



CURRITUCK COUNTY NORTH CAROLINA

September 3, 2019

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Sewer Discussion

The Board of Commissioners met at 5:00 PM in a work session to hold a discussion on Currituck County sewer and wastewater. County Manager, Ben Stikeleather, and Planning and Community Development Director, Laurie LoCicero, presented information on an applicant wanting to construct and operate a regional sewer plant to serve several developments in Moyock Township. The implications of bringing a regional plant to the location were presented for Board consideration, such as increased growth, higher density and impacts to the county wastewater service.

The Board confirmed expansion of the county's Moyock wastewater plant is to provide the ability to serve residential and commercial development in Currituck Station and commercial development outside of Currituck Station, and to focus utility investment within Currituck Station so greater densities can be concentrated there. Ms. LoCicero and County Engineer, Eric Weatherly, said they are working together to develop boundary maps and a long-term plan for county sewer. Mr. Stikeleather provided an update on sewer operations at various plant locations throughout the county.

Mr. Stikeleather reported that the school site selection team has chosen three properties as potential locations for construction of a new elementary school in Moyock. The Board agreed to allow Mr. Stikeleather to contact land owners to determine interest in selling land for a school site.

Hurricane Dorian evacuation plans were reviewed and the work session concluded at 5:50 PM.

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners held its regular meeting at 6:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Bob White	Chairman	Present	
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Absent	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	

Chairman White called the meeting to order.

A) Invocation & Pledge of Allegiance

Commissioner Paul Beaumont offered the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Mary Etheridge moved to approve the meeting agenda. The motion was seconded by Commissioner Jarvis. The motion carried.

Approved agenda:

Work Session

5:00 PM Sewer Discussion

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

Public Comment

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.

Commissioner's Report

County Manager's Report

Public Hearings

A) **PB 19-13 Currituck County:** Text amendment to the Unified Development Ordinance, Chapter 2. Administration, Chapter 6. Subdivision and Infrastructure Improvements, and Chapter 10. Definitions and Measurements, to limit minor subdivisions to those without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). It will also limit minor subdivisions from stripping out along existing NCDOT maintained roads. This text amendment does not apply to family subdivisions, a type of minor subdivision.

Old Business

A) **Consideration of An Ordinance Amending Article I, Chapter 13 and Article II, Chapter 13 of the Currituck County Code**

**of Ordinances to Provide for the Time Water and Sewer
Service is Committed to a Service Applicant**

New Business

A) Board Appointments

1. Carova Beach Road Service District Advisory
2. Ocean Sands N-Crown Point Watershed District Advisory

B) Consent Agenda

1. Approval Of Minutes for August 19, 2019
2. Budget Amendments

Adjourn

Special Meeting-Tourism Development Authority

TDA-Budget Amendments

Adjourn Special Meeting

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner

PUBLIC COMMENT

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.

Chairman White opened the Public Comment period. No one was signed up nor wished to speak and the Public Comment period was closed.

COMMISSIONER'S REPORT

Chairman White acknowledged the absence of Commissioner J. Owen Etheridge. He urged caution for citizens and relayed information on evacuations, possible road and bridge closures, storm preparation and post-storm action related to Hurricane Dorian.

Commissioner Payment discussed Hurricane Dorian and potential for area flooding. He encouraged citizens to take precautions and to monitor the county website for updates.

Commissioner Mary Etheridge reported on the North Carolina Association of County Commissioners (NCACC) annual conference she recently attended in Greensboro, North Carolina, and reviewed some of the speakers and sessions in which she participated.

Commissioner McCord discussed Hurricane Dorian and noted downed powerlines can be reported to Currituck non-emergency dispatch. He reminded everyone to have supplies on hand and to bring pets inside.

Commissioner Jarvis also reported on attending the NCACC annual conference and highlighted two interesting sessions, one on embezzlement and another on cyber attacks. She reported the planned Medicaid Transformation for North Carolina has been postponed due to budget delays at the state level.

COUNTY MANAGER'S REPORT

Ben Stikeleather reported on emergency preparations underway in anticipation of Hurricane Dorian, and Mary Beth News, Emergency Management Director, reviewed the most recent weather bulletin and provided general information for residents and property owners, including call center phone numbers. Commissioners thanked Ms. News for her work and Mr. Stikeleather announced that the county would be activating the Emergency Operations Center at 1 PM the following day.

PUBLIC HEARINGS

A. PB 19-13 Currituck County:

To: Board of Commissioners
Planning Board

From: Planning Staff

Date: August 7, 2019

Subject: PB 19-13 Currituck County Text Amendment – Minor Subdivisions

Background

At its January 2019 retreat, the Board of Commissioners directed staff to address the increasing use of minor subdivisions and the potential safety issue of subdivisions creating lots, thus driveways along existing roads. Minor subdivisions are divisions of land into 5 lots or less without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). Additionally, one of the revisions is required because of a change in general statutes.

In a 2017 interpretation from Department of Insurance, it was asserted that the NC Fire Code applied to subdivisions of 3 or more lots. Previously, the Fire Code was only applied to major subdivisions (more than 5 lots). The application of the fire code requires a road built to a certain standard and a fire hydrant or fire pond be installed. A higher level of review is required for subdivisions installing this type of infrastructure. This draft text amendment requires these subdivisions to be reviewed by the Technical Review Committee (TRC) (Planning, Building/Fire, Engineering, Water, Environmental Health, Stormwater, etc.) and can no longer be administratively approved by the Planning Director alone. It is important to note that these changes do not apply to family subdivisions.

It is important to note that limiting driveway cuts along existing roads preserves the traffic function of the road and minimizes traffic accidents. To have higher quality developments, it is important to mandate internal streets at two or more lots. This applies to minor and major subdivisions and is clarified in this text amendment.

Finally, the text amendment addresses a conflict with the Fire Code that requires “an unobstructed width of not less than 20 feet, exclusive of shoulders,” for access to newly created lots. To meet the Fire Code standards, Private Access Street standards (only allowed for family subdivisions or subdivisions serving two or fewer lots) are being adjusted to require 20' of all-weather surface road able to support 75,000 pounds instead of 16' that is currently required. The text also clarifies that that only one private access street is allowed per parent parcel.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

Staff recommends approval of this request subject to the staff suggested Statement of Consistency and Reasonableness listed in the staff report and the following text amendment standards:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
 - a. This request is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans. Please reference LUP policies HN 4, TR5, and CA 1.
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The request is in harmony with the UDO and the County Code of Ordinances.
3. Is required by changed conditions;
 - a. Since Fire Code standards apply to minor subdivisions that create more than two lots (except Family Subdivisions), additional infrastructure is required. It is necessary for more departments and agencies to review the subdivision request since the subdivision can no longer be administratively approved by the Planner Director. A full TRC review is necessary, just as major subdivisions are reviewed.
 - b. Fire Code access standards apply to all newly created lots (except Family Subdivisions).
 - c. As more subdivisions develop, the safety of the traveling public must be a primary concern.
4. Addresses a demonstrated community need;
 - a. Community health and safety is of utmost concern.
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
 - a. It will ensure efficiently and thoroughly vetted development within the county.
6. Would result in a logical and orderly development pattern; and
 - a. It is logical to require a full TRC review of subdivisions installing infrastructure and limiting excess driveway cuts along existing roads to create an orderly development pattern.
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
 - a. It should have no adverse impacts on the natural environment.

STAFF NOTE: At the Planning Board meeting, Sam Miller requested a 90 day effective date for the approved ordinance to allow projects with complete applications to be approved under the previous ordinance. The Planning Board generally agreed to a delayed effective date.

Planning Board Recommendation – August 13, 2019

Recommended approval as presented in staff report with change to Minor Subdivision Requirements, Section D.(2)(a)(iv) shall not front an existing NCDOT maintained public street unless the speed limit is 25 mph (or less) or 500 (or less) traffic count.

Planning Board Discussion:

Tammy Glave, Senior Planner presented the staff report and started with a clarification, stating you cannot have more than one access road per parent parcel. Ms. Glave also presented slides showing stripping out of lots, reviewed traffic counts of roads and gave the statement of consistency and reasonableness statement.

Ms. Krause said she believed this is a broad stroke labeling all and suggested the traffic count be incorporated.

Ms. LoCicero discussed the trip estimator.

Ms. Glave said this text amendment leads to higher quality developments having one road that leads into the development with parcel driveways off of that road.

Mr. Doll agreed that it would be better for the County to not allow stripping out.

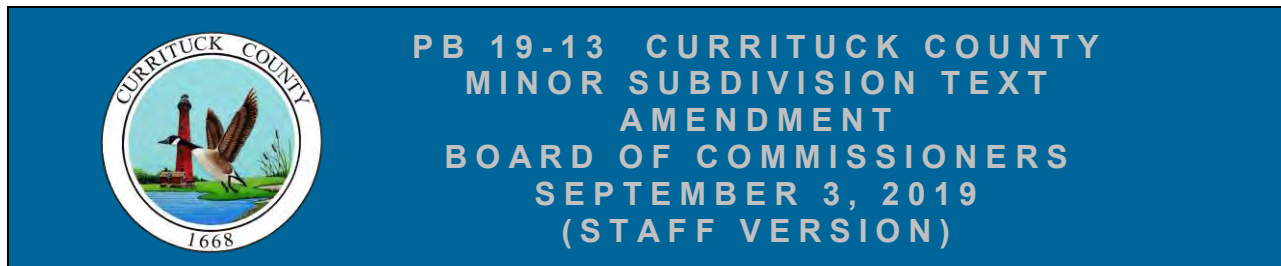
Chairman Ballance opened the public hearing Sam Miller came before the board stating his business address as 111 Commercial Drive, Suite B, Moyock. Mr. Miller spoke against the text amendment saying it should not be put on low traffic count roads. He referenced his development, Laural Woods, which has all NCDOT roads with 160 homes. He said just because you make it NCDOT roads shouldn't stop a person from building on it.

The board discussed having a 25 mph speed limit or less exemption.

Mark Bissell came before the board and said the speed limit in Launch Landing is 35 mph and they cannot change it to 25 mph. He suggested the board use 25 mph or below 500 traffic count.

Chairman Ballance asked for a motion. Ms. Krause motioned to approve as presented, but amend the wording to 25 mph and/or 500 traffic count.

Ms. Glave asked for clarification concerning the "and/or". Ms. Krause corrected her motion to approve as presented, but amend the wording to 25 mph or 500 traffic count. Chairman Ballance seconded the motion and the motion carried 4-1 with Mr. Doll voting nay.



Currituck County requests an amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 6 Subdivision and Infrastructure Improvements, and Chapter 10 Definitions and measurements, to limit minor subdivisions to those without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). It will also limit minor subdivisions from stripping out along existing NCDOT maintained roads. This text amendment does not apply to family subdivisions, a type of minor subdivision. Additionally, two of the changes are required because of a change in general statutes.

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 Chapter 2 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Section 2.4.8 Subdivisions:

2.4.8 Subdivision

C. Subdivisions Distinguished

There are three different types of subdivisions under this section: a no-review subdivision, a minor subdivision, and a major subdivision.

(1) No-Review Subdivision

A no-review subdivision is the division of land in a way that is not subject to review under this section, but is subject to compliance with all other applicable standards in this Ordinance and the County Code of Ordinances. No-review subdivisions consist of the division of land in one of the following ways:

- (i) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
- (ii) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. Each parcel that is part of the subdivision shall be greater than ten acres;
- (iii) The public acquisition by purchase of strips of land for the widening or opening of streets or provision of public utilities;
- (iv) The division of a tract of land in single ownership that is no greater than two acres in area into not more than three lots, when:
 - (A) No street right-of-way dedication is involved; and
 - (B) The resultant lots are equal to or exceed the standards of this Ordinance.

The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. (The division of land for the purpose of settling an estate is not a division of land for the purpose of sale or building development.)

Any map or plat related to a no-review subdivision intended for recordation shall bear the words "no approval required" and the signature of the Planning Director.

(2) Minor Subdivision

A minor subdivision consists of the division of land into **three** or fewer lots that does not constitute a no review subdivision **and does not require significant infrastructure improvements. For the purpose of this section, significant infrastructure includes but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.**

(3) Major Subdivision

All other subdivisions of land shall constitute a major subdivision.

D. Minor Subdivision

(2) Minor Subdivision Review Standards

(a) General Standards

A minor subdivision shall be approved on a finding that:

- (i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the

- standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- (ii) It complies with the dimensional standards of Chapter 3; It will result in **no more than three lots** created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions);
 - (iii) It **does not** front an existing NCDOT maintained public street or a private access street;
 - (iv) **The parent parcel and new parcel(s) shall front a private access street. The existing driveway to the parent parcel shall be removed if that driveway is not converted into the private access street to service the resultant parcels.**
 - (v) There is no public right-of-way dedication;
 - (vi) It does not create a private access street serving more than two lots unless it is a family subdivision;
 - (vii) Any private access street created complies with Section 6.2.1.B.1 Private Access Street Standards; and,
 - (viii) **It does not require significant infrastructure improvements. For the purpose of this section, significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.**

Item 2: That Chapter 6 is amended by and adding the bold and underlined language in Section 6.2. Required Infrastructure:

6.2.1 Street Standards

B. Exemptions

Private Access Streets

- (a) **A** streets within a family subdivision or serving a subdivision of two or fewer lots are exempted from the standards in this section, provided they are configured in accordance with Figure 6.2.1.B, Private Access Street Standards, and Section 6.2.1.C.4, Connection with State Streets.
- (b) **One private access street is allowed per parent parcel as it existed on April 2, 1989**
- (c) All subdivision plats served by private access streets shall bear the following notation:

“Private access streets do not meet the NCDOT’s minimum standards for the assumption of maintenance. Currituck County does not construct or maintain streets. Further subdivision of any lot shown on this plat may be prohibited by the Currituck County UDO unless the private access street is improved consistent with minimum NCDOT standards.”

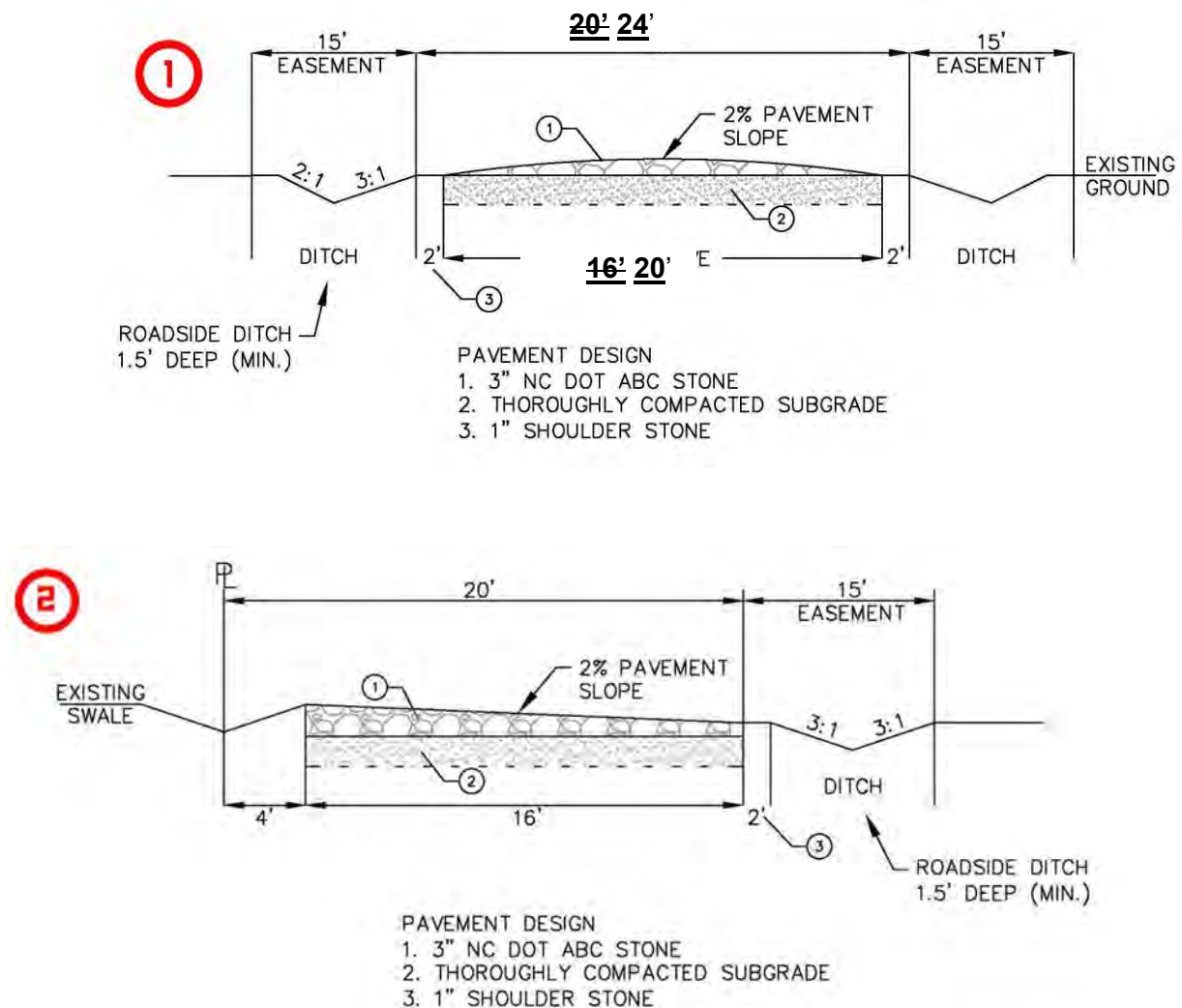
(Sections to be renumbered accordingly)

C. Street Access

- (1) **All lots must access the proposed internal subdivision street(s). Lots along existing NCDOT streets are prohibited unless exempted by this ordinance.**

(Sections to be renumbered accordingly)

Figure 6.2.1.B: Private Access Street Standards



Item 4: That Chapter 6 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Figure 6.2.1.D: Minimum Street Width Standards:

TABLE 6.2.1.D: MINIMUM STREET WIDTH STANDARDS

Subdivision Type	Minimum Right of Way Width (feet)	Local Street		Collector Street		NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
		Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)	Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)		
Family and <u>minor subdivisions</u>	20 24	46 20	2	N/A	N/A	No	No
Residential Subdivision	See NCDOT <i>Subdivision Roads Minimum Construction Standards Manual</i>					Yes	Yes
Nonresidential Subdivision						Yes	Yes
Conservation Subdivision	30	20 [1]	N/A	N/A	N/A	No	Yes
Planned Unit and Planned Development	30	20 [1]	N/A	N/A	N/A	No	Yes

NOTES:

[1] See Section 6.2.1.G for one-way street pavement width requirements

Item 5: That Chapter 10 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Section 10.5 Definitions:

Infrastructure

Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities, streets, sidewalks, stormwater systems, firefighting elements (i.e. ponds, hydrants, etc.), communications, and public facilities such as fire stations, parks, schools, government buildings, etc.

