

# **Board of Commissioners Agenda Packet**

January 4, 2021

# 5:00 PM Special Meeting

Closed session pursuant to G.S. 143-318.11(a)(5) to establish or instruct county staff concerning the position to be taken by or on behalf of the county in negotiating the material terms of a contract for the acquisition of real property by purchase or exchange owned by Susan Coleman Kay, Parcel ID 002200000210000, Tulls Creek Road, Moyock, to be used for any public purpose.

# 6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance
- B) Approval of Agenda

# **Public Comment**

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

# **Commissioner's Report**

# **County Manager's Report**

## **Administrative Reports**

- A) Presentation to Commissioner Bob White in Recognition of Service as Board Chair, December 2018-December 2020
- **B) Resolution Honoring Senator Marc Basnight**

# **Public Hearings**

- A) **PB 20-21 Nigel & Sarah Culpepper Rezoning:** Request to rezone 7.5 acres of property located at 6804 Caratoke Highway from LI (Light Industrial) to GB (General Business). The property is Tax Map 108, Parcel 52D, Poplar Branch Township.
- B) **PB 20-22 Pinnacle Storage Conditional Rezoning:** Robert High Development, LLC is requesting conditional rezoning of a 10.48 acre parcel from Conditional-Heavy Industrial (formally zoned for 84 Lumber) to Conditional-Heavy Industrial for Self-Service Storage. The property is owned by Pierce Hardy, LTD Partnership, and is located at 1462 Caratoke Highway, Tax Map 23, Parcel 68J, Moyock Township.
- C) PB 20-17 Currituck County: Requests an amendment to the Unified Development Ordinance, Chapter 4, Use Standards, to correct Agricultural Support and Services, Wind Energy Facility, Large, and Outdoor Tour Operators, Aviation in Table 4.1.1.B. Summary Use Table for the Planned Development Zoning Districts, as previously adopted by the Board of Commissioners.
- D) Public Hearing and Consideration of Resolution Authorizing Exchange of County Property for Property Owned by Penelope L. Lockhart and Conveyance of Access Easement Across County Property

# **New Business**

- A) Consideration of Approval of Budget Amendments to increase capital requests back to the initially recommended budget
- B) Consideration of Approval of a Budget Amendment to use Elections CARES funding to provide a bonus for full-time elections staff.

# C) Board Appointments

- 1. Commissioner Appointment to Serve on the ABC Board
- Amended Item-Commissioner Appointment to Albemarle Regional Planning Organization-Alternate
- 3. Board of Adjustment
- 4. Library Board of Trustees
- 5. Recreation Advisory
- 6. Tourism Advisory
- 7. Veterans Advisory Board

# D) Consent Agenda

- 1. Budget Amendments
- 2. NCACC Legislative Goals Conference Voting Delegate Designation
- 3. Request for Disposal of Records-Permits and Inspections
- 4. Approval of Memorandum of Agreement with the State of North Carolina for Location of Groundwater Monitoring Station at Shingle Landing Park
- 5. Approval of Building Access Agreement for CenturyLink Data Line Upgrade Installation at the Office of the Clerk of Court, Judicial Center
- 6. Amended Item-Surplus Resolution-Message Boards, Emergency Management
- 7. Approval Of Minutes-Dec. 7, 2020

# Adjourn

# **Special Meeting-Tourism Development Authority**

TDA-Request to Revise Timeline Criteria and Allow a Fiscal Year Carryover for Event Grants

**TDA-Budget Amendments** 

## **Adjourn TDA**

# Special Meeting-Ocean Sands Water and Sewer District Board

**OSWSD-Budget Amendment** 

# **Adjourn OSWSD Board**



**Agenda ID Number** – (ID # 2996)

**Agenda Item Title:** Closed session pursuant to G.S. 143-318.11(a)(5) to establish or instruct county staff concerning the position to be taken by or on behalf of the county in negotiating the material terms of a contract for the acquisition of real property by purchase or exchange owned by Susan Coleman Kay, Parcel ID 002200000210000, Tulls Creek Road, Moyock, to be used for any public purpose.

**Submitted By:** Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Discussion

**Brief Description of Agenda Item:** 

Closed session to discuss a potential property acquisition.

Potential Budget Affect: TBD

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 



Agenda ID Number – (ID # 3002)

Agenda Item Title: Presentation to Commissioner Bob White in Recognition of Service as

Board Chair, December 2018-December 2020

Submitted By: Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Information

# **Brief Description of Agenda Item:**

Presentation of plaque to Commissioner Bob White, who served as Board Chairman for two years beginning on December 2018 through December 2020.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 



**Agenda ID Number** – (ID # 3008)

Agenda Item Title: Resolution Honoring Senator Marc Basnight

Submitted By: Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

# **Brief Description of Agenda Item:**

Resolution in Honor of Senator Marc Basnight, who passed away on December 28, 2020. Senator Basnight served the citizens of Currituck County as the District 1, NC Senator from 1984 until 2011, and as President Pro-Tempore beginning in 1992.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 

**WHEREAS**, Marc Basnight served the citizens of Currituck County as the North Carolina State Senator from 1984 until 2011; and

WHEREAS, Senator Basnight served as Senate Pro Tempore from 1997 until 2010; and

**WHEREAS**, during his time as a Senator and Senate Pro Tempore, Marc Basnight unified the power of the North Carolina General Assembly to move North Carolina forward in the areas of transportation, environmental protection, education; and

**WHEREAS**, the programs and policies developed during Senator Basnight's time in office will continue to have positive effects across North Carolina; his impacts can be best seen in the district that elected him to the office for 27 years; and

**WHEREAS**, the improvements to roads, bridges, education, environmental protection, and tourism can be seen in his entire district; Currituck County was the recipient of Senator Basnight's programs and policies directly in many instances; and

**WHEREAS**, the direct benefit to Currituck County can be seen in areas such as the widening of Hwy 158, County ownership of the airport and prison facility, construction of the Wildlife Center at Historic Corolla Park, natural coastlines, and improved recognition and tourism for the Outer Banks; and

**WHEREAS**, Senator Basnight's legacy will continue to reverberate throughout Currituck County and be a benefit to the citizens here for decades to come; and

WHEREAS, Senator Basnight passed away on December 28, 2020.

**NOW, THEREFORE BE IT RESOLVED**, that Currituck County would like to send its heartfelt thanks and condolences to the family of Senator Marc Basnight in their time of grief. Marc Basnight was a champion for Currituck County during his time in the General Assembly, and his contribution to our community and legacy will always be remembered.

**ADOPTED** this 4<sup>th</sup> day of January, 2021.

Michael H. Payment, Chairman	
	Michael H. Payment, Chairman



**Agenda ID Number** – 2977

Agenda Item Title: PB 20-21 Nigel & Sarah Culpepper Rezoning:

**Submitted By:** Jennie Turner – Planning & Community Development

**Item Type:** Legislative

Presenter of Item: Jennie Turner

**Board Action:** Action

# **Brief Description of Agenda Item:**

Request to rezone 7.5 acres of property located at 6804 Caratoke Highway from LI (Light Industrial) to GB (General Business). The property is Tax Map 108, Parcel 52D, Poplar Branch Township.

Planning Board Recommendation: Approval

**Staff Recommendation:** Approval

TRC Recommendation:



# STAFF REPORT PB 20-21 NIGEL & SARAH CULPEPPER REZONING BOARD OF COMMISSIONERS JANUARY 4, 2021

APPLICATION SUMMARY	
Property Owner:	Applicant:
Nigel & Sarah Culpepper	Same
101 Kyle Court	
Kill Devil Hills, NC 27948	
Case Number: PB 20-21	Application Type: Zoning Map Amendment
Parcel Identification Number:	Existing Use: Vacant
0108-000-052D-0000	
Land Use Plan Classification:	Parcel Size (Acres): 7.5 (entire parcel)
Rural & Conservation	
	<b>Zoning History:</b> A-40 (1975), rezoned a to B(GB) on
Land Use Plan Subarea: Grandy	7/20/1987, GB (1989), rezoned GB to LM (2000), LI
	(2013)
Current Zoning: LI	Proposed Zoning: GB
Request: Request for a zoning map am	nendment to rezone Light Industrial (LI) zoned property to
General Business (GB).	

# **REQUEST**

## Narrative

The applicant is requesting a conventional rezoning of approximately 7.5 acres from Light Industrial (LI) to General Business (GB); the request is a downzoning. The subject parcel was part of 78.9 acres that were rezoned from GB to Light Manufacturing (LM) in 2000. The 2000 rezoning request was presented to the board with plans for Eco-Brewing and Eco-farming operations. The vision for the property at the time was a fully integrated production and retail facility for craft products, beer, and agricultural products. The appearance was intended to be a high-end tourist attraction with on-site production, retail and restaurant uses.

The subject property is currently vacant as are approximately 64 acres of the 78.9 acres rezoned to LM in 2000. The property has existing hedgerows along the north and south property lines which help to buffer the property from the existing LI use (brewery) to the south. The property is adjacent to LI zoning on the rear (west) and side (south) property lines. Most of the LI zoned acreage is accessed by Grange Road. The subject property does not have access to Grange Road. Rezoning the subject property will consolidate accesses to LI zoned property through the existing Grange Road access.

On its face, the rezoning request appears to be consistent with the Land Use Plan and the UDO. The Land Use Plan contains policies to protect the appearance of the NC 168/ US 158 corridor. Highway oriented industrial uses are not preferred or desired. Rezoning the parcel to GB will require future commercial projects to comply with non-residential design standards of the ordinance to establish higher quality development. These design standards are in place to enhance the appearance of development along major arterial streets. If the property remains LI, the non-residential design features

will not be required for future development; only façade appearance standards would be applicable to the LI property. The rezoning request allows for future compatible commercial development of the property.

If this rezoning request is approved, the applicants have indicated that they will submit a building permit application to construct a single-family dwelling toward the rear of the property. Staff does have concerns with compatibility of a residential dwelling adjacent to LI zoned property; however, GB zoning adjacent to LI zoning is more compatible than residential zoning adjacent to LI zoning. A rezoning request to Single Family Mainland (SFM) is not a good option for this property because it would create a situation of a SFM parcel surrounded by GB and LI properties.

The UDO allows residential uses in the GB zoning district which is a major difference between GB and LI zoning. Single-Family Dwellings, Upper Story Dwellings, Live/Work, Class A & B manufactured homes, Dormitories, Family Care Homes and Rooming or Boarding Houses are residential uses that are permitted in the GB zoning district. Although residential uses are permitted in the GB zoning district, the GB district is not considered a residential zoning district and does not offer the same protections for residents as residential zoning. Residential zoning districts provide the most protection for residential uses; non-residential uses adjacent to residential zoning require increased buffering and community compatibility standards. The GB zoning district is intended to accommodate small to medium-sized commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors.

A dwelling in the GB zoning district does not get the same protection from potentially incompatible uses as a dwelling in a residential district. The community compatibility standards of the UDO are intended to provide a proper transition and ensure compatibility between single-family detached development and other more intense development. Community compatibility standards do not apply to non-residential uses adjacent to a dwelling located on property zoned GB.

The existence of a dwelling on property adjacent to LI zoning may require additional setbacks for certain LI uses; for example, the UDO requires a tattoo parlor to be setback at least 500' from a residential use and landfills must be setback at least 300' from a residential use

Many commercial uses are permitted in both GB and LI zoning districts; however, certain uses are permitted in GB and not permitted in LI and vice versa. Uses that are permitted in LI but not in GB tend to have more compatibility issues and other off-site impacts (including traffic, noise and odor) especially on adjacent residential uses. A use comparison is included at the end of this report.

# Community Meeting

A community meeting was held on October 20, 2020. The applicants, their family, and planning staff were in attendance. There were no other members of the community present; however, the applicants did share correspondence that was received from neighboring property owners (included in the agenda packet).

The UDO does not require a community meeting for zoning map amendments that establish a less intense base zoning district; the community meeting was not required for this request.

#### **UDO**

In North Carolina, it is illegal to impose conditions on rezonings to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor.

SURROUNDING PARCELS					
	Land Use	Zoning			
North	Vacant/Wooded Area	GB			
South	Weeping Radish Brewery, Butchery & Charcuterie (Restaurant & Brewery)	LI			
East	Convenience Center, Farmland & Wooded Area (Across Caratoke Highway)	GB & AG			
West	Vacant/Agricultural	LI			

# LAND USE PLAN

The 2006 Land Use Plan (LUP) classifies this site as Full Service within the Grandy subarea. The policy emphasis of the plan is to allow Grandy to evolve as a community center. It is essential that non-residential uses in Full-Service areas preserve existing community character. The proposed zoning map amendment request is consistent with the policies of the plan, including:

plan, includir	ng:
Policy CD4	HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT. (See esp., Policy CD9 below concerning connected parking areas.)
Policy ML 4	Currituck County recognizes that the appearance and traffic moving function of the NC 168/ US 158 CORRIDOR is of exceptional importance to both the near-term quality of life and long-term economic prospects for residents and property owners in the Mainland Area. The Transportation and Community Appearance policy sections of this plan shall be implemented to give priority to this issue.
Policy HN9	Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers, and insecticides (e.g. certain farm operations, mining activities, etc.).
Policy TR6	HIGHWAY 158/168 shall receive special attention concerning the proper development of land and properties adjoining and/or accessing this critical arterial.

# **CONSISTENCY AND REASONABLENESS STATEMENT**

A zoning map amendment is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a zoning map amendment the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

This zoning map amendment request is consistent with the Land Use Plan classifications and policies stated above and it is reasonable and in the public interest because:

- It is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance;
  - The request will result in future non-residential uses that meet higher quality design standards along Caratoke Highway, the county's most important Major Arterial Street.

- The request will reduce the potential for non-compatible, highway-oriented industrial uses.
- It is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
  - The request, a downzoning from LI to GB, is compatible with existing and proposed uses. Existing uses adjacent to the property include a restaurant, brewery zoned LI and vacant property zoned GB and LI.

# RECOMMENDATION

# **PLANNING STAFF**

Staff supports the proposed zoning map amendment of approximately 7.5 acres from LI to GB.

# **RECOMMENDATION**

# **PLANNING BOARD**

The Planning Board, on December 8, 2020, recommended approval of the proposed zoning map amendment from LI to GB.

Mr. Bass moved to approve PB 20-21 because the request is consistent with Land Use Plan Policies including:

Policy CD4

Policy ML4

Policy TR6

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

- The request will result in future non-residential uses that meet higher quality design standards along Caratoke Highway, the county's most important Major Arterial Street.
- The request will reduce the potential for non-compatible, highway-oriented industrial uses.

Vice Chairman Owens seconded the motion and the motion carried unanimously 5-0.

	USE COMPARISON	
Non-Residential Uses allowed	Non-Residential Uses	Non-Residential Uses
in both GB and LI districts	allowed in GB not LI	allowed in LI not GB
Agriculture/Horticulture	Agribusiness	Animal Husbandry
Equestrian Facility	Roadside market	Agricultural Processing
Farmer's Market	Medical Treatment Facility	Psychiatric Treatment Facility
Nursery, production	Assisted Living Facility	Cemetery, columbaria,
Agricultural Research Facility	Auditorium, Conference, and	mausoleum
Distribution hub for agricultural	convention center	Correctional Facility
and agronomic products	Nursing Home	Police, fire or EMS facility
Farm machinery sales, rental,	Arboretum or botanical	Auction House
and service	garden	Large Brewery
Silviculture	Community Garden	Distillery
Vocational or trade school	Passenger Terminal, surface	Flea Market
Government facilities and offices	transportation	Tattoo parlor/body piercing
Blood/tissue collection facility	Animal Shelter	establishment
Drug or alcohol treatment facility	Dinner Theater	Winery
Hospital	Offices, Professional	Aircraft parts, sales,
Club or Lodge	Services	maintenance
Halfway house	Theater	Automotive Wrecker Service
Religious institution	Arena, Amphitheater or	Extractive Industry
Park, public or private	Stadium	Fuel oil/bottled gas distributor
Airport	Athletic Facility	General industrial service and
Helicopter Landing Facility Telecommunications Tower	Golf Driving Range	repair
	Outdoor Tour Operator Outdoor Tour Operator,	Heavy equipment sales, rental and service
Utilities, major or minor Animal grooming	Aviation	Laundry, dry cleaning, and
Kennel	Outdoor Recreation	carpet cleaning plants
Veterinary clinic	Bar, nightclub or cocktail	Manufactured home and pre-fab
Restaurant	lounge	building sales
Specialty Eating Establishment	Drug Store or Pharmacy	Cold Storage Plant
Offices, Businesses & Sales	Entertainment Establishment	Outdoor Storage as principal use
Parking lot	Financial Institution	Self-service storage
Fitness center	Funeral Home	Truck or Freight Terminal
Indoor recreation	Grocery Store	Warehouse (distribution &
Marinas	Retail Sales Establishments	storage)
Artisan Food and Beverage	Shopping Center	Landfill
Producer	Taxicab Service	Recycling center, transfer
Convenience store	Bed & Breakfast Inn	Waste composting
Laundromat	Hotel or Motel	Wholesale sales
Pawn shop	Hunting Lodge	
Personal services establishment		
Repair establishment		
Boat & Marine rental, sales and service		
Automotive parts and installation		
Automobile repair and service		
(including painting/bodywork)		
Automobile sales or rentals		
Car wash or auto detailing		
Contractor Service		
Crabshedding		
Research and development		
Public convenience		

	USE COMPARISON	
center/transfer station		

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE Planning Board: <a href="https://www.co.currituck.nc.us/planning-board-minutes-current.cfm">www.co.currituck.nc.us/planning-board-minutes-current.cfm</a>



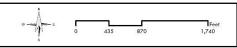
PB20-21 Culpepper Rezoning 6804 Caratoke Highway Aerial - North View



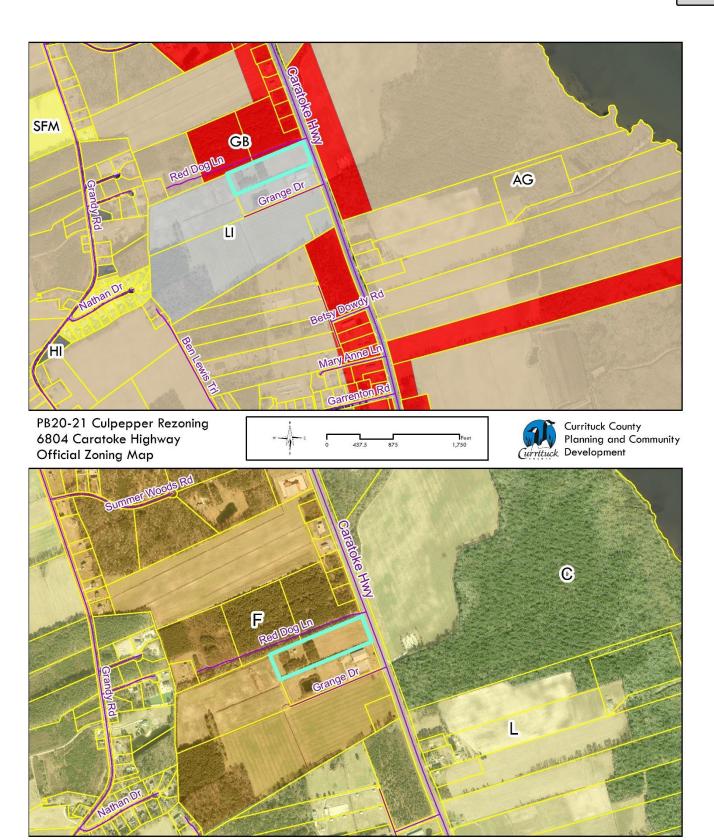
Currituck County
Planning and Community
Development



PB20-21 Culpepper Rezoning 6804 Caratoke Highway Aerial - South View



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PB20-21 Culpepper Rezoning 6804 Caratoke Highway Land Use Plan Classifcation



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PB 20-21 Nigel & Sarah Culpepper Zoning Map Amendment Page **9** of **9** 



# **Zoning Map Amendment**Application

OFFICIAL USE ONLY: 1820-21
Case Number:
Date Filed: 10.22.2.2.2
Gate Keeper:
Amount Paid: 240.00

APPLICANT: Name: Address:	Nigel & Sarah Culpepper  101 Kyle Ct.  Kill Devil Hills, NC	PROPERTY ON Name: Address:	WNER: Nigel & Sarah Cupepper  101 Kyle Ct. Kill Devil Hills, NC 27948
	252-421-0045		ss:
LEGAL RELAT	IONSHIP OF APPLICANT TO PROPERT	Y OWNER:	
Property Info	rmation	The Park of the	
Location: Gr	et Address: 6804 Caratoke Hwy. eandy, NC		
Parcel Identif	fication Number(s): 0108000052D0	000	
Request			
Current Zonii	ng of Property: LI	Proposed Zor	ning District: General Business
_	e for Rezoning: 7.5	Are you rezo	ning the entire parcel(s): Yes/No
Metes and B	ounds Description Provided: Yes/No		
Community A	Neeting, if Applicable		
Date Meetin	g Held: Oct. 20, 2020	Meeting Loca	ortion: 6804 Caratoke Hwy., Gr
I, the undersi	igned, do certify that all of the information, and belief.	nter my property f	for purposes of determining zoning
Further I he	All information submitted and require	d as part of this ap	plication process shall become pub Oct. 20, 2020

recognized property interest. If there are multiple property owners/applicants a signature is required for each.

Zoning Map Amendment Application

Page 5 of 6

Revised 7/1/2019

# Zoning Map Amendment Design Standards and Submittal Checklist

The table below depicts the design standards of the site plan or map for a zoning map amendment application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

# **Zoning Map Amendment**

Site Plan Design Standards and Submittal Checklist

Date Received:	_/	ø	•	1	2	•	70	20	•
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Applicant/Property Owner: Nigel + Sarah Calppper

	Site	Plan or Map Design Standards Checklist
ž	1	Lot/parcel dimensions. 326 700
	2	Zoning designation. Business General
a l	3	All existing physical features (structures, buildings, streets, roads, etc.).
	4	Location and dimensions of any proposed construction.

## **Zoning Map Amendment Submittal Checklist**

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Zoi	ning Map Amendment Submittal Checklist	
1	Complete zoning map amendment application	
2	Application fee (\$200 plus \$5 for each acre or part thereof)	3710
3	Community meeting written summary, if applicable	
4	Site plan or map	
5	Metes and bounds survey, if applicable	
6	2 copies of plans or maps	
7	2 hard copies of ALL documents	
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

Pre-application Confer	ence	10/2/202	0		wana maaant.
Pre-application Contere	ence was held on	1100	and the toll	owing beobie	were present:
Jennie IWalr	Dinna Voll	Va Blake	CALREDON	Carry	combard,
Pre-application Conference Pre-application Confe	Bill News,	1	/// /		
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Comments Sec 4	Hadred . D.	ko			
Comments Sec 4	Hadred of	ko			

Zoning Map Amendment Application Page 6 of 6

Revised 7/1/2019

Planning Comments:

Jennie Turner & Donna Voliva

Consider impacts to SFD living in GB surrounded by GB & LI zoning.

Here are notes from our virtual pre-app at 10AM on October 2, 2020.

Consider range of uses allowed around the dwelling because of the existing zoning.

Residential zoning districts have the most protection for SFD use.

This may impact future development on surrounding properties.

The property owners must sign the application.

Consider the purposes of the GB & LI zoning districts.

Building Inspector Bill Newns had no comments.

Will Rumsey, Public Utilities stated the tap fee \$4,279

Larry Lombardi Economic Development Director

Stated concern about impacts to surrounding land uses including the brewery and future LI or GB uses.

I will see you tonight at 5:30 for the community meeting.

Thanks,

Jennie Turner

Planner II

County of Currituck

Planning & Community Development

Phone: 252-232-6031

Fax: 252-453-8300

Email: jennie.turner@currituckcountync.gov

Website: www.currituckgovernment.com

# **Notes for October 20, 20202 Meeting:**

Meeting held at location of property to be rezoned, 6804 Caratoke Hwy., Grandy, NC.

Meeting started at 5:30 pm.

In attendance: Jeannie Turner, Planning II

Savannah Newbern, Assistant

Nigel Culpepper, Owner Sarah Culpepper, Owner

Blake Culpepper Virginia Culpepper

Discussed location of proposed home and surrounding area. Also clarified guidelines of building on property.

Presented letters from two surrounding landowners in response to letters that we mailed to them.

Everyone signed sheet saying that they attended meeting.

Meeting was completed by 6 pm.

# REZONIAS MEEting, Grandy 00t. 20, 2020 (Tuesday)

Please Sign.

Jennie Turner Curritude Country 252-232-6031 Savannah Newbern Curritude Country Savah Culpepper - Owner - 804-387-7435

Nigel Culpepper - OWNER - 252-421-0043

Blake Culpeperr Virginia Culpepper

252-421-0043



blake culpepper <firstculpepper@gmail.com

# Zoning Change 6804 Caratoke Hwy. Grandy

1 message

Uli Bennewitz <ulibennewitz@gmail.com>

Tue, Oct 20, 2020 at 10:10 A

To: firstculpepper@gmail.com

Cc: Donna W Voliva <dvoliva@co.currituck.nc.us>, selena.jarvis@currituckcountync.gov

Dear Nigel & Sarah,

First of all, welcome to the neighborhood! Thank you for your very kind personal letter and I enjoyed talking with you on the phone this weekend.

As you are aware, I was the one who initially changed the zoning of the land, which included your parcel to "light manufacturing". One of the reasons this was granted at that time was the fact that there was no residential property adjacent to us, only agricultural.

We have no objection to you building your residence on this lovely property of yours, but we want to put in writing that we operate a business next to you and our property will be used eventually for further commercial development, as long as this is permitted under our land use classification. Currently we operate the brewery, restaurant and butchery, and we want you to be aware of the following:

- We have two large hood fans from the kitchen pointing north towards your property. No doubt kitchen smell will whaff across to your property.
- We have a very large smokehouse, again, the exhaust points north towards your property. The smokehouse is computerized and may run at night.
- Our brewery creates smells and while the brewery exhaust points south, there will no doubt be odor on your side if the wind blows your way.
- We have a bulk gas tank and a dumpster, both are serviced outside business hours by large trucks. This
  creates noise mostly in the early hours before we get there. We also on occasions receive containers of
  materials, which will be offloaded outside normal business hours.
- We operate a forklift which has a very annoying beeping sound every time we reverse, which seems to be most of the time. Again, that creates noise pollution.
- At the rear of your property we have a wastewater spray field for our brewery. This is an above ground application of wastewater which again creates smells. It does not run for hours, but it does create odors when it is running.
- We hope to add other commercial activities at our location here, that is the reason we own the 24 acres. We are obviously concerned that any expansion we request in the future may be blocked by the argument that we have residential neighbors adjacent to us.

As you can see, we truly are looking forward on a personal level to have you as neighbors here, but we are concerned about the impact this may have on the future use of our property. We are not objecting to your rezoning request, but we want to have a record of our concerns on file.

As I said at the beginning, welcome to the neighborhood, please feel free to reach out any time, if we can help you in any way.

Dear

We are Nigel and Sarah Culpepper.

We are the new owners of 6804 Caratoke Hwy. in Grandy. This is the piece of property adjacent to the "Weeping Radish" on the north side.

The previous owner, about 15 years ago, upped the zoning to Light Industrial so that the piece of property would be more appealing to businesses in the future if he opted to sell.

My wife and I have purchased the property. We were married on this piece of property over 5 years ago. We had the opportunity this past year to purchase this property on the thoughts of building our dream home. So much to our surprise going through the steps to achieving a building permit, we are going to need to rezone so that we may build our dream home.

