



**CURRITUCK COUNTY
NORTH CAROLINA**

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.

- 1. 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.*)

Adjourn

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 PAASCH Developments LLC C/O Eagle Creek Golf Club 109 Greenview Rd Moyock NC 27958	Applicant: Currituck Water & Sewer LLC 4700 Homewood Ct Ste 108 Raleigh NC 27609
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:

1. 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 acres 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.

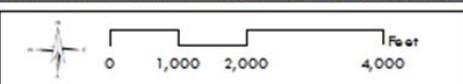
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

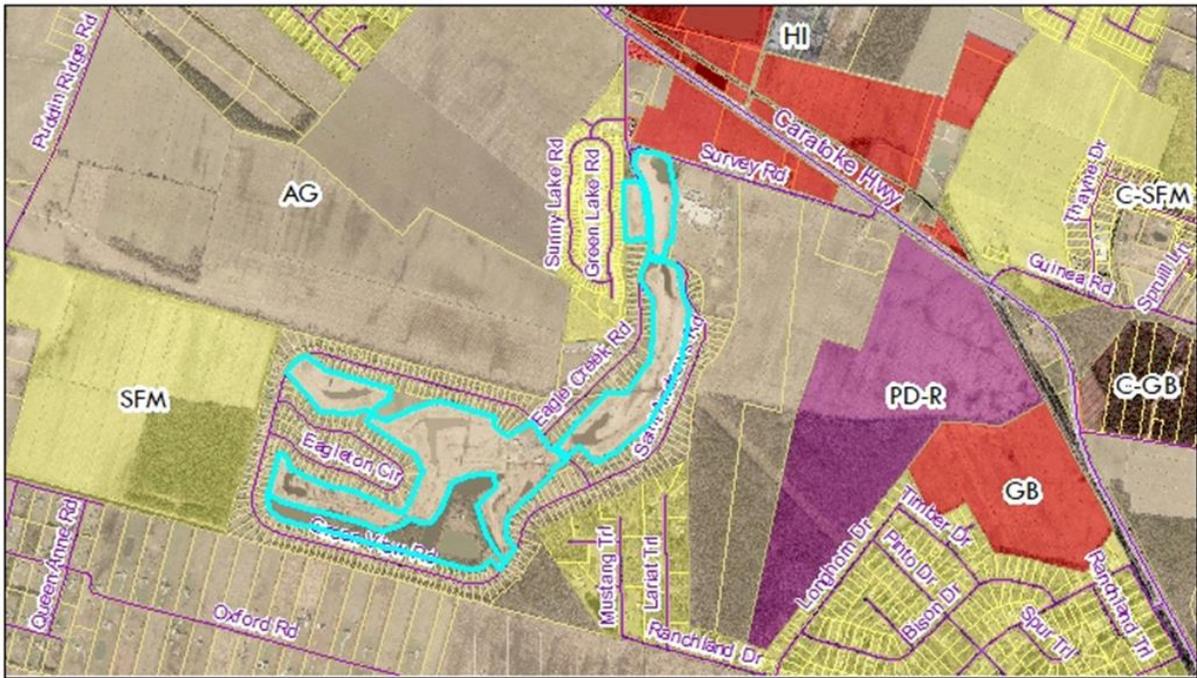
- 1. The use will not increase or exceed the county's ability to provide services to schools, fire and rescue, and law enforcement.
- 2. While the use itself does not exceed the county's ability to provide services, concerns regarding the potential secondary impacts of approving a major sewer utility 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.



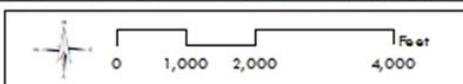
PB 20-14 Currituck Water & Sewer Use Permit
2016 Aerial Photography



