



**Board of Commissioners
Agenda Packet**

December 2, 2019

Work Session

5:00 PM Commissioner Service on Advisory Boards

6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance-Pastor Ken Simpson, Coinjock Baptist Church
- B) Election of Board Chair
- C) Election of Board Vice-Chair
- D) 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****Administrative Reports**

- A) Recognition and Presentation of Advanced Law Enforcement Certificates
- B) Economic Development Report-Larry Lombardi, Economic Development Director

Public Hearings

- A) **PB 19-26 Nutrien Ag Solutions Text Amendment:** Request to amend Chapter 4 and Chapter 10 of the Unified Development Ordinance to allow distribution of agronomic products in the Agriculture, Limited Business, General Business, Light Industrial, and Heavy Industrial zoning districts.

Old Business

- A) **PB 19-21 Island Development Text Amendment:** Guy Lunsford is requesting a text amendment to allow development on islands accessible only by boat.

New Business

- A) **Ordinance Amending Chapter 2, Article III, Division 3: Fire and Emergency Medical Services (EMS) Advisory Board, to Provide One Resident Appointment from Knotts Island and One Resident Appointment from Corolla and to Increase Membership on the Fire and EMS Board from Five to Seven**
- B) **Ordinance of the Currituck County Board of Commissioners Amending Chapter 9 of the County Code of Ordinances by Adding Article VI. Alarm Systems, and Section 1-8 Regarding Issuance of Notices of Violation, and to Make a Technical Correction**

C) Board Appointments

1. Amended Item-Commissioner Appointments to Boards
2. Animal Services & Control Advisory
3. Board of Adjustment
4. Fire and EMS Advisory
5. Game Commission
6. Planning Board
7. Tourism Advisory
8. Veterans Advisory

D) Consent Agenda

1. Approval Of Minutes for November 4, 2019
2. Budget Amendments
3. Surplus Resolution-Vehicle & Equipment
4. Resolution to Establish Salary for the Office of Register of Deeds Pursuant to NC General Statute 153A-92
5. Project Ordinance-Dune Walkover Replacements
6. Project Ordinance-Corolla Village Sidewalk
7. Amendment to Notice to Proceed-Debris Monitoring Services, Hurricane Dorian
8. Contract to Audit Accounts-Amended
9. 2019 Order of Collections-Tax Department
10. Job Description Revision-Maintenance Repair Worker/Electrician
11. Petition for Road Addition-Brae Burn Drive, Kilmarlic

Recess**Special Meeting of the Tourism Development Authority**

Budget Amendments-TDA

Adjourn TDA**Special Meeting of the Ocean Sands Water & Sewer District Board**

Budget Amendments-OSWSD Board

Adjourn OSWSD Board**Reconvene for Closed Session**

Closed Session Pursuant to G.S. 143-318.11(a)(3) to Consult with the County Attorney in Order to Preserve the Attorney-Client Privilege

Adjourn



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2663)

Agenda Item Title

5:00 PM Commissioner Service on Advisory Boards

Brief Description of Agenda Item:

Discussion of Commissioner service on Advisory Boards.

Board Action Requested

Discussion

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2641)

Agenda Item Title

Recognition and Presentation of Advanced Law Enforcement Certificates

Brief Description of Agenda Item:

The Board of Commissioners along with Sheriff Beichert will recognize and present certificates to deputies who have earned their Advanced Law Enforcement certification:

An officer can qualify for the Advanced Certificate if he or she:

- meets the requirements for the Intermediate Certificate, and
- has accumulated at least forty-eight (48) education and/or training points and at least twelve (12) years' experience, or
- has accumulated at least sixty (60) education and/or training points and at least nine (9) years' experience, or
- has an Associate Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education Accreditation; has accumulated at least thirty-six (36) training points and at least nine (9) years' experience, or
- has a Baccalaureate Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education Accreditation; has accumulated at least twenty-four (24) training points and at least six (6) years' experience, or
- has a Graduate or Professional Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education Accreditation; has accumulated at least sixteen (16) training points and at least four (4) years' experience.

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2646)

Agenda Item Title

Economic Development Report-Larry Lombardi, Economic Development Director

Brief Description of Agenda Item:

Economic Development Director, Larry Lombardi, will provide an update on development projects and initiatives in the county.

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Larry Lombardi



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2637)

Agenda Item Title

PB 19-26 Nutrien Ag Solutions Text Amendment:

Brief Description of Agenda Item:

Request to amend Chapter 4 and Chapter 10 of the Unified Development Ordinance to allow distribution of agronomic products in the Agriculture, Limited Business, General Business, Light Industrial, and Heavy Industrial zoning districts.

Planning Board Recommendation:

Planning Board Recommendation:

The Planning Board recommends approval of the request as presented.

Motion:

Ms. Krause motioned to approve as submitted with the staff recommendations, including the Land Use Plan and Consistency Statement. Mr. Thomas seconded the motion and the motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Jason Litteral,

Presenter of Agenda Item

Jason Litteral

**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: Planning Board
 Board of Commissioners

From: Planning Staff

Date: 11/12/2019

Subject: PB 19-26 Nutrien Ag Solutions

The proposed text amendment, submitted by Fenton Eure of Nutrien Ag Solutions, revises Chapter 4 of the Unified Development Ordinance (UDO) to allow distribution of agronomic products under the Agricultural Support and Services (Not Directly Related) use category. Agronomic products include, but are not limited to, seeds, fertilizer, and soil and plant amendments. The draft language revises a change to the specific standards for Agricultural Support and Services, and the definitions related to the request.

Background

The applicant is currently operating an agronomic product distribution business from a facility located at 119 Central Ln. in Shawboro. They have a need to erect an additional building on site in order to have designated buildings for each type of product. The new building would be located on what is now staging and vehicular use area and, therefore, would not constitute an expansion of the use.

The UDO currently includes distribution hubs for agricultural products as a permissible use in the Agricultural, General Business, Limited Business, Heavy Industrial and Light Industrial zoning districts. Distribution Hub for Agricultural Products is defined as:

A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers.

The proposed amendment would allow distribution of agronomic products under the same use category as agricultural products. It would also be allowed in the same zoning districts as a distribution hub for agricultural products. This is a necessary and important support service for the County's agricultural industry.

The current ordinance language requires that distribution hubs have direct access from a major arterial or collector street. The proposed amendment will add direct access to a railway as an additional option. The specific standards for the use will be updated to include opaque screening from off-site views for new uses, and for existing uses when the use area is expanded by more than 50 percent.

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;
 - a. *The proposed text amendment is consistent with the following 2006 Land Use Plan Policies:*
 - *POLICY ID5: WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity, and shall be appropriately designed and/or visually buffered according to the visibility of their location.*
 - *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.*
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. *The text amendment request is consistent with the provisions of the UDO and the County Code of Ordinances.*
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
 - a. *Distribution of agronomic products is a necessary service for supporting the agricultural industry in Currituck County.*
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. *The text amendment request is consistent with the purpose and intent of the zoning districts. The Agriculture zoning district currently allows several Agriculture related uses that might otherwise be considered commercial or industrial uses. The addition of agronomic product distribution to the ordinance is vital to continued agricultural success in Currituck. Similar uses are allowed in the Limited and General Business, as well as the Light and Heavy Industrial, zoning districts.*
6. Would result in a logical and orderly development pattern; and
 - a. *The text amendment request will result in a logical and orderly development pattern and specific standards are provided to mitigate impacts on surrounding properties.*
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 proposed staff additions and the staff suggested Statement of Consistency and Reasonableness listed in the staff report.

Planning Board Recommendation

Planning Board recommends approval of the request as presented.



PB 19-26 NUTRIEN AG SOLUTIONS TEXT AMENDMENT

Nutrien Ag Solutions requests an amendment to the Unified Development Ordinance, Chapter 4 Use Standards, to allow distribution of agronomic products under the *Agricultural Support Services (Not Directly Related)* use category.

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 4 is amended by deleting the following strikethrough language and adding the bold and underlined language.

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
COMMERCIAL USE CLASSIFICATION																		
Agriculture Support and Services (Not Directly Related)	Distribution hub for agricultural <u>and agronomic</u> products		Z						Z	Z			Z	Z		M P		1.C

Attachment: Staff Report (PB 19-26 Nutrien Ag Solutions)

C. Agricultural Support and Services (Not Directly Related)

(1) General

a.) All agricultural support and services (not directly related) uses shall have direct access onto a railway, major arterial street, or collector street.

Agronomic Uses

a.) New uses, and existing use areas expanded by more than 50 percent, shall screen outdoor use areas according to Section 4.3.3.R.5 Outdoor Storage.

That Chapter 10 is amended by deleting the following strikethrough language and adding the bold and underlined language.

DISTRIBUTION HUB FOR AGRONOMIC PRODUCTS

A place where agronomic products are available for pick up or delivery. Agronomic products include but are not limited to seeds, fertilizer, and soil and plant amendments.

Item 2: Staff suggested Statement of Consistency and Reasonableness:

Land Use Plan Consistency

The UDO requires that the Board of Commissioners adopt a statement of consistency and reasonableness that describes whether the decision on the amendment is consistent with county adopted plans that are applicable and why the decision is reasonable and in the public interest.

The requested text amendment is consistent with the goals, objectives and policies of the 2006 Land Use Plan including:

POLICY ID5: WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity, and shall be appropriately designed and/or visually buffered according to the visibility of their location.

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.

The request is reasonable and in the public interest because:

1. It is an existing and necessary support service for agriculture.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2017.

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: 11/12/19
PLANNING BOARD RECOMMENDATION: Approved
VOTE: 4 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 11/17/19 & 11/24/19
BOARD OF COMMISSIONERS PUBLIC HEARING: 12/2/19
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: Staff Report (PB 19-26 Nutrien Ag Solutions)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: Nutrien Ag Solutions
 Address: 119 Central Lane / PO Box 113
Shawboro, NC. 27973
 Telephone: 252-232-2748 / 252-333-7943
 E-Mail Address: fenton.euse@nutrien.com

Request

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

Amend Chapter(s) 4, 10 Section(s) 4.1.2, 4.2.1, 10.5 as follows:

To allow distribution of agronomic products, including but not limited to, seeds, fertilizer, and soil and plant amendments under the Agricultural Support Services (Not Directly Related) use category. To amend the specific use standards and definitions sections as appropriate.

*Request may be attached on separate paper if needed.

Fenton Euse for
 Petitioner
Nutrien Ag Solutions

9/25/2019
 Date



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2606)

Agenda Item Title

PB 19-21 Island Development Text Amendment: Guy Lunsford is requesting a text amendment to allow development on islands accessible only by boat.

Brief Description of Agenda Item:

Guy Lunsford is requesting a text amendment to allow development on islands accessible only by boat.

Planning Board Recommendation:

Planning Board Recommendation: Planning Board recommends denial of this request subject to the review standards in the staff report and the staff suggested Statement of Consistency and Reasonableness listed in the staff report.

Motion

Mr. Bass motioned to deny because:

The requested zoning text amendment is not consistent with the 2006 Land Use Plan because:

- ☐ Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. *Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.*
- ☐ Policy ES1 of the LUP states that new development shall be permitted to locate only in areas where suitable soils and adequate infrastructure is available. *For reference, the soils map indicates that Long Point is unsuitable for a septic system and contains Currituck Mucky Peat (CU) and Conaby Muck (CB). These soils types are typical for islands off of the Currituck mainland.*

The request is not reasonable and not in the public interest because:

- ☐ Adequate public services (firefighting, emergency medical services, law enforcement, or other county services, etc.) are not available to an island accessible only by boat.

Mr. Doll seconded the motion and the motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave,

Presenter of Agenda Item

Tammy Glave



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: September 25, 2019

Subject: PB 19-21 Island Development Text Amendment (Guy Lunsford)

Background

The purpose of the text amendment is to allow development on islands with boat only access. If approved, the text amendment will apply countywide and there are 21 privately owned islands off of Currituck Mainland. While the text amendment will apply countywide, Mr. Lunsford is particularly interested in developing the five 10+ acre lots on Long Point, an island in the Coinjock Bay.

In 2005, Wayne Meyers submitted a similar text amendment that the BOC eventually denied in 2008 for development of the same island. The primary concerns for denial of the text amendment at that time were citizen health and safety and for providing county services. Since this text amendment request is so significant in regards to citizen health and safety, it was reviewed by TRC. In reviewing the current TRC comments, you will find some of the same concerns with previous text amendment request in this text amendment request.

In 2006 The Currituck Island Company LLC purchased the property. Mr. Lunsford was the managing member of that LLC. On January 12, 2017 the Currituck Island Company LLC subdivided the single lot island into five 10+ acre lots. By North Carolina General Statute, properties being divided into lots greater than 10 acres are exempt from subdivision regulations. The 10+ acre lots are not exempt from zoning standards or NC Building code. On March 28, 2017, the property transferred from The Currituck Island Company LLC to Mr. Lunsford.

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;

- Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - One of the purposes of the UDO is to facilitate the adequate provision of transportation, utilities, parks, recreation, emergency services, and other public facilities. (Section 1.3.J) This request is in direct conflict with the purpose of the UDO since emergency services will not be available to serve an island with boat only access. Adequate public facilities are not available to serve an island with boat only access. (Reference TRC Comments)
 3. Is required by changed conditions;
 - Staff is unaware of changed conditions since the previous text amendment request in 2005.
 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
 - Allowing development on an island with boat only access where firefighting and emergency medical services is not available is neither logical or orderly.
 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.

Technical Review Committee Recommendation

TRC recommends denial of this request subject to the review standards noted above and the staff suggested Statement of Consistency and Reasonableness listed in the attached staff report.

Planning Board Recommendation

Planning Board recommends denial of this request subject to the review standards noted above and the staff suggested Statement of Consistency and Reasonableness listed in the attached staff report.



**PB 19-21 ISLAND DEVELOPMENT
TEXT AMENDMENT
BOARD OF COMMISSIONERS
DECEMBER 2, 2019**

Gregory E. Willis, on behalf of his client, Guy Lunsford, request an amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 3 Zoning Districts, and Chapter 10 Definitions and Measurement, to allow single-family dwellings to be built on islands accessible only by boat.

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:

Highlighted items are based on direction from the Board of Commissioners at its November 18, 2019 work session.

Item 1: That Chapter 2 is amended by adding Section 2.4.19 Island Development:

2.4.19 Zoning Compliance Permit – Island Development

A. Purpose

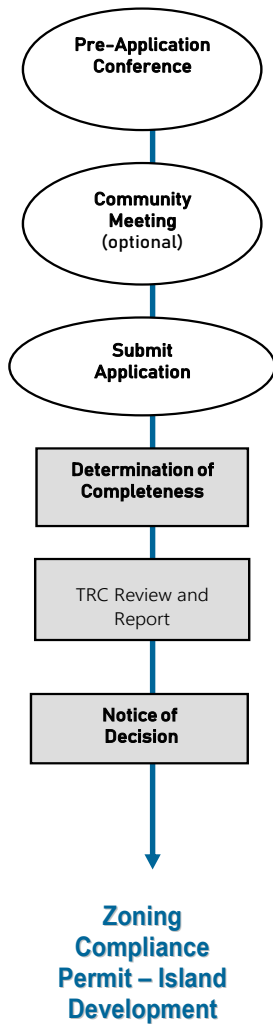
The purpose of a zoning compliance permit for island development is to ensure no development occurs unless the development complies with the requirements of this ordinance.

B. Applicability

A zoning compliance permit for island development is required before issuance of a building permit, any change in use, or commencement of activity that does not require issuance of a building permit.

C. Zoning Compliance Permit – Island Development Procedure

- (1) Pre-Application Conference**
Applicable (see Section 2.3.2).
- (2) Community Meeting**
Not applicable
- (3) Application Submittal and Acceptance**



Applicable (see Section 2.3.4). Prior to the issuance of a zoning compliance permit for island development, verification must be submitted by the applicant that the lot will be served by either a state-approved package plat, public sewer facility, or a waste treatment system complying with the requirements of the Albemarle Regional Health Services, where applicable.

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decisions by Planning Director or Technical Review Committee, and Section 2.4.9.D, Zoning Compliance Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not Applicable.

(6) Public Hearing Procedures

Not Applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

D. Zoning Compliance – Review Standards

A zoning compliance permit for island development shall be approved upon finding that the applicant demonstrates the proposed development complies with all applicable standards in this Ordinance, the County Code of Ordinances, and the following:

- (1)** The zoning compliance permit for island development contains a clearly visible disclaimer that states “County services including, but not limited to transportation, emergency services, law enforcement, and fire and rescue are not available at this location.”
- (2)** The application provides an appropriate location on the mainland, approved by the Planning Director, for staging of

construction for new development on the island. The mainland location must be secured either through ownership or a written agreement provided to the Planning Director and shall be located in an appropriate zoning district.

(3) No more than one single-family dwelling shall be constructed on an island. Accessory dwelling units are prohibited.

(4) The single-family dwelling shall not exceed 4,000 sf.

(5) The single-family dwelling unit must have an approved NFPA 13D sprinkler system installed for fire protection as an alternate means of construction per section 105.1 of the 2018 edition of the North Carolina State Administrative Code. Since the dwelling unit will rely on a well for water, a storage tank, pump and emergency backup power source will be necessary to ensure an adequate means of water will be available to maintain the operation of the system per NFPA guidelines in the event of a fire. In the event that the system is disabled or is not maintained properly, the certificate of occupancy may be revoked until such time the system is placed in normal operation. The owner is to provide a certificate of inspection to the Fire Code Official once a year from a North Carolina licensed contractor certified to perform maintenance and inspection the system.

(6) The applicant shall provide transportation for county staff or other public agency to access the island for official business (i.e. building inspector, zoning official, tax official, CAMA, environmental health, etc.).

~~**(7)** The application provides an appropriate location on the mainland with a boat launch, approved by the Planning Director, for parking of automobiles, boat trailers, etc.~~

~~**(a)** The parking area must be:~~

~~**(i)** Located in an appropriate zoning district;~~

- ~~(ii) Surfaed with asphalt, concrete, brick, crushed stone, pavers, aligned concrete strips, or an equivalent material. The materials shall be maintained in a smooth, well-graded condition;~~
- ~~(iii) Compliant with the parking standards in Table 5.1.3.C Minimum Off-Street Parking Standards and Section 5.1.5 Dimensional Requirements; and,~~
- ~~(iv) Screened on all sides, except the water side, with a Type D Opaque Buffer.~~

E. Effect of Development Agreement

Approval of a zoning compliance permit for island development authorizes an applicant to apply for a building permit, or to commence construction if the proposed development does not require a building permit.

F. Amendment of Development Approval

Applicable (See Section 2.3.14)

G. Expiration of Development Approval

Approval of a zoning compliance permit shall automatically expire if the development activity it authorizes is not commenced within six months after the date of approval.

Item 2: That Chapter 3 is amended by adding the bold and underlined language in Section 3.4.2.F:

Footnote [1] All lots shall maintain a minimum street frontage of 35' **for cul-de-sac lots, except for lots on an island accessible only by boat.**

Item 3: That Chapter 10, Section 10.3.3.B.6 is amended by adding the bold and underlined language in Section 3.4.2.F:

(6) Lot Access

- (a) ~~No lot shall be established which does not~~ **All lots must** abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a

- public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.
- (b) ~~Ever lot shall be configured so as to~~ **All lots must** maintain at least 20 feet for ingress/egress of emergency service vehicles.
- (c) **Lots on islands accessible only by boat are exempt from (a) and (b) above.**

Item 4: That Chapter 10, Section 10.5 Definitions is amended by adding the bold and underlined language in Section 3.4.2.F:

ISLAND DEVELOPMENT

Development on an island accessible only by boat.

Item 5: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is not consistent with the 2006 Land Use Plan because:

- Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. *Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.*
- Policy ES1 of the LUP states that new development shall be permitted to locate only in areas where suitable soils and adequate infrastructure is available. *For reference, the soils map indicates that Long Point is unsuitable for a septic system and contains Currituck Mucky Peat (CU) and Conaby Muck (CB). These soils types are typical for islands off of the Currituck mainland.*

The request is not reasonable and not in the public interest because:

- Adequate public services (firefighting, emergency medical services, law enforcement, or other county services, etc.) are not available to an island accessible only by boat.

Item 6: 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 7: 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: 10/8/19
 PLANNING BOARD RECOMMENDATION: Denial
 VOTE: 5 AYES 0 NAYS
 ADVERTISEMENT DATE OF PUBLIC HEARING: 10/23/19 & 10/30/19
 BOARD OF COMMISSIONERS PUBLIC HEARING: 11/4/19
 BOARD OF COMMISSIONERS ACTION: _____
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
 AMENDMENT NUMBER: 54

Attachment: 1 PB 19-21 Island Development Text Amendment (PB 19-21 Island Development Text Amendment)



Currituck County

Department of Planning and Community Development
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

To: Guy Lunsford
 c/o Attorney Gregory E. Wills

From: Tammy D. Glave, CZO, Senior Planner

Date: September 17, 2019

Re: PB 19-21 Island Development Text Amendment

The following Technical Review Committee (TRC) comments have been received for PB 19-21 Island Development text amendment submitted on behalf of Guy Lunsford. This request is scheduled for the October 8, 2019 Planning Board meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment:

1. Adequate public services will not be available to the island including, but not limited to: Fire, EMS, school transportation, public potable water, sheriff, solid waste disposal, etc.
2. Staff will not have the ability to access the island including, but not limited to: building inspectors, environmental health department, tax department, sheriff, etc.
3. A parking lot must be provided on the mainland for storage of vehicles, boat trailers, etc. and the parking lot must meet the requirements of the UDO in regards to surface material and screening.
4. Adequate public facilities are not available to service this request. (See comments below from Emergency Medical Services, Fire Department)
5. In 2007, a similar text amendment (PB 07-67) was submitted for one single-family dwelling to be built on this same island. The Board of Commissioners voted to deny that text amendment request (1/22/08) with primary concerns being citizen health and safety and for providing county services. This request is for five single-family dwellings.