So much to our surprise going through the steps to achieving a building permit, we are going to need to rezone so that we may build a residential home. We are requesting a zoning map amendment from the current Light Industrial (LI) Zoning District to General Business (GB) Zoning District.

We are notifying the surrounding landowners to be aware of our intent as per the requirement of the Currituck County United Development Ordinance.

If you have any questions, comments and/or are not able to attend the meeting, please contact us directly at 252-421-0045 or email us at firstculpepper@gmail.com.

This letter is to inform you of a community meeting to discuss any concerns regarding the proposed rezoning:

Date: October 20, 2020
 Time: 5:30 pm

Location: 3605 Caratoke Hwy. Grandy, NC
 (This location is the property to be rezoned just north of the Weeping Radish Brewery)

Dear Mrad Mes Calperper, I am the owner of the farm accost the Street from you. I have no the Spassell. Objection to your regonery the property from Light Industrial (L1) Zoning Distri 1 to General Business (GB) Zoning Distric Sineull yours. Wellis & Budley sweet of Bradley Farm 6815 Caratoke Highway Grandy, N.C.



# **Currituck County**

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

## **MEMORANDUM**

To: Nigel & Sarah Culpepper

From: Planning Staff

Date: November 12, 2020

Re: PB 20-21 Culpepper Rezoning

6804 Caratoke Highway

Grandy, NC

The following comments have been received for the November 10, 2020 TRC meeting. Your case will be scheduled for the December 8, 2020 Planning Board meeting. If you wish to provide responses to any comments prior to the Planning Board meeting, please do so by November 23, 2020. TRC comments are valid for six months from the date of the TRC meeting.

## Planning, Jennie Turner, 252-232-6031

Reviewed

As mentioned at the pre-application conference as well as the community meeting; staff has concerns with compatibility of a single-family dwelling constructed in the General Business (GB) zoning district adjoining the Light Industrial (LI) zoning district. In addition to potential impacts on enjoyment of the proposed single-family dwelling, the existence of a single-family dwelling on GB zoned property may impact use setbacks and landscaping requirements on adjacent GB and LI zoned properties. Residential zoning districts offer the most protection for single-family dwellings.

Staff's recommendation on this rezoning request will be provided to you in the staff report prepared for the Planning Board, this report is typically provided one week in advance of the Planning Board meeting.

#### Currituck Soil and Stormwater, Dylan Lloyd

**Approved** 

# Currituck County Utilities, Will Rumsey & Dave Spence

No Comment

# **Currituck County GIS, Harry Lee**

Reviewed No Comment

# **Currituck County Building Inspections, Bill Newns**

No Comment

# **Currituck County Parks and Recreation, Jason Weeks**

No Comment

# Currituck County Economic Development, Larry Lombardi, 252-232-6015

Reviewed

Even though by right residential is allowed in GB, there are potential compatibility issues with constructing a dwelling on property adjacent to Light Industrial Zoning Districts. The GB & LI zoning districts are in place to protect homeowners and business owners. A dwelling located in GB may be impacted by off-site activities of existing or future business developments that are permitted in Business and Industrial zoning districts.

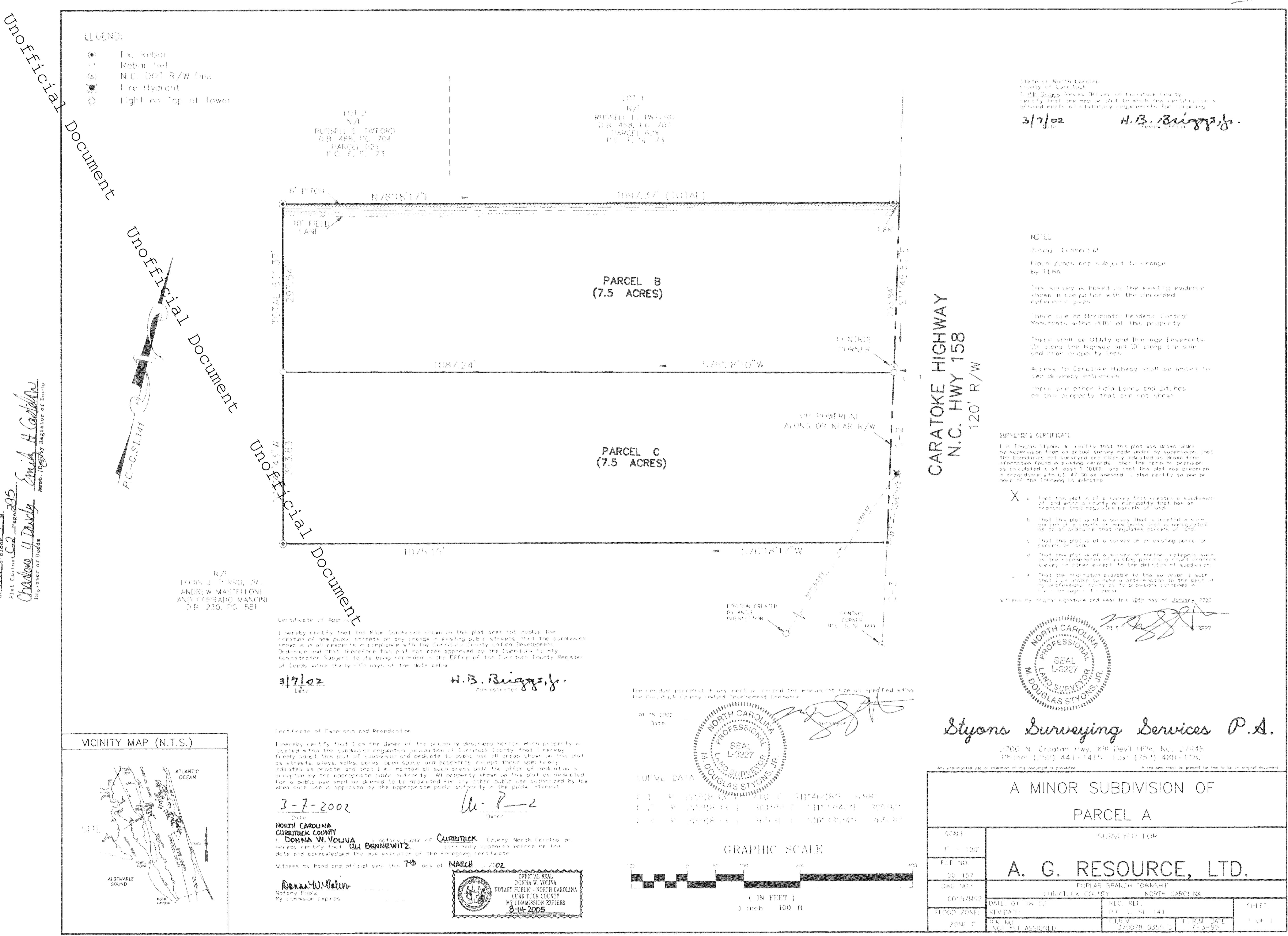
# NC Division of Coastal Management, Charlan Owens

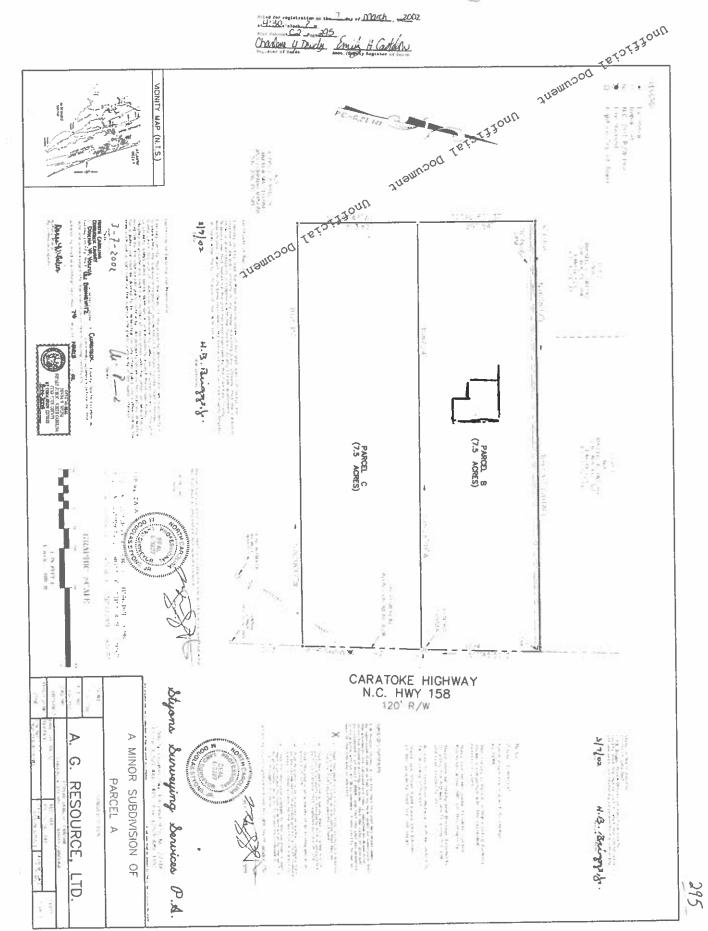
No Comment

# <u>Albemarle Regional Health Services, Joe Hobbs</u>

Reviewed

OWNER/DEVELOPER PLEASE CONSULT WITH KEVIN CARVER RS AT 252-232-6603 CONCERNING SEPTIC SYSTEM APPROVAL AND PRIVATE WELL APPROVAL AT DESIRED AREA OF PROPERTY FOR FUTURE HOME SITE.







**Agenda ID Number** – 2987

Agenda Item Title: PB 20-22 Pinnacle Storage - Conditional Rezoning:

**Submitted By:** Cheri Elliott – Planning & Community Development

**Item Type:** Legislative

Presenter of Item: Jason Litteral

**Board Action:** Action

# **Brief Description of Agenda Item:**

Robert High Development, LLC is requesting conditional rezoning of a 10.48 acre parcel from Conditional-Heavy Industrial (formally zoned for 84 Lumber) to Conditional-Heavy Industrial for Self-Service Storage. The property is owned by Pierce Hardy, LTD Partnership, and is located at 1462 Caratoke Highway, Tax Map 23, Parcel 68J, Moyock Township.

**Planning Board Recommendation**: Approval with Conditions

**Staff Recommendation:** 

**TRC Recommendation:** Approval with Conditions



# STAFF REPORT PB 20-22 PINNACLE STORAGE CONDITIONAL REZONING BOARD OF COMMISSIONERS JANUARY 4, 2021

APPLICATION SUMMARY			
Property Owner:	Applicant:		
Pierce Hardy Ltd. Partnership c/o 84 Lumber Co.	Robert High Development, LLC		
1019 Rte. 519, Bldg	324 Greenville Ave.		
Eighty-Four, PA 15330	Wilmington, NC 28403		
Case Number: PB 20-22	Application Type: Conditional Rezoning		
Parcel Identification Number: 023000068J0000	Existing Use: Vacant		
Land Use Plan Classification: Rural	Parcel Size (Acres): 10.48		
Moyock Small Area Plan Classification: Limited Service Area Industrial Activity Center	<b>Zoning History:</b> (1970-Light Industrial). (1974-Manufacturing), (1989-Heavy Industrial) (2015 C-HI)		
Current Zoning: Conditional Heavy Industrial (C-HI) 84 Lumber Proposed Zoning: Conditional Heavy Industrial (C-HI) Self Service Storage			
<b>Request:</b> Robert High Development, LLC is requesting conditional rezoning of a 10.48 acre parcel from C-HI (84 Lumber) to C-HI (Pinnacle) Self Service Storage			

# **REQUEST**

## **NARRATIVE**

Robert High Development, LLC is requesting conditional rezoning of a 10.48 acre parcel from C-HI (84 Lumber) to C-HI (Pinnacle Storage) Self-Service Storage. In 2015, the subject parcel was granted conditional rezoning to allow 84 Lumber to conduct a lumber warehousing use with a retail component. The 84 Lumber project never materialized and the property has remained vacant.

According to historical zoning maps, the subject property has been zoned for industrial use since at least 1970. It is located in front of Wind Chaser Industrial area. There are currently several nearby industrial uses including a concrete plant, a precast concrete facility, and a recycling business. The properties to the north and south are split zoned with General Business near Caratoke Highway and Heavy Industrial in the rear. The property to the north is proposing a self-service storage use on the Heavy Industrial portion while the front will remain General Business.

The site is appropriate for the proposed use because it is surrounded by industrial uses and industrially zoned properties. The applicant is addressing concerns about the proximity to Caratoke Highway by proposing the conditions of approval listed below.

The applicant is proposing to phase the project with the front buildings being constructed first, and the buildings in the rear being constructed according to demand.

### **COMMUNITY MEETING**

Mark Bissell presented a summary of the land, setting and the approval process, along with a presentation of the development plan. The development plan included the, site plan, preliminary architectural plan, stormwater, and landscaping general plan. Community comments were received and were addressed as shown below. There were also informal discussions around the renderings that had been provided for review, and then the meeting was adjourned.

- 1. **Concerns about drainage –** Ponds will be designed to store and slow release stormwater.
- Concerns about landscaping Committing to provide 140% of streetscaping required by UDO.
- 3. **How will it be phased-** The front 3 buildings will be constructed first. The schedule for the remaining buildings will be based on market conditions.

#### CONDITIONS OF APPROVAL

- 1. 20% windows on highway frontage side of building(s)
- 2. Finished front façade (brick, stucco, or similar finish)
- 3. 140% of required streetscaping, allowed to be clustered to provide visibility from 168.

SURROUNDING PARCELS		
	Land Use	Zoning
North	Vacant	Agricultural (Across Highway)
South	Concrete Plant	Heavy Industrial
East	Vacant	Heavy Industrial/GB
West	Vacant	Heavy Industrial/GB

LAND USE PLAN		
The 2006 Land Use Plan classifies this site as Limited Service within the Moyock subarea. The policy emphasis for the Moyock subarea is properly managed. The proposed plan is consistent with the policies of the plan, some of which are:		
Policy ID 5	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 ID 2	Industrial uses should not be located in areas that would diminish the desirability of existing and planned NON-INDUSTRIAL DEVELOPMENTS, nor shall incompatible nonindustrial uses be allowed to encroach upon existing or planned industrial sites.	
Policy CA 3	LANDSCAPE IMPROVEMENTS at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and absorbing storm water runoff, shall be required.	
Policy ID1	To diversify the local economy and broaden the local tax base, the County shall encourage a public service and regulatory environment conducive to COMPATIBLE INDUSTRIAL DEVELOPMENT. "Compatible" shall be defined as, among other things, industries that do not adversely impact the environmental quality of the area, or overburden the local infrastructure.	
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.	

MOYOCK SMALL AREA PLAN		
The Moyock Small Area Plan classifies this site as a limited service industrial activity center		
The proposed plan is consistent with the policies of the plan, some of which are:		
Policy BI 3	Actively Market Moyock as an emerging growth area (virtual micropolitan) to	
	encourage targeted retail and service development.	

# **RECOMMENDATION**

# **Technical Review Committee**

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

- 1. 20% windows on highway frontage side of building(s)
- 2. Finished front façade (brick, stucco, or similar finish)
- 3. 140% of required streetscaping, allowed to be clustered to provide visibility from 168.
- 4. A Major Site Plan application shall be submitted to ensure full compliance with the UDO and the conditions of approval.

# **RECOMMENDATION**

# **Planning Board**

The Planning Board, on December 8, 2020, recommended approval for the conditional rezoning with the agreed upon conditions.

Vice Chairman Owens moved to approve PB 20-22, with agreed upon conditions, because the request is consistent with Land Use Plan policies:

ID1

- ID2
- ID5
- CA3
- ED1

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

It provides a needed service for the growing residential development in Moyock.

Mr. Doll seconded the motion and the motion carried unanimously 5-0.

# **CONSISTENCY AND REASONABLENESS STATEMENT**

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 goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance; Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land; and addresses a demonstrated community need.

It is reasonable and in the public interest because provides a needed service for the growing residential development in Moyock.

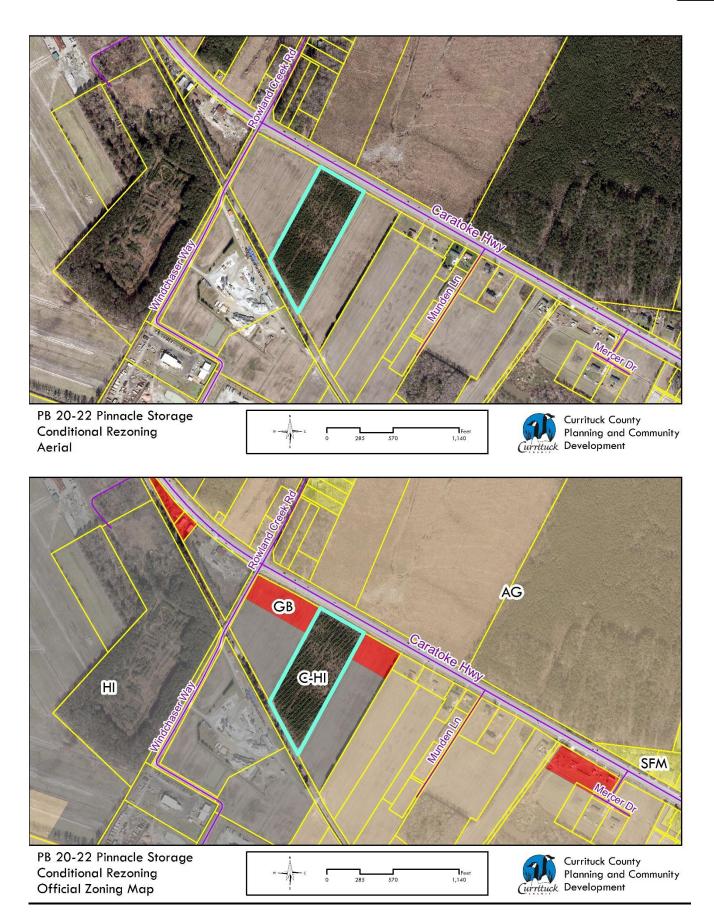
# **CONDITIONS OF APPROVAL**

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.

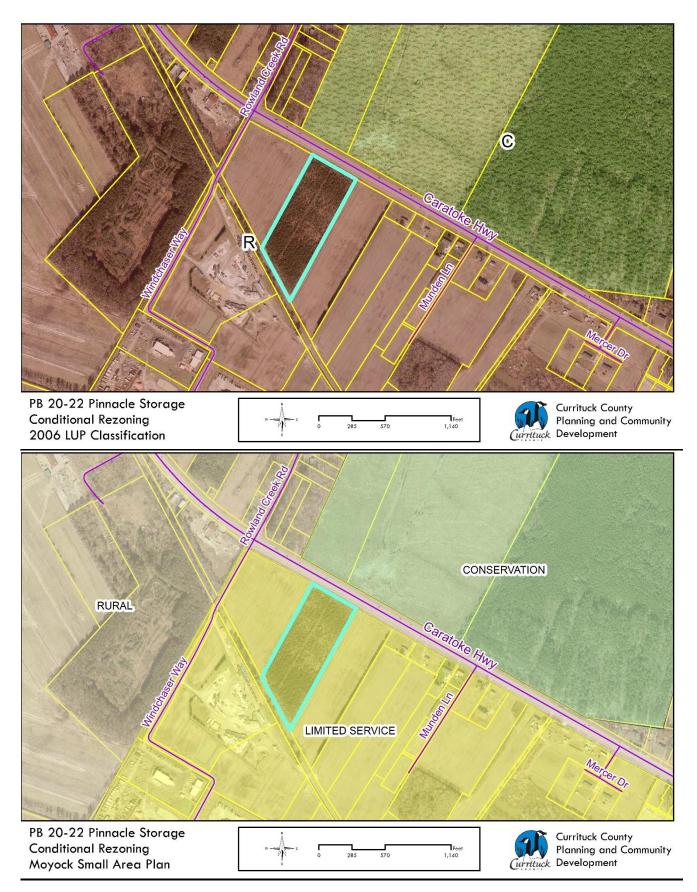
# Agreed upon conditions of approval:

- 1. 20% windows on highway frontage side of building(s)
- 2. Finished front façade (brick, stucco, or similar finish)
- 3. 140% of required streetscaping, allowed to be clustered to provide visibility from 168.
- 4. A Major Site Plan application shall be submitted to ensure full compliance with the UDO and the conditions of approval.

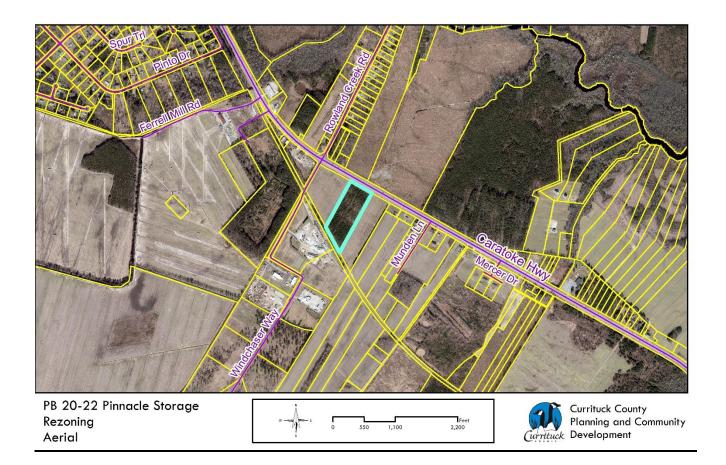
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



PB 20-22 Pinnacle Storage Conditional Rezoning Page **5** of **7** 



PB 20-22 Pinnacle Storage Conditional Rezoning Page 6 of 7





# **Conditional Rezoning**Application

OFFICIAL LIER OL	***
OFFICIAL USE ON	LY:
Case Number:	
Date Filed:	
Gate Keeper:	
Amount Paid:	

Contact Inform	ation		
APPLICANT:	Robert High Development, LLC	PROPERTY (	Pierce Hardy Ltd.
Addressi	324 Greenville Ave. Wilmington, NC 28403	Address:	Partnership c/0 84 Lumber Co. 1019 Rtc. 519, Bldg. 4 Eighty -Four, PA 15330
Telephone:	910-790-9490	Telephone:	(724) 228-8820 Ext. 2046
E-Mail Address	robert@roberthighdevelopment.com	*	oss: bethany cypher @ 841 unber
	ONSHIP OF APPLICANT TO PROPERTY O	-	entract Purchaser
Property Inform			
Physical Street	Address: 1462 Caratoke Highway, 1	Moyock, NC	27958
	loyock, NC 27958		
Parcel Identifica	ation Number(s): 0023000068J0000		
	Acreage: 10.48 ac.		
	se of Property:Undeveloped		
-			
Request			
Current Zoning	of Property: <u>C-HI</u>	Proposed Zor	ning District: <u>C-HI</u>
Community Mee	ting		
Date Meeting H	eld: Oct. 14, 2020	Meeting Loca	tion: Eagle Creek Pavilion

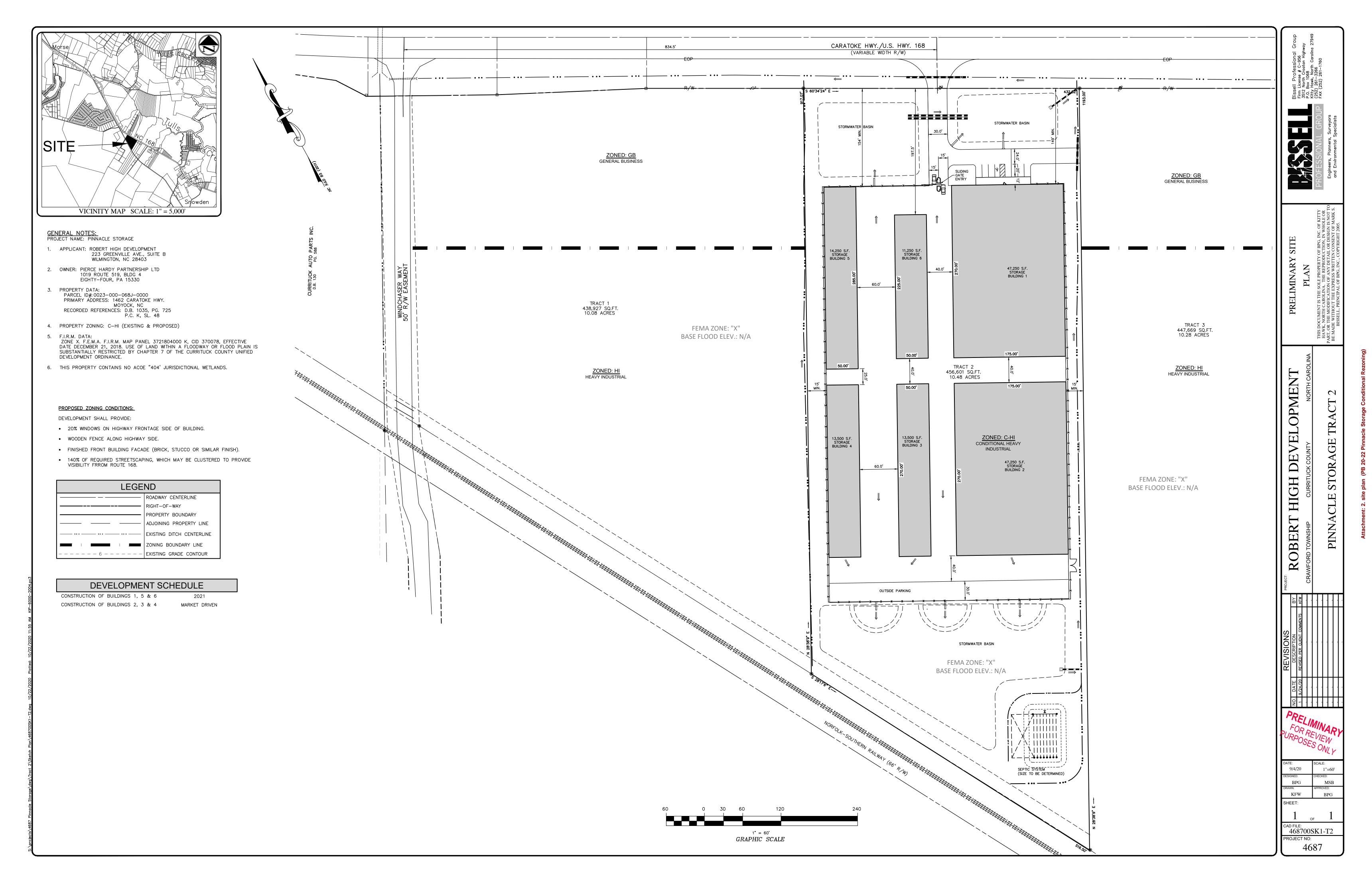
Conditional Rezoning Application Page 5 of 8

