

CURRITUCK COUNTY
NORTH CAROLINA
August 4, 2014 and August 5, 2014

The Board of Commissioners met at 7:00 PM 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, and Petrey.

Chairman O'Neal called the meeting to order at 7:00 PM and announced that the planned visit to the Currituck SPCA was cancelled due to weather.

A) Invocation

Reverend Glenn McCranie, Retired Navy Chaplain, gave the invocation.

B) Pledge of Allegiance

Reverend Glenn McCranie, Retired Navy Chaplain, led the Pledge of Allegiance.

C) Administer Oath of Office to Paul Beaumont

Clerk of Court Ray Matusko Administered the Oath of Office to District 4 Commissioner Paul Beaumont. Commissioner Beaumont was welcomed by the other members of the Board and was seated.

D) Approval of Agenda

Commissioner Griggs motioned to table Public Hearing Item A, PB-06 UDO Amendment for further review and discussion of Compatibility Standards. Commissioner Petrey seconded the motion. Commissioner Aydlett requested the meeting be held the following day at 3 pm. Commissioner Petrey withdrew his second due to his inability to attend a 3 PM meeting. Commissioner Griggs motioned to set the discussion at 3 pm the following day. Commissioner Aydlett seconded the motion and the motion carried.

APPROVED AGENDA

Work Session

~~5:30 PM Currituck SPCA Animal Shelter Visit~~ ***Cancelled due to weather.***

7:00 pm Call to Order

- A) Invocation-Reverend Glenn McCranie, Navy Chaplain, Retired
- B) Pledge of Allegiance-Reverend Glenn McCranie
- C) Administer Oath of Office to Paul Beaumont
- D) Approval of Agenda
- E) Public Comment

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

Public Hearings

- A) ~~Consideration and Action: PB 14-06 Request to Amend the UDO- Subdivision Compatibility Standards~~ PB 14-06 Currituck County: Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 3: Zoning Districts, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement, to establish subdivision compatibility standards, modify the major subdivision standards to include minor subdivisions, and modify net density requirements for development. **TABLED FOR FURTHER REVIEW**
- B) **Consideration and Action: PB 14-08 Currituck County: Request to amend the UDO-Water Supply Standards** PB 14-08 Currituck County: Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure to revise the water supply standards to require all new subdivisions and multi-family development to be connected and serviced by the county water supply system.

New Business

A) **Board Appointments:**

1. Library Board, Land Transfer Tax Appeals, Tourism Advisory, and Whalehead Board of Trustees

B) **Consent Agenda:**

1. Approval of July 21, 2014 Minutes
2. Budget Amendments
3. CDBG Monthly Status Report
4. Amendment to Master Fee Schedule-Peddler's Ordinance
5. Surplus Items-Southern Outer Banks Water System

C) **Commissioner's Report**

D) **County Manager's Report Special**

Meeting

TOURISM DEVELOPMENT AUTHORITY - Budget Amendments

Closed Session

Closed Session Pursuant to G.S. 143-318.11 (a)(6) to Discuss a Personnel Matter.

Adjourn

D) **Public Comment**

Chairman O'Neal opened the Public Comment period.

Mary Etheridge, Shawboro, stated that her family has been in litigation with the County since December, 2011, due to approval of a junkyard behind her home. Ms. Etheridge recalled previous comments she had made regarding not being afraid to stand up and fight for what is right and just. She said she recently visited Constitution Hall in Philadelphia and reflected on what leadership is, being fairness, equal treatment, honesty, responsibility, and service.

Chairman O'Neal asked County Attorney, Ike McRee, to speak to the litigation matter. Mr. McRee stated the Board of Commissioners must find a balance on land use decisions between the land owner, who might want to use his land for a business purpose, and the citizens of the County. Many things are considered and many bodies review the considerations and make recommendations. The Technical Review Committee consisting of 26 members, representing both state and county agencies, reviewed the proposed recycling center and ended with two opposed. Public meetings were held prior to approval. Mr. McRee stated we are awaiting

court's opinion as to a decision on whether attorney fees should have been awarded to the Etheridges. Mr. McRee explained the word "junkyard" had to be used because there was no classification at the time for a recycling center.

