tag in their
31 possession while operating a golf cart.

32 (6) Golf carts may be operated only during daylight hours. ~~with the exception that golf carts~~
33 ~~equipped with operating lights meeting the requirements set forth below may operate only~~
34 ~~between the hours of 7:00 a.m. to 10:00 p.m.~~

35 ~~a. Two (2) lighted lamps, one (1) on each side of the front of the golf cart visible under~~
36 ~~normal atmospheric conditions from a distance of at least three hundred (300) feet in front of~~
37 ~~such golf cart and a red lamp on the rear, exhibiting a red light visible under like conditions from~~
38 ~~a distance of at least two hundred (200) feet to the rear of such golf cart.~~

1 (7) Golf carts must be operated at the extreme right of the roadway and must yield to all
2 vehicular and pedestrian traffic.

3 (8) Golf carts shall not be operated on any sidewalk, pedestrian walkway, multi-use path,
4 jogging path, greenway, park or trail except by law enforcement or by County employees or
5 contractors while on County business who carry on their person County issued credentials
6 evidencing work for the County.

7 (9) Golf carts shall not be operated during inclement weather or when visibility is impaired
8 by weather, smoke, fog or other conditions.

9 (10) Golf cart operators shall maintain manufacturer installed safety devices and equipment on
10 the golf cart in good repair and operable condition and ensure that an unobstructed view to the
11 rear is maintained at all times the golf cart is in operation on public streets.

12 (11) Golf carts operating on public streets of the County pursuant to this article shall be
13 insured as required by G.S. 20-309.

14 (12) All golf carts shall have the following equipment: locking brake, reverse warning
15 device, main power switch, horn, either hip restraints or hand holds, front and rear reflectors, and
16 a manufacturer's serial number plate. Manufacturer-installed safety labels shall be visible and
17 readable.

18 (13) In no instance may a golf cart be operated at a speed greater than 20 miles per hour.
19 Even at speeds at or below 20 mile per hour, no golf cart may be operated at a speed greater than
20 is reasonable and prudent for the existing conditions.

21 (14) No golf cart may be operated in a careless or reckless manner.

22 (15) Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of
23 any kind including a person on roller skates, skateboards or bicycle . **Notwithstanding the**
24 foregoing, a golf cart may be used to tow a jet ski on public streets located in a residential
25 subdivision that is within the boundary of an area designated for operation of golf carts on public
26 streets.

27 (16) Golf carts may not be operated on North Carolina Highway 12 except for the sole
28 purpose of crossing such street at a perpendicular crossing at a through intersection.

29 **Sec. 12-678. Exceptions.**

30 The limitations set forth in section 12-667 shall not apply to golf carts being operated as
31 follows:

32 (1) To cross a road from one portion of a golf course to another portion thereof or to another
33 adjacent golf course and the speed limit on the road is no more than thirty-five (35) miles per
34 hour; or to cross a road at an intersection where the road has a posted speed limit of not more
35 than thirty-five (35) miles per hour.

36 (2) To the extent necessary for County employees and County contractors, who carry on their
37 person County issued credentials evidencing work for the County, to fulfill a governmental

1 purpose, provided the golf cart is not operated on a public road of the County with a posted
2 speed limit over thirty-five (35) miles per hour.

3 (3) In connection with a parade, a festival or other special event provided the consent of the
4 sponsor is obtained and provided the golf cart is only used during such event.

5 **Sec. 12-689. Liability Disclaimer.**

6 Golf carts are not designed for nor manufactured to be used on public streets and the County
7 neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads and
8 highways. All persons who operate golf carts on public streets, roads and highways do so at
9 their own risk and peril, and must observe and be attentive to the safety of themselves and others,
10 including their passengers, other motorists, bicyclists and pedestrians. By permitting golf carts
11 to be operated on public streets, roads and highways under the General Statutes of North
12 Carolina, the County assumes no responsibility or liability for the operation of golf carts.

