

CURRITUCK COUNTY
NORTH CAROLINA
November 4, 2013

The Board of Commissioners met at 6:00 p.m. in the Historic Courthouse Conference Room with Ben Woody, Planning and Community Development Director, to discuss a public water supply text amendment.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Board Meeting Room with the following members present: Chairman Paul O'Neal, Vice-Chair Paul Martin, Commissioners Aydlett, Gilbert, Griggs, McCord, and Petrey.

Chairman O'Neal called the meeting to order at 7:00 PM and announced the Board of Commissioners had met in a work session regarding public water supply in outlying areas.

- A) Invocation**
- B) Pledge of Allegiance**

Reverend Dawne Hollis, Mt. Zion United Methodist Church, gave the invocation and led the Pledge of Allegiance.

- C) Approval of Agenda**

Commissioner Gilbert moved to approve the Agenda. Commissioner Petrey seconded the motion. Motion carried unanimously.

APPROVED AGENDA

Work Session

6:00 PM Public Water Supply Text Amendment

7:00 pm Call to Order

- A) Invocation – Reverend Dawne Hollis, Mt. Zion United Methodist Church
- B) Pledge of Allegiance
- C) Approval of Agenda
- D) Public Comment

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

Administrative Reports

- A) **Award of Appreciation**

Public Hearings

- A) **Public Hearing and Action:** PB 06-45 Currituck Crossing: Request for a preliminary plat/(special) use permit modification to permit a minor deviation from the open space standards to allow individual lot access to the Currituck Sound across primary conservation area. The subdivision is located on Aydlett Road approximately 400 feet north of Caroon Road, Tax Map 92D, Parcel PCOA and Tax Map 93,

Parcel 95B, Poplar Branch Township.

- B) **Public Hearing and Action:** PB 13-21 Brumsey Ridge, Phase 1: Request approval of the preliminary plat/use permit for a 4 lot residential subdivision located in Moyock, on the north side of Brumsey Road approximately ¼ mile from the intersection with Tulls Creek Road, Tax Map 49, Parcel 82A, Moyock Township.
- C) **Public Hearing and Action:** PB 13-25 Gee's Group: Request an amendment to the Unified Development Ordinance, Chapter 6, Section 6.2.1.C. Street Design Standards, to reduce the minimum street intersection spacing for planned developments and conservation subdivisions in the full service area.
- D) **Public Hearing and Action:** PB 13-17 Moyock Crossing: Request approval of the preliminary plat/use permit for 90 residential lots in a conservation subdivision located in Moyock on the north side of Shingle Landing Road approximately 260 feet east of Fox Lane, Tax Map 9, Parcel 41, Moyock Township.

New Business

- A) **Consideration of License Agreement Between Currituck County and Farms & Timberland, Inc. for Installation of Water Main Across County Property and Authorize County Manager to Execute License Agreement**
- B) **Consent Agenda:**
 - 1. Approval of October 21, 2013 Minutes
 - 2. Budget Amendments
 - 3. Change Order #1:PARTF Grant for Maple Park Multipurpose Fields
 - 4. Approval of Job Description for Paralegal
 - 5. CDBG Monthly Status Report
 - 6. Performance Bond Execution Authority
 - 7. Request to dispose of Human Resources outdated applications
 - 8. Request from Corolla Office to dispose of 2006-2011 ATV Beach Driving Permit Applications
- C) **Commissioner's Report**
- D) **County Manager's Report**

Closed Session

Closed Session pursuant to NC GS 143-318.11(A)(4) to discuss "Matters relating to the location or expansion of industries or other businesses in Currituck County, including agreement on a tentative list of economic development incentives that may be offered by Currituck County in negotiations."

Adjourn

D) Public Comment

Chairman O'Neal opened the Public Comment period.

Mary Etheridge, Shawboro, stated she had been involved in litigation with the County since 2011. She answered comments made by two commissioners during the previous meeting, one regarding the appeal by the County and the other regarding a list of supporters from the community meeting on the proposed special use permit for a junkyard. She noted the supporters who attended the Commissioners meeting all lived over a mile from the site. She was only asking to be treated fairly.