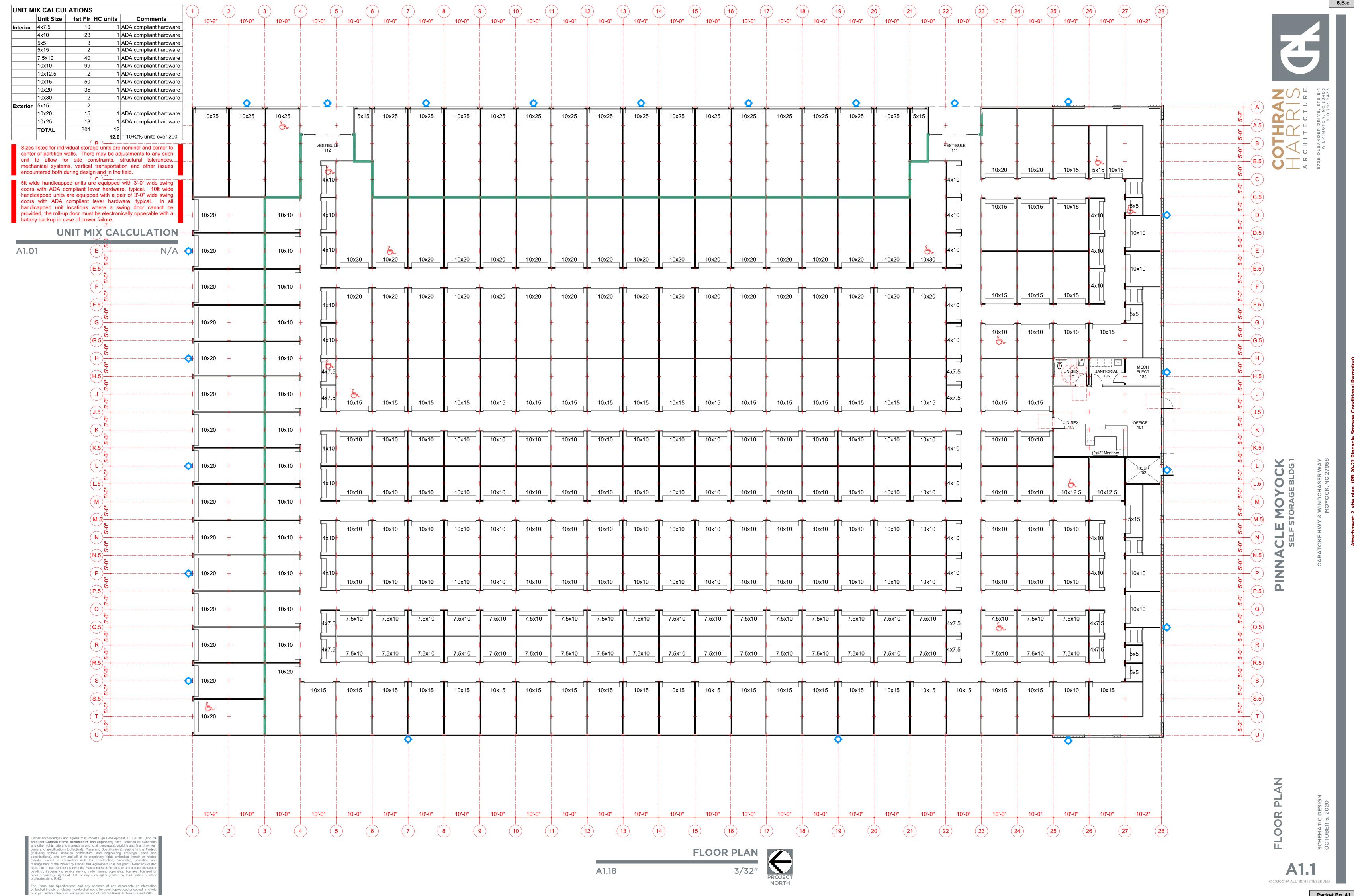
Revised 7/1/2018

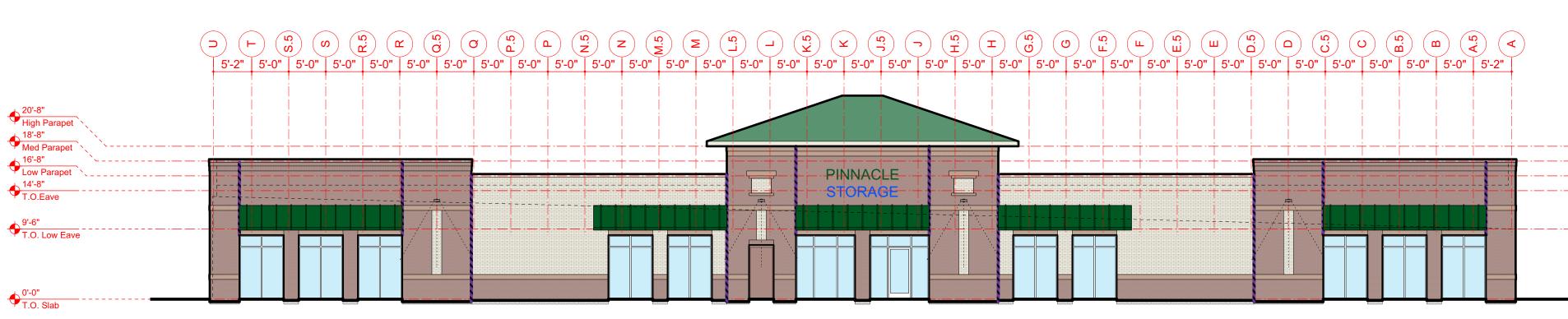
Conditional Rezoning Request
To Chairman, Currituck County Board of Commissioners:
The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoni district be approved for the following use(s) and subject to the following condition(s):
Proposed Use(s):
Self-service storage development
Proposed Zoning Condition(s):
20% windows on highway frontage side of building(s)
Wooden fence along the highway side
Finished front building facade (brick, stucco, or similar finish)
140% of required streetscaping, allowed to be clustered to provide visibility from 168
An application has been duly filed requesting that the property involved with this application be rezoned from: $C ext{-HI}$
t is understood and acknowledged that if the property is rezoned as requested, the property involved in this request vill be perpetually bound to the conceptual development plan, use(s) authorized, and subject to such condition(s) as provided, unless subsequently changed or amended as provided for in the Currituck County Unified Development Development. It is further understood and acknowledged that final plans for any development be made pursuant to any such conditional zoning district so authorized and shall be submitted to the Technical Review Committee.
IOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is
quired for each owner of record

Conditional Rezoning Application Page 6 of 8

Revised 7/1/2018



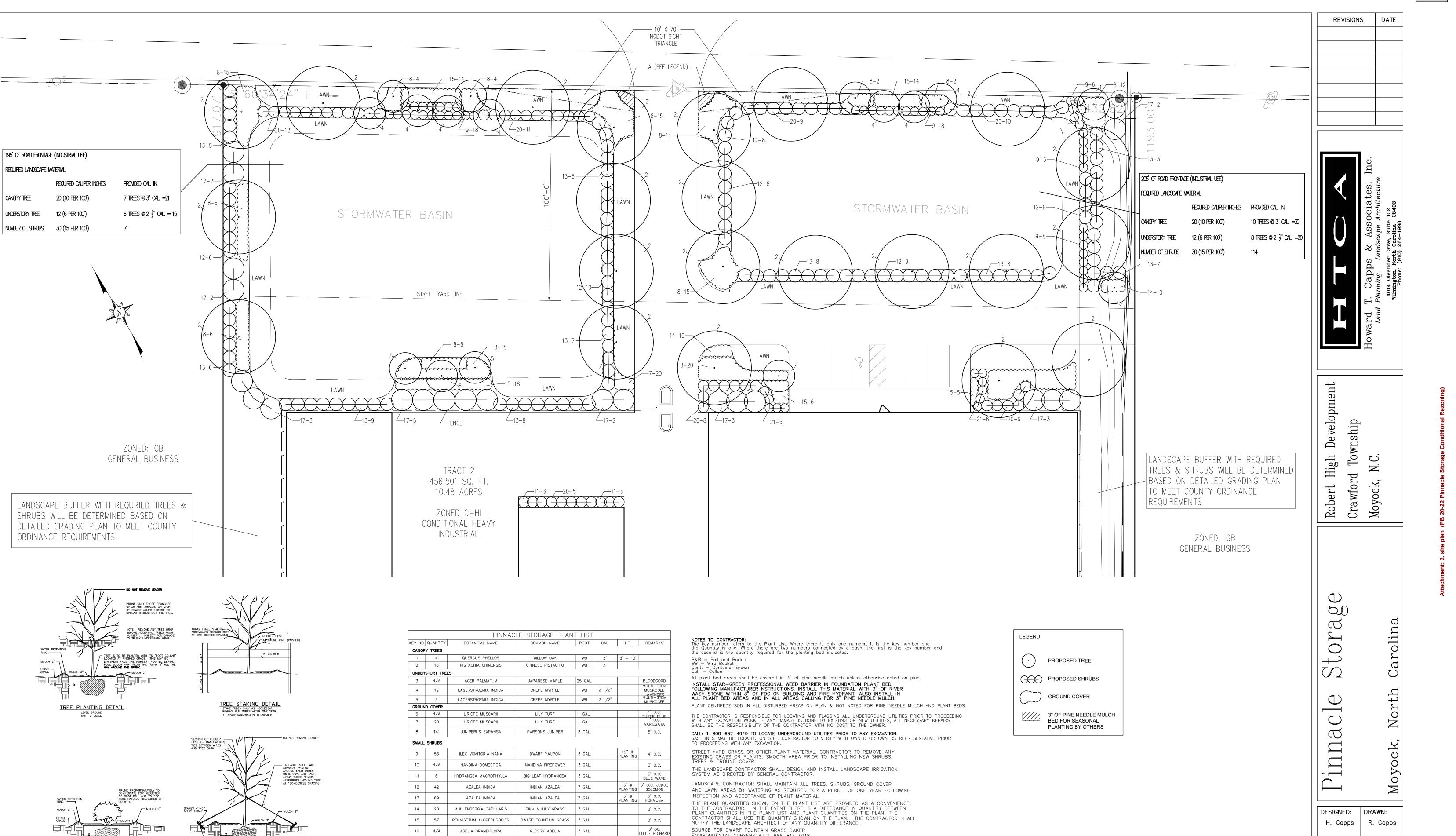




e Plans and Specifications and any contents of any documents or information

NORTH ELEVATION 3/32" A2.18

6.B.c



ENVIRONMENTAL NURSERY AT 1-866-814-9118

LARGER SHRUBS/FLOWERING/COLOR/SCREEN

ILLEX NELLIE R STEVENS

HEMEROCALLIS HYBRIDA

JUNIPERUS VIRGINIANA

RUBY LOROPETALUM

PITTOSPORUM TOBIRA

NELLIE STEVENS HOLLY 15 GAL.

STELLA D'ORO

EASTERN RED CEDAR

CHINESE FRINGE FLOWER

10' O.C.

3' O.C.

4' O.C.

WB 12' -14' 10' O.C.

3' @ PLANTING 5' O.C.

17 22

19 N/A

20 61

SHRUB PLANTING DETAIL

STAKE TREES ONLY AS NECCESSARY REMOVE GUY WIRES AFTER ONE YEAR

DATE:

SHEET

PRELIMINARY

SCALE: 1"=20'-0"

SCALE : 1"=20'

JOB NO. : 471-1020

10-21-2020

SHEETS



#### **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:** Robert High Development, LLC Bissell Professional Group

From: Planning Staff

**Date:** 11/19/2020

Re: PB 20-22 Pinnacle Storage, Conditional Rezoning

The following comments have been received for the November 10, 2020 TRC meeting. In order to be scheduled for the December 8, 2020 Planning Board meeting, please address all comments and resubmit as necessary by 3:00 p.m. on November 23, 2020. TRC comments are valid for six months from the date of the TRC meeting.

#### Planning, Jason Litteral

Reviewed

- 1. The proposed conditions of approval are acceptable.
- 2. A major site plan application shall be submitted for review.

#### Currituck County Building and Fire Inspections (Bill Newns, 252-232-6023)

Fire flow calculations based on ISO Method

Fire hydrants within 400' or 600' based on sprinkler of all portions of the buildings

#### **Currituck County Economic Development (Larry Lombardi 252-232-6015)**

Reviewed plans and this is an appropriate location for this project.

#### Currituck Soil and Stormwater (Dylan Lloyd, 252-232-3360)

- 1) Clean out any existing perimeter ditches and back ditch bordering the railroad ROW.
- 2) At the large Stormwater Basin in the back angle the outfall pipe culvert 45 degrees into the side swale to reduce erosive velocity to the channel. The Stormwater basin at the front of the property is like this.

#### NCDOT (David Otts, 252-331-4737)

As per our Policy On Street and Driveway Access to North Carolina Highways, "for land uses that require....gates or other entry control devices, the vehicle storage will be of adequate length so that entering vehicles do not queue back on the adjacent highway right-of-way." Accordingly, please ensure this offset is detailed on the construction plans. I would suggest this gate be offset adequate distance to accommodate a moving truck with trailer, followed by a passenger vehicle.

#### Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

PLEASE CONSULT WITH KEVIN CARVER RS(252-232-6603) CONCERNING SEPTIC SYSTEM APPROVAL FOR PROPOSED COMMERCIAL DEVELOPMENT.

#### Mediacom (252-482-5583)

See attached letter.

#### **US Post Office**

Contact the local post office for mail delivery requirements

#### The following items are necessary for resubmittal:

- 3 full size copies of revised plans.
- 10 11"x17" copies of revised plans.
- 1-8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.



Kim Mason, NC Area Director

kmason@mediacomcc.com 216 B Shannonhouse Road Edenton NC, 27932 Edenton: 252-482-5583 Plymouth: 252-793-2491

Plymouth: 252-793-2491 Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

As you know the key need for all homes in this 21st Century is a solid internet connection, be it for business, education or entertainment, the public demand is here.

With this in mind, as you plan for your development and build out, we would like to encourage you to reach out to us, as you do for other essential utilities. It is most economical and reasonable for you to work with us and have this valuable infrastructure in advance of selling and building the homes. Any build out costs can easily be recouped as the lots are developed and make your neighborhoods more appealing to families and professionals.

We invite, you to partner with us and contact us locally. We will process a ROI for your location to determine partnership feasibility and estimated cost to ensure your development has access to the best internet services available.

Our key contacts are, Kim Mason, Director for North Carolina – information above and our construction coordinator Nathanial Harris at 252-793-5256 or 252-339-9375.

Mediacom launched 1-Gig broadband speeds in the following areas of North Carolina and operates customer service offices in Edenton and Plymouth.

Bertie County	Martin County	Chowan County	Perquimans County
Colerain	Jamesville	Arrowhead / Chowan Beach	Hertford
Kelford	Northampton County	Edenton	Winfall
Lewiston	Conway	Currituck County	Tyrrell County
Powellsville	Galatia	Barco	Columbia
Roxobel	Jackson	Currituck	Washington County
Windsor	Rich Square	Grandy	Creswell
Camden County	Seaboard	Moyock	Plymouth
Camden	Severn	Point Harbor	Roper
Shiloh	Woodland	Poplar Branch	
South Mills		Tulls Bay	

#### About Mediacom Communications

Mediacom Communications Corporation is the 5<sup>th</sup> largest cable operator in the U.S. serving over 1.3 million customers in smaller markets primarily in the Midwest and Southeast. Mediacom offers a wide array of information, communications and entertainment services to households and businesses, including video, high-speed data, phone, and home security and automation. Through Mediacom Business, the company provides innovative broadband solutions to commercial and public sector customers of all sizes and sells advertising and production services under the OnMedia brand. More information about Mediacom is available at <a href="https://www.mediacomcable.com">www.mediacomcable.com</a>.

We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

Kim Mason

Kim Mason

Operations Director, North Carolina

#### **Pinnacle Storage**

October 14, 2020

Scheduled Time/Place: 6:00pm, Eagle Creek, Currituck, NC

Meeting Began a little before 6:00pm/Meeting Ended at approximately 6:50pm

**Attendees:** (See attached sign-in sheet)

Comments from the Community	How Addressed
Concerned about drainage	Ponds will be designed to store and slow- release stormwater
Concerned about landscaping	Committing to provide 140% of streetscaping required by UDO
How will it be phased?	The front 3 buildings will be constructed first. The schedule for the remaining buildings will be based on market conditions.

#### **Summary:**

Mark Bissell presented a summary of the land and setting and the approval process, along with a presentation of the development plan (site plan and preliminary architectural plan) stormwater, landscaping general plan.

Community comments were received and were addressed as shown above.

There were also informal discussions around the renderings that had been provided for review, and then the meeting was adjourned.



### Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 2961

Agenda Item Title: PB 20-17 Currituck County:

Submitted By: Donna Voliva - Planning & Community Development

**Item Type:** Legislative

Presenter of Item: Donna Voliva

**Board Action:** Action

#### **Brief Description of Agenda Item:**

Requests an amendment to the Unified Development Ordinance, Chapter 4, Use Standards, to correct Agricultural Support and Services, Wind Energy Facility, Large, and Outdoor Tour Operators, Aviation in Table 4.1.1.B. Summary Use Table for the Planned Development Zoning Districts, as previously adopted by the Board of Commissioners.

Planning Board Recommendation: Approval

**Staff Recommendation:** Approval

**TRC Recommendation:** 



#### **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

From: Planning Staff

Date: December 1, 2020

Subject: PB 20-17 Currituck County – 2020 Housekeeping Corrections

#### Request

The proposed text amendment submitted by Currituck County is to correct the Unified Development Ordinance (UDO), Chapter 4, Table 4.1.1.B. Summary Use Table - Planned Development Zoning Districts for the following uses:

- Agriculture Support and Services (Not Directly Related) Distribution Hub for Agricultural Products
- Utilities Large Wind Energy Facilities
- Recreation/Entertainment, Outdoor Aviation Outdoor Tour Operator

#### **Background**

The Summary Use Table (Table 4.1.1.B.) for Planned Developments was added to the UDO with the adoption of PB 19-25 Currituck County – Currituck Station June 15, 2020. The new Table 4.1.1.B. did not include three text amendments that were adopted by the Board of Commissioners during the time PB 19-25 was drafted, considered, and adopted. This text amendment incorporates the following adopted text amendments that included changes to use types in the Planned Development Zoning Districts:

- PB 19-26 Nutrien Ag Solutions adopted December 2, 2019
  - Amendment added agronomic uses as a permitted use to the distribution hub for agricultural products use type in the Summary Use Table
- PB 17-14 Currituck County adopted January 22, 2019
  - Amendment removed large wind energy facilities as a permitted use type from the Summary Use Table
- PB 19-09 Bruce Weaver, Kitty Hawk Kites adopted June 3, 2019
  - Amendment added aviation outdoor tour operator as a permitted use type in the Summary Use Table

#### **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 <u>may</u> weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other

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

#### **Staff Recommendation**

The proposed text amendment will amend language in the UDO that was previously adopted by the Board of Commissioners. The text amendment PB 19-25 Currituck County – Currituck Station adopted June 15, 2020 did not include the three previously approved amendments. Each of the three text amendments (PB 19-26, PB 17-14, and PB 19-09) included the adoption of a written statement of consistency and reasonableness that was specific to the amendment. The 2006 Land Use Plan does not directly address text amendments that are corrections to the ordinance.

Staff recommends approval of the request to amend the Summary Use Table (Table 4.1.1.B.) for Planned Developments that will incorporate the adopted language from PB 19-26 Nutrien Ag Solutions, PB 17-14 Currituck County, and PB 19-09 Bruce Weaver, Kitty Hawk Kites.

#### **Planning Board Recommendation**

The Planning Board recommended approval of the request to amend Table 4.1.1.B. as stated in this staff report at their meeting on November 10, 2020 with a 4-0 vote.

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

- 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 (PB 19-26 Nutrien Ag Solutions and PB 19-09 Bruce Weaver Kitty Hawk Kites).
- 2. POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND PIN-OFFS shall also be recognized. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
- 3. 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. (PB 19-26 Nutrien Ag Solutions)
- 4. It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (PB 17-14 Currituck County)
- POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOUCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)

The request is reasonable and in the public interest because:

- 1. The text amendment replaces language previously adopted by the Board of Commissioners that:
  - a. Is an existing and necessary support service for agriculture. (PB 19-26 Nutrien Ag Solutions)
  - May help preserve farm culture and promote farm and open space conservation through diversifying low impact uses of agricultural land. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
  - c. Provides economic diversification and local economic development. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
  - d. Removes a potential conflict between wind energy facilities and the operation of an existing naval annex. (PB 17-14 Currituck County)



# PB 20-17 CURRITUCK COUNTY TEXT AMENDMENT PLANNING BOARD NOVEMBER 10, 2020

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 4. Use Standards to correct Agricultural Support and Services, Wind Energy Facility, large, and Outdoor Tour Operators, Aviation in the summary use table for Planned Developments as adopted by the Board of Commissioners.

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 underlined language in Table 4.1.1.B.:

TABLE 4.1.1.B: 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  PLANNED DEVELOPMENT ZONING DISTRICT  [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]														
									ZONINO TRICT DE					
Use Category	USE TYPE	PD-R	PD-M	PD-0		CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL	Additional Req. (4.2)
	_								O	<u>S</u>	MO	ä	ò	
		CULT	URAL	USE C	LAS	SSIFIC	ATION	ı						
Agricultural Support and Services (Not Directly Related)	Distribution hub for agricultural and agronomic products		MP											1.C
	Inst	ITUTIC	ONAL	USE C	LAS	SSIFIC	ATION	ı						
Utilities	Wind energy facility, large		MP	MP										3.K
	Con	/MER	CIAL	JSE C	LAS	SIFICA	TION	•	•				•	
Recreation/Entertainment, Outdoor	Outdoor tour operator, Aviation		<u>MP</u>	MP										4.F.7

#### Item 2: Staff suggested Statement of Consistency and Reasonableness:

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

- 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 (PB 19-26 Nutrien Ag Solutions and PB 19-09 Bruce Weaver Kitty Hawk Kites).
- 2. POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND PIN-OFFS shall also be recognized. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
- 3. 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. (PB 19-26 Nutrien Ag Solutions)
- 4. It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (PB 17-14 Currituck County)
- 5. POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOUCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)

The request is reasonable and in the public interest because:

- 1. The text amendment replaces language previously adopted by the Board of Commissioners that:
  - a. Is an existing and necessary support service for agriculture. (PB 19-26 Nutrien Ag Solutions)
  - b. May help preserve farm culture and promote farm and open space conservation through diversifying low impact uses of agricultural land. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
  - Provides economic diversification and local economic development. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
  - d. Removes a potential conflict between wind energy facilities and the operation of an existing naval annex. (PB 17-14 Currituck County)

**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, 2020.	effect from and after the	day of _
Board of Commissioners' Chairman Attest:		
Leeann Walton Clerk to the Board		
DATE ADOPTED:  MOTION TO ADOPT BY COMMISSIONER:  SECONDED BY COMMISSIONER:  VOTE:AYESNAYS		
PLANNING BOARD DATE: 11/10/20 PLANNING BOARD RECOMMENDATION: VOTE: 4 _ AYES 0 _ NAYS  ADVERTISEMENT DATE OF PUBLIC HEARI BOARD OF COMMISSIONERS PUBLIC HEA BOARD OF COMMISSIONERS ACTION: POSTED IN UNIFIED DEVELOPMENT ORDI AMENDMENT NUMBER:	Approval ING: <u>11/25/20 &amp; 12/2/20</u> IRING: <u>12/7/20</u>	



# **Text Amendment**Application

OFFICIAL USE ONLY	:
Case Number:	
Date Filed:	
Gate Keeper:	
Amount Paid:	3

APPLICANT:		
Name:	Currituck County	
Address:	153 Courthouse Road	-
	Currituck, NC 27929	
Telephone:	252-232-3055	
-	955:	
Request		
l, the undersig	gned, do hereby make application to change the (	Currituck County UDO as herein requested
Amend Chapt	ter(s) 4 Section(s) 4.	1.2. Table 4.1.1.B as follows:
	sed text amendment is to correct the the Plann	
<u>.</u>		
to reestablis	sh or modify three uses excluded from a rece	ent text amendment. The amendmen
includes correc	ctions for large wind energy facilities, agricultural support	and services, and aviation outdoor tour operator
	stone for large wind energy facilities, agriculturar support	and services, and aviation outdoor tour operator
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Request may be a	attached on separate paper if needed.	
Request may be a	- 1 -	
Request may be a	attached on separate paper if needed.  B. Cicero	Detober 8, 2020

Text Amendment Application Page 3 of 4



### Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3009)

**Agenda Item Title:** Public Hearing and Consideration of Resolution Authorizing Exchange of County Property for Property Owned by Penelope L. Lockhart and Conveyance of Access Easement Across County Property

**Submitted By:** Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

#### **Brief Description of Agenda Item:**

Is this item regulated by plan, regulation or statute? No

#### **Planning Board Recommendation:**

Resolution and Public Hearing to allow an exchange to provide an easement across County-owned property to allow access to a private parcel.

Potential Budget Affect: N/A

**Manager Recommendation:** 

#### RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AUTHORIZING EXCHANGE OF PROPERTY WITH PENELOPE L. LOCKHART AND CONVEYANCE OF EASEMENT ACROSS COUNTY PROPERTY TO THE LOCKHART PROPERTY

WHEREAS, Currituck County owns a tract of land now or formerly known as Tract 10JXL Currituck National Wildlife Refuge, Fruitville Beach with Parcel Identification Number 0100000001B0000; and

WHEREAS, Penelope L. Lockhart is the owner of land located within the county's property at 1780 Ocean Pearl Road with Parcel Identification Number 01000000050000; and

WHEREAS, a recent survey of the Lockhart property revealed that a structure located on the Lockhart property encroaches on the county's property and an accessway to the Lockhart property across the county's property previously permitted by United States Fish and Wildlife Service, the county's predecessor in title, has not been specifically delineated; and

WHEREAS, Currituck County and Penelope L. Lockhart desire to make an exchange of real property to resolve the Lockhart structural encroachment into county property by Currituck County's conveyance of 0.50 acres, more or less, of its property described in this resolution for 0.50 acres of Penelope L. Lockhart's property, more or less, described in this resolution and to delineate the easement across the county's property for access to the Lockhart property; and

WHEREAS, United States Fish and Wildlife Service has agreed to release the restrictive covenants from the property the county will convey to Penelope L. Lockhart upon imposition of the same restrictive covenants on the property the county receives from Penelope L. Lockhart; and

WHEREAS, N.C. Gen. Stat. §160A-271 authorizes Currituck County to make the exchange or property if authorized by its Board of Commissioners by a resolution adopted at a regular meeting of the board upon at least ten days' public notice and N.C. Gen. Stat. §160A-273 authorizes Currituck County to grant an easement over, through, under or across any county property; and

WHEREAS, Currituck County has given the required public notice and conducted the required public hearing, and the Board of Commissioners has considered this resolution while convened in a regular meeting.

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

Section 1. The exchange of Currituck County property for that property of Penelope L. Lockhart, and county conveyance of an easement to Penelope L. Lockhart, as shown on that plat entitled in part "Survey for Stanley Zuba & Lynn Zuba, A Parcel of Land in Carova, D.B. 1121, Pg. 762, Fruitville Beach Township, Currituck County, North Carolina" dated July 25, 2020 and prepared by Eastern Geomatics, PLLC is authorized.

Section 2. The appropriate Currituck County officials are directed to execute instruments necessary to carry out the exchange and conveyance of easement authorized by this resolution.

Section 3. This resolution is effective upon its adoption.