Josh Bass, Moyock, speaking as the Chairman of the Currituck Cooperative Extension Board, wanted to remind us of the upcoming Centennial celebration for Cooperative Extension. Mr. Bass invited all to attend, and thanked the Commissioners for their support and service on their Board by Commissioners Beaumont and O'Neal.

Cameron Lowe, Aydlett, Director of Cooperative Extension of Currituck County, described the event that will celebrate local heritage. The Currituck County Heritage Festival will be held on September 20, 2014 at the Rural Center. The event is free to the public. Information can be found at go.ncsu.edu/currituckheritage.

Adrienne V. Black, Norfolk, VA, representing the Rosa Walston estate located on South Mills Road, stated they would like help with what may be required of them with regard to water system hook ups. Ms. Black stated they feel the requirements would decrease the land value and they cannot afford to put in their own water system. Ms. Black asked for help, perhaps in the form of state grants or lottery funds to offset costs. Although she signed up for Public Comment, she stated she was referring to Public Hearing Item B on the agenda.

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

Public Hearings

~~A) **Consideration and Action: PB 14-06 Request to Amend the UDO- Subdivision Compatibility Standards** PB 14-06 Currituck County: Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 3: Zoning Districts, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement, to establish subdivision compatibility standards, modify the major subdivision standards to include minor subdivisions, and modify net density requirements for development.~~

TABLED FOR FURTHER REVIEW

B) **Consideration and Action: PB 14-08 Currituck County: Request to amend the UDO-Water Supply Standards** PB 14-08 Currituck County: Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure to revise the water supply standards to require all new subdivisions and multi-family development to be connected and serviced by the county water supply system.

Ben Woody, Director of Planning and Inspections, presented.

The enclosed text amendment initiated by the Currituck County Board of Commissioners is intended to amend the county's water supply standards to require all new subdivisions and multifamily development to connect to the county water supply system (excluding family subdivisions and lots in the Fruitville and Moyock–Gibbs Woods Townships). Under the current ordinance, major subdivisions are required to connect to the county water system (or provide a cash deposit for future connection) based on a formula included in the ordinance.

The purpose of the amendment is to establish a policy for potable water main extensions and connections that provides customers with a safe, high quality and reliable water supply while adequately maintaining existing infrastructure and services. Additionally it is the intent of this proposed ordinance to:

- Ensure water main extensions occur in a manner that support sound fiscal management and economic growth while protecting the county's rural character;
- Support development with sufficient potable water and fire suppression infrastructure capacity to serve existing customers while sustaining the ability to serve projected future growth;
- Ensure the costs of infrastructure, facilities and services related to the demand created by new growth and development is borne, in equal proportion, by those creating the additional demand; and
- Encourage development in targeted growth areas, adequately served by existing or planned infrastructure, consistent with the Land Use Plan.

The ordinance amendment also establishes connection and modeling standards, provides for a Water Main Reimbursement Contract, and proposes minor modifications to the fire protection standards.

Planning staff recommends **approval** because the proposed text amendment is consistent with the land use plan; because it focuses water service in existing developed areas and in nearby targeted growth areas (POLICY WS3); and results in a logical and orderly development pattern.

The Planning Board recommended **modified approval** at their July 8, 2014 meeting. Changes recommended by the Planning Board include not requiring a mandatory connection and an additional fire protection standard – these modifications are noted and *italicized* in the body of the amendment.

PLANNING BOARD DISCUSSION (7-8-14)

Mr. Woody said at the last meeting, the Planning Board requested additional information for the water supply standards text amendment. Mr. Woody said an ad ran in the July 1 edition of the Daily Advance notifying the public that the water supply standards text amendment would be discussed at this meeting; linear feet of waterline that currently exist and linear feet of waterline that does not exist on existing streets; developer cost per lot for a subdivision to be serviced by the county water supply system; available grants; and the operation and funding of the county water supply system. Mr. Woody said the chart showing the developer cost per lot for a subdivision to be serviced by the county water supply system does not include the water tap fees.

