

CURRITUCK COUNTY
NORTH CAROLINA
February 3, 2014

The Board of Commissioners met at 6:00 PM for a work session with Ben Woody, Planning and Community Development Director; Eric Weatherly, County Engineer; and Pat Irwin, Public Utilities Director regarding a Water Line Extension Policy. Commissioners agreed that the goal is to provide safe and high-quality water to all residents, and the policy should require every new subdivision to connect to the water system.

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, Griggs, McCord and Petrey. Commissioner Gilbert was absent.

Chairman O'Neal called the meeting to order at 7:00 PM and announced that the Board had met in a work session to discuss Water Line Extension Policy.

A) Invocation

Reverend Bill Masciangelo, Moyock United Methodist Church, gave the invocation.

B) Pledge of Allegiance

Reverend Bill Masciangelo, Moyock United Methodist Church, led the Pledge of Allegiance.

C) Approval of Agenda

Chairman O'Neal moved Administrative Reports to follow Public Comment and added Consent Agenda, Item #5, Resolution Opposing Unfair Property Tax Increases. Commissioner Martin moved to approve the Agenda as amended. Commissioner Petrey seconded the motion. Motion carried unanimously.

APPROVED AGENDA

Work Session

6:00 PM Water Line Extension Policy

7:00 pm Call to Order

- A) Invocation – Reverend Bill Masciangelo, Moyock 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) Presentation by Willo Kelly on Biggert-Waters Flood Insurance Reform A

Public Hearings

- A) **PB 13-31 A&B Auto Sales:** Request for a Use Permit to operate an automobile sales business. The property is located at 1862 Caratoke Highway, Tax Map 32, Parcels 87A and 87B, Crawford Township.
- B) **PB 13-15 Water Supply Standards:** Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to the county water supply system.

New Business

- A) **Board Appointments:**
 - 1. Reappointment of Jack Riggle to Whalehead Stormwater Drainage Service District Advisory Board
- B) **Consent Agenda:**
 - 1. CDBG Monthly Status Report
 - 2. Resolution to Surplus Library Book Drops
 - 3. Recreation & Park Area Dedication: Payment In-Lieu
 - 4. East Carolina Behavioral Health Fiscal Monitoring Report for Quarter Ending December 31, 2013
 - 5. Resolution Opposing Unfair Property Tax Increases
- C) **Commissioner's Report**
- D) **County Manager's Report**

Special Meeting**Tourism Development Authority**

- A) TDA Budget Amendments

Adjourn

D) Public Comment

Chairman O'Neal opened the Public Comment period.

Mary Etheridge, Shawboro, stated that her family had been in litigation with the County for two years over the approval of a junkyard in Shawboro which was not in harmony with the community. Even though the court found in favor of her family, no Commissioner had ever apologized for their action. She cited a recent meeting where the Commissioners had directed a study of a proposed housing project to determine if it was in harmony with its surroundings.

Will Crodick, Knotts Island, expressed his concerns with the school system having 14 combination classes. He stated the cost to provide a solution to his concern and asked for support from the Commissioners and the public to persuade the Board of Education to budget for enough teachers to remedy the situation.

Chairman O'Neal noted the County could not mandate how the funding was budgeted by the Board of Education.

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

Administrative Reports

A) Presentation by Willo Kelly on Biggert-Waters Flood Insurance Reform Act

Willo Kelly, Government Affairs Director of Outer Banks Home Builders Association and Association of Realtors, and President of NC-20, gave a presentation on the impact of the Biggert-Waters Flood Insurance Reform Act of 2012. She gave statistics on the flood insurance program and told of the impact particularly on homeowners with mortgages and those who wished to be approved for a mortgage or to refinance. She gave an email address for those who may have experienced problems with getting flood insurance or for questions. The address is ncinsurancehelp@gmail.com. She encouraged citizens to contact their insurance companies to determine the impact this may have. She asked for support from the Board of Commissioners and county citizens to try to get the act changed.

There was also a short discussion on homeowners insurance. Ms. Kelly noted that Commissioner of Insurance Wayne Goodwin advocates for the citizens and should be contacted regarding proposed rate increases.

Commissioners thanked Ms. Kelly for her informative presentation.

Public Hearings

A) PB 13-31 A&B Auto Sales: Request for a Use Permit to operate an automobile sales business. The property is located at 1862 Caratoke Highway, Tax Map 32, Parcels 87A and 87B, Crawford Township.