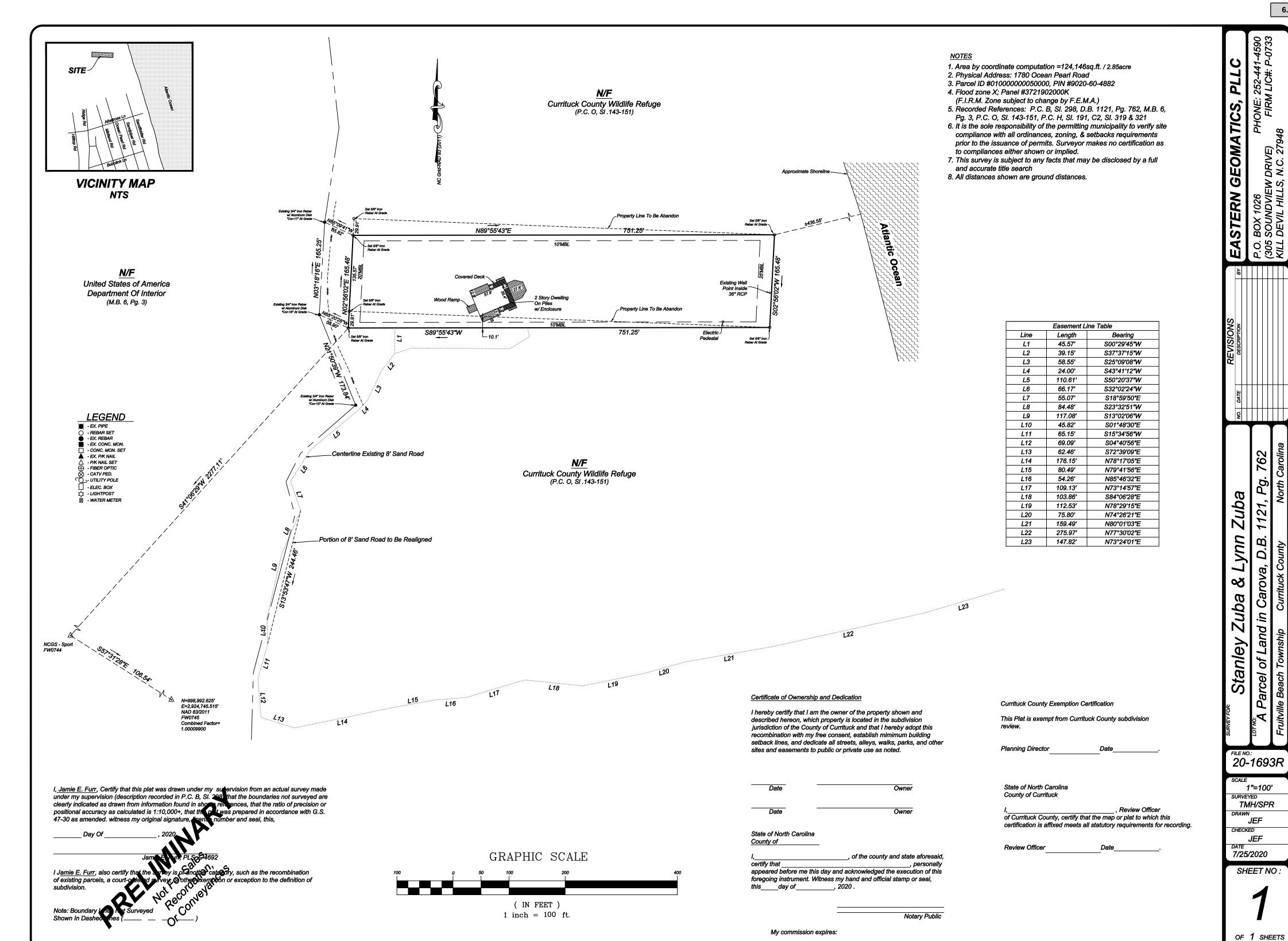
ADOPTED the 4th day of January, 2021.

Michael H. Payment, Chairman Board of Commissioners

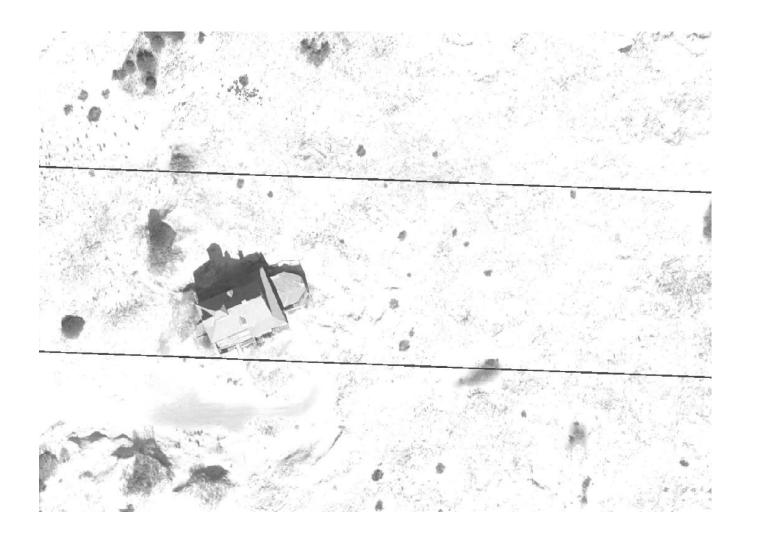
ATTEST:

Leeann Walton Clerk to the Board of Commissioners

(COUNTY SEAL)



Packet Pg. 59





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3003)

**Agenda Item Title:** Consideration of Approval of Budget Amendments to increase capital requests back to the initially recommended budget

**Submitted By:** Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

#### **Brief Description of Agenda Item:**

During the budget process in May of 2020, The Board, on recommendation from the County Manager, removed a majority of the capital expenditures due to the unknown economic impacts of COVID19. The downturn in the economy has not occurred in Currituck County. The budget amendment presented here increases capital expenditures back to their original recommended amount.

Potential Budget Affect: See attachment for amendments and funded items.

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

Number 20210067

#### **BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 4th day of January 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

			Debit		Credit
			ase Revenue or		ase Revenue or
Account Number	Account Description	Incr	ease Expense	Decr	ease Expense
10460-590000	Capital Outlay	\$	80.000		
10510-590000	Capital Outlay	Ψ	417,045		
10511-590000	Capital Outlay		77,950		
10512-590000	Capital Outlay		43,000		
10530-590000	Capital Outlay		285,000		
10540-590000	Capital Outlay		38,000		
10541-590000	Capital Outlay		20,350		
10550-590000	Capital Outlay		17,500		
10640-590000	Capital Outlay		26,000		
10750-590000	Capital Outlay		60,000		
10795-590000	Capital Outlay		40,000		
10795-592000	Recreation Projects		187,500		
10796-590000	Capital Outlay		115,000		
10800-590100	School Capital Outlay		400,000		
10380-484001	Insurance Recovery				2,671
10390-495015	T F - Occupancy Tax Fund				115,000
10390-495041	T F - School Capital Fund				400,000
10390-495042	T F - Transfer Tax Capital Fund				1,289,674
41990-587010	T T - Operating Fund		400,000		
41320-411001	Article 40 Supp Sales Tax				200,000
41320-411002	Article 42 Additional Supp Sales Tax				200,000
42450-587010	T T - Operating Fund		1,289,674		
42320-414000	Transfer Tax Revenue				1,289,674
		\$	3,497,019	<del></del>	3,497,019
			2,121,212		5,101,010
Explanation:	Various Departments - To increase capital obudget appropriations due to uncertainty of attachment for detailed items added to appropriations.	revenues	during the COVID19		•
Net Budget Effec	St: Operating Fund (10) - Increased by \$1,2 School Capital Fund (41) - Increased by Transfer Tax Capital Fund (42) - Increased	\$400,000			
Minute Book #	, Page #				
Journal # 60094		Clerk t	o the Board		

#### COUNTY OF CURRITUCK

Capital Outlay Requests FY 2020/2021 Budget January 2021 Update

See note at bottom of report to explain report generation

	See note at bottom of report to expla	ain report generation				
Department	(A) Budget Submitted to the Board (Ben's Approved Amts)	(B) Approved by the Board	(C) FY2021 Amendments	(D) Revised Budget In Munis	(E) Difference - Submitted and Approved (A) - (D)	Description
ITS - 10441		_		_		Computer replacements
113 - 10441	8,000	8,000	_	8,000		Network modifications
	6,200	6,200	-	6,200		Server replacement
	390	39,000	-	39,000		San replacement
	390	39,000	-	39,000		Replace main SONICWALL device
				- 11,292		PY funds net of excess budget from purchases - continue computer upgrad
	- 15,000	- 15,000	11,292	15,000		BOC Room technology
	68,200	68,200	11,292	79,492		BOC Room technology
	00,200	66,200	11,292	79,492	<u> </u>	
Public Works - 10460						
Vehicles	40,000	-	-	-		Truck replacement
	40,000	-	-	-		Truck replacement
	80,000	-	-	-	80,000	
Projects						
Coop windows		_	40,000	40,000		
Corolla Office Roof		_	35,000	35,000		
Corolla Office Sidewall		_	10,000	10,000		
Corolla Office HVAC		_	30,000	30,000		
Jail Plumbing		_	35,000	35,000		
Election skirting		_	20,000	20,000		
Paint Inspections		_	8,000	8,000		
HCH HVAC Zone Control		_	10,000	10,000		
HCH HVAC Legal		_	5,000	5,000		
HCH HVAC ITS		_	13,000	13,000		
Communication HVAC		_	5,000	5,000		
Judicial Front Doors		-	5,000	5,000		
Judicial 4 HVAC		-	74,000	74,000		
Senior Center KI Roof		_	19,500	19,500		
Senior Center RPCB Ramp		-	15,000	15,000		
Waterlily Fire Siding		-	20,000	20,000		
COA Aviation Roof		•	12,000	12,000		Counthouse avaicate hudget amondments valeted to use the country of
Other		272,916	(4,750)	268,166		Courthouse projects; budget amendments related to vehicles repairs, Coop windows, Corolla office, jail plumbing, HCH HVAC, roofs on several buildin
551	586,050	272,916	351,750	624,666		

Department	(A) Budget Submitted to the Board	(B) Approved by the	(C) FY2021	(D) Revised Budget	(E) Difference - Submitted and Approved	
	(Ben's Approved Amts)	Board	Amendments	In Munis	(A) - (D)	Description
Public Utilities - 10461		-	-	-	<u> </u>	Truck
Judicial Center - 10490	681,000	50,000 - 50,000	- (13,500) - (13,500)	- - 36,500 - 36,500	<u> </u>	HVAC units (4) replacement LED Lighting Upgrade EIFS Repairs Closers/Hinges for front doors Did not increase budget per Ben
		- - - - - -	31,600 5,253 - - - -	31,600 5,253 - - - -		Replace retiring offices side arms *This is under capitalization threshold* Patrol vehicles - replacement (10); revised budget for one totaled vehicle Equip and outfit vehicle replacements (7) Computer hard-drive New position vehicle Motorola radios (2) Dash mount radios (14)
		-	-	-		MCT vehicle docks (42) Computer warranties (37) - Not a capital item
Sheriff's Office - 10510	453,898	-	36,853	36,853	417,045	Computer warrantes (07) - Not a capital term
Jail - 10511	98,450	- - - 9,500 - 11,000 - - - - 20,500	- - - - - - - -	9,500 - 11,000 - - - - 20,500	77,950	New intercom system Replace HVAC Replacement transport van Toilet replacement Handgun replacement HVAC pipes in dayroom Transport vehicle Transport van Courthouse security Radios (2)
		- 3,000	- -	- 3,000		Vehicle replacement Dog cages
Animal control - 10512	46,000	3,000	- -	3,000	43,000	Tasers (4)
EMS - 10530	391,500	- 106,500 - - 106,500	- - - -	- - 106,500 - - 106,500	285,000	4 x 4 Ambulance Quick Response Vehicle (2) Cardiac monitor/defibrillators Jet ski (2) 10% Grant match - request funding if awarded grant - Stretchers
LIVIO - 10000	391,000	100,000		100,000	200,000	

Department	(A) Budget Submitted to the Board (Ben's Approved Amts)	(B) Approved by the Board	(C) FY2021 Amendments	(D) Revised Budget In Munis	(E) Difference - Submitted and Approved (A) - (D)	Description
EM - 10531	50,000	-	55,131	55,131	-	Replacement cycle of 800MHZ, event trailer and ed bus camera syster

	(A) Budget Submitted	(B) Approved	(C)	(D) Revised	(E) Difference - Submitted and	
Department	to the Board (Ben's Approved Amts)	by the Board	FY2021 Amendments	Budget In Munis	Approved (A) - (D)	Description
	(Bon o reprovou ranto)	Doura	Tunonamonto		(-7 (-7	Decempation
Inspections - 10540	38,000	_	_		38,000	Replacement vehicle *Current cost for fully equipped is \$38,000.  One vehicle hit by a forklift over the summer needed significant mechanical repairs from prior salt damage.
inspections - 10040	30,000		<del>-</del>		38,000	medianical repairs from prior sait damage.
		-	-	-		Generator for training aids * Not capital items
		29,000	-	29,000		Replacement PPE SCBA sets (3)
Fire Services - 10541	49,350	29,000	-	29,000	20,350	
		14,800	-	14,800 -		Mower Utility Vehicle
Airport - 10550	32,300	14,800	-	14,800	17,500	
						Dealers windows + Included in Dublic Duildings on second
		-	-	-		Replace windows * Included in Public Buildings request Extension auditorium updates
Cooperative Extension - 10640	26,000	-	-	-	26,000	
		-	-	-		Replacement vehicle
		5,500 -	- -	5,500 -		Computer tablets (carried forward from FY 2020)  New vehicle
Social Services - 10750	65,500	5,500	-	5,500	60,000	
		-	-	-		Replacement ramp/decking PPCC *Included in Public Building reque
Senior Center - 10775		-	-		-	Roof replacement KI Sr Center *Included in Public Buildings request
		-	-	-		repairs, mulch, roofs, carryforward funding, forklift
		-	-	-		Landscape tractor ABI Ball field machine
Parks & Rec - 10795	227,500	-	-	-	227,500	, as Ball lide massime
		-	-	-		K I playground renovation
		-	-	-		Refinish gym floor CCMS bathrooms renovation
Parks & Rec - 10795		-	<u> </u>		-	
		-	-	-		Cultural Heritage Exhibit Portable Stalls
		65,000	-	65,000		Toro Groundsmaster
Rural Center - 10796	186,000	6,000 71,000	-	6,000 71,000	115,000	Flatbed trailer

Department	(A) Budget Submitted to the Board (Ben's Approved Amts)	(B) Approved by the Board	(C) FY2021 Amendments	(D) Revised Budget In Munis	(E) Difference - Submitted and Approved (A) - (D)	Description
School Capital Outlay	1,425,000	1,025,000			400,000	
		12,500	-	12,500		Replacement PPE
		-	-	- -		Replacement Stretcher Year 2 of Lifepak Purchase
		11,800	-	11,800		Teal 2 of Eliepak Futchase
		-	6,182	6,182		Radio solutions
Corolla Beach Fire District - 21054	182,500	24,300	6,182	30,482	<del>-</del>	Did not increase budget per Ben (checking to make sure cardiac monitors already
Volunteer Fire Services						
		50,000	-	50,000		SCBA Refill
		35,000 50,000	-	35,000		Station 7 Siding Replacement
		35,000	-	50,000 35,000		Generator Replacement Helipad
Carova Beach VFD - 0014	-	170,000	_	170,000		Helipad
				.,	_	
		9,966	-	9,966		Uniforms
		11,220	-	11,220		Fire Hose+N145+N323
		23,600	-	23,600		SCBA (4)
		4,950	-	4,950		SCBA Cylinders
		-	7,300	7,300		
		10,820	-	10,820		Nozzles
Crawford VFD - 0014	-	60,556	7,300	67,856	-	
Lower Currituck VFD - 0021						
		15 000		15.000		Refinish small bay floor
		15,000 7,000	-	15,000 7,000		Kitchen Upgrade
		-	_	-		Pagers - moved to supplies
Moyock VFD - 0023	22,000	22,000	-	22,000	-	
		2.000		2 000		DDF
		3,000 35,000	-	3,000 35,000		PPE Cardiac Monitor
Knotts Island - 0220	44,000	38,000	-	38,000		Did not increase budget per Ben
				,		
		-	-	-		2 Replacement computers
		50,000	-	50,000		Promotion sign boards
		-	-	-		
Tourism Promotion - 15448	56,400	50,000	-	50,000	6,400	Added per budget request

Skidsteer

Department	(A) Budget Submitted to the Board (Ben's Approved Amts)	(B) Approved by the Board	(C) FY2021 Amendments	(D) Revised Budget In Munis	(E) Difference - Submitted and Approved (A) - (D)	Description
		-	-	-		Truck
		50,000	-	50,000		Repairs to Jarvisburg School
Tourism Related - 15447	140,000	50,000	-	50,000	90,000	

	(A)	(B)	(C)	(D)	(E) Difference -	
Department	Budget Submitted to the Board	Approved by the	FY2021	Revised Budget	Submitted and Approved	
Department	(Ben's Approved Amts)	Board	Amendments	In Munis	(A) - (D)	Description
		_	-	-		Truck
		-	-	-		2 Passenger golf cart
	-	-	40,000	40,000		Replacement HVAC (4)
	80,000	-	40,000	40,000	40,000	
Whalehead						
Stormwater - 0017		13,000	-	13,000		Mag meter
		12,000	-	12,000		Spare pump
Whalehead/Historic		28,500	600,000	628,500		SCADA system update
Corolla Park	53,500	53,500	600,000	653,500	<u> </u>	
		20,000	-	20,000		Major repairs
		13,334	-	13,334		Ocean Sands Tower Maintenance Contract
Ocean Sands Water - 0060	33,334	33,334	-	33,334	-	
		25,000		25,000		Tractor/Trailer
		50,000	-	50,000		I & I repairs
		15,000	-	15,000		Line cleaning
		2,500	-	2,500		Access clearing
		10,000	-	10,000		Amphidrome spare PLC parts
		25,000	(2,000)	23,000		Spare pumps & equipment
		2,000	-	2,000		Road maintenance
Ocean Sands Sewer - 0060	129,500	129,500	(2,000)	127,500	-	Did not increase budget per Ben
		337,650	-	337,650		Replace existing meters to automatic read meters
		40,000	-	40,000		Replacement truck
		120,000	-	120,000		Scada upgrade
		194,523	(194,523)	-		Mainland tower maintenance
		40,000 10,000	(5,500)	34,500 10,000		Major repairs Garage Door for Sand Plant
		18,000	-	18,000		Pumps for Sligo Booster (2)
		150,000	_	150,000		Chemical feed pumps
		10,000	-	10,000		Fire Hydrants
		40,000	-	40,000		RO Plant Truck
		120,000	-	120,000		Green sand media
Mainland Water - 0061	1,087,673	1,080,173	(200,023)	880,150	-	Did not increase budget per Ben
		10,000	_	10,000		Recycling site upgrades
		160,000	- -	160,000		Concrete recycling sites (3)
		20,000	-	20,000		Transfer station repairs
		50,000	-	50,000		Convenience site upgrades'
Solid Waste - 0063	190,000	240,000	-	240,000	-	

Department	(A) Budget Submitted to the Board (Ben's Approved Amts)	(B) Approved by the Board	(C) FY2021 Amendments	(D) Revised Budget In Munis	(E) Difference - Submitted and Approved (A) - (D)	Description
Southern Outer Banks Water - 0066	1,058,806	40,000 25,000 27,806 700,000 60,000 40,000 80,000 86,000	230,000 - - - - - - - 263,320 493,320	270,000 25,000 27,806 700,000 60,000 40,000 80,000 349,320 1,552,126	- ,	Major repairs Rehab 4 wells Annual maintenance for Corolla Light/Pine Island Increase Deep Raw Water Line Paint Water Treatment Plant Truck Generator SCADA Upgrades
		15,000 20,000 25,000 25,000 10,000 35,000 80,000	- - - 6,468 - - - - -	15,000 20,000 31,468 25,000 10,000 35,000 80,000		Additional SCADA connections I & I Reduction Line Cleaning Spare Parts Replace Blower at Waterside Villages Road Maintenance Moyock Commons Pump Station generator Generators (3) 4 Wheeler and Rake
Mainland Sewer - 0065	210,000	210,000	6,468	216,468	-	
Total		3,861,585	1,392,773	5,254,358	1,543,745	Budget amendment 20210067 \$1,407,345 (sum of accounts 10441 - 10 Budget amendment TDA2021008 \$136,400 Total amendments \$1,543,745
Additional capital balances from Mu	inis report:					
Soil Conservation - 10606	5,125	5,125	-	5,125	-	
Education - 10800	12,872,202	12,503,196	-	12,503,196	369,006	
Fire Vehicle Replacement Fund - 00	238,500	238,500	(8,025)	230,475	8,025	
Land Banking Outlay - 0043	200,000	200,000	3,500	203,500	-	
Co Government Facilities - 0050 Connecting Corolla	-	1,608,500	2,086,025	3,694,525	-	
Corolla Beautification						
Corolla Bike Path	-	2,824,981	(2,264,746)	560,235	-	
Whalehead Restroom facility	-	250,000	-	250,000	-	

Department	(A) Budget Submitted to the Board (Ben's Approved Amts)	(B) Approved by the Board	(C) FY2021 Amendments	(D) Revised Budget In Munis	(E) Difference - Submitted and Approved (A) - (D)	Description
Boat Facility	-	9,625	4,276,712	4,286,337	-	
ABC Store	-	237,185	2,062,815	2,300,000	-	

Department	(A) Budget Submitted to the Board (Ben's Approved Amts)	(B) Approved by the Board	(C) FY2021 Amendments	(D) Revised Budget In Munis	(E) Difference - Submitted and Approved (A) - (D)	Description
Facilities Fund - 50510	-	4,471,034	(4,234,839)	236,195	-	
Facilities Fund - 550511	-	1,087,222	(712,222)	375,000	-	
Animal Shelter	-	2,246,348	368,745	2,615,093	-	
Emergency Medical Services	-	100,000	(100,000)	-	-	
Emergency Management	-	21,771,503	1,282,935	23,054,438	-	
Public Safety Comm Equip	-	4,322,000	(3,322,000)	1,000,000	-	
Public Safety Bldg	-	-				
Crawford Fire Department	-	120,000	(120,000)	-	-	
Knotts Island Fire Department	-	20,000	(20,000)	-	-	
Airport	-	11,028,455	(2,705,026)	8,323,429	-	
Maple Commerce Park	-	4,096,662	(4,096,662)	-	-	
Moyock Library Construction	-	1,700,000	(1,700,000)	-	-	
Maple Recreation Facility	-	4,239,517	7,824,389	12,063,906	-	
Carova Beach Park	-	968,534	(949,982)	18,552	-	
Governmental Construction		1,500,000	949,000	2,449,000		Community Parks
Total CO Government Facilitie	s Fund	62,601,566	(1,374,856)	61,226,710		
School Facilities Fund - 0051 HVAC Roofs Energy Mgmt Upgrade		18,145,761	(15,343,946)	2,801,815	-	
Multi-Year Grant Fund - 0052 Snag/Watershet Study Self-contained Breathing Ap.		1,987,588	(893,088)	1,094,500	-	
Land Banking Fund - 0043		-	-	-		

Department	(A) Budget Submitted to the Board (Ben's Approved Amts)	(B) Approved by the Board	(C) FY2021 Amendments	(D) Revised Budget In Munis	(E) Difference - Submitted and Approved (A) - (D)	Description
Moyock Central Sewer - 0065		1,887,766	4,414,106	6,301,872	-	

Department	(A) Budget Submitted to the Board (Ben's Approved Amts)	(B) Approved by the Board	(C) FY2021 Amendments	(D) Revised Budget In Munis	(E) Difference - Submitted and Approved (A) - (D)	Description
Mainland Central Sewer Fund - 006	7	18,888,045	(18,888,045)			
viainiand Central Sewer Fund - 006	1	10,000,045	(10,000,045)	-	-	
SOBWS - 0066		11,205,919	(11,205,919)	_	_	
30BW0 - 0000		11,200,010	(11,200,010)	_	-	
Ocean Sands Construction - 0059		3,278,313	9,688,475	12,966,788		
		134,803,364	(32,215,025)	102,588,339	1,920,776	
Per the YTD Budget Report		134,800,364	(32,143,228)	102,657,136		
Animal Control - not in Munis Difference		3,000	<u> </u>	3,000		
		-	(71,797)	(71,797)		

Starting point for report: 2021 Budget Workbook from Sharepoint adjusted to agree to Munis Y1D Budget Report. Obtained the various budget approvals by generating a report from Munis showing the following fields: Budget 2% field represents the department's requests (not shown in this report); Budget 3% field represents Ben's approved amounts shown in Column A above. Columns B, C and D represent the Board's approved amounts. Column E represents amounts Ben approved but were not board approved either through an overall budget process or through amendments.



Agenda ID Number – (ID # 3004)

**Agenda Item Title:** Consideration of Approval of a Budget Amendment to use Elections CARES funding to provide a bonus for full-time elections staff.

**Submitted By:** Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

#### **Brief Description of Agenda Item:**

The CARES act designated funds that were to be used on the increased costs of elections in 2020. These federal funds passed through the State Board of Elections to the Currituck Board of Elections. The Currituck Board of Elections has determined that it is an appropriate use to award a one time bonus to the full-time staff in the Elections Department. Guidance from the State Board of Elections has stated that Currituck County Board of Commissioners must approve any administrative motion relating to these funds since they are federal funds under the jurisdiction of the Board of Elections.

Potential Budget Affect: See attachment.