Stacy Joseph, Senior Center Coordinator, gave a report on the Home Delivered Meals program, thanked the present volunteers and requested that more people volunteer. This is a valuable service, not only for supplying meals but also providing important interaction with those being served.

Doris Flora, Moyock, a Home Delivered Meals volunteer, stressed the importance of the program and noted more volunteers are needed in Moyock. Meals are picked up for delivery from the Welcome Center. She gave the Senior Center number, 232-3505, to call to volunteer.

There being no further comments, Chairman O'Neal closed the Public Comment period.

Administrative Reports

A) Award of Appreciation

The Board of Commissioners presented the following Resolution in Recognition and Appreciation to Barbara B. Snowden:

RESOLUTION IN RECOGNITION AND APPRECIATION OF BARBARA B. SNOWDEN

WHEREAS, Barbara B. Snowden moved to Currituck County in the 1960's to teach history in Currituck County Schools, married in 1970, and made Currituck County her home; and

WHEREAS, Barbara taught at the high school for over 30 years where she instilled in her students a love of history, particularly the rich history of Currituck County; and

WHEREAS, Barbara has served as President of the Currituck Historical Society for over 20 years and has received several prestigious awards due to her dedication to the preservation of historic homes, buildings, sites, and documents; and

WHEREAS, through her leadership, enthusiasm, and influence, Barbara has inspired many others to take up the task of not only learning the history of their native area but also taking part in helping to save pieces of history; and

WHEREAS, Currituck County is appreciative of Barbara's initiative in spearheading the most recent *Two Flags over Currituck* event in commemoration of the 150th Anniversary of the Civil War and her attention to the details of Currituck's part in this monumental era of America's history.

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners recognizes Barbara B. Snowden as a valuable and beloved citizen of Currituck County; and

BE IT FURTHER RESOLVED, that the Board of Commissioners expresses its sincere appreciation for Barbara Snowden's many years of dedication and service to the students, visitors, and citizens of Currituck County and extends its best wishes for her future endeavors.

Ms. Snowden thanked the Board and acknowledged the many who participated in the *Two Flags over Currituck* event.

Public Hearings

- A) **Public Hearing and Action: PB 06-45 Currituck Crossing: Request for a preliminary plat/(special) use permit modification to permit a minor deviation from the open space standards to allow individual lot access to the Currituck Sound across primary conservation area. The subdivision is located on Aydlett Road approximately 400 feet north of Caroon Road, Tax Map 92D, Parcel PCOA and Tax Map 93, Parcel 95B, Poplar Branch Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning and Community Development Director, reviewed the request and staff recommendations.

Sam Davis and Associates Realty, LLC on behalf of Gateway Bank is requesting a preliminary plat/(special) use permit modification for the Currituck Crossing subdivision. The request is to permit a minor deviation from the open space standards to allow individual lot access to the Currituck Sound across primary conservation area. The 106 lot Currituck Crossing conservation subdivision was approved by the Board of Commissioners on December 18, 2006. Subsequently a portion of the subdivision infrastructure was installed and 48 lots were given preliminary plat approval. To date, 26 lots have been recorded and are eligible for construction of single-family dwellings. An extension of the preliminary plat was recently approved by the Board, therefore this request is considered under the old Unified Development Ordinance (UDO).

Conservation subdivisions require wetland areas to be set-aside as primary conservation areas. The set-aside areas are intended to protect sensitive natural resources and are included as required open space. Consistent with the use of open space, the set-aside areas are restricted from further subdivision and are generally intended for the use and benefit of all property owners.

The Currituck Crossing subdivision includes a primary conservation area (open space) that separates sound side lots from the Currituck Sound. Essentially a majority of the privately owned sound side lots are adjacent to a linear section of commonly owned open space that prevent them from having frontage or direct access to the Currituck Sound.