Ms. Overstreet asked the average size of a subdivision in Currituck on the Mainland.

Mr. Woody said it varies, but tends to be 25 lots.

Mr. Irwin provided an overview of the operation and funding of the county water supply system.

Mr. Garrett asked what the cost to extend a county waterline two or three miles down the road.

Mr. Irwin said for an eight inch waterline, \$40 per linear foot, is \$211,000 for one mile.

Mr. Old asked what the \$40 per linear foot includes.

Mr. Irwin said it includes the engineering fees, hardware, everything.

Mr. Cooper said that the examples of water main extension and connection polices for other North Carolina jurisdictions are similar to what Currituck currently has. Mr. Cooper said if a new development is going in, the formula we have now is based on practicality. The developer can hook in and that helps the water department. With this amendment saying all new development shall connect into county waterlines he doesn't see an advantage for the water department. If someone owns a piece of land that is four miles from an existing waterline, and they don't develop because of the cost of extending the line, what advantage is that to the water department? Mr. Cooper said the rule that they have now helps the water department because it puts a burden on the developer to extend some county waterlines in reasonable situations. This amendment is to extend if it is reasonable or not. You are affecting people's property rights and property values that are a mile or two miles from an existing county waterline.

Mr. Woody said it may affect the property values for developing property, but also affects existing property values in Currituck that provides services or future water connection to these developments that are removed from the core of the county township. This amendment helps the water department have connections, but also helps to manage growth since infrastructure plays a big part in growth.

Mr. Cooper said if people brought property with well water they would assume they would always be on well water.

Mr. Woody said there is a demand for county water for subdivisions that are already platted. Mr. Woody said the further removed subdivisions are from infrastructure the more cost is to the general operation of county government.

Mr. Craddock said for those persons who want to develop land that are not already owners of land would seek to develop land that is closer or in front of waterlines that already exist. Mr. Craddock said this would be a huge cost to the developer which would be passed down to the potential buyer. Mr. Craddock asked where the land owners get their water for fire protection now on roads that extend pass county waterlines like South Mills Road or Puddin Ridge Road other than tankers that truck in the water.

Mr. Woody said they have to install fire ponds that can sustain 50 year drought conditions.

Mr. Anlauf asked the board to consider if this amendment is adopted, to extend the effective date out six months so projects that are currently in the works can go through under the current ordinance.

Mr. Woody said staff would support this request.

Mr. Deel asked the board to consider if this amendment is adopted, to extend the effective date out six months so projects that currently in the works can go through under the current ordinance.

Mr. Clark closed the public hearing.

Mr. Cartwright said he is concerned this amendment is taking away the owner rights to do something when they can't afford it. Mr. Cartwright has no objections to subdivisions connecting into county waterlines, but it must be within a reasonable distance of their property.

Mr. Cooper said in looking at the other municipalities they are based on more reasonable requirements, similar to what the county has now. By saying these developments have to connect to county water, this is not for the benefit of the water department, this is to prevent development.

Mr. Woody said if the board is struggling with the language requiring all new development to connect to the county water supply system, there is also other language in the amendment for the board to consider if they move it forward.

ACTION

Mr. Cooper moved to approve PB 14-08 the modeling portion of the amendment, clean-up language, eight inch waterlines for new developments, and to remove the requirement that all new development must connect to county water, replacing that language with the current formula in the Unified Development Ordinance (UDO) based on the distance that new development is to an existing county waterline, and an effective date of January 1, 2015. Ms. Newbern seconded the motion.

Mr. Clark amended the motion to include all water supply sources shall be clearly marked for location purposes with a marker of suitable size and reflective characteristics for daylight, nighttime, and inclement weather operations.

Mr. Cooper accepted the amendment to the motion.

Ayes: Mr. Cartwright, Mr. Cooper, Ms. Newbern, Mr. Clark, and Ms. Overstreet. Nays: Mr. Craddock. Motion carried.

PB 14-08 UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure to revise the water supply standards to require all new subdivisions and multi-family development to be connected and serviced by the county water supply system.