Is this item regulated by plan, regulation or statute? No

### **BUDGET AMENDMENT**

		С	Debit	C	credit
Account Number	Account Description		e Revenue or e Expense		Revenue or se Expense
200430-502100 200430-503430 200430-505000	Salaries - Overtime Poll Workers FICA	\$	4,855	\$	1,011 247
200430-507000 200430-532000	Retirement Expense Supplies		772		4,369
		\$	5,627	\$	5,627
Explanation:	Elections CARES Grant (200430) - T Elections Director and Deputy as app	_		s of overtime fo	or the

Net Budget Effect:	CARES Fund (200) - No change.		
Minute Book #	, Page #		
Journal #		Clerk to the Board	



**Agenda ID Number** – (ID # 2995)

Agenda Item Title: Commissioner Appointment to Serve on the ABC Board

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Board of Commissioner consensus appointment for Commissioner Mary Etheridge to serve on the ABC Board, replacing Chairman Payment.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

### ABC BOARD 3 Year Terms

	Nominated			Date of		
Incumbent	by	New Appointee	Nominated by	Appointment	End	d of Term
O. Vance Aydlett, Jr.	Consensus			1/21/2020	2nd	9/1/2022
David Griggs*	Consensus			3/4/2019	2nd	2/16/2022
Vacancy	Consensus			01/18/2019	2nd	9/1/2021
Sybil O'Neal	Consensus			01/18/2019	1st	9/1/2021
				Init Designation		
Mike Payment	Consensus			2/2016	Вс	ard Rep

Commissioner Payment serves on this Board \*Chairman-David Griggs designated June 6, 2016



**Agenda ID Number** – (ID # 3010)

Agenda Item	Title: Amended Item-Commissioner	Appointment to Albemarle	Regional Planning
O	A 14 a ma a 4 a		

Organization-Alternate

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Amended Agenda-Replace Commissioner Jarvis as Alternate on the ARPO.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No



**Agenda ID Number** – (ID # 2991)

Agenda Item Title: Board of Adjustment

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Intended nominees include:

Commissioner Mary Etheridge will nominate Troy Breathwaite for reappointment to a second, 3-year term expiring December, 2023.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

#### BOARD OF ADJUSTMENT 3-Year Terms

	Nominated			Date of	
Incumbent	by	New Appointee	Nominated by	Appointment	End of Term
					Unexpired Term
Cathy Bontemps	District 1		Bob White	08/06/2018	12/31/2020
					Unexpired Term
Steven Craddock	District 2		Selina Jarvis	3/4/2019	12/31/2021
					1st Term
Lynn Hicks	District 3		Mike Payment	12/2/2019	12/31/2022
					1st Term
Greg Hammer	District 4	Resigned	Paul Beaumont	5/15/2017	12/31/2019
					1st Term
Thom Roddy	District 5	Resigned	Owen Etheridge	12/2/2019	12/31/2022
					Unexpired Term
Carol Bell	At Large		Kevin McCord	8/19/2019	12/31/2020
					1st Term
Troy Breathwaite	At-Large		Kitty Etheridge	12/4/2017	12/31/2020

Can be Reappointed Must be Replaced



**Agenda ID Number** – (ID # 2993)

**Agenda Item Title:** Library Board of Trustees

**Submitted By:** Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Intended nominees include:

Commissioner Mary Etheridge will nominate Mike Fost for reappointment to serve a full, 2-year term expiring June, 2022.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

### LIBRARY BOARD OF TRUSTEES 2 Year Terms

	Nominated			Date of		
Incumbent	by	New Appointee	Nominated by	Appointment	End	of Term
Kerri Engley	District 1		Bob White	8/19/2019	2nd	6/30/2021
Madolin Rose Kelly	District 2		Selina Jarvis	8/19/2019	2nd	6/30/2021
Charlotte Martin	District 3		Mike Payment	1/6/2020	Unexp.	6/30/2021
Leigh Dix	District 4	Resigned	Paul Beaumont	11/5/2018	1st	6/30/2020
Sandy Fost	District 5		Owen Etheridge	8/19/2019	Unexp	6/30/2021
Coston Charles	At-Large		Kevin McCord	8/19/2019	2nd	6/30/2021
Mike Fost	At-Large		Kitty Etheridge	11/5/2018	Unexp	6/30/2020
Can be Reappointed						
Must be Replaced						



**Agenda ID Number** – (ID # 2992)

**Agenda Item Title:** Recreation Advisory

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

#### **Brief Description of Agenda Item:**

The following members are eligible for reappointment. All have expressed a desire to continue to serve:

Bob White-Ryan Hodges reappointment to a third term expiring January, 2022
Selina Jarvis-Ted Jagucki reappointment to first term expiring January, 2023
Paul Beaumont-Mike Fost reappointment to second term expiring January, 2023
Owen Etheridge-Peter Aitken reappointment to third term expiring January, 2022
Kevin McCord-Charles Pickell reappointment to first term expiring January, 2022
Kitty Etheridge-Mike Lane reappointment to second term expiring January, 2023

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

#### RECREATION ADVISORY BOARD 2 Year Terms

	District			Date of	
Incumbent	Served	New Appointee	Nominated by	Appointment	End of Term
					2nd Term
Ryan Hodges	District 1		Bob White	8/6/2018	January 2020
					Unexp. Term
Ted Jagucki	District 2		Selina Jarvis	6/19/2017	January 2021
					1st Term
Harold Walston	District 3		Mike Payment	1/21/2020	January 2022
					1st Term
Mike Fost	District 4		Paul Beaumont	2/18/2019	January 2021
					2nd Term
Peter Aitken	District 5		Owen Etheridge	4/16/2018	January 2020
					Unexp Term
Charles Pickell	At-Large		Kevin McCord	2/18/2019	January 2020
					1st Term
Mike Lane	At-Large		Kitty Etheridge	2/18/2019	January 2021

Can be Reappointed

**Commissioner McCord Serves on this Board** 



**Agenda ID Number** – (ID # 2990)

Agenda Item Title:	Tourism Ad	visory
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Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

**Tourism Advisory Board appointments:** 

Chairman Payment will nominate Sharon Price for reappointment to a second, full term expiring November, 2022.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

#### TOURISM ADVISORY BOARD 2 Year Terms

	Nominated			Date of	
Incumbent	by	New Appointee	Nominated by	Appointment	End of Term
				Appointed	Unexp Term
Matthew Paulson	District 1		Bob White	11/16/2020	November 2021
				Appointed	Unexp Term
Ed Rudzinski	District 2		Selina Jarvis	11/16/2020	November 2021
				Reappointed	1st Term
<b>Sharon Price</b>	District 3		Mike Payment	12/02/2019	November 2020
				Reappointed	3rd Term
Keith Dix	District 4		Paul Beaumont	11/16/2020	November 2022
				Reappointed	2nd Term
Sophie Bennewitz	District 5		Owen Etheridge	12/02/2019	November 2021
				Reappointed	2nd Term
Ben Beasley	At-Large		Kevin McCord	12/02/2019	November 2021
				Appointed	Unexp Term
Ann Morgan Bell	At-Large		Kitty Etheridge	2/4/2019	November 2020

Can be reappointed

Commissioner White serves on this Board



**Agenda ID Number** – (ID # 2994)

Agenda Item Title: Veterans Advisory Board

**Submitted By:** Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Intended nominees include:

Commissioner Mary Etheridge will nominate Catherine Worthing to fill an unexpired term ending August, 2021.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

#### VETERANS ADVISORY BOARD 2 Year Terms

	Nominated			Date of	] ]
Incumbent	by	New Appointee	Nominated by	Appointment	End of Term
ET Smith	District 1		Bob White	12/2/2010	1st Term 8/6/2021
ET Smith	District 1		BOD WHITE	12/2/2019	181 161111 6/6/2021
Chet Moore	District 2		Selina Jarvis	12/2/2019	1st Term 8/6/2021
	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
Jennifer Kuhnen	At-Large	Moved out of county	Kitty Etheridge	12/2/2019	1st Term 8/6/2021

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

Can be Reappointed Must be Replaced



Agenda ID Number - (ID # 2999)

**Agenda Item Title:** Budget Amendments

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

**Budget amendments per Finance.** 

Potential Budget Affect: See individual requests attached for departmental budget affects.

Is this item regulated by plan, regulation or statute? No

### **BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 4th day of January 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

		Debit  Decrease Revenue or Increase Expense		Credit	
Account Number	Account Description				se Revenue or ease Expense
57330-449900 57360-471000 57390-490000 57390-495040 57390-495062 57878-587067 57878-590000 57878-594500 57878-597000	Miscellaneous Grants Tap & Connection Fees Proceeds from Debt Issuance T F - Capital Improvements Fund T F - Land Banking Fund T F - Newtown Road Sewer Fund T T - Moyock Central Sewer Operations Capital Outlay Contract Services Professional Services Reimburseable Expenses	\$	640,000 567,476 2,700,000 555,925 691,591 91,880	\$	50,000 686,414 3,889,627 539,203 81,628
		\$	5,246,872	\$	5,246,872
Explanation:	Mainland Sewer Construction Fund (57878) - Mainland (Moyock) Sewer construction to ma statement presentation. There is no appropriate the construction of the construc	ike the g	eneral ledger consister	nt with the fi	
Net Budget Effec	ct: Mainland Central Sewer Construction Fur	nd (57) - I	Decreased by \$5,246,8	372.	
Minute Book #	, Page #				

Journal #

Clerk to the Board

### **BUDGET AMENDMENT**

	Debit		Debit	(	Credit
Account Number	Account Description	200.000	Decrease Revenue or Increase Expense		e Revenue or se Expense
14340-456003 14390-495015 14460-545000	Tour Operator Permit Fees T F - Occupancy Tax Fund Contract Services	\$	20,244	\$	13,463 6,781
		\$	20,244	\$	20,244
Explanation:	Carova Beach Road Service District (14 collections for Tour Operator Permits for Occupancy to make up the 2020 seaso Operator Permits for 2018 was \$27,482	or the 2020 seas on shortfall to ma	on. The additional 2 intain the roads. Th	25% will be trai	nsferred from
Net Budget Effe	ct: Carova Beach Road Service District	t Fund (14) - Inc	reased by \$20,244.		
Minute Book #	, Page#	_			
Journal #		Clerk to	the Board		

### **BUDGET AMENDMENT**

		Debit		Credit	
Account Number Account Description		Decrease Revenue or Increase Expense			Revenue or se Expense
10510-516200 10510-514500	Vehicle Repairs & Maintenance Training & Education	\$	5,000	\$	5,000
		\$	5,000	\$	5,000
Explanation:	Sheriff (10510) - Transfer budgeted funds	s for unanticipa	ted vehicle repairs i	n the Sheriff's	department.
Net Budget Effect:	Operating Fund (10) - No change.				
Minute Book #	, Page#				
.lournal #		Clerk to	the Board		

### **BUDGET AMENDMENT**

			Debit  Decrease Revenue or  Increase Expense		Credit Increase Revenue or Decrease Expense	
Account Number	Account Description  Contract Services Emergency Management Grant					
10531-545000 10330-445000		\$	15,000	\$	15,000	
		\$	15,000	\$	15,000	
Explanation:	Emergency Management (10531) - To re Commodity Flow Study for the Outer Ba				nplet a	
Net Budget Effec	et: Operating Fund (10) - Increased by 9	\$15,000.				
Minute Book #	, Page #					
lournal #		Clerk to	the Board			

### **BUDGET AMENDMENT**

			Debit	Credit	
Account Number	Account Description	Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10531-532000 10531-590000 10330-445000	Supplies Capital Outlay Emergency Management Grant	\$	1,281 19,344	\$	20,625
		\$	20,625	\$	20,625
Explanation:	Emergency Management (10531) - To re 2020-EP-00009. Grant funds will be use 800 mHz mobile radios. Remaining fund	ed to complete	the Mobile Event Re	sponse Traile	and for two
Net Budget Effe	ct: Operating Fund (10) - Increased by \$	20,625.			
Minute Book #	, Page#				
lournal #		Clerk to	the Board		

### **BUDGET AMENDMENT**

		Debit  Decrease Revenue or Increase Expense		Credit	
Account Number	Account Description				Revenue or se Expense
10531-532000 10531-536000	Supplies Uniforms	\$	300	\$	300
		\$	300	\$	300
Explanation:	Emergency Management (10531) - Trans	fer funds for un	iforms for Emergen	ncy Managemer	nt staff.
Net Budget Effect	: Operating Fund (10) - No change.				
Minute Book #	, Page #				
Journal #		Clerk to the	ne Board		

### **BUDGET AMENDMENT**

			Debit	Credit		
Account Number	Account Description		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10640-532004 10330-449000	Family Consumer Science Supplies Miscellaneous Grants	\$	5,090	\$	5,090	
		\$	5,090	\$	5,090	
Explanation:	Cooperative Extension (10640) - To record Information Program (SHIIP) grant to provi	•	nent of Insurance Se	niors' Health Ir	nsurance	
Net Budget Effect	t: Operating Fund (10) - Increased by \$5,	090.				
Minute Book #	, Page #					
Journal #		Clerk to	the Board			

### **BUDGET AMENDMENT**

		Γ	Debit  Decrease Revenue or Increase Expense		Credit Increase Revenue or Decrease Expense	
Account Number	Account Description					
10796-532000 10796-590000	Supplies Capital Outlay	\$	4,150	\$	4,150	
		\$	4,150	\$	4,150	
Explanation:	Currituck County Rural Center (10796 actual cost is below the capital outlay	,	-	oudget in capita	al outlay, but	
Net Budget Effec	ct: Operating Fund (10) - No change.					
Minute Book #	, Page #					
Journal #		Clerk to t	he Board			

### **BUDGET AMENDMENT**

		1	Debit	Credit		
Account Number	Account Description		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
61818-511010 61818-590000	Data Transmission Capital Outlay	\$	3,200	\$	3,200	
		\$	3,200	\$	3,200	
•	Mainland Water (61818) - Transfer budget reatment plant with the scade system.	funds to upda	ate the Mainland Wa	ater network fo	r the water	
Net Budget Effect	: Mainland Water Fund (61) - No change					
Minute Book #	, Page #					
Journal #		Clerk to	the Board			

### **BUDGET AMENDMENT**

			Debit	Credit		
Account Number	Account Description		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10531-545000 10330-445000	Contract Services Emergency Management Grant	\$	11,250	\$	11,250	
		\$	11,250	\$	11,250	
Explanation:	Emergency Management (10531) - Inc (MOA# 1904-2) for Search and Rescue complete.			•	-	
Net Budget Effe	ct: Operating Fund (10) - Increased by	<sup>,</sup> \$11,250.				
Minute Book #	, Page#	_				
Journal #		Clerk to	the Board			

### **BUDGET AMENDMENT**

		1	Debit	Credit		
Account Number	Account Description		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
61380-484001 61818-516000	Insurance Recovery Maintenance & Repairs	\$	4,496	\$	4,496	
		\$	4,496	\$	4,496	
-	Mainland Water (61818) - Increase ap accident.	propriations for re	placement of fire hy	/drant damaged	d in	
Net Budget Effect	: Mainland Water Fund (61) - Increa	sed by \$4,496.				
Minute Book #	, Page #	_				
Journal #		Clerk to	the Board			

### **BUDGET AMENDMENT**

		ı	Debit	Credit		
Account Number	Account Description		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10512-516200 10512-514500	Vehicle Maintenance Trainning and Education	\$	3,000	\$	3,000	
		\$	3,000	\$	3,000	
•	Animal Services and Control (10512) - Tra vehicles	nsfer funds fo	r unanticipated repa	airs to animal s	ervices	
Net Budget Effect	t: Operating Fund (10) - No change.					
Minute Book #	, Page #					
Journal #		Clerk to	the Board			

### **BUDGET AMENDMENT**

		Debit  Decrease Revenue or Increase Expense		Credit Increase Revenue or Decrease Expense	
Account Number	Account Description  Connect Jail to MCP Sewer Investment Earnings				
50511-590001 50380-481000		\$ 	7,000	\$	7,000
		\$	7,000	\$	7,000
-	County Governmental Construction Fur connection from the Detention Facility t	, ,		•	ewer
Net Budget Effect	: County Governmental Construction	Fund (50) - Incre	eased by \$7,000.		
Minute Book #	, Page#	_			
Journal #		Clerk to	the Board		

### **BUDGET AMENDMENT**

			Debit  Decrease Revenue or Increase Expense		Credit Increase Revenue or Decrease Expense	
Account Number	Account Description					
10750-557700 10750-557701	Crisis Intervention LIEAP - 1571 Part II	\$	21,671	\$	1,925	
10330-431000	DSS Administration				19,746	
		\$	21,671	\$	21,671	
Explanation:	Social Services Administration (10 and Crisis Intervention to record of	,	-	come Energy /	Assistance	
Net Budget Effe	ct: Operating Fund (10) - No chan	ge.				
Minute Book #	, Page#					
Journal #		Clerk to	the Board			



**Agenda ID Number** – (ID # 3000)

Agenda Item Title: NCACC Legislative Goals Conference Voting Delegate Designation

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

#### **Brief Description of Agenda Item:**

Designation of Commissioner Jarvis as voting delegate for the NCACC Legislative Goals Virtual Conference. Commissioner Mary Etheridge will serve as alternate.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No



# Designation of Voting Delegate to NCACC Legislative Goals Conference

January 14-15, 2021 (Thursday - Friday) | \*VIA VIRTUAL FORMAT

Each Board of County Commissioners is hereby requested to designate a commissioner or other official as a voting delegate for the 2021 Legislative Goals Conference \*(held via Virtual format). Each voting delegate should complete the following statement and return it to the Association no later than Monday, January 11, 2021.

I, Selina S. Jarvis, hereby certify that I am the duly designated voting delegate for Currituck County at the North Carolina Association of County Commissioners 2021 Legislative Goals Conference.

Voting Delegate Name: \_\_\_\_\_Selina S. Jarvis\_\_\_\_\_\_

Title: County Commissioner

In the event the designated voting delegate is unable to attend, Mary R. Etheridge has been selected as Currituck County's alternate voting delegate.

Alternate Voting Delegate Name:	Mary R. Etheridge		
Title	County Commissioner		

#### Article VI, Section of the Association's Constitution provides:

"On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its County Commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the Board of County Commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year's dues."

Please return this form to Alisa Cobb via email by Monday, January 11, 2021 close of business:

Email: alisa.cobb@ncacc.org



**Agenda ID Number** – (ID # 3007)

Agenda Item Title: Request for Disposal of Records-Permits and Inspections

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Request to dispose of Permits and Inspections records, per the records retention schedule.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No



#### **Currituck County**

Planning and Community Development Department
Central Permitting and Inspection Division
153 Courthouse Road, Suite 117
Currituck, North Carolina 27929
252-232-3378 FAX 252-232-3470

To: Laurie LoCicero, Planning & Community Development Director

From: Bill Newns, Chief Building Inspector

Date: 12/16/2020

Subject: Records Disposition Request.

In accordance with the Records Retention and Disposition standards based on the North Carolina's Department of Cultural Resources Schedule. The Planning & Community Development Department requests that the Board of Commissioners approve the disposition of all Building Permit Records, Condemnation, and Code Enforcement Violations for years 2013 and 2014.

**Thanks** 

Bill Newns Chief Building Inspector



# Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3005)

**Agenda Item Title:** Approval of Memorandum of Agreement with the State of North Carolina for Location of Groundwater Monitoring Station at Shingle Landing Park

Submitted By: Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Memorandum of Agreement with the state to establishing groundwater monitoring stations at Shingle Landing Park.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 





# Memorandum of Agreement Operation of a Ground Water Monitoring Station Shingle Landing Park Arrowhead Lane Moyock, Currituck County, NC

This Memorandum of Agreement (hereinafter, "MOA") is made between the North Carolina Division of Water Resources (DWR) of the North Carolina Department of Environmental Quality (DEQ) or any successor agencies, and Currituck County. With the execution of this MOA, Currituck County authorizes DWR to construct, monitor and maintain wells comprising the ground water monitoring station located at Shingle Landing Park on Arrowhead Lane in Moyock, Currituck County, North Carolina.

Currituck County and DWR, on behalf of DEQ, agree to the following conditions:

- All costs of construction, monitoring, and maintenance of wells at the monitoring station shall be borne by DWR. DWR shall take reasonable measures to protect, and prevent damage to the surrounding lands and facilities resulting from activities at the monitoring station. DWR's liability for property damages is governed by Chapter 143, Article 31 of the N.C. General Statutes.
- 2. DWR personnel and contractors shall have right of access to the ground water station by a mutually agreeable route from the nearest public road.
- 3. The activities to be carried out by DWR are for the benefit of the DEQ and the State of North Carolina and any benefits accruing to Currituck County are incidental. DWR personnel and contractors are not and shall not be construed to be agents, employees, or contractors of Currituck County.
- 4. DWR shall provide prior written or verbal request to Currituck County for any major well maintenance or construction activities at least 48 hours in advance of the commencement of such activities and shall not commence such activities without approval from Currituck County, which approval shall not be unreasonably delayed or denied. Major maintenance or construction activities may include well installation, well abandonment, and well development.
- Upon request, DWR will provide Currituck County with any data collected from this monitoring station, and with any reports generated from or written about such data.
- 6. Modification of this MOA must be in writing and signed by both parties.



- 7. This MOA is effective upon the signature of both parties. This MOA remains effective until it is terminated.
- 8. DWR and Currituck County may agree to terminate this MOA, but the termination must be in writing and signed by both parties. Termination of this MOA under this paragraph (bilateral termination) is effective upon the signature of both parties.
- DWR or Currituck County may unilaterally terminate this MOA, but the terminating party must provide written notice to the other party 60 calendar days prior to termination. Termination of this MOA under this paragraph (unilateral termination) is effective after the 60 day notice period has expired.
- 10. If Currituck County wants the monitoring station abandoned and related structures removed, Currituck County must provide that request in writing to DWR prior to termination of this MOA. Upon receipt of Currituck County's written request, DWR must abandon its monitoring wells and remove related structures within 12 months.

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County Manager Ben Stikeleather

S. Daniel Smith

Director of the Division of Water Resources NC Department of Environmental Quality

Date

Date



# Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3006)

**Agenda Item Title:** Approval of Building Access Agreement for CenturyLink Data Line Upgrade Installation at the Office of the Clerk of Court, Judicial Center

**Submitted By:** Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

# **Brief Description of Agenda Item:**

Ethernet and Internet upgrade installations for the Clerk of Court's offices. Board approval is necessary due to the length of contract term which exceeds one year.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 

#### **BUILDING ACCESS AGREEMENT**

This Building Access Agreement ("Agreement") is made and entered into as of the "Effective Date" (as defined below) by and between **CURRITUCK COUNTY** ("Licensor") and **Carolina Telephone and Telegraph LLC d/b/a CenturyLink** and its affiliates ("Licensee").

# **BACKGROUND:**

Licensor represents and warrants that it owns that certain real property having an address of **2801 Caratoke Highway, Currituck, North Carolina 27929** ("Property"), and owns the building located on the Property ("Building"). Licensor is willing to grant a license to Licensee pursuant to the terms and conditions of this Agreement.

For good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, Licensor and Licensee agree as follows:

- Licensor grants Licensee a license ("License") so that Licensee can provide 1. License. communications services to its customers and tenants and occupants of the Building. This grant of License permits Licensee, its employees, agents, contractors, and affiliates a non-exclusive right: (a) to enter into, access, and use those parts of the Building, which are deemed necessary by Licensee for Licensee to construct, install, operate, maintain, upgrade, monitor, and remove any cables and miscellaneous equipment (collectively, "Equipment") at any time or from time to time in order to provide such communications services; and (b) to construct, install, operate, maintain, upgrade, monitor, and remove Equipment at any time and from time to time over, upon, under, through, and along the Property, including entrance facilities from the public right of way to the Building as indicated in the attached engineered drawings, as is deemed necessary by Licensee so that Licensee can provide such communication services, as well as the right of reasonable ingress and egress over and across the Property to access such Equipment. In the event Licensee needs roof access, it shall obtain Licensor's prior written approval. This License also extends to Licensee's non-exclusive right to use any conduit previously installed by Licensor, to the extent space is available therein and subject to Licensor's approval. Nothing contained in this Section will be construed as: (i) granting to Licensee any property or ownership rights in the Property or Licensor's other real or personal property, except as may be provided for in this Agreement; (ii) granting to Licensor any right, title, or interest in and to the Equipment; or (iii) creating a partnership or joint venture between Licensor and Licensee. Licensee will have exclusive use of any conduit it installs on the Property.
- 2. <u>Consideration</u>. Licensor acknowledges that the consideration received by it in connection with the grant of License is the enhanced value of the Building to current or potential tenants or occupants attributable to the installation of the Equipment, and therefore, at no time will Licensor charge Licensee any monetary fee or assessment of any kind in connection with the License and this Agreement.
- 3. Construction. Prior to the commencement of any work in or near the Building (including periodic installation of the Equipment), Licensee will, at its expense, prepare and deliver to Licensor plans describing all proposed work for Licensor's approval, which approval shall not be unreasonably delayed, conditioned, or withheld. By entering this Agreement, Licensor grants such approval for any plans that may be attached hereto as of the Effective Date. Licensee will: (a) perform all work in a safe manner consistent with prudent construction standards; (b) perform all work in such a way as to minimize unreasonable interference with the operation of the Building; and (c) obtain prior to the commencement of any work all federal, state and municipal permits, licenses, and approvals required in connection with such construction and work. In the event any mechanics' or materialmen's liens or other encumbrances that are caused by or result from any work performed or materials furnished by or at the request of Licensee are placed upon the Building or Property during the Term of this Agreement, Licensee shall at its own expense, cause the same to be discharged of record or bonded around within thirty business days after Licensee receives written

notice from Licensor of the filing thereof. Licensee shall have the right to contest the validity or amount of such lien or encumbrance by appropriate proceeding, provided that such lien is removed from record by Licensee by the posting of a bond or other such security in an amount sufficient to remove such lien from record within the thirty business days period.

- **4.** Equipment. All risk associated with the Equipment will be borne by Licensee. Licensor will not be liable for damage to, theft of, misappropriation of, or loss of, the Equipment regardless of the cause, except if the cause is due to the negligence, unlawful activity, or willful misconduct of Licensor, its employees, or agents. Licensor agrees that neither it nor anyone acting by or under the authority of Licensor shall tamper with, make alterations to, or remove Equipment without the prior written consent of Licensee.
- 5. Relocation of Equipment. If at any time during the term of this Agreement Licensor shall desire to alter its common areas, the public spaces and/or public ways, and/or the Building, or otherwise require the relocation of the Equipment, Licensor shall provide at least 10 business days' notice to Licensee describing the need for and specifications of the relocation. In the event Licensor requires any such relocation, it shall be at Licensor's sole cost and expense and the substitute space must (a) be as suitable for Licensee's operations in the Building as is the space from which Licensee is to be relocated, and (b) not cause Licensee to incur any additional cost or expenses on account of said relocation (unless Licensor agrees to reimburse Licensee for such additional cost or expenses in advance of such relocation). Should such request be made by Licensor, Licensee reserves the right to terminate this Agreement upon written notice to Licensor within 10 business days of receipt of Licensor's request. If Licensee does not terminate this Agreement, then Licensor shall allow Licensee 120 days from receipt of Licensor's request for such relocation.
- 6. Term. This Agreement will have an initial term of five years ("Initial Term"), commencing on the Effective Date, and thereafter will automatically renew for two additional periods of five years each, unless one party provides the other party written notice of its election to terminate this Agreement at least 120 days prior to the end of the then current Term; provided, however, that Licensor shall not have the right to terminate this Agreement if Licensee is providing its services to at least one tenant or occupant of the Building, unless at the time of renewal Licensee is in breach of this Agreement beyond the applicable cure period after notice from Licensor has been provided. Licensee may terminate this Agreement: (a) upon 30 days' notice to Licensor; (b) as of the date of a casualty to all or any portion of the Building if the result of such casualty is, in Licensee's reasonable judgment, to render the continued services by Licensee under this Agreement impractical; or (c) as of the date of condemnation or taking of all or any portion of the Building or the Property if the result of such condemnation or taking is, in Licensee's reasonable judgment, to render the continued services by Licensee under this Agreement impractical. The time period in which this Agreement is in effect will be referred to in this Agreement as the "Term."
- **7.** <u>Notice</u>. Whenever any notice or other communication (collectively, "Notice") is required or permitted under this Agreement, Notice must be in writing and sent by certified mail, return receipt requested, postage prepaid or by a nationally recognized overnight courier service to the following addresses:

If Notice to Licensor: CURRITUCK COUNTY

Po Box 9

Currituck, NC 27929-0009

If Notice to Licensee: CenturyLink

6801 Gaylord Parkway, S-300

Frisco, TX 75034

Attention: Building Access Coordinator

With a copy for default notices only:

CenturyLink 931 14<sup>th</sup> Street Denver, CO 80202 Attn: Law Department

Notice will be deemed effective on the date shown on the return receipt if given by certified mail or the confirmation of delivery form if Notice is given by overnight courier service. Rejection, refusal to accept, or the inability to deliver because of a changed address of which no Notice was given will be deemed to be receipt of Notice as of the date of rejection, refusal, or inability to deliver. Either party may change its above address by giving Notice of such address change in the manner for giving Notice prescribed in this Section.