The representative for the owner of the subdivision approached county staff about permitting individual piers to access the sound. As referenced above, the specific language included in the old UDO does not expressly provide for the individual use of open space. Staff researched the original subdivision approval, and during the approval process of the subdivision plat there was much discussion of the sound front wetlands. The issue appeared to center around whether or not the wetlands could be located on private property or must be placed in a conservation area. The Board required the wetlands be placed in conservation area under the eventual ownership of the homeowners association. Staff is unable to find any documentation of whether or not it was the Board's intent to allow individual piers for the sound front lots.

The representative for the owner of the subdivision subsequently requested a minor deviation from the open space standards. In accordance with Chapter 10, Section 10.4.10 of the old UDO (in effect under the original approval) the permitting issuing body is allowed to permit minor deviations from the open space standards when the board determines:

1. The objectives underlying these standards can be met without strict adherence to them; and,
2. Because of peculiarities in the developer's tract of land or the particular type or configuration of development proposed; it would be unreasonable to require strict adherence to these standards.

Therefore, if the board determines that allowing individual lot access to the Currituck Sound across primary conservation area meets the findings above, the board may authorize a deviation from the open space standards of the UDO. Whenever the permit issuing body authorizes a deviation, the official record of action shall contain a detailed statement of the reasons allowing the deviation.

Commissioner McCord asked how many lots were involved to which Mr. Woody replied 22.

Commissioner Martin asked how this would affect open space to which Mr. Woody replied there was excess open space already allotted but the developer was willing to make allowances elsewhere for the open space lost.

Commissioner Aydlett asked about liability for injury on the piers. Mr. Woody felt this would be addressed in the covenants.

Commissioner Martin questioned whether the pier would be an extension of the lot. Mr. Woody replied this could be use of their riparian rights but he did not have a definitive answer.

Commissioner Aydlett questioned whether the land could be deeded to the owners to which Mr. Woody replied the Board of Commissioners could modify the permit to reflect that.

Commissioner Petrey asked whether there was bulkheading. Mr. Woody and Mr. Davis replied mostly.

Chairman O'Neal noted wetlands cannot be bulkheaded.

Commissioner Petrey asked if a pier could be constructed over wetlands to which Mr. Woody replied it could be.

Chairman O'Neal noted this had been done successfully on the sound side of the outer banks.

Chairman O'Neal opened the Public Hearing.

Barbara Snowden, Currituck, requested awareness that this site is the Baum site, the first recognized National Register Archeological Site for Indian artifacts in the nation. She asked that it be protected.

Chairman O'Neal asked whether the archeological site was marked to which Mr. Woody replied it should be.

Sam Davis, III, Elizabeth City, Sam Davis and Associates Realty, representing the owner, thanked the commissioners for their service to the community. He noted some open space had eroded already. He stated the water is shallow in that area and some owners would not want to construct piers. There is also a common pier already in place. He felt the criteria in the two findings could be met .

Commissioner Petrey asked if piers would stop erosion to which Mr. Davis replied negatively and stated the bulkheading was behind the conservation area.

Commissioner Aydlett confirmed with Mr. Davis that it was the marsh that was eroding.

Chairman O'Neal understood and Mr. Davis concurred that the homeowners association (HOA) would need to approve easements for the piers. CAMA would also have to approve.

Commissioner Griggs questioned the membership of the HOA to which Mr. Davis replied one; however, at the present time the Bank of Hampton Roads is the HOA. Again, this pier approval would also be regulated by CAMA. Commissioner Griggs was comfortable with CAMA handling it.

Ryan Rabino, Quible & Associates, had discussed permitting piers with CAMA and learned general permits could be approved in one of two ways: 1) if the owner has an easement; or 2) if the lot lines extended to the water. The second way would be preferable.

Commissioner Aydlett confirmed with Mr. Rabino that no bulkheading effort would be made to save the wetlands.