Subdivision, Minor

The division of land into three or fewer lots that does not constitute a no review subdivision, **and does not require significant infrastructure improvement. For the purpose of this section, significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.**

STREET STUB

A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

STREET, ARTERIAL ACCESS

A street that is parallel to and adjacent to a major arterial street and that is designed to provide access to abutting properties as means of protecting the arterial street's traffic carrying capacity.

STREET, COLLECTOR

A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and 800 trips per day.

STREET, CONNECTING

A streets which serve as the connecting road system between roads within a subdivision and the thoroughfare system.

STREET, CUL-DE-SAC

A local street that terminates in a vehicular turnaround.

STREET, DEAD-END

These are streets less than 2,500 feet in length, open at one end only without special provisions for turning around (i.e. cul-de-sac, T-intersection) and have no collector characteristics.

STREET, LOCAL

A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and less than 800 trips per day.

STREET, LOOP

A street that has its beginning and points on the same road.

STREET, MAJOR ARTERIAL

A street whose principal function is to carry large volumes of traffic at higher speeds from one part of the county to another. Specifically, the following streets shall be considered arterials: US 158, NC 168, NC 34, NC 136, NC 615 and NC 12 (Ocean Trail).

STREET, PRIVATE

A street other than a public street.

STREET, PRIVATE ACCESS

A street subject to the requirements of Section 6.2.1.B.1, Private Access Streets, that serves a family subdivision or a maximum of two lots.

STREET, PUBLIC

A public right-of-way for vehicular travel which has been designed, constructed and dedicated to and accepted by the North Carolina Department of Transportation (DOT) for public use or which has been otherwise obtained by DOT for such use or which is proposed to be constructed and then dedicated to and accepted by DOT as a public right-of-way for vehicular traffic for public use pursuant to this ordinance.

STREET, RESIDENTIAL COLLECTOR

a STREET WHICH SERVES AS A CONNECTING STREET BETWEEN LOCAL RESIDENTIAL ROADS AND THE THOROUGHFARE SYSTEMS. TYPES OF RESIDENTIAL COLLECTOR STREETS INCLUDE: DEAD END STREETS, CONNECTING STREETS, LOOP STREETS, AND SUBDIVISION ACCESS STREETS.

sSTREET, SUBDIVISION ACCESS

A ROAD BUILT THROUGH VACANT PROPERTY TO PROVIDE ACCESS TO THE PROPERTY BEING DEVELOPED. THIS ROAD WOULD NOT HAVE EXISTING LOTS PLATTED ALONG IT.

Item 6: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- POLICY HN4: Currituck County shall discourage all forms of housing from leapfrogging into the midst of farmland and rural areas, thereby eroding the agricultural resource base of the county.
- Policy TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.
- Policy CA1: The important economic, tourism, and community image benefits of attractive functional major highway corridors through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting, and tree preservation.

The request is reasonable and in the public interest because:

- A higher level of review is required for subdivisions installing significant infrastructure (i.e. roads installed to NCDOT standards, fire hydrants, fire ponds). This type of subdivision must

be reviewed by the Technical Review Committee and not administratively approved by the Planning Director alone.

- Limiting driveway cuts along existing roads preserves the traffic function of the road and minimizes traffic accidents.
- To have higher quality development, it is important to mandate internal streets at more than 2 lots.

Item 7: 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.

Item 8: This ordinance amendment shall be in effect from and after the _____ day of _____, 2019.

Laurie LoCicero, Planning and Community Development Director, reviewed the text amendment with the Board of Commissioners that modifies language in the Unified Development Ordinance (UDO) for Minor Subdivisions. She reviewed a version developed by the Planning Board as well as the version recommended by staff.

Ms. LoCicero used the overhead to display examples of minor subdivisions within the county. She responded to questions posed by Commissioners and provided additional explanation as requested by the Board. Language related to speed limits and average daily trips were reviewed and concerns were raised over traffic safety and increased congestion due to curb cuts. Fire safety codes, fireflows and subdivision requirements for fire safety and response were discussed.

Commissioner Beaumont expressed disagreement with fire pond requirements for minor subdivisions. There was discussion around water shuttling for fire response, and that it be offered as an option to meet state requirements once fire departments are certified.

Ms. LoCicero said staff suggests a sixty to ninety day delayed effective date to allow for submittal of projects in process.

Chairman White opened the Public Hearing.

Mark Bissell, Engineer, talked about discussion at the Planning Board meeting pertaining to the language regarding driveway cuts being too restrictive. He provided a scenario whereby a developer would not be allowed to build along a state maintained roadway. Ms. LoCicero confirmed that building is not prohibited but a different process for approval would be required.

No others were signed up nor wished to speak and the Public Hearing was closed.

Commissioner McCord made a motion to continue the item to the next meeting but the motion died for lack of a second.

Commissioner Jarvis moved to approve PB 19-13, as written by staff, because the request is consistent with the Land Use Plan because:

- It discourages subdivisions from leapfrogging into the midst of farmland and rural areas as this erodes the agricultural resource base of the county. (Policy HN 4)
- It preserves the traffic moving function of the County's primary roads, minimizes traffic accidents and avoids land locking interior land parcels with strip residential development on the county's main roads which allow for more steady traffic movement and minimizes traffic accidents from excess driveway cuts/usage (Policy TR5).
- It provides for more functional highway corridors by limiting the number of driveway accesses along those corridors. (Policy CA1)

And the request is reasonable and in the public interest because:

- Since Fire Code standards apply to minor subdivisions that create more than two lots (except Family Subdivisions), additional infrastructure is required. It is necessary for more departments and agencies to review the subdivision request since the subdivision can no longer be administratively approved by the Planner Director. A full Technical Review Committee review is necessary, just as major subdivisions are reviewed.
- It is logical to require a full TRC review of subdivisions installing infrastructure and limiting excess driveway cuts along existing roads to create an orderly development pattern.

The motion was seconded by Commissioner Mary Etheridge. The motion carried.

RESULT:	MOTION PASSED-ITEM APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner

OLD BUSINESS

A. Consideration of An Ordinance Amending Article I, Chapter 13 and Article II, Chapter 13 of the Currituck County Code of Ordinances to Provide for the Time Water and Sewer Service is Committed to a Service Applicant

County Attorney, Ike McRee, reviewed the ordinance amendment with the Board of Commissioners, first considered at the August 19, 2019 Commissioners meeting. As this was a second reading, the ordinance could be adopted by a simple majority vote. The ordinance modifies the time for payment of system development fees for water and sewer. After review of modifications, Mr. McRee repeated thoughts expressed at the first reading. Although unlikely, he cautioned that delaying fee payments until building permits are issued could create a circumstance in which the county may not be able to provide water service to a particular lot.

Commissioner Mary Etheridge moved for approval of the ordinance amending Article I and Division 3, Article II, Chapter 13 of the Currituck County Code of Ordinances to

provide for the time water and sewer service is committed to a service applicant.

The motion was seconded by Commissioner Payment. The motion carried.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING ARTICLE I AND DIVISION 3, ARTICLE II, CHAPTER 13 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO PROVIDE FOR PAYMENT OF SYSTEM DEVELOPMENT FEES

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §§153A-275 a county may adopt adequate and reasonable rules to regulate a public enterprise belonging to or operated by it.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting section 13-1 to read as follows:

Sec. 13-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means a structure as defined in the state building code.

Connection means that part of the water service line which runs from the main to the property line, including all appurtenances to make the service complete and ready for use.

Consumer means the person legally or equitably responsible for the payment of charges for water or sewer rent on any premises.

Easement means an acquired legal right for the specific use of land owned by others.

Improved street means any street having a wearing surface of concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral means that portion of the water connection which does not include meter, box or meter setter or connection.

Main means the water pipe, usually laid in a street running parallel to the property line, which distributes water.

Mainland Water System (MWS) means the county's water system whose service area is currently located on the county mainland as opposed to the outer banks area of the county.

Occupant means the consumer who is actually in possession or control of any premises.

Ocean Sands Water System (OSWS) means the water system that is in the Ocean Sands Water and Sewer District. Such district established and delineated by a resolution of the board of commissioners.

Owner means the person having legal or equitable title to any premises.

Premises means land, building, or other structure and appurtenances thereto.

Service line means a water line which may service a house, business, apartments, etc., which runs from the street to the establishment being served.

Superintendent means the director of public works, or his authorized deputy, agent or representative.

Southern Outer Banks Water System (SOBWS) means the county's water system whose service area is currently on the county's southern outer banks between the Dare County line and the Corolla Village area.

System Development Fee means a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to new development, to recoup costs of existing facilities which serve new development, or combination of those costs. All projects for which a building permit is issued or site plan approval is issued or otherwise when a building or other structure or use shall be erected, moved, added to, or structurally altered will be assessed a system development fee in accordance with section 13-10.

Usual conditions means delays in acquiring materials, parts and/or supplies, rock encountered in construction and other items which might cause delays not under the control of the county.

PART II. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting section 13-10 to read as follows:

Sec. 13-10. - Impact fees, system development fees, tap-on fees, rates.

All connections are subject to the rates and fee schedules which shall be established from time to time by the board of commissioners for the respective county water systems and the classification of the service involved. System development fees shall be paid at the time of application for a building permit or site plan approval. If building permit or site plan approval is not required, no building or other structure or use shall be erected, moved, added to, or structurally altered until the applicant has paid the required system development

fee.

PART III. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting section 13-136(c) to read as follows:

(c) *Definitions.* Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

(1) *Act or the Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.

(2) *Approval authority* shall mean the Director of the Division of Water Quality of the North Carolina Department of Environment, and Natural Resources or his designee.

(3) *Board* shall mean the members of the Currituck County Board of Commissioners.

(4) *Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees centigrade, expressed in terms of weight and concentration, milligrams per liter (mg/l).

(5) *Building sewer* shall mean a sewer conveying wastewater from the premises of a user to the System.

(6) *Department of environment and natural resources or NCDENR* shall mean the North Carolina Department of Environment and Natural Resources, Division of Water Quality or its successor. For the purposes of this section references to the division of water quality or DWQ shall be deemed to be DENR.

(7) *Director* shall mean the Currituck County Public Utilities Director.

(8) *Domestic user* shall mean any person who discharges domestic wastewater to the public sanitary sewer.

(9) *Domestic wastewater* shall mean wastewater generated from normal human living processes which have constituent strength within the range defined for standard strength wastewater, and which contains no constituents of a quantity or concentrations exceeding the limits stated in section 13-142. Normal human living processes include wastewater from bathroom and toilets, noncommercial kitchens and non-industrial and noncommercial laundries. The discharge rate shall not exceed 25,000 gallons per day.

(10) *Environmental Protection Agency (EPA)* shall mean the United States Environmental Protection Agency.

(11) *Flow* shall mean the quantity of wastewater expressed in gallons or cubic feet per 24 hours.

(12) *Grease interceptor* shall mean any device constructed in conformity with the plumbing code, operated by the customer of the wastewater system for removing oil and grease before contributing liquid wastes to the wastewater system.

(13) *Hauled wastewater* shall mean any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, grease/grit interceptors, and vacuum-pump tank trucks.

(14) *Indirect discharge* or *discharge* shall mean the discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(15) *Industrial user* or *user* shall mean any person which is a source of indirect discharge.

(16) *Industrial wastewater* shall mean the wastewater generated from activities, operations or processes which require water and which add to the wastewater pollutant constituents at a strength or at a quantity or concentration exceeding allowable limits defined in section 13-142 of this article.

(17) *Interference* shall mean the inhibition, or disruption of the district treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any state or federal requirements or prevents sewage sludge disposal in compliance with specified applicable state and federal statutes.

(18) *Medical waste* shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(19) *Owner* shall mean the fee simple owner of real property whose premises is or can be provided utility service by the district.

(20) *POTW treatment plant* shall mean the portion of the POTW designed to provide treatment to wastewater.

(21) *Pretreatment regulations* shall mean the introduction of pollutants or wastes into the POTW from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

(22) *Publicly owned treatment works (POTW)* shall mean the treatment works as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works plant.

(23) *Significant industrial user* shall mean (1) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and (2) any other industrial user that:

discharges an average of 25,000 gallons per day or more of process wastewater to the POTW treatment plant (excluding sanitary wastewater); contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the Currituck County Public Utilities Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW treatment plant's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(24) *Suspended solids* shall mean the total suspended matter that floats on the surface of, or is suspended in wastewater, and which is removable by a standard glass fiber filter.

(25) *System Development Fee* means a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to new development, to recoup costs of existing facilities which serve new development, or combination of those costs. If the new development involves the subdivision of land, the system development fee shall be assessed when the final plat is recorded. If the new development involves construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land, which increases the number of service units, the system development fee shall be assessed at application for connection of an individual unit of development.

~~(25)~~ (26) *User* shall mean any person who discharges, causes, or permits the discharge of wastewater into the POTW.

~~(26)~~ (27) *Wastewater* shall mean the liquid and water-carried domestic wastes from dwellings, commercial buildings, and mobile sources, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

PART IV. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Sec. 13-138(a) to read as follows:

Sec. 13-138. - Procedures for new connections.

(a) *Application for service.* An owner or developer proposing to extend utility lines and/or to make other improvements to be served by the district shall first obtain approval by the district. If the new development involves the subdivision of land, the system development fee shall be assessed when the final plat is recorded. If the new development involves construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land, which increases the number of service units, the system development fee shall be assessed at application for connection of an individual unit of development.

The applicant shall employ at the applicant's expense an engineer registered in the State of North Carolina to prepare plans for the project. Approval of plans or specifications for a project does not relieve the owner/developer/applicant from meeting the requirements or obtaining other approvals that may be necessary for other regulating agencies including but not limited to Currituck County, North Carolina Department of Transportation, and North Carolina Department of Environment and Natural Resources. The submission of a master plan and/or engineering report may be required at the discretion of the director in addition to plans and specifications and other documentation described herein.

The applicant shall construct infrastructure to be accepted by the district utilizing the district-approved technical standards and specifications. No extension to the sanitary sewer system of the district shall be made and no application shall be approved except in accordance with the requirements of this article.

PART V. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART VI. This ordinance is effective upon adoption.

ADOPTED this 3rd day of September, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner

NEW BUSINESS

A) Board Appointments**1. Carova Beach Road Service District Advisory**

Chairman White moved to approve appointments to the Carova Beach Road Service District Advisory as presented and reappointed Kimberlee Hoey and Jay Laughmiller. Each will serve full terms expiring August, 2021. The motion was seconded by Commissioner Beaumont. The motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner

2. Ocean Sands N-Crown Point Watershed District Advisory

Chairman White moved for approval of the following nominees to serve on the Ocean Sands North/Crown Point Watershed District Advisory. The motion was seconded by Commissioner Jarvis. The motion carried.

Appointments:

Gemma Green to replace Al Marzetti-Unexpired term ending June, 2021
Robert Peters to replace Gerrilea Adams-Unexpired term ending June, 2020
Joseph Cassidy to replace Barbara Marzetti-Unexpired term ending June, 2020

Reappointments:

Ed Pence-2nd term ending June, 2021
Linda Garczynski-2nd term ending June, 2021

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner

B) Consent Agenda

Commissioner Beaumont moved to approve the Consent Agenda. The motion was seconded by Commissioner Payment and the motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner

1) Approval Of Minutes for August 19, 2019

1. Approval of Minutes for August 19, 2019

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
29690-590000	Capital Outlay	\$ 116,000	
29380-482000	Miscellaneous		\$ 116,000
		\$ 116,000	\$ 116,000

Explanation: Equipment Replacement (29690) - Increase appropriations for insurance payments for Moyock fire truck that will be used toward the purchase of a new truck this fiscal year.

Net Budget Effect: Equipment Replacement Fund (29) - Increased by \$116,000.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10330-449900	Misc Grants		\$ 1,500
10510-536000	Sheriff's Uniforms	\$ 1,500	
		\$ 1,500	\$ 1,500

Explanation: Sheriff (10510) - Increase appropriations to record bullet-proof vest grant from NC Association of County Commissioners.

Net Budget Effect: Operating Fund (10) - Increased by \$1,500.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
220548-590000	Capital		\$ 10,500
220548-532015	Supplies	\$ 5,500	
220548-536015	Uniforms	\$ 5,000	
		\$ 10,500	\$ 10,500
Explanation: Knotts Island Fire Services (220548) - Transfer budgeted funds for personal protective equipment, tools and mattresses originally budgeted in capital outlay, but below the capital outlay threshold.			
Net Budget Effect: Knotts Island Fire Fund (220) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10461-502000	Salaries - Regular	\$ 75,000	
10461-505000	FICA Expense	\$ 5,738	
10461-506000	Health Insurance	\$ 15,876	
10461-507000	Retirement	\$ 11,025	
10380-481000	Investment Earnings		\$ 50,000
10390-499900	Appropriated Fund Balance		\$ 57,639
		\$ 107,639	\$ 107,639
Explanation: Public Utilities (10461) - Increase appropriations for 2 additional Wastewater Operators for the Public Utilities Department. These two positions are budgeted for 10 months for this fiscal year.			
Net Budget Effect: Operating Fund (10) - Increased by \$107,639.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
210541-590000	Capital Outlay		\$ 16,100
210541-536000	Uniforms	\$ 12,500	
210541-532000	Supplies	\$ 3,600	
		\$ 16,100	\$ 16,100

Explanation: Corolla Fire Services (210541) - To reclassify budget for approved PPE, water rescue boards, and wet suits.

Net Budget Effect: Corolla Fire District (210) - No change.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
50448-590001	Boat Facility/Corolla Hist Park	\$ 100,000	
50390-495015	T F - Occupancy Tax		\$ 100,000
		\$ 100,000	\$ 100,000

Explanation: Corolla Boat Facility (50448) - Increase appropriations to provide temporary restrooms during the construction period.

Net Budget Effect: County Governmental Construction (50) - Increased by \$100,000.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10752-532003	Supplies-Spec Adopt.	\$ 12,903	
10390-499900	Fund Appropriate Balance		\$ 12,903
		\$ 12,903	\$ 12,903

Explanation: Public Assistance (10752) - Carry-forward Special Adoption Assistance funds from prior fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$12,903.

ADJOURN**Motion to Adjourn Meeting**

There was no further business and Commissioner Jarvis made a motion to adjourn. The motion was seconded by Commissioner Mary Etheridge. The motion carried and the regular meeting of the Board of Commissioners adjourned at 7:12 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner

SPECIAL MEETING-TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners held a Special Meeting sitting as the Tourism Development Authority on September 3, 2019, immediately following adjournment of the 6:00 PM regular meeting of the Board of Commissioners. The Special Meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering Budget Amendments.