13 PART II. That the Code of Ordinances for the County of Currituck is amended by rewriting
14 Section 1-8(i)(4) to read as follows:

15 (4) Chapter 12, section 12-62: ; Article V.

16 PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby
17 repealed

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

19 .

20
21 ADOPTED this _____ day of _____, 2010.

22
23
24 _____
25 S. Paul O’Neal, Chairman

26 ATTEST:
27
28 _____
29 Gwen H. Keene
30 Clerk to the Board

31 APPROVED AS TO FORM:
32
33 _____
34
35 Donald I. McRee, Jr.
36 County Attorney

37
38 Date adopted: _____

39
40 Motion to adopt by Commissioner _____
41 Second by Commissioner _____

1 Vote: _____ AYES _____ NAYS
2 S:\Legal\Ordinances\

LIBRARY BOARD OF TRUSTEES
4 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Stephanie Miller	District 1			5/18/2009	2nd 6/30/2013
Dr. Norman Dahm	District 2			5/18/2009	2nd 6/30/2013
Cynthia Brodersen*	District 3		Barry Nelms	7/20/2009	1st 6/30/2013
Joann DiBello	District 4			7/20/2009	1st 6/30/2013
Lisa Rose	District 5			6/15/2009	1st 6/30/2013
George Gregory	At-Large			5/18/2009	1st 6/30/2013
Rhonda Cheek	At-Large				2nd 6/30/2010
Marion Thorn					2nd 6/30/2012
Dr. Alison Boone-Heyder					1st 6/30/2012

* Resigned-Appointment Needed for Unfulfilled Term



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 1/12/2010

Name: Charles Pickell

Address: 118 Brookdale Court

Moyock, NC 27958

Phone: (252) 267-6776

Board(s) or Committee(s) on which you would like to serve:

✓ Please check

- | | |
|--|---|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Airport Advisory Authority | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input type="checkbox"/> Library Board | |

Qualifications and reasons you would like to serve:

I have been an active volunteer for the Parks & Recreation Department for over 9 years. I also participated in the County's programs during my youth. I look forward to volunteering in any capacity.

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: NOV 18TH 2009

Name: BILL FREETHY

Address: 192 NARROW SHORES RD
AYDLOTT N.C.

Phone: 453-8453

Board(s) or Committee(s) on which you would like to serve:

Please check

- ABC Board
- Agricultural Advisory Board
- Airport Advisory Authority
- Board of Adjustment
- Economic Development Board
- Game Commission
- Jury Commission
- Land Transfer Tax Appeals Board

- Library Board
- Nursing Home Advisory Committee
- Planning Board
- Senior Citizens Advisory Board
- Social Services Board
- Recreation Advisory Board
- Whalehead Preservation Trust
- Workforce Development Board

Qualifications and reasons you would like to serve:

AT PRESENT CHAIRMAN OF THE SR ADVISORY BD
ALSO SR COMES AMBASSADOR, WOULD LIKE TO
HELP PMMS & RUC IN ANY WAY I CAN & BEING
ON THE BOARD MIGHT HELP.

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929

RECREATION ADVISORY BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of 1st Appointment	End of Term
Donna McCloud*	District 1		Vance Aydlett	2002	January 2010
Suzanne Everhart	District 2		John Rorer	2009	January 2013
Denise Fallon	District 3		Barry Nelms	2007	January 2013
Sam Casey	District 4		Owen Etheridge	2006	January 2013
Laurie Peters*	District 5		Janet Taylor	2003	January 2010
Ernest Hughes*	At-Large		Gene Gregory	2002	January 2010
Cynthia Hampton	At-Large		Paul O'Neal	2009	January 2013