Sworn testimony was given prior to making comments.

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

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: February 3, 2014
PB 13-31 A&B Auto Sales**

ITEM:	PB 13-31 A&B Auto Sales request for a Use Permit to operate an automobile sales business.
LOCATION:	Sligo: 1862 Caratoke Highway
TAX ID:	0032-000-087B-0000 and 0032-000-087A-0000
ZONING DISTRICT:	General Business (GB) and Agricultural (AG - at rear of property and not part of this use)
PRESENT USE:	Office/Warehouse/Auto Repair

OWNER: Carvel Eugene Benson Jr
1862 Caratoke Hwy
Moyock NC 27958

APPLICANT: Hyman & Robey, PC
Eddie Hyman, PLS
PO Box 339
Camden NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Low Density Residential	AG
SOUTH:	Cultivated Farmland	AG
EAST:	Low Density Residential	AG
WEST:	Cultivated Farmland/Undeveloped	AG

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Rural within the Shawboro-Crawford subarea.

SIZE OF SITE: 7.9 acres (87B) and 1.49 acres (87A)

COMMUNITY MEETING: A community meeting was held on November 20, 2013 at the Moyock Library. No residents attended the meeting.

I. NARRATIVE OF REQUEST:

1. The applicant is requesting to operate automobile sales facility located next to his existing office/warehouse/auto repair building.
2. There is no new building associated with this use. The sales office will be located in the existing building.
3. In order to improve traffic safety at the site, the existing service entrance to this lot will be clearly marked as a service entrance and the traffic will be directed to enter the business from the existing, improved, driveway where the existing building is located.
4. A handicapped accessway will be provide by extending the five foot wide concrete sidewalk from the existing building to the new display pad on this adjoining lot.

II. USE PERMIT REVIEW STANDARDS:

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 staff findings are outlined as follows:

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

Staff Findings:

- a. The use should not endanger the public health or safety as it is an allowable use in the GB zoning district with a use permit.

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.

Staff Findings:

- a. The use should not injure the value of nearby lands and should be in harmony with the area in which it is located as it is an extension of the existing business.

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

Staff Findings:

The 2006 Land Use Plan classifies this site as Rural within the Shawboro-Crawford subarea. With respect to nonresidential uses small businesses serving the needs of a rural area should be encouraged. The proposed use is in keeping with the policies of the plan, which include:

- a. POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions, and spin-offs shall also be recognized.
- b. POLICY CA3: Landscape improvements at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and absorbing stormwater runoff, shall be required.

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. 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).

Staff Findings:

- a. The proposed use should not produce additional burdens on schools, fire and rescue, or other public facilities because there are currently sufficient adequate public facilities to service this request.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval of the use permit subject to the finds of fact as presented.

IV. PLANNING BOARD RECOMMENDATION:

Ms. Overstreet moved to approve PB 13-31 with the findings of fact and the Technical Review Committee recommendations included in the case analysis.

PLANNING BOARD DISCUSSION (1-14-14)

Mr. Hyman provided a brief overview of the request and will be glad to answer any questions from the Board.

Mr. Wright asked if any driveway would be added.

Ms. Glave stated no. Ms. Glave said the existing service entrance to this lot will be clearly marked as a service entrance and the traffic will be directed to enter the business from the existing, improved, driveway where the existing building is located.

Mr. Craddock asked if there will be allowed signage for the consumer to know that the second driveway is going to the auto sale lot?

Ms. Glave said there will be directional signage.

PLANNING BOARD ACTION

Ms. Overstreet moved to approve PB 13-31 with the findings of fact and the Technical Review Committee recommendations included in the case analysis. Mr. Wright seconded the motion. Motion carried unanimously.

Chairman O'Neal opened the Public Hearing.

Eddie Hyman, Hyman and Robey, was present to represent the applicant. He stated the application met all criteria and he was available for any questions.

Mr. McCord questioned the acreage to which Mr. Hyman replied 1.92 acres for the business. There would be additional screening and buffering.

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

Commissioner Petrey moved to approve PB 13-31 with the staff findings and recommendations included in the case analysis. Commissioner Martin seconded the motion. Motion carried unanimously.

B) PB 13-15 Water Supply Standards: Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to the county water supply system.