Mr. Woody noted that, if lot lines were to extend to the water, replatting of already platted lots would be necessary.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Griggs moved to approve a minor deviation for PB 06-45 with the following findings:

- The objective of the required conservation area is met because the area remains protected from further development.
- The conservation area configuration is unique because it is narrow in width, eroding, and located between individual lots and the Currituck Sound.
- Therefore, individual sound side lots may construct piers across conservation areas to allow private water access to the Currituck Sound.

Commissioner McCord seconded the motion. Motion carried unanimously.

B) Public Hearing and Action: PB 13-21 Brumsey Ridge, Phase 1: Request approval of the preliminary plat/use permit for a 4 lot residential subdivision located in Moyock, on the north side of Brumsey Road approximately ¼ mile from the intersection with Tulls Creek Road, Tax Map 49, Parcel 82A, Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning and Community Development Director, reviewed the request, as well as Technical Review Committee and Planning Board recommendations.

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: November 4, 2013
PB 13-21 Brumsey Ridge

ITEM: PB 13-21 Brumsey Ridge, Preliminary Plat/Use Permit for a 4 lot subdivision. *Note: This is proposed to be an eight lot subdivision; however, septic approval has only been granted for the first four lots at this time. The applicant will submit at a later date for Phase 2 (4 additional lots).*

LOCATION: In Moyock, on the north side of Brumsey Road approximately 1/4 mile from the intersection with Tulls Creek Road, Moyock Township.

TAX ID: 0049-000-082A-0000

ZONING DISTRICT: Single Family Mainland (SFM)

PRESENT USE: Agriculture

**OWNER/
APPLICANT:** H. Kim Old
104 Tulls Creek Road
Moyock NC 27958

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Vacant Wetlands	SFM
SOUTH	Residential (Brumsey Landing)	SFM
EAST:	Low density residential	SFM
WEST:	Low density residential/farmland	SFM

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service within the Courthouse subarea.

SIZE OF SITE: 11.5 acres

NUMBER OF UNITS: 4 Residential Lots (Phase 1)

PROJECT DENSITY: .35 units per acre

**OPEN SPACE
AREA:** 3.45 acres required
3.62 acres provided

UTILITIES: The individual lots will be served by county water and on-site septic systems.

I. NARRATIVE OF REQUEST:

Kim Old is requesting preliminary plat/use permit approval of a 4 lot (Phase 1) residential subdivision with an overall project density of .35 units per acre in the SFM zoning district.

II. QUESTION(S) BEFORE THE BOARD:

Use Permit Criteria and Staff Findings:

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

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

1. The use will not endanger the public health or safety.

Suggested Findings:

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

2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Suggested Findings:

- a. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area as the subdivision is of similar density to the surrounding area;

3. The use will be in conformity with the Land Use Plan or other officially adopted plans.

Suggested Findings:

The 2006 Land Use Plan classifies this site as Limited Services within the Courthouse subarea. The Limited Services area is to provide for primarily residential development at low densities. The policy emphasis is for the Courthouse area to continue to grow as a small community center. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

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

4. The 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:

Suggested Findings:

- a. The proposed two lot subdivision will not exceed the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following:

1. Twenty five feet of the 50' farmland buffer must remain undisturbed from the edge of the agricultural use. It appears on the site plan that the proposed trees are going within the undisturbed 25' buffer area. Also, you must incorporate a fence, berm, drainage ditch, or any combination of these features to physically separate the agricultural use from the new development. It appears that the existing drainage ditch shown along the farmland buffer does not extend all the way to the front property line. (UDO Section 5.1.5)
2. Open space must be must located so as to be readily accessible and useable by all lots in the development. It appears that Lots 2, 7, and 8 would have to leave the development in order to access the open space from Brumsey Road. One solution would be to provide one pedestrian easement between what will eventually be lots 3-6. (UDO Section 7.1.3)
3. Any impacts to waters or wetlands of the US will require a permit review.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the preliminary plat/use permit as presented.