Currituck County Building and Fire Inspections (Ron Schaecher, 252-232-6024)

Reviewed with comment:

1. Even though the lots are 10+ acres, Building and Fire Codes apply to the development.
2. Research disclosed one Island off of Oak Island, NC, that is developed with single-family dwellings with boat only access. Additional measures had to be taken to allow construction. For example: water tank and or water pumper truck on the property for firefighting purposes, sprinklered buildings, a boat and boat launch for emergency and county services, etc.

Currituck County Emergency Medical Services (Chief Melton and Deputy Chief Riley, 252-232-7746)

Reviewed with the following comments:

1. Emergency Medical Service is not equipped or staffed to provide emergency medical services to an island with only boat access.
2. Even if a note is placed on the plat that emergency medical services will not be provided to the island, if someone calls 9-1-1 for assistance, the caller will expect service and emergency medical services will be liable for the call if the decision is made to assist the person.
3. While the current owner may understand emergency medical services will not be provided to the island, future visitors will not have the same understanding. There could be hundreds of visitors in the summer season and this is a quality of life issue.

Currituck County Emergency Management (Mary Beth Newns, 252-232-2115)

Reviewed with comment:

1. In agreement with all EMS comments.
2. Responding to an emergency on the island would set a precedent for future calls for emergency services.

Currituck County Engineer (Eric Weatherly, 252-232-6035)

Reviewed with comment:

1. While 10+ acres lots are exempt from drainage requirements, they are not exempt from utility requirements such as water, sewer, solid waste, etc.

Currituck County Water Department (Yama Jones, 252-232-2769)

Reviewed with comments:

1. County water is not available at this location.

Crawford Township Volunteer Fire Department (Chief Ryland Poyner, 252-232-3313)

Reviewed with comment:

1. There is no way for the Fire Department to provide services to the island. The department does not have the equipment (i.e. fire boat) to serve an island with boat only access.
2. There is a serious health and safety concern for renters/visitors calling 9-1-1 for firefighting services, not realizing that firefighting services are not available.



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information
APPLICANT:

Name: Guy Lunsford
 Address: c/o Attorney Gregory E. Wills
6541 Caratoke Hwy., Grandy, NC 27939
 Telephone: 252-491-7016
 E-Mail Address: gwills@obxlaw.com

Request

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

Amend Chapter(s) 10 Section(s) 10.3.3.(B)(6)(c) as follows:

Notwithstanding any other provision in the UDO, a building permit may be issued for residential construction on an island provided:

(1) the owner of the island lot for which a building permit is being requested demonstrates that he or she will be able to access the island residence without the use of overnight or long-term parking at a public parking area associated with a public boat launch site, and (2) that a disclaimer is executed by the owner of the island lot for which a building permit is being requested acknowledging that standard county services including transportation, emergency service(s), fire and rescue, are not available to such island lot(s).

*Request may be attached on separate paper if needed.

Petitioner

Date

Text Amendment Application
 Page 3 of 4

Revised 7/12/2018

Attachment: 3 Application (PB 19-21 Island Development Text Amendment)

Aerial Photography of Long Point
3/16/05



Attachment: 3 Application (PB 19-21 Island Development Text Amendment)

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: _____

DISCUSSION

Mr. Woody stated that he had an initial meeting that was attended by the applicant, Planning Staff, representatives of the Sheriff's Office, Emergency Management Department, and Emergency Medical Services Department. Several concerns were raised at the meeting, after which it was decided to expand upon the existing draft while relying on the legal guidance of the County Attorney. The question is, "Does the county have any liability to provide services and are we legally responsible to provide services?" The County Attorney stated that the County does not have a legal liability to provide services, but he did suggest if a minor or major subdivision were to be developed, a statement be placed on the plat that the County is not required to provide these services. The County Attorney also suggested that when someone applies for building permits that we provide them with a statement that county services may be limited.

Mr. Delucia stated that out of the meeting he came away with yes the County will get there, but it may take some time to get there and there are some concerns about it. Mr. Delucia stated they are asking for a text amendment which would allow building on island lots.

Mr. West asked if a single family or a subdivision was going too be built on the island.

Mr. Delucia said a single family home.

Mr. West stated that the county should provide a formal statement that the county does not have a legal responsibility to provide county services as suggested by the County Attorney.

Mr. Woody stated that he, Mr. Delucia and the County Attorney will meet and come up with an agreeable wavier form.

John Snowden stated that by paying taxes and denying a homeowner to build on the island, the county would be taking the homeowner's property rights away under the constitution.

ACTION

Mr. West motion to recommend approval of the Island Lots UDO Text Amendment as presented. Mr. Etheridge seconded the motion. Motion passed unanimously.

PB 07-71 Bay Disposal Text Amendment: Request to amend the Currituck County Unified Development Ordinance, Table of Permissible Uses, to allow recycling centers as a special use permit within a light manufacturing (LM) zoning district.

James Schaubach, Bay Disposal, Mike Norris, Bay Disposal, and Dave Holton appeared before the board.

Mr. Woody presented the following case analysis to the board.

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

DATE: November 29, 2007

SUBJECT: PB 07-71 Bay Disposal

Bay Disposal is requesting a text amendment to the UDO to permit recycling centers or materials recovery facility as a special use permit within the light manufacturing (LM) zoning district. This request is being presented as an amendment to the reorganized UDO that will be reviewed by the Board of Commissioners on December 3, 2007. Although, the current UDO, table of permissible uses, does not address or define a recycling center or a materials recovery facility, the proposed use does not appear to have similar impacts as another use listed within the table which is the reason for the proposed amendment.

The Table of Permissible Uses is listed in Article 13, of the current UDO and the Permitted Uses Table is contained in Section 2.5 of the reorganized draft UDO document.

The proposed text amendment presented by Bay Disposal does not contain special requirements and would permit the use as a special use permit. However, after considering the impacts to neighboring property staff proposes a second option with special requirements such as setbacks, definitions, buffers and roadway improvements.

At the request of the Planning Board, staff has changed the name of the use to a recycling transfer facility and added definitions to address type of materials accepted at the facility. In addition, option two proposes recycling transfer facilities in the heavy manufacturing (HM) district with a special use permit.

Angie Yost

From: Greg Wills
Sent: Friday, August 2, 2019 10:55 AM
To: Laurie LoCicero
Cc: Angie Yost; Ethel Powell; phatphishsolid@gmail.com
Subject: Text Amendment- Pre-app conference 8.15.19 (Lunsford- long Point Island)

Laurie- I enjoyed our conversation this morning. This confirms our agreement to meet at your office, 10:00 am, August 15, 2019 to have a formal pre-application conference as called for in the UDO. You said that you will want to have formal technical committee review for this text amendment and that the submittal date for TRC review is August 22, 2019. Accordingly, I will use 8.22.19 as the target date for application submittal. This will give us one week to finalize language before my clients submit their application. This should also put them on track for a vote before the BOC in November, 2019. I believe those timelines will be satisfactory to my clients.

For discussion purposes at the 8.15.19 meeting, I suggest the following language be inserted as § 10.3.3.(B)(6)(c)

(c) Notwithstanding any other provision in the UDO, a building permit may be issued for residential construction on an island provided; (1) the owner of the island lot for which a building permit is being requested demonstrates that he or she will be able to access the island residence without the use of overnight or long term parking at a public parking area associated with a public boat launch site, and (2) that a disclaimer is executed by the owner of the lot for which a building permit is being requested acknowledging that standard county services including transportation, emergency service(s), fire and rescue, are not available to such development(s).

As we discussed, Mr. & Mrs. Lunsford likely will not be the final developer of the island so that an amendment that is general and broadly applicable to all islands in the sound is preferable to one that is specific to Long Point Island as platted. From my client's perspective, a text amendment demonstrating conceptual and practical ability to build a residential home on an island in the Currituck Sound is sufficient. The details on how to accomplish that, ie, CAMA permit, Army Corps permit, Health department septic permit, power hook up, and even dedicated parking and private boat launch, are all hurdles that the ultimate developer must comply with. Undoubtedly, you and the staff will need to think through those issues during the text amendment process. If specific language needs to be added later in the process, I believe there is the flexibility to do that prior to the final vote. In any event, I hope that by the time we meet on the 15th, you will have some thoughts on the "most palatable" language we can come up at time of submittal and will have some suggestions on where it should be inserted within the existing UDO.

Thanks for the phone call, and I look forward to working with you.

Greg.

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

SECTION 10.3: RULES OF MEASUREMENT**Subsection 10.3.4: Required Setbacks****(4) Family Subdivision Lots**

- (a) Family subdivision lots shall maintain a minimum lot area of 40,000 square feet, regardless of the minimum requirements for the zoning district (except in the SFR district, where district requirements apply).
- (b) Family subdivision lots are not required to front onto a public or private street.

(5) Flag Lots

- (a) Flag lots are prohibited in cases where they would result in an increased number of lots accessing collector or arterial streets.
- (b) In no instance shall more than five percent of the lots in a new subdivision be configured as flag lots.

(6) Lot Access

- (a) No lot shall be established which does not abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.
- (b) Every lot shall be configured so as to maintain at least 20 feet for ingress/egress of emergency service vehicles.

(7) Lot Boundaries

- (a) Lot boundaries shall be formed to coincide with natural or man-made drainage ways, to the maximum extent practicable, to avoid disruption of established drainage patterns.
- (b) Lot lines shall be at, or near, right angles or radial to streets.
- (c) Whenever a single lot is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

(8) Lot Coverage in Estuarine Shoreline Areas of Environmental Concern

Lot coverage within estuarine shoreline areas of environmental concern (lands within 75 feet of the normal or mean high water level of an estuary) shall be limited to a maximum of 30 percent, regardless of the type of building or paving.

10.3.4. Required Setbacks**A. Definitions/Measurement****(I) Accessory Use Setback**

The minimum required distance between a side or rear lot line and the closest portion of an accessory structure or accessory use area (see Figure 10.3.4.A, Required Setbacks).

Aerial Photography of Long Point
3/16/05



Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

Lunsford

Legend



Long Poi

Long Point Island



Currituck County

Department of Planning and Inspections
 Post Office Box 70
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

TO: Planning Board
 Board of Commissioners

FROM: Planning Staff

DATE: June 21, 2005

SUBJECT: PB 05-17 Wayne Myers Amendment to UDO

Mr. Myers is asking to amend Section 115 of the UDO to allow zoning permits to be issued on lots whose only means of access is through Public Trust Waters (lots do not abut a street or road, but are on an island completely surrounded by water). Mr. Myers has an Option to Purchase on Long Point, a 57± acre island off the point of Bell's Island (see attached map). He would like to subdivide this island into four 10+ acre lots. Since the lots are 10 acres or larger, they are exempt from subdivision regulations, but not zoning regulations. In order to get a building permit, a zoning permit must be issued. A zoning permit cannot be issued for these lots as the UDO currently requires that all lots abut a street or road. Mr. Myers request that lots whose sole means of access is through Public Trust Waters be exempt from this requirement. Without this amendment no structure will be allowed to be built on this property or similar properties, rendering the islands as "unbuildable."

Also attached for your review are letters from other agencies regarding this property. Mr. Myers ask that you review these letters as evidence that other agencies consider this island as "buildable." The Tax Office values Long Point at \$204,055.

It is important to note that if this amendment is approved, it would apply countywide and not just to Mr. Myers situation. There are 21 privately owned islands off of Currituck mainland.

STAFF RECOMMENDATION

Staff recommends denial of this amendment subject to the following:

1. County Services (Fire, EMS, Public School Transportation, Sheriff's Department, etc.) will not be available to an island. *Please note that Mr. Myers is willing to sign a waiver for all county services for Long Point.*
2. Non-availability of public utilities such as power, telephone, cable tv, etc. to an island.
- . There is no method for solid waste disposal on an island.

PLANNING BOARD DISCUSSION

Mr. Bell said that Swan Island and Monkey Island do not have electricity and the emergency services that are questioned by the staff.

Ms. Eggar said that no solid waste facilities are available on the island.

Mr. Bell asked if the island has an access on the mainland to park cars, etc.

Ms. Eggar said that the owner would have to work that out.

Mr. Myers said that until he has an approval from the board, he cannot go further with these arrangements. He also stated that solid waste would be disposed of as any other home in the area, it would be discarded at the facility.

Mr. John Snowden, Currituck Independent, stated that the island has a huge historical significance and he commends Mr. Myers for trying to preserve the island.

PLANNING BOARD RECOMMENDATION:

On July 12, 2005 the Planning Board reviewed this request and recommended approval (7-1) with Mr. Kovacs voting no.

WAYNE MYERS PB 05-17 UDO AMENDMENT REQUEST

Wayne Myers requests an amendment to Article 1, Section 115 of the UDO to allow the issuance of a zoning permit on lots whose only means of access is through Public Trust Waters (lots do not abut a street or road, but are on an island completely surrounded by water).

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:

Part 1. That the following sections be amended:

Section 115 Every Lot Must Abut a Street or Road

1. No building, structure, or use of land for other than agricultural purposes shall be established on a lot which does not abut a state maintained street or road or a private street as permitted in these regulations, other than lots in the RO2 zoning district, except as provided below:
 - (a) a permit for construction or use within any residential development may be allowed on a lot that does not abut a public or private street, provided such development is platted in

accordance with these regulations, the original development tract, or lot abuts a public or private street in accordance with these regulations, and the resulting lots are provided direct access to a public or private street across common property perpetually maintained for such purposes;

- (b) a permit for construction or use within any office, commercial, and industrial development may be allowed on a lot that does not abut a public or private street, provided such development is platted in accordance with these regulations, the original development tract or lot abuts a public or private street in accordance with these regulations, and the resulting lots are provided direct access to a public or private street across common property perpetually maintained for such purposes

(c) a permit for construction may be allowed on a lot that does not abut a public or private street provided the lot is on an island completely surrounded by water and its only means of access is through Public Trust Waters.

Part 2. This ordinance amendment shall be in effect from and after the ____ day of ____, 2005.

Chairman, Board of Commissioners

Attest:

Gwen Tatem,
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____

VOTE: ____ AYES ____ NAYES

PLANNING BOARD DATE: July 12, 2005
PLANNING BOARD RECOMMENDATION: _____
Ayes _____ Nays _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____ and _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____

AMENDMENT NUMBER: _____

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

UNOFFICIAL DOCUMENT

Collector Certification That No Delinquent Taxes
Are Due. Date 3-28-17 By DE Certification
expires Jan. 6th of the year following certification date.

Doc No: 229018
Recorded: 03/29/2017 01:10:06 PM
Fee Amt: \$250.00 Page 1 of 7
Excise Tax: \$987.00
Currituck County North Carolina
Charles A. Hall, Register of Deeds
BK 1400 PG 781 - 787 (7)

TRANSFER TAX AMOUNT 1126.00
DATE/COLLECTOR 3-28-2017

Prepared by and mail after recording to: Thomas P. Nash, IV, 200 N. Water St. #2A,
Elizabeth City, NC 27909

STATE OF NORTH CAROLINA-COUNTY OF CURRITUCK

FIN 0069-000-002A-0000, 0069-000-002A-0000, 0069-000-002B-0000, 0069-000-002C-0000,
0069-000-002D-0000, 0069-000-002E-0000

Excise Tax: \$987.00

THIS DEED IN LIEU OF FORECLOSURE, made this 7th day of March, 2017, by
and between, THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited
liability company, PO Box 1927, Nags Head, NC 27959, Party of the First
Part, and Guy D. Lunsford and wife, JoAnn V. Lunsford, 10722 Acorn Knoll
Court, Burke, VA 22015, Parties of the Second Part;

WHEREAS, Party of the First Part executed a Promissory Note or Notes
dated December 7, 2016 in the original principal amount of \$509,580.07 to
Party of the Second Part, said Promissory Notes being secured by a Deed of
Trust dated December 7, 2016 to Thomas P. Nash, IV, Trustee for the benefit
of Party of the Second Part recorded on December 29, 2016 in Deed Book 1392,
Page 682, in the Currituck County Registry; and

WHEREAS, Party of the First Part is the current holder of said Notes
and Deed of Trust.

W I T N E S S E T H :

That for and in consideration of adequate consideration, said
consideration being cancellation and release of that certain Deed of Trust
from The Currituck Island Company, LLC to Thomas P. Nash, IV, Trustee for
the benefit of Party of the Second Part recorded in Book 1392, Page 682, in
the Currituck County Registry, securing the Promissory Notes in the original
principal amount of \$509,580.07, receipt of which is hereby acknowledged,
the said Party of the First Part by these presents does freely and
voluntarily convey unto the said Parties of the Second Part, their
successors and assigns, the following described land, to wit:

See Exhibit "A" attached.

This deed is being given in lieu of foreclosure of the above-described
Deed of Trust and in consideration of the full satisfaction of all
obligations secured by the above-described Deed of Trust.

1 of 7

The Party of the First Part declares that this conveyance is freely and fairly made, and that there are no agreements, oral or written, other than this Deed and Agreement to Convey Real Property between the parties hereto with respect to said land.

TO HAVE AND TO HOLD the aforesaid lands with all rights and privileges thereto belonging or in anywise appertaining unto the said Parties of the Second Part, their heirs, successors and assigns, in fee simple forever.

And the said Party of the First Part for itself and its successors and assigns, covenants to and with the said Parties of the Second Part, their successors and assigns, that it is seized of said lands in fee simple and has a good right to convey the same in fee simple; that the said lands are free and clear of all encumbrances, SAVE AND EXCEPTING those exceptions listed below and that it will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

1. Easements and restrictions of record in the Currituck County Registry.

IN WITNESS WHEREOF, the said Party of the First Part, Grantor, has duly executed the foregoing as of the day and year first above written.

THE CURRITUCK ISLAND COMPANY, LLC

(Entity Name)

By: Guy D. Lunsford
Guy D. Lunsford, Manager

State of Virginia County/City of Fairfax

I, the undersigned Notary Public of Fairfax County/City and State aforesaid, certify that Guy D. Lunsford personally came before me this day and acknowledged that he is the Manager of THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 10 day of March, 2017.

My Commission Expires: 7/31/2018

Ernestine M. Mousa
Notary Public
(Typed or printed Name)

(STAMP-SEAL)



UnOfficial

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

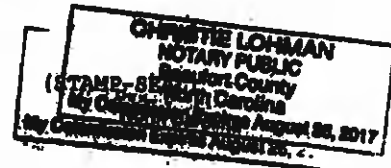
By: Brad Davis, Manager-Treasurer

State of North Carolina - County/City of Beaufort/Washington

I, the undersigned Notary Public of Beaufort County/City and State
aforesaid, certify that Brad Davis personally came before me this day and
acknowledged that he is the Manager-Treasurer of THE CURRITUCK ISLAND
COMPANY, LLC, a North Carolina limited liability company, and that by
authority duly given and as the act of such entity, he signed the foregoing
instrument in its name on its behalf as its act and deed. Witness my hand
and Notarial stamp or seal, this 14 day of March, 2017.

My Commission Expires: 8/26/17

Christie Lehman
Christie Lehman, Notary Public
(Typed or printed Name)



UnOfficial Document

UnOfficial Document

3 of 7

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

UNOFFICIAL Document

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

By: SAPIENCE INVESTMENTS, LLC, Member

By: Brad Davis, Manager

State of North Carolina - County/City of Beaufort / Washington

I, the undersigned Notary Public of Beaufort County/City and State
aforesaid, certify that Brad Davis personally came before me this day and
acknowledged that he is the Manager of SAPIENCE INVESTMENTS, LLC, a North
Carolina limited liability company, Member of THE CURRITUCK ISLAND COMPANY,
LLC, a North Carolina limited liability company, and that by authority duly
given and as the act of such entity, he signed the foregoing instrument in
its name on its behalf as its act and deed. Witness my hand and Notarial
stamp or seal, this 14 day of March, 2017.

My Commission Expires: 8/26/17

Christie Lehman
Christie Lehman, Notary Public
(Typed or printed Name)

CHRISTIE LOHMAN
NOTARY PUBLIC
Beaufort County
North Carolina
My Commission Expires August 26, 2017

CHRISTIE LOHMAN
NOTARY PUBLIC
Beaufort County
North Carolina
My Commission Expires August 26, 2017

4 of 7

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

Unofficial Document

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

By: BJAM ENTERPRISES, LLC, Member

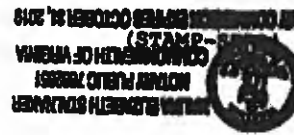
By: Nancy Warner
Nancy Warner, Manager

State of Virginia - County/City of York

I, the undersigned Notary Public of York County/City and State
aforesaid, certify that Nancy Warner personally came before me this day and
acknowledged that she is the Manager of BJAM ENTERPRISES, LLC, a North
Carolina limited liability company, Member of THE CURRITUCK ISLAND COMPANY,
LLC, a North Carolina limited liability company, and that by authority duly
given and as the act of such entity, she signed the foregoing instrument in
its name on its behalf as its act and deed. Witness my hand and Notarial
stamp or seal, this 22 day of March, 2017.