- **8.** <u>Indemnification and Waiver.</u> Licensee will indemnify, defend, and hold Licensor harmless from and against any and all third party loss, cost, liability, claim, damage, and expense of whatever kind, including reasonable attorneys' fees and court costs (collectively, "Damages") to the extent such Damages arise from Licensee's breach of this Agreement or Licensee's negligence or willful misconduct; provided, however, that Licensee shall not be obligated to indemnify, defend, or hold Licensor harmless to the extent any claim arises out of or in connection with any breach by or negligence of Licensor. Licensor will indemnify, defend, and hold Licensee harmless from and against any and all Damages to the extent such Damages arise from Licensor's breach of this Agreement or Licensor's negligence or willful misconduct. Neither party shall be liable to the other party for any consequential, special, or punitive damages. The provisions of this Section will survive termination of this Agreement.
- 9. Insurance. Without limiting the liabilities or indemnification obligations of Licensee, Licensee will, at all times during the Term, carry and maintain at its expense the following insurance from insurers with minimum Best's ratings of "A-VII" authorized to do business in the state where the Building is located: (a) Workers' Compensation insurance in accordance with the law of the state where any work under this Agreement is being performed including Employer's Liability insurance with limits not less than \$1,000,000 each accident; (b) Commercial General Liability Insurance with an occurrence limit of not less than One Million Dollars (\$1,000,000) and an aggregate limit of not less than Two Million Dollars (\$2,000,000) covering personal injury, bodily injury, death, property damage, products/completed operations and contractual liability; (c) Commercial Automobile Liability with limits not less than \$1,000,000 combined single limit per occurrence covering bodily injury and property damage for all owned, non-owned and hired vehicles used in connection with the performance of this Agreement; and (d) "All Risk" property insurance covering its Equipment and other personal property in sufficient amounts to cover any loss of such Equipment and personal property. At all times during the Term, Licensor will carry and maintain at its expense "All Risk" property insurance covering the Building and its equipment in amounts not less than their full replacement cost, as well as commercial general liability insurance covering claims for bodily injury, death, personal injury and property damage with a minimum limit of \$1,000,000 per occurrence and \$2,000,000 aggregate.

Licensor, its affiliates, subsidiaries, and parent, as well as the officers, directors, employees and agents of all such entities will be included as additional insureds on the policies described in subsections (b) and (c) above. The coverage described in subsection (b) will be primary and not contributory to insurance which may be maintained by Licensor, subject to the indemnification provisions of this Agreement. Prior to Licensee commencing any work under this Agreement, Licensee will make available to Licensor evidence of the insurance required herein. Evidence of Licensee's insurance is available at <a href="https://www.centurylink.com/moi">www.centurylink.com/moi</a>.

10. <u>Breach</u>. If either party breaches any term or condition of this Agreement, the non-breaching party shall provide written notice specifying the nature of the breach to the breaching party. If the breaching party has not cured the breach within 30 days after receipt of the notice, the non-breaching party shall have (in

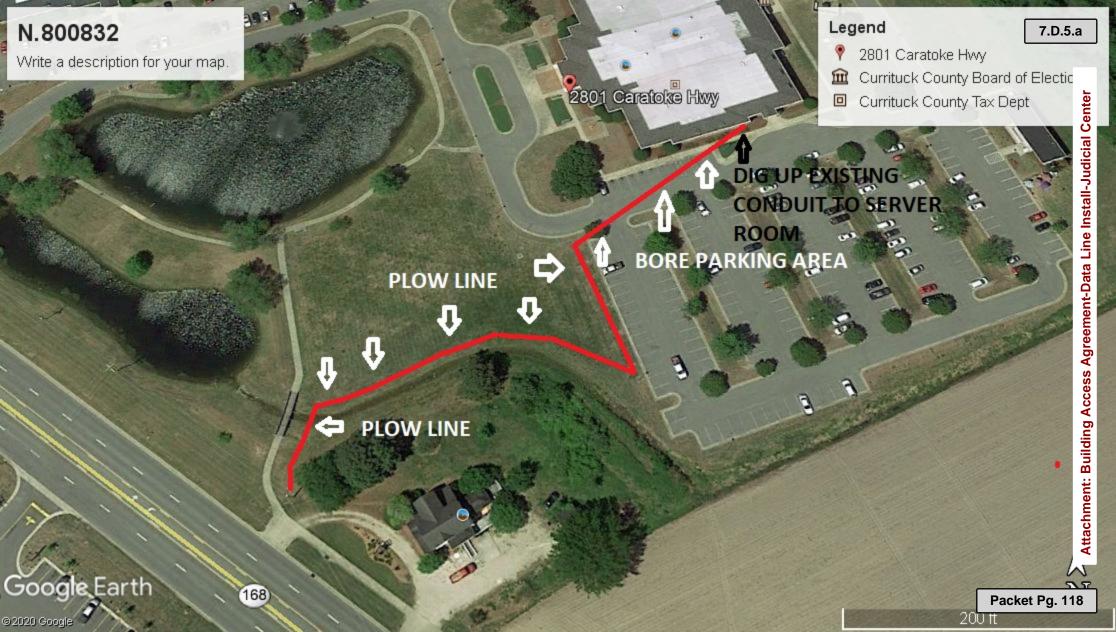
addition to any other rights and remedies it may have at law or in equity) the right to terminate this Agreement upon ten days written notice to the breaching party, unless the breach cannot reasonably be cured within such 30 day period, then the breaching party shall have such additional time to cure as is reasonable before the non-breaching party can pursue its rights and remedies, provided the breaching party has commenced the cure within said 30 day period and diligently prosecutes the cure to completion.

- 11. Force Majeure. Neither party shall be liable for any breach or failure to timely perform any of its obligations under this Agreement if such party is prohibited or precluded from performing due to fire, theft, casualty, flood, earthquake, storm, lightning, natural disaster, physical calamity, acts by a public enemy, injunction, riot, labor dispute, strike, insurrection, war, act of terrorism, court order, order from a government agency, Act of God, or any other reason, whether or not similar to the foregoing, beyond the party's reasonable control, but excluding such party's financial inability or fault or negligence.
- 12. Miscellaneous. (a) Either party may assign this Agreement without the consent of the other party, and the Agreement shall be binding upon the parties' respective successors and assigns; (b) Licensor acknowledges that Licensee may retain third parties to exercise its rights under this Agreement, and Licensee will cause the removal from the Building or the Property of any such third party to which Licensor reasonably objects and for which Licensor gives notice of objection; (c) Licensee will not, at any time, record or attempt to record in the public records this Agreement or any memorandum of this Agreement; (d) This Agreement represents the full understanding of the parties with respect to its subject matter and cannot be modified or amended except in a writing signed by all of the parties; (e) This Agreement shall be governed by and construed in accordance with the laws of the state in which the Building is located; and (f) In the event of litigation, the prevailing party shall be entitled to recover its reasonable costs, including reasonable attorney fees, from the other party.
- 13. <u>Counterparts, Facsimile and Electronic Mail Signatures</u>. This Agreement may be signed in several counterparts, each of which will be fully effective as an original and all of which together will constitute <u>one</u> and the same instrument. Signatures to this Agreement may be transmitted by facsimile or electronic mail, and signatures so transmitted will be deemed the equivalent of delivery of an original signature.
- **14.** Effective Date. This Agreement is effective on the date it is last signed by all parties ("Effective Date").

[This Space Intentionally Left Blank]

**IN WITNESS WHEREOF**, the parties duly execute and agree to be bound by this Agreement as of the Effective Date by the signatures of their authorized representatives below.

"Licensee"	"Licensor"  CURRITUCK COUNTY	
Carolina Telephone and Telegraph LLC d/b/a CenturyLink		
By:	By:	
Name:	Name:(print name)	
Title:	Title:(print title)	
Date:	Date:	





# Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3011)

Agenda Item Title: Amended Item-Surplus Resolution-Message Boards, Emergency

Management

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Reason for Request: Request from Emergency Management for Surplus of equipment

(message boards)

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 

# **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.

Serial Number

(Seal)

County Asset Tag

Leeann Walton Clerk to the Board

Description

County of Currituck



December 7, 2020 Minutes – Regular Meeting of the Board of Commissioners

#### 5:00 PM SPECIAL MEETING

The Currituck County Board of Commissioners held a Special Meeting at 5:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of entering Closed Session and to consider changes to the regular Board of Commissioners meeting times, agenda order of items, and other rules of procedure.

 Closed Session Pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the attorney-client privilege in the matters entitled: Currituck County v. Letendre; 85 and Sunny, LLC v. Currituck County; and County of Currituck v. Paradise Homes of Carolina, Inc. and Kenneth M. Cossa

Chairman White called the Special Meeting to order and Commissioner Jarvis moved to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and preserve the attorney-client privilege in the matters entitled: Currituck County v. Letendre; 85 and Sunny, LLC v. Currituck County; and County of Currituck v. Paradise Homes of Carolina. Inc. and Kenneth M. Cossa.

Commissioner McCord seconded the motion. The motion carried and Commissioners entered Closed Session.

RESULT: APPROVED [UNANIMOUS]

MOVER: Selina S. Jarvis, Commissioner

SECONDER: Kevin E. McCord, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner

# **ADJOURN SPECIAL MEETING**

After returning from Closed Session, Commissioner McCord moved to adjourn the Special Meeting. Commissioner J. Owen Etheridge seconded the motion. The motion carried and the Special Meeting of the Board of Commissioners adjourned at 5:46 PM. Discussion of meeting agenda modifications and rules of procedure did not occur.

RESULT: **APPROVED [UNANIMOUS]** MOVER: Kevin E. McCord, Commissioner SECONDER: J. Owen Etheridge, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M. Beaumont,

> Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

#### 6:00 PM CALL TO ORDER

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

Attendee Name	Title	Status	Arrived
Bob White	Commissioner	Present	
Mike H. Payment	Commissioner	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

Commissioner Jarvis offered the Invocation and led the Pledge of Allegiance.

# OATHS OF OFFICE FOR ELECTED OFFICIALS ADMINISTERED BY RAY MATUSKO, **CLERK OF SUPERIOR COURT**

Clerk of Superior Court, Raymond Matusko, administered the Oaths of Office to Commissioners Paul Beaumont, Mary Etheridge, Selina Jarvis, and Bob White, all of whom won their re-election bids in November.

# **ELECTION OF BOARD CHAIR**

North Carolina General Statute requires a Board of Commissioners to re-organize each year at its first meeting in December. County Manager, Ben Stikeleather, opened the floor to receive nominations for Chairman. Commissioner Jarvis nominated Commissioner Mike Payment to serve as Chair. Commissioner Mary Etheridge seconded the motion. No others were nominated and the motion carried unanimously.

**RESULT: APPROVED [UNANIMOUS]** MOVER: Selina S. Jarvis, Commissioner SECONDER: Mary "Kitty" Etheridge, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M. Beaumont,

> Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

#### **ELECTION OF BOARD VICE-CHAIR**

Chairman Payment opened the floor to receive nominations for Vice-Chair. Commissioner White nominated Commissioner Paul Beaumont. Commissioner McCord seconded the motion. No others were nominated and the motion carried unanimously.

RESULT: APPROVED [UNANIMOUS]

MOVER: Bob White, Commissioner

SECONDER: Kevin E. McCord, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M. Beaumont,

Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

#### **RECESS**

Chairman Payment called a brief recess at 6:07 PM to re-seat Commissioners. The meeting reconvened at 6:12 PM.

#### APPROVAL OF AGENDA

Commissioner White amended the agenda and added the discussion of agenda order, meeting times and general rules of procedure, which did not take place during the 5:00 PM special meeting/work session, as Item E under new business. Commissioner White moved for approval and the motion was seconded by Commissioner Beaumont. The motion carried, 7-0.

Approved agenda:

# 5:00 PM Special Meeting

Closed Session Pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the attorney-client privilege in the matters entitled: Currituck County v. Letendre; 85 and Sunny, LLC v. Currituck County; and County of Currituck v. Paradise Homes of Carolina, Inc. and Kenneth M. Cossa

# 6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

Oaths of Office for Elected Officials Administered by Ray Matusko. Clerk of Superior Court

**Election of Board Chair** 

**Election of Board Vice-Chair** 

Recess

**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) Currituck County Schools Presentation-Dr. Matt Lutz, Superintendent

**Public Hearings** 

- A) PB 20-14 Currituck Water & Sewer, LLC Wastewater Treatment: Currituck Water & Sewer, LLC, is requesting a Major Utility Use Permit to operate a wastewater treatment facility at 287 Green View Road. The treatment facility location includes Identification Parcel Numbers: 0015-000-084A-0000 through 0015-000-084D-0000, 0015-000-084I- 0000, and 0016-000-001A-0000 in Moyock Township.
- B) PB 18-23 Fost Tract Planned Development-Residential Amendment #2: Connect off-site wastewater treatment plant, adjust lot lines and roadway alignments as necessary to accommodate the 500 year Ranchland ditch, and other minor changes for property located at Tax Map 15, Parcel 86, Moyock Township.
- C) PB 20-17 Currituck County: Requests an amendment to the Unified Development Ordinance, Chapter 4, Use Standards, to correct Agricultural Support and Services, Wind Energy Facility, Large, and Outdoor Tour Operators, Aviation in Table 4.1.1.B. Summary Use Table for the Planned Development Zoning Districts, as previously adopted by the Board of Commissioners.
- D) Public Hearing and Consideration of Resolution Authorizing Purchase and Sale Agreement Under N.C. Gen. Stat. §158-7.1 for Conveyance of Maple Commerce Lot 1 to JDLOVE, LLC

# **Old Business**

A) Ordinance Amending Section 8-88 of the Currituck County Code of Ordinances to Defer Payment of the 2020 Outdoor Tour Operator License Fee Until September 1, 2020

#### **New Business**

- A) Approval of the 2021 Reappraisal Schedule of Values
- B) Recommendation of Bid Award for Pedestrian Walkovers-Barracuda, Perch, and Sailfish in Whalehead Subdivision
- C) Consideration of Carova Volunteer Fire Department Request to Use Existing Funds for Engine Repair
- D) Consent Agenda
  - 1. Budget Amendments
  - 2. Coronavirus Relief Fund Plan for Currituck County, Phase II
  - 3. Job Descriptions-Revised Fire and EMS Captain; IT Temp-Clerical Position
  - 4. Approval Of Minutes-11/16/2020, Board of Equalization and Review-2020
- E) Consideration of Modifications to Agenda Order, Meeting Times, and General Rules of Procedure (Agenda was amended. This item was moved from the 5 PM Special Meeting to regular meeting agenda.)

# <u>Adiourn</u>

RESULT: APPROVED [UNANIMOUS]
MOVER: Bob White, Commissioner

**SECONDER:** Paul M. Beaumont, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, 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 Payment 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 recognized the sacrifices of military personnel on the anniversary of Pearl Harbor. She announced applications are still being accepted by the Department of Social Services (DSS) for Operation Santa. She wished everyone a Merry Christmas and safe travels.

Commissioner Mary Etheridge encouraged those who need child assistance to apply through DSS, as twenty spots are still available. She announced the Senior Center will offer drive-thru meal service at the Barco location. Registration is required.

Commissioner White reported on the interruption of the Board's plan to hold remote meetings this year due to Covid-19. He also announced the annual Board Retreat will be held on the mainland again next year, also due to Covid-19. He wished all a Merry Christmas.

Chairman Payment, who serves on the Albemarle Regional Health Services Board, reported on area Covid testing and case statistics for Currituck County, with 412 confirmed cases and 5 deaths. He reported on a virus outbreak at Currituck Health and Rehab in Barco. He thanked military veterans for their service and wished everyone a Merry Christmas.

Commissioner Beaumont discussed his military oath and naval service. He stressed the need to confirm the results of the November election to ensure they were accurate and that no fraud exists.

Commissioner McCord congratulated fellow Commissioners who took the Oaths of Office. He discussed the Shop for a Kid program through the Sheriff's Office and encouraged citizens to reach out to the Sheriff's office or a Deputy to participate. He thanked the County Manager and Senior Center for opening the pickle-ball courts and wished everyone a Merry Christmas.

Commissioner J. Owen Etheridge congratulated Chairman Payment and discussed the meaning of the Christmas season. He thanked the volunteer fire departments for driving

Santa through neighborhoods throughout the county, and wished all a Merry Christmas and Happy New Year.

#### **COUNTY MANAGER'S REPORT**

Ben Stikeleather, County Manager, reminded citizens the new solid waste decals will be required at all County convenience centers beginning January 1, 2021. Those who did not receive a decal in their tax bill may call public works or fill out an online application. Mr. Stikeleather commended County Departments and employees, and acknowledged the challenges the County faced in 2020. He referred to the CARES Act item on agenda and reviewed the County's use of the funds. Mr. Stikeleather reported on the recent Board of Education meeting he attended and said the Superintendent was present to address Commissioners.

Commissioner McCord offered his thanks to all who serve Currituck County at Albemarle Regional Health Services, and Commissioner Mary Etheridge offered her thanks to County employees.

#### ADMINISTRATIVE REPORTS

# A. Currituck County Schools Presentation-Dr. Matt Lutz, Superintendent

Superintendent of Currituck County Schools, Dr. Matt Lutz, addressed the Board to update Commissioners on action taken by school administration following recommendations made in a report by Evergreen Financial, LLC, a firm who performed a financial review of Currituck County Schools in 2018. Documents were provided to Commissioners for review as Dr. Lutz reviewed the various recommendations that have been or are being implemented. He announced the school system did not tap into, nor budget any of the fund balance for the school year. Financial, operational, and organizational changes were reported. He discussed Central Office positions, and he stressed the importance of proper curriculum implementation and oversight to provide for consistent learning among schools and to determine the success or failure of programs. Development of a strategic plan, transportation efficiency, food service, facility use, and joint Board meetings were discussed.

Dr. Lutz responded to Commissioner questions. Board members thanked him for attending and look forward to working together with the Board of Education.

#### **PUBLIC HEARINGS**

# A. PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment:

Included is a document from the applicant that arrived after staff analysis was completed. The document contains a list of planned improvements by the applicant to the treatment system.

\*PLEASE NOTE THAT TEXT IN PURPLE IS IN RESPONSE TO A REVISED SUBMITTAL ON DECEMBER 3, 2020.

# **APPLICATION SUMMARY**

APPLICATION SUMMARY	
Property Owner: Sandler Utilities at Mill Run LLC PO Box 12347 Raleigh NC 27605	Applicant: Currituck Water & Sewer LLC 4700 Homewood Ct Ste 108 Raleigh NC 27609
PAASCH Developments LLC C/O Eagle Creek Golf Club 109 Greenview Rd Moyock NC 27958	raioigii i vo
Case Number: PB 20-14	Application Type: Use Permit
Parcel Identification Numbers: 0015000084I0000 0015000084A0000 0015000084B0000 0015000084C0000 0015000084D0000 0016000001A0000	Existing Use: Private Utility - Wastewater Treatment Plant and Golf Course
Land Use Plan Classification: Full Service  Moyock Small Area Plan: Limited Service/ Full Service	Parcel Size (Acres): 196.65 acres
Request: Major Utility – community-wide wastewater treatment plant	Zoning: AG (Agriculture)

SURROUNDING PARCELS		
	Land Use	Zoning
North	Farmland/Residential/Non- Residential	AG/SFM/GB
South	Residential/Solar Energy Facility	AG
East	Middle School/ Residential/ Farmland/Woodlands	AG
West	Farmland/Residential	AG/SFM

The applicant is requesting a use permit for Eagle Creek's private wastewater treatment plant (WWTP) to be allowed to serve off-site developments. This WWTP was originally approved to serve the Eagle Creek neighborhood and serving off-site developments will make this plant a major utility. The site of the WWTP and the disposal area for the effluent are both part of the use permit. The proposed plant improvements will allow the plant to treat up to its designed 350,000 gpd. According to the applicant, the plant currently treats 50,000 – 60,000 gpd from Eagle Creek and the middle school. The treated water is disposed of via an infiltration pond on the facility's property and the effluent that meets a turbidity standard can be repurposed as irrigation for the Eagle Creek golf course. If the Use Permit is approved and the WWTP becomes a major utility, neighboring developments' wastewater would be pumped to the WWTP but not enter the Eagle Creek collection system. The collection system for Eagle Creek would not be connected to the

collection system of any other development. The proposed service area includes a connection to the Fost development, the Flora development (not approved), and other adjoining properties. (See attached map DATED 12/3/2020). The use permit process is the first step for the Eagle Creek WWTP to become a major utility to serve more than just that neighborhood. This request will need to be approved by NCDEQ and the NC Utilities Commission. It is important to note that the Utilities Commission must approve the service area.

According to the applicant's engineer, the plant is in a state of disrepair. The engineer assessed the plant in 2010 (see attached report) and notes that none of the repairs required in 2010 have been made to date. According to Paul Mays, NCDENR Environment Specialist, the plant has several active violations (see attached NOV and email from Mr. Mays) including, but not limited to:

- 1. The tertiary filter that has been down and bypassed for two years and must be fixed as soon as possible.
- 2. Exceeding Fecal Coliform Daily Maximum Limits by 96%.
- 3. Exceeding Total Ammonia Daily Maximum Limits by 82%.
- 4. Exceeding Total Ammonia Monthly Average by 36%.
- 5. Not diverting effluent that violated fecal limits to the high rate infiltration pond.
- 6. Wood vegetation growing around the infiltration pond.

The applicant notes that the necessary repairs are costly and a benefit of a larger customer base is the ability of the Utility to spread those costs over more customers which helps to minimize the impact on each individual bill. This is one reason for the large service area noted by the application.

The application illustrates the Fost and Flora (not approved) properties being used for effluent and/or groundwater disposal. The applicant will no longer be pursuing off-site disposal and if it is needed in the future, understands that this will require an amended use permit.

Finally, staff is concerned about adding additional developments to a plant that has remained in a state of disrepair for the past 10 years and which recently failed while serving only the Eagle Creek development, leaving users with flooding, sewer backup into homes, and no water or sewer service for days.

INFRASTRUCTURE	
Water	Public
Sewer	Private
Stormwater/Drainage	The application states that the new Utility will be able to update and repair some of the Eagle Creek related drainage concerns while doing the connect work for the new development(s). Pit valve replacement will be done as necessary to reduce stormwater infiltration.
Design Standards	N/A
Lighting	Full cut-off
Landscaping	Existing perimeter buffer around plant parcel is opaque
Parking	Existing gravel
Compatibility	Institutional Use

## **RECOMMENDATIONS**

### **TECHNICAL REVIEW COMMITTEE**

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

- Land Use Plan Compatibility Concern: While the Land Use Plan generally allows appropriate use of package sewage treatment plants that may eventually be assimilated into a centralized sewage collection and treatment system, POLICY WS3 of the Land Use Plan says Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services:
  - a. within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service. Of the proposed sewer service area, the property west of Eagle Creek (260.5 acres) is identified as Rural in the Land Use Plan (and the Moyock Small Area Plan).
  - b. where development densities would make the provision of all public services more efficient. Rural designation will not allow for the development densities that would make the provision of all public services more efficient.
  - c. where the land is particularly well suited for development. The majority of the soil types in the Rural areas area Wasda Muck (Ws), Cape Fear Loam (Ca), and Roanoke (Ro). The Currituck County Soil Survey indicates that each of the soil types are nearly level and poorly drained to very poorly drained. There are documented drainage concerns in this area of Moyock. (Still a concern that must be addressed)
- 2. The use complies with all other applicable review standards of the UDO provided the following outstanding items are addressed at site plan review:
  - a. A plan for compliance to remedy the outstanding NCDENR violations is required. (Planning and Public Utilities) See attachment dated 12/3/2020
  - b. A detailed plan of all improvements to the plant to allow it to serve as a major utility is required. (Planning and Public Utilities) See attachment dated 12/3/2020
  - c. NCDEQ permit approval and Utility Commission approval for the wastewater treatment facility improvements and service area must be provided prior to building permit approval. (Planning)
  - d. We would like to know why they are using the name they have chosen for their business in Currituck County. There will be a lot of confusing between the company and the county when it comes to utilities. The County will more than likely receive any complaints directed to CWSI. (Public Utilities)
  - e. Remedy LUP and Moyock SAP conflicts.
- 3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
  - a. Remove the areas designated as Rural in the Land Use Plan from the service district request.
  - b. A plan for compliance to remedy the outstanding NCDENR violations is required. See attachment dated 12/3/2020
  - c. A detailed plan of all improvements to the plant to allow it to serve as a major utility is required. See attachment dated 12/3/2020
  - d. NCDEQ permit approval and Utility Commission approval for the wastewater treatment facility improvements and service area must be provided prior to building permit approval.
  - e. Change the name of the service district to avoid conflict with county services.
  - f. Remedy LUP conflicts.

- g. The major utility shall not treat more than its approved 350,000 gallons per day of wastewater without an amendment to this use permit.
- h. To be consistent with the Land Use Plan and Moyock Small area plan, the plant will not serve Rural designated properties in the Land Use Plan or Moyock Small Area Plan now or in the future.

# **USE PERMIT REVIEW STANDARDS**

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

The use will not endanger the public health or safety.

**Preliminary Applicant Findings:** 

1. The existing wastewater treatment facility will be improved to resolve existing operational issues and will offer improved performance as a result. The facility will be operated in accordance with rules and regulations promulgated by the NC Department of Environmental Quality and the NC Utilities Commission.

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

Preliminary Applicant Findings:

1. The facility is on land that was originally set aside for this purpose with the original development approval for Eagle Creek. The improvements and possible expansion will take place on the existing treatment site. Wastewater disposal will be done using golf course irrigation and the onsite infiltration as originally approved and permitted. The major utility will provide the opportunity for adjacent properties within the proposed service area to connect to the facility if their septic systems fail, which could actually improve the value of adjoining or abutting properties.