* Served 2 terms



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of February 2010, 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>	
12543-516103	Building & grounds	\$	15,000		
12543-516003	Repairs & Maintenance	\$	15,000		
12543-532003	Supplies	\$	1,000		
12543-545000	Contract Services	\$	1,423		
12543-532103	Fire supplies	\$	1,000		
12544-545000	Contract Services - Crawford	\$	33,423		
12545-545000	Contract Services - Lower Curritu	\$	33,423		
12546-513006	Utilities - Corolla			\$	2,000
12546-516106	Buildings & Grounds-Corolla	\$	1,500		
12546-532006	Supplies-Corolla	\$	1,000		
12546-536006	Uniforms-Corolla			\$	1,300
12546-536106	Personal Protect Equip-Corolla			\$	4,000
12546-553006	Dues and subscriptions-Corolla	\$	1,000		
12546-544006	Volunteer Assistance-Corolla			\$	10,000
12546-554006	Insurance-Corolla			\$	10,310
12546-590006	Capital Outlay-Corolla	\$	57,533		
12547-545000	Contract Services-Carova	\$	33,423		
12548-545000	Contract Services-Knotts Island	\$	33,423		
12541-587029	T T - Fire Equip Replacement			\$	225,541
12390-499900	Appropriated Fund Balance	\$	25,003		
29390-495012	T F - Fire Services Fund	\$	225,541		
29690-590000	Capital Outlay			\$	225,541
		<u>\$</u>	<u>478,692</u>	<u>\$</u>	<u>478,692</u>

Explanation: Fire Services (12543-12548) - To increase appropriations for the volunteer fire department contracts to continue the FY 2009 appropriation through June 30, 2010 and to eliminate funds transfer to the Fire Equipment Replacement Fund..

Net Budget Effect: Fire Services Fund (12) - Decreased by \$25,003.
 Fire Equipment Replacement Fund (29) - Decreased by \$225,541.

Minute Book # _____, Page # _____

Journal # _____

 Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of February 2010, 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>
12547-590007	Capital Outlay	\$ 175,268	
12547-545000	Contract Services		\$ 110,000
12380-482000	Miscellaneous Revenue		\$ 65,268
		<u>\$ 175,268</u>	<u>\$ 175,268</u>

Explanation: Carova Beach Volunteer Fire Services (12547) - To increase appropriations for reimbursement for capital purchases made by Carova VFD in the FY 2009 budget and for capital purchases in 2010 as follows:

FY 2009 Capital Purchases			
400 amp generator	7,945		
Well	6,050		
Security system	6,273		
Swan Beach Bldg/Apparatus Reserve	45,000		
			\$ -
FY 2010 Capital Purchases			
Dry Hydrants	8,000		
Communication Upgrade	7,500		
Replace chasis on #71	39,500		
Informational sign	10,000		
Swan Beach Bldg/Apparatus Reserve	45,000		
	<u>\$ 175,268</u>		

Net Budget Effect: Fire Services Fund (12) - Increased by \$175,268.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of February 2010, 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>	
10415-561000	Professional Services	\$	65,000		
10415-511000	Telephone & postage			\$	500
10415-514000	Travel			\$	1,000
10415-553000	Dues & subscriptions			\$	500
10320-411003	Article 44 sales tax			\$	63,000
		<u>\$</u>	<u>65,000</u>	<u>\$</u>	<u>65,000</u>

Explanation: Legal (10415) - Increase appropriations for continued cost share with Camden County for the OLF legal services.

Net Budget Effect: Operating Fund (10) - Increased by \$63,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS
S. Paul O'Neal, Chairman
O. Vance Aydlett, Jr., Vice-Chairman
J. Owen Etheridge
Gene A. Gregory
Barry C. Nelms
John D. Rorer
Janet L. Taylor

153 Courthouse Road / Post Office Box 39
Telephone (252) 232-0300 / Fax (252) 232-3551
State Courier # 10-69-17

DANIEL F. SCANLON, II, CPA
County Manager
DONALD I. MCREE, JR.
County Attorney
GWEN H. KEENE, CMC
Clerk to the Board

MEMORANDUM

TO: Board of Commissioners
Dan Scanlon, County Manager

FROM: Ike McRee, County Attorney

DATE: January 26, 2010

RE: Resolution of Intent to Permanently Close Milburn Sawyer Road

As the development plan for the 4-H Rural Life Center is implemented, creation of an entry road from N. Spot Road across the recently acquired Stone property is required. In order to provide safe and adequate access into the 4-H Rural Life Center, staff has identified the necessity of closing Milburn Sawyer Road and to relocate it more centrally on the former Stone Property.