My Commission Expires: 10-31-19

Malina E. Stalnaker
Malina Stalnaker, Notary Public
(Typed or printed Name)



Official Document

Unofficial Document

5 of 7

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

By: **ISLAND VISTA, LLC, Member**

By: *Guy D. Lunsford*
Guy D. Lunsford, Manager

State of Virginia - County/City of Fairfax

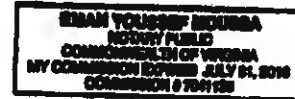
I, the undersigned Notary Public of Fairfax County/City and State aforesaid, Certify that Guy D. Lunsford personally came before me this day and acknowledged that he is the Manager of ISLAND VISTA, LLC, a North Carolina limited liability company, Member of THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 10 day of March, 2017.

My Commission Expires: 7/31/2018

Erin Younger Bourba
Notary Public
(Typed or printed Name)

(STAMP-SEAL)

F:/Doc/Darrell/Deeds/Lunsford-Currutuck Isl/Deed in Lieu



6 of 7

EXHIBIT "A"

All those certain lots or parcels of land situated in Crawford Township, Currituck County, North Carolina and more particularly described as follows:

TRACT ONE:**PARCEL ONE:**

All that certain lot of land shown and delineated on that certain map or plat thereof, entitled in part "A RAY MEGGINSON & DENYSE B. MEGGINSON LAND," Crawford Township, Currituck Co., North Carolina, prepared by Benjamin M. Evans, Jr., Inc., Professional Engineer-Land Surveyor, under date of 23 July, 2001 and duly recorded in Plat Cabinet G, Slide 319 of the Currituck County Public Registry.

Same being the property conveyed to Lewis W. Parker, Jr., by deed dated August 31, 2001, and duly recorded in Book 543, Page 312 of the Currituck County Registry, to which reference is made for a more particular description.

PARCEL TWO:

All that certain parcel of land lying and being in the Village of Barco, Crawford Township, Currituck County, North Carolina, adjoining other lands of Lewis W. Parker, Jr. and being more particularly described as follows:

Beginning at a point lying in the bulkhead on the North side of a canal running into Coinjock Bay, said point of beginning marking the Southernmost corner of the property conveyed to the said Lewis W. Parker, Jr. by deed dated August 31, 2001 recorded in Book 543, Page 312 of the Currituck County Registry, thence running along the North side of said canal along the bulkhead South 73 deg. 14 min. 30 sec. West 20.08 feet to a point; thence North 21 deg. 57 min. 00 sec. East 96.72 feet to a point; said line running along the Eastern edge of another canal running in a Northerly direction; thence North 72 deg. 12 min. 50 sec. East 20.05 feet to the Northwesternmost corner of the said parcel conveyed to Lewis W. Parker, Jr. as referenced above, said point also marking the Southwesternmost corner of the lands now or formerly owned by Victor M. Quintero by deed recorded in Deed Book 209, Page 238 of the Currituck County Registry; thence along the West line of the said Lewis W. Parker, Jr. South 21, deg. 57 min. 00 sec. East 97.08 feet to the point of place of beginning.

Said parcel being the Southernmost portion of what is referred to as "Simpson Road," which is an easement to approximately twenty feet (20') in width.

Together there is also conveyed hereby a perpetual nonexclusive easement for use of the canal lying immediately West of said parcel, made expressly subject to any other persons to whom a similar easement for use has been granted.

Same being a portion of the "First Tract" described in and conveyed by the said Charles D. Simpson and wife, Katherine L. Simpson by deed dated July 27, 1945, and recorded in Book 75, Page 157, Public Registry of Currituck County, North Carolina, the said Katherine L. Simpson being the surviving spouse of Charles D. Simpson who died March 24, 1992, a resident of Currituck County, North Carolina.

Said parcel lying immediately West of and abutting the lands conveyed by the said Charles D. Simpson and wife, Katherine L. Simpson to A.B. Megginson and wife, Eugenia B. Megginson, subsequently conveyed to A. Ray Megginson and Denyse B. Megginson, husband and wife, who conveyed same to Lewis W. Parker, Jr. by deed dated August 31, 2001 and recorded in Book 543, Page 312 of the Currituck County Registry.

For further reference see map or plat made from a survey by Benjamin M. Evans, Jr., Inc., Professional Engineer-Land Surveyor, entitled "A. Ray Megginson & Denyse B. Megginson Land, Crawford Township, Currituck Co., North Carolina," filed in Plat Cabinet G, Slide 319 of the Currituck County Registry.

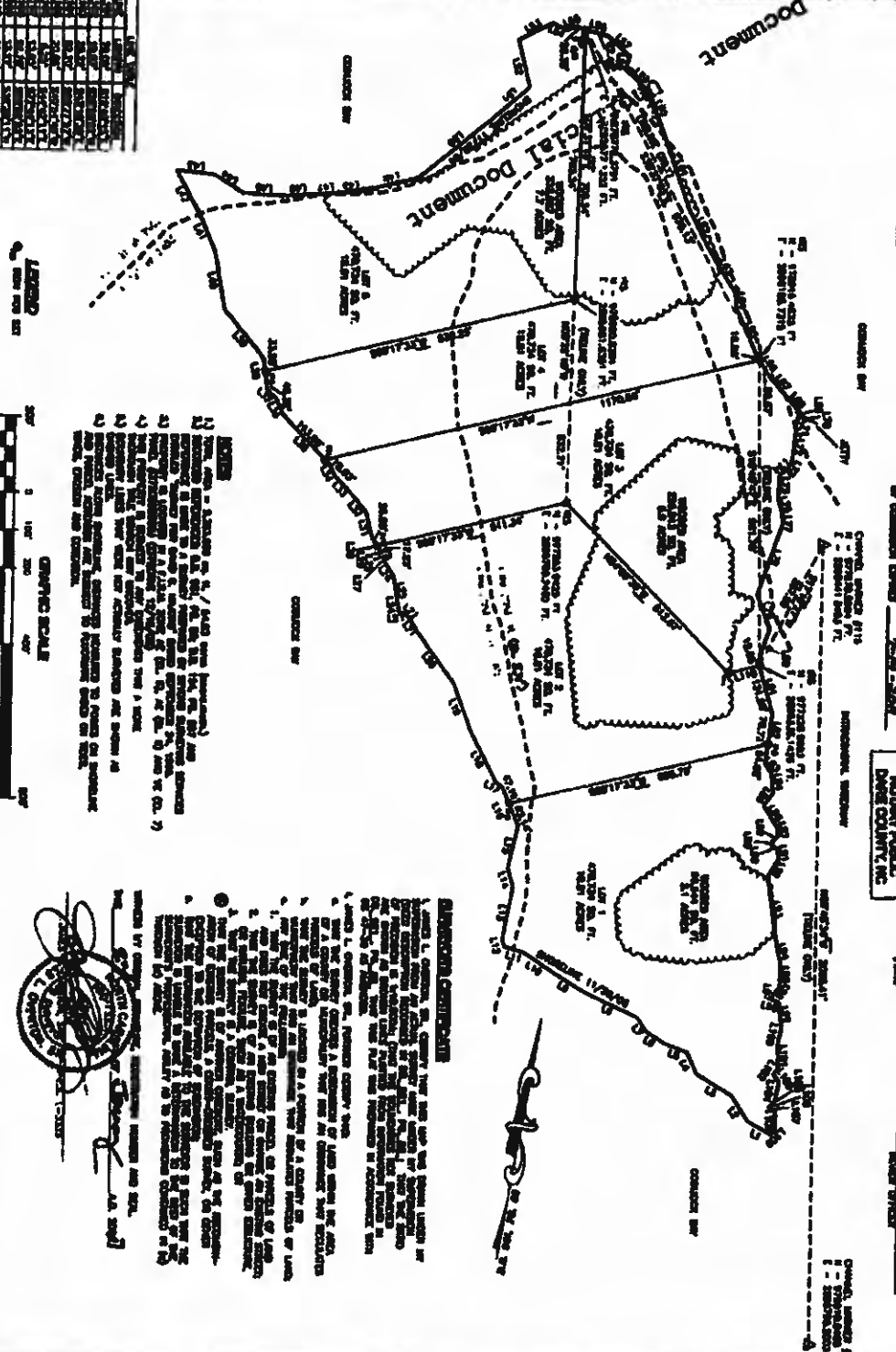
TRACT TWO:

Being all of Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5 as shown and delineated on that certain plat prepared by Charles L. Overton, Sr., P.L.S., under date of October 19, 2006, entitled in part "Long Point," recorded in Plat Cabinet J, Slide 140, Currituck County Registry.

Filed for registration on January 12, 2007
in D.B. 961, Page 88
Chas. J. [unclear] [unclear]
Register of Deeds

UNOFFICIAL

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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LEGEND



DEED CERTIFICATE
I, [unclear], County Clerk of Currituck County, North Carolina, do hereby certify that the foregoing is a true and correct copy of the original record of the deed of subdivision of the property described in D.B. 961, Page 88, as the same appears in the records of the Register of Deeds of Currituck County, North Carolina.

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I, [unclear], County Clerk of Currituck County, North Carolina, do hereby certify that the foregoing is a true and correct copy of the original record of the deed of subdivision of the property described in D.B. 961, Page 88, as the same appears in the records of the Register of Deeds of Currituck County, North Carolina.

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DEED CERTIFICATE
I, [unclear], County Clerk of Currituck County, North Carolina, do hereby certify that the foregoing is a true and correct copy of the original record of the deed of subdivision of the property described in D.B. 961, Page 88, as the same appears in the records of the Register of Deeds of Currituck County, North Carolina.

SUBDIVISION OF
"LONG POINT"
BEING THE PROPERTY DESCRIBED IN D.B. 961, PG. 88
CURRITUCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

NO.	DATE	DESCRIPTION
1	1/12/07	Original Subdivision



Cabinet 3 Slide 14D

Currituck County GIS Online Mapping

- Communities**
 - Apollon
 - Basco
 - Carpenter
 - Corolla
 - Currituck
 - Gilman Woods
 - Grandy
 - Hatteras
 - Jarvisburg
 - Kendall Island
 - Maple
 - Marysack
 - Point Harbor
 - Poplar Branch
 - Powells Point
 - Shawboro
 - Stags
 - Watersville
- County Boundary**
 - State
 - County
- Streets**
 - Major Streets
 - Arterial_Principal
 - Arterial_Major
 - Collector_Major
 - Flareouts
- ☐ **Currituck County**



This map should be used for general reference purposes only. Currituck County assumes no legal liability for the information shown on this map.

Currituck County GIS
(252)222-2034
www.co.currituck.nc.us/Geographic-Information-Services.cfm

Winston, Guy

PAGE 7

01/03/2007 13:00

2-24-2006 13:00 EXIT OUTER BANKS REALTY 2322500404



DEPARTMENT OF INSPECTION

Currituck County
Currituck, N. C. 27929

August 31, 1990

Roy Nell
521 Wilder Drive
Virginia Beach, VA 23451

Dear Mr. Nell:

As per our phone conversation this morning, we have no problem issuing a building permit for Long Point Island in Currituck Sound being we have approval from CAMA and Army Corps of Engineers. After obtaining a septic tank permit and we are presented with a complete set of plans, as of this date, we will be able to issue a building permit.

Any changes in the future could change the possibility of issuing a building permit.

If you should have any questions concerning this please contact our office at 232-3378.

Sincerely,

C.V. Payne
Chief Building Inspector

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

PAGES

02-24-2005 12:59 EXIT OUTER BRNKS RELTY 2522252104



State of North Carolina
 Department of Environment, Health and Natural Resources
 Division of Coastal Management
 Highway 17 South • Elizabeth City, North Carolina 27909

James G. Martin, Governor
 William W. Cobey, Jr., Secretary

Roger N. Schectur
 Director

July 10, 1990

Roy M. Niel
 521 Wilder Drive
 Virginia Beach, VA 23451

Dear Mr. Niel:

Please reference the onsite meeting with Ralph Thompson of the U. S. Army Corps of Engineers on July 9, 1990 at your island property near Barco in Currituck County. The three proposed home sites on your island are not within the 75 ft. Estuarine Shoreline Area of Environmental Concern and do not impact any coastal marsh on the island. As currently proposed, no CAMA permits will be required for the construction of homes on the three sites.

Any other structures, such as, walkways, piers, bulkheads, boat houses, etc., within 75 ft. of the normal water level or located in any coastal marsh will require CAMA authorization. Most of these structures maybe authorized under a CAMA General Permit issued through this office. If you have further questions or if your plans change please feel free to call myself or Todd Ball at (919) 264-3901.

Sincerely,

Pete Colwell

Peter B. Colwell
 Field Representative I

PBC/dc

cc: File

Route 6 Box 203, Elizabeth City, North Carolina 27909 Telephone 919-264-4901

An Equal Opportunity Affirmative Action Employer

98844

02-24-2005 13:08 EXIT OUTER BANKS REPLY 252538482

JOHN B. SLUDGE, JR. M. D.
Director



Phone No.
Coinjock 282-2871
Area Code (818)

**CURRITUCK COUNTY
HEALTH DEPARTMENT**
CURRITUCK, N. C. 27929

August 30, 1990

Roy M. Neil
521 Wilder Drive
Virginia Beach, Va. 23451

Re: Long Point Island, Coinjock, N.C.

Dear Mr. Neil:

On October 25, 1989 I visited the above site with you present, to determine suitability and adequate area for septic tank disposal system. I informed you to consult with the Army Corps of Engineers and OAMA officials to determine setbacks from wetlands. I received letters from both agencies on August 30, 1990 indicating that the three areas checked are not within the wetlands area nor within the 75 ft. Estuarine Shoreline Area of Environmental Concern.

Results of the site evaluation done 10/25/89 is as follows:

Area 1 (approx. 50'x75') - Filled Soil, Soil Wetness at 36 inches
Area 2 (approx. 50'x 60') - Filled Soil, Soil Wetness at 24 inches
Area 3 (approx. 50'x 60') - Filled Soil, Soil Wetness at 24 inches

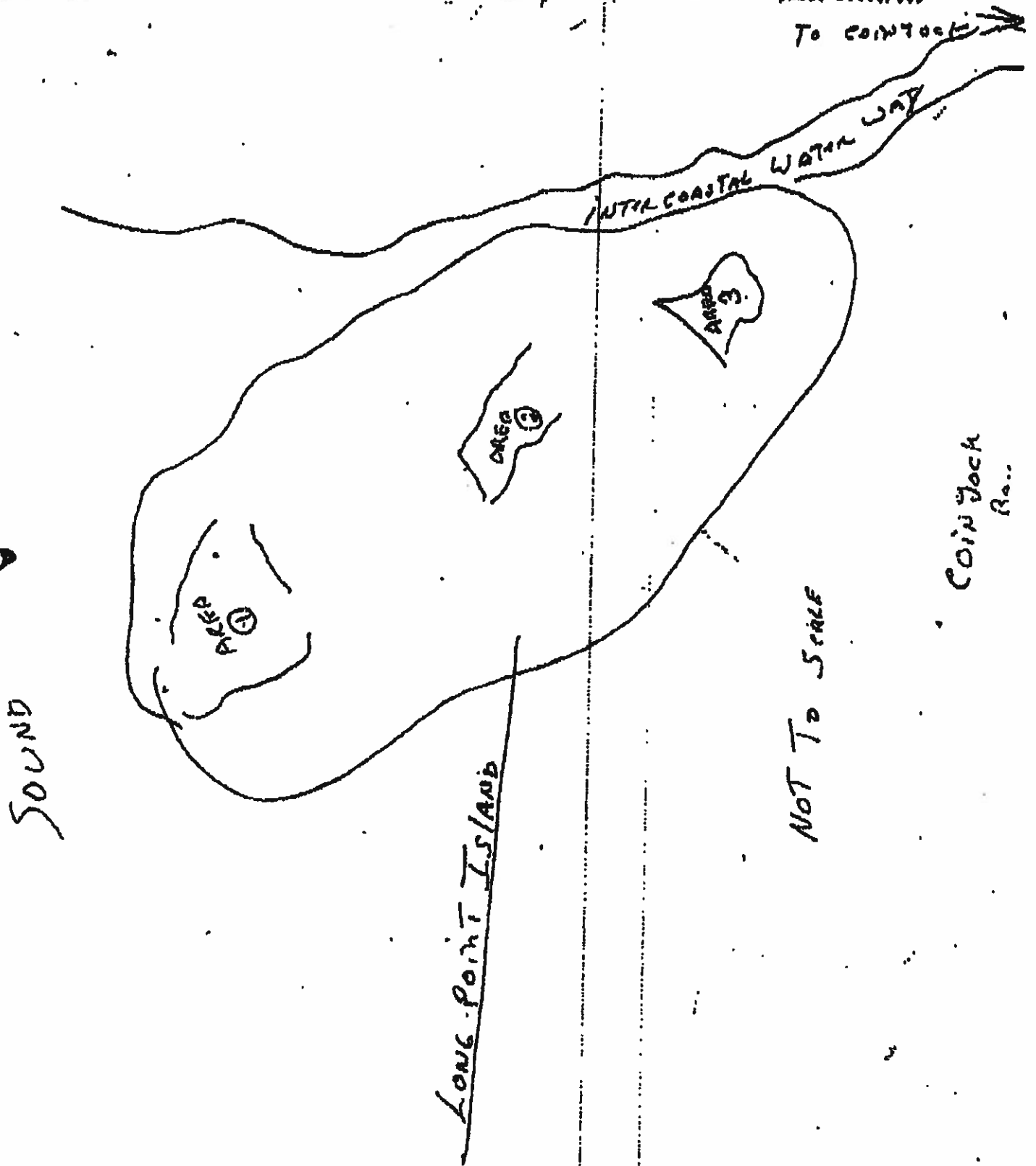
Areas two and three will need 18 to 24 inches of fill. However, before any modifications are done please provide this department with plat showing the exact areas with measurements for the septic tank systems, and make application for septic tank permits providing information necessary for me to figure size of systems. Due to limited space available on these areas checked and the soil profile, system sizes will be limited to three bedroom houses.

Sincerely,

John N. Baum, R. S.
Environmental Health Coordinator

Enc: 1
cc: Jack Simoneau, Pl./Zoning Dir.
Vincent Payne, Bldg. Insp.

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)





DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1899
WILMINGTON, NORTH CAROLINA 28402-1899

August 13, 1990

IN REPLY REFER TO

Regulatory Branch

SUBJECT: CESAN-0090-0-027-Long Point Island

Mr. Roy M. Niel
521 Wilder Drive
Virginia Beach, Virginia 23451

Dear Mr. Niel:

Please reference your meeting on July 9, 1990, with Mr. Ralph Thompson of my staff on your property at Long Point Island, off of the Intercoastal Waterway near Coinjock, Currituck County, North Carolina. Mr. Peter Colwell and Mr. Todd Ball of the Division of Coastal Management were also present during the meeting.

Inspection of the property revealed that no wetlands exist within the limits of the property staked for septic tank installation, as shown on the survey dated July 23, 1978. Accordingly, no Department of the Army (DA) authorization is required for any work proposed within the three staked areas which were inspected. Please be aware that jurisdictional wetlands exist at other locations on the property, and the discharge of dredged or fill material within these areas would require prior DA authorization. No Department of the Army permit is required to install pile-supported structures within wetlands subject to regulation under Section 404 of the Clean Water Act, provided such work is accomplished without the discharge of dredged or fill material. Pile-supported structures extending below the mean high water mark or ordinary high water would require prior DA authorization under Section 10 of the Rivers and Harbors Act of 1899.

If you should have any questions concerning this matter, please contact Mr. Thompson at the Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina 27689-1000, or telephone (919) 975-3694.

Sincerely,

Wayne Wright
Mr. Wayne Wright
Chief, Regulatory Branch

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

02-24-2005 12:59 EXIT OUTER BANKS REALTY 2522282484



State of North Carolina
Department of Environment, Health, and Natural Resources

Division of Marine Fisheries

P.O. Box 769 • Morehead City, North Carolina 28557-0769

James C. Martin, Governor
William W. Cobey, Jr., Secretary

William T. Hargrath, Director
(919) 726 7021

30 August 1991

CERTIFIED
P 397 963 681

Mr. Roy M. Niel, Jr.
521 Wilder Drive
Virginia Beach, VA 23452

Re: NIEL, ROY M. JR.
CUR-0006-000-COB1

Dear Mr. Niel:

Consistent with the authority vested in me by the Secretary of the Department of Environment, Health, and Natural Resources, I have recently reviewed the G.S. 113-205 claim to submerged land filed by Linald R. Caroon and Saint Elmo Caroon on or before 1 January 1970. In my review, I have consulted with representatives of the Attorney General's Office. This letter addresses only the land or lands described herein. If your claim also concerned other lands not described in this letter, these portions of your claim will be addressed under separate correspondence.

The below description leads us to the finding that no portion of this property is submerged or beneath navigable waters and therefore, not within the scope of G.S. 113-205.

61.2 acre island on Coinjock Bay and Currituck Sound plus right of way to shoreline as described in Book 154 Page 557, recorded in the Register of Deed's Office in Currituck County.

Because this property is adjacent to navigable waters, you may have certain riparian rights such as the right to build a pier for access to open water. These rights are inherent in the land itself and are not affected by a finding that the property described does not include any navigable waters. These riparian rights do not

PAGE 3

02-24-2005 12:59 EXIT OUTER BANKS REALTY 252550404

Mr. Roy M. Niel, Jr.
Page 2
30 August 1991

include the right to exclude any member of the general public from exercising their public trust rights. Should you wish to contest this determination, G.S. 113-206(e) allows you three (3) years from the date of your receipt of this notice to file civil action in the Superior Court of the county in which the property is located.