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

Preliminary Staff Findings:

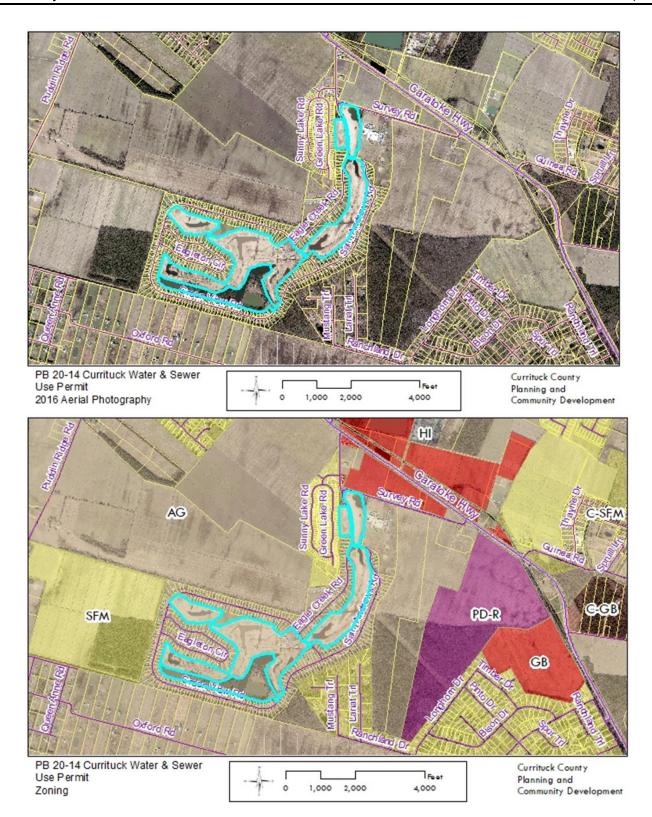
- 1. The following 2006 Land Use Policy statements apply to the proposed request:
  - a. Policy AG3: County ACTIONS CONCERNING INFRASTRUCTURE (e.g. schools, parks, and utilities) and regulations shall serve to direct new development first to targeted growth areas near existing settlements identified as Full Service Areas on the Future Land Use Map, rather than leapfrogging to locations in the midst of farmland and green space identified as Rural and Conservation areas on the Future Land Use Map. (There are 260.5 acers of land designated as Rural in this request.)
  - b. Policy WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the northern beaches of the Outer Banks. (While Eagle Creek and Fost are developed areas, the 'Flora' development property nor the property to the west of Eagle Creek are developed areas. None of the properties in the service area are targeted growth areas (see attached map). This would be a provision of private, not public services. The majority of the soil types in the Rural areas area Wasda Muck (Ws), Cape Fear Loam (Ca), and Roanoke (Ro). The Currituck County Soil Survey indicates that

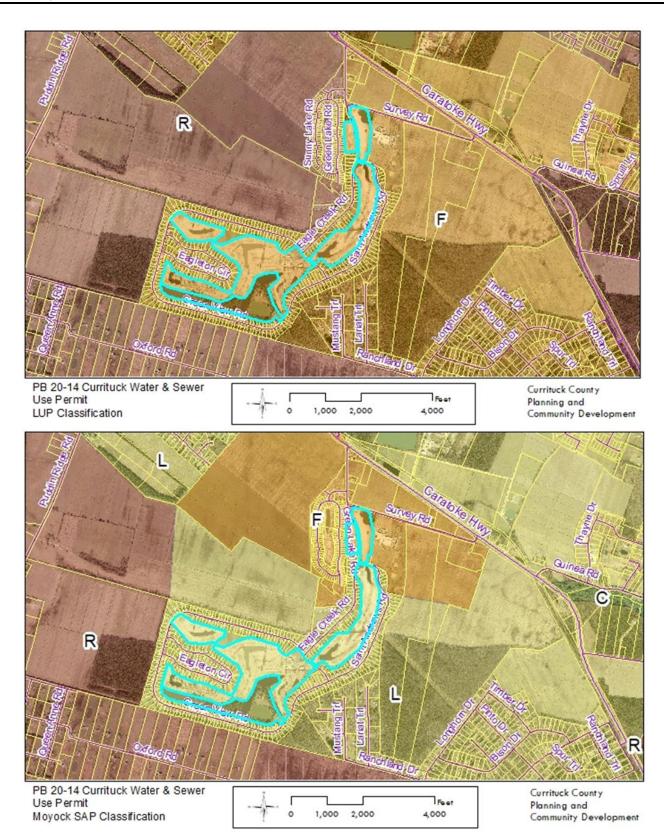
- each of the soil types are nearly level and poorly drained to very poorly drained. There are documented drainage concerns in this area of Moyock.)
- c. Policy PP3: The costs of infrastructure, facilities, and services (e.g. schools, parks, water supply, etc. related to the DEMAND CREATED BY NEW GROWTH AND DEVELOPMENT shall be borne, in equitable proportion by those creating the additional demand. So as to lessen the burden on the general property tax payer, this approach may include a land transfer tax, impact fees on new development, upzoning fees, and user fees for new facilities. (The demand created by new growth and development would be borne by those creating the additional demand.)
- d. Policy ED2: CAPITAL EXPENDITURES for the purpose of economic development shall be targeted toward areas that are most suited for development. Targeted areas should include raw land as well as the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure. Targeted areas primarily include those located within the Full Service Areas identified on the Future Land Use Map and to the lesser extend those include in the Limited Service Area. (Rural service areas on the Future Land Use Map are not targeted growth areas.)
- e. Policy CW1: Currituck County may elect to amend or incorporate adopted small area plans into the Land Use Plan as needed. This includes consideration of citizen initiated amendments or county led planning efforts that recognize changing demographic, economic, or environmental conditions.
- 2. The Moyock Small Area Plan policies apply to the proposed request:
  - a. The MSAP supplements the LUP to more specifically address the needs and issues of the study area and establishes a new focus for growth and development.
  - b. The Moyock Small Area Plan, adopted in 2014, *does not* identify this area as an activity area where new growth and development should be focused. (See attached map)
  - c. Policy IS 3: Recognize that water and sewer services have significant influence on growth and require that consideration be given to the placement of proposed utilities in perspective to desired growth patterns.

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

# Preliminary Staff Findings:

- 1. The use will not increase or exceed the county's ability to provide services to schools, fire and rescue, and law enforcement.
- 2. While the use itself does not exceed the county's ability to provide services, concerns regarding the potential secondary impacts of approving a major sewer utility in the Moyock area must be expressed. It would allow for rezonings resulting in much higher densities than allowed under the current zoning with individual septic systems. Moyock Elementary School is already over capacity, Shawboro Elementary School, the middle school, and high school are approaching capacity.





Parties were sworn and Planning and Community Development Director, Laurie LoCicero, briefly summarized the application and noted changes from an earlier submittal presented at

the November 16, 2020, Board of Commissioners meeting, from which the item was continued. Changes were related to repairs to address violations issued by the North Carolina Department of Environmental Quality (DEQ) at the existing plant. An overview of the request, Use Permit review standards, and land use policies were presented by Ms. LoCicero. Staff concerns included the plant's state of disrepair with active DEQ violations, adding more development to the existing plant, collections issues, and possibly extending the sewer service area. Ms. LoCicero said some concerns have been addressed by the applicant. Pros and cons of approval were reviewed for Commissioners, and although more concerns related to approval were present, Ms. LoCicero explained staff's recommendation to approve the request was based on the findings of fact and Land Use Plan policies. Technical Review Committee (TRC) conditions of approval were reviewed.

Greg Wills, Attorney for the applicant, introduced experts to testify in support of the request. He clarified that Sadler Utilities, LLC, is the owner of the plant and the applicant, Envirolink, is proposing to make the repairs to the plant. He said the county's ability to control growth in the surrounding area remains, and the utilities commission will oversee plant operation.

Mr. Will questioned Mark Bissell, Engineer, as to his education and experience to be tendered as an expert witness. Mr. Bissell's resume was distributed to Board members and entered into the record as Exhibit 1. Mr. Bissell used a powerpoint and reviewed the request for the Board of Commissioners. He discussed the current status, flow rates, and capacity for expansion and showed overhead views of both the plant and disposal area. He said if the permit is approved, they would request the recently approved Fost Tract be serviced by the utility. The disposal site on the Fost Tract would remain. Fixes planned for the operation and repair of the vacuum system and other issues were presented. Mr. Bissell, when asked, said he believes the service can work if the rezoning of the Flora property, a neighboring tract, is not approved. Capital investment budget figures were reviewed, and customer benefits and comments received at community meetings were summarized. Concerns raised by the TRC were addressed, and Mr. Bissell reviewed county policies to support the findings of fact to meet the burden for approval of the request.

Mr. Wills questioned Michael Myers, President of Envirolink, Inc., as to his experience to be tendered as an expert witness in the water and sewer utility industry. Mr. Myers' resume was distributed to Board members and entered into the record as Exhibit 2. Mr. Myers reported on the history of issues with the plant's collection system, discussed state regulatory authority, and addressed user costs. Mr. Myers said the Fost Tract would be needed to make the project viable. Flora Farm would add a cost benefit for customers. He provided additional information on the plant's component failures, citing incomplete repairs and improper maintenance. He described the long-term investment model for the purchase of the plant, and estimated sewer service rates for Eagle Creek customers at \$90 to \$100 a month to pay for repairs if the Fost Tract or Flora Farm are not included. He estimated rates of \$65-70 per month with the additional developments. Mr. Myers testified he would be open to using a DBA to avoid confusion with the County wastewater system.

Chairman Payment called a recess at 8:35 PM. The meeting reconvened at 8:41 PM.

Communication: Minutes for December 7, 2020 (Approval Of Minutes-Dec. 7, 2020)

Steven Craddock, a North Carolina Certified Real Estate Appraiser, testified on behalf of the applicant. He responded to questions posed by Mr. Wills regarding his professional education and experience and was tendered as an expert witness in real property appraisals and valuations. Mr. Craddock testified as to the impacts and effects to surrounding properties with the proposed purchase and expansion of the Eagle Creek Wastewater Treatment Plant. He reported on the increased demand for homes in the northern and central portions of the county and presented statistical data for area home sales and pricing, noting increases of 30% since 2016. Mr. Craddock's assessment determined the proposed acquisition and expansion will not harm the value of adjoining and abutting lands and will be in harmony in the area in which it is located. He responded to questions and noted the potential for property values in Eagle Creek to be negatively affected if situation is not remedied with existing plant.

Chairman Payment opened the Public Comment period.

Gene Jewel, an Eagle Creek resident, discussed the plant's history of violations and lack of maintenance. He supports approval of the Use Permit and suggested fixes to resolve some of the existing issues.

Hailey Ogren, an Eagle Creek resident, described six instances of sewage backups in her home and encouraged the Board to support approval of the Use Permit to improve conditions. Suggestions to improve services were offered and risks to the community if the permit is denied were noted.

HV Cole, Brumsey Road, expressed concerns with flooding resulting in retaining ponds overflowing, ponds draining improperly, and the addition of more neighborhood ponds. He believes a sewer system is needed from Moyock to Coinjock and that residents would pay for it. He acknowledged help is needed for the people of Eagle Creek.

Fred Whiteman, an Eagle Creek resident and President of the Eagle Creek Homeowner's Association (HOA), read a statement of conditions and recommendations supported by the members of the Eagle Creek HOA Board of Directors. He said the applicant has agreed to the recommendations, and suggested the county require a conditional use permit, and any conditions not met would result in the inability to receive a Certificate of Occupancy for the property.

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

Mr. Wills addressed the Board and said Mr. Myers is aware of all of the concerns mentioned during the hearing. He encouraged Commissioners to move forward with the approval as the first step in the process. He said unless all approvals are met there will be no investment, and the applicant prefers an up or down vote without additional conditions. Mr. Myers reviewed a three or four month timeline for approval and permitting by the Utilities Commission. County Attorney, Ike McRee, discussed conditions that could be set related to the testimony presented and Mr. Myers reviewed the role and authority of the Utilities Commission and DEQ.

Commissioner White moved to approve PB 20-14: Currituck Water & Sewer, with staff recommendations because the applicant has demonstrated the proposed use meets the Use Permit review standards of the Unified Development Ordinance (UDO).

The use will not endanger the public health or safety: North Carolina Department of Environmental Quality and the North Carolina Utilities Commission will regulate the facility.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located: Since this is an existing plant, there will be no change in the effect on adjoining or abutting lands.

The use will be in conformity with the Land Use Plan (LUP) or other officially adopted plans: Policy WS-7

The use will not exceed the county's ability to provide adequate public facilities: The use will not increase or exceed the county's ability to provide services to schools, fire and rescue, and law enforcement.

The applicant is willing to add a DBA in the future, at the County's request, to avoid confusion on the consumer end.

The applicant is required to return for approval by the County before any expansion beyond the 350,000 gallon capacity.

Repairs submitted by the applicant, listed on page 19 of the Board Agenda Packet, are to be completed within two years following the issuance of state approvals and securing ownership of the plant.

Commissioner J. Owen Etheridge seconded the motion. The motion passed on a 6-1 member vote, with Commissioner Mary Etheridge opposed.

RESULT: MOTION PASSED-ITEM APPROVED [6 TO 1]

**MOVER:** Bob White, Commissioner

**SECONDER:** J. Owen Etheridge, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis,

Commissioner, Kevin E. McCord, Commissioner

NAYS: Mary "Kitty" Etheridge, Commissioner

### B. PB 18-23 Fost Tract Planned Development-Residential - Amendment #2:

Applicant:
Moyock Development LLC
417 Caratoke Hwy Unit D
Moyock NC 27958
<b>Application Type:</b> Amended Planned
Development – Residential #2
Existing Use: Planned Development -
Residential under construction
Parcel Size (Acres): 228.83
<b>Zoning History:</b> 1989 (A), 1974 (A-40), 1970
and 1971 (RA-20), 2019 (PD-R)
Proposed Zoning: Amended PD-R #2

# **APPLICATION SUMMARY**

**Request:** Changes requiring amended Master Plan: Connect to off-site WWTP, adjust lot lines and roadway alignments as necessary to accommodate the 500-year Ranchland ditch. Other changes: minor amendment to the clubhouse area and associated pond enlargement, regrouping of multi-family units, eliminating extra parking spaces around three sides of open area in Phase 3, amending the Phasing Schedule, and identifying recreational equipment storage parking as shown on the approved preliminary plat and construction drawings and as required by UDO.

### **NARRATIVE**

The Board of Commissioners originally approved the Planned Development – Residential on May 6, 2019, and then approved a plan amended on November 4, 2019 (attached). If the plan changes noted above under "Request" are approved and the off-site major utility use permit (separate case) is not approved, the Board of Commissioners must approve a third amendment to change the plan back to on-site septic treatment.

Along with the Master Plan and Phasing Schedule amendments, the applicant is proposing the following change to the approved Terms and Conditions document (see attached order):

- a. Add Paragraph G: Wastewater: Developer intends to connect to a major utility, off-site, owned by Currituck Water & Sewer, LLC, for wastewater treatment and disposal. A wastewater collection system will be connected by the Developer and Managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission.
- b. NCDHHS has been added to Paragraph B.

#### **COMMUNITY MEETING**

A community meeting was held on September 23, 2020 at the Eagle Creek Pavilion. Three members of the community attended the meeting. Primarily questions were regarding how the sewer will work, entrance location, and drainage.

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	Currituck County shall encourage development to occur at densities appropriate for
HN1	the location. (Summary)

### **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	PROMOTE COMPATIBILITY BETWEEN NEW DEVELOPMENT AND EXISTING DEVELOPMENT TO
FLU1	AVOID ADVERSE IMPACTS TO THE EXISTING COMMUNITY. (SUMMARY)

# **County Engineer Comments**

The drainage and utility requirements in the June 24, 2019 approved Order (attached) remain unchanged.

#### **Technical Review Committee**

The Technical Review Committee recommends approval of the Amended Planned Development – Residential rezoning with the following conditions/revisions:

- There is a backup in Rowland Creek near the south of the property that must be cleared and snagged ASAP. (Soil and Stormwater)
- Stormwater management on Rowland Creek and areas downstream north and east of the railroad track are within CAMA jurisdiction, require a 30' setback, and CAMA permitting is required. (CAMA)
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

# Planning Board

The Planning Board recommended denial at their meeting on November 10, 2020. The initial motion was to approve, but the 2-2 vote represents a denial.

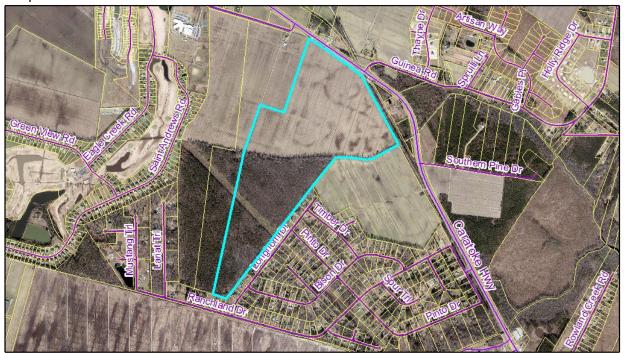
A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

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:

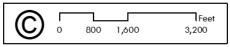
• It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C.

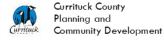
- The conditions placed on the development will improve drainage problems on the property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage system on off-site properties; and,
- It is compatible with existing Moyock Township Subdivision.

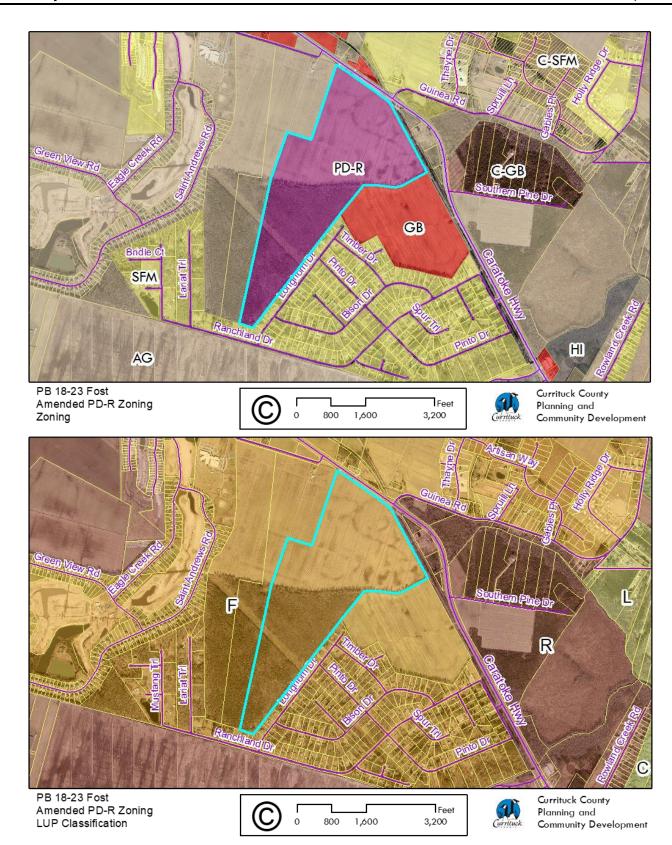
It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Land Use Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.

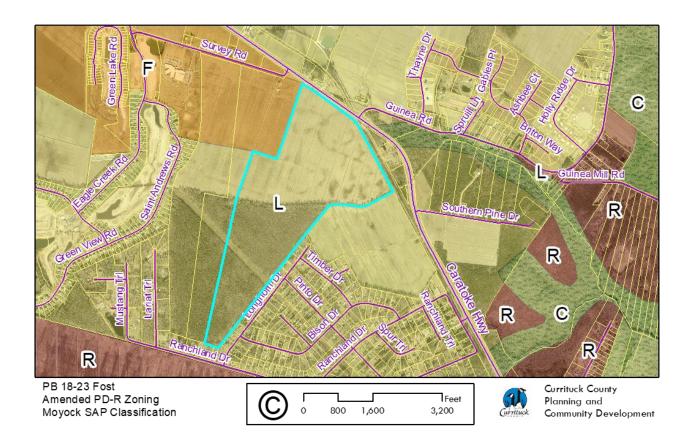


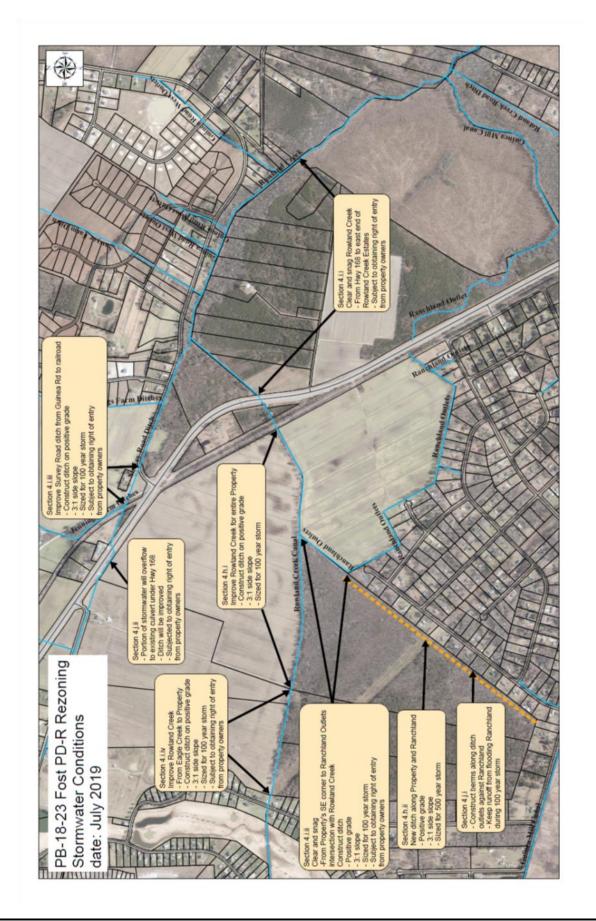
PB 18-23 Fost Amended PD-R Zoning 2016 Aerial Photography











Planning and Community Development Director, Laurie LoCicero, reviewed the rezoning amendment request with the Board of Commissioners. Amendments were presented to Commissioners and Ms. LoCicero displayed the site area and surrounding zoning and land uses. The configuration of original approvals were compared with the requested amendments. Supporting Land Use Plan policies were reviewed. Staff recommended approval, and conditions suggested by the Technical Review Committee were reviewed. The Planning Board recommended denial of the request based on its rules of procedure.

Mark Bissell, Engineer for the applicant, reviewed the request which includes an off-site wastewater connection and stormwater design changes to accommodate a 500-year ditch. He answered questions related to the construction timeline for Phase I and questions regarding hook-up to the Eagle Creek wastewater plant upon construction. Mr. Bissell said the Fost Tract would bypass the collection system for Eagle Creek and go directly to the treatment plant. He expects the violations against the plant will be resolved quickly.

Chairman Payment 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 Unified Development Ordinance (UDO) Section 2.4.3.C. (BOC 6-24-2019); 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 drainage and utility reuirements in the June 24, 2019 approved order remain unchanged.

## Conditions of approval:

- 1. There is a backup in Rowland Creek near the south of the property that must be cleared and snagged ASAP. (Soil and Stormwater)
- 2. Stormwater management on Rowland Creek and areas downstream north and east of the railroad track are within CAMA jurisdiction, require a 30' setback, and CAMA permitting is required. (CAMA)
- 3. Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

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. (BOC 6-24-2019)

Commissioner McCord seconded the motion. The motion carried on a 6-1 member vote, with Commissioner Mary Etheridge opposed.

Communication: Minutes for December 7, 2020 (Approval Of Minutes-Dec. 7, 2020)

RESULT: MOTION PASSED-ITEM APPROVED [6 TO 1]

MOVER: J. Owen Etheridge, Commissioner SECONDER: Kevin E. McCord, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis,

Commissioner, Kevin E. McCord, Commissioner

NAYS: Mary "Kitty" Etheridge, Commissioner

# C. PB 20-17 Currituck County:

Commissioner White moved to continue PB 20-17: Currituck County, to the January 4, 2021, Board of Commissioners meeting. The motion was seconded by Commissioner J. Owen Etheridge. The motion carried, 7-0.

RESULT: CONTINUED [UNANIMOUS] Next: 1/4/2021 6:00 PM

MOVER: Bob White, Commissioner

**SECONDER:** J. Owen Etheridge, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner

D. Public Hearing and Consideration of Resolution Authorizing Purchase and Sale Agreement Under N.C. Gen. Stat. §158-7.1 for Conveyance of Maple Commerce Lot 1 to JDLOVE, LLC

Ike McRee, County Attorney, introduced the Resolution to authorize the conveyance of a property in Maple Commerce Park for the purpose of constructing a laundry facility. Contract terms and conditions were reviewed.

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

Commissioner Beaumont moved for approval of the Resolution. Commissioner White seconded the motion. The motion carried, 7-0.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA AUTHORIZING SALE OF PROPERTY HELD FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO SECTION 158-7.1 OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, N.C. Gen. Stat. §158-7.1 authorizes a county to undertake an economic development project by conveying property to a company in order to cause the company to locate or expand its operations within the county; and

WHEREAS, Currituck County is the owner and developer of Maple Commerce Park, Lot 1, which is a 6.0 acre tract, more or less; and

WHEREAS, Currituck County and JDLove, LLC have engaged in negotiation for the conveyance of Maple Commerce Park Lot 1, to the end that JDLove, LLC may construct a laundry facility on the tract and have reached tentative agreement on the terms of the conveyance; and

WHEREAS, the Currituck County Board of Commissioners has held a public hearing to consider whether to approve conveyance of the Maple Commerce Park Lot 1 to JDLove, LLC.

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

Section 1. The Chairman of the Board of Commissioners and the County Manager are authorized to execute the necessary documents to convey to JDLove, LLC the real property more particularly described as follows:

All of that parcel of land described as "Lot 1" on a map or plat entitled "Maple Commerce Park, Maple, North Carolina, Crawford Township, Currituck County" prepared by Hyman & Robey, PC, July 25, 2013 and recorded in Plat Cabinet N, Page 2 of the Currituck County Registry which map or plat is incorporated herein by reference as if fully set out.

Section 2. The conveyance of Maple Commerce Park Lot 1 is expected to enhance the local economy, promote business and result in the creation of jobs in Currituck County.

Section 3. As consideration for the conveyance of Maple Commerce Park Lot 1, JDLove, LLC will pay \$183,300.00 at closing. The facility to be constructed by JDLove, LLC is expected to generate property tax revenues, when combined with consideration paid at closing, in an amount that will return to the county the appraised tax value of the property or \$189,300.00.

Section 4. This resolution is effective upon its adoption and supersedes any prior or conflicting resolution.

ADOPTED the 7th day of December 2020.

	Chairman Board of Commissioners
ATTEST:	
Leeann Walton,	

**Draft Minutes** 

Clerk to the Board of Commissioners

RESULT: APPROVED [UNANIMOUS]
MOVER: Paul M. Beaumont, Commissioner

**SECONDER:** Bob White, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner

#### **OLD BUSINESS**

#### Motion for recusal of Commissioner White

Commissioner White was recused from considering the ordinance due to his owning Outdoor Tour Operator businesses in Corolla. Commissioner J. Owen Etheridge made the motion for recusal. The motion was seconded by Commissioner Jarvis. The motion carried, 7-0, and Commissioner White exited the meeting room.

RESULT: APPROVED [UNANIMOUS]

MOVER: J. Owen Etheridge, Commissioner

SECONDER: Selina S. Jarvis, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner

# A. Ordinance Amending Section 8-88 of the Currituck County Code of Ordinances to Defer Payment of the 2020 Outdoor Tour Operator License Fee Until September 1, 2020

County Attorney, Ike McRee, presented the ordinance to the Board of Commissioners for a second reading. Mr. McRee reviewed one revision to the Ordinance, as directed by the Board of Commissioners at the first reading, which modified the fee payment from 25% of the usual fee to 75% of the usual fee. The Ordinance can be adopted by a simple majority of the Board.

Commissioner Jarvis moved for approval of the ordinance. Commissioner Mary Etheridge seconded the motion. The motion carried, 6-0, and Commissioner White rejoined the Board.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 8-88 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO DEFER PAYMENT OF THE 2020 OUTDOOR TOUR OPERATOR LICENSE FEE UNTIL SEPTEMBER 1, 2020

WHEREAS, on March 20, 2020 the Chairman of the Currituck County Board of Commissioners declared a State of Emergency under Chapter 166A of the General

Statutes of North Carolina and Chapter 6, Article III of the Currituck County Code of Ordinances in response to the COVID-19 pandemic; and

WHEREAS, the March 20, 2020 Declaration of a State of Emergency prohibited visitor and non-resident property owner access to the Currituck County Outer Banks; and

WHEREAS, outdoor tour operators that operate on the Currituck County Outer Banks were effectively unable to provide tour services from March 20, 2020 until at least April 23, 2020 when non-resident property owners were permitted to enter the Currituck County Outer Banks; and

WHEREAS, although visitors now enter the Currituck Outer Banks certain Center for Disease Control recommendations limit the number of customers outdoor tour operators may accommodate on each tour thus reducing revenue to those businesses; and

WHEREAS, the economic effects of the COVID-19 pandemic have detrimentally affected outdoor tour operators and it is deemed necessary to appropriate to defer payment of outdoor tour operator license fees; and

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-134 a county may by ordinance regulate and license occupations, businesses, trades, and professions.