During the development of the road relocation plan, staff met with Brenda S. Doxey who accesses her property from Milburn Sawyer Road and is the daughter of the late, and former county commissioner, Milburn Sawyer. The plan calls for the county to provide Ms. Doxey access to her property from the relocated road. Ms. Doxey does not object to closing and relocation of Milburn Sawyer Road as set forth in the plan.

The attached resolution is the first step in the statutory process to close a road. Upon adoption of the resolution of intent notice of a March 1, 2010 public hearing will be advertised once a week for three successive weeks and a notice will be posted in two locations on Milburn Sawyer Road advising of the adoption of a resolution of intent to close the road and the public hearing.

**RESOLUTION ACCEPTING HIGH BID FOR SURPLUS PROPERTY
LOCATED AT 112 MILBURN SAWYER ROAD, POWELLS POINT, NORTH
CAROLINA**

WHEREAS, by resolution adopted July 2, 2009 the Board of Commissioners for Currituck County declared the manufactured home located at 112 Milburn Sawyer Road, Powells Point, North Carolina as surplus property and directed the solicitation of offers to purchase the surplus manufactured home subject to the upset bid procedure set forth in N.C. Gen. Stat. §160A-269; and

WHEREAS, the County of Currituck solicited offers to purchase the surplus manufactured home located at 112 Milburn Sawyer Road, Powells Point, North Carolina and following the upset bid process the high bid was \$4,000.00 submitted by George Hayden.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County that the high bid in the amount of \$4,000.00 for the surplus manufactured home located at 112 Milburn Sawyer Road, Powells Point, North Carolina submitted by George Hayden is accepted and the appropriate county officials are authorized to execute documents necessary to transfer title to the property.

ADOPTED the 4th day of January, 2010.

S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

**North Carolina Department of Transportation
Division of Highways
Petition for Road Addition**

ROADWAY INFORMATION: (Please Print/Type)

County: CURRITUCK Road Name: DEERFIELD TRAIL
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: DEERFIELD Length (miles): 1/3 miles

Number of occupied homes having street frontage: 6 Located (miles): 2 miles

miles N S E W of the intersection of Route 34 and Route 168
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of DEERFIELD in CURRITUCK County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: JOHN STADLER Phone Number: 252 619-5349
Street Address: 136 DEERFIELD TRAIL
Mailing Address: 136 DEERFIELD TRAIL, SHAWBORO NC 27973

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
<u>JOHN & KATHLEEN STADLER</u>	<u>136 DEERFIELD TRAIL SHAWBORO, NC 27973</u>	<u>(252) 619-5349 Home</u>
<u>EUDY & Pam Taylor</u>	<u>124 DEERFIELD TRAIL SHAWBORO NC 27973</u>	<u>(252) 232-7765</u>
<u>JOHN & DEBORAH PAWLIN</u>	<u>142 DEERFIELD TRAIL SHAWBORO NC 27973</u>	<u>(252) 232-2580</u>
<u>ROBERT & HEATHER BEASLEY</u>	<u>147 DEERFIELD TRAIL, SHAWBORO NC 27973</u>	<u>(252) 232-1372 -Home</u>
<u>PAUL & CHRISTINE BEAUMONT</u>	<u>162 DEERFIELD TRAIL, SHAWBORO NC</u>	<u>232-3559</u>
<u>NORA TARDY & Rodney Sorely</u>	<u>152 DEERFIELD TRAIL, SHAWBORO, NC</u>	<u>(757) 749-0672</u>

CURRITUCK COUNTY
NORTH CAROLINA
January 19, 2010

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

Invocation

Glenn McCranie was present to give the invocation.