Thank you for your patience while your claim was resolved. If you have any questions concerning this matter, please contact P.A. Wojciechowski, Director of the Submerged Lands Program at the letterhead address, or by telephone at 1-800-682-2632 (in North Carolina) or 919-726-7021.

Sincerely,



William T. Hogarth, Ph.D.
Director

WTH/jjp

cc: P.A. Wojciechowski
cc: Attorney General's Office

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2643)

Agenda Item Title

Ordinance Amending Chapter 2, Article III, Division 3: Fire and Emergency Medical Services (EMS) Advisory Board, to Provide One Resident Appointment from Knotts Island and One Resident Appointment from Corolla and to Increase Membership on the Fire and EMS Board from Five to Seven

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING CHAPTER 2, ARTICLE III, DIVISION 3 OF THE CURRITUCK COUNTY
CODE OF ORDINANCES BY ADDING TWO ADDITIONAL BOARD MEMBERS AND
AUTHORIZING MONTHLY BOARD MEETINGS**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-76 a board of commissioners may change the composition and manner of selection of boards, commissions, and agencies, and may generally organize and reorganize the county government in order to promote orderly and efficient administration of county affairs; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-77 a board of commissioners may appoint advisory boards, committees, councils and agencies composed of qualified and interested county residents to study, interpret and develop community support and cooperation in activities conducted by or under the authority of the board of commissioners.

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 Chapter 2, Article III, Division 3 to read as follows:

DIVISION 3. FIRE AND EMS ADVISORY BOARD

Sec. 2-120. - Created.

The fire and emergency medical services advisory board is created pursuant to G.S. 153A-76.

Sec. 2-121. - Composition.

The fire and emergency medical services advisory board shall be composed of ~~five~~ seven members. Two members shall be a member of a volunteer fire department in the county, one member shall be the county emergency medical services director, one member shall be a member of the board of commissioners ~~and~~ one member shall be a public member who is a resident of the county, one member shall be a resident of Knotts Island and one member shall be a resident of Corolla.

Sec. 2-122. - Appointment and terms of members.

The volunteer fire department and public member of the fire and emergency medical services advisory board citizen shall be appointed by and serve at the pleasure of the board of commissioners in the manner set forth in sections 2-96 and 2-97. The initial fire and emergency medical services advisory board is to consist of two appointees for a term of one year and three appointees for a term of two years. Thereafter, all appointments are to be for terms of two years.

The commissioner serving as member shall be appointed by the board of commissioners on the first Monday in December to serve for a two-year term.

Sec. 2-123. - Compensation of members.

The volunteer fire department and public members of the fire and emergency medical services advisory board shall be paid the sum per meeting provided by the board of commissioners in the county fee schedule and shall be reimbursed for expenses incurred by them in the course of their duties upon the presentation of proper vouchers for those expenses.

Sec. 2-124. - Removal of members.

The board of commissioners shall have the right to remove any member appointed to the fire and emergency medical services advisory board at will and appoint a replacement member.

Sec. 2-125. - Duties.

The fire and emergency medical services advisory board is charged with the following duties:

(1) review and make recommendations on volunteer fire department budget requests;

(2) review and make recommendations on capital improvement project budget requests;

(3) develop and implement volunteer firefighter retention and recruitment programs;

(4) make recommendations to the board of commissioners for improvement to the fire protection and emergency medical services system;

(5) investigate, study and make recommendations to the board of commissioners on any matter referred by the board of commissioners.

Sec. 2-126. - Function as advisory body.

The fire and emergency medical services advisory board shall have no legislative powers of its own but shall simply be an advisory body to the board of commissioners concerning the matters with which it is charged, and the board of commissioners will receive and consider the board's recommendations.

Sec. 2-127. - Officers.

The fire and emergency medical services advisory board shall appoint from its membership a chairman and any other officers as it may deem necessary for the orderly conduct of its business.

Sec. 2-128. - Meetings.

The fire and emergency medical services advisory board shall hold meetings once ~~quarterly~~ monthly and at hours as may be fixed by the board. Special meetings may be held on call of the chairman upon 48 hours' notice to the members of the board. A copy of the minutes of all meetings shall be sent to the county manager. All meetings or other business of the board shall be conducted in accordance with the Open Meetings Law.

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

PART III. This ordinance is effective immediately upon adoption.

ADOPTED this 2nd day of December, 2019.

Chairman

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

S:\Legal\Ordinances\

Attachment: Ordinance Amending FEAB 120219 (Ordinance Amendment-Fire & EMS Advisory)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2647)

Agenda Item Title

Ordinance of the Currituck County Board of Commissioners Amending Chapter 9 of the County Code of Ordinances by Adding Article VI. Alarm Systems, and Section 1-8 Regarding Issuance of Notices of Violation, and to Make a Technical Correction

Brief Description of Agenda Item:

Consideration of an ordinance to allow the ability to assess civil penalties for emergency response to false alarm calls.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF**
2 **COMMISSIONERS AMENDING CHAPTER 9 OF THE CURRITUCK**
3 **COUNTY CODE OF ORDINANCES BY ADDING ARTICLE VI. ALARM**
4 **SYSTEMS AND SECTION 1-8 REGARDING ISSUANCE OF NOTICES OF**
5 **VIOLATION AND TO MAKE A TECHNICAL CORRECTION**

6
7 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by
8 ordinance define, regulate, prohibit, or abate acts, omissions, or conditions
9 detrimental to the health, safety, or welfare of its citizens; and

10
11 WHEREAS, the Board of Commissioners has determined that alarm systems
12 transmitting false alarms endangers public safety first responders and compromises
13 emergency response systems.

14
15 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for
16 the County of Currituck as follows:

17
18 **PART I.** Chapter 9 of The Code of Ordinances, Currituck County, North Carolina
19 is amended by adding ARTICLE VI. ALARM SYSTEMS to read as follows:

20
21 **ARTICLE VI. ALARM SYSTEMS**

22
23 **Sec. 9-100. - Definitions.**

24 For the purpose of this article, the following definitions shall apply unless the
25 context clearly indicates or requires a different meaning.

26 Alarm signal means detectable signal, audible or visual, generated by an alarm
27 system, to which law enforcement or fire department is expected to respond.

28 Alarm system means any single device or assembly of equipment designed to
29 signal the occurrence of an illegal or unauthorized entry or other activity requiring
30 immediate attention and to which law enforcement or fire department is expected to
31 respond, but does not include alarms installed in motor vehicles, domestic violence
32 alarms, or alarms designed to elicit a medical response.

33 Alarm user means any person, corporation, partnership, proprietorship,
34 governmental or educational entity, or any other entity owning or leasing an alarm
35 system, or on whose premises an alarm system is maintained for the protection of
36 such premises.

37 Automatic dial protection device means an automatic dialing device or an
38 automatic telephone dialing alarm system, and shall include any system which,
39 upon being activated, automatically initiates to the county's communications center,
40 Sheriff's Department or fire department a recorded message or code signal
41 indicating a need for emergency response.

False alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his or her employees, or agents, and signals activated to summon law enforcement or fire department personnel unless the alarm user or his or her agent canceled law enforcement or fire department response before law enforcement or fire department personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by law enforcement or fire department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises or no evidence indicates the necessity of fire department response that would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm that can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies and receives permission from the user's alarm company, or designee, to test the system.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action.

Sec. 9-101. - Duties of the alarm user.

An alarm user shall:

- a. Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms;
- b. Make a solemn endeavor to respond or cause a representative to respond to the alarm system's location within 30 minutes when notified by law enforcement or fire department to deactivate a malfunctioning alarm system, to provide right of entry to the premises, or to provide alternative security for the premises; and
- c. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider.

Sec. 9-102. - Prohibited acts.

- a. It shall be a violation of this article to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, for the purpose of summoning a fire

department when no fire event is occurring or otherwise to cause a false alarm.

b. It shall be a violation of this article to install, maintain, or use an audible alarm system that can sound continually for more than 15 minutes.

c. It shall be a violation of this article to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the county's communications center, Sheriff's Department or fire department.

Sec. 9-103. - Enforcement of provisions.

a. *Excessive false alarms.* It is hereby found and determined that two or more false alarms within a thirty day period is excessive, constitutes a public nuisance, enforceable by an equitable action, and shall be unlawful and a violation of this article. Civil penalties for false alarms within a year may be assessed against an alarm user as follows:

Second and over false alarms \$250.00

b. *Civil noncriminal violation.* A violation of any of the provisions of this article shall be a civil violation and shall not constitute a misdemeanor or infraction, enforceable under G.S. § 14-4, which expressly shall not apply.

Sec. 9-104. - Appeals.

a. *Appeals process.* Assessments of civil penalty(ies) and other enforcement decisions made under this article may be appealed by filing a written notice of appeal with the county manager or county manager's designee within ten days after the date of notification of the assessment of civil penalty(ies) or other enforcement decision. The failure to give notice of appeal within this time shall constitute a waiver of the right to contest the assessment of penalty(ies) or other enforcement decision. Appeals shall be heard through an administrative process established by the county. The hearing officer's decision is subject to review in the district court by proceedings in the nature of certiorari.

b. *Appeal standard.* The hearing officer shall review an appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.

PART II. Section 1-8(f)(g)(i) and (j) of The Code of Ordinances, Currituck County, North Carolina are amended to read as follows:

(f) The provisions of this Code and any other ~~town~~ county ordinances may be enforced by one, all or a combination of the remedies authorized and prescribed by this section; except that any provision the violation of which incurs a civil penalty shall not be enforced by criminal penalties.

(g) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other ~~town~~ county ordinance shall be a separate and distinct offense.

(i) Upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the county shall cause a warning citation to be issued to the violator, setting out the nature of the violation, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating a reasonable period of time in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty. The initial issuance of a warning citation upon a violator as provided above shall not be required for the immediate imposition of civil penalties for a determination of a violation of any of the following provisions:

(1) Chapter 3, section 3-36;

(2) Chapter 8, article IV;

(3) Chapter 9, section 9-1, section 9-4, section 9-7, section 9-33; , article VI;

(4) Chapter 10;

(5) Chapter 12, article IV, section 12-62.

(j) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the ~~town~~ county and either served directly on the violator or his duly designated agent, or registered agent if a corporation, in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the ~~town~~ county, or obtained from the violator at the time of the issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear before the ~~town treasurer~~ county finance officer, ~~located in the town hall,~~ within 15 days of the date of the citation or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations

shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated. Within a 12-month period, any repeat violation for which a notice of violation, warning citation, or civil citation has been issued shall be considered a continuation of the original violation.

PART II. Severability. Should any section or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be invalid or unconstitutional.

PART III. Effective date. This ordinance shall be effective immediately upon its adoption.

ADOPTED the 2nd day of December, 2019.

Chairman, Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board of Commissioners

APPROVED AS TO FORM:

Donald I. McRee, Jr.
County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: ____ AYES ____ NAYS



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2667)

Agenda Item Title

Amended Item-Commissioner Appointments to Boards

Brief Description of Agenda Item:

The agenda was amended and the Board of Commissioners added their appointments for serving on Boards requiring an elected official.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Boards on Which Commissioners Serve

Appointed December 2, 2019

Paul Beaumont:

- Albemarle Regional Planning Organization (ARPO)
- Fire & EMS Advisory Board
- Veteran's Advisory

J. Owen Etheridge:

- Albemarle Commission
- Albemarle Regional Solid Waste Authority

Mary Etheridge:

- Senior Citizens Advisory Board
- Social Services Board

Selina Jarvis:

- Alternate-Albemarle Regional Planning Organization (ARPO)
- Juvenile Crime Prevention Council
- Trillium Health

Kevin McCord:

- Animal Services and Control Advisory Board
- Recreation Advisory Board

Mike Payment:

- ABC Board
- Albemarle Regional Health Board
- Local Emergency Planning Committee (LEPC)

Bob White:

- Tourism Advisory Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2651)

Agenda Item Title

Animal Services & Control Advisory

Brief Description of Agenda Item:

Two members are eligible for reappointment. Both are willing to serve a second, full term on the Advisory expiring May 30, 2021.

Laura Hill

Nancy VanClief

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

ANIMAL SERVICES/CONTROL ADVISORY
2-YEAR TERMS

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Brenda Parrish	Consensus			8/6/2018	1st Term 5/30/2020
Donna Corbo	Consensus			8/6/2018	1st Term 5/30/2020
Laura Hill	Consensus			6/19/2017	1st Term 5/30/2019
Michael Shannon	Consensus			8/6/2018	1st Term 5/30/2020
Nancy VanClief	Consensus			5/16/2016 6/19/2017	1st Term 5/30/2019
Gina Maurer <i>Director</i>	Consensus				
Animal Control Officer	Consensus				
Commissioner Kevin McCord	Ex-Officio			1/2019	1/2021

Commissioner serves 2-year term, ex-officio, non-voting.

Initial Terms to be designated-4 will serve 2 year terms, 3 will serve 1 year terms.

Animal Advocate	2
Vet Care/Admin	1
Handler/Training	1
Grant Writing/Research	1



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2655)

Agenda Item Title

Board of Adjustment

Brief Description of Agenda Item:

The following members are eligible for reappointment and are willing to continue to serve. If approved, new terms will expire December 31, 2022.

Lynn Hicks Will change from Alternate to regular member (Payment)

Thom Roddy (JO Etheridge)

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

BOARD OF ADJUSTMENT
3-Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Cathy Bontemps	District 1		Bob White	08/06/2018	Unexpired Term 12/31/2020
Steven Craddock	District 2		Selina Jarvis	3/4/2019	Unexpired Term 12/31/2021
Lynn Hicks-Alt 1	District 3	<i>Will become regular member</i>	Mike Payment	3/4/2019	Unexpired Term 12/31/2019
Greg Hammer	District 4	<i>No longer wishes to serve</i>	Paul Beaumont	5/15/2017	1st Term 12/31/2019
Thom Roddy	District 5		Owen Etheridge	3/5/2018	Unexpired Term 12/31/2019
Carol Bell-Alt 2	At Large	<i>Will move to Alt 1 position</i>	Kevin McCord	8/19/2019	Unexpired Term 12/31/2020
Troy Breathwaite	At-Large		Kitty Etheridge	12/4/2017	1st Term 12/31/2020

May be Reappointed

Must be Replaced



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2654)

Agenda Item Title

Fire and EMS Advisory

Brief Description of Agenda Item:

Reappointment of Robert Pervere and Fire & EMS Chief, Ralph Melton, to continue to serve through May 30, 2021.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

FIRE AND EMS ADVISORY BOARD
2 Year Term

Incumbent	District Served	New Appointee	Nominated by	Date of Appointment	End of Term
Fire/EMS Chief Ralph "Chip" Melton	Consensus			5/18/2015	EMS Repres.
				6/19/2017	5/31/2019
Fire Services Representative Robert Pervere	Consensus			5/18/2015	1st Term
				6/19/2017	5/31/2019
Fire Services Representative Brooks Hart	Consensus			5/18/2015	2nd Term
				6/19/2017	5/31/2019
Citizen Representative William Bailey	Consensus			6/4/2018	1st-2 Year Term 5/31/2020
Commissioner* Paul Beaumont	Consensus			12/5/2016	BOC Member

*Commissioner term expiration extended to December to correlate with election cycles.

Fire/EMS Chief serves as required by ordinance

Commissioner Beaumont serves on this Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2656)

Agenda Item Title

Game Commission

Brief Description of Agenda Item:

The following members of the Game Commission are eligible for reappointment to serve terms expiring June 1, 2021.

Robert Romm (Beaumont)

Trevor Old (JO Etheridge)

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

GAME COMMISSION
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Ardell Waterfield	District 1		Bob White	9/4/2018	Unexpired 6/1/2020
Jason Belangia	District 2		Selina Jarvis	8/6/2018	2nd term 6/1/2020
Jeremy Evans	District 3		Mike Payment	8/6/2018	2nd term 6/1/2020
Robert Romm	District 4		Paul Beaumont	6/19/2017	1st term 6/1/2019
Trevor Old	District 5		Owen Etheridge	9/4/2018	Unexpired 6/1/2019
Andrew Shilling	At-Large		Kevin McCord	6/5/2017	Unexpired 6/1/2021
James Cason, Jr	At-Large		Kitty Etheridge	8/19/2019	2nd term 6/1/2021

May be Reappointed



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2657)

Agenda Item Title

Planning Board

Brief Description of Agenda Item:

The following members are eligible for reappointment and are willing to continue to serve. If approved, new terms will expire December 31, 2021.

Juanita Krause (JO Etheridge)

David Doll (M Etheridge)

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

PLANNING BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Ana Hilgendorf	District 1		Bob White	December 3, 2018	1st Term 12/31/2020
Garry Owens	District 2		Selina Jarvis	February 18, 2019	Unexp Term 12/31/2020
James Timothy Thomas	District 3		Mike Payment	February 18, 2019	2nd Term 12/31/2020
Bryan Bass	District 4		Paul Beaumont	February 18, 2019	Unexp Term 12/31/2020
Juanita Krause	District 5		J. Owen Etheridge	March 18, 2019	Unexp Term 12/31/2019
C. Shay Ballance	At-Large		Kevin McCord	February 18, 2019	2nd Term 12/31/2020
David Doll	At-Large		Kitty Etheridge	April 1, 2019	Unexp. 12/31/2019

May be Reappointed



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2658)

Agenda Item Title

Tourism Advisory

Brief Description of Agenda Item:

The following members are eligible for reappointment and are willing to continue to serve. If approved, new terms will expire as follows:

Todd Cartwright	(White)	Exp. 11/2021
Doug Brindley	(Jarvis)	Exp. 11/2021
Sharon Price	(Payment)	Exp. 11/2020
Sophie Bennewitz	(JO Etheridge)	Exp. 11/2021
Ben Beasley	(McCord)	Exp. 11/2021

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

TOURISM ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Todd Cartwright	District 1		Bob White	Appointed 1/16/2018	1st Term November 2019
Doug Brindley	District 2		Selina Jarvis	Appointed 1/16/2018	1st Term November 2019
Sharon Price	District 3		Mike Payment	Appointed 1/16/2018	Unexpired Term November 2018
Keith Dix	District 4		Paul Beaumont	Reappointed 2/4/2019	2nd Term November 2020
Sophie Bennewitz	District 5		Owen Etheridge	Appointed 1/16/2018	1st Term November 2019
Ben Beasley	At-Large		Kevin McCord	Appointed 12/4/17	1st term November 2019
Ann Morgan Bell	At-Large		Kitty Etheridge	Appointed 2/4/2019	Unexp Term November 2020

Can Be Reappointed

Commissioner White serves on this Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2659)

Agenda Item Title

Veterans Advisory

Brief Description of Agenda Item:

The following members are eligible for reappointment and are willing to continue to serve. If approved, new terms will expire August 6, 2021.

ET Smith	(White)
Chet Moore	(Jarvis)
Jennifer Kuhnen	(M Etheridge)

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

VETERANS ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
	District 1	ET Smith	Bob White	8/6/2018	Initial 8/6/2019
	District 2	Chet Moore	Selina Jarvis	8/6/2018	Initial 8/6/2019
	District 3	John McColley	Mike Payment	8/6/2018	Initial 8/6/2020
	District 4	Arron Sterling	Paul Beaumont	8/20/2018	Initial 8/6/2020
	District 5	Michael Shea	Owen Etheridge	8/6/2018	Initial 8/6/2020
	At-Large	Steve Shawgo	Kevin McCord	9/4/2018	Initial 8/6/2020
	At-Large	Jennifer Kuhnen	Kitty Etheridge	8/6/2018	Initial 8/6/2019

Commissioner Beaumont Serves on this Board-Designated 8-20-2018



**CURRITUCK COUNTY
NORTH CAROLINA**

November 4, 2019

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Ocean Sands

The Currituck County Board of Commissioners met in the Historic Courthouse Conference room at 5:00 PM for a work session. The County is expecting Ocean Sands subdivision developer, Coastland Corporation, to submit an application to develop Section G of the subdivision, located in Corolla, North Carolina. County Attorney, Ike McRee, and County Manager, Ben Stikeleather, wanted to provide a review of the terms of a legal settlement agreement that exists between the County and Coastland Corporation that establishes the county's responsibility to provide utility services to the Ocean Sands subdivision and sets the types of development allowed in each section of the subdivision. Mr. McRee said there have been ongoing disputes and litigation with Coastland Corporation, who claim the county has violated the agreement. He said the county prevailed in the most recent suit, filed in 2015, and the Board discussed the County's attempts to secure stormwater easements to alleviate flooding in the subdivision. The work session concluded at 5:41 PM.

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met in regular session 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	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-Reverend Jerry Cribb, Pilmoor Memorial United Methodist Church

Reverend Jerry Cribb attended to offer the Invocation and lead the Pledge of Allegiance.

Communication: Minutes for November 4, 2019 (Approval Of Minutes for November 4, 2019)

B) Approval of Agenda

Commissioner Payment moved to amend the agenda and deleted the Lower Currituck Volunteer Fire Department Update under Administrative Reports. Commissioner Jarvis seconded. The motion passed and the agenda was approved as amended.