PLANNING BOARD DISCUSSION (10-8-13)

Mr. Bissell stated he was hoping to have this reviewed as an eight lot subdivision, but was having trouble with the health department on one of the lots. It has been reconfigured to a four lot subdivision and the second phase will include the other four lots.

Mr. Craddock asked if the open space is to be accessible by all lots in total, how will the four lots that were initially created access the open space area if there is no road?

Mr. Bissell stated construction on the road will not occur until three or four lots are created.

PLANNING BOARD ACTION

Mr. Cartwright moved to approve PB 13-21 as presented. Mr. Cooper seconded motion. Motion carried unanimously.

Chairman O'Neal opened the Public Hearing.

Mark Bissell, Kitty Hawk, representing the owner, stated the Health Department had approved the other four lots.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Aydlett moved to approve PB 13-21 with the staff findings and recommendations included in the case analysis. Commissioner Gilbert seconded the motion. Motion carried unanimously.

C) Public Hearing and Action: PB 13-25 Gee's Group: Request an amendment to the Unified Development Ordinance, Chapter 6, Section 6.2.1.C. Street Design Standards, to reduce the minimum street intersection spacing for planned developments and conservation subdivisions in the full service area.

Ben Woody, Planning and Community Development Director, reviewed the request, as well as Technical Review Committee and Planning Board recommendations. He explained that approval of the request would have county-wide scope. Also, Item D (the next agenda item) was contingent upon approval of Item C because the design was based on approval of the text amendment. If the text amendment was denied, the subdivision would have to be re-designed.

The following text amendment submitted by the Gee's Group is intended to reduce the street intersection spacing for planned developments and conservation subdivisions located in the Full Service land use classification. The UDO provides design flexibility for planned developments and conservation subdivisions that generally reduce the amount of infrastructure and preserve the environmentally sensitive areas in exchange for a higher quality development. The developer can establish the minimum lot sizes and setbacks for these types of developments much less than the required minimum lot size for the various zoning districts. The reduction in lot size also has a similar effect on infrastructure such as roads and utilities.

The proposed amendment, if approved, will provide for the reduction in the street intersection spacing for planned developments and conservation subdivisions in Full Service areas. The reduced intersection spacing is typically found in urban developments where small lots are connected to public wastewater.

In addition to the language proposed, the planning staff recommends including a condition that would require the developer to submit a certification from NCDOT that the intersection spacing will not create an extraordinary danger to public safety. Staff is supportive of the proposed text amendment with the recommended NCDOT certification based on the fact that the text amendment will be consistent with the purpose and intent of the UDO and will not conflict with any provision of the UDO or county Code of Ordinances.

At their October 8, 2013 meeting, the Planning Board recommended unanimous **approval** as presented and adding the following language:

- NCDOT or a qualified transportation engineer evaluate the safety of street intersections that are less than 400 foot apart.

PLANNING BOARD DISCUSSION (10-8-13)

Staff is recommending that additional language be provided in this text amendment that would require the review of the NCDOT District Engineer's office to evaluate each one of the intersections for safety and will not create a danger to public safety. This language would allow the review of intersections on a case by case basis.

Mr. Cooper stated he is in agreement with adding the additional language.

Mr. Cartwright asked what are the NCDOT standards if it is a state road.

Ms. Voliva stated she spoke to NCDOT last week trying to pinpoint this exact number. NCDOT has a requirement in their Streets and Driveways Manual which deals with driveway safety that is 600 feet. According to NCDOT this does not apply to all intersections or all driveways. The county ordinance requires intersection spacing to be 400 feet.

Mr. Mizelle stated the purpose of a conservation subdivision is to put a larger piece of land into an environmental area. Mr. Mizelle talked about lot sizes, rural vs. urban, and how they evaluated this information. The land which is not used at these intersections will be open space. Mr. Mizelle stated they have worked with NCDOT.

Mr. Cartwright asked what the distance between the intersections is.

Ms. Voliva stated the first intersection is 287 feet and between the next two intersections it is 343 feet. Ms. Voliva stated it should be 400 feet.