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 6.2.3 Utility Standards is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

Water Supply Standards

~~Except where exempted by Section 6.2.3.D, Exemptions, all development shall incorporate a water supply system in accordance with these standards.~~

Exemptions

The following development is exempt from the requirement to connect to the county's potable water system:

- (a) Lots in a family subdivision (see Section 2.4.8);
- (b) Subdivisions in the Fruitville and Moyock-Gibbs Woods Townships; and
- (c) Subdivisions where the distance to an existing water main exceeds the formula in Section 6.2.3.D.3, Connection to Public Water Supply System. However, the subdivider shall submit a performance guarantee in the form of a cash deposit for the water improvements (including, but not limited to: fire hydrants, laterals, service lines, meter boxes, and yokes) at a rate of cost plus 15 percent. In the event the water supply infrastructure is not constructed within three years of the approval date, the performance guarantee shall automatically convert to an evergreen letter of credit.
- (d) Connection of individual lots to the future water main within an existing subdivision shall be the responsibility of the individual lot owners.

(1) Water Supply System Required

Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.

Except for family subdivisions and lots in the Fruitville and Moyock-Gibbs Woods Townships, all new subdivisions multi-family development buildable lots within a planned unit development or planned development shall be connected and serviced by the county water supply system—a central water system.

Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section. All multi-family development and townhouse units shall be connected to and serviced by a central water system.

The developer shall submit whatever information the Planning Director determines necessary to ensure the developer or a successor in interest will be able to comply with this section.

OR

PB RECOMMENDATION:

- (a) *Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.*
- (b) *All buildable lots within a planned unit development, ~~or~~ planned development, or multi-family development shall be connected and serviced by the county water supply system ~~a central water system~~.*
- (c) *Except for family subdivisions and lots in the Fruitville and Moyock-Gibbs Woods Townships, all new subdivisions and nonresidential uses shall be connected and serviced by the county water supply system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each of the first ten units plus 20 feet for each additional unit. All multi-family development and townhouse units shall be connected to and serviced by a central water system.*

Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect $(10 \text{ units} \times 100) + (20 \text{ units} \times 20)$.
- (d) *In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.*
- (e) *Where the distance to the closest existing county water main exceeds the formula in (c) above the developer shall submit a performance guarantee in the form of a cash deposit for future water improvements in an amount equal to 115 percent of the estimated full cost of completing the required improvements, including the costs of materials and labor. Improvements include, but are not limited to, the water main (required extension distance), laterals, service lines, meter boxes, yokes, and fire hydrants.*
- (f) *The maximum connection distance for nonresidential uses shall be determined by converting projected water demand from the development into an equivalent number of residential units and*

applying the formula in (c) above. For the purposes of this section, an individual residential dwelling unit uses 250 gallons of water per day.

Example: a proposed nonresidential use is anticipated to use 7,500 gallons of water per day. This is equivalent to 30 residential units (7,500/250 = 30), and the use shall connect if it is located 1,400 feet or less from an existing water main (10 units x 100) + (20 units x 20).

- (g) Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section. ~~The developer shall submit whatever information the Planning Director determines necessary to ensure the developer or a successor in interest will be able to comply with this section.~~

Connection to Public County Water Supply System

- (h) The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are able to connect to the county water supply system. ~~Whenever it is legally possible and practicable in terms of topography to connect development to the county's water supply system, the developer or subdivider shall install the pipes and accessories necessary to provide water service to all lots or units in a development.~~

The minimum water main size shall be adequate to service the potable water and fire suppression demand of the proposed development at full build out. Fire suppression demand shall be based upon guidance from the Insurance Services Office and existing fire-fighting capacity. In no instance shall a water main serving a fire hydrant be less than eight inches in diameter. ~~Connection to the county's water supply system shall be considered impractical if the distance between the closest existing county water main and the proposed development exceeds a distance equivalent to 100 feet for each of the first ten units plus 20 feet for each additional unit.~~

~~Example: a proposed subdivision with 30 single-family residential lots would have to be located over 1,400 feet from an existing water main to be considered impractical for connection (10 units x 100) + (20 units x 20).~~

Water mains shall be installed within street right-of-ways or dedicated utility easements. ~~The total number of units in a development shall~~

~~be determined by calculating the maximum number of units allowable for each proposed lot.~~

The developer shall be responsible for modeling and sizing water mains to service the proposed development. Modeling inputs shall include the proposed development at full build-out and the anticipated development density of adjacent undeveloped tracts of land as specified in county-adopted plans. In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.