Approved agenda:

Work Session

5:00 PM Ocean Sands

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Reverend Jerry Cribb, Pilmoor Memorial United Methodist Church

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****Administrative Reports**

A) Congressman Gregory F. Murphy M.D. (NC-03)

~~B) Lower Currituck Volunteer Fire Department-Departmental~~

~~Update~~ *This item was removed from the agenda.*

Public Hearings

A) **19-22 Corolla Chapel Conditional Rezoning:** Request for conditional rezoning of property located at 1136 Corolla Village Road from Single-Family Residential-Outer Banks to Conditional General Business.

B) **PB 19-21 Island Development Text Amendment:** Guy Lunsford is requesting a text amendment to allow development on islands accessible only by boat.

C) **PB 18-23 Fost PD-R, Amended:** Convert 72 two-sided townhomes (multi-family) into 35 rear-loaded townhomes (multi-family), add 3 additional single-family dwelling units, remove alley-ways and some roadways, provide additional connectivity to the tract to the north, modify phasing schedule,

and other plan revisions, PIN 0015-000-0086-0000, Moyock Township.

New Business

- A) Through the Fence Airport Easement for 118 Aviator Drive, Brady Landing Airpark, Maple
- B) IT Budget Amendment for Security Required Computer Replacements
- C) Board Appointments
 - 1. Reappointment of Vivian Simpson to the Jury Commission
- D) Consent Agenda
 - 1. Minutes Approval for October 21, 2019
 - 2. Budget Amendments

Adjourn

Special Meeting of the Tourism Development Authority

TDA Budget Amendment

Adjourn Special Meeting

Special Meeting of the Ocean Sands Water & Sewer District Board

OSWSD Budget Amendments

Adjourn Special Meeting

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

Commissioner Jarvis welcomed Congressman Murphy, who was in attendance. She thanked Cooperative Extension for their class offerings after attending a cooking program

and reported on a lecture held at the Historic Jarvisburg Colored School that discussed a project to map African American cemeteries in the county. She congratulated everyone for their efforts to put on the Currituck County Heritage Festival.

Commissioner J. Owen Etheridge reported his attendance at the Heritage Festival and said the event was well-attended. He thanked Tourism Director, Tameron Kugler, her staff and volunteers and said citizens who had never been to the facility before were very impressed with the Currituck County Rural Center.

Commissioner McCord announced the Currituck County Christmas Parade, scheduled for Friday, December 6, 2019, at Cooperative Extension in Barco.

Commissioner Payment thanked Congressman Murphy for attending the meeting. He said the BBQ tasting at the Heritage Festival raised over \$1,000 for Currituck Kids. He noted the recent fires in Currituck County and asked citizens to keep firefighters in their prayers and to consider volunteering. Commissioner Payment provided information on discounts for North Carolina lifetime hunting and fishing licenses available to volunteer fire-fighters.

Commissioner Mary Etheridge congratulated the winners of Currituck Chamber of Commerce Business Awards ceremony and discussed the impacts of small businesses to the economy. She touted the success of the Heritage Festival and thanked everyone involved for their hard work.

Commissioner Beaumont announced all three age groups of the Carolina Storm football program made it to the district championships in Charlotte and the community is being asked for donations to help offset the cost for travel. Information on ways to donate were presented and he thanked residents, in advance, and noted valuable lessons are learned in youth athletics. Commissioner McCord agreed with Commissioner Beaumont and talked about the sportsmanship displayed by the Currituck County youth.

Chairman White talked about attempts to dredge the boat ramp at Whalehead in Historic Corolla Park and hopes the County will eventually be successful. He provided status updates on county projects, including the new Corolla ABC store construction, Moyock Park, Carova Roads improvements and maintenance, and the horse fencing at the off-road ramp. He said sidewalks will be installed at Dolphin in Whalehead subdivision, and a Corolla Village pedestrian plan is being developed. He announced the possible cancellation of the November 18, 2019 Commissioners meeting.

COUNTY MANAGER'S REPORT

County Manager, Ben Stikeleather, reviewed a document distributed to Board members that had a list of key actions compiled from discussion at the recent Strategic Planning Sessions and asked Commissioners to review and prioritize the actions for project planning and budgeting. He shared the story of Currituck County 911 Telecommunicator, Rene Etheridge, who helped a caller deliver a baby.

ADMINISTRATIVE REPORTS

A. Congressman Gregory F. Murphy M.D. (NC-03)

Congressman Gregory F. Murphy, MD, addressed the Board of Commissioners and discussed the efforts of his office to focus on constituent services. He said they are currently working through a backlog of cases, and provided assurance that his offices are accessible to constituents. He announced office locations in Greenville, Jacksonville and Edenton, North Carolina, with the hopes of opening more in the future. He introduced District Director, Lindy Robinson, who was also present. Commissioners thanked Congressman Murphy for his visit.

B. Lower Currituck Volunteer Fire Department-Departmental Update

This item was removed from the agenda.

PUBLIC HEARINGS

A. 19-22 Corolla Chapel Conditional Rezoning:

APPLICATION SUMMARY	
Property Owner: John W. Austin Memorial Chapel, Inc. PO Box 64 Corolla, NC 27927	Applicant: James Southern PO Box 64 Corolla, NC 27927
Case Number: 19-22	Application Type: Conditional Rezoning
Parcel Identification Number: 0114-000-0028-0000 Property Address: 1136 Corolla Village Road	Existing Use: Religious institution (Church)
Land Use Plan Classification: Full Service	Parcel Size (Acres): .985 ac
Corolla Village Small Area Plan Classification: Mixed Use	Zoning History: Property has been zoned residential since 1970
Current Zoning: SFO	Proposed Zoning: Conditional GB

SURROUNDING PARCELS		
	Land Use	Zoning
North	Inn (Hotel)	C-GB
South	Retail	GB
East	Utility	GB
West	Residential	SFO

The applicant is requesting a conditional rezoning from SFO (Single Family Residential-Outer Banks) to C-GB (Conditional-General Business). The property is currently used as a church (religious institution). The applicant is proposing the following allowable uses:

- Usual and customary practices of a church including regularly scheduled worship services and community gatherings related to social support (i.e.: memorial services, recognition banquets, support for local charter school)
- Day care center (potential future use)
- After school program (potential future use)

The applicant desires to construct a fellowship hall addition on the north side of the existing church building. Through review of the building permit application, it was determined that the addition will not meet the maximum lot coverage requirement as currently zoned SFO. The SFO zoning district allows 30% lot coverage for this property. The GB zoning district allows 60% lot coverage. The conditional rezoning will allow an increase in lot

coverage for construction of the proposed fellowship hall addition and it will specify allowable uses of the property.

COMMUNITY MEETING

A community meeting was held on August 19, 2019. Attendees were in support of the rezoning request.

LAND USE PLAN

THE 2006 LAND USE PLAN CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE COROLLA SUBAREA. THE PROPOSED PLAN IS CONSISTENT WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:

POLICY CD6	APPROPRIATE OFFICE AND INSTITUTIONAL DEVELOPMENT, SUCH AS PROFESSIONAL OFFICES, SMALL CHURCHES, INDIVIDUAL MEDICAL OFFICES, AND THE LIKE, SHALL BE ENCOURAGED TO LOCATE AS A TRANSITIONAL LAND USE BETWEEN RESIDENTIAL AREAS AND COMMERCIAL OR INDUSTRIAL ACTIVITIES OF HIGHER INTENSITY.
POLICY OB5	CURRITUCK COUNTY, THROUGH ITS ACTIONS AND DECISIONS, SHALL SEEK TO PRESERVE THE HISTORIC CHARACTER AND HERITAGE OF THE COROLLA VILLAGE AREA OF THE OUTER BANKS.

COROLLA VILLAGE SMALL AREA PLAN

THE COROLLA VILLAGE SMALL AREA PLAN CLASSIFIES THIS SITE AS MIXED USE. AREAS DESIGNATED AS MIXED USE ARE CHARACTERIZED BY A DIVERSE MIX OF LAND USES INCLUDING HUMAN SCALE COMMERCIAL, RESIDENTIAL, GOVERNMENTAL, RECREATIONAL AND CIVIC USES. THE PROPOSED CONDITIONAL REZONING IS CONSISTENT WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:

POLICY LU1	RECOGNIZE THE UNIQUENESS OF THE AREA BY MAINTAINING DESIRABLE CHARACTERISTICS, SUCH AS BUILDING STYLE, SCALE, AND ARCHITECTURAL FEATURES; AND BY SUPPORTING DEVELOPMENT CONCEPTS THAT FOSTER AND PROMOTE THE CHARACTER, CULTURE AND HISTORY OF COROLLA VILLAGE.
ACTION LU1	IN REVIEWING DEVELOPMENT APPLICATIONS, PROMOTE NEW DEVELOPMENT TO BE CONSTRUCTED IN A STYLE SIMILAR TO THE EXISTING LOOK AND FEEL OF COROLLA VILLAGE AS WELL AS IN KEEPING WITH THE OUTER BANKS STYLE ARCHITECTURE.
POLICY LU3	FUTURE DEVELOPMENT SHOULD BE CONSISTENT WITH THE FUTURE LAND USE MAP FOR COROLLA VILLAGE.

Technical Review Committee

The Technical Review Committee recommends approval of the conditional rezoning subject to the following conditions:

1. Prior to construction of the proposed addition shown on the conceptual development plan (site plan), the applicant shall submit for site plan approval.
2. If applicant desires to operate a day care center and/or after school program, additional review by the Technical Review Committee is required.

Planning Board Recommendation

Planning Board recommends approval subject to the agreed upon conditions of approval.

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 the 2006 Land Use Plan as well as the Corolla Village Small Area Plan because appropriate institutional development is encouraged to locate as a transitional land use between residential areas and commercial activities of higher intensity; the county seeks to preserve the historic character and heritage of Corolla Village and the proposed development is consistent with the future land use map for Corolla Village.

Communication: Minutes for November 4, 2019 (Approval Of Minutes for November 4, 2019)

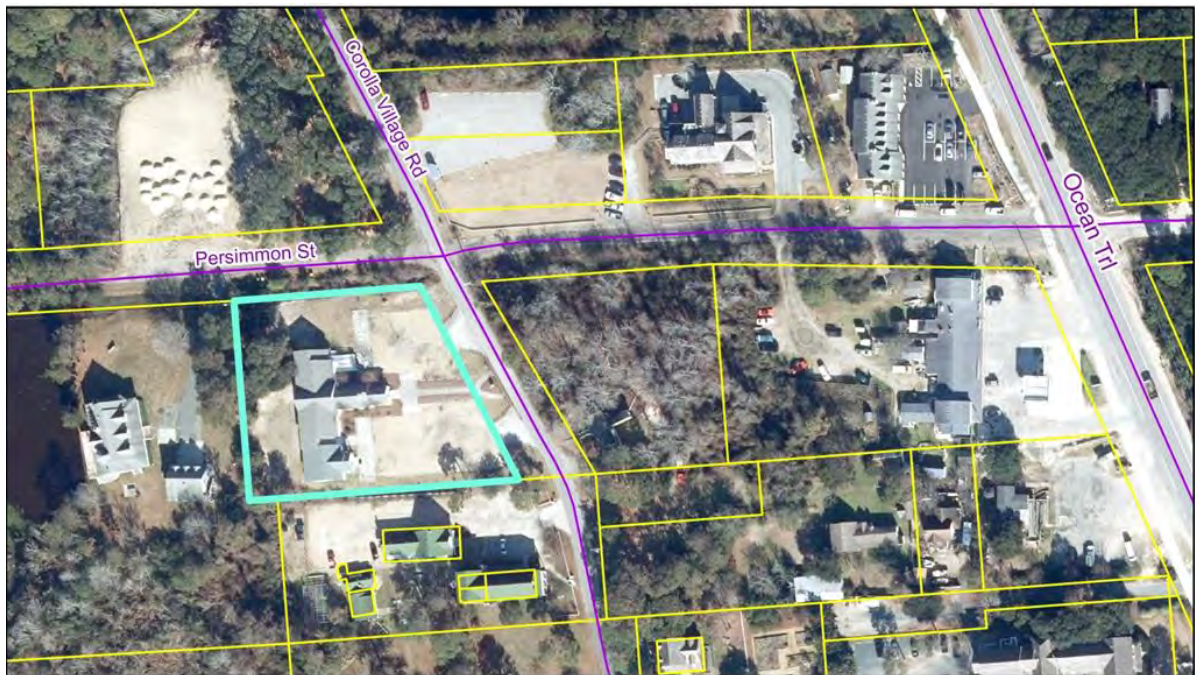
It is reasonable and in the public interest because it allows the use to continue and be expanded in accordance with the Unified Development Ordinance and it allows for an increase in community service opportunities for the Corolla Chapel.

CONDITIONS OF APPROVAL

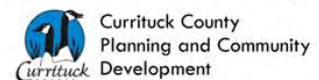
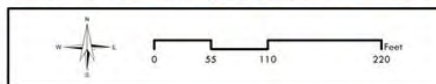
ONLY CONDITIONS MUTUALLY AGREED TO BY THE OWNER(S) MAY BE APPROVED AS PART OF A CONDITIONAL ZONING DISTRICT. CONDITIONS SHALL BE LIMITED TO THOSE THAT ADDRESS CONFORMANCE OF DEVELOPMENT AND USE OF THE SITE WITH COUNTY REGULATIONS AND ADOPTED PLANS AND THAT ADDRESS THE IMPACTS REASONABLY EXPECTED TO BE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

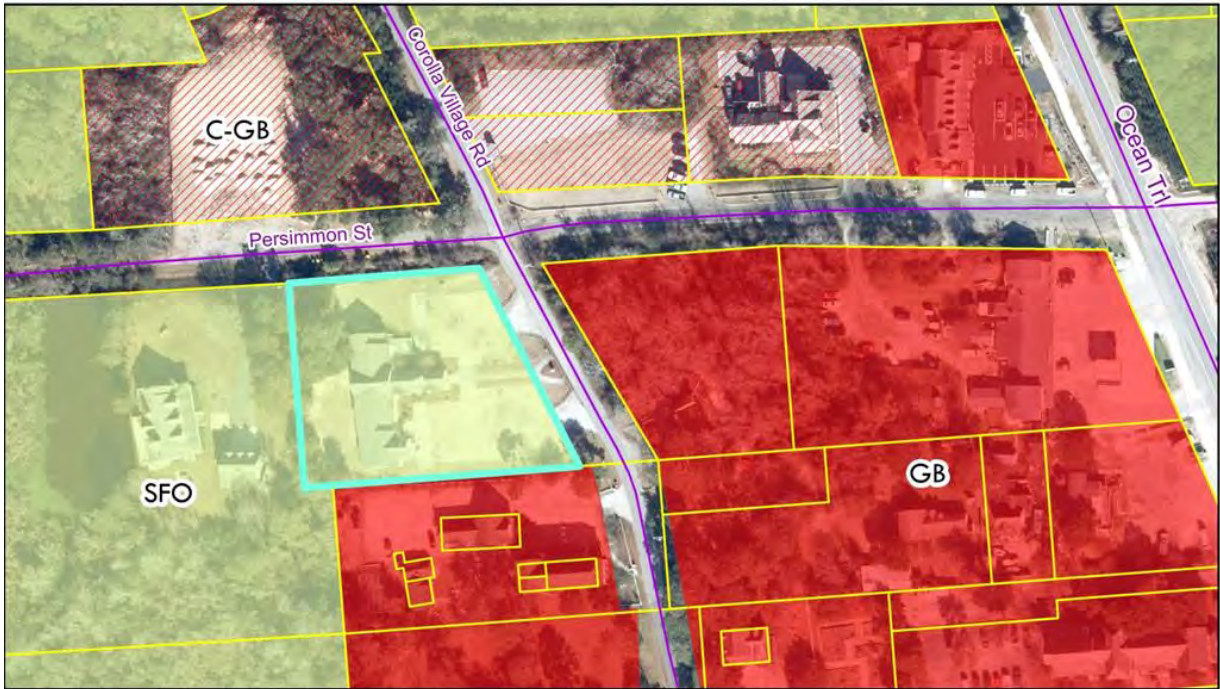
AGREED UPON CONDITIONS OF APPROVAL:

1. Allowable uses of the property shall be limited to the Institutional Use Classification Use Types:
 - a. Religious institution (Church)
 - b. Child care center (potential future use)
 - c. After school programs (potential future use)
2. Prior to construction of the proposed addition shown on the conceptual development plan (site plan), the applicant shall submit an application for site plan approval.
3. Future development shall conform to the enclosed conceptual development plan (site plan).
4. The proposed addition shall be constructed per the enclosed architectural renderings to promote a style similar to the existing look and feel of Corolla Village.
5. If applicant desires to operate a day care center and/or after school program, additional review by the Technical Review Committee is required.

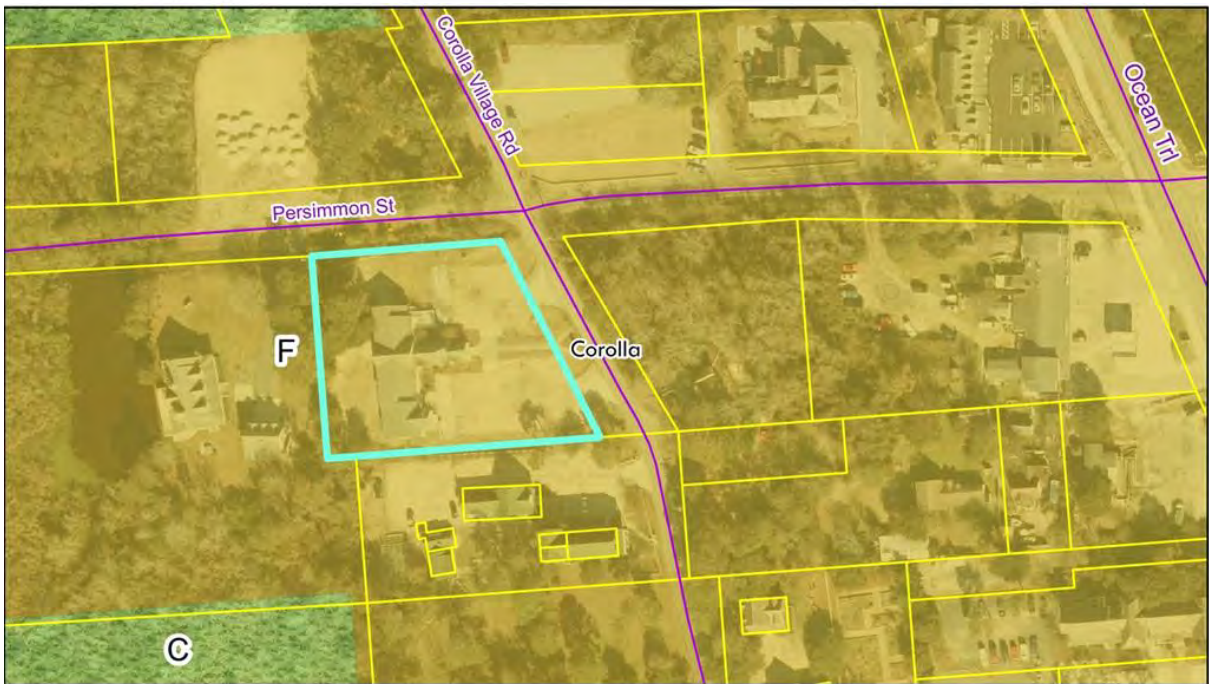
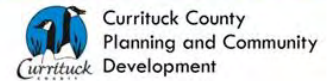
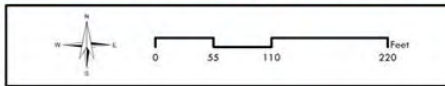


PB 19-22 Corolla Chapel
Conditional Rezoning
Aerial

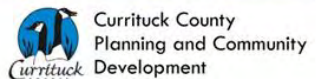
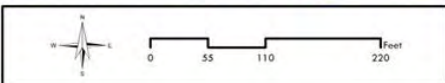




PB 19-22 Corolla Chapel
Conditional Rezoning
Official Zoning Map



PB 19-22 Corolla Chapel
Conditional Rezoning
Land Use Plan Classification



Communication: Minutes for November 4, 2019 (Approval Of Minutes for November 4, 2019)



County Planner, Jennie Turner, reviewed the conditional zoning request which would allow for an addition and use for day-care and after-school programs at the church. A powerpoint displayed overhead area maps, site plan and elevations of the addition during presentation. Ms. Turner reviewed supporting Land Use Plan policies. Staff, the Technical Review Committee and Planning Board recommended approval of the request, with suggested conditions that were presented to Commissioners.

Jim Southern, Pastor at Corolla Chapel, spoke in support of the project. He described the growth of the church and its programs and use of the fellowship hall by outside groups and the community, spurring the need for expansion. He said the church's original historic structure would not be disturbed.

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

Chairman White moved to approve PB 19-22, (Corolla Chapel) because the request is consistent with the 2006 Land Use Plan Full Service Designation and the following policies:

- Policy CD6-Appropriate office and institutional development, such as professional offices, small churches, individual medical offices, and the like, shall be encouraged to locate as a transitional land use between residential areas and commercial or industrial activities of higher intensity.
- Policy OB5-Currituck County, through its actions and decisions, shall seek to preserve the historic character and heritage of the Corolla Village area of the Outer Banks.

Also, the request is consistent with the Corolla Village Small Area plan and the following

policies:

- Policy LU1-Recognize the uniqueness of the area by maintaining desirable characteristics, such as building style, scale and architectural features.
- Policy LU3-Future development should be consistent with the future land use map for Corolla Village.

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

- It allows the existing use to continue and be expanded in accordance with the Unified Development Ordinance
- It allows for an increase in community service opportunities for the Corolla Chapel.