Mr. Cooper asked how NCDOT sets speed limits.

Ms. Voliva stated she is not sure.

Mr. Cartwright asked the applicant if they were okay with the way the text amendment is written and adding the additional language.

Mr. Mizelle stated yes.

Ms. Voliva stated the board may want to consider this not going to NCDOT, but hiring a traffic engineer that could review it for safety as well. All roads whether public or private shall meet NCDOT construction standards. Roads in planned developments do not have to meet NCDOT design standards.

Mr. Mizelle stated a planned unit subdivision will have a final plat, which NCDOT will have to sign off on the design standards.

Ms. Voliva stated they have been advised that NCDOT review the asphalt section when signing final plats.

Mr. Craddock suggested that NCDOT should evaluate these intersections when they are intersecting a state maintain road.

The Planning Board discussed using NCDOT for public roads and a traffic engineer for private roads.

Ms. Voliva stated when you do a road it has two parts, a dedication occurs when you are creating a subdivision. You are dedicating all streets for public use unless they are indicated as private; and they have to indicate on the final plat which streets are private. Part 2 is once construction begins and they meet the minimal housing requirements, then they can petition the state to take over the roads. The state then comes out and evaluates the roads, drainage, any physical features which may be in the right-of-way, trees, signs, and utilities. If they meet all the standards, then the state will take over maintenance.

PLANNING BOARD ACTION

Mr. Cartwright moved to approve PB 13-25 as written and adding the following language:

- The applicant shall be required to have NCDOT District Engineer's office or traffic engineer review and assess each one of the intersections for the safety of these intersections, so they will not create a danger to public safety. This requirement shall be done on a case by case basis.

Mr. Cooper seconded the motion.

Mr. Craddock moved to amend the motion to state as written and adding: That NCDOT would evaluate or a qualified transportation engineer evaluate the safety and verify the spacing of all subdivision streets that use the 200 feet rule instead of the 400 feet rule.

Mr. Cartwright accepted the amendment. Ms. Bell seconded the motion. Motion carried unanimously.

PB 13-25 GEE'S GROUP UDO AMENDMENT REQUEST

Amendment to the Unified Development Chapter 6: Subdivision and Infrastructure Standards to reduce the minimum street intersection spacing for Planned Developments and Conservation Subdivisions.

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

Item 1: That Section 6.2.1 C. Street Design Standards is amended by adding the following underlined language and reorganizing the existing language:

(5) Street Intersections

(a) Design

- (i)** Streets shall intersect as nearly as possible at right angles and not intersect any other street at an angle less than 70 degrees (see Figure 6.2.1.C, Street Intersections).

- (ii) No more than two streets shall intersect at any one point unless the NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.

(b) **Spacing**

- (i) Except as provided below, all streets shall be at least 400 feet from another intersection. (all measurements shall be taken from the centerlines of each intersecting street).
 - (A) Streets in Planned Developments and Conservation Subdivisions in Full Service areas shall be at least 200 feet from another intersection.
 - (B) New blocks shall meet the block length and width standards in Section 6.2.2.
- (ii) Street jogs shall maintain centerline offsets that are a minimum of 400 feet apart.
- (iii) Intersections with a major arterial street shall be at least 1,000 feet from another intersection.

Item 2: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Commissioners expressed concerns with density, vehicles exceeding the speed limit and public safety.

Chairman O'Neal quoted from the case analysis "The reduced intersection spacing is typically found in urban developments where small lots are connected to public wastewater." He noted citizens had expressed a preference for rural developments, not urban. He stated the Commissioners did not approve construction of the wastewater system to induce residential development.

Chairman O'Neal opened the Public Hearing.

Jo Drago, Moyock, stated she had moved here because of a lack of density. She felt others came for the same reason and was confident that no one wanted to see the type of density evident in the cities across the state line.