Pledge of Allegiance

Girl Scout Troop 2428 was present to lead the Pledge of Allegiance.

Approval of Agenda

Chairman O'Neal moved to amend the agenda by adding a closed session and a resolution confirming appointment of Chairman to ABC Board. Item 3 was continued. Commissioner Aydlett 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 **Public Hearing and Action:** Amendment to the Unified Development Ordinance to separate boat storage for commercial fisherman from that of privately owned recreation facilities.
- Item 4 **Consideration of ordinance permitting and regulating golf carts on public roads.**
- Item 5 **Appointments to Recreation Advisory Board**
- Item 6 **Appointments to Planning Board**
- Item 7 **Discussion and Consideration of waiving building permit fees**
- Item 8 **Consent Agenda:**
1. Budget Amendments
 2. Policy to establish uniform Emergency Medical Service Revenue Recovery System
 3. North Carolina Statewide Emergency Management Mutual Aid and Assistance Agreement
 4. Charge to Tax Collector Levy on Motor Vehicles for October Renewals
 5. Approval of Job Description for Engineer Technician
 6. Approval of Job Description for Emergency Management Program Assistant
 7. Amendment to Airport Regulations regarding transient aircraft parking
 8. Approval of January 4, 2010, Minutes

Item 9 Commissioner's Report

Item 10 County Manager's Report

Adjourn

Public Comment

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

Chairman O'Neal opened the public comment period.

April Bennett, Bells Island, supports golf cart ordinance.

Jennifer Symonds, Aydlett, thanked Board for supporting their opposition to option B for the Mid-County Bridge and requested the Board look at other options.

There being no further comments, Chairman O'Neal closed the public comment period.

Public Hearing and Action: Amendment to the Unified Development Ordinance to separate boat storage for commercial fisherman from that of privately owned recreation facilities.

Tabled

Consideration of ordinance permitting and regulating golf carts on public roads.

Ike McRee, County Attorney, reviewed the proposed ordinance regulating golf carts on public roads.

Commissioner Nelms stated that this ordinance would have problems for the traffic on the Outer Banks.

Commissioner Etheridge moved to continue for further review. Commissioner Gregory seconded the motion. Motion carried.

Appointments to Recreation Advisory Board

Commissioner Taylor moved to appoint Suzanne Everhart, Denise Fallon, Sam Casey and Cynthia Hampton. Commissioner Etheridge seconded the motion. Motion carried.

Appointments to Planning Board

Commissioner Nelms moved to appoint Susan Taylor, Joe Kovacs and John Wright. Commissioner Taylor seconded the motion. Motion carried.

Discussion and Consideration of waiving building permit fees

Commissioner Nelms stated that he would like for the Board to consider offering a stimulus for citizens to exempt building permit fees up to \$150,000 and to reduce the burden.

The Board directed staff to review and bring some options back for approval.

Consent Agenda:

1. Budget Amendments
2. Policy to establish uniform Emergency Medical Service Revenue Recovery System
3. North Carolina Statewide Emergency Management Mutual Aid and Assistance Agreement
4. Charge to Tax Collector Levy on Motor Vehicles for October Renewals
5. Approval of Job Description for Engineer Technician
6. Approval of Job Description for Emergency Management Program Assistant
7. Amendment to Airport Regulations regarding transient aircraft parking
8. Approval of January 4, 2010, Minutes
9. Resolution confirming ABC Board Chairman

Commissioner Etheridge moved to approve. Commissioner Gregory 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
20609-588000	Contingency	\$ 100,000	
20609-590000	Capital Outlay	\$ 1,838,632	
20609-587010	Transfer to Operating Fund	\$ 126,622	
20390-499900	Appropriated Fund Balance	\$ 500,000	
20609-545000	Contract Services		\$ 465,254
20390-490000	Proceeds from Debt Issuance		\$ 2,100,000

10900-582400	Notes Payable	\$	126,622		
10390-495020	T F - Whalehead Watershed			\$	126,622
			<u>\$</u>	<u>2,691,876</u>	<u>\$</u> <u>2,691,876</u>

Explanation: Whalehead Watershed Drainage District (20690) - To record debt proceeds, first debt payment and set-up construction budget for to Whalehead Drainage Project approved by the Local Government Commission on January 5, 2010.