Conditions of approval are as follows:

1. Allowable uses of the property shall be limited to the Institutional Use Classification Use Types:
 - a. Religious Institution (Church)
 - b. Child care center (potential future use)
 - c. After School programs (potential future use)
2. Prior to construction of the proposed addition shown on the conceptual development plan the applicant shall submit an application for site plan approval.
3. Future development shall conform to the enclosed conceptual development plan or site plan.
4. The proposed addition shall be constructed per the enclosed architectural renderings to promote a style similar to the existing look and feel of Corolla Village.
5. If applicant desires to operate a day care center and/or after school program, additional review by the Technical Review Committee is required.

The motion was seconded by Commissioner Beaumont. The motion carried, 7-0.

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

B. PB 19-21 Island Development Text Amendment: Guy Lunsford is requesting a text amendment to allow development on islands accessible only by boat.

To: Board of Commissioners
Planning Board

From: Planning Staff

Date: September 25, 2019

Subject: PB 19-21 Island Development Text Amendment (Guy Lunsford)

Background

The purpose of the text amendment is to allow development on islands with boat only access. If approved, the text amendment will apply countywide and there are 21 privately owned islands off of Currituck Mainland. While the text amendment will apply countywide, Mr. Lunsford is particularly interested in developing the five 10+ acre lots on Long Point, an island in the Coinjock Bay.

In 2005, Wayne Meyers submitted a similar text amendment that the BOC eventually denied in 2008 for development of the same island. The primary concerns for denial of the text amendment at that time were citizen health and safety and for providing county services. Since this text amendment request is so significant in regards to citizen health and safety, it was reviewed by TRC. In reviewing the current TRC comments, you will find some of the same concerns with previous text amendment request in this text amendment request.

In 2006 The Currituck Island Company LLC purchased the property. Mr. Lunsford was the managing member of that LLC. On January 12, 2017 the Currituck Island Company LLC subdivided the single lot island into five 10+ acre lots. By North Carolina General Statute, properties being divided into lots greater than 10 acres are exempt from subdivision regulations. The 10+ acre lots are not exempt from zoning standards or NC Building code. On March 28, 2017, the property transferred from The Currituck Island Company LLC to Mr. Lunsford.

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;
 - Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - One of the purposes of the UDO is to facilitate the adequate provision of transportation, utilities, parks, recreation, emergency services, and other public facilities. (Section 1.3.J) This request is in direct conflict with the purpose of the UDO since emergency services will not be available to serve an island with boat only access. Adequate public facilities are not available to serve an island with boat only access. (Reference TRC Comments)
3. Is required by changed conditions;
 - Staff is unaware of changed conditions since the previous text amendment request in 2005.
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
 - Allowing development on an island with boat only access where firefighting and emergency medical services is not available is neither logical or orderly.
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.

Technical Review Committee Recommendation

TRC recommends denial of this request subject to the review standards noted above and the staff suggested Statement of Consistency and Reasonableness listed in the attached staff report.

Planning Board Recommendation

Planning Board recommends denial of this request subject to the review standards noted above and the staff suggested Statement of Consistency and Reasonableness listed in the attached staff report.



Pre-Application
Conference

Community
Meeting
(optional)

Submit
Application

Determination of
Completeness

TRC Review and
Report

Notice of
Decision

Zoning
Compliance
Permit – Island
Development

By E. Willis, on behalf of his client, Guy Lunsford, request an amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 3 Zoning Districts, and Chapter 10 Definitions and Measurement, to allow single-family dwellings to be built on islands accessible only by boat.

RESOLVED and 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:

Highlighted items are based on direction from the Board of Commissioners at its November 19 work session.

Item 1: That Chapter 2 is amended by adding Section 2.4.19 Island Development:

2.4.19 Zoning Compliance Permit - Island Development

Purpose

The purpose of a zoning compliance permit for island development is to ensure no development occurs unless the development complies with the requirements of this ordinance.

A. Applicability

A zoning compliance permit for island development is required before issuance of a building permit, any change in use, or commencement of activity that does not require issuance of a building permit.

B. Zoning Compliance Permit – Island Development Procedure

(1) Pre-Application Conference

Applicable (see Section 2.3.2).

(2) Community Meeting

Not applicable

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). Prior to the issuance of a zoning compliance permit for island development, verification must be submitted by the applicant that the lot will be served by either a state-approved package plat, public sewer facility, or a waste treatment system complying with the requirements of the Albemarle Regional Health Services, where applicable.

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decisions by Planning Director or Technical Review Committee, and Section 2.4.9.D, Zoning Compliance Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not Applicable.

(6) Public Hearing Procedures

Not Applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Communication: Minutes for November 4, 2019 (Approval Of Minutes for November 4, 2019)

Not applicable.

C. Zoning Compliance – Review Standards

A zoning compliance permit for island development shall be approved upon finding that the applicant demonstrates the proposed development complies with all applicable standards in this Ordinance, the County Code of Ordinances, and the following:

- (1) The zoning compliance permit for island development contains a clearly visible disclaimer that states “County services including, but not limited to transportation, emergency services, law enforcement, and fire and rescue are not available at this location.”
- (2) The application provides an appropriate location on the mainland, approved by the Planning Director, for staging of construction for new development on the island. The mainland location must be secured either through ownership or a written agreement provided to the Planning Director and shall be located in an appropriate zoning district.

(3) No more than one single-family dwelling shall be constructed on an island. Accessory dwelling units are prohibited.

(4) The single-family dwelling shall not exceed 4,000 sf.

The single-family dwelling unit must have an approved NFPA 13D sprinkler system installed for fire protection as an alternate means of construction per section 105.1 of the 2018 edition of the North Carolina State Administrative Code. Since the dwelling unit will rely on a well for water, a storage tank, pump and emergency backup power source will be necessary to ensure an adequate means of water will be available to maintain the operation of the system per NFPA guidelines in the event of a fire. In the event that the system is disabled or is not maintained properly, the certificate of occupancy may be revoked until such time the system is placed in normal operation. The owner is to provide a certificate of inspection to the Fire Code Official once a year from a North Carolina licensed contractor certified to perform maintenance and inspection the system.

The applicant shall provide transportation for county staff or other public agency to access the island for official business (i.e. building inspector, zoning official, tax official, CAMA, environmental health, etc.).

~~(5) The application provides an appropriate location on the mainland with a boat launch, approved by the Planning Director, for parking of automobiles, boat trailers, etc.~~

~~The parking area must be:~~

~~Located in an appropriate zoning district;~~

~~Surfaced with asphalt, concrete, brick, crushed stone, pavers, aligned concrete strips, or an equivalent material. The materials shall be maintained in a smooth, well-graded condition;~~

~~Compliant with the parking standards in Table 5.1.3.C Minimum Off Street Parking Standards and Section 5.1.5 Dimensional Requirements; and,~~

~~Screened on all sides, except the water side, with a Type D Opaque Buffer.~~

D. Effect of Development Agreement

Approval of a zoning compliance permit for island development authorizes an applicant to apply for a building permit, or to commence construction if the proposed development does not require a building permit.

E. Amendment of Development Approval

Applicable (See Section 2.3.14)

F. Expiration of Development Approval

Approval of a zoning compliance permit shall automatically expire if the development activity it authorizes is not commenced within six months after the date of approval.

Item 2: That Chapter 3 is amended by adding the bold and underlined language in Section 3.4.2.F:

Footnote [1] All lots shall maintain a minimum street frontage of 35' **for cul-de-sac lots, except for lots on an island accessible only by boat.**

Item 3: That Chapter 10, Section 10.3.3.B.6 is amended by adding the bold and underlined language in Section 3.4.2.F:

(6) Lot Access

- (a) ~~No lot shall be established which does not~~ **All lots must** abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.
- (b) ~~Ever lot shall be configured so as to~~ **All lots must** maintain at least 20 feet for ingress/egress of emergency service vehicles.
- (c) **Lots on islands accessible only by boat are exempt from (a) and (b) above.**

Item 4: That Chapter 10, Section 10.5 Definitions is amended by adding the bold and underlined language in Section 3.4.2.F:

ISLAND DEVELOPMENT**Development on an island accessible only by boat.**

Item 5: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is not consistent with the 2006 Land Use Plan because:

- Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. *Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.*
- Policy ES1 of the LUP states that new development shall be permitted to locate only in areas where suitable soils and adequate infrastructure is available. *For reference, the soils map indicates that Long Point is unsuitable for a septic system and contains Currituck Mucky Peat (CU) and Conaby Muck (CB). These soils types are typical for islands off of the Currituck mainland.*

The request is not reasonable and not in the public interest because:

- Adequate public services (firefighting, emergency medical services, law enforcement, or other county services, etc.) are not available to an island accessible only by boat.

Item 6: 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 7: This ordinance amendment shall be in effect from and after the _____ day of _____, 2019.

Planning and Community Development Director, Laurie LoCicero, reviewed the application for a text amendment with Commissioners which would allow construction development on privately-owned islands in Currituck County. She reviewed development requirements in the county Unified Development Ordinance (UDO) and provided background on a similar text amendment submitted and denied by the Board of Commissioners in 2008, citing life-safety concerns and the county's inability to provide adequate services. She used a powerpoint to show the location of Long Point island, the island the applicant wishes to sell for potential development, and the island's platted subdivision consisting of five, ten-acre lots. Ms. LoCicero reviewed the language proposed for the text amendment and said denial of the request is recommended by both the Technical Review Committee (TRC) and Planning Board. Reasons for the recommendation included the inability to provide emergency services and unsuitable soils for septic.

Ms. LoCicero responded to questions from the Board. She noted an historic hunt club present on one island was built before regulations were in place.

Bill Newns, Chief Building Inspector for Currituck County, provided his perspective on island development and noted life-safety, meeting fire code and risks to county inspections staff as areas of concern.

Guy Lunsford, applicant, presented to Commissioners and explained how he and his wife acquired the property, described as an investment opportunity with a Limited Liability Company (LLC) which ultimately dissolved leaving financial obligations with Mr. Lunsford. He said he has no desire to develop the property and wants to sell the island with his home, located in Barco. He wants to be able to assure buyers that a process is in place to make application to construct a house on the island. Mr. Lunsford presented a timeline relative to an earlier text amendment brought forward by the LLC, which was denied Board approval in 2008. He displayed location photos of the island relative to his home in Barco and addressed areas of concern raised during the application process related to health and safety, emergency services, transport of building inspectors, parking and materials staging, and construction on other islands located in the county. He discussed Dare County's management of island construction and said Currituck County's geographical breakdown in the Unified Development Ordinance does not include islands. Mr. Lunsford reviewed policies and reasonableness and consistency statements to support approval of the text amendment.

During presentation, Commissioners voiced concern that buyers may be given false hope regarding island development. Mr. Lunsford said buyers would have the ability to move forward in the process, with no guaranteed approval. Further Board discussion addressed regulation of off-site parking and life-safety. County Attorney, Ike McRee, reviewed fire-flow capacities and fire protection requirements for ten-acre lots, and

County Manager, Ben Stikeleather, confirmed Currituck County properly applies the fire code while many counties do not. Commissioner J. Owen Etheridge commented that although Currituck County has twenty-one private islands only five are likely suitable for construction. Septic systems and the poor soils on the island were discussed. Mr. Lunsford said he believes newer technology would provide the ability to install septic systems.

Chairman White called for a recess at 7:42 PM. The meeting was reconvened at 7:49 PM.

Following the recess, Mr. Lunsford summarized his presentation for the Board, highlighted there would be no expectation for County services on an island, and asked the Board for approval of the text amendment.

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

Commissioner J. Owen Etheridge confirmed with Mr. McRee that the ability to build is not automatically approved.

Commissioner Mary Etheridge said the applicant presented a good argument and suggested the Board hold a work session to discuss the issue further.

Commissioner Payment referred to staff concerns with approval of the text amendment, particularly as they relate to the inability to provide emergency services and the risk to public safety and moved to deny PB 19-21: Island Development Text Amendment. The motion was seconded by Commissioner Jarvis. The motion failed by a vote of 2-5, with Chairman White and Commissioners Beaumont, J. Owen Etheridge, Mary Etheridge, and McCord voting against the motion to deny.

Commissioner Beaumont moved to table the item to hold a work session to discuss what the specific language would be and to receive further comment from staff. The item would be brought back before the Board at the December 2, 2019, meeting. The motion was seconded by Commissioner J. Owen Etheridge. The motion passed by a vote of 6-1, with Commissioner Payment opposed.

RESULT:	TABLED [6 TO 1]	Next: 12/2/2019 6:00 PM
MOVER:	Paul M. Beaumont, 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	
NAYS:	Mike H. Payment, Vice Chairman	

C. PB 18-23 Fost PD-R, Amended:

APPLICATION SUMMARY

Property Owner:
Sandra Davis Fost and Iris Ann O'Connor
121 Soundshore Dr

Applicant:
Allied Properties LLC
417 Caratoke Hwy Unit D

APPLICATION SUMMARY	
Currituck NC 27929	Moyock NC 27958
Case Number: PB 18-23	Application Type: Amended Planned Development - Residential
Parcel Identification Number: 0015-000-0086-0000	Existing Use: Cultivated Farmland
Land Use Plan Classification: Full Service	Parcel Size (Acres): 228.83
Moyock Small Area Plan Classification: Limited Service	Zoning History: 1989 (A), 1974 (A-40), 1970 and 1971 (RA-20), 2019 (PD-R)
Current Zoning: PD-R	Proposed Zoning: Amended PD-R
Request: Convert 72 two-sided townhomes (multi-family) into 35 TND townhomes (multi-family); increase SFD lots from 350 to 353, remove alley-ways; remove some roadways; provide additional connectivity to the tract to the north; modify the phasing schedule; increase front setback and maximum building size for TND townhomes (multi-family); reduce minimum lot size, typical lot size, and minimum lot width for TND single-family lots; increase maximum setback and lot coverage for TND single-family lots; decrease minimum lot size, typical lot size, minimum lot width, and typical lot width for CONV. Single-family lots; increase maximum setback and lot coverage for CONV single-family lots; lower minimum right-of-way width for typical divided boulevards and provide a range for width.	

NARRATIVE

On May 6, 2019, the Board of Commissioners approved a Planned Development – Residential (PD-R) for this property. The developer is requesting the following amended PD-R proposal:

Unit Type	Approved	Proposed	Net Change
Two-sided townhomes	72	0	-72
Multi-Family (Rear-loaded townhomes)	91	126	+35
Single-Family (TND/Conv SF)	350	353	+3
Neighborhood commercial	22,000 sf	22,000 sf	0
Total dwelling units	513	479	-34

The developer states that the market no longer supports two-sided townhomes, and that is why he is requesting to convert the 72 two-sided townhomes (multi-family) into 35 rear-loaded townhomes (multi-family). The developer is also increasing single-family dwelling units by three. This will lower overall dwelling unit count to 479. The developer also indicates that he is refining the plan by:

- Eliminating alley-ways and some roadways;
- Providing additional connectivity to the tract to the north; and,
- Modifying the phasing schedule.

After staff review of the master plan and the terms and conditions document, the amended plan also:

- Increases front setback and maximum building size for TND townhomes (multi-family);
- Reduces minimum lot size, typical lot size, and minimum lot width for TND single-family lots;
- Increases maximum setback and lot coverage for TND single-family lots;
- Decreases minimum lot size, typical lot size, minimum lot width, and typical lot width for CONV Single-family lots;
- Increase maximum setback and lot coverage for CONV single-family lots; and,
- Lowers minimum right-of-way width for typical divided boulevards and provide a range for width.

COMMUNITY MEETING

A community meeting was held on June 24, 2019 at 6:00 pm at the Moyock Library. One member of the community attended the meeting. Primarily questions were regarding drainage, traffic, and Ranchland having only one point of access.

SURROUNDING PARCELS

	LAND USE	ZONING
NORTH	SINGLE-FAMILY DWELLINGS, RETAIL	AG, GB, SFM
SOUTH	SINGLE-FAMILY DWELLINGS, CULTIVATED FARM LAND	AG, SFM
EAST	SINGLE-FAMILY DWELLINGS, CULTIVATED FARMLAND	GB, SFM
WEST	SINGLE-FAMILY DWELLINGS, CULTIVATED FARMLAND	AG

LAND USE PLAN

THE 2006 LAND USE PLAN CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE MOYOCK SUBAREA. THE POLICY EMPHASIS FOR THE MOYOCK SUBAREA IS ON PROPERLY MANAGING THE INCREASED URBAN LEVEL OF GROWTH THAT THIS AREA IS SURE TO EXPERIENCE OVER THE NEXT DECADE AND BEYOND. WHERE CENTRAL SEWER IS PROPOSED, ADDITIONAL SERVICES ARE AVAILABLE, AND THE CHARACTER OF THE SURROUNDING AREAS SUPPORTS IT, HIGHER DENSITY RANGING FROM 3-4 UNITS PER ACRE COULD BE CONSIDERED. THE BOARD OF COMMISSIONERS FOUND THE PROPOSED PLAN CONSISTENT WITH THE FOLLOWING POLICY IN THE PLAN;

POLICY HN1	Currituck County shall encourage development to occur at densities appropriate for the location. (Summary)
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MOYOCK SMALL AREA PLAN

IN 2013, THE BOARD OF COMMISSIONERS RECOGNIZED THE UNIQUENESS OF MOYOCK AND THE CONCERNS OF THE AREA'S CITIZENS, SO THEY COMMISSIONED THE MOYOCK SMALL AREA PLAN (MSAP) TO COMPREHENSIVELY REVIEW GROWTH AND DEVELOPMENT. THE MSAP EXAMINES ISSUES, CONCERNS, AND EXPECTATIONS OF THE MOYOCK COMMUNITY AND ESTABLISHES PUBLIC POLICY THAT WORKS TO ACCOMPLISH THE PUBLIC'S VISION. THE MSAP INCLUDES POLICIES THAT WILL ADDRESS GROWTH MANAGEMENT, SENSE OF PLACE AND QUALITY OF LIFE, AND ECONOMIC DEVELOPMENT SPECIFIC TO MOYOCK. THE MSAP PLAN CLASSIFIES THIS SITE AS LIMITED SERVICE. THE POLICY EMPHASIS FOR LIMITED SERVICE IS FOR THE LAND TO BE LESS INTENSELY DEVELOPED THAN FULL SERVICE AREAS. LIMITED SERVICE DESIGNATIONS PROVIDE FOR LIMITED AVAILABILITY TO INFRASTRUCTURE AND SERVICES AND LOW TO MODERATE RESIDENTIAL DENSITIES. RESIDENTIAL DENSITIES IN THIS DESIGNATION RANGE BETWEEN 1 – 1.5 UNITS PER ACRE. THE BOARD OF COMMISSIONERS FOUND THE PROPOSED PLAN CONSISTENT WITH POLICIES IN THE PLAN, INCLUDING:

POLICY FLU1	PROMOTE COMPATIBILITY BETWEEN NEW DEVELOPMENT AND EXISTING DEVELOPMENT TO AVOID ADVERSE IMPACTS TO THE EXISTING COMMUNITY. (SUMMARY)
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COUNTY ENGINEER COMMENTS

THE DRAINAGE AND UTILITY REQUIREMENTS IN THE JUNE 24, 2019 APPROVED ORDER (ATTACHED) REMAIN UNCHANGED.

TECHNICAL REVIEW COMMITTEE

Communication: Minutes for November 4, 2019 (Approval Of Minutes for November 4, 2019)

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS APPROVAL OF THE AMENDED PLANNED DEVELOPMENT – RESIDENTIAL REZONING WITH THE FOLLOWING CONDITIONS/REVISIONS:

- NET DENSITY CHANGE: -34 DWELLING UNITS.
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

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.

The Board of Commissioners determined that this PD-R zoning request is consistent with the 2006 Land Use Plan and the Moyock Small Area Plan because:

- It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C.
- The conditions placed on the development will improve drainage problems on the property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage system on off-site properties; and,
- It is compatible with existing Moyock Township Subdivision.

It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Land Use Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.

PLANNING BOARD

THE PLANNING BOARD RECOMMENDS APPROVAL OF THE AMENDED PLANNED DEVELOPMENT – RESIDENTIAL REZONING WITH THE FOLLOWING CONDITIONS AND THE CONSISTENCY AND REASONABLENESS STATEMENT LISTED ABOVE:

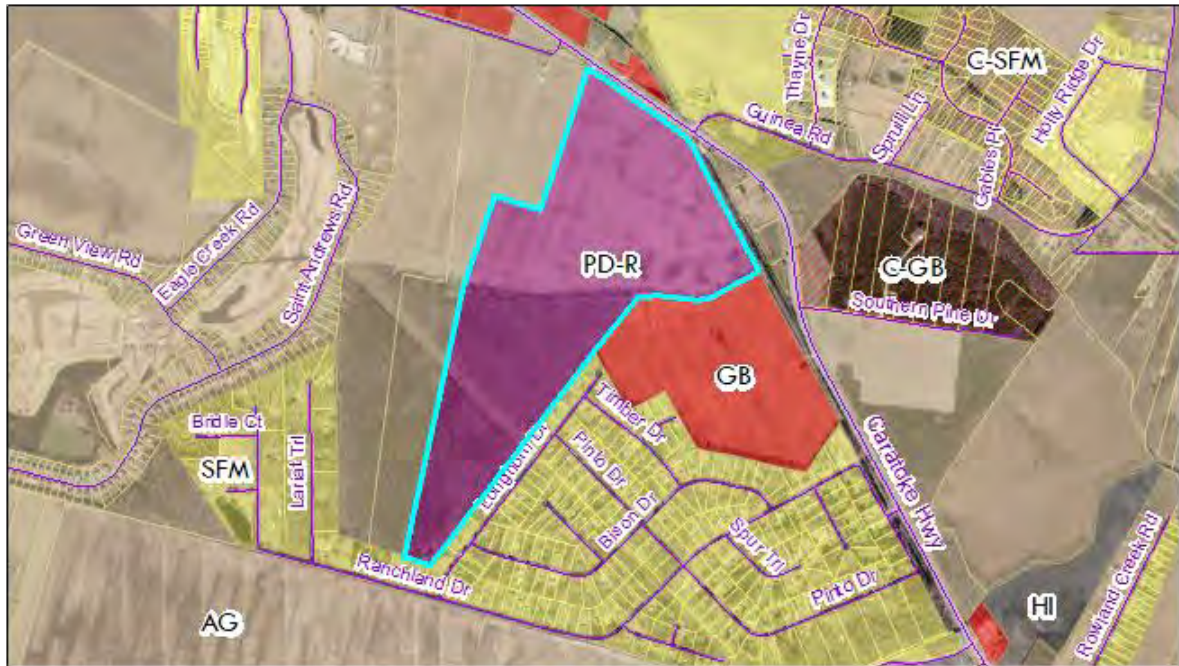
- NET DENSITY CHANGE: -34 DWELLING UNITS.
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.