Jason Mizelle, Hyman & Robey, Camden, noted the text amendment would condense the footprint of the subdivision and keep driveways off of main roads. This would also provide connectivity to Shingle Landing Road and keep driveways off the connecting road. NCDOT guidelines for rural development had been studied and this design had been discussed with DOT who documented no concerns. He noted that, while this amendment would apply

county-wide, it would only apply to a conservation subdivision in a full-service district.

Commissioner Martin confirmed open space on the proposed design.

Commissioner McCord asked for acreage figures, which were a total of 58.16 acres with 23.67 being open space. The development was showing 90 lots on 26 acres.

Commissioner Aydlett asked for explanation of connecting roads, which was Moyock Landing Drive to the north and Shingle Landing Road to the south. This would also give a second outlet to Shingle Landing subdivision. He also asked about density to which Mr. Woody replied that the UDO and Land Use Plan allows up to 3 units per acre so density is not an issue.

Commissioner Petrey questioned whether an abundance of development could occur due to central sewer. Mr. Woody responded that the density would only apply in a full service area, and only 14% of Moyock Township is designated full service. This could only change by going through the land use process through the state Coastal Resources Commission.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Chairman O'Neal again stated the Moyock Wastewater Plant was not built for residential development although there would be some residential on the system.

Commissioner Gilbert moved to deny PB-13-25 due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest, and does not address a demonstrated community need. Commissioner McCord seconded the motion. Motion carried unanimously.

D) Public Hearing and Action: PB 13-17 Moyock Crossing: Request approval of the preliminary plat/use permit for 90 residential lots in a conservation subdivision located in Moyock on the north side of Shingle Landing Road approximately 260 feet east of Fox Lane, Tax Map 9, Parcel 41, Moyock Township.

This item was not heard as it was contingent upon approval of PB 13-25; therefore, the Board could not act favorably in any event.

New Business

A) Consideration of License Agreement Between Currituck County and Farms & Timberland, Inc. for Installation of Water Main Across County Property and Authorize County Manager to Execute License Agreement

County Attorney Ike McRee reviewed the terms and conditions for the license agreement and recommended approval.

Commissioner Gilbert asked if the water line would create any problems for connectivity to which Mr. McRee replied it should not. Eventually development will form a water supply loop which will be good for fire safety and protection.

Commissioner Petrey moved for approval of the License Agreement. Commissioner Aydlett seconded the motion. Motion carried unanimously.

B) Consent Agenda:

1. Approval of October 21, 2013 Minutes
2. Budget Amendments
3. Change Order #1:PARTF Grant for Maple Park Multipurpose Fields
4. Approval of Job Description for Paralegal
5. CDBG Monthly Status Report
6. Performance Bond Execution Authority
7. Request to dispose of Human Resources outdated applications
8. Request from Corolla Office to dispose of 2006-2011 ATV Beach Driving Permit Applications

Commissioner Gilbert stated a correction was needed to the October 21 minutes to change the second for the Closed Session motion from Commissioner Petrey to Commissioner Gilbert.

Commissioner Martin moved to approve the Consent Agenda with correction to the October 21 minutes. Commissioner Gilbert seconded the motion. Motion carried unanimously.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50795 494501	Soccer Fields - PARTF Grant	\$ 530,000	
50795 494500	Soccer Fields		\$ 265,000
50330 476001	PARTF Grant		\$ 265,000
		\$ 530,000	\$ 530,000

Explanation: *Community Park Soccer Fields (50795) - Increase appropriations to record receipt of PARTF Grant Contract 5574/Project 2013-742 for the period October 1, 2013 through September 30, 2016.*

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$265,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50795	590003	Maintenance Building	
		\$ 500,000	
50795	545000	Contract Services	
		\$ 44,129	
50795	590000	Furnishings & Equipment	
		\$ 2	
50795	594500	Soccer Fields T F - Capital	\$ 44,131
50390	495040	Improvements	\$ 500,000
		<u>\$ 544,131</u>	<u>\$ 544,131</u>

Explanation: *Community Park (50795) - Increase appropriations for Maintenance Building for Parks & Recreation equipment storage and to close out YMCA/Recreation building.*