Chairman White convened the meeting at 7:12 PM.

TDA-Budget Amendments

County Manager, Ben Stikeleather, reviewed the budget amendments for Board consideration.

The first budget amendment increased appropriations to provide for temporary public restrooms during construction of the Historic Boat Museum, which will include new public restroom facilities.

Chairman White moved for approval. The motion was seconded by Commissioner Mary Etheridge. The motion carried.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-587050	T T - Co Govt Facilities Fund	\$ 100,000	
15320-415000	Occupancy Tax		\$ 100,000
		\$ 100,000	\$ 100,000
Explanation:		Occupancy Tax - Tourism Related (15447) - Increase appropriations for temporary restrooms to serve the Historic Corolla Park and the Lighthouse during the construction of the Boat Museum which will include public restrooms. The current restrooms will be demolished as a part of this project.	
Net Budget Effect:		Occupancy Tax Fund (15) - Increased by \$100,000.	

RESULT: APPROVED [UNANIMOUS]
MOVER: Bob White, Chairman
SECONDER: Mary "Kitty" Etheridge, Commissioner
AYES: Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT: J. Owen Etheridge, Commissioner

TDA-Budget Amendments

The second Budget Amendment provides additional funds for increased costs related to credit card processing, insurance, and licensing fees.

Chairman White moved to approve and the motion was seconded by Commissioner McCord. The motion carried.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15442-545100	Credit Card Processing Fees	\$ 5,000	
15442-554000	Insurance & Bonds	\$ 408	
15447-557100	Software License Fee	\$ 1,620	
15380-481000	Investment Earnings		\$ 7,028
		\$ 7,028	\$ 7,028
Explanation:		Occupancy Tax - Promotion (15442); Tourism Related (15447) - Increase appropriations for increased cost of credit card processing, artifact insurance and software license fees.	
Net Budget Effect:		Occupancy Tax Fund (15) - Increased by \$7,028.	

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner

ADJOURN SPECIAL MEETING

Having no further business, Commissioner Jarvis made a motion to adjourn. The motion was seconded by Commissioner Mary Etheridge. The motion carried and the Special Meeting of the Tourism Development Authority adjourned at 7:13 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	J. Owen Etheridge, Commissioner

**Currituck County**

Planning and Community Development Department

Planning and Zoning Division

153 Courthouse Road Suite 110

Currituck NC 27929

252-232-3055 Fax 252-232302

To: Board of Commissioners
Planning Board

From: Planning Staff

Date: August 7, 2019

Subject: PB 19-13 Currituck County Text Amendment – Minor Subdivisions

Background

At its January 2019 retreat, the Board of Commissioners directed staff to address the increasing use of minor subdivisions and the potential safety issue of subdivisions creating lots, thus driveways along existing roads. Minor subdivisions are divisions of land into 5 lots or less without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). Additionally, one of the revisions is required because of a change in general statutes.

In a 2017 interpretation from Department of Insurance, it was asserted that the NC Fire Code applied to subdivisions of 3 or more lots. Previously, the Fire Code was only applied to major subdivisions (more than 5 lots). The application of the fire code requires a road built to a certain standard and a fire hydrant or fire pond be installed. A higher level of review is required for subdivisions installing this type of infrastructure. This draft text amendment requires these subdivisions to be reviewed by the Technical Review Committee (TRC) (Planning, Building/Fire, Engineering, Water, Environmental Health, Stormwater, etc.) and can no longer be administratively approved by the Planning Director alone. It is important to note that these changes do not apply to family subdivisions.

It is important to note that limiting driveway cuts along existing roads preserves the traffic function of the road and minimizes traffic accidents. To have higher quality developments, it is important to mandate internal streets at two or more lots. This applies to minor and major subdivisions and is clarified in this text amendment.

Finally, the text amendment addresses a conflict with the Fire Code that requires “an unobstructed width of not less than 20 feet, exclusive of shoulders,” for access to newly created lots. To meet the Fire Code standards, Private Access Street standards (only allowed for family subdivisions or subdivisions serving two or fewer lots) are being adjusted to require 20’ of all-weather surface road able to support 75,000 pounds instead of 16’ that is currently required. The text also clarifies that that only one private access street is allowed per parent parcel.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

Staff recommends approval of this request subject to the staff suggested Statement of Consistency and Reasonableness listed in the staff report and the following text amendment standards:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
 - a. This request is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans. Please reference LUP policies HN 4, TR5, and CA 1.
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The request is in harmony with the UDO and the County Code of Ordinances.
3. Is required by changed conditions;
 - a. Since Fire Code standards apply to minor subdivisions that create more than two lots (except Family Subdivisions), additional infrastructure is required. It is necessary for more departments and agencies to review the subdivision request since the subdivision can no longer be administratively approved by the Planner Director. A full TRC review is necessary, just as major subdivisions are reviewed.
 - b. Fire Code access standards apply to all newly created lots (except Family Subdivisions).
 - c. As more subdivisions develop, the safety of the traveling public must be a primary concern.
4. Addresses a demonstrated community need;
 - a. Community health and safety is of utmost concern.
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
 - a. It will ensure efficiently and thoroughly vetted development within the county.

6. Would result in a logical and orderly development pattern; and
 - a. It is logical to require a full TRC review of subdivisions installing infrastructure and limiting excess driveway cuts along existing roads to create an orderly development pattern.
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
 - a. It should have no adverse impacts on the natural environment.

STAFF NOTE: At the Planning Board meeting, Sam Miller requested a 90 day effective date for the approved ordinance to allow projects with complete applications to be approved under the previous ordinance. The Planning Board generally agreed to a delayed effective date.

Planning Board Recommendation – August 13, 2019

Recommended approval as presented in staff report with change to Minor Subdivision Requirements, Section D.(2)(a)(iv) shall not front an existing NCDOT maintained public street unless the speed limit is 25 mph (or less) or 500 (or less) traffic count.

Planning Board Discussion:

Tammy Glave, Senior Planner presented the staff report and started with a clarification, stating you cannot have more than one access road per parent parcel. Ms. Glave also presented slides showing stripping out of lots, reviewed traffic counts of roads and gave the statement of consistency and reasonableness statement.

Ms. Krause said she believed this is a broad stroke labeling all and suggested the traffic count be incorporated.

Ms. LoCicero discussed the trip estimator.

Ms. Glave said this text amendment leads to higher quality developments having one road that leads into the development with parcel driveways off of that road.

Mr. Doll agreed that it would be better for the County to not allow stripping out.

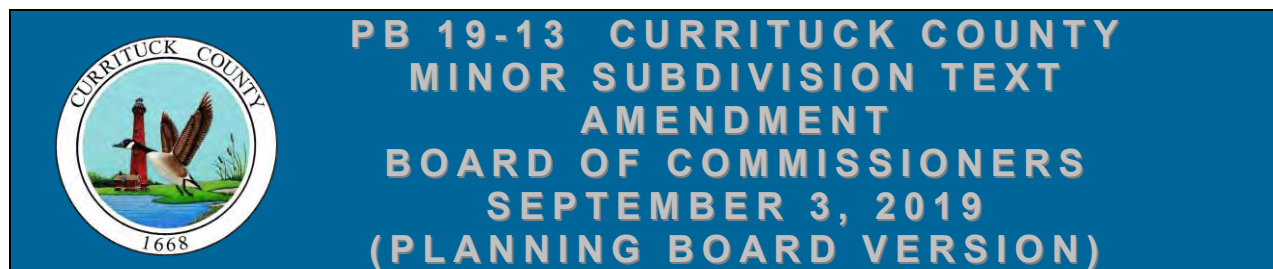
Chairman Ballance opened the public hearing Sam Miller came before the board stating his business address as 111 Commercial Drive, Suite B, Moyock. Mr. Miller spoke against the text amendment saying it should not be put on low traffic count roads. He referenced his development, Laural Woods, which has all NCDOT roads with 160 homes. He said just because you make it NCDOT roads shouldn't stop a person from building on it.

The board discussed having a 25 mph speed limit or less exemption.

Mark Bissell came before the board and said the speed limit in Launch Landing is 35 mph and they cannot change it to 25 mph. He suggested the board use 25 mph or below 500 traffic count.

Chairman Ballance asked for a motion. Ms. Krause motioned to approve as presented, but amend the wording to 25 mph and/or 500 traffic count.

Ms. Glave asked for clarification concerning the "and/or". Ms. Krause corrected her motion to approve as presented, but amend the wording to 25 mph or 500 traffic count. Chairman Ballance seconded the motion and the motion carried 4-1 with Mr. Doll voting nay.



Currituck County requests an amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 6 Subdivision and Infrastructure Improvements, and Chapter 10 Definitions and measurements, to limit minor subdivisions to those without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). It will also limit minor subdivisions from stripping out along existing NCDOT maintained roads. This text amendment does not apply to family subdivisions, a type of minor subdivision. Additionally, two of the changes are required because of a change in general statutes.

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 Chapter 2 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Section 2.4.8 Subdivisions:

2.4.8 Subdivision

C. Subdivisions Distinguished

There are three different types of subdivisions under this section: a no-review subdivision, a minor subdivision, and a major subdivision.

(1) No-Review Subdivision

A no-review subdivision is the division of land in a way that is not subject to review under this section, but is subject to compliance with all other applicable standards in this Ordinance and the County Code of Ordinances. No-review subdivisions consist of the division of land in one of the following ways:

- (i) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
- (ii) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. Each parcel that is part of the subdivision shall be greater than ten acres;
- (iii) The public acquisition by purchase of strips of land for the widening or opening of streets or provision of public utilities;

- (iv) The division of a tract of land in single ownership that is no greater than two acres in area into not more than three lots, when:
 - (A) No street right-of-way dedication is involved: and
 - (B) The resultant lots are equal to or exceed the standards of this Ordinance.
- (v) **The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. (The division of land for the purpose of settling an estate is not a division of land for the purpose of sale or building development.)**

Any map or plat related to a no-review subdivision intended for recordation shall bear the words “no approval required” and the signature of the Planning Director.

(2) **Minor Subdivision**

A minor subdivision consists of the division of land into **three** or fewer lots that does not constitute a no review subdivision **and does not require significant infrastructure improvements. For the purpose of this section, significant infrastructure includes but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.**

(3) **Major Subdivision**

All other subdivisions of land shall constitute a major subdivision.

D. Minor Subdivision

(2) **Minor Subdivision Review Standards**

(a) **General Standards**

A minor subdivision shall be approved on a finding that:

- (i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- (ii) It complies with the dimensional standards of Chapter 3;
- (iii) It will result in **no more than three lots** created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions);

- (iv) It **shall not** fronts an existing NCDOT maintained public street **unless** or a private access street;
 1. **The NCDOT maintained public street has an Average Annual Daily Traffic Count (AADT) provided by NCDOT indicating 500 or fewer average annual daily trips; or,**
 - a. **If NCDOT does not have an AADT for the street the application must consult NCDOT to request a study or provide a traffic study by a NC Licensed Engineer quantifying AADT for the street.**
 2. **The posted maximum speed enforceable by NC Highway Patrol or Currituck County Sheriff's Department is less than 25 miles per hour,**
- (v) **The parent parcel and new parcel(s) shall front a private access street, if installed. The existing driveway to the parent parcel shall be removed if that driveway is not converted into the private access street to service the resultant parcels.**
- (vi) There is no public right-of-way dedication;
- (vii) It does not create a private access street serving more than two lots unless it is a family subdivision;
- (viii) Any private access street created complies with Section 6.2.1.B.1 Private Access Street Standards; and,
- (ix) **It does not require significant infrastructure improvements. For the purpose of this section, significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.**

Item 2: That Chapter 6 is amended by and adding the bold and underlined language in Section 6.2. Required Infrastructure:

6.2.1 Street Standards

B. Exemptions

(1) Private Access Streets

- a. **A** streets within a family subdivision or serving a subdivision of two or fewer lots are exempted from the standards in this section, provided they are configured in accordance with Figure 6.2.1.B, Private Access Street Standards, and Section 6.2.1.C.4, Connection with State Streets.

- b. **One private access street is allowed per parent parcel as it existed on April 2, 1989**

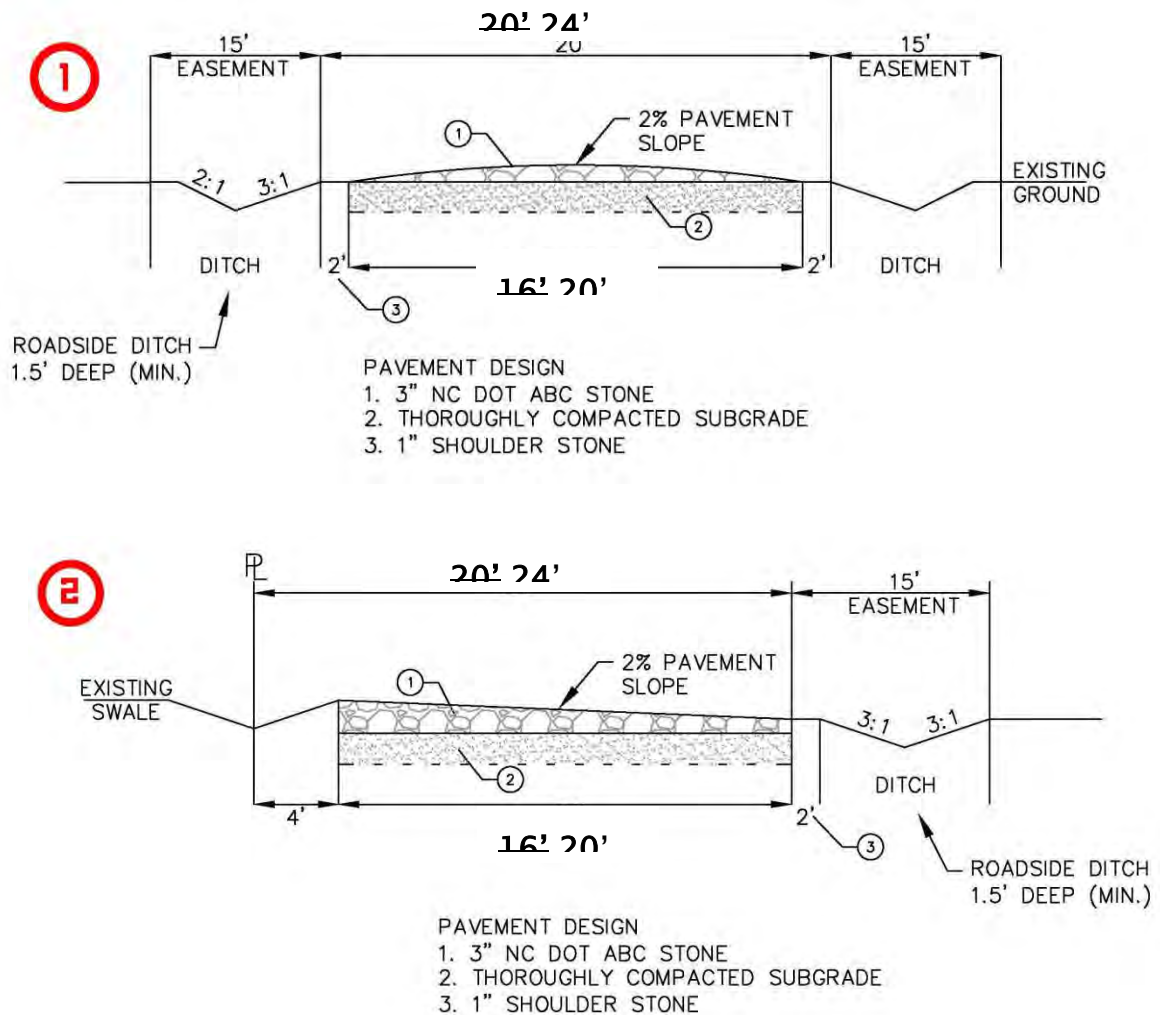
(Sections to be renumbered accordingly)

C. Street Access

- (1) **All lots must access the proposed internal subdivision street(s). Lots along existing NCDOT streets are prohibited unless exempted in this ordinance.**

(Sections to be renumbered accordingly)

Figure 6.2.1.B: Private Access Street Standards



Item 4: That Chapter 6 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Figure 6.2.1.D: Minimum Street Width Standards:

TABLE 6.2.1.D: MINIMUM STREET WIDTH STANDARDS							
Subdivision Type	Minimum Right of Way Width (feet)	Local Street		Collector Street		NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
		Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)	Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)		
Family and <u>minor subdivisions</u>	30	16	2	N/A	N/A	No	No
Residential Subdivision	See NCDOT <i>Subdivision Roads Minimum Construction Standards</i> Manual					Yes	Yes
Nonresidential Subdivision						Yes	Yes
Conservation Subdivision	30	20 [1]	N/A	N/A	N/A	No	Yes
Planned Unit and Planned Development	30	20 [1]	N/A	N/A	N/A	No	Yes

NOTES:

[1] See Section 6.2.1.G for one-way street pavement width requirements

Item 5: That Chapter 10 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Section 10.5 Definitions:

ANNUAL AVERAGE DAILY TRAFFIC (AADT)

The traffic average for a specific year at specific points on North Carolina's roads as provided by the North Carolina Department of Transportation.

INFRASTRUCTURE

Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities, streets, sidewalks, stormwater systems, firefighting elements (i.e. ponds, hydrants, etc.), communications, and public facilities such as fire stations, parks, schools, government buildings, etc.

SUBDIVISION, MINOR

The division of land into **three** or fewer lots that does not constitute a no review subdivision, **and does not require significant infrastructure improvement. For the purpose of this section, significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.**

STREET STUB

A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

STREET, ARTERIAL ACCESS

A street that is parallel to and adjacent to a major arterial street and that is designed to provide access to abutting properties as means of protecting the arterial street's traffic carrying capacity.

STREET, COLLECTOR

A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and 800 trips per day.

STREET, CONNECTING

A streets which serve as the connecting road system between roads within a subdivision and the thoroughfare system.

STREET, CUL-DE-SAC

A local street that terminates in a vehicular turnaround.

STREET, DEAD-END

These are streets less than 2,500 feet in length, open at one end only without special provisions for turning around (i.e. cul-de-sac, T-intersection) and have no collector characteristics.

STREET, LOCAL

A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and less than 800 trips per day.

STREET, LOOP

A street that has its beginning and points on the same road.

STREET, MAJOR ARTERIAL

A street whose principal function is to carry large volumes of traffic at higher speeds from one part of the county to another. Specifically, the following streets shall be considered arterials: US 158, NC 168, NC 34, NC 136, NC 615 and NC 12 (Ocean Trail).

STREET, PRIVATE

A street other than a public street.

STREET, PRIVATE ACCESS

A street subject to the requirements of Section 6.2.1.B.1, Private Access Streets, that serves a family subdivision or a maximum of two lots.

STREET, PUBLIC

A public right-of-way for vehicular travel which has been designed, constructed and dedicated to and accepted by the North Carolina Department of Transportation (DOT) for public use or which has been otherwise obtained by DOT for such use or which is proposed to be constructed and then dedicated to and accepted by DOT as a public right-of-way for vehicular traffic for public use pursuant to this ordinance.

STREET, RESIDENTIAL COLLECTOR

A street which serves as a connecting street between local residential roads and the thoroughfare systems. Types of residential collector streets include: dead end streets, connecting streets, loop streets, and subdivision access streets.

STREET, SUBDIVISION ACCESS

A road built through vacant property to provide access to the property being developed. This road would not have existing lots platted along it.

Item 6: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- POLICY HN4: Currituck County shall discourage all forms of housing from leapfrogging into the midst of farmland and rural areas, thereby eroding the agricultural resource base of the county.
- Policy TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.
- Policy CA1: The important economic, tourism, and community image benefits of attractive functional major highway corridors through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting, and tree preservation.

The request is reasonable and in the public interest because:

- A higher level of review is required for subdivisions installing significant infrastructure (i.e. roads installed to NCDOT standards, fire hydrants, fire ponds). This type of subdivision must be reviewed by the Technical Review Committee and not administratively approved by the Planning Director alone.
- Limiting driveway cuts along existing roads preserves the traffic function of the road and minimizes traffic accidents.
- To have higher quality development, it is important to mandate internal streets at more than 2 lots.

Item 7: 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.

Item 8: This ordinance amendment shall be in effect from and after the _____ day of _____, 2019.

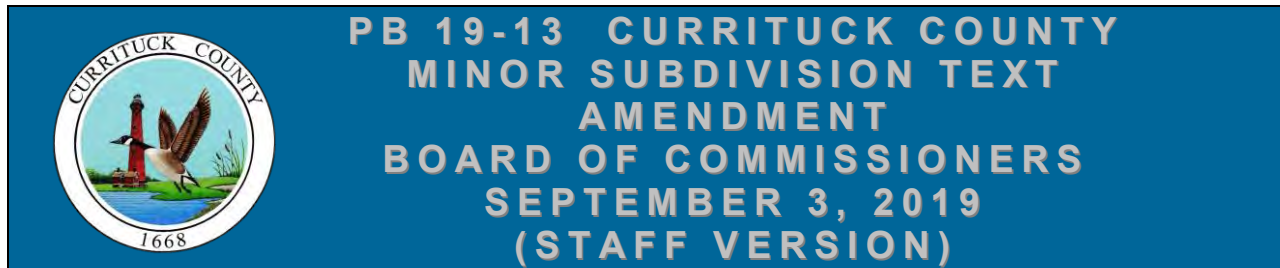
Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____
.....

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: 1 19-13 Minor Subdivisions Staff Report PB Version (PB 19-13 Currituck County)



Currituck County requests an amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 6 Subdivision and Infrastructure Improvements, and Chapter 10 Definitions and measurements, to limit minor subdivisions to those without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). It will also limit minor subdivisions from stripping out along existing NCDOT maintained roads. This text amendment does not apply to family subdivisions, a type of minor subdivision. Additionally, two of the changes are required because of a change in general statutes.

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 Chapter 2 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Section 2.4.8 Subdivisions:

2.4.8 Subdivision

C. Subdivisions Distinguished

There are three different types of subdivisions under this section: a no-review subdivision, a minor subdivision, and a major subdivision.

(1) No-Review Subdivision

- (a) A no-review subdivision is the division of land in a way that is not subject to review under this section, but is subject to compliance with all other applicable standards in this Ordinance and the County Code of Ordinances. No-review subdivisions consist of the division of land in one of the following ways:
 - (i) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
 - (ii) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. Each parcel that is part of the subdivision shall be greater than ten acres;

- (iii) The public acquisition by purchase of strips of land for the widening or opening of streets or provision of public utilities;
- (iv) The division of a tract of land in single ownership that is no greater than two acres in area into not more than three lots, when:
 - (A) No street right-of-way dedication is involved: and
 - (B) The resultant lots are equal to or exceed the standards of this Ordinance.
- (v) **The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. (The division of land for the purpose of settling an estate is not a division of land for the purpose of sale or building development.)**
- (b) Any map or plat related to a no-review subdivision intended for recordation shall bear the words "no approval required" and the signature of the Planning Director.

(2) **Minor Subdivision**

A minor subdivision consists of the division of land into **three** or fewer lots that does not constitute a no review subdivision **and does not require significant infrastructure improvements. For the purpose of this section, significant infrastructure includes but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.**

(3) **Major Subdivision**

All other subdivisions of land shall constitute a major subdivision.

D. Minor Subdivision

(2) **Minor Subdivision Review Standards**

(a) **General Standards**

A minor subdivision shall be approved on a finding that:

- (i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- (ii) It complies with the dimensional standards of Chapter 3;
- (iii) It will result in **no more than three lots** created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in

area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions);

- (iv) It **does not** front ~~s~~ an existing NCDOT maintained public street or a private access street;
- (v) **The parent parcel and new parcel(s) shall front a private access street. The existing driveway to the parent parcel shall be removed if that driveway is not converted into the private access street to service the resultant parcels.**
- (vi) There is no public right-of-way dedication;
- (vii) It does not create a private access street serving more than two lots unless it is a family subdivision;
- (viii) Any private access street created complies with Section 6.2.1.B.1 Private Access Street Standards; and,
- (ix) **It does not require significant infrastructure improvements. For the purpose of this section, significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.**

Item 2: That Chapter 6 is amended by and adding the bold and underlined language in Section 6.2. Required Infrastructure:

6.2.1 Street Standards

B. Exemptions

(1) Private Access Streets

- (a) ~~A~~ streets within a family subdivision or serving a subdivision of two or fewer lots are exempted from the standards in this section, provided they are configured in accordance with Figure 6.2.1.B, Private Access Street Standards, and Section 6.2.1.C.4, Connection with State Streets.
- (b) **One private access street is allowed per parent parcel as it existed on April 2, 1989**
- (c) All subdivision plats served by private access streets shall bear the following notation:
 "Private access streets do not meet the NCDOT's minimum standards for the assumption of

maintenance. Currituck County does not construct or maintain streets. Further subdivision of any lot shown on this plat may be prohibited by the Currituck County UDO unless the private access street is improved consistent with minimum NCDOT standards.”

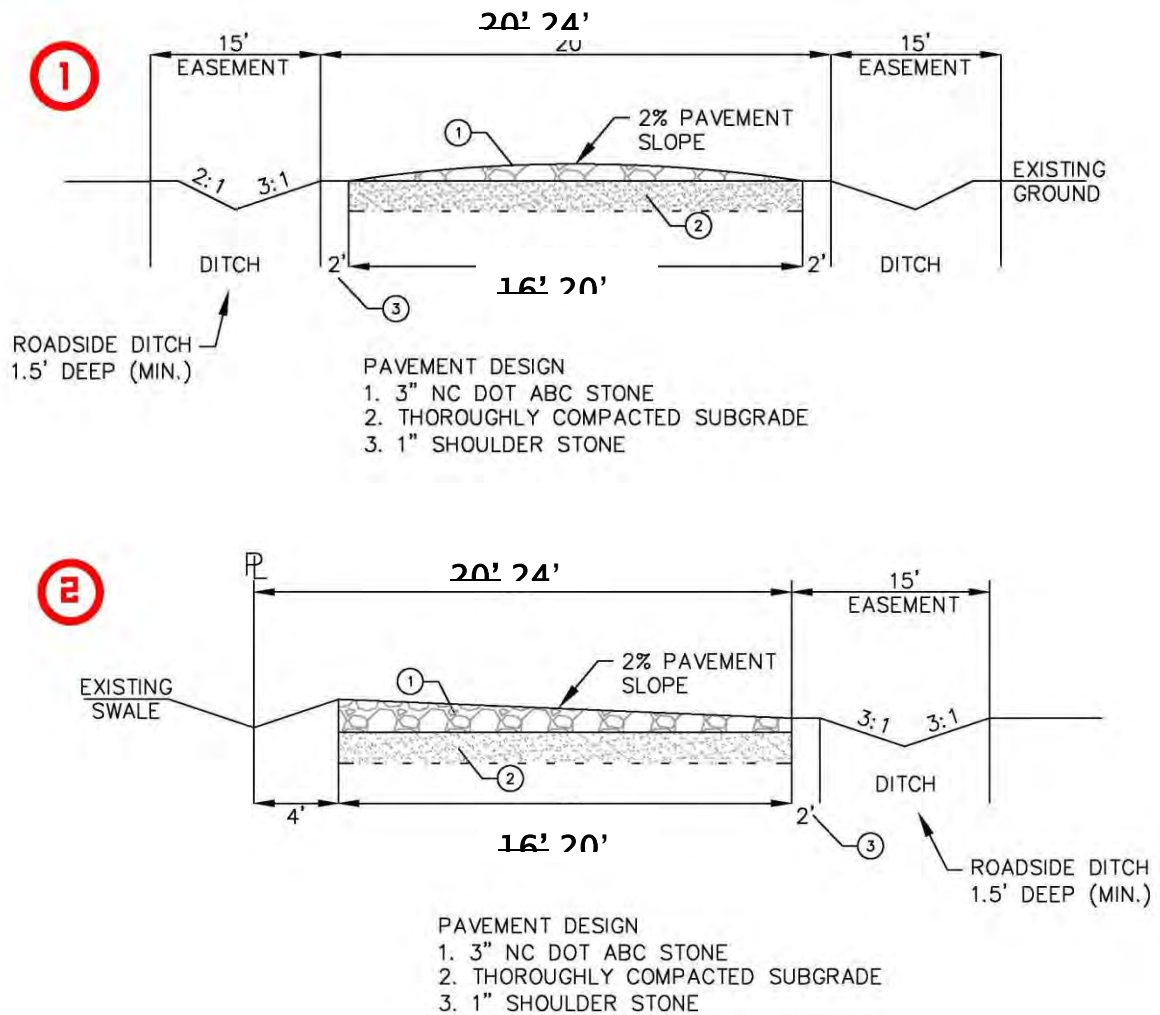
(Sections to be renumbered accordingly)

C. Street Access

- (1) **All lots must access the proposed internal subdivision street(s). Lots along existing NCDOT streets are prohibited unless exempted by this ordinance.**

(Sections to be renumbered accordingly)

Figure 6.2.1.B: Private Access Street Standards



Item 4: That Chapter 6 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Figure 6.2.1.D: Minimum Street Width Standards:

TABLE 6.2.1.D: MINIMUM STREET WIDTH STANDARDS							
Subdivision Type	Minimum Right of Way Width (feet)	Local Street		Collector Street		NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
		Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)	Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)		
Family and <u>minor subdivisions</u>	30	16	2	N/A	N/A	No	No
Residential Subdivision	See NCDOT <i>Subdivision Roads Minimum Construction Standards</i> Manual					Yes	Yes
Nonresidential Subdivision						Yes	Yes
Conservation Subdivision	30	20 [1]	N/A	N/A	N/A	No	Yes
Planned Unit and Planned Development	30	20 [1]	N/A	N/A	N/A	No	Yes

NOTES:

[1] See Section 6.2.1.G for one-way street pavement width requirements

Item 5: That Chapter 10 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Section 10.5 Definitions:

INFRASTRUCTURE

Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities, streets, sidewalks, stormwater systems, firefighting elements (i.e. ponds, hydrants, etc.), communications, and public facilities such as fire stations, parks, schools, government buildings, etc.

SUBDIVISION, MINOR

The division of land into **three** or fewer lots that does not constitute a no review subdivision, **and does not require significant infrastructure improvement. For the purpose of this section,**

significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.

STREET STUB

A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

STREET, ARTERIAL ACCESS

A street that is parallel to and adjacent to a major arterial street and that is designed to provide access to abutting properties as means of protecting the arterial street's traffic carrying capacity.

STREET, COLLECTOR

A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and 800 trips per day.

STREET, CONNECTING

A streets which serve as the connecting road system between roads within a subdivision and the thoroughfare system.

STREET, CUL-DE-SAC

A local street that terminates in a vehicular turnaround.

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These are streets less than 2,500 feet in length, open at one end only without special provisions for turning around (i.e. cul-de-sac, T-intersection) and have no collector characteristics.

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A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and less than 800 trips per day.

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A street whose principal function is to carry large volumes of traffic at higher speeds from one part of the county to another. Specifically, the following streets shall be considered arterials: US 158, NC 168, NC 34, NC 136, NC 615 and NC 12 (Ocean Trail).

STREET, PRIVATE

A street other than a public street.

STREET, PRIVATE ACCESS

A street subject to the requirements of Section 6.2.1.B.1, Private Access Streets, that serves a family subdivision or a maximum of two lots.

STREET, PUBLIC

A public right-of-way for vehicular travel which has been designed, constructed and dedicated to and accepted by the North Carolina Department of Transportation (DOT) for public use or which

has been otherwise obtained by DOT for such use or which is proposed to be constructed and then dedicated to and accepted by DOT as a public right-of-way for vehicular traffic for public use pursuant to this ordinance.

STREET, RESIDENTIAL COLLECTOR

A street which serves as a connecting street between local residential roads and the thoroughfare systems. Types of residential collector streets include: dead end streets, connecting streets, loop streets, and subdivision access streets.

STREET, SUBDIVISION ACCESS

A road built through vacant property to provide access to the property being developed. This road would not have existing lots platted along it.

Item 6: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- POLICY HN4: Currituck County shall discourage all forms of housing from leapfrogging into the midst of farmland and rural areas, thereby eroding the agricultural resource base of the county.
- Policy TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.
- Policy CA1: The important economic, tourism, and community image benefits of attractive functional major highway corridors through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting, and tree preservation.

The request is reasonable and in the public interest because:

- A higher level of review is required for subdivisions installing significant infrastructure (i.e. roads installed to NCDOT standards, fire hydrants, fire ponds). This type of subdivision must be reviewed by the Technical Review Committee and not administratively approved by the Planning Director alone.
- Limiting driveway cuts along existing roads preserves the traffic function of the road and minimizes traffic accidents.
- To have higher quality development, it is important to mandate internal streets at more than 2 lots.

Item 7: 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.

Item 8: This ordinance amendment shall be in effect from and after the _____ day of _____, 2019.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____
.....

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: 2 19-13 Minor Subdivisions Staff Report STAFF Version (PB 19-13 Currituck County)



Text Amendment Application

 OFFICIAL USE ONLY: **PB 19-13**

Case Number:	4/25/19
Date Filed:	tdg
Gate Keeper:	n/a
Amount Paid:	

Contact Information

APPLICANT:

Name: County of Currituck

Address: 153 Courthouse Road Suite 204
Currituck NC 27929

Telephone: 252-232-2075

E-Mail Address: ben.stikeleather@currituckcountync.gov

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 2, 6, and 10 Section(s) 2 4 8, Figure 6 2 1 B, Figure 6 2 1 D, and 10 5 as follows:

To limit minor subdivisions to those subdivision that do not require significant infrastructure improvements
(Including but not limited to a road installed to NCDOT standards, fire hydrant, fire pond);

To limit minor subdivisions from stripping out along existing NCDOT maintained roads.

*Request may be attached on separate paper if needed.


 Petitioner

6/4/19
 Date

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING ARTICLE I AND DIVISION 3, ARTICLE II, CHAPTER 13 OF THE
CURRITUCK COUNTY CODE OF ORDINANCES TO PROVIDE FOR PAYMENT OF
SYSTEM DEVELOPMENT FEES**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §§153A-275 a county may adopt adequate and reasonable rules to regulate a public enterprise belonging to or operated by it.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting section 13-1 to read as follows:

Sec. 13-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means a structure as defined in the state building code.

Connection means that part of the water service line which runs from the main to the property line, including all appurtenances to make the service complete and ready for use.

Consumer means the person legally or equitably responsible for the payment of charges for water or sewer rent on any premises.

Easement means an acquired legal right for the specific use of land owned by others.

Improved street means any street having a wearing surface of concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral means that portion of the water connection which does not include meter, box or meter setter or connection.

Main means the water pipe, usually laid in a street running parallel to the property line, which distributes water.

Mainland Water System (MWS) means the county's water system whose service area is currently located on the county mainland as opposed to the outer banks area of the county.

Occupant means the consumer who is actually in possession or control of any premises.

Ocean Sands Water System (OSWS) means the water system that is in the Ocean Sands Water and Sewer District. Such district established and delineated by a resolution of the board of commissioners.

Owner means the person having legal or equitable title to any premises.

Premises means land, building, or other structure and appurtenances thereto.

Service line means a water line which may service a house, business, apartments, etc., which runs from the street to the establishment being served.

Superintendent means the director of public works, or his authorized deputy, agent or representative.

Southern Outer Banks Water System (SOBWS) means the county's water system whose service area is currently on the county's southern outer banks between the Dare County line and the Corolla Village area.

System Development Fee means a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to new development, to recoup costs of existing facilities which serve new development, or combination of those costs. All projects for which a building permit is issued or site plan approval is issued or otherwise when a building or other structure or use shall be erected, moved, added to, or structurally altered will be assessed a system development fee in accordance with section 13-10.

Usual conditions means delays in acquiring materials, parts and/or supplies, rock encountered in construction and other items which might cause delays not under the control of the county.

PART II. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting section 13-10 to read as follows:

Sec. 13-10. - Impact fees, system development fees, tap-on fees, rates.

All connections are subject to the rates and fee schedules which shall be established from time to time by the board of commissioners for the respective county water systems and the classification of the service involved. System development fees shall be paid at the time of application for a building permit or site plan approval. If building permit or site plan approval is not required, no building or other structure or use shall be erected, moved, added to, or structurally altered until the applicant has paid the required system development fee.

PART III. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting section 13-136(c) to read as follows:

(c) *Definitions.* Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

(1) *Act or the Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.

(2) *Approval authority* shall mean the Director of the Division of Water Quality of the North Carolina Department of Environment, and Natural Resources or his designee.

(3) *Board* shall mean the members of the Currituck County Board of Commissioners.

(4) *Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees centigrade, expressed in terms of weight and concentration, milligrams per liter (mg/l).

(5) *Building sewer* shall mean a sewer conveying wastewater from the premises of a user to the System.

(6) *Department of environment and natural resources or NCDENR* shall mean the North Carolina Department of Environment and Natural Resources, Division of Water Quality or its successor. For the purposes of this section references to the division of water quality or DWQ shall be deemed to be DENR.

(7) *Director* shall mean the Currituck County Public Utilities Director.

(8) *Domestic user* shall mean any person who discharges domestic wastewater to the public sanitary sewer.

(9) *Domestic wastewater* shall mean wastewater generated from normal human living processes which have constituent strength within the range defined for standard strength wastewater, and which contains no constituents of a quantity or concentrations exceeding the limits stated in section 13-142. Normal human living processes include wastewater from bathroom and toilets, noncommercial kitchens and non-industrial and noncommercial laundries. The discharge rate shall not exceed 25,000 gallons per day.

(10) *Environmental Protection Agency (EPA)* shall mean the United States Environmental Protection Agency.

(11) *Flow* shall mean the quantity of wastewater expressed in gallons or cubic feet per 24 hours.

(12) *Grease* interceptor shall mean any device constructed in conformity with the plumbing code, operated by the customer of the wastewater system for removing oil and grease before contributing liquid wastes to the wastewater system.

(13) *Hauled wastewater* shall mean any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, grease/grit interceptors, and vacuum-pump tank trucks.

(14) *Indirect discharge* or *discharge* shall mean the discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(15) *Industrial user* or *user* shall mean any person which is a source of indirect discharge.

(16) *Industrial wastewater* shall mean the wastewater generated from activities, operations or processes which require water and which add to the wastewater pollutant constituents at a strength or at a quantity or concentration exceeding allowable limits defined in section 13-142 of this article.

(17) *Interference* shall mean the inhibition, or disruption of the district treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any state or federal requirements or prevents sewage sludge disposal in compliance with specified applicable state and federal statutes.

(18) *Medical waste* shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(19) *Owner* shall mean the fee simple owner of real property whose premises is or can be provided utility service by the district.

(20) *POTW treatment plant* shall mean the portion of the POTW designed to provide treatment to wastewater.

(21) *Pretreatment regulations* shall mean the introduction of pollutants or wastes into the POTW from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

(22) *Publicly owned treatment works (POTW)* shall mean the treatment works as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works plant.

(23) *Significant industrial user* shall mean (1) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and (2) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW treatment plant (excluding sanitary wastewater); contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the Currituck County Public Utilities Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW treatment plant's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(24) *Suspended solids* shall mean the total suspended matter that floats on the surface of, or is suspended in wastewater, and which is removable by a standard glass fiber filter.

(25) *System Development Fee* means a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to new development, to recoup costs of existing facilities which serve new development, or combination of those costs. If the new development involves the subdivision of land, the system development fee shall be assessed when the final plat is recorded. If the new development involves construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land, which increases the number of service units, the system development fee shall be assessed at application for connection of an individual unit of development.

~~(25)~~ (26) *User* shall mean any person who discharges, causes, or permits the discharge of wastewater into the POTW.

~~(26)~~ (27) *Wastewater* shall mean the liquid and water-carried domestic wastes from dwellings, commercial buildings, and mobile sources, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

PART IV. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Sec. 13-138(a) to read as follows:

Sec. 13-138. - Procedures for new connections.

(a) *Application for service.* An owner or developer proposing to extend utility lines and/or to make other improvements to be served by the district shall first obtain approval by the district. If the new development involves the subdivision of land, the system development fee shall be assessed when the final plat is recorded. If the new development involves construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land, which increases the number of service units, the system development fee shall be assessed at application for connection of an individual unit of development.

The applicant shall employ at the applicant's expense an engineer registered in the State of North Carolina to prepare plans for the project. Approval of plans or specifications for a project does not relieve the owner/developer/applicant from meeting the requirements or obtaining other approvals that may be necessary for other regulating agencies including but not limited to Currituck County, North Carolina Department of Transportation, and North Carolina Department of Environment and Natural Resources. The submission of a master plan and/or engineering report may be required at the discretion of the director in addition to plans and specifications and other documentation described herein.

The applicant shall construct infrastructure to be accepted by the district utilizing the district-approved technical standards and specifications. No extension to the sanitary sewer system of the district shall be made and no application shall be approved except in accordance with the requirements of this article.

PART V. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART VI. This ordinance is effective upon adoption.

ADOPTED this 3rd day of September, 2019.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr., County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS

Carova Beach Road Service District Advisory Board Residents or Property Owners of Carova

Member: Carova Resident

Kimberlee Hoey	Appt: 2-19-2018	Unexp. Term	Exp: 8-18-2019
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2361 Sandfiddler Road
Corolla, NC 27927
252-457-0925 (H)
kkimbrulea@embarqmail.com

Member: Carova Resident

Chuck Maguire (Chairman)	Term Expires: 8-18-2017
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822 Grebe Pt.
Corolla, NC 27927
252-453-2696
dmaguire@embarqmail.com

Member: Carova Resident

Robert Gilliam	Appt: 8-19-19	1st Term	Exp: 8-18-2021
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(Replaced Woody Dreher)
2127 Sandfiddler Road
Corolla, NC 27927
VAGilliam@yahoo.com

Member: Absentee Owner, Carova Beach

O. Vance Aydlett	Appt: 8-19-19	1st Term	Exp: 8-18-2021
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(Replaced Kevin Riggs)
120 Litchfield Lane
Knotts Island, NC 27950
757-619-2266
Vance.aydlett@yahoo.com

Member: Carova Beach VFD	Appt: 2-19-2018	Unexp. Term	Exp: 8-18-2019
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Jay Laughmiller, Chief

2169 Ocean Pearl Road
Corolla, NC 27927
252-267-1949 (c)
jay.laughmiller@currituckcountync.gov

Member: Currituck County EMS**Chief Ralph "Chip" Melton**

Currituck County Fire & EMS
2793 Caratoke Highway
Currituck, NC 27929
252-232-7746 ext. 4029
Cell: 757-350-9321
Ralph.Melton@CurrituckCountyNC.gov

Member: Currituck Sheriff's Department**Lieutenant Terence Sutton**

407 Maple Road
Maple, NC 27956
252-453-8204 ext. 4177
252-597-5880 (Cell)
228@CurrituckCountyNC.gov

Attachment: Carova Beach Road Service District Advisory-08232019 (Carova Beach Road Service District Advisory)

OS NORTH-CROWN POINT WATERSHED DISTRICT ADVISORY BOARD
2-YEAR TERMS

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Gerrilea Adams	Consensus			June 6, 2016	1st
				Oct 1, 2018	June 6, 2020
Terry Anderson	Consensus			June 6, 2016	1st
				Oct 1, 2018	June 6, 2020
Linda Garczynski	Consensus			June 5, 2017	1st June 6, 2019
Bryan Daggett	Consensus			Oct 2, 2017 Oct 1, 2018	1st June 6, 2020
Al Marzetti	Consensus			June 5, 2017	1st June 6, 2019
Barbara Marzetti	Consensus			June 6, 2016	1st
				Oct 1, 2018	June 6, 2020
Ed Pence	Consensus			June 5, 2017	1st June 6, 2019

May Be Reappointed
Must Be Replaced



CURRITUCK COUNTY NORTH CAROLINA

August 19, 2019

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Adequate Public Facilities

County Manager, Ben Stikeleather, used a powerpoint for a presentation on the county's Adequate Public Facilities Ordinance its impacts on development. He reviewed the difference between a Rezoning and a Use Permit and explained how the county compiles data to determine whether proposed developments meet the Adequate Public Facilities (APF) guidelines. With homes going up faster in Moyock than in the past, Mr. Stikeleather said the need to address school capacities happened more quickly than previously forecasted. He reviewed the process for determining student generation based on home construction and ways in which the county prepares for school growth. Mr. Stikeleather said funds have been set aside for school construction, site selection is in progress, and staff recommends a 2023 opening for a new school. Mr. Stikeleather and Laurie LoCicero, Planning and Community Development Director, responded to Board questions and discussion topics included the state mandated reduction in class size for Kindergarten through 3rd Grade and funds included in the state budget for school construction.

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met at 6:00 PM in the Board Meeting Room of the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina, for a regular meeting.

Attendee Name	Title	Status	Arrived
Bob White	Chairman	Present	
Mike H. Payment	Vice Chairman	Absent	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	

Chairman White called the meeting to order.

A) Invocation & Pledge of Allegiance

Commissioner Mary Etheridge offered the Invocation and led the Pledge of Allegiance.

Communication: Approval of Minutes for August 19, 2019 (Approval Of Minutes for August 19, 2019)

B) Approval of Agenda

Commissioner McCord moved to amend the agenda by adding Consent Agenda Item 4, Contract for purchase of Self-Contained Breathing Apparatus.

The motion was seconded by Commissioner Jarvis. The motion carried and the agenda was approved.

Approved Agenda:

Work Session

5:00 PM Adequate Public Facilities

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

Public Comment

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.

Commissioner's Report**County Manager's Report****Public Hearings**

A) PB 19-15 Windswept Pines A request to conditional zone 66.8 acres from Conditional- Mixed Residential District (C-MXR) to Conditional-Mixed Residential District (C-MXR) to add 14 residential lots, streets, and modify phases in the Windswept Pines development located on the north side of Baxter Road in Moyock, Tax Map 9H, Parcels 42-58, 1-12, and OSA-OSC; and, Tax Map 9, Parcels 6A and 11L, Moyock Township.

B) PB 11-02 Kitty Hawk Flight School, LLC: Request for an Outdoor Tour Operator, Aviation, Use Permit for property located at 6997 Caratoke Highway, Tax Map 108, Parcel 39, Poplar Branch Township.

New Business

A) Consideration of An Ordinance Amending Article I, Chapter 13 and Article II, Chapter 13 of the Currituck County Code of Ordinances to Provide for the Time Water and Sewer Service is Committed to a Service Applicant

B) Board Appointments

1. Board of Adjustment
2. Carova Beach Road Service District
3. Game Commission
4. Land Transfer Tax Appeals Board
5. Library Board of Trustees

C) Consent Agenda

1. Approval Of Minutes for August 5, 2019
2. Budget Amendments
3. Vehicle Surplus Resolution
4. **Amended Item**-Contract for Purchase of Self-Contained Breathing Apparatus-Fire and EMS

Adjourn**Special Meeting-Ocean Sands Water & Sewer District Board**

Change Order #1-Ocean Sands Wastewater Treatment Plant

Adjourn-Ocean Sands Water & Sewer District Board

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin E. McCord, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

PUBLIC COMMENT

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.

Chairman White opened the Public Comment period.

Steven Kinstler of Moyock spoke to the Board about the rate of residential development in Moyock. A handout was distributed that he prepared which contained residential dwelling data found on the county website, and he reviewed some of the county's statistics related to home construction, and said residential development in Moyock needs to be slowed down.

Lindsay Asbury of Moyock and President of the Launch Landing Homeowners Association, discussed the roads in her development which were never properly turned over to the North Carolina Department of Transportation. With no clear standards to hold the original developer to, she asked Commissioners to help with the neighborhood's road issues.

Susan Powers of Moyock discussed her concerns with the ability to provide fire and other emergency services with the rate of growth in the Moyock area.

No others were signed up nor wished to speak and the Public Comment period was closed.

COMMISSIONER'S REPORT

Chairman White read a Resolution of the Board congratulating Tina Scanlon on her retirement after 32 years of service to the county. He announced the earlier work session discussion on Adequate Public Facilities and schools and reviewed funds the county provides for the school system. He discussed tourism impacts and presented spending, job creation and pay statistics that result in a \$900 property tax savings for residents. Chairman White said the County is exploring tourism growth, with a focus on the mainland, and he thanked members of the Tourism Advisory Board and Tourism staff for their hard work.

Commissioner Mary Etheridge announced dates for the upcoming election. Wednesday begins One-Stop voting and the General Election is Tuesday, September 10, for the District 3, United States House of Representatives. She encouraged everyone to get out and vote.

Commissioner Beaumont discussed the benefits of Mutual Aid agreements among the County's volunteer departments for fire response, and said the County is aware of the challenges faced by volunteer departments and reviewed response protocols for Fire and Emergency Medical Services (EMS). He announced his recent visit to the White House in Washington, DC, which provided an opportunity to speak with the President's Intergovernment Affairs Office about Carova Roads, Whalehead dredging and other Federal issues. Commissioner Beaumont congratulated Corolla Beach Rescue lifeguard Matt Hughes who placed first in a National Championship Series lifeguard run.

Chairman White took a moment to acknowledge the absence of Commissioner Payment, who left after the earlier work session due to illness.

Commissioner McCord also reported on his visit to the White House Intergovernmental Affairs Office. He recognized Fire, EMS and Law Enforcement staff and said a summer camp put together by Currituck County Sheriff, Matt Beickert, was attended by eighty-five children. He thanked all who contributed to the program. Commissioner McCord responded to comments he read, posted on social media, related to the Maple ball fields.

Commissioner J. Owen Etheridge discussed social media and encouraged anyone who has a question to ask directly. He recalled the original adoption of the Adequate Public Facilities ordinance years ago, which he said has served the county well.

Commissioner Jarvis reported a meeting with Director of Social Services, Samantha Hurd, to discuss Medicaid Transformation and bringing some services to the county, and she thanked the Department of Social Services staff for all of the services they provide. She wished all of the Currituck County Schools' faculty and staff a great start to the new school year and reminded everyone to drive safely with school starting next week.

COUNTY MANAGER'S REPORT

Ben Stikeleather, County Manager, announced upcoming anniversary celebrations at Historic Jarvisburg Colored School and provided information on a free rabies clinic offered by the Currituck County Animal Services and Control for Currituck County residents. He announced

the closing of the Corolla Greenway, Phase V, construction project and discussed changes to the Technical Review Committee process to increase efficiency with the heavy work-load in the Planning and Community Development Department.

PUBLIC HEARINGS

A. PB 19-15 Windswept Pines

APPLICATION SUMMARY			
Property Owner: See complete listing of property owners on Attachment A		Applicant: See complete listing of applicants on Attachment A	
Case Number: 19-15		Application Type: Conditional Rezoning	
Parcel Identification Number: See Attachment A		Existing Use: Residential Subdivision	
Land Use Plan Classification: Rural		Parcel Size (Acres): 66.8 acres	
Moyock Small Area Plan Classification: Full Service		Zoning History: A and GB (1989) C-MXR (2015) (2018)	
Current Zoning: C-MXR		Proposed Zoning: C-MXR	
Request: The request is amend the conceptual plan to add 14 residential lots.			
ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹			
School	Actual Capacity ²	Committed Capacity ²	Proposed Capacity Changes
			Number of Students
Moyock Elementary Shawboro Elementary Central Elementary	92%	118%	+3
Griggs Elementary Jarvisburg Elementary	76%	102%	
Knotts Island Elementary	34%	35%	
Moyock Middle Currituck Middle	82%	96%	+1
Currituck High JP Knapp Early College	84%	104%	+2

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on the 2021 classroom standards

NARRATIVE

A conditional zoning of this property was approved in 2015 that established the Conditional Mixed Residential (C-MXR) district known as Windswept Pines development. The 2015 approved development plan created 59 total lots (including one existing parcel recombined to provide an entrance to Baxter Lane), 1.48 acre commercial area, and a possible future development phase. The future development phase did not have a conceptual design layout, pedestrian and vehicular circulation plans, drainage facilities or patterns, additional open space, or approximate location of jurisdictional wetlands. Since the 2015 conditional zoning approval, the applicant has designed and developed Windswept Pines, Phases 1 and 2. Windswept Pines Phase 1 is recorded and several homes are under construction. It is anticipated that Phase 2 will be recorded in the near future.

The property in question is zoned C-MXR and at the time of the conditional zoning was identified as future development area with no identified lot or road layout. On November 5, 2018, the Board of Commissioners approved a conditional zoning amending the conditions and project area to provide additional stormwater ponds for Phase 2 development.

This request is to amend the development plan to add 14 residential lots and streets that will phase as follows:

Phase 1	30 lots	Recorded
Phase 2	29 lots	2019 Final Plat is under review (previously shown as year 2)
Phase 3	14 lots	2020
Phase 4	Commercial	2021 (previously shown as Phase 3 in year 3)

The road extension and access for this phase (14 lots) provides interconnectivity to adjacent lands to the north and east.

For the entire development, the summary of the new conceptual plan is as follows:

Total Area: 66.87 acre rezoning
 73 residential lots (including the existing McCrary parcel)
 1 commercial parcel with 1 – 2,500 square feet building

Open Space - Required
 19.617 acres required residential open space (65.32 acres x 30%)
 0.148 acres required commercial open space (1.48 acres x 10%)

Open Space – Provided
 24.57 acres residential open space
 0.15 acres commercial open space

COMMUNITY MEETING

The community meeting was held on May 13, 2019 at 6:00 pm at the Moyock Library. There were three people from the community in attendance. The engineer reviewed the proposed development plan and the approval process. The comments received at the meeting included another access to Baxter Lane, development interconnectivity, street lights, speed limit, and the timing of the development and home construction. A summary of the community meeting is provided in the packet.

CONDITIONS OF APPROVAL

THE APPLICANT DOES NOT PROPOSE ANY CHANGES TO THE ZONING CONDITIONS OF APPROVAL:

1. USE: SUBDIVISION
2. ALL LOTS TO BE GREATER THAN OR EQUAL TO 20,000 SQUARE FEET.
3. INSTALL A NEW CULVERT UNDER BAXTER'S LANE TO IMPROVE OFF-SITE DRAINAGE, SIZE TO BE DETERMINED AFTER ENGINEERING EVALUATION.
4. EXPLORE THE POSSIBILITY OF ROUTING A PORTION OF STORMWATER RUNOFF TO THE NORTHEAST.
5. ALL RESIDENTIAL DEVELOPMENT WILL BE SINGLE FAMILY AND WILL CONFORM TO SAMPLE BUILDING ELEVATIONS PROVIDED.

SURROUNDING PARCELS

	LAND USE	ZONING
NORTH	RESIDENTIAL/WOODLAND/FARMLAND/ SAND MINE	GB/AG

SOUTH	RESIDENTIAL/BUSINESS	GB/AG
EAST	FARMLAND	AG
WEST	CEMETERY/FARMLAND	GB

LAND USE PLAN

THE 2006 LAND USE PLAN CLASSIFIES THIS SITE AS RURAL WITHIN THE MOYOCK SUBAREA. THE POLICY EMPHASIS FOR THE MOYOCK SUBAREA IS MANAGING THE INCREASED URBAN LEVEL OF GROWTH THAT THIS AREA IS SURE TO EXPERIENCE OVER THE NEXT DECADE AND BEYOND. IN AREAS WHERE ON-SITE WASTEWATER IS PROPOSED AND OTHER COUNTY SERVICES ARE LIMITED DEVELOPMENT DENSITY SHOULD BE LIMITED TO 1-2 UNITS PER ACRE. THE PROPOSED DEVELOPMENT PLAN MAY BE CONSIDERED CONSISTENT WITH THE MOYOCK SUBAREA EMPHASIS, BUT THIS CONSIDERATION DOES NOT CHANGE THE 2006 LAND USE PLAN LAND USE CLASSIFICATION OF THE SUBJECT PROPERTY. THIS SIGNIFIES A DISCREPANCY WITH THE UDO DIMENSIONAL STANDARDS FOR THE MXR DISTRICT.* THE FOLLOWING LAND USE PLAN POLICY IS RELEVANT TO THE REQUEST:

POLICY HN1	CURRITUCK COUNTY SHALL ENCOURAGE DEVELOPMENT TO OCCUR AT DENSITIES APPROPRIATE FOR THE LOCATION. LOCATION AND DENSITY FACTORS SHALL INCLUDE WHETHER THE DEVELOPMENT IS WITHIN AN ENVIRONMENTALLY SUITABLE AREA, THE TYPE AND CAPACITY OF SEWAGE TREATMENT AVAILABLE TO THE SITE, THE ADEQUACY OF TRANSPORTATION FACILITIES PROVIDING ACCESS TO THE SITE, AND PROXIMITY OF THE SITE TO EXISTING AND PLANNED URBAN SERVICES. (SUMMARY)
*PRIOR ZONING MAP AMENDMENTS (2015 AND 2018) ADOPTED BY THE BOC PLACED EMPHASIS ON THE MOYOCK SMALL AREA PLAN FUTURE LAND USE MAP CLASSIFYING THIS PROPERTY AS FULL SERVICE. A RECENT ZONING MAP AMENDMENT, PB 18-23 EFFECTIVE MAY 6, 2019, PLACED EMPHASIS ON THE CAMA LAND USE PLAN. THE DECISION EMPHASIZES THE 2006 LAND USE PLAN AS THE CONTROLLING DOCUMENT AND THE RELATION TO THE UDO DIMENSIONAL STANDARDS FOR THE MXR DISTRICT SIGNIFIES A DISCREPANCY BETWEEN THE TWO PLANS.	

MOYOCK SMALL AREA PLAN

THE MOYOCK SMALL AREA PLAN IDENTIFIES THIS SITE AS FULL SERVICE. FULL SERVICE DESIGNATIONS ARE FOCAL POINTS IN THE COMMUNITY WHERE HIGH AMOUNTS OF ACTIVITY OCCUR. TYPICAL DENSITIES IN FULL SERVICE DESIGNATIONS RANGE FROM 1.5 – 3 UNITS PER ACRE DEPENDING ON SURROUND LAND USES.

POLICY FLU1	PROMOTE COMPATIBILITY BETWEEN NEW DEVELOPMENT AND EXISTING DEVELOPMENT TO AVOID ADVERSE IMPACTS TO THE EXISTING COMMUNITY. THIS IS ACHIEVED THROUGH DESIGN AND INCLUDES LARGER SETBACKS, LANDSCAPED OR FORESTED STRIPS, TRANSITION ZONES, FENCING, SCREENING, DENSITY AND/OR BULK STEP DOWNS, OR OTHER ARCHITECTURAL AND SITE PLANNING MEASURES THAT ENCOURAGE HARMONY.
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TECHNICAL REVIEW COMMITTEE

THE TECHNICAL REVIEW COMMITTEE REVIEWED THE CONDITIONAL ZONING REQUEST AND IDENTIFIES THE FOLLOWING **OUTSTANDING STAFF CONCERNS**:

1. THE 2006 LAND USE PLAN IDENTIFIES THIS PROPERTY AS RURAL WITHIN THE MOYOCK SUBAREA. THE POLICY EMPHASIS FOR THE MOYOCK SUBAREA IS MANAGING THE INCREASED URBAN LEVEL OF GROWTH THAT THIS AREA IS SURE TO EXPERIENCE OVER THE NEXT DECADE AND BEYOND. IN AREAS WHERE ON-SITE WASTEWATER IS PROPOSED

Communication: Approval of Minutes for August 19, 2019 (Approval Of Minutes for August 19, 2019)

- AND OTHER COUNTY SERVICES ARE LIMITED DEVELOPMENT DENSITY SHOULD BE LIMITED TO 1-2 UNITS PER ACRE.
2. THE MOYOCK SMALL AREA PLAN IDENTIFIES THIS SITE AS FULL SERVICE.
 3. THE UDO DIMENSIONAL STANDARDS IN THE MXR ZONING DISTRICT PROVIDE THE MAXIMUM GROSS DENSITY OF 2 UNITS PER ACRE IN THE FULL SERVICE AREA AND 1 UNIT PER ACRE IN THE LIMITED SERVICE AREA. THE UDO DOES NOT PROVIDE DENSITY ALLOCATION FOR PROPERTY IN THE RURAL LAND USE CLASSIFICATION. THE MXR ZONING DISTRICT PURPOSE PROVIDES MORE INTENSE DEVELOPMENT DENSITY AND USES THAN THE AREAS TYPICALLY IDENTIFIED AS THE RURAL LAND USE CLASSIFICATION.
 4. PRIOR ZONING MAP AMENDMENTS, INCLUDING THE AMENDMENTS IN 2015 AND 2018, PLACED EMPHASIS ON THE MOYOCK SMALL AREA PLAN ALLOWING FOR THE FULL SERVICE DEVELOPMENT DENSITY OF 2 UNITS PER ACRE. HOWEVER, A RECENT ZONING MAP AMENDMENT OF PB 18-23 WITH AN EFFECTIVE DATE OF MAY 6, 2019, PLACED EMPHASIS ON THE 2006 LAND USE PLAN AS THE APPROVED CAMA PLAN. THAT DECISION, IF APPLIED TO THIS PROPERTY, WOULD NOT MEET THE COUNTY UDO SINCE THIS AREA IS IDENTIFIED AS RURAL WITH NO DEVELOPMENT DENSITY ALLOCATED.
 - a. WINDSWEEP PINES, AS APPROVED, HAS A DEVELOPMENT GROSS DENSITY OF 0.88 DWELLING UNITS PER ACRE (66.8 ACRES – INCLUDING 1.48 ACRES COMMERCIAL LOT).
 - b. THE REQUESTED GROSS DEVELOPMENT DENSITY IS 1.09 DWELLING UNITS PER ACRE.
 5. BASED ON THE 2019 DECISION, AN AMENDMENT TO THE 2006 LAND USE PLAN LAND USE MAP (RURAL TO FULL SERVICE) IS NECESSARY FOR THIS INCREASE IN DEVELOPMENT DENSITY TO BE ALLOWED UNDER THE UDO.

WHEN EMPHASIS IS PLACED ON THE 2006 LAND USE PLAN, THE CONDITIONAL ZONING COULD BE CONSIDERED CONSISTENT WITH THE MOYOCK SUBAREA. HOWEVER, WITHOUT AN AMENDMENT TO THE LAND USE PLAN (MAP) THE INCREASE IN DEVELOPMENT DENSITY IS NOT ALLOWED IN THE UDO. AN AMENDMENT THE 2006 LAND USE PLAN SHALL COMPLY WITH THE STANDARDS IN THE NCGS.

PLANNING BOARD

Planning Board Discussion – July 9, 2019

Donna Voliva, Assistant Planning Director, presented the staff report. This rezoning will modify the development plan. Ms. Voliva gave the narrative and described the adjacent properties zonings. This property is designated at rural and the Small Area Plan shows as Full Service. Ms. Voliva showed a drawing of the subdivision and explained the phases of the 73 lot subdivision which has road extensions which are required by ordinance, explained the school capacity chart on page 20 and the 2006 Land Use Plan (LUP). In 2014 the county adopted a Moyock - Small Area Plan (SAP). In the past, staff has used the SAP as the guiding document, but earlier this year the Board of Commissioners made a decision that used the LUP. The LUP shows this area as Rural and this designation does not have any density classification, but the Moyock SAP shows it as Full Service with a density of 1.5 to 3 units per acre depending on surrounding land uses. The General Assembly has allowed rezoning decisions to automatically update the LUP. Therefore, an amendment to the Zoning Map is also an amendment to the 2006 LUP. Ms. Voliva also went over the agreed upon conditions of

approval and said staff recommends approval since it is needed to amend the 2006 LUP to allow the increase in density for the development.

Chairman Ballance opened the public comment and Mr. Bissell came before the board. He said this is basically an expansion; all is the same on the development plan except adding the 14 lots and the additional 2,500 square foot building. There were no questions for the applicant.

Three residents of Windswept Pines voiced concerns about the amount of traffic and only having one entrance/exit road. They also said they were not made aware of these additions when they purchased within the subdivision and wanted to know what the commercial buildings will be used for.

Mr. Bissell responded saying there was never a plan to provide a second entrance from Baxter Lane, but eventually the two connector streets may be used if subdivisions are developed adjacent to the property. He said the commercial property where the buildings will be located has always been shown as commercial. The types of businesses to be located in these buildings are unknown at this time, but possibly a business such as a dry cleaner, office or retail.

Planning Board Motion – Approved Unanimously

Chairman Ballance motioned to approve PB 19-15 Windswept Pines conditional rezoning as presented with the agreed upon conditions of approval because the conditional zoning request is consistent with and amends the 2006 Land Use Plan by designating this property as Full Service on the future land use map because the amendment recognizes and implements the Full Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners. It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components. Mr. Doll seconded the motion and the motion carried unanimously.

The Windswept Pines residents in the audience voiced concerns over this approval. Ms. Voliva let them know this is a recommendation and the final decision will be made by the Board of Commissioners. She told them they will receive letters in the mail with the date and time of the Board of Commissioners meeting for this public hearing.

A CONDITIONAL ZONING IS A LEGISLATIVE DECISION OF THE BOARD OF COMMISSIONERS. IN DETERMINING WHETHER TO APPROVE OR DENY A CONDITIONAL REZONING THE BOARD OF COMMISSIONERS SHALL ADOPT A WRITTEN STATEMENT OF CONSISTENCY AND REASONABLENESS.

This conditional zoning request is consistent with and amends the 2006 Land Use Plan by designating this property as Full Service on the future land use map because the amendment recognizes and implements the Full Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners.

It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community

need providing a full service area that offers mixed use development with both residential and commercial components.

CONDITIONS OF APPROVAL

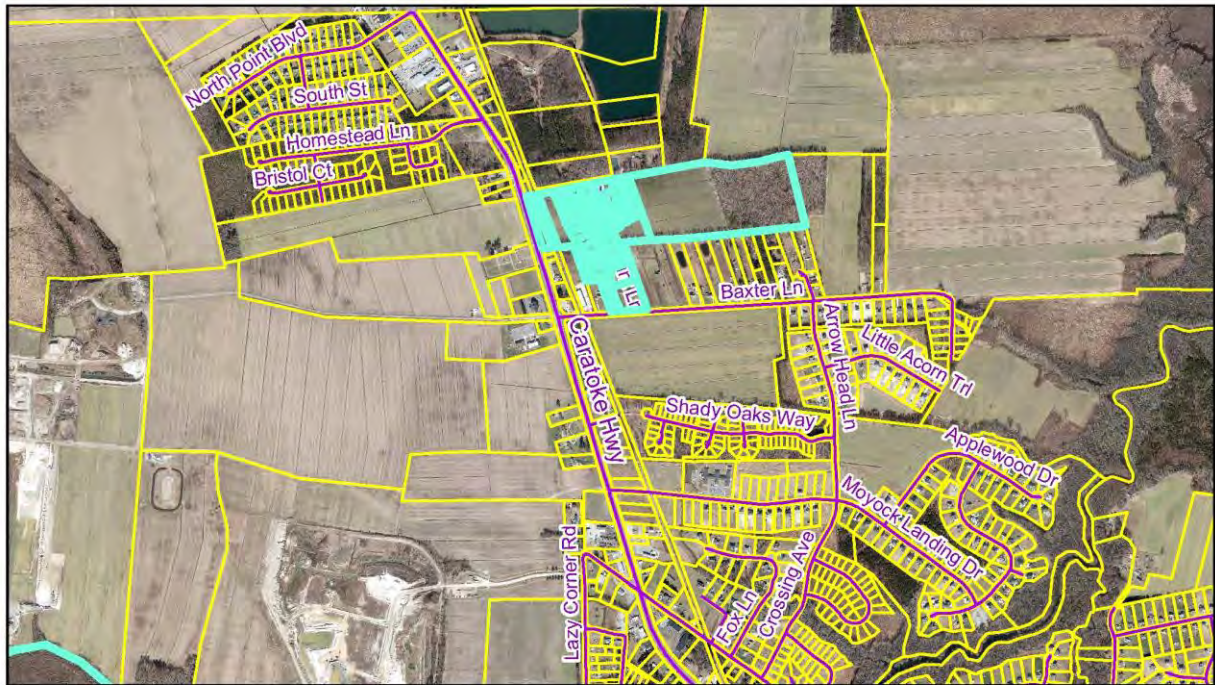
ONLY CONDITIONS MUTUALLY AGREED TO BY THE OWNER(S) MAY BE APPROVED AS PART OF A CONDITIONAL ZONING DISTRICT. CONDITIONS SHALL BE LIMITED TO THOSE THAT ADDRESS CONFORMANCE OF DEVELOPMENT AND USE OF THE SITE WITH COUNTY REGULATIONS AND ADOPTED PLANS AND THAT ADDRESS THE IMPACTS REASONABLY EXPECTED TO BE GENERATED BY THE DEVELOPMENT OR USE. NO CONDITION SHALL BE LESS RESTRICTIVE THAN THE STANDARDS OF THE PARALLEL GENERAL USE ZONING DISTRICT.

Agreed upon conditions of approval:

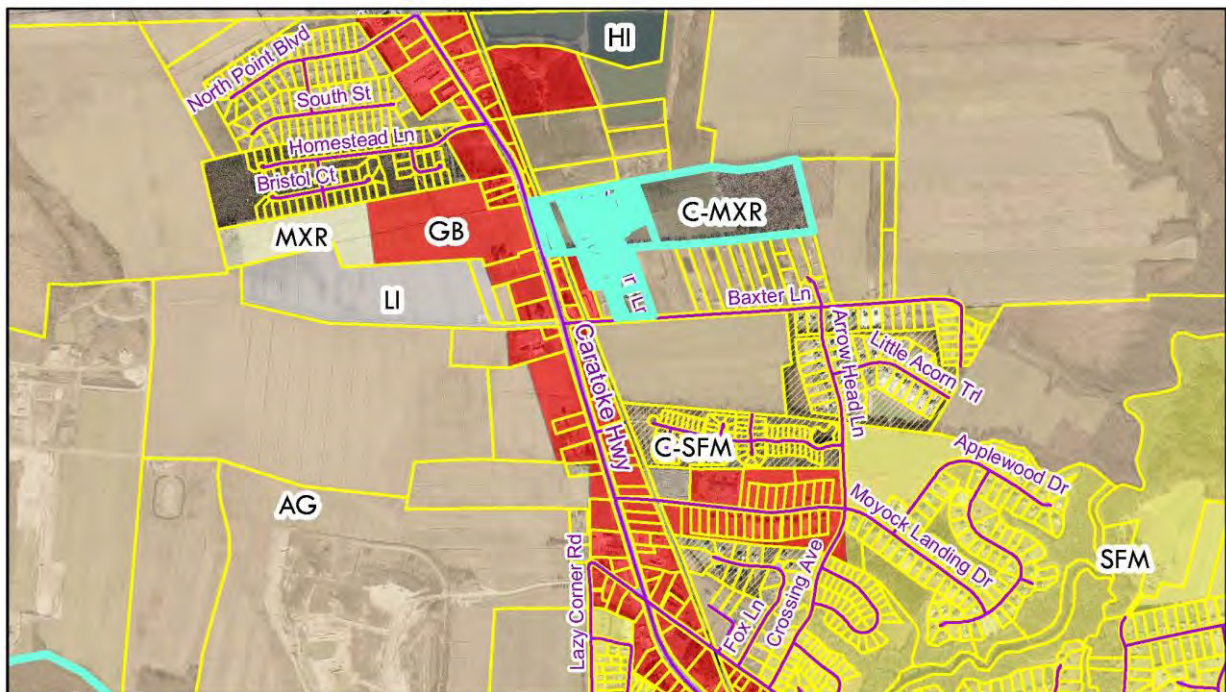
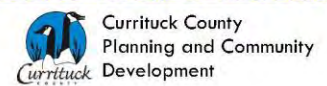
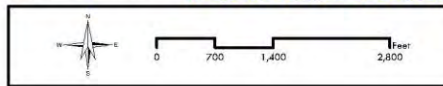
1. USE: SUBDIVISION
2. ALL LOTS TO BE GREATER THAN OR EQUAL TO 20,000 SQUARE FEET.
3. INSTALL A NEW CULVERT UNDER BAXTER'S LANE TO IMPROVE OFF-SITE DRAINAGE, SIZE TO BE DETERMINED AFTER ENGINEERING EVALUATION.
4. EXPLORE THE POSSIBILITY OF ROUTING A PORTION OF STORMWATER RUNOFF TO THE NORTHEAST.
5. ALL RESIDENTIAL DEVELOPMENT WILL BE SINGLE FAMILY AND WILL CONFORM TO SAMPLE BUILDING ELEVATIONS PROVIDED.

Attachment A

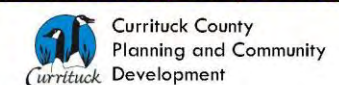
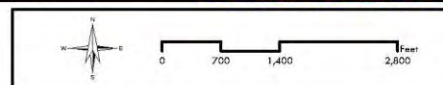
Property Owner	Property Address	PIN
QHOC of Windswept Pines, LLC	123 Parrish Point, Moyock, NC	009H-000-0001-0000
Brian Cantal	125 Parrish Point, Moyock, NC	009H-000-0002-0000
Phillip & Lisa Hall	127 Parrish Point Lane, Moyock, NC	009H-000-0003-0000
Mark Hedish	129 Parrish Point Lane, Moyock, NC	009H-000-0004-0000
Kim & Robert Ausman	128 Parrish Point Lane, Moyock, NC	009H-000-0005-0000
Matthew & Stacey Raftery	126 Parrish Point Lane, Moyock, NC	009H-000-0006-0000
Spencer & Meaghan Press	124 Parrish Point Lane, Moyock, NC	009H-000-0007-0000
Allied Properties, LLC	122 Parrish Point Lane, Moyock, NC	009H-000-0008-0000,
Benjamin Weller	103 Alden Run, Moyock, NC	009H-000-0009-0000
Stephen & Rosemary Nitsch	105 Alden Run, Moyock, NC	009H-000-0010-0000
Alexander & Amber Wilbanks	107 Alden Run, Moyock, NC	009H-000-0011-0000
Paul & Susan Nielsen	109 Alden Run, Moyock, NC	009H-000-0012-0000
Wendy & Craig Williams	108 Alden Run, Moyock, NC	009H-000-0042-0000
Ian & Sheila Gill	106 Alden Run, Moyock, NC	009H-000-0043-0000
Wesley & Sherry Henry	104 Alden Run, Moyock, NC	009H-000-0044-0000
QHOC of Windswept Pines, LLC	102 Alden Run, Moyock, NC	009H-000-0045-0000
Jerrell Wayne Stokes & Jane Curran	120 Parrish Point, Moyock, NC	009H-000-0046-0000
David & Judith Gregg	118 Parrish Point, Moyock, NC	009H-000-0047-0000
QHOC of Windswept Pines, LLC	116 Parrish Point, Moyock, NC	009H-000-0048-0000
Jordan & Rathid Hassani	114 Parrish Point Lane, Moyock, NC	009H-000-0049-0000
Reed & Courtney Wissman	112 Parrish Point Lane, Moyock, NC	009H-000-0050-0000
Richard Warren	110 Parrish Point Lane, Moyock, NC	009H-000-0051-0000
QHOC of Windswept Pines, LLC	109 Parrish Point Lane, Moyock, NC	009H-000-0052-0000
Douglas & June Carillon	111 Parrish Point Lane, Moyock, NC	009H-000-0053-0000
QHOC of Windswept Pines, LLC	113 Parrish Point Lane, Moyock, NC	009H-000-0054-0000
Amber & Joshua Graham	115 Parrish Point Lane, Moyock, NC	009H-000-0055-0000
Ashley & Johnny McDonald	117 Parrish Point Lane, Moyock, NC	009H-000-0056-0000
QHOC of Windswept Pines, LLC	417D Caratoke Hwy, Moyock, NC	009H-000-0057-0000,
Michael & Lisa Reinke	121 Parrish Point, Moyock, NC	009H-000-0058-0000
Allied Properties, LLC	N/A	009H-000-00SA-0000, 009H-000-00SB-0000, 009H-000-00SC-0000
Allied Properties, LLC	N/A	0009-000-006A-0000
Mark & Penny McCrary	131 Baxter Lane, Moyock, NC	0009-000-011L-0000



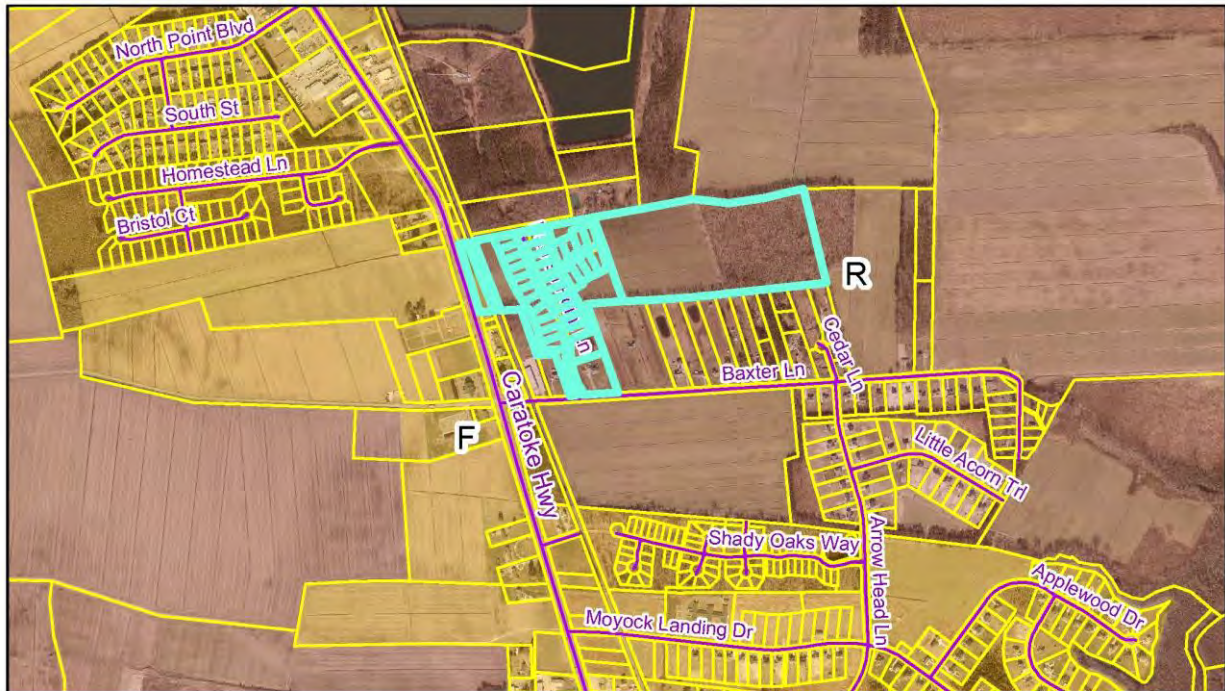
PB 19-15
Allied Properties, LLC
Aerial



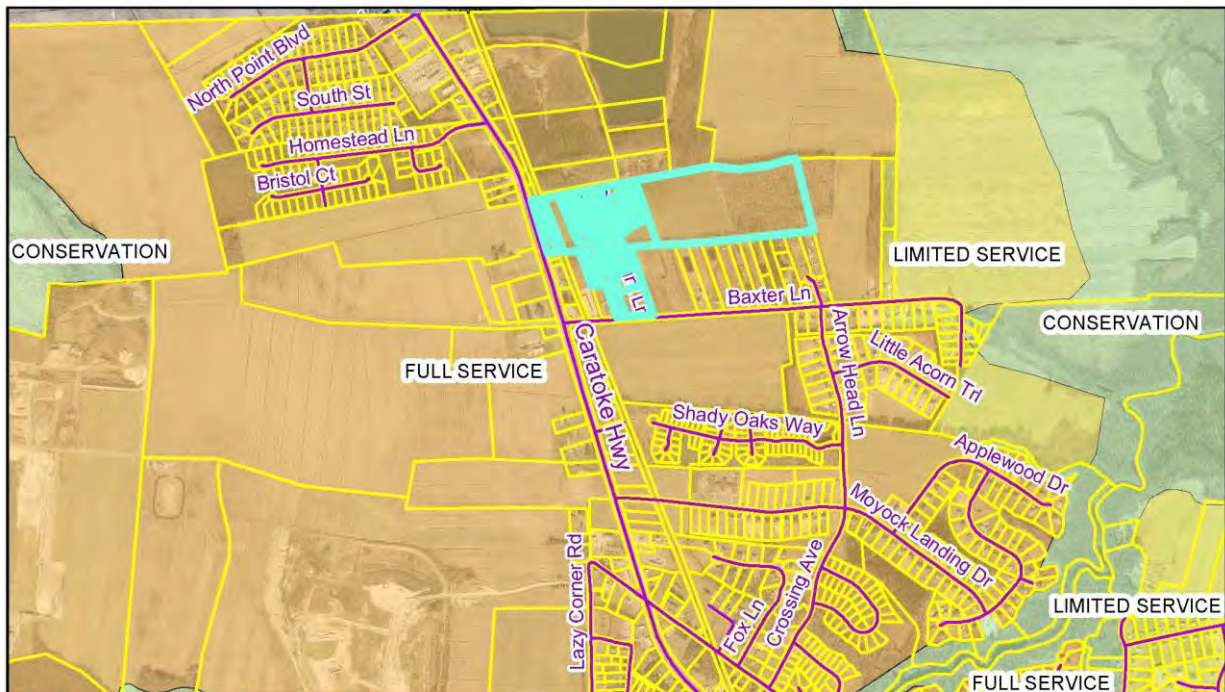
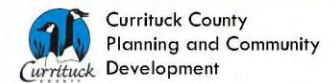
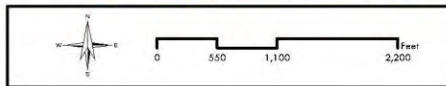
PB 19-15
Allied Properties, LLC
Zoning



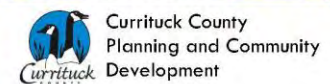
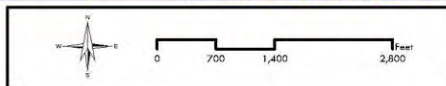
Communication: Approval of Minutes for August 19, 2019 (Approval Of Minutes for August 19, 2019)



PB 19-15
Allied Properties, LLC
2006 LUP LUC



PB 19-15
Allied Properties, LLC
Moyock Small Area Plan



Planning and Community Development Director, Laurie LoCicero, reviewed the rezoning request with the Board which would increase the current development by fourteen lots.

Communication: Approval of Minutes for August 19, 2019 (Approval Of Minutes for August 19, 2019)

Changes were summarized and compared with current approvals, and zoning conditions of approval were presented. County plans were reviewed. The Technical Review Committee (TRC) and Planning Board recommend approval of the rezoning to complete the development. Ms. LoCicero responded to questions posed by Commissioners.

Engineer, Mark Bissell, reviewed construction phases completed, phases in process, and provided additional information to support the request. He said residents had expressed concern with two commercial buildings, so the second commercial building was eliminated. He said the drainage culvert has been installed at Baxter Lane. Developer, Justin Old, was asked about signage. He said "Watch for Children" signs were put up but no speed limit signs. He agreed to install temporary speed limit signs.

Chairman White opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioners expressed concerns with school capacities, drainage and other services, and Commissioner McCord moved to table the item until the September 3, 2019, Commissioners meeting to allow time for student counts to be received from the school board. Commissioner McCord amended his motion to continue the item to the September 16, 2019, Commissioners meeting, to allow ample time to receive and discuss school student counts and other issues.

Commissioner J. Owen Etheridge seconded the motion. The motion carried.

RESULT:	TABLED [UNANIMOUS]	Next: 9/16/2019 6:00 PM
MOVER:	Kevin E. McCord, Commissioner	
SECONDER:	J. Owen Etheridge, Commissioner	
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner	
ABSENT:	Mike H. Payment, Vice Chairman	

B. PB 11-02 Kitty Hawk Flight School, LLC:

APPLICATION SUMMARY		
Property Owner: Jerry W. Wright Thomas C. Wright PO Box 24 Jarvisburg, NC 27947		Applicant: John Harris, Kitty Hawk Flight School, LLC PO Box 1839 Nags Head, NC 27959
Case Number: PB11-02		Application Type: Use Permit - Amendment #1
Parcel Identification Number: 0108-000-0039-0000 6997 Caratoke Highway, Jarvisburg, Poplar Branch Township (East of Cotton Gin)		Existing Use: Outdoor Recreation Facility and Cultivated Farmland
Land Use Plan Classification: Limited Service within Jarvisburg Subarea		Parcel Size (Acres): 183.37 (Legal) 175.25 (GIS)
Request: Amend Use Permit to add paragliding, powered paragliding, solo hang gliding and trikes.		Zoning: Agricultural (AG)
SURROUNDING PARCELS		
	Land Use	Zoning
North	Vacant	GB
South	Farm Buildings/Cultivated	A

	Farmland	
East	Dews Island	A
West	Retail/Single Family Dwelling	GB

On May 2, 2011 the Board approved a use permit for an outdoor recreation facility for use of light sport aircraft and tandem hang gliding on May 2, 2011. The use permit was issued with a condition that it be reviewed by the Board in one year. On April 16, 2012 the use permit was renewed for three years and on May 4, 2015, after a three year review, the Board issued the use permit without an expiration date.

John Harris of Kitty Hawk Flight School, LLC has submitted an amendment application to change the use to Aviation Outdoor Tour Operator and to include paragliding, powered paragliding, solo hang gliding and trikes. There are no other changes proposed to the operations or to the site. Adequate parking for this use is available at the Cotton Gin.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends **adoption** of the use permit subject to the following conditions of approval:

1. The application complies with all applicable review standards of the UDO.
2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. The landing area shall be limited to private use.
 - b. Instrument Flight Rule (IFR) procedures are not permitted.
 - c. Flight operations are limited to light sport aircraft (including trikes), tandem hang gliders, paragliding, powered paragliding, and solo hang gliders.
 - d. Flight operations are only permitted from April 1 to October 1.
 - e. Aviation tour operations shall comply with the standards and regulations of the Federal Aviation Administration (FAA).
 - f. Flight patterns shall be established to limit flights below 500' altitude over single family residential zoning districts or existing single-family residential uses.

RECOMMENDATIONS TECHNICAL REVIEW COMMITTEE

A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary findings.

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. Operations are conducted by highly trained instructors and pilots certified by the United States Hang Gliding and Paragliding Association and the FAA.
2. Operations are insured and have been used as an example for similar operations conducted elsewhere in the country.
3. We are not aware of any public health or safety incidents since we started operating.

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.

Preliminary Applicant Findings:

1. Operations have been conducted at the site since 2011 in harmony with the surrounding area. Additional flight operations will be conducted with the same care and conditions.
2. We have flown close to 8000 customers since we opened at the Cotton Gin. By far, the majority of which have come across the bridge from the Outer Banks enhancing local commercial operations and promoting Currituck County tourism.

3. Flight patterns have been established to minimize impact on adjoining landowners.

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

Preliminary Staff Findings:

1. The 2006 Land Use Plan classifies the site as Limited Service within the Jarvisburg subarea. With respect to nonresidential uses, it is essential that the existing community character be preserved. Business designed to serve the tourist industry should not be prohibited provided the character and intensity of use is in keeping with the character of surrounding areas. The proposed use is in keeping with the following policies of the plan:
 - a. POLICY CD9: Businesses shall be encouraged to coordinate their SITE DESIGNS with other nearby businesses. Design factors should include, at a minimum, shared or connected parking and access, convenient pedestrian and vehicular movement, and consistent sign standards.
 - b. POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
 - c. 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.

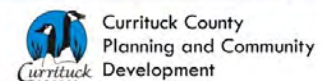
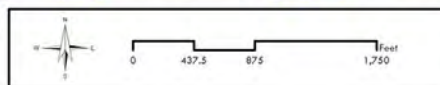
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

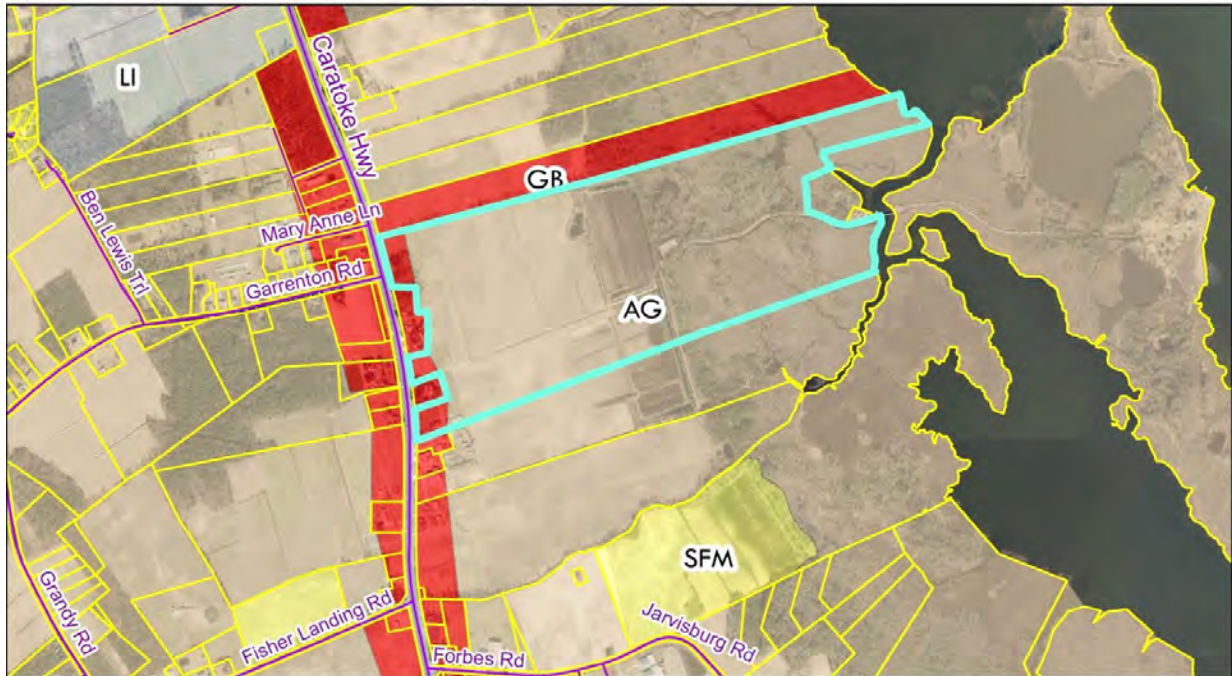
Preliminary Staff Findings:

1. The use should have no impact on public facilities.

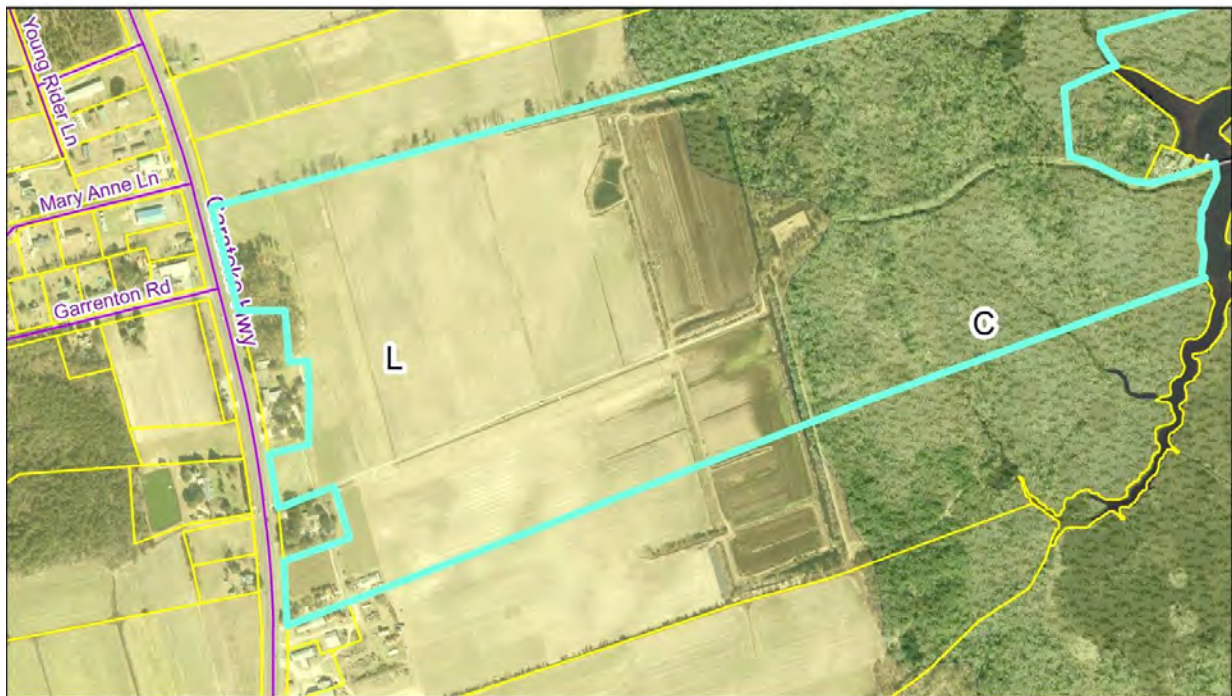
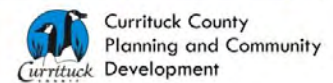
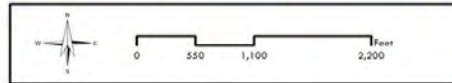


PB 11-02 Kitty Hawk Kites/Cotton Gin
UP Amendment #1
Aerial Photography

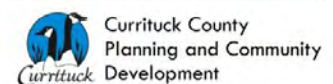
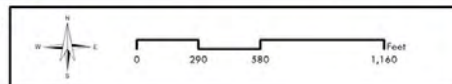




PB 11-02 Kitty Hawk Kites/Cotton Gin
UP Amendment #1
Zoning Map



PB 11-02 Kitty Hawk Kites/Cotton Gin
UP Amendment #1
Land Use Classification



Parties to the request were sworn in and Laurie LoCicero, Planning and Community Development Director, reviewed the request that would expand the types of flying currently

Communication: Approval of Minutes for August 19, 2019 (Approval Of Minutes for August 19, 2019)

offered by Kitty Hawk Flight School at the Cotton Gin, Caratoke Highway. The Technical Review Committee (TRC) recommended adoption of the request and Ms. LoCicero presented the findings of fact for consideration.

Applicant, John Harris, and Kitty Hawk Flight School staff, Kipp Bear, provided sworn testimony in support of the application. Mr. Harris presented findings of fact to support approval of the Use Permit and addressed required instructor training and certifications. He said no complaints have been received from the public about the operations at the site.

Mr. Bear said there was one issue which was addressed directly with a homeowner over concerns with they had with flying over their home. Mr. Bear answered questions about the equipment and aircraft, hours of operation, and other operational issues.

Chairman White opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioner Jarvis moved to approve PB 11-02 Use Permit Amendment #1, with staff recommendations because the applicant has demonstrated the proposed use meets the use permit review standards of the Unified Development Ordinance (UDO):

Conditions of Approval:

- The landing area shall be limited to private use
- Instrument Flight Rule (IFR) procedures are not permitted
- Flight operations are limited to light sport aircraft (including trikes), tandem hang gliders, paragliding, powered paragliding, and solo hang gliders.
- Flight operations are only permitted from April 1 to October 1
- Aviation tour operations shall comply with the standards and regulations of the Federal Aviation Administration (FAA).
- Flight patterns shall be established to limit flights below 500' altitude over single family residential zoning districts or existing single-family residential uses.

The use will not endanger the public health or safety: Operations are conducted by highly trained instructors and pilots certified by the United States Hang Gliding and Paragliding Association and the FAA.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the surrounding area: Operations have been conducted since 2011 in harmony with the surrounding area. Flight patterns have been established to minimize impact on adjoining landowners.

The use will be in conformity with the Land Use Plan (LUP) and other officially adopted plans: The 2006 LUP classifies the site as Limited Service within the Jarvisburg subarea. The proposed use is in keeping with the following policies of the plan-Policy CD9, Policy ED1, Policy ED4.

The use will not exceed the county's ability to provide adequate public facilities: The proposed use will have no impact on public facilities.

Commissioner Mary Etheridge seconded the motion and the motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

NEW BUSINESS

A. Consideration of An Ordinance Amending Article I, Chapter 13 and Article II, Chapter 13 of the Currituck County Code of Ordinances to Provide for the Time Water and Sewer Service is Committed to a Service Applicant

County Attorney, Ike McRee, reviewed the ordinance amendment with the Board of Commissioners in response to the recent law regarding system development fees adopted by the state legislature and provides for the time of payment of system development fees.

Ben Stikeleather, County Manager, explained the ordinance amendment was taking place based on the determination that fees could be assessed at the later stage when building permits were pulled as opposed to when the plat is recorded. Commissioner Beaumont requested that developers be advised that water cannot be committed by the county until the fees are paid.

Mr. McRee noted the ordinance, if approved, will require a second reading due to the absence of Commissioner Payment.

Discussion concluded and Commissioner J. Owen Etheridge moved to approve. The motion was seconded by Commissioner McCord. The motion carried. A second reading will take place at the September 3, 2019, regular meeting of the Board.

RESULT:	ORDINANCE PASSED FIRST READING [UNANIMOUS] Next: 9/3/2019 6:00 PM
MOVER:	J. Owen Etheridge, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

B) Board Appointments

1. Board of Adjustment

Commissioner McCord nominated Carol Bell to serve on the Board of Adjustment.

Commissioner Jarvis seconded and nominee was approved unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin E. McCord, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

2. Carova Beach Road Service District

Consensus nominees were presented by Chairman White. Vance Aydlett was the nominee to serve as a Non-resident owner, and Bob Gilliam was nominated to serve as a Carova resident member.

Commissioner J. Owen Etheridge seconded and the nominees were approved. The vote was 5-1, with Commissioner Mary Etheridge opposed.

RESULT:	APPROVED [5 TO 1]
MOVER:	Bob White, Chairman
SECONDER:	J. Owen Etheridge, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
NAYS:	Mary "Kitty" Etheridge, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

3. Game Commission

Commissioner McCord nominated Andrew Shilling to serve on the Game Commission.

Chairman White seconded and the nominee was approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin E. McCord, Commissioner
SECONDER:	Bob White, Chairman
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

Nominee for reappointment to the Game Commission

Commissioner Mary Etheridge nominated James Cason, Jr. for reappointment to the Game Commission.

Chairman White seconded and the nominee was approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Bob White, Chairman
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

4. Land Transfer Tax Appeals Board

The following nominees were submitted and approved for appointment to the Land Transfer Tax Appeals Board:

Chairman White reappointed Richard Williams.
 Commissioner McCord reappointed John Messina.
 Commissioner Jarvis appointed Carl Wolfe, Jr.
 Commissioner Mary Etheridge appointed Christopher Bell.
 Commissioner J. Owen Etheridge reappointed Gerry Forbes.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

5. Library Board of Trustees

The following nominees were unanimously approved for appointment to the Library Board of Trustees:

Chairman White nominated Kerry Engley for reappointment.
 Commissioner Jarvis nominated Madolin Rose Kelly for reappointment.
 Commissioner McCord nominated Coston Charles for reappointment

 Commissioner J. Owen Etheridge nominated Sandy Fost for appointment.

RESULT: **APPROVED [UNANIMOUS]**
AYES: Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT: Mike H. Payment, Vice Chairman

C) Consent Agenda

Commissioner Beaumont moved to approve the Consent Agenda. The motion was seconded by Commissioner Jarvis. The motion carried.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Paul M. Beaumont, Commissioner
SECONDER: Selina S. Jarvis, Commissioner
AYES: Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT: Mike H. Payment, Vice Chairman

1) Approval Of Minutes for August 5, 2019

1. Minutes for August 5, 2019

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
12545-545000	Contract Services	\$ 11,493	
12390-499900	Appropriated Fund Balance		\$ 11,493
		<u>\$ 11,493</u>	<u>\$ 11,493</u>
Explanation:	Fire Services - Lower Currituck VFD (12545) - Carry-forward \$11,493 from the residual PPE funds from prior fiscal year to pay down the Lower Currituck VFD boat loan.		
Net Budget Effect:	Fire Services Fund (12) - Increased by \$11,493.		

Communication: Approval of Minutes for August 19, 2019 (Approval Of Minutes for August 19, 2019)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10800-590100	School Capital Outlay	\$ 200,000	
10390-499900	Appropriated Fund Balance		\$ 200,000
		<u>\$ 200,000</u>	<u>\$ 200,000</u>
Explanation:	School Capital Outlay (10800) - Carryforward funding approved 5/6/2019 to repair bricks at the entrance of Currituck Middle School.		
Net Budget Effect:	Operating Fund (10) - Increased by \$200,000.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10441-532000	Supplies	\$ 7,000	
10441-526000	Advertising	\$ 1,500	
10441-557100	Software License Fees	\$ 5,656	
10441-514000	Travel		\$ 1,000
10441-514500	Training & Education		\$ 2,000
10441-545000	Contract Services		\$ 5,656
10441-590000	Capital Outlay		\$ 5,500
		<u>\$ 14,156</u>	<u>\$ 14,156</u>
Explanation:	Information Technology (10441) - Transfer budgeted funds to supplies for memory upgrade to servers; to advertising for personnel vacancy; and to software license fees for TCM user license fees.		
Net Budget Effect:	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10511-554000	Insurance & Bonds	\$ 88	
10511-557100	Software License Fees	\$ 311	
10511-506000	Insurance Expense		\$ 399
		\$ 399	\$ 399
Explanation:	Detention Center (10511) - Transfer funds for increases in inmate insurance and software licenses fees for this fiscal year.		
Net Budget Effect:	Operating Fund (10) - No change.		

3. Vehicle Surplus Resolution

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 authorized the following, pursuant to GS 160A and 270(b), that the property listed below will be sold at auction, negotiated sale, or will be disposed of if not sellable:

<u>Description (Year/Make/Model/Vin#)</u>			<u>Asset #</u>	<u>Dept</u>
2006	Ford Crown Vic	2FAHP71W06X119015	6096	Sheriff
2006	Ford Crown Vic	2FAHP71W66X119018	6099	Sheriff
2007	Nissan Titan 4X4	1N6BA07B97N246715	6550	Sheriff
2007	Dodge Charger	2B3KA43H27H797261	6394	Sheriff
2008	Ford Crown Vic	2FAHP71V28X146226	6735	Sheriff
2009	Nissan Titan Crew Cab	1N6AA07C29N302355	6903	Sheriff
2009	Nissan Titan Crew Cab	1N6AA07CX9N302796	6907	Sheriff
2009	Dodge Charger	2B3KA43T29H607837	7004	Jail
2010	Dodge Charger	2B3AA4CT7AH318985	7355	Sheriff
2011	Chev Tahoe K-9	1GNSK2E08BR234321	7380	Sheriff
2011	Nissan Titan	1N6AA0CJ4BN316364	7480	Sheriff
2012	Dodge Charger	2C3CDXAT1CH241685	7581	Sheriff
2012	Dodge Charger	2C3CDXAT3CH282612	7596	Sheriff
2012	Dodge Charger	2C3CDXAT0CH147913	7482	Sheriff
2012	Dodge Charger	2C3CDXAT2CH147914	7483	Sheriff
2013	Dodge Ram 1500 4x4	1C6RR7GT6DS521781	7699	Sheriff
2014	Dodge Charger	2C3CDXAT4EH190623	8377	Sheriff
2014	Dodge Charger	2C3CDXAT6EH190624	8376	Sheriff
2014	Dodge Charger	2C3CDXAT9EH121264	8347	Sheriff
2014	Dodge Charger	2C3CDXAT0EH121265	8342	Sheriff
2014	Dodge Charger	2C3CDXAT6EH121268	8345	Sheriff
2014	Dodge Charger	2C3CDXAT8EH121269	8346	Sheriff
2014	Nissan Titan	1N6BA0EJ1EN503454	8348	Sheriff
2015	Ford Taurus	1FAHP2MK6FG121501	8678	Sheriff

Communication: Approval of Minutes for August 19, 2019 (Approval Of Minutes for August 19, 2019)

<u>Description (Year/Make/Model/Vin#)</u>	<u>Asset #</u>	<u>Dept</u>
1997 Ford Club Wagon XL 1FBNE31L1WHA17955	4044	Animal Services
2003 Ford Taurus 1FAFP55U13A273371	5845	Senior Center
2010 Ford Fusion 1FAHP0HA3AR230621	7115	DSS
6808 Nissan Titan 4x4 1N6AA07C28N356771	6808	EMS 530-03
6148 Chev Impala 2G1WB58KX69305911	6148	MOYOCK VFD

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.

ADOPTED, this _____ day of _____, 2019.

Bob White
Currituck County Board of
Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

4. Amended Item-Contract for Purchase of Self-Contained Breathing Apparatus-Fire and EMS

ADJOURN

Motion to Adjourn Meeting

The Board had no further business. Commissioner Beaumont moved to adjourn and the motion was seconded by Commissioner Jarvis. The motion carried and the regular meeting of the Board of Commissioners adjourned at 7:32 PM.

Communication: Approval of Minutes for August 19, 2019 (Approval Of Minutes for August 19, 2019)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

SPECIAL MEETING-OCEAN SANDS WATER & SEWER DISTRICT BOARD

The Currituck County Board of Commissioners sat as the Ocean Sands Water and Sewer District Board in a Special Meeting immediately following adjournment of the 6:00 PM regular meeting of the Board. The Special Meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering a change order related to the construction of the Ocean Sands Wastewater Treatment Plant.

Chairman White convened the meeting at 7:32 PM. Commissioner Payment was not in attendance.

D. Change Order #1-Ocean Sands Wastewater Treatment Plant

County Manager, Ben Stikeleather, reviewed the change order for Board consideration that would provide funding for the replacement and upgrades to infrastructure around the plant area, post deconstruction.

After review, Chairman White moved to approve. The motion was seconded by Commissioner McCord. The motion carried.

Mr. Stikeleather reported staff is working through transferring to the new plant and that odor control measures are being implemented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

ADJOURN-OCEAN SANDS WATER & SEWER DISTRICT BOARD

The Board had no further business and Commissioner Mary Etheridge moved to adjourn. The motion was seconded by Commissioner McCord, and the motion carried. The Special Meeting of the Ocean Sands Water & Sewer District Board adjourned at 7:34 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

Communication: Approval of Minutes for August 19, 2019 (Approval Of Minutes for August 19, 2019)

Number 20200014

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of September 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
29690-590000	Capital Outlay	\$ 116,000	
29380-482000	Miscellaneous		\$ 116,000
		<u>\$ 116,000</u>	<u>\$ 116,000</u>

Explanation: Equipment Replacement (29690) - Increase appropriations for insurance payments for Moyock fire truck that will be used toward the purchase of a new truck this fiscal year.

Net Budget Effect: Equipment Replacement Fund (29) - Increased by \$116,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Sept 3 General Meeting (Budget Amendments)

Number

20200015

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of September 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10330-449900	Misc Grants		\$ 1,500
10510-536000	Sheriff's Uniforms	\$ 1,500	
		<u>\$ 1,500</u>	<u>\$ 1,500</u>

Explanation: Sheriff (10510) - Increase appropriations to record bullet-proof vest grant from NC Association of County Commissioners.

Net Budget Effect: Operating Fund (10) - Increased by \$1,500.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Sept 3 General Meeting (Budget Amendments)

Number

20200016

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of September 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
220548-590000	Capital		\$ 10,500
220548-532015	Supplies	\$ 5,500	
220548-536015	Uniforms	\$ 5,000	
		<u>\$ 10,500</u>	<u>\$ 10,500</u>

Explanation: Knotts Island Fire Services (220548) - Transfer budgeted funds for personal protective equipment, tools and mattresses originally budgeted in capital outlay, but below the capital outlay threshold.

Net Budget Effect: Knotts Island Fire Fund (220) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Sept 3 General Meeting (Budget Amendments)

Number

20200017

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of September 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10461-502000	Salaries - Regular	\$ 75,000	
10461-505000	FICA Expense	\$ 5,738	
10461-506000	Health Insurance	\$ 15,876	
10461-507000	Retirement	\$ 11,025	
10380-481000	Investment Earnings		\$ 50,000
10390-499900	Appropriated Fund Balance		\$ 57,639
		<u>\$ 107,639</u>	<u>\$ 107,639</u>

Explanation: Public Utilities (10461) - Increase appropriations for 2 additional Wastewater Operators for the Public Utilities Department. These two positions are budgeted for 10 months for this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$107,639.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Sept 3 General Meeting (Budget Amendments)

Number

20200018

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of September 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
210541-590000	Capital Outlay		\$ 16,100
210541-536000	Uniforms	\$ 12,500	
210541-532000	Supplies	\$ 3,600	
		<u>\$ 16,100</u>	<u>\$ 16,100</u>

Explanation: Corolla Fire Services (210541) - To reclassify budget for approved PPE, water rescue boards, and wet suits.

Net Budget Effect: Corolla Fire District (210) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Sept 3 General Meeting (Budget Amendments)

Number 20200019

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of September 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50448-590001	Boat Facility/Corolla Hist Park	\$ 100,000	
50390-495015	T F - Occupancy Tax		\$ 100,000
		<u>\$ 100,000</u>	<u>\$ 100,000</u>

Explanation: Corolla Boat Facility (50448) - Increase appropriations to provide temporary restrooms during the construction period.

Net Budget Effect: County Governmental Construction (50) - Increased by \$100,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Sept 3 General Meeting (Budget Amendments)

Number

20200020

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of September 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10752-532003	Supplies-Spec Adopt.	\$ 12,903	
10390-499900	Fund Appropriate Balance		\$ 12,903
		<u>\$ 12,903</u>	<u>\$ 12,903</u>

Explanation: Public Assistance (10752) - Carry-forward Special Adoption Assistance funds from prior fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$12,903.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Sept 3 General Meeting (Budget Amendments)

Number

TDA2020003

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of September 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-587050	T T - Co Govt Facilities Fund	\$ 100,000	
15320-415000	Occupancy Tax		\$ 100,000
		<u>\$ 100,000</u>	<u>\$ 100,000</u>

Explanation:

Occupancy Tax - Tourism Related (15447) - Increase appropriations for temporary restrooms to serve the Historic Corolla Park and the Lighthouse during the construction of the Boat Museum which will include public restrooms. The current restrooms will be demolished as a part of this project.

Net Budget Effect:

Occupancy Tax Fund (15) - Increased by \$100,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-TDA_Sept 3 (TDA-Budget Amendments)

Number

TDA2020004

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of September 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-545100	Credit Card Processing Fees	\$ 5,000	
15442-554000	Insurance & Bonds	\$ 408	
15447-557100	Software License Fee	\$ 1,620	
15380-481000	Investment Earnings		\$ 7,028
		<u>\$ 7,028</u>	<u>\$ 7,028</u>

Explanation: Occupancy Tax - Promotion (15442); Tourism Related (15447) - Increase appropriations for increased cost of credit card processing, artifact insurance and software license fees.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$7,028.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-TDA_Sept 3 (TDA-Budget Amendments)