Net Budget Effect: Operating Fund (10) - Increased by \$126,622.
 Whalehead Watershed Drainage District (20) - Increased by \$1,600,000.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense	
10441-532000	Supplies	\$	892		
10441-590000	Capital Outlay	\$	8,079		
10511-516000	Maintenance & Repair	\$	2,227		
10535-516000	Maintenance & Repair	\$	2,409		
10535-545000	Contract Services	\$	105,508		
10535-590000	Capital Outlay	\$	52,531		
10535-590441	Technology over \$1000	\$	6,795		
10380-484001	Insurance Recovery			\$	178,441
			<u>\$</u>	<u>178,441</u>	<u>\$</u> <u>178,441</u>

Explanation: Information Technology (10441) & Communications (10535) - To increase appropriations for repairs and equipment replacement for lightning damage. This will be covered by insurance.

Net Budget Effect: Operating Fund (10) - Increased by \$178,441.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense	
10750-557700	Crisis Intervention	\$	7,108		
10330-431000	DSS Admin			\$	7,108
			<u>\$</u>	<u>7,108</u>	<u>\$</u> <u>7,108</u>

Explanation: Social Services Administration (750) - To adjust budgeted line items to State Funding Authorizations.

Net Budget Effect: Operating Fund (10) - Increased by \$7,108.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
62828-533200	Lab Tests	\$ 2,120	
62828-561000	Professional Services		\$ 2,120
		\$ 2,120	\$ 2,120

Explanation: Newtown Road Sewer (62828) - To transfer funds for additional State required testing.

Net Budget Effect: Newtown Road Sewer District Fund (62) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10410-521000	Equipment Lease	\$ 39	
10410-532000	Supplies		\$ 39
10430-545000	Contract Services	\$ 660	
10430-553000	Dues & Subscriptions	\$ 42	
10430-503000	Salaries - Part-time		\$ 702
10445-514500	Training & Education	\$ 327	
10445-553000	Dues & Subscriptions		\$ 327
10461-511010	Data Transmission	\$ 517	
10461-514500	Training and Education		\$ 517
10480-521000	Equipment Lease	\$ 1,000	
10480-545100	Data Processing		\$ 1,000
10490-532000	Supplies - Other	\$ 1,500	
10490-532003	Supplies - Court Facilities	\$ 2,000	
10490-513003	Utilities - Court Facilities		\$ 3,500
10510-511000	Telephone & Postage	\$ 250	
10510-557100	Software License Fee	\$ 1	
10510-516200	Vehicle Maintenance	\$ 10,000	
10510-514000	Travel		\$ 251
10510-590000	Capital Outlay		\$ 10,000

10512-516000	Repairs & Maintenance	\$	600		
10512-516200	Vehicle Maintenance	\$	400		
10512-531000	Gas	\$	1,500		
10512-545000	Contract Services	\$	100		
10512-511010	Data Transmission			\$	1,000
10512-526000	Advertising			\$	500
10512-561000	Professional Services			\$	1,100
10530-502100	Salaries - Overtime	\$	105,000		
10530-503500	Salaries - Temp Services	\$	45,000		
10530-502000	Salaries - Regular			\$	150,000
10531-532000	Supplies	\$	1,739		
10531-557100	Software License Fee	\$	229		
10531-514500	Training & education			\$	229
10531-545000	Contract Services			\$	1,739
10541-511010	Data Transmission	\$	2,600		
10541-553000	Dues & subscriptions	\$	100		
10541-514600	Public Education			\$	2,700
			\$ 173,604		\$ 173,604

Explanation: Transfers for operations within various departments.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
		Increase Expense	Decrease Expense
10510-590000	Capital Outlay	\$ 29,329	
10330-449900	Miscellaneous Grants		\$ 29,329
		\$ 29,329	\$ 29,329

Explanation: Sheriff (10510) - To record grant funds for in-car cameras.