If the county determines that oversized facilities are in the interest of future development, the county or a developer may elect to pay for that portion of water main improvement that exceeds the diameter required to service the proposed development at full build out. Each individual dwelling unit shall be counted as one residential unit for the purposes of determining the maximum distance requirements for multi-family developments.

Installation of water mains and accessories shall meet the most recent version of the Standard Specifications and Details for the Currituck County Water Department and the Southern Outer Banks Water System, as appropriate. The maximum connection distance for nonresidential development shall be determined by converting projected water demand from the development into an equivalent number of residential units and applying the formula in (b) above. For the purposes of this section, an individual residential dwelling unit uses 250 gallons of water per day. A nonresidential use anticipated to use 1,000 gallons per day shall be equivalent to four residential dwelling units.

~~Example: a proposed nonresidential development is anticipated to use 7,500 gallons of water per day. This is equivalent to 30 homes ($7,500/250 = 30$), and the development would have to be located over 1,400 feet from an existing water main to be considered impractical for connection ($10 \text{ units} \times 100$) + ($20 \text{ units} \times 20$).~~

The developer shall be required to submit detail drawings with the construction drawings associated with a proposed development, prepared and certified by a registered engineer, showing the installation of the required water mains. Water lines owned by the Ocean Sands Water and Sewer District shall not be considered part

~~of the county's water supply system for the purposes of this section.~~

The developer may apply for a Water Main Reimbursement Contract for partial repayment of the cost of the extension of a water main necessary to service a proposed development. The general provisions for partial repayment are specified in the Water Main Reimbursement Contract and an attested and executed copy of the agreement between the developer and county must be filed with the Currituck County Public Utilities Department.

~~Water Supply System Configuration~~

~~The water supply system shall comply with the following requirements:~~

~~The subdivider shall install water mains in a subdivision so that all lots to be developed will be able to connect to the centralized water system.~~

~~Water mains shall be installed within street right-of-ways or dedicated utility easements.~~

~~The subdivider shall be required to submit detail drawings with the construction drawings associated with a subdivision, prepared and stamped by a certified and licensed engineer, showing the installation of the required water mains.~~

~~All materials and pipes shall meet or exceed the requirements established for the county water system.~~

~~A community water system may be located within an open space set-aside.~~

(3) Connection Fees

All connection fees shall be paid for each residential lot or use that is required to be connected to the county water supply system at the time of issuance of the building permit authorizing construction to begin.

~~All connection fees shall be paid for each nonresidential lot or use required to be connected to the county water system at the time of issuance of the building permit authorizing construction to begin.~~

Item 2: That Section 6.2.4 Fire Protection Standards is amended by adding the following underlined language and deleting the strikethrough language:

A. General Provisions

(1) Fire Lanes

Where streets or rights-of-way provide insufficient access for firefighting, unobstructed fire lanes with a minimum width complying with the current adopted version of the North Carolina State Fire Code shall be provided. In no instance shall this standard waive the requirement for primary drive aisles constructed in accordance with Section 5.6.8, Primary Drive Aisles, when required by this Ordinance.

(2) Fire Hydrants Required

~~Except for family subdivisions and subdivisions in the SFR district, every subdivision~~ All development serviced by a public or private central the county water supply system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development. Fire hydrants shall be located in a manner that ensures hydrants are spaced a maximum of 1,000 linear feet apart and every portion of lot frontage is within 500 linear feet of a hydrant. The Fire Marshal may authorize or require a deviation from this standard if, in the opinion of the Fire Marshal, another arrangement more satisfactorily complies with the intent or standards in this Ordinance.