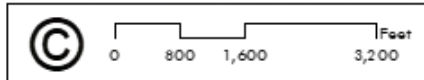
PB 18-23 Post
Amended PD-R Zoning
2016 Aerial Photography



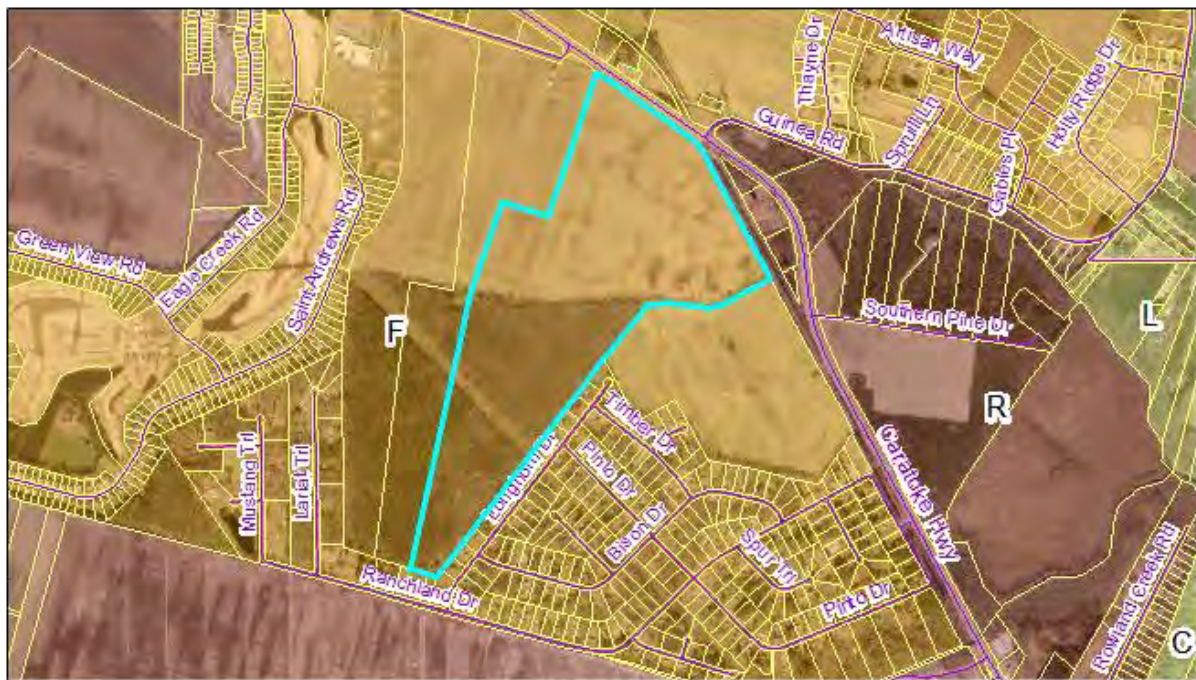
Currituck County
Planning and
Community Development



PB 18-23 Fost
Amended PD-R Zoning
Zoning



Currituck County
Planning and
Community Development

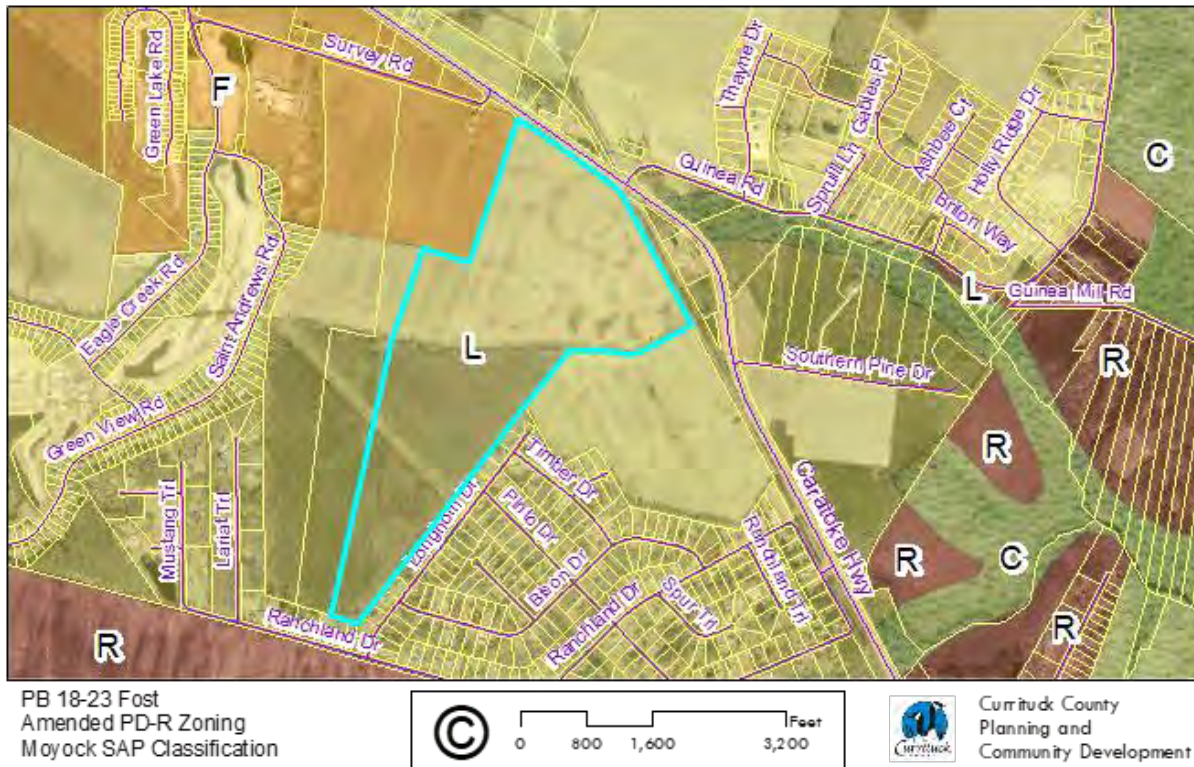


PB 18-23 Fost
Amended PD-R Zoning
LUP Classification



Currituck County
Planning and
Community Development

Communication: Minutes for November 4, 2019 (Approval Of Minutes for November 4, 2019)



Planning and Community Development Director, Laurie LoCicero, reviewed the request to amend the Fost Development approval with the Board of Commissioners. Adjustments to the housing types, phasing schedules, lot dimensions, connectivity and to some of the terms and conditions were presented and net effects of the proposed changes were compared with the original and reviewed with the Board. Text changes to terms and conditions were highlighted. Ms. LoCicero reviewed concerns with the approved Terms and Conditions. She noted item 4-k includes language related to the conversion of commercial property to residential, which is prohibited by the UDO, and Mr. McRee suggested deleting Section 4-k from the Terms and Conditions. Also presented was a concern over Section 4-i of the Terms and Conditions which require a payment in lieu if the developer was unable to secure rights of entry from property owners for stormwater improvements. Ms. LoCicero reviewed consistency statements and said both the Technical Review Committee and Planning Board recommend approval of the request.

Mark Bissell, Engineer, spoke on behalf of the applicant. He reviewed drainage improvements that were agreed to in the terms and conditions and said sixteen of twenty property owners have agreed to allow access to their properties for drainage improvements. He walked the Board through the requested amendments and utilized the overhead screen and agenda packet documents for Board reference.

Jamie Schwedler, Attorney for the applicant, spoke in support of the amendments to the plan. She said the fundamentals of the original proposal did not change, and the proposal decreases density, removes the off-site wastewater option, provides for additional connectivity, and establishes phasing that will increase marketability for commercial buildings. She reviewed supporting policies and noted the plan is still consistent with the county's Land Use Plan. Ms. Schwedler addressed the areas of

concern expressed by Ms. LoCicero and said they would like to have more time to secure the remaining rights of access from property owners for stormwater. She agreed condition 4-k could be stricken.

Commissioners considered the applicant's request to move forward with securing access for stormwater improvements and extended the deadline to the recording of Phase II.

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

Commissioner J. Owen Etheridge moved to approve PB 18-23, Fost Planned Development, Amended, because it is consistent with all the review standards provided under the UDO Section 2.4.3.C; the conditions placed on the development will improve drainage problems on the property within nearby Ranchland and Eagle Creek subdivisions if improvements are made to the drainage system on off-site properties; it is compatible with existing Moyock Township subdivisions; the amendment lowers net density by 34 units; the drainage and utility conditions in the June 4, 2019 approved order remain unchanged. Also under the conditions, strike item 4-k from the conditions and amend the timing of the stormwater improvements from four months to the recording of Phase II.

The request is reasonable and in the public interest because it is required by changed conditions acknowledged by the Land Use Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.

Board members confirmed for Commissioner McCord that the payment in lieu is still required if all of the necessary stormwater accesses are not achieved.

Commissioner Payment seconded the motion. The motion passed on a vote of 6-1, with Commissioner Mary Etheridge opposed.

RESULT:	MOTION PASSED-ITEM APPROVED [6 TO 1]
MOVER:	J. Owen Etheridge, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
NAYS:	Mary "Kitty" Etheridge, Commissioner

NEW BUSINESS

A. Through the Fence Airport Easement for 118 Aviator Drive, Brady Landing Airpark, Maple

County Attorney, Ike McRee, reviewed the item with the Board of Commissioners which would grant an easement for a property located within the Brady Landing Airpark subdivision

to access the airport. The Federal Aviation Administration (FAA) expressed no objections to conveying the easement and staff recommended approval.

Commissioner Beaumont moved for approval. The motion was seconded by Commissioner Mary Etheridge. The motion carried, 7-0.

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

B. IT Budget Amendment for Security Required Computer Replacements

Ben Stikeleather, County Manager, said Microsoft will no longer support Windows 7 in January, 2020, and reviewed the need to upgrade many of the county's computers to be able to run Windows 10 and allow for security updates. He reviewed the costs and corresponding budget amendment and said similar budget amendments will be presented for the Tourism Development Authority and Ocean Sands Water & Sewer District.

Commissioner J. Owen Etheridge moved to approve the budget amendment. Commissioner Jarvis seconded the motion. The motion passed with a 7-0 vote.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10441-532000	Supplies	\$ 10,000	
10441-557100	Software License Fees	\$ 3,200	
10441-590000	Capital Outlay	\$ 401,203	
10750-590000	Capital Outlay	\$ 52,671	
10796-590000	Supplies	\$ 2,762	
10380-481000	Investment Earnings		\$ 100,000
10390-495015	T F - Occupancy Tax		\$ 2,762
10390-499900	Fund Balance Appropriated		\$ 367,074
61818-590000	Capital Outlay	\$ 14,343	
61360-473000	Reconnection Fees		\$ 14,343
66868-532000	Supplies	\$ 1,745	
66360-470000	Utilities Charges		\$ 1,745
67878-532000	Supplies	\$ 1,745	
67360-471000	Connection Fees		\$ 1,745
		\$ 487,669	\$ 487,669
Explanation:	Various Departments - Windows 10 upgrade to all County computers that are operating on Windows 7.		
Net Budget Effect:	Operating Fund (10) - Increased by \$468,091.		
	Occupancy Tax (15) - Increased by \$15,093.		
	Mainland Water Fund (61) - Increased by \$14,343.		
	Southern Outer Banks Water Fund (66) - Increased by \$1,745.		
	Mainland Sewer Fund (67) - Increased by \$1,745.		

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

C) Board Appointments

1. Reappointment of Vivian Simpson to the Jury Commission

Communication: Minutes for November 4, 2019 (Approval Of Minutes for November 4, 2019)

Commissioner Beaumont moved to reappoint Vivian Simpson to the Jury Commission. The motion was seconded by Commissioner McCord. The motion passed, 7-0.

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

D) Consent Agenda

Commissioner Beaumont moved for approval of the Consent Agenda. Commissioner McCord seconded and the motion carried, 7-0.

Commissioner Mary Etheridge highlighted the budget amendment related to the Senior Health Insurance Program, and encouraged anyone with questions about Medicare to contact the Cooperative Extension office to set an appointment with an advisor.

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

i) Minutes Approval for October 21, 2019

1. Minutes for October 21, 2019

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
16609-588000	Contingency		\$ 15,500
16609-545000	Contracted Services	\$ 15,500	
		\$ 15,500	\$ 15,500
Explanation:	Ocean Sands N/Crowne Point Watershed District (16609) - Funding for emergency pumping operations at Ocean Sands N/Crowne Point Watershed District during Hurricane Dorian.		
Net Budget Effect:	Ocean Sands N/Crowne Point Watershed District (16) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10795-532000	Supplies	\$ 3,999	
10795-590000	Capital Outlay		\$ 3,999
		\$ 3,999	\$ 3,999
Explanation:	Parks and Recreation (10795) - Transfer funds from Capital Outlay to Supplies to purchase a utility trailer.		
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>		
10530-590000	Capital Outlay		\$ 10,900
10530-545000	Contracted Services	\$ 10,900	
		\$ 10,900	\$ 10,900
Explanation:	Emergency Medical Services (10530) - Transfer budgeted funds for maintenance agreements for new computer purchases.		
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>		
10796-516200	Vehicle Maintenance	\$ 500	
10796-532001	Educational Supplies		\$ 500
		\$ 500	\$ 500
Explanation:	Currituck County Rural Center (10796) - Transfer funds for vehicle maintenance on aging vehicle fleet.		
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>		
10640-532004	FCS Supplies	\$ 3,798	
10330-449900	Miscellaneous Grants		\$ 3,798
		\$ 3,798	\$ 3,798
Explanation:	Cooperative Extension (10640) - Increase appropriations to record Seniors' Health Insurance Information Program (SHIIP) grant funds.		
Net Budget Effect:	Operating Fund (10) - Increased by \$3,798.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
61818-590000	Capital Outlay	\$ 61,760	
61360-471000	Tap & Connection Fees		\$ 18,000
61360-473000	Reconnection Fees		\$ 15,000
61380-481000	Investment earnings		\$ 28,760
		\$ 61,760	\$ 61,760
Explanation:	Mainland Water (61818) - Increase appropriations to purchase replacement meters for inoperable meters throughout the county.		
Net Budget Effect:	Mainland Water Fund (61) - Increased by \$61,760.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10461-536000	Uniforms	\$ 500	
10461-506000	Insurance Expense		\$ 500
67878-536000	Uniforms	\$ 500	
67878-506000	Insurance Expense		\$ 500
		\$ 1,000	\$ 1,000

Explanation: Public Utilities (10461); Mainland Sewer (67878) - Transfer budgeted funds from excess insurance funds due to vacant positions to uniforms necessary for employees in the sewer departments.

Net Budget Effect: Operating Fund (10) - No change.
Mainland Sewer Fund (67) - No change.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10510-590000	Capital Outlay	\$ 42,500	
10340-450420	Beach Parking Permits		\$ 42,500
		\$ 42,500	\$ 42,500

Explanation: Sheriff (10510) - Purchase an additional 4 X 4 vehicle and equipment for off-road patrols.

Net Budget Effect: Operating Fund (10) - Increased by \$42,500.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
61818-545000	Contract Services	\$ 23,800	
61380-481000	Investment Earnings		\$ 23,800
		\$ 23,800	\$ 23,800

Explanation: Mainland Water (61818) - Increase appropriations for programming and training to upgrade manual meters to automated read meters for the Mainland Water System.

Net Budget Effect: Mainland Water Fund (61) - Increased by \$23,800.

Communication: Minutes for November 4, 2019 (Approval Of Minutes for November 4, 2019)

ADJOURN**Motion to Adjourn Meeting**

The Board had no further business and Commissioner Beaumont moved to adjourn. The motion was seconded by Commissioner McCord. The motion carried and the regular meeting of the Board of Commissioners concluded at 9:10 PM.

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

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners held a Special Meeting sitting as the Tourism Development Authority immediately following the 6:00 PM regular Commissioners meeting. 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.

TDA Budget Amendment

Ben Stikeleather, County Manager, reviewed the budget amendments for Board consideration. Commissioner Jarvis moved for approval and the motion was seconded by Commissioner McCord. The motion carried, 7-0.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15448-545000	Contracted Services	\$ 10,500	
15350-456442	Events - Promotions		\$ 10,500
		\$ 10,500	\$ 10,500
Explanation:	Occupancy Tax Tourism - Historic Corolla Park (15448) - Increase appropriations for upgrade of electrical service to the grounds of Historic Corolla Park.		
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$10,500.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
15442-590000	Capital Outlay	\$ 12,331	
15447-587010	T T - Operating Fund	\$ 2,762	
15320-415000	Occupancy Tax		\$ 15,093
		<u>\$ 15,093</u>	<u>\$ 15,093</u>
Explanation:	Occupancy Tax Tourism Promotion (15442); Tourism Related Expenditures (15447) - Increase appropriations to upgrade Tourism and CCRC computers		
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$15,093.		

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

ADJOURN SPECIAL MEETING

There was no further business and Commissioner Beaumont moved to adjourn. The motion was seconded by Commissioner Mary Etheridge. The motion carried and the Special Meeting of the Tourism Development Authority concluded at 9:10 PM.

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

SPECIAL MEETING OF THE OCEAN SANDS WATER & SEWER DISTRICT BOARD

The Currituck County Board of Commissioners held a Special Meeting following the 6:00 PM regular Commissioners meeting to sit as the Ocean Sands Water & Sewer District 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 Budget Amendments.

E. OSWSD Budget Amendments

After a review of the Budget Amendment for consideration, Commissioner J. Owen Etheridge moved for approval. The motion was seconded by Commissioner Beaumont. The motion carried, 7-0.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
60808-532000	Supplies	\$ 3,490	
60360-470001	Sewer Charges		\$ 3,490
		\$ 3,490	\$ 3,490
Explanation: Ocean Sands Water and Sewer (60808) - Increase appropriations to replace Windows 7 computers.			
Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - Increased by \$3,490.			

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

ADJOURN SPECIAL MEETING

There was no further business and Commissioner McCord moved to adjourn. The motion was seconded by Commissioner Beaumont. The motion carried and the Special Meeting of the Ocean Sands Water & Sewer District Board concluded at 9:11 PM.

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



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2645)

Agenda Item Title

Budget Amendments

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Number

20200050

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December 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>
10510-590000	Capital Outlay		\$ 7,500
10510-532000	Supplies	\$ 7,500	
		<u>\$ 7,500</u>	<u>\$ 7,500</u>

Explanation: Sheriff (10510) - Transfer budgeted funds to reclassify items budgeted in capital outlay that fall below the capital outlay threshold.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Dec 2_General Meeting_BudAmends (Budget Amendments)

Number

20200051

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December 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>
10490-545000	Contracted Services- Other	\$ 2,000	
10490-590003	Capital Outlay		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Court Facilities (10490) - Transfer funds for contract increases for this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Dec 2_General Meeting_BudAmends (Budget Amendments)

Number

20200052

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December 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>
66868-553000	Dues and Subscriptions	\$ 2,000	
66868-590000	Capital Outlay		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Southern Outer Banks Water (66868) - Transfer funds for increases in treatment plant and discharge operating permits.

Net Budget Effect: Southern Outer Banks Water Fund (66) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Dec 2_General Meeting_BudAmends (Budget Amendments)

Number

20200053

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December 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>
10775-545001	Contract Services	\$ 850	
10775-545000	Contract Services - Nutrition		\$ 850
		<u>\$ 850</u>	<u>\$ 850</u>

Explanation: Senior Center (10775) - Transfer funds to cover contracts for current budget year; new contracts exceed original budgeted amounts.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Dec 2_General Meeting_BudAmends (Budget Amendments)

Number

20200054

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December 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>
67878-511010	Data Transmission	\$ 936	
67878-532000	Supplies	15,000	
67878-533800	Chemicals	5,000	
67878-533200	Lab Tests	2,000	
67878-553000	Dues & Subscriptions		\$ 22,936
		<u>\$ 22,936</u>	<u>\$ 22,936</u>

Explanation: Mainland Sewer Fund (67878) - Transfer funds for operations for the remainder of this fiscal year.