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

The following text amendment submitted by Mr. Eugene White is intended to amend the county's water supply standards to exempt subdivisions located more than one mile from a county water main from connecting to the system. 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 connection requirement has generally been successful in managing growth of the county water system; however, low density subdivisions that are located a long distance from an existing county water main are required to provide a cash deposit at a rate of cost plus 15 percent for future water system improvements. To date, subdivisions that have provided cash deposits have not connected to the county water system due to the lack of waterline extensions. The exemption submitted by Mr. White is included as **Option 1**.

The Technical Review Committee (TRC) reviewed this request and is recommending minor revisions to the original text amendment. Based on an analysis of the county water system, the TRC is recommending the exemption be for major subdivisions located one mile from an existing 6-inch or larger water main. The proposed amendment also includes minor text changes recommended by the Technical Review Committee and is intended to clarify terminology, remove the requirement to convert cash deposits to letters of credit, and provide consistency with the NC Fire Code. Revisions recommended by the TRC that are beyond the scope of the original text amendment are included in **Option 2**.

At the November 18 Board of Commissioners meeting, staff was directed to perform additional due diligence on the water supply standards requirement and provide a policy option at the February 3 Board meeting. The information will be presented at a work session prior to the public hearing.

BOARD OF COMMISSIONERS DISCUSSION (11/18/13)

There was discussion among the Commissioners and staff regarding the need for a comprehensive plan for county water expansion before action was taken on the requested text amendment, which would affect the entire county.

Chairman O'Neal opened the Public Hearing.

Eddie Hyman, Hyman and Robey, supported the amendment and noted the expense involved for his client if the amendment is denied.

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

Commissioner Aydlett moved to table PB 13-15 Water Supply Standards text amendment until the first meeting in February in order for county staff to develop a 10 year comprehensive water supply study for presentation to and adoption by the Board; and that upon adoption of the comprehensive water supply study, county staff draft and process for consideration by the Board a UDO text amendment to provide that proposed subdivisions within the water supply study area be required to connect to the county water system or provide a cash deposit for future connections and that proposed subdivisions outside the water supply study area be exempt from connections to the county water system or requirement to provide a cash deposit for future connections. Commissioner Martin seconded the motion. Motion carried unanimously.

BOARD OF COMMISSIONERS DISCUSSION (9/16/13)

Commissioner Petrey asked for clarification that the cash deposits were not for a bond and that the deposits would be held for three years. He also verified that a homeowner was not required to hook up even if central water were later provided.

Commissioner Aydlett questioned whether funds were for bringing water to site or for infrastructure within the subdivision.

Mr. Woody responded the funds were for water mains within the subdivision.

Chairman O'Neal asked if a developer requested rezoning outside the 1 mile radius, how the county would treat that request.

Mr. Woody responded, by either denying the rezoning or requiring it be served by county water.

Commissioner Aydlett verified that after three years, if water were provided to the subdivision, the onus for the infrastructure within the subdivision would fall on the County. He was concerned about pipe size sufficient for fire flow.

Chairman O'Neal confirmed with Mr. Woody that the Board is not required to follow the staff's recommendation on a rezoning.

Chairman O'Neal opened the Public Hearing.

Eddie Hyman, representing the applicant, Mr. White, supported the request since developers currently were having to put up thousands of dollars when the County's long term plan did not include providing water to those developers' sites. He pointed out that also in the text amendment was the requirement to provide fire protection in all developments of two lots or more. He requested that be changed to exempt minor subdivisions.

Chairman O'Neal questioned the use of minor subdivisions as a way to circumvent the ordinance while planning to develop many more lots; and, if that were the case, how the first five lots should be treated when further development occurs.

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

Commissioner Martin remarked the County was attempting to perform due diligence for future homeowners. All deserve fire protection. He felt further study was needed.

BOARD OF COMMISSIONERS ACTION

Commissioner Martin moved to continue for further discussion. Commissioner McCord seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (8/13/13)

Mr. Hyman stated he is representing Mr. Eugene White. Mr. Hyman stated this is a good idea for low-density subdivisions in rural areas of the county that are located more than one mile from the county water supply system.

The Planning Board discussed if a developer pays for a water line extension that there is some type of reimbursement for the developer.

Mr. Hyman stated this is a good idea, but not to amend this request.

PLANNING BOARD ACTION

Mr. Clark moved to request staff to develop a text amendment that will address reimbursement to the developer anytime they extend a county water line and the interconnectivity aspect. Mr. Craddock seconded the motion. Motion carried unanimously.

Mr. Cooper moved to approve PB 13-15 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Mr. Cartwright seconded the motion. Motion carried unanimously.

OPTION 1

PB 13-15

UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to 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.1, Exemptions, all development shall incorporate a water supply system in accordance with these standards.

Water Supply System Required

Every principal use and every buildable lot in a subdivision shall be served 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.

All buildable lots within a planned unit development or planned development shall be connected and serviced by a centralized water supply system.

All multi-family development and townhouse units shall be connected to and serviced by a centralized water supply 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.

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

Lots in a family subdivision (see Section 2.4.8);

Subdivisions in the Fruitville and Moyock-Gibbs Woods Townships;

Subdivisions where the distance to an existing water main exceeds the formula in Subsection (b) below; and

Subdivisions located more than one mile from an existing water main.

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 as measured along the probable route of the service line 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).

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. In no instance shall a performance guarantee be required for a development located more than one mile from an existing water main.

The total number of units in a development shall be determined by calculating the maximum number of units allowable for each proposed lot.

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.

Each individual dwelling unit shall be counted as one residential unit for the purposes of determining the maximum distance requirements for multi-family developments.

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 Subsection (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 ($10 \text{ units} \times 100$) + ($20 \text{ units} \times 20$).

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.

Centralized Water Supply System Configuration

The A new centralized water supply system, or proposed connection to an existing centralized 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 supply 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 supply system.

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

Connection Fees

All connection fees shall be paid for each residential lot or use that is required to be connected to the county water 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:

B. Water Supply for Fire Protection when not Served by ~~Public~~ Centralized Water Supply System

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

Item 3: That Section 10.5: Definitions is amended by adding the following underlined language, deleting the strikethrough language, and reordering alphabetically:

CENTRALIZED WATER SUPPLY SYSTEM

A system for the provision to the public of water for human consumption through pipes and other constructed conveyances if the system serves 15 or more service connections or which regularly serves 25 or more individuals. A centralized water supply system includes any collection, treatment, storage or distribution facility used primarily in connection with the system.

Item 4: 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.

OPTION 2
PB 13-15
UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to 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.1, Exemptions,~~ All development shall incorporate a water supply system in accordance with these standards.

Water Supply System Required

Every principal use and every buildable lot in a subdivision shall be served 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.

All buildable lots within a planned unit development or planned development shall be connected and serviced by a centralized water supply system.

All multi-family development ~~and townhouse units~~ shall be connected to and serviced by a centralized water supply 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.~~

Connection to Public County Water Supply System

Whenever it is legally possible and practicable in terms of topography and the County Engineer determines service is available the following development shall 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.~~ *(Staff Note: this subsection was previously listed as exemptions)*

~~Lots in a family subdivision (see Section 2.4.8) Minor subdivision lots (except family subdivisions) abutting an existing water main;~~

~~Subdivisions in the Fruitville and Moyock Gibbs Woods Townships; and;~~

Major Subdivisions and multi-family development abutting an where the distance to an existing water main or meeting the formula

~~requirements in subsection (b) below exceeds the formula in Section 6.2.3.D.3 Connection to Public Water Supply System; and~~
Major site plans abutting an existing water main or meeting the requirements in subsection (f) below.

~~Connection of individual lots to the future water main within an existing subdivision shall be the responsibility of the individual lot owners.~~

Connection to the county's water supply system shall be ~~considered impractical required~~ if the distance between the closest existing six-inch or larger county water main and the proposed development as measured along the probable route of the service line ~~exceeds~~ is within the following formula 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 or less~~ from an existing water main ~~to be considered impractical for connection shall connect~~ $(10 \text{ units} \times 100) + (20 \text{ units} \times 20)$.

~~However,~~ Where the distance to an existing six-inch or larger water main exceeds the formula above but is less than one mile, the subdivider/developer 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 Planning Director shall release the performance guarantee ~~shall automatically convert to an evergreen letter of credit.~~ In no instance shall a performance guarantee be required for a development located more than one mile to an existing six-inch or larger water main.

The total number of units in a development shall be determined by calculating the maximum number of units allowable for each proposed lot.

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.

Each individual dwelling unit shall be counted as one residential unit for the purposes of determining the maximum distance requirements for multi-family developments.

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 ($10 \text{ units} \times 100$) + ($20 \text{ units} \times 20$).

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.

Centralized Water Supply System Configuration

~~The~~ A new centralized water supply system, or proposed connection to an existing centralized water supply system, shall comply with the following requirements:

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

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

The ~~subdivider~~ developer 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 supply system.

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

Connection Fees

All connection fees shall be paid for each residential lot or use that is required to be connected to the county water 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:

C. Water Supply for Fire Protection when not Served by Public Centralized Water Supply System

~~*Major subdivisions Residential development containing 20 or more dwelling units and every nonresidential subdivision containing 10 or more lots and not served by a public*~~

centralized water supply system shall provide a supply of water for fire-fighting purposes in accordance with the following standards:

Item 3: That Section 10.5: Definitions is amended by adding the following underlined language, deleting the strikethrough language, and reordering alphabetically:

CENTRALIZED WATER SUPPLY SYSTEM

A system for the provision to the public of water for human consumption through pipes and other constructed conveyances if the system serves 15 or more service connections or which regularly serves 25 or more individuals. A centralized water supply system includes any collection, treatment, storage or distribution facility used primarily in connection with the system.

Item 4: 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.

Chairman O'Neal noted the Public Hearing was still open from a previous meeting.

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

Commissioner Martin moved to deny PB 13-15 due to its inconsistency with POLICY PP3 of the 2006 Land Use Plan and that the request is not reasonable and not in the public interest, does not address a demonstrated community need, and does not result in a logical and orderly development pattern. Commissioner Griggs seconded the motion. Motion carried unanimously.

New Business

A) Board Appointments

1. Reappointment of Jack Riggle to Whalehead Stormwater Drainage Service District Advisory Board

Commissioner Aydlett moved to reappoint Jack Riggle to the Whalehead Stormwater Drainage Service District Advisory Board. Motion carried unanimously.

B) Consent Agenda:

1. CDBG Monthly Status Report
2. Resolution to Surplus Library Book Drops
3. Recreation & Park Area Dedication: Payment In-Lieu
4. East Carolina Behavioral Health Fiscal Monitoring Report for Quarter Ending December 31,2013

5. Resolution Opposing Unfair Property Tax Increases

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

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regularly scheduled meeting held on February 3, 2014, authorized, pursuant to GS 160A and 270(b), that the property listed below be declared surplus and disposed of:

Library Items for Surplus

<u>Description</u>	<u>Service Tag #</u>	<u>Asset Tag</u>	<u>Item #</u>
Outdoor steel book return located at Shawboro	none	5378	none
Outdoor steel book return located at Moyock	none	4387	none
Outdoor steel book return located at Point Harbor	none	4388	none
Outdoor steel book return locate at Barco Library	none	none	none

Recreation & Park Area Dedication: Payment In-Lieu

The Unified Development Ordinance (UDO) provides that new residential development of six or more units shall dedicate land to the county for use in the development of recreation and park areas. The land offered for dedication is intended to serve the recreational needs of residents of the subdivision and development within the immediate area. Any land proposed for dedication as recreation and park area is required to meet standards included in the UDO. The county’s Technical Review Committee is responsible for applying the standards and determining if the proposed dedication is suitable for acceptance.

If the land offered for dedication does not comply with the standards included in the UDO, the Technical Review Committee shall require a payment-in-lieu instead of land dedication. The payment-in-lieu is calculated based upon the acreage of land otherwise required for dedication using the land’s assessed value. Payments-in-lieu received shall only be used for the acquisition or development of recreation and park areas that serve residents living in the immediate area of the development making the payment-in-lieu, consistent with the requirements of North Carolina General Statutes Section 153A-331.

There are five payment-in-lieu areas. These areas are established using existing and planned facilities identified in the county’s *Comprehensive Parks and Recreation Master Plan* adopted January 3, 2011. Payments-in-lieu received shall be used for land acquisition or park and recreation facilities in the area for which the payment is collected.