(3) Fire Hydrant Location

Unless an alternative placement is specified by the State Building Code or the Planning Director, in consultation with the Fire Marshal, fire hydrants shall be placed six feet behind the curb or within ten feet of the pavement edge of a street without curbing.

(4) Required Hose Connections

Unless otherwise specified, all fire hydrants shall have the following hose connections:

- (a) Two two-and-one-half-inch hose connections at least 21½ inches above ground level; and
- (b) One four-and-one-half-inch connection.

All hose connections shall be sized in accordance with national standards.

(5) Water Service Line Main Size

~~Water lines mains~~ serving fire hydrants shall be at least ~~six~~ eight inches in diameter and shall not be dead-end lines, unless no other practicable alternative exists

(6) Water Supply Source Location

Water supply sources shall be clearly marked for location purposes with a marker of suitable size and reflective characteristics for daylight, nighttime, and inclement weather operations.

B. Water Supply for Fire Protection when not Serviced by Public County Water Supply System

~~Residential Development containing 20 or more dwelling units and every nonresidential subdivision containing 10 or more lots and not serviced by a public~~ the county water supply system shall provide a supply of water for fire-fighting purposes in accordance with the following standards:

(1) Allowable Sources

The developer may provide the required water supply from fire ponds, canals, wells, cisterns, above ground storage tanks, water ~~lines~~ mains (where a community water supply system is installed), or any combination of these features.

(2) Location

- (a) Water supply facilities shall be within 2,500 linear feet of every anticipated building in a development.
- (b) Water supply facilities may be located on or off-site, however the developer shall demonstrate a sufficient legal interest in off-site facilities to ensure they will remain available to service the development.
- (c) Water supply sources shall be so located so that fire-fighting vehicles have ready access to such sources at all times.

(3) Capacity

- (a) A sufficient volume of water shall be available at all times to supply the needed fire water flow for the proposed structures based upon guidance from the Insurance Services Office and existing fire-fighting capacity needed to suppress a fire for a period of two hours at a rate of 1,000 gallons per minute.
- (b) Water mains serving a community water supply system shall be sized to allow the future installation of fire hydrants should the development be connected to the county water supply system. The Fire Marshal may permit a deviation from these standards based

~~upon guidance from the Insurance Service Office and existing fire-fighting capacity.~~

(4) Configuration

- (a)** Water supply sources shall be provided with the necessary equipment and connections (e.g., dry hydrants in ponds) to ensure that fire-fighting equipment can draw water in a safe and efficient manner, as determined by the Fire Marshal.
- (b)** Except within the SFR district, a hard-surfaced roadway shall be provided to the water source as well as a hard-surfaced turnaround area of sufficient dimensions to facilitate access by fire-fighting vehicles.

(5) Maintenance Required

The developer, or any successor in interest, shall be responsible for ensuring that all water supply sources, access roadways, and other facilities or equipment required by these standards, are maintained.

Item 3: 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.

Mr. Woody reviewed the UDO and explained the revisions and options for water requirements, based on either a formula or a mandatory hook up requirement for development, with the exception of family subdivisions and Gibbs Woods and Fruitville Township. He explained the goal is to ensure a potable water supply, fire suppression, and a tool for infrastructure growth and management.

Mr. Woody talked about connections, formulas, waterline sizes, developer responsibilities, fireflow and fireflow ponds. Commissioner Aydlett expressed concern with ISO ratings, rising insurance costs, and lack of manpower available to meet requirements for fire protection. Commissioner Petrey asked if a cost per house had been determined. Mr. Woody stated, based on a 30 lot subdivision, running a waterline may be \$3-4,000 per lot, or 2% of cost.

Commissioner Aydlett feels the County will be having the same discussion 10 years from now if we don't take action now with a hook up requirement.

Chairman O'Neal explained the formula worked on a proportional basis and was never meant to include fire suppression. O'Neal suggested using the formula system, as it is more palatable.

Commissioner Aydlett restated his fear that developments farther away would not have adequate fire protection.

Commissioner Martin voiced the need to do what is proper and correct and it behooves the

County to move forward now with a hook up requirement.

Commissioner Petrey asked if we could look into more water towers to allow for increased pressure. Dan Scanlon, County Manager, said we would assess tower need based on future development and whether it is commercial or residential.