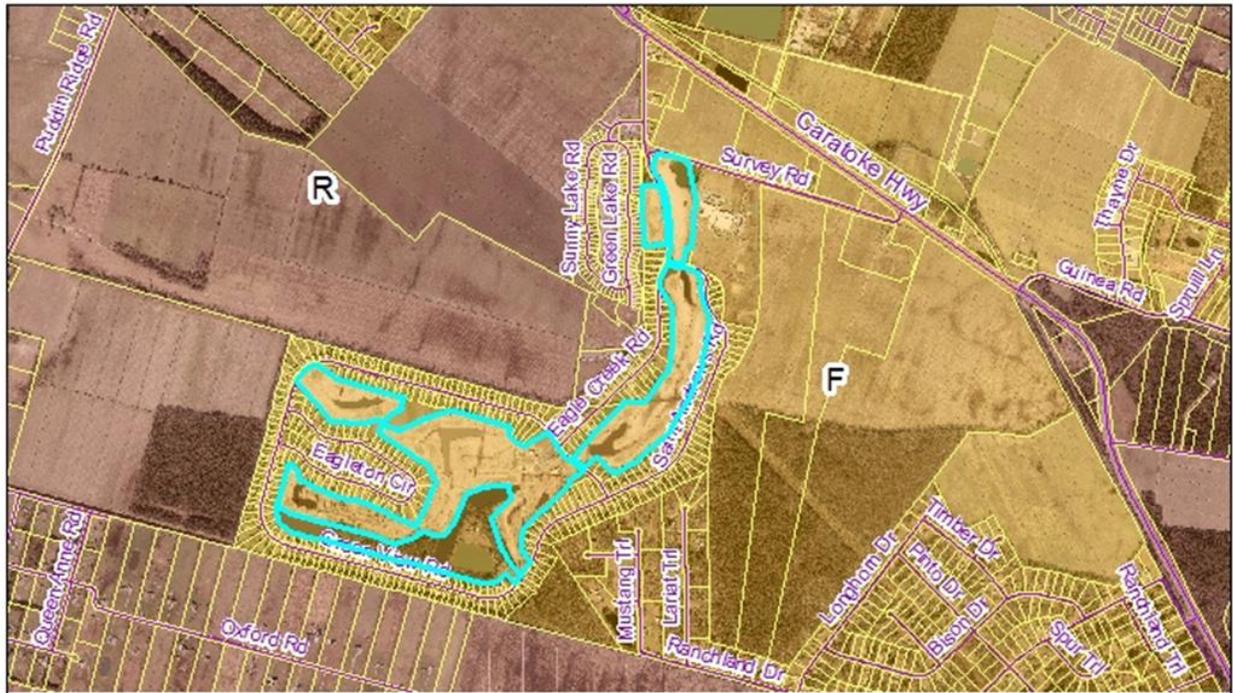
Currituck County
Planning and
Community Development



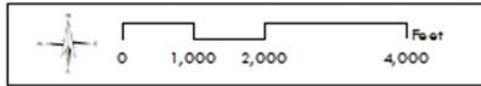
PB 20-14 Currituck Water & Sewer Use Permit
Zoning



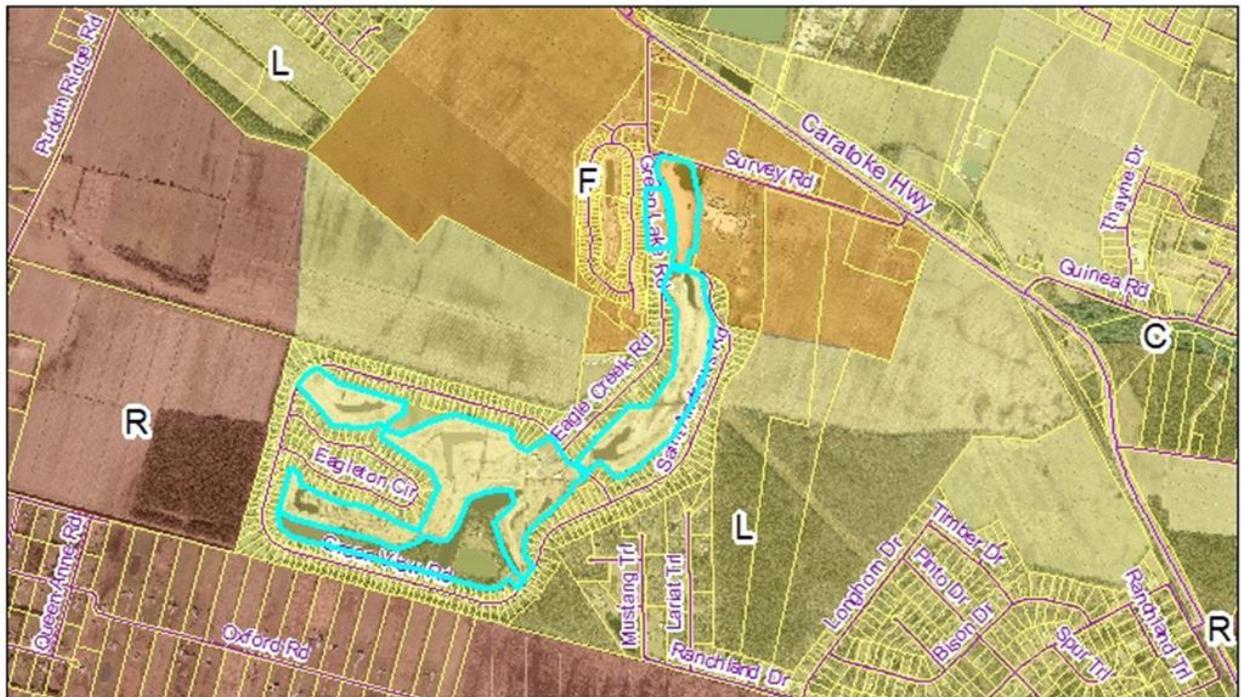
Currituck County
Planning and
Community Development