Net Budget Effect: Operating Fund (10) - Increased by \$29,329.

<u>Account</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease
		Increase Expense	Decrease

<u>Number</u>			<u>Expense</u>
10460-502000	Salaries	\$ 19,129	
10460-505000	FICA	\$ 1,463	
10460-506000	Insurance	\$ 1,886	
10460-507000	Retirement	\$ 1,968	
10531-502000	Salaries		\$ 19,129
10531-505000	FICA		\$ 1,463
10531-506000	Insurance		\$ 1,886
10531-507000	Retirement		\$ 1,968
		<u>\$ 24,446</u>	<u>\$ 24,446</u>

Explanation: Public Works (10460); Emergency Management (10531) - To reclassify the Deputy Emergency Management Coordinator position to an Emergency Management Program Assistant; reclassify the Emergency Services Secretary I to a Secretary II; eliminate the Secretary II in Emergency Management and add an Engineering Technician to the Public Works Department.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10750-557700	Crisis Intervention	\$ 25,008	
10330-431000	DSS Administration		\$ 25,008
		<u>\$ 25,008</u>	<u>\$ 25,008</u>

Explanation: Social Services Administration (10750) - To record State funding authorizations.

Net Budget Effect: Operating Fund (10) - Increased by \$25,008.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10510-516200	Vehicle Maintenance	\$ 9,342	
10380-484001	Insurance Recovery		\$ 9,342
		<u>\$ 9,342</u>	<u>\$ 9,342</u>

Explanation: Sheriff (10510) - To increase appropriations for automobile repair that will be covered by insurance claims.

Net Budget Effect: Operating Fund (10) - Increased by \$9,342.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10760-585000	Donations	\$ 11,968	
10380-487000	DSS Donations		\$ 11,968
		\$ 11,968	\$ 11,968

Explanation: County Assistance (10760) - To increase appropriations for Social Services donations collected during the holiday season.

Net Budget Effect: Operating Fund (10) - Increased by \$11,968.

Emergency Medical Service Revenue Recovery System

PURPOSE

To establish a uniform and competitive Emergency Medical Services (EMS) revenue recovery system.

GENERAL

Currituck County, through the Department of Fire-EMS, uses EMS Billing to obtain financial claims and recover revenue on EMS services rendered within the county.

PROCEDURES

A. Rates

EMS revenue recovery rates shall be one hundred twenty five percent (125%) of the Medicare insurance allowable rate to all end users.

B. Billing

A Third Party Administrator (TPA) may be utilized to undertake the County's EMS revenue recovery program subject to the following procedures:

- 1) The County's EMS revenue recovery program will be in compliance with all applicable federal, state and local rules, regulations, and ordinances.
- 2) Currituck County Department of Fire-EMS (CCFEMS) personnel will enter all Patient Care Reports (PCR) via computer utilizing a National EMS Information System (NEMISIS) and State Office of EMS compliant program. CCFEMS will

then export all data, at least weekly, to ensure that the TPA has an appropriate time to process the claims.

- 3) The County's third party billing agency will invoice all patients who utilize the Emergency Medical Services (EMS) in Currituck County.
- 4) The third party billing agency may follow standard methods for collecting payment, up to and including collection agencies; however, consideration will be given to residents and property owners of Currituck County in view of the fact that they contribute to the operation of EMS through payment of taxes.
- 5) According to the mutual aid agreement between the City of Virginia Beach and Currituck County, in lieu of directly billing patients for services provided in Virginia Beach, Currituck County will send the invoices to the City of Virginia Beach Department of Emergency Medical Services. The City of Virginia Beach will not directly bill patients for service provided in Currituck County, North Carolina, but will invoice Currituck County Fire-EMS annually for an amount equal to the total of all invoices received from Currituck County during that particular year.
- 6) The County Manager or his/her designee will have the ability to negotiate with the TPA for contract changes, updates, renewals and/or percentage changes.