Commissioner Griggs clarified the formula implementation would be required for all development on a proportional basis no matter how far out the development is. Currituck County has 211 miles at a cost of \$34 million to provide water to all of Currituck. He questions who is going to pay, the builder or the taxpayer, and feels it is a pay me now or pay me later scenario. He believes in order to extend the water line after the bond is paid in 10 years, we will need to charge higher fees now. Mr. Griggs suggests forecasting the consequence the County will need to deal with tomorrow based on the actions taken today.

Chairman O'Neal explained that those who pay for future expansion are the residents who are currently paying for service.

Commissioner Aydlett expressed concern for property values and asked Ben Woody for comment. Mr. Woody stated he didn't believe there would be adverse effects with the use of the formula if it is kept proportional.

Commissioners continued discussing effect on property values, covering future costs, perhaps with bond purchases. Chairman O'Neal described the effect of water availability on the county by comparing Moyock, which has County water, to the area south of the Intracoastal, which does not. The economic difference is markedly noticeable, and states leaders need to think things through before raising the cost of doing business in Currituck County.

Commissioner Gilbert asked how many builder applications have applied for hook up service. Ben explained there are several who have paid the fee for planned hook up service, and two builders have opted to install community systems, which may mean a large well and pond and would need to meet state requirements for fire.

Chairman O'Neal opened the Public Hearing.

Mark Bissell, Kitty Hawk, advocates for the formula plan. He stated it has worked well in the past and a required mandatory hook up for developments farther out is very costly. Mr. Bissell does understand the Commissioners' concerns and recommends making any changes effective at least six months out so developers can phase in implementation.

Walter Garrett, South Mills Road, also supports the formula method, but does not agree with an indefinite bond. He feels the County should be required to use the bond within a definitive time frame or return it to the developer.

Chairman O'Neal closed the Public Hearing and asked for a motion.

Commissioner Aydlett moved to approve PB 14-08, Plan A. Commissioner Martin seconded. Motion carried, with Chairmain O'Neal and Commissioner Petrey opposed.

New Business

A) Board Appointments:

1. Library Board, Land Transfer Tax Appeals, Tourism Advisory, and Whalehead Board of Trustees

Library and Tourism Boards appointments were deferred. Commissioner Marion Gilbert nominated Steven Kesler for appointment to the Whalehead Preservation Trust and Commissioner Paul Martin nominated John Messina for appointment to the Land Transfer Tax Appeals Board. Board appointments were approved unanimously.

B) Consent Agenda:

1. Approval of July 21, 2014 Minutes
2. Budget Amendments
3. CDBG Monthly Status Report
4. Amendment to Master Fee Schedule-Peddler's Ordinance
5. Surplus Items-Southern Outer Banks Water System

Commissioner Aydlett moved to approve the Consent Agenda. Commissioner Martin seconded and the motion carried.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-545000	Contracted Services	\$ 9,000	
10530-590000	Capital Outlay		\$ 9,000
		<u>\$ 9,000</u>	<u>\$ 9,000</u>

Explanation: *Emergency Medical Services (10530)* - Transfer funds for annual license fees for EMS training software.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
67878-561000	Professional Services	\$ 9,046	
67390-499900	Appropriated Fund Balance		\$ 9,046
20609-590000	Capital Outlay	\$ 217,254	
20390-499900	Appropriated Fund Balance		\$ 217,254
68888-590000	Capital Outlay	\$ 2,339	
68390-499900	Appropriated Retained Earnings		\$ 2,339
50535-590001	Capital Outlay	\$ 48,402	
50380-481000	Investment Earnings		\$ 48,402

\$	\$
277,041	277,041

Explanation: *Various Departments* - Carry-forward funds for outstanding purchase orders and projects in process from the prior fiscal year.