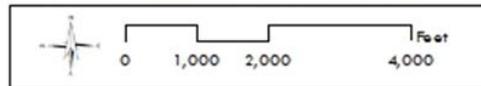
PB 20-14 Currituck Water & Sewer Use Permit
LUP Classification



Currituck County
Planning and
Community Development



PB 20-14 Currituck Water & Sewer Use Permit
Moyock SAP Classification



Currituck County
Planning and
Community Development

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.

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:

APPLICATION SUMMARY	
Property Owner: Moyock Development LLC 417 Caratoke Hwy Unit D Moyock NC 27958	Applicant: Moyock Development LLC 417 Caratoke Hwy Unit D Moyock NC 27958
Case Number: PB 18-23	Application Type: Amended Planned Development – Residential #2
Parcel Identification Number: 0015-000-0086-0000	Existing Use: Planned Development – Residential under construction
Land Use Plan Classification: Full Service	Parcel Size (Acres): 228.83
Moyock Small Area Plan Classification: Limited Service	Zoning History: 1989 (A), 1974 (A-40), 1970 and 1971 (RA-20), 2019 (PD-R)
Current Zoning: PD-R	Proposed Zoning: Amended PD-R #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 HN1	Currituck County shall encourage development to occur at densities appropriate for the location. (Summary)
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MOYOCK SMALL AREA PLAN

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

POLICY FLU1	PROMOTE COMPATIBILITY BETWEEN NEW DEVELOPMENT AND EXISTING DEVELOPMENT TO AVOID ADVERSE IMPACTS TO THE EXISTING COMMUNITY. (SUMMARY)
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County Engineer Comments

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

Technical Review Committee

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.

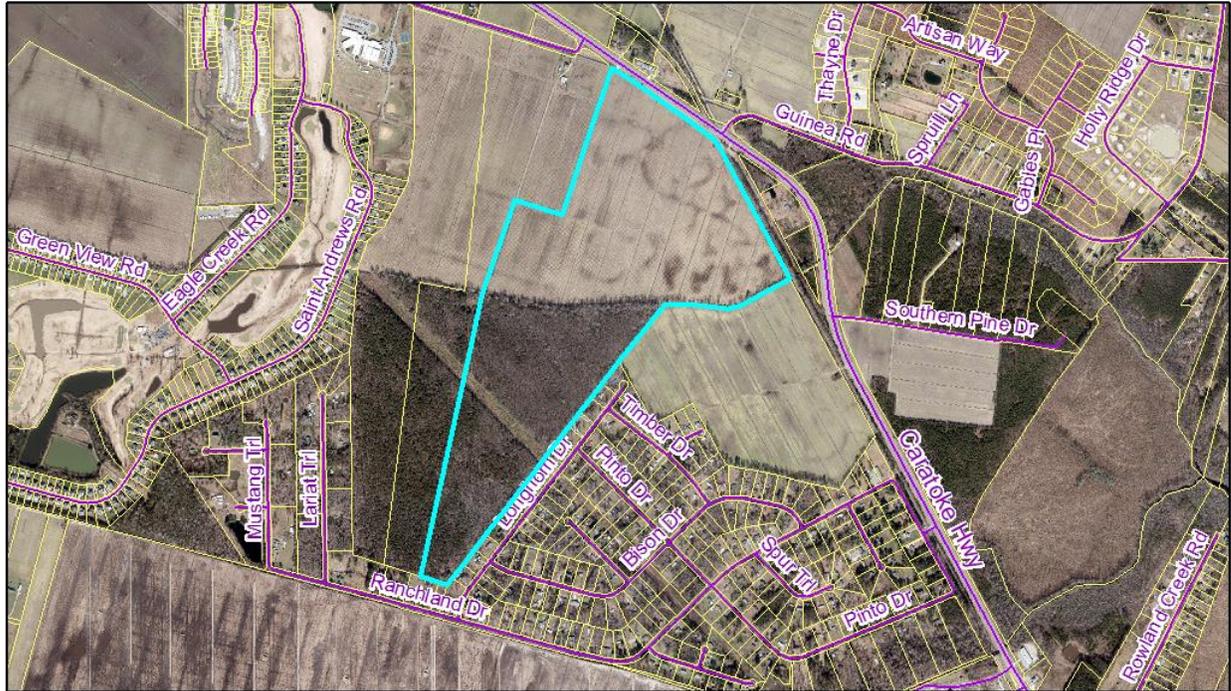
A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