C. Requests for legal documentation

1. Requests for patient care reports and associated bills will be handled through the legal department of the TPA. These types of requests will follow all applicable laws concerning privacy.
2. Requests for patient care reports and/or associated bills will be documented in the security log.

D. Waiving Payment

1. The County Manager will have the authority to adjust, pursue or waive EMS revenue recovery invoices.
2. If a request is made to the billing company or to the County to waive fees, the Fire-EMS Secretary will be notified and will send this request to the County Manager for his/her consideration.

- 3. County Employees who receive an EMS revenue recovery invoice will be exempt from payment.

Charge to Tax Collector Levy on Motor Vehicles for October Renewals

The following is a breakdown of the assessment and the total tax due

ASSESSMENT	TAX AMOUNT
\$14,601,135	\$46,733.08

Amendment to Airport Regulations regarding transient aircraft parking

PURPOSE

To establish uniform parking practices for all transient aircraft at Currituck County Regional Airport

GENERAL

The County recognizes the need to reserve and apportion some of the available aircraft parking area to those that visit our airport on an infrequent basis and of a limited duration.

PROCEDURES

- A. The Airport Manager may designate and reserve a portion of the available aircraft parking area for transient use.
- B. Any aircraft that has not contracted for hangar or tie-down space is permitted to park in a designated transient parking space for no more than seven days in a 60 day period.

The fee for exceeding the seven day period, without being granted an exception, is \$7.00 per day to be paid to Currituck County. An individual has the option to pay \$10.00 for an entire month if he/she would park in the non-transient tie down area. The owner/operator will be required to sign a short form holding the county harmless from any and all liability

or loss as a result of parking in the non-transient tie down area.

If any aircraft is expected to be at the airport for longer than 30 days, the owner/operator is required to sign a longer term lease.

Violation of this section may result in removal and storage of the aircraft at the expense of the owner or operator, denial of use of the Airport, termination of lease agreements, and/or civil or criminal action for trespass.

This policy will be incorporated in the Airport Rules and Regulations during the next update of that document.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA CONFIRMING APPOINTMENT OF CHAIRMAN FOR THE CURRITUCK COUNTY ABC BOARD

WHEREAS, N. C. Gen. Stat. §18B-700(a) provides that the board having authority to appoint members for a county ABC Board shall designate one member of the ABC Board as chairman; and

WHEREAS, the Currituck County Board of Commissioners is the appointing authority for the Currituck County ABC Board which board at its January 14, 2010 meeting elected Gene A. Gregory as chairman.

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

Section 1. Gene A. Gregory is hereby designated and confirmed as chairman for the Currituck County ABC Board and all acts of Gene A. Gregory since January 14, 2010 acting as chairman for the Currituck County ABC Board are hereby ratified.

Commissioner's Report

Commissioner Taylor expressed sympathy to the family of Diane Barker.

Commissioner Nelms commented on the Albemarle Commission job training meeting.

Commissioner Aydlett commented on Bob Koontz being inducted into the Southeastern Babe Ruth Hall of Fame.

Chairman O'Neal stated there was a dip in the road in front of the Jarvisburg Elementary School and requested staff to contact DOT. He also wanted the County Attorney to begin assessing fines to the Railroad for not cleaning up the area in front of Moyock Baptist Church.

County Manager's Report

Dan Scanlon, County Manager, commented on the gypsy moth spraying in the area.

Closed Session

Chairman O'Neal moved to go into closed session according to GS 143-318.11(3) to preserve attorney client privilege. Commissioner Rorer seconded the motion. Motion carried.

Adjourn

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