Account	Description	Purchase Order	Amount
67878-561000	Hazen & Sawyer/Moyock Sewer RPC Contracting/Whalehead	20140825	9,046
20609-590000	Drainage Moffat & Nichol/Whalehead	20141072	213729
20609-590000	Drainage	20140539	3525
68888-590000	Hyman & Robey/Walnut Is Road Gately/800 MHz project	20140619	2,339 48,402

C) Commissioner's Report

Commissioner Griggs announced the Ducks Unlimited state conference to be held at Whalehead in Corolla on August 18th. All are welcome and Travis Morris will be the speaker.

Commissioner Martin spoke to a recent hiring where the position was not advertised. Mr. Martin said the prospective employee had not yet received an official letter of acceptance yet and asked to put into a motion that the position be reposted. He believes reposting would satisfy concerns of residents in the County who wanted to apply. Motion died for lack of second. County Attorney Ike McRee advised the discussion regarding personnel not be continued in the public meeting and should be discussed in Closed Session.

D) County Manager's Report

No Report

Chairman O'Neal asked for a motion to recess the regular meeting and enter a special meeting as the Tourism Development Authority. Commissioner Gilbert moved to recess the regular meeting into a Special Meeting, with a second from Commissioner Petrey. Motion carried unanimously.

Special Meeting

Tourism Development Authority

A) TDA Budget Amendments

Dan Scanlon, County Manager, noted the budget amendment was to carry over funding for the construction of the new bathhouse in Corolla to the 2014-2015 fiscal year, and to reclassify

funds for software.

Commissioner Petrey moved to approve the budget amendment. Commissioner Beaumont 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
15442-557100	Software License Fees	\$ 960	
15442-532000	Supplies		\$ 960
		<u>\$ 960</u>	<u>\$ 960</u>

Explanation: Occupancy Tax - Promotion (15442) - Reclassify funds for Adobe Creative Cloud software license fees for FY 2015 .

Net Budget Effect: Occupancy Tax Fund (15) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-590000	Capital Outlay Appropriated Fund	\$ 353,383	
15390-499900	Balance		\$ 353,383
		<u>\$ 353,383</u>	<u>\$ 353,383</u>

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - Carry-forward the Corolla Public Access project from prior fiscal year.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$353,383.

Commissioner Gilbert moved to adjourn the meeting of the Tourism Development Authority and enter Closed Session Pursuant to G.S. 143-318.11 (a)(6) to Discuss a Personnel Matter. Commissioner Aydlett seconded and the motion carried unanimously.

Chairman O'Neal, prior to entering Closed Session, honored an employee who recently passed away. Chairman O'Neal read a statement listing the accomplishments of Mr. Ralph Doughtie, a jailor with Currituck County. Commissioners commented on Mr. Doughtie's good nature and all agreed that Mr. Doughtie will be missed, was very well thought of by all, and Commissioners offered condolences to his family.

The Commissioners moved into Closed Session.

Upon returning from Closed Session to the regular meeting of the Board, Commissioner Aydlett moved to set an effective date of March 1, 2015, for PB-14-08 revised water supply standards requirements. Commissioner Petrey seconded and the motion carried unanimously.

Commissioner Aydlett moved to recess the meeting to 4:00 PM on Tuesday, August 5, 2014, in the Commissioner's conference room at the Historic Currituck County Courthouse. Commissioner Martin seconded and the meeting was recessed.

CURRITUCK COUNTY NC
BOARD OF COMMISSIONERS
August 5, 2014

The Board of Commissioners met on Tuesday, August 5, 2014, in the Currituck County Historic Courthouse Conference Room at 4 PM to continue a regular meeting that was recessed on Monday, August 4, 2014. Chairman O'Neal, Vice-Chairman Martin, and Commissioners Gilbert, Griggs, and Aydlett were present. Commissioners Petrey and Beaumont were not in attendance.

Chairman O'Neal called the meeting to order at 4:07 PM and entertained a motion by Commissioner Aydlett to move into Closed Session pursuant to G.S. 143-318.11 (a)(6) to Discuss a Personnel Matter. Commissioner Gilbert seconded and the motion carried unanimously.

Adjourn

After reconvening the regular meeting, no action was taken. There being no further business Commissioner Gilbert moved to adjourn. Commissioner Martin seconded the motion. The meeting was adjourned.