RESOLUTION OPPOSING UNFAIR PROPERTY INSURANCE INCREASES

WHEREAS, Currituck County is located in North Carolina Rate Bureau Homeowner Territories #7 and #48, which includes barrier islands along the northern North Carolina coast; and

WHEREAS, the homeowners in Territories #7 and #48 already have higher base rates for homeowners insurance than many other territories in the State of North Carolina; and

WHEREAS, excluding the other coastal territories, homeowners in Territories #7 and #48 currently pay base rates that are already 5 times higher than the base rate in many counties in central and western North Carolina with greater claims; and

WHEREAS, the NC Rate Bureau has filed a request for increased base rates that will be reviewed by the NC Commissioner of Insurance in the coming weeks; and

WHEREAS, the proposed increase in base rates for Territory #7 is 35% and #48 is 9.8%, which is significantly higher than the proposed increases in central and western North Carolina; and

WHEREAS, the 2014 proposed increase follows a recent rate increase of 17% for the Currituck Outer Banks in July 2013; and

WHEREAS, depending on policy renewal dates, some homeowners have yet to experience the brunt of the significant 2013 rate increases; and

WHEREAS, homeowners insurance represents a significant financial burden for our property owners, and this burden has a negative impact on family budgets, the regional tourism industry and the local real estate market; and

WHEREAS, there is a significant disparity in homeowners insurance rates across North Carolina, and this disparity is unfair to homeowners in coastal North Carolina, including Currituck County;

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners strongly encourages the NC Commissioner of Insurance to not only reject the proposed 35% and 9.8% increases on Territories #7 and #48 respectively, but also reject any and all homeowners insurance rate increases; and

BE IT FURTHER RESOLVED, that the Currituck County Board of Commissioners encourages the NC Commissioner of Insurance to work toward a fairer homeowners insurance rate structure for coastal North Carolina.

C) Commissioner's Report

Commissioner McCord commended Reggie Saunders and the NCDOT staff for the good job they did clearing highways during and after the recent snowstorm.

Commissioner Aydlett also commended NCDOT and the Sheriff’s Department. He announced the NCDOT public hearing meeting the following evening to address tolling the Knotts Island Ferry and thanked the Board of Commissioners and staff for supporting the Knotts Island citizens.

Chairman O’Neal stated that counties need to stand together to prevent tolls in Northeastern North Carolina. He also announced that Currituck County had received a Distinguished Partners in Education award for its partnership with College of the Albemarle.

D) County Manager’s Report

Dan Scanlon, County Manager, announced that the rating agency, Standard and Poor, had recently upgraded the County’s credit rating.

He also noted that an assessment had been done of North Carolina Election Offices and Currituck County’s was in the top 10, placing 7th, for accessibility and service.

Commissioner Aydlett moved to recess the regular meeting and reconvene as the Tourism Development Authority. Commissioner Petrey seconded the motion. Motion carried unanimously.

Special Meeting

Tourism Development Authority

A) TDA Budget Amendments

Dan Scanlon, County Manager, reviewed the Budget Amendment requests.

Commissioner Aydlett moved to approve the TDA Budget Amendments. Commissioner Griggs seconded the motion. Motion carried unanimously.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
15447-526650	Economic Development Appropriated Fund	\$ 150,000	
15390-499900	Balance		\$ 150,000
		<u>\$ 150,000</u>	<u>\$ 150,000</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations for construction of water and sewer lines for Economic Development projects.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$150,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-511000	Telephone & Postage	\$ 50,000	
15442-516000	Maintenance & Repair	\$ 6,000	
15442-514000	Travel	\$ 1,000	
15442-526200	Promotion		\$ 50,000
15442-590000	Capital Outlay		\$ 6,000
15442-514500	Training & Education		\$ 1,000
		<u>\$ 57,000</u>	<u>\$ 57,000</u>

Explanation: Occupancy Tax - Tourism Promotion (15442) - Transfer funds for promotion related operations for the remainder of this fiscal year.

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
15442-587010	T T - Operating Fund	\$ 12,000	
15320-415000	Occupancy Tax Fund		\$ 12,000
		<u>\$ 12,000</u>	<u>\$ 12,000</u>

Explanation: Occupancy Tax - Tourism Promotion (15442) - Increase appropriations for additional promotion at the airport and for Economic Development. (See B/A 2014051)

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$12,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-561000	Professional Services	\$ 10,000	
15320-415000	Occupancy Tax Fund		\$ 10,000
		\$ 10,000	\$ 10,000

Explanation: Occupancy Tax - Tourism Promotion (15442) - Increase appropriations for lobbyist to work on various tourist related issues.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$10,000.

Commissioner Aydlett moved to adjourn the Tourism Development Authority meeting and reconvene the regular Board of Commissioners meeting. Commissioner Petrey seconded the motion. Motion carried unanimously.

Adjourn

There being no further business, Commissioner Aydlett moved to adjourn. Commissioner Petrey seconded the motion. The meeting was adjourned.