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:

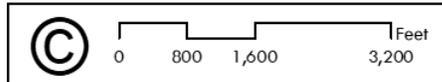
- **It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C.**

- 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.

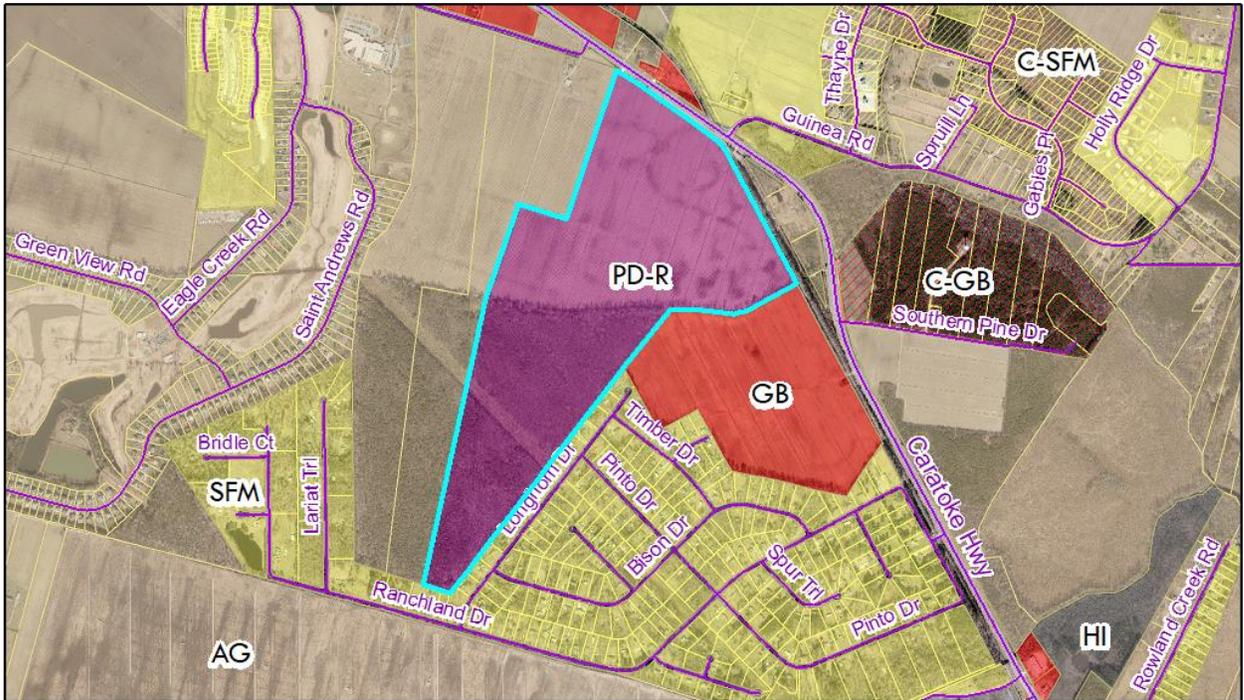
It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Land Use Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.



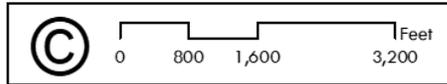
PB 18-23 Fost
Amended PD-R Zoning
2016 Aerial Photography