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$500,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50390	495040	T F - Capital Improvements Fund	
		\$ 750,000	
50330	447000	Grant - Commerce Park	\$ 750,000
		<u>\$ 750,000</u>	<u>\$ 750,000</u>

Explanation: *Maple Commerce Park (50390) - Reallocate funding to record NC DOT grant funding for roads at Maple Commerce Park.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10415	540000	Worker's Compensation	\$ 24
10461	540000	Worker's Compensation	\$ 1,335
10460	540000	Worker's Compensation	\$ 27
10510	540000	Worker's Compensation	\$ 6,042
10512	540000	Worker's Compensation	\$ 148
10530	540000	Worker's Compensation	\$ 8,635
10550	540000	Worker's Compensation	\$ 142
10750	540000	Worker's Compensation	\$ 389
10795	540000	Worker's Compensation	\$ 948
10320	411000	Article 39 Sales Tax	\$ 17,690
61818	540000	Worker's Compensation	\$ 2,686
61360	470000	Utilities Charges	\$ 2,686
66868	540000	Worker's Compensation	\$ 2,687
66360	470000	Utilities Charges	\$ 2,687
		<u>\$ 23,063</u>	<u>\$ 23,063</u>

Explanation:

Various Departments - Increase appropriations for additional worker's compensation for FY 2013 resulting from the final audit.

Net Budget Effect:

Operating Fund (10) - Increased by \$17,690.

Mainland Water Fund (61) - Increased by \$2,686.

Southern Outer Banks Water Fund (66) - Increased by \$2,687.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818	590002	Waterline extension	\$ 47,000
61360	470000	Utility charges	\$ 47,000
		<u>\$ 47,000</u>	<u>\$ 47,000</u>

Explanation: *Mainland Water (61818)* - Increase appropriations for betterment costs to upsize waterline as per Farms and Timberland Inc license agreement.

Net Budget Effect: Mainland Water Fund (61) - Increased by \$47,000.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795	576003	Flag Football	\$ 1,400	
10350	469001	Flag Football		\$ 585
10350	469015	Tackle Football		\$ 55
10795	576009	Soccer		\$ 760
			<u>\$ 1,400</u>	<u>\$ 1,400</u>

Explanation: *Recreation (10795)* - Increase flag football funding due to increased participation this fall.

Net Budget Effect: Operating Fund (10) - Increased by \$640.

C) Commissioner’s Report

Commissioner Aydlett thanked Commissioner Gilbert for attending the Knotts Island VFD dedication ceremony.

Commissioner Gilbert announced the next Moyock Small Area Plan meeting on November 19 and encouraged attendance.

Commissioner McCord commended the high school football team on a great game against Northeastern, which Currituck won. He also commended Animal Control and the Sheriff’s Office on a job well done in the recent case of the capture of escaped monkeys in Wedgewood Lakes.

Commissioner Martin questioned whether the Affordable Care Act would affect the county government health plan. Mr. Scanlon responded that, other than the requirement to furnish health insurance to employees working 30 hours or more, the ACA would have no impact on the County’s group health plan.

Chairman O’Neal expressed the need for a county-wide roadside trash cleanup and requested the County Manager to contact the Sheriff about using inmates to provide trash pick-up. He also mentioned hearing a commercial for a golf resort saying not to sit in traffic but to come to their resort. He stated that message needs to go to our representatives in Raleigh that the traffic situation is being used against Currituck County as well as Dare County and affecting tourism.

D) County Manager's Report

No report.

Closed Session

Commissioner Aydlett moved to enter closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4) to discuss "Matters relating to the location or expansion of industries or other businesses in Currituck County, including agreement on a tentative list of economic development incentives that may be offered by Currituck County in negotiations."

Commissioner Gilbert seconded the motion. Motion carried.

Adjourn

After returning to open session, no action was taken. There being no further business, Commissioner Aydlett moved to adjourn. Chairman O'Neal seconded the motion. The meeting was adjourned.