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

PART I. Section 8-88 of the Code of Ordinances, Currituck County, North Carolina is amended by adding paragraph (e) so that the section reads as follows:

#### Sec. 8-88. License required.

- (a) It shall be unlawful for any person to engage in business as an outdoor tour operator or to operate an outdoor tour vehicle in the designated area without a license issued pursuant to this article. The license shall be effective only for term of two years stated in the license and upon payment of any annual fee, unless suspended or revoked sooner as provided for by ordinance and may not be transferred.
- (b) No more than ten licenses to engage in business as an outdoor tour operator or to operate outdoor tour vehicles in the designated area shall be issued at any one time. In the event that a license is forfeited, revoked, not renewed or otherwise vacated, the county manager or county manager's designee may solicit by public notification applications for the available license. The county manager or county manager's designee shall then use a lottery in selecting from among the qualified license applicants.
- (c) Each license may allow an outdoor tour operator to operate at any given point in time and only on approved routes five outdoor tour vehicles or the number of outdoor tour vehicles allowed in an issued special use permit, whichever is less.
- (d) Any outdoor tour operator lawfully operating more outdoor tour vehicles than allowed pursuant to section 8-88(c) of this article on the date that this ordinance becomes effective shall be deemed a nonconforming use. Any use determined to be a nonconforming use by application of the provisions of section 8-88(d) of this article shall be permitted to continue for a period not to exceed one year from the effective date of the ordinance from which this article is derived.
- (e) For the year 2020, Payment of the annual license fee required in paragraph (a) of this section shall be in the amount of twenty-five percent (25%) seventy-five

Communication: Minutes for December 7, 2020 (Approval Of Minutes-Dec. 7, 2020)

percent (75%) of the fee for Outdoor Tour Operator License set forth in the Currituck County Master Fee Schedule is deferred for the year 2020 until September 1, 2020.

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

PART III. Severability. In the event one or more of the provisions contained in this ordinance shall for any reason by held by a court to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this ordinance, and this ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PART III. This ordinance is effective upon its adoption.

ADOPTED on its second reading this 7th day of December, 2020.

Chair, Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

RESULT: MOTION PASSED-ITEM APPROVED [UNANIMOUS]

MOVER: Selina S. Jarvis, Commissioner
SECONDER: Mary "Kitty" Etheridge, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner

#### **NEW BUSINESS**

#### A. Approval of the 2021 Reappraisal Schedule of Values

As part of the process for the revaluation of property, Tracy Sample, Tax Assessor, attended and reviewed the statutory requirements and timeline for the presentation and public hearing, both of which were previously heard by the Board of Commissioners for consideration of the schedule of values used by the county for the 2020 property assessment and revaluation.

Commissioner Beaumont moved to approve the Schedule of Values and the motion was seconded by Commissioner McCord. The motion carried, 7-0.

RESULT: APPROVED [UNANIMOUS]

MOVER: Paul M. Beaumont, Commissioner

SECONDER: Kevin E. McCord, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner

# B. Recommendation of Bid Award for Pedestrian Walkovers-Barracuda, Perch, and Sailfish in Whalehead Subdivision

Ben Stikeleather, County Manager, reported the recommendation of award to low bidder, WM Dunn Construction, in the amount of \$363,850, and authorize the County Manager to execute contracts. Warren Eadus, Project Engineer, attended to explain challenges that were encountered with the design and specs to construct of 8' wide concrete walkways, which were considered as a bid alternate. He responded to questions from Commissioners regarding the bidding for the project.

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

RESULT: APPROVED [UNANIMOUS]

MOVER: Paul M. Beaumont, Commissioner

**SECONDER:** Bob White, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner

# C. Consideration of Carova Volunteer Fire Department Request to Use Existing Funds for Engine Repair

County Manager, Ben Stikeleather, reviewed the request by Carova Beach Volunteer Fire Department to use budgeted funds for a tanker engine repair. The Fire and Emergency Medical Services Board previously reviewed the request and recommends approval, in the amount of \$17,000.

Commissioner McCord moved for approval. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

RESULT: APPROVED [UNANIMOUS]

MOVER: Kevin E. McCord, Commissioner

SECONDER: Selina S. Jarvis, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner

#### D) Consent Agenda

Commissioner Jarvis moved for approval of the Consent Agenda. Commissioner McCord seconded the motion. The motion carried, 7-0, and Consent Agenda items were approved.

RESULT: APPROVED [UNANIMOUS]

MOVER: Selina S. Jarvis, Commissioner

SECONDER: Kevin E. McCord, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, Paul M.

Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner

#### 1. Budget Amendments

					Debit		Cre	edit
				Decreas	se Revenue or		Increase R	Revenue or
Account Number		Account Description		Increa	se Expense		Decrease	Expense
10440-535000		Safekeeping Fees		\$	5,000			
10320-411000		Article 39 Sales Tax					\$	5,000
				\$	5,000		\$	5,000
Explanation:	Fir	nance (10440) - Increase	ар	propriatio	ns for investme	nt s	afekeeping	fees.
	Fe	es were suspended wher	ı W	/achovia	merged with W	ells	Fargo and	have not
	been charged in several years. Wells Fargo has started charging these fees							
	ag	ain and governmental ent	itie	s are rec	quired to keep in	rves	tments witl	n a third
Net Budget Effect: Operating Fund (10) - Increased by \$5,000.								

					Debit			Credit
				_				
					se Revenue o	r		se Revenue d
Account Number		Account Description		Increa	se Expense	_	Decre	ase Expense
10380-487000		DSS Donations				-	\$	4,500
10390-499000		Appropriated Fund Balance				-	\$	15,000
10760-585000		Donations - DSS		\$	19,500	)	Ψ	13,000
10700 303000		Donations Doo		Ψ	10,000			
				•				
			-	\$	19,500	<u>)                                    </u>	\$	19,500
Explanation:		cial Services Public Assistan or year balance and increase						carry-forward
Net Budget Effec	:t:	Operating Fund (10) - Increase	sed by					
				D	ebit			Credit
			De	ecrease	Revenue or		Increase	e Revenue or
Account Number		Account Description	Increase Expense			Decrease Expense		
					•			
61818-590000		Capital outlay					\$	5,500
61818-553000		Dues and subscriptions	\$		5,500			
			\$		5,500		\$	5,500
Explanation:	М	ainland Water (61818) - Tran	nsfer b	udgeted		creas	ses in du	
	fis	scal year.						
Net Budget Effe	ct:	Mainland Water Fund (61)	- No c	hange				
get =		mamana rrater r ana (e r)			Debit			Credit
				Decrea	se Revenue o	r	Increas	se Revenue o
Account Number		Account Description			se Expense			ase Expense
50447-590009		Perch Street Walkover		\$	132,128	3		
50447-590010		Barracuda Walkover		\$ 133,128				
50447-590011		Sailfish Walkover		\$ 134,979				
50390-495015		Transfer from Occupancy Tax					\$	400,235
				\$	400,235	5	\$	400,235
		unty Governmental Construction						
	J. K	Taxan Tamororo. Trillo to fulful		α. ισισι		5 Pic	,,50.0 111	r , Julio.

			Debit		Credit
		Doo	rease Revenue or	Inorooo	e Revenue o
Account Number	Assount Description		rease Expense		ase Expense
Account Number	Account Description	IIIC	rease Expense	Decrea	ase Expense
10441-514000	Travel			\$	1,000
10441-514500	Training & Education			\$	1,000
10441-545000	Contract Services			\$	1,130
10441-590000	Capital Outlay			\$	2,430
10441-532000	Supplies	\$	5,560		
10441-557100	Software License Fees	\$	8,825		
10390-499900	Appropriated Fund Balar	nce		\$	8,825
		\$	14,385	\$	14,385
Net Budget Effec	t: Operating Fund (10) - Ind	creased by \$8.	325.		
			Debit		Credit
			_		
			ise Revenue or		e Revenue o
Account Number	Account Description	Incre	ase Expense	Decrease Expens	
200330-445110	CARES ACT			\$	538,823
200981-502000	Salaries	\$	469,340		
200981-502100	Salaries - Overtime			\$	100,000
200981-503000	Salaries - Part-time			\$	25,000
200981-505000	FICA Expense	\$	35,905	·	,
200981-507000	Retirement Expense	\$	74,578		
200981-532000	Supplies	\$	50,000		
200981-545000	Contract Services	\$	34,000		
		\$	663,823	\$	663,823
Explanation:	CARES Act (200981) - I	ncrease appro	priations to record	the secon	nd round of
	CARES funding released	l in FY 2021 a	and to move funding	g from orig	jinal
	appropriation to cover ac	tual expenses	<b>3.</b>		

			Debit			Credit
			Doore	ease Revenue or	Increase	e Revenue or
Account Number		Account Description				
Account Number		Account Description	scription Increase Ex		Decrea	se Expense
10511-590000		Capital Outlay	\$	11,000		
10380-484001		Insurance Recovery			\$	8,207
10320-411000		Article 39 Sales Tax			\$	2,793
			\$	11,000	\$	11,000
Explanation:	De	etention Center (10511) - I	ncrease a	appropriations to re	pair the De	etention
	Department van that was hit by a deer. The vehicle was totalled by					
		ie to the age and damage	-			
		),489.52 to repair and will i				
		th a new vehicle is estima			теріасец.	10 Teplace
	VVI	in a new vehicle is estima	ied to co	5ι φ40,000.		
Net Budget Effe	ct:	Operating Fund (10) - Inc	reased b	y \$11,000.		
<b>J</b>				Debit		Credit
				Door		O. Gait
			Decr	ease Revenue or	Increas	e Revenue o
Account Number		Account Description	Inc	Increase Expense		ase Expense
						•
10440-502000		Salaries	\$	116		
10440-505000		FICA Expense	\$	9		
10510-502000		Salaries	\$	210		
10510-505000		FICA Expense	\$	17		
10530-502000		Salaries	\$	282		
10530-505000		FICA Expense	\$	22		
10550-502000		Salaries	\$	191		
10550-505000		FICA Expense	\$	15		
10790-502000		Salaries	\$	97		
10790-505000		FICA Expense	\$	8		
10795-502000		Salaries	\$	113		
10795-505000		FICA Expense	\$	9		
10320-411000		Article 39 Sales Tax			\$	1,089
			\$	1,089	\$	1,089
Explanation:		rious Departments - Increa		•	•	
		50 Christmas bonus to all	•			
		0 hours from November 1,		ugh October 31, 20	20 and are	still
	em	ployeed on December 1, 2	2020.			

## 2. Coronavirus Relief Fund Plan for Currituck County, Phase II

Net Budget Effect: Operating Fund (10) - Increased by \$1,089.

- 3. Job Descriptions-Revised Fire and EMS Captain; IT Temp-Clerical Position
- 4) Approval Of Minutes-11/16/2020, Board of Equalization and Review-2020
  - 1. Board of Equalization and Review-2020
  - 2. Minutes for November 16, 2020

# E. Consideration of Modifications to Agenda Order, Meeting Times, and General Rules of Procedure

Commissioners held open discussion on whether to modify the Board's rules of procedure for meetings. The length of meetings and late hours of adjournment prompted the Board to consider holding some of the meetings during the day. Following discussion, Commissioners decided to test an earlier meeting time and chose the Tuesday, January 19, 2021, meeting to begin at 2:00 PM. The meeting would be considered a Special Meeting due to the time change. The Board agreed to discuss further modifications and methods to expedite the meeting process at the Board's 2021 Annual Retreat.

#### **ADJOURN**

#### **Motion to Adjourn Meeting**

The Board had no further business and Commissioner Mary Etheridge moved to adjourn. Commissioner Jarvis seconded the motion. The motion carried, 7-0, and the meeting of the Board of Commissioners was adjourned at 10:17 PM.

RESULT: APPROVED [UNANIMOUS]

MOVER: Mary "Kitty" Etheridge, Commissioner

**SECONDER:** Selina S. Jarvis, Commissioner

AYES: Bob White, Commissioner, Mike H. Payment, Commissioner, 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 # 2998)

Agenda Item Title: TDA-Request to Revise Timeline Criteria and Allow a Fiscal Year Carryover

for Event Grants

Submitted By: Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

#### **Brief Description of Agenda Item:**

The Tourism Advisory Board has reviewed and requests consideration by the Tourism Development Authority to approve revisions to the Events Grant program. Changes include a modified timeline for application, acceptance, and financing to better align with the county's fiscal year budget and allow grant funds to fall within the fiscal year in which they are awarded.

In addition, the TAB requests those 2020 spring events that were cancelled (monies in the 2019-2020 budget) be funded from the current budget 2020-2021. List of events is included in agenda packet.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:



### **Currituck County Travel & Tourism Event Grant Program**

#### **Purpose of the Event Grant Program**

The mission of the Currituck County Department of Travel & Tourism is promotion of the County's beaches and Mainland to attract guests for the purpose of visitation spending.

Visitation generated by Currituck Travel & Tourism promotion strengthens the local economy by local and state sales taxes collected through visitor spending. The economic impact of these taxes enhances the quality of life for Currituck County residents and encourages tourism-related business growth.

We encourage visitor spending by:

- 1. Assisting County tourism-related businesses with advertising & marketing promotion;
- 2. Creating and producing events to draw visitors to Currituck; and
- 3. Providing visitors with information on County tourism-related businesses, attractions, activities, events, accommodations, services and historical sites located in Currituck County by digital advertising, print promotion and welcome centers.

For the purposes of this grant program, Currituck Travel & Tourism is focusing on assisting non-profit organizations and for-profit businesses to produce quality events (#2 above) that will attract visitors to Currituck County.

#### **Description of the Event Grant Program**

An "Event" shall be defined as a new or existing organized sporting event, concert, exhibition, festival, fair or celebration which is conducted according to a prearranged schedule and is deemed to have the potential to attract visitation to Currituck County.

A "Visitor" to Currituck County shall be defined as "anyone who does not reside in Currituck County and who travels to the County for the purposes of recreation and/or business."

Funding for the Events Grant Program shall be included in the annual Currituck Travel & Tourism budget. Currituck County's fiscal year runs from July 1 to June 30. Grants will be awarded to individual events not to exceed \$20,000. Individual organizations and businesses can only receive one (1) grant per fiscal year.

Event Grant funds are to be distributed for approved invoices only.

#### **Eligibility**

The applying organization or business must be located in Currituck County or partnering with a Currituck County organization or business.

The event must be open to the public.

For fiscal year 2019-2020, grant applications will be considered for events from July 1, 2019 to December 31, 2019. These applications must be submitted from December 15 through December 31, 2019. Applications will be considered for the upcoming fiscal year for grant applications that are received between March 1 and April 15 of the current fiscal year.

To qualify, the event must take place in Currituck County. Additional consideration will be given for events occurring during the shoulder and off-season. For purposes of this grant, shoulder and off-season is defined as September 7 through June 15.

- 1. Applications will be accepted <del>December 15 through December 31</del> March 1 through April 15 for the upcoming fiscal year that starts on July 1. Applications must be received no less than four (4) months before the start of the project.
- 2. Organizations seeking grant funds must confer with the Director of Travel & Tourism prior to submitting an application. The purpose of this process is to jointly review the Event Grant application and answer any questions the applicant may have.
- 3. Allowable expenses shall include, but are not limited to, the following:
  - a) Advertising and marketing designed to attract out of market visitors to the event
  - b) Production and technical expenses
  - c) Rentals of infrastructure related to the event
  - d) Contracted entertainment
  - e) Merchandise
  - f) Non-cash awards
- 4. Non-reimbursable expenses include:
  - a) General and administrative expenses
  - b) Seed money
  - c) Brochures not related to the event
  - d) Debts incurred prior to grant request

- e) Hospitality or social functions (including volunteer expenses)
- f) Lodging
- g) Dining
- h) Permits
- i) Deposits

#### **Event Cancellation Policy**

If an event is forced to cancel or reschedule due to circumstances beyond the control of the Grantee, the Grantee must submit, in writing, a request to reschedule or cancel to the Director of Travel & Tourism.

This request should include the alterations to the Event Grant to accommodate changes necessary due to the unforeseen circumstance and will be considered as follows:

- 1. The Director of Travel & Tourism will take the request to the Tourism Advisory Board.
- 2. A recommendation by the Tourism Advisory Board will be taken to the Tourism Development Authority for approval.
- 3. In the case of cancellation without rescheduling, the Tourism Development Authority may reimburse allowable expenses under the Event Grant that have been paid by the Grantee in the good faith belief the event would occur as originally planned.

#### **Evaluation of Grant Proposals & Awards**

The Tourism Advisory Board will evaluate each Event Grant received and recommend awards to the Tourism Development Authority at a regularly scheduled board meeting. The Tourism Advisory Board will review applications within 45 days of the Event Grant request. A request must receive the majority vote of the attending Tourism Development Authority for final approval. If a member of the Tourism Advisory Board or Tourism Development Authority is also a member/owner of an organization or business applying for an Event Grant, they must recuse themselves from the Event Grant scoring and/or vote. Applicants will receive notice within five days of the Tourism Development Authority board meeting at which the request is recommended by Tourism Advisory Board and voted on by the Tourism Development Authority.

The Tourism Advisory Board will use the following criteria to determine eligibility:

#### 1. Objective Criteria:

- a) Applicant has met with the Director of Travel & Tourism to determine eligibility.
- b) A typed, completed application and any supporting materials must be received by the application deadline between December 15 and December 31 March 1 and April 15 (at least four (4) months prior to the event).
- c) Applicant is a Currituck County organization or business or is an organization or business partnering with a Currituck County organization or business.
- d) Event is taking place in Currituck County.

#### 2. Subjective Criteria:

- a) The overall quality and thoroughness in completing the application.
- b) Potential for the event to generate travel to Currituck County and generate sales tax revenue.
- c) Potential to become a self-sustaining event, and, if applicable, a stated plan for becoming self-sustaining.

#### **Rating Criteria and Process**

Once eligibility has been determined, each grant application will be reviewed by the staff to ensure that all required materials have been supplied. Failure to supply all the required materials will result in disqualification. Following staff review, the applications will be turned over to the Tourism Advisory Board-for scoring. The committee will score each application on a 50 point scale based on the following (total possible points scored not to exceed 50):

#### Tourism Development (up to 25 points)

- Proposal has potential or previously proven ability to generate visitation to Currituck County (7 pts.)
- Proposal contributes to overall appeal of Currituck County as a preferred visitor destination through its event offerings (5 pts.)
- Proposal explains marketing initiatives. This should include strategies for attracting visitors from outside Currituck County (3 pts.)
- Marketing plan is thorough and realistic (5 pts.)
- Event coincides with shoulder or off seasons. (5 pts.)

#### Event Evaluation (up to 25 points)

- Budget seems realistic (5 pts.)
- Proposal includes event goals & objectives (5 pts.)
- Proposal includes a plan for becoming self-sustaining (4 pts.)
- Proposal includes method for documenting and evaluating outcome of event (5 pts.)
- Proposal includes plan for documenting out-of-market participation (6 pts.)

#### **Requirements for Recipients**

Event Grants that receive funding shall adhere to the following guidelines or risk the loss of funding:

- 1. Currituck Travel & Tourism shall be given sponsor recognition commensurate with the level of the Event Grant amount awarded. Applicant shall submit, on a separate page, a list of sponsor benefits with the Event Grant application.
- 2. If sponsor recognition levels do not exist or if the sponsor recognition levels do not otherwise offer logo inclusion, the recipient will include the **official logo of the Currituck Travel & Tourism and the visitcurrituck.com web address** on event advertisements and the event website and collateral advertising materials (i.e., cups, T-shirts, tickets, banners, etc.) as directed by the Director of Travel & Tourism. The following language shall also be included on event advertisements and collateral advertising materials, "This event is funded in part by Currituck Travel & Tourism."
- 3. Upon request, and **ONLY** if approved in writing in advance by the Director of Travel & Tourism, the grant recipient may be allowed to forego inclusion of this language if space does not permit. The applicant cannot make this determination without the Director of Travel & Tourism's prior consent.
- 4. Award of an Event Grant is a limited license for the applicant to use the trademarked Currituck Travel & Tourism official logo. Logo usages (in ads and advertising collateral, on the event's website, etc.) not approved in advance by the Director of Travel & Tourism is in violation of copyright and trademark law and are not eligible for Event Grant reimbursement.
- 5. For ticketed or registration required events, Currituck Travel & Tourism will be provided with tickets and/or admissions to the event commensurate with the level of sponsorship funded.
- 6. If the project for which funding has been granted is canceled, or modified in a substantial manner, the grantee must notify the Director of Travel & Tourism in writing immediately.
- 7. Grantees are required to submit to the Director of Travel & Tourism any changes to the proposed expenses in the application, in writing, and provide project updates when requested to do so. These changes must be approved by the Tourism Development Authority.

#### **Disbursement of Grant Funds**

1. All projects awarded Event Grant funds must be completed within one year from the date of the Tourism Development Authority board meeting in which funding approval was given. Failure to do so may cause a delay or loss of funding.

- 2. Documentation must be submitted to the Director of Travel & Tourism within 30 days after completion of the project, unless a written extension from the Director of Travel & Tourism is received.
- 3. Disbursement of grant funds will be made based on the following documentation:
  - a) Project accountability report
  - b) Copies of invoices and canceled checks, wire payments or credit card statements
  - c) Breakdown of itemized expenses, including all advertising tear sheets and copies of any scripts for broadcast advertising
  - d) Samples of collateral materials used by the event
  - e) Breakdown of itemized income including sales tax if applicable
- 4. Without prior approval, changes in the approved proposal or contract will be sufficient cause for reduction in or complete withdrawal of Event Grant funds at the sole discretion of the Tourism Development Authority without recourse. An approved proposal or contract may only be rescinded, modified or amended upon written request to and acceptance by the Tourism Development Authority.
- 5. Disbursement of grant funds may be DENIED if the official logo of Currituck Travel & Tourism and the visitcurrituck.com web address are not included on all promotional material. High resolution images of Currituck Travel & Tourism's official logo will be provided free of charge to all grantees.

#### **Indemnification**

The grantee, its successors and/or assigns agree to indemnify and hold the Tourism Advisory Board, the Tourism Development Authority, its members, both individually and collectively, and employees thereof harmless from any and all monetary liability, loss or damage as a result of claims, demands, costs or judgments against them or any nature whatsoever resulting from or in any way arising out of the awarded applicant's Event Grant, including, but not limited to:

- 1. its acceptance and/or use of the awarded funds, whether disbursed presently or to be disbursed in the future:
- 2. any injuries suffered by third-parties, whether invitee, guests or otherwise; and
- 3. contracting for, construction, use, existence or maintenance of its property or facility, whether purchased, leased, borrowed or otherwise.

#### **Project Presentation**

Before a project can be presented to the Tourism Advisory Board, one (1) original hardcopy (**do not staple**) and an electronic version must be provided to the Director of Travel & Tourism. Applications will be accepted Monday-Friday, December 15 through December 31 March 1 to April 15, from 9:00

a.m. to 5:00 p.m. at the Moyock Welcome Center located at 106 Caratoke Highway, Moyock, NC. The electronic version may be sent to: tameron.kugler@currituckcountync.gov.

### **Contract Executed Upon Approval of Event Grant**

Once a request has been approved/awarded by the Tourism Development Authority, a binding contract will be signed by both recipient and Currituck County.

I have read and understand the above rules and guidelines for submission of an Event Grant.

Applicant Name:
Applicant Signature:
Applicant Organization or Business Name:
Is the Organization or Business located in Currituck County?YesNo
If "No," Partner Currituck County Organization or Business:
Date:

Tourism Advisory Board Events Grant Funding

We are asking to grandfather those 2020 spring events that were cancelled (monies in the 2019-2020 budget) to be funded from the current budget 2020-2021.

Based on aggregate scores, the TAB is recommending grant funding for the following applicants that had to cancel their 2020 Spring events. This funding will come from the 2020-2021 budget. Subsequent events that will take place after June 30 will need to reapply between March 1 to April 15, 2020 and this will align events to come from the appropriate fiscal year budget of 2021-2022. If the Peach Festival decides to hold their event after June 30, they will need to reapply for the upcoming fiscal year 2021-2022:

Organization (Applicant)	Event Name	Aggregate Score	Funding Recommendation
Currituck Master Gardeners	2020 Flower & Garden Show	<mark>45.83</mark>	\$3,451 (full funding)
Wildlife Resource Center	Outdoors Day	<mark>43.83</mark>	\$9,600 (full funding)
Knotts Island Ruritan Club	Peach Festival 2020	<mark>40.49</mark>	\$19,875 (full funding)



# Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2997)

Agenda	Item Title:	: TDA-Budget Amendmen	ts
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Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Consideration of budget amendments.

Potential Budget Affect: See amendments for budget affect and explanation of individual requests.

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 

Number TDA2021007

## **BUDGET AMENDMENT**

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 4th day of January 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

_	-	Debit		Credit			
Account Number	Account Description		e Revenue or se Expense		Revenue or se Expense		
15447-587014 15320-415000	T T - Carova Beach Road Dist Occupancy Tax	\$	6,781	\$	6,781		
		\$	6,781	\$	6,781		
<b>Explanation:</b> Occupancy Tax - Tourism Related Expenses (15447) - Transfer funds to the Carova Beach Road District to offset the 25% reduction in collections from Tour Operator Permits for the 2020 summer season.							
Net Budget Effec	t: Occupancy Tax Fund (15) - Incre	eased by \$	66,781.				
Minute Book #, Page #							
1		Olamba to t	ha Daard				
Journal #	<del></del>	Clerk to t	he Board				

Number TDA2021008

Increase Revenue or

Decrease Expense

### **BUDGET AMENDMENT**

**Account Number** 

**Account Description** 

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 4th day of January 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

Debit Credit

Decrease Revenue or

Increase Expense

15442-590000 15447-590000 15448-590000 15447-587010 15320-415000	Capital Outlay Capital Outlay Capital Outlay T T - Operating Fund Occupancy Tax	\$	6,400 90,000 40,000 115,000	\$	251,400	
		\$	251,400	\$	251,400	
Occupancy Tax - Promotion (15442); Tourism Related Expenses (15447 & 15448) - Increase appropriations for capital items for the Tourism Promotion and Tourism related activities that were not in the original appropriations due to COVID19 uncertainty.						
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$251,400.						
Minute Book #, Page #						
Journal #		Clerk to	the Board			



# Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3001)

Agenda Item Title: OSWSD-Budget Amendment

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Budget amendment for consideration for the Ocean Sands Water and Sewer District.

Potential Budget Affect: See amendments for explanation and budget affects.

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 

Number OS2021004

### **BUDGET AMENDMENT**

The Currituck County Board of Commissioners sitting as the Ocean Sands Water and Sewer Authority, at a meeting on the 4th day of January 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

		Debit  Decrease Revenue or Increase Expense			Credit
Account Number	Account Description			Increase Revenue o Decrease Expense	
60808-533200	Lab Tests - Water	\$	2,500		
60808-533201	Lab Tests - Sewer			\$	2,500
60808-545005	Purchase Water from another	\$	55,000		
60808-553001	Dues & Subscriptions	\$	30,430		
60808-533201	Lab Supplies			\$	11,000
60808-516001	Repairs & Maintenance			\$	4,000
60808-533601	System Supplies			\$	15,430
60808-545100	Credit Card Processing Fees	\$	1,500		
60360-470000	Utilities Charges - Water			\$	55,000
60360-470001	Utilities Charges - Sewer			\$	1,500
		\$	89,430	\$	89,430

**Explanation:** 

Ocean Sands Water & Sewer Fund (60808) - Increase appropriations to account for increased water usage this fiscal year due to increased occupancy on the Currituck beaches and transfer funds for unanticipated WWTP fines assessed by the State.

Net Budget Effect:	Ocean Sands Water and Sewer District Fund (60) - Increased by \$56,500.		
Minute Book #	, Page #		
Journal #		Clerk to the Board	