Net Budget Effect: Mainland Sewer Fund (67) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Dec 2_General Meeting_BudAmends (Budget Amendments)

Number

20200055

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December 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>
61818-532000	Supplies	\$ 20,000	
61818-516200	Vehicle Maintenance	1,000	
61380-481000	Investment earnings		\$ 21,000
		<u>\$ 21,000</u>	<u>\$ 21,000</u>

Explanation: Mainland Water (61818) - Increase appropriations for increases in billing supply costs and vehicle maintenance for the remainder of this fiscal year.

Net Budget Effect: Mainland Water Fund (61) - Increased by \$21,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Dec 2_General Meeting_BudAmends (Budget Amendments)

Number

20200056

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December 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/Historic Corolla Park	\$ 502,698	
50390-495015	T F - Occupancy Tax Fund		\$ 502,698
		<u>\$ 502,698</u>	<u>\$ 502,698</u>

Explanation: County Governmental Facilities (50448) - Increase appropriations to transfer funds from the Whalehead Preservation Trust to the construction fund for exhibits in the Maritime Museum at Historic Corolla Park.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$502,698.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Dec 2_General Meeting_BudAmends (Budget Amendments)

Number 20200057

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December 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>
63838-545002	Contracted Services - Disposal	\$ 150,000	
63838-545001	Contracted Services - Collection	50,000	
63320-413500	White Goods Disposal		\$ 3,000
63320-413600	Solid Waste Disposal Tax		\$ 2,500
63360-470000	Utilities Charges		\$ 194,500
		<u>\$ 200,000</u>	<u>\$ 200,000</u>

Explanation: Solid Waste (63838) - Increase disposal costs due to increased activity this fiscal year to date.

Net Budget Effect: Solid Waste (63) - Increased by \$200,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Dec 2_General Meeting_BudAmends (Budget Amendments)

Number 20200058

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December 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>
10980-502000	Salaries - Regular	\$ 20,000	
10980-508000	Supplemental Pension	600	
10980-545000	Contract Services	100,000	
10330-445100	FEMA - Public Assistance		\$ 120,600
		<u>\$ 120,600</u>	<u>\$ 120,600</u>

Explanation: Disaster Recovery (10980) - Increase appropriation for Hurricane Dorian public assistance.

Net Budget Effect: Operating Fund (10) - Increased by \$120,600.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Dec 2_General Meeting_BudAmends (Budget Amendments)

Number

20200059

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December 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>
10430-503000	Salaries - Part-time	\$ 3,900	
10430-503430	Poll Workers		\$ 3,900
10430-521000	Rent	1,600	
10430-506000	Insurance Expense		\$ 1,600
		<u>\$ 5,500</u>	<u>\$ 5,500</u>

Explanation: Elections (10430) - Transfer budgeted funds to reflect election costs.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Dec 2_General Meeting_BudAmends (Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2642)

Agenda Item Title

Surplus Resolution-Vehicle & Equipment

Brief Description of Agenda Item:

Finance Department submittal of items for surplus.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

RESOLUTION

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 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>Dept.</u>	<u>Asset #</u>	<u>Description (Year & Make/Model)</u>	<u>VIN #</u>
MVFD	6148	2006 Chevrolet Impala	2G1WB58KX69305911
Jail		Max/Univex Meat Slicer	SO21578

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 2nd day of December, 2019.

 Bob White
 County of Currituck, Board of Commissioners

 Leeann Walton
 Clerk to the Board

(Seal)

Attachment: Finance-Surplus Resolution (Surplus Resolution-Finance)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2660)

Agenda Item Title

Resolution to Establish Salary for the Office of Register of Deeds Pursuant to NC General Statute 153A-92

Brief Description of Agenda Item:

Resolution to establish a salary should a non-incumbent be elected to serve as Register of Deeds.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

RESOLUTION TO ESTABLISH SALARY FOR THE OFFICE OF REGISTER OF DEEDS PURSUANT TO N.C. GEN. STAT. §153A-92

WHEREAS, N.C. Gen. Stat. §153A-92(b)(2) provides that boards of county commissioners may reduce the salaries of elected officials only by a resolution adopted at least fourteen (14) days before the last day for filing notice of candidacy for the office; and

WHEREAS, once adopted the resolution may not be altered until the person elected to the office in the general election takes office; and

WHEREAS, the filing fee for the office shall be determined by reference to the reduced salary; and

WHEREAS, the Board of Commissioners finds that it is appropriate to establish the entry level annual salary for the Office of Register of Deeds commensurate with similar entry level salary in the region.

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

1. The annual salary for the Office of the Register of Deeds is hereby established at \$55,831.74.
2. The filing fee for the Office of the Register of Deeds shall be determined by the above referenced salary.
3. The annual salary for this office as established herein shall become effective upon adoption of this resolution.
4. Should the incumbent of the Office of Register of Deeds be re-elected and take office in December, 2020, the incumbent shall retain the compensation as previously established by the Board of Commissioners.

ADOPTED this the 2nd day of December, 2019.

Bob White, Chairman

ATTEST:

Clerk to the Board of Commissioners

Attachment: Resolution to Establish Salary-Register of Deeds (Resolution-Establish Salary for Register of Deeds-Election)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2653)

Agenda Item Title

Project Ordinance-Dune Walkover Replacements

Brief Description of Agenda Item:

Planning Board Recommendation:

Project ordinance to set initial funding to begin the design phase for replacement of public access walkovers at Perch, Barracuda, and Sailfish, the first of sixteen walkovers identified for replacement as part of the Dune Walkover Replacement Project.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design of Public Access walkovers in Corolla, NC.

SECTION 2. The following amounts are appropriated for the project:

Perch Street - Public Access Walkover	\$	20,000
Barracuda Street - Public Access Walkover	\$	20,000
Sailfish Street - Public Access Walkover	\$	20,000
	\$	60,000

SECTION 3. The following funds are available to complete this project:

Connecting Corolla Contingency	\$	60,000
	\$	60,000

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and

- materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 2nd day of December 2019.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2652)

Agenda Item Title

Project Ordinance-Corolla Village Sidewalk

Brief Description of Agenda Item:

Planning Board Recommendation:

Project ordinance to set funding for the design of the Corolla Village pedestrian sidewalk which is included in the Connecting Corolla plan.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design of sidewalk for Historic Corolla Village.

SECTION 2. The following amounts are appropriated for the project:

Historic Corolla Village Sidewalk	\$ 100,000
	<u>\$ 100,000</u>

SECTION 3. The following funds are available to complete this project:

Connecting Corolla Contingency	\$ 100,000
	<u>\$ 100,000</u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and

- materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 2nd day of December 2019.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2662)

Agenda Item Title

Amendment to Notice to Proceed-Debris Monitoring Services, Hurricane Dorian

Brief Description of Agenda Item:

Modify Notice to Proceed to increase "not to exceed" amount to \$200,000.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

**AMENDMENT TO NOTICE TO PROCEED FOR PRE-EVENT CONTRACT FOR
DISASTER DEBRIS MONITORING SERVICES BY AND BETWEEN COUNTY OF
CURRITUCK AND THOMPSON CONSULTING SERVICES, LLC.**

THIS AMENDMENT to the Notice to Proceed for the Pre-Event Contract for Disaster Debris Monitoring Services made and entered into this ____ day of December, 2019 by and between the County of Currituck, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina (the "County") and Thompson Consulting Services, LLC., a Florida corporation existing and organized pursuant to the laws of the State of Florida, (the "Contractor").

WITNESSETH:

WHEREAS, County and Contractor entered into an agreement effective September 3, 2019 (the "Contract"), and pursuant to the Contract the County issued a Notice to Proceed effective September 16, 2019 for the Contractor to provide certain services related to the Hurricane Dorian Disaster Debris Monitoring Services; and

WHEREAS, County and Contractor have determined that modification of the Notice to Proceed is desirable;

NOW, THEREFORE it is mutually agreed that the Notice to Proceed is amended as follows:

1. "Not to Exceed: amount is rewritten to read as follows:
 1. "Not to Exceed" amount: \$200,000, pursuant to Hourly Rate Schedule, included in Thompson Consulting Services, LLC's response to RFP for Disaster Debris Monitoring Services, dated June 20, 2019.
2. Except as amended herein, the terms and conditions of the Notice to Proceed shall remain in effect.

In Testimony Whereof, the parties have executed this Amendment to the Notice to Proceed in duplicate originals this the ____ day of December, 2019.

ATTEST:

COUNTY OF CURRITUCK

By: _____
Leeann Walton
Clerk to the Board

By: _____ (SEAL)
Bob White, Chairman
Board of Commissioners

THOMPSON CONSULTING SERVICES, LLC.

By: _____
Jon Hoyle, President



This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Sandra Hill
Finance Officer

Attachment: Amendment to Notice to Proceed for Disaster Debris Monitoring Services docx- (partially executed) (Debris Monitoring Service-



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2665)

Agenda Item Title

Contract to Audit Accounts-Amended

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Whereas	Primary Government Unit Currituck County
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A
and	Auditor Carr, Riggs & Ingram LLC

entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)

for	Fiscal Year Ending 06/30/19	and originally due on	Audit Report Due Date 10/31/19
-----	--------------------------------	-----------------------	-----------------------------------

hereby agree that it is now necessary that the contract be modified as follows.

☒ Modification to due date:

Original due date 10/31/19	Modified due date 12/31/19
Original fee	Modified fee

☐ Modification to fee:

EXPLANATION OF MODIFIED CONTRACT TERMS

Please provide an explanation for the modification to due date and/or fees.

The auditor had some changes in staffing, which resulted in delays completing audit work by the original due date.


If the amendment is submitted to extend the due date, please indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years.

The auditor has a fully trained staff in place currently, and does not anticipate any future delays.

By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Carr, Riggs & Ingram LLC	
Authorized Firm Representative* (typed or printed)	Signature*
Chris Burton, CPA	
Date*	Email Address
11/27/19	cburton@cricpa.com

GOVERNMENTAL UNIT

Governmental Unit*	
Currituck County	
Date Primary Government Unit Governing Board Approved Amended Audit Contract* (If required by governing board policy)	
Mayor/Chairperson* (typed or printed)	Signature*
Bob White	
Date	Email Address
	bob.white@currituckcountync.gov

Chair of Audit Committee (typed or printed, or "NA")	Signature
N/A	
Date	Email Address
	N/A

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

(Pre-audit certificate not required for charter schools or hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer*	Signature*
Sandra Hill	
Date of Pre-Audit Certificate*	Email Address*
	sandra.hill@currituckcountync.gov

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU N/A	
Date DPCU Governing Board Approved <u>Amended</u> Audit Contract (if required by governing board policy)	
DPCU Chairperson (typed or printed) N/A	Signature
Date	Email Address N/A

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address N/A

DPCU – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

(Pre-audit certificate not required for charter schools or hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed) N/A	Signature
Date of Pre-Audit Certificate	Email Address N/A

Attachment: Contract to Audit Accounts-Amended (Contract to Audit Accounts-Amended)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2640)

Agenda Item Title

2019 Order of Collections-Tax Department

Brief Description of Agenda Item:

2019 Order of Collection: NCGS 105-321 requires that the Board of Commissioners issue an Order of Collections to the Tax Collector when the tax receipts have been delivered to him. The Order shall be recorded in the minutes and a copy delivered to the Tax Collector. The Order constitutes the collector's authority collect taxes and to exercise the various powers incident to the collection process.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



COUNTY OF CURRITUCK

Tax Department
P.O. Box 9
Currituck, North Carolina 27929

Tracy Sample, Tax Administrator
(252) 232-3005
(252) 232-2109
(252) 232-3568 (FAX)

Memorandum

TO: Currituck County Board of Commissioners

CC: Sandra Hill, Finance Director

From: Tracy Sample, Tax Administrator

Date: November 12, 2019

RE: Order of Collections
2019 Tax Levy & Prior Year Taxes to be Charged to the Tax Collector

2019 REAL & PERSONAL PROPERTY TAX LEVY*	\$	36,227,530.59
PRIOR YEARS TAXES**	\$	<u>343,009.06</u>
TOTAL TAXES	\$	36,570,539.65

*The Current Year levy includes all penalties, solid waste fees, special district and animal taxes; does not include taxes levied on registered motor vehicles which are collected by DMV, nor for tax discoveries, adjustments, releases, and deferred taxes. These are reported to the Finance Director as required throughout the year.

** Prior Year Taxes as of **NOVEMBER 12, 2019**

Attachment: 2019 Order of Collections_memo (Tax Dept-Order of Collections)

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

ORDER OF COLLECTIONS

TO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:

You are hereby authorized, empowered, and commanded to collect the taxes due, for the current year and the nine prior years, set forth in the tax records filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Currituck, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this _____ day of _____, 20_____.

(SEAL)
Chairman, Board of Commissioners of
Currituck County

ATTEST:

Clerk of Board of Commissioners of
Currituck County

(G.S. 105-321)

Attachment: 2019 Order of Collections (Tax Dept-Order of Collections)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2644)

Agenda Item Title

Job Description Revision-Maintenance Repair Worker/Electrician

Brief Description of Agenda Item:

Changes to Public Works Job Description for the Maintenance Repair Worker-Electrician, to add certifications and licensing requirements.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: MAINTENANCE/REPAIR WORKER – ELECTRICIAN

PUBLIC WORKS DIVISION

PUBLIC SERVICES WORKS DEPARTMENT

GENERAL STATEMENT OF JOB

Under general supervision, maintains County grounds and buildings by making electrical, mechanical, and plumbing repairs as needed. Work involves operating light machinery and equipment. Employee is responsible for servicing and maintaining tractors, mowers and other equipment. Reports to the Maintenance Supervisor.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

Responds to all electrical installation and repair needs in/on County owned/leased buildings and grounds.

Carry out work order requests while coordinating duties to correspond with other workers, batching work orders in geographic locations to the greatest extent possible.

Mows and trims grass with power mowers and string trimmers; prunes shrubbery; edges curbs and walkways; weeds flower beds; polices grounds, picking up debris and depositing in proper receptacle.

Performs preventive maintenance and minor repairs on tractors, mowers, vehicles, system components in buildings and other County owned equipment.

Make electrical, mechanical, and plumbing repairs to keep County buildings in functional condition. Pressure washing buildings, carpentry work, painting and other trade work as necessary to keep County Buildings in top aesthetic condition.

Procures materials and supplies for building maintenance.

Supervision of community service workers as assigned.

Work involves use of ladders, aerial lift devices, tractors, loaders, backhoes, dump trucks and trailers, chain saws, power tools, solvents, paints, cleaning compounds, epoxies and petroleum products and personal safety equipment.

Emergency cleanup and/or repairs may extend after hours.

Duties may also expose the employees to human body fluids and thus the work is subject to the OSHA requirements on blood borne pathogens. Must follow rules, methods and safe handling in connection with bloodborne pathogens.

Stays informed of trends and legislation regarding energy saving equipment and fixtures.

Maintains current knowledge of electrical building code.

ADDITIONAL JOB FUNCTIONS

Set up voting election polling sites and Christmas decorations.

Work with various community groups performing such tasks as unloading food commodities and delivering food to distribution points.

Assumes duties of Custodian, as necessary, ensuring adherence to established policies, procedures and standards.

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Performs other related work as required.

CUSTOMER SERVICE

This is a front-line position for providing excellent customer service to members of the general public and other County employees. Personal contact occurs with the employees of the unit, employees of other departments in the County, citizens and customers of the department. Service is provided in person, by telephone contact and electronic means.

MINIMUM TRAINING AND EXPERIENCE

Graduation from high school and demonstrated ability to perform electrical, mechanical, and plumbing work; or any equivalent combination of training and experience which provides the required knowledge, skills and abilities. Licensed electrician with five or more years of experience.

SPECIAL REQUIREMENT

Possession of a valid North Carolina driver's license.

Possession and maintaining a valid NC Electrical Contractor License.

Certification in chain saw operation and maintenance is required within two years of employment date.

Public Health Pesticide Applicator's License (mosquito control) and Turf & Ornamental Pesticide/Herbicide Applicator's License is required within two years of employment date.

North Carolina Commercial Driver's License is required.

Aerial Lift Certification is preferred.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate motor vehicles, including tractors and mowers. Must be able to exert up to 75 pounds of force occasionally, and/or up to 50 pounds of force frequently, and/or up to 25 pounds of force constantly to move objects. Requires the ability to maintain body equilibrium when bending, stooping, crouching, climbing, reaching and/or stretching arms, legs or other

part of body and to physically maneuver over and/or upon varying terrain, surfaces or physical structures. Physical demand requirements are those for Medium to Heavy Work.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

Interpersonal Communication: Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving instructions, assignments or directions from superiors.

Language Ability: Requires the ability to speak to people with poise, voice control and confidence.

Intelligence: Requires the ability to apply common sense understanding to carry out instructions furnished in written, oral or diagrammatic form; to deal with problems involving several concrete variables in or from standardized situations.

Verbal Aptitude: Requires the ability to follow oral and written instructions. Must be able to communicate effectively and efficiently in standard English.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using various landscape maintenance tools and equipment.

Manual Dexterity: Requires the ability to handle a variety of items, such as control knobs, toggle switches, and hand tools. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Interpersonal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

Physical Communication: Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.)

KNOWLEDGE, SKILLS AND ABILITIES

Working knowledge of the standard methods, materials and equipment employed in electrical, mechanical, and plumbing operations.

Ability to operate and maintain motorized machinery and equipment used in grounds preparation and maintenance.

Ability to understand and learn the occupational hazards and proper safety precautions to be taken in maintenance/repair work.

Ability to perform strenuous work under varying weather conditions.

Ability to understand and follow oral and written instructions.

Ability to exercise tact and courtesy in contact with the general public.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

ED: 08/21/2017 (REV BOC)
ED: 12/2/2019 (REV BOC)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2661)

Agenda Item Title

Petition for Road Addition-Brae Burn Drive, Kilmarlic

Brief Description of Agenda Item:

Property owners are petitioning NCDOT to add Brae Burn Drive to their road maintenance program.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

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

ROADWAY INFORMATION: (Please Print/Type)

County: Currituck Road Name: Brae Burn Drive
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Kilmarlic Length (miles): 1

Number of occupied homes having street frontage: 4 Located (miles): 2 1/2

miles N ☐ S ☐ E ☐ W ☒ of the intersection of Route Caratoke Hwy and Route North Side Lan
(Check one) (SR, NC, US) (SR, NC, US)

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

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

Name: Thomas Voorhees Phone Number: 757-636-8918

Street Address: 118 Duncans way Powells Point, NC 27966

Mailing Address: same

PROPERTY OWNERS

Name	Mailing Address	Telephone
RICHARD FUNARO	113 BRAEBURN DR POWELLS POINT, NC 27966	
DAVID LANE	119 BRAEBURN DR POWELLS POINT, NC 27966	
TIMOTHY PAUL	121 BRAE BURN DR. POWELLS POINT, NC 27966	
KOP PROPERTIES	70 MILLERS LAKE LN. WAWESBORO, VA 22980.	
ROBERT SULLIVAN	58 DEER PATH LN KITTY HAWK NC 27949	
BRENT DEVINK	PO BOX 308 CRYMER NY, 14724	
BARBARA DARLINGTON	14 ABES WAY JACKSON NJ 08527	
STEWART HILLIKER	2039 PIERSON DR LANCASTER, SC 29720	

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

☐ Rural Road ☐ Subdivision platted prior to October 1, 1975 ☐ Subdivision platted after September 30, 1975

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

[illegible]



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2648)

Agenda Item Title

Budget Amendments-TDA

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Number

TDA2020009

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 2nd day of December 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>	
15448-587050	T T - County Gov't Construction	\$	502,698		
15390-499900	Appropriated Fund Balance			\$	502,698
		<u>\$ 502,698</u>		<u>\$ 502,698</u>	

Explanation:

Occupancy Tax - Whalehead Preservation Trust (15448) - Transfer funds acquired when the Whalehead Preservation Trust consolidated with the County to the County Governmental Construction Fund to fund a portion of the Maritime Museum.

Net Budget Effect:

Occupancy Tax Fund (15) - Increased by \$502,698.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA_Dec 2_BA (Tourism Development Authority-Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2649)

Agenda Item Title

Budget Amendments-OSWSD Board

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Number OS2020003

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Ocean Sands Water and Sewer Authority, at a meeting on the 2nd day of December 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>
60808-545001	Contracted Services	\$ 65,000	
60808-590001	Capital Outlay		\$ 65,000
		<u>\$ 65,000</u>	<u>\$ 65,000</u>

Explanation: Ocean Sands Water and Sewer (60808) - Increase in sewer contracted services for sludge hauling.

Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - Increased by \$65,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: OS_Dec 2_BAs (OSWSD-Budget Amendments)

Number OS2020004

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Ocean Sands Water and Sewer Authority, at a meeting on the 2nd day of December 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>
59808-596100	Professional Service	\$ 15,000	
59808-588000	Contingency		\$ 15,000
		<u>\$ 15,000</u>	<u>\$ 15,000</u>

Explanation: Ocean Sands Water and Sewer (60808) - Increase Professional Services account for engineering services to design an odor control system to be implemented in Phase 1 of the Ocean Sands Wastewater Treatment Facility. If proven successful, the design will be implemented in the rest of the facility.

Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: OS_Dec 2_BAs (OSWSD-Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2664)

Agenda Item Title

Closed Session Pursuant to G.S. 143-318.11(a)(3) to Consult with the County Attorney in Order to Preserve the Attorney-Client Privilege

Brief Description of Agenda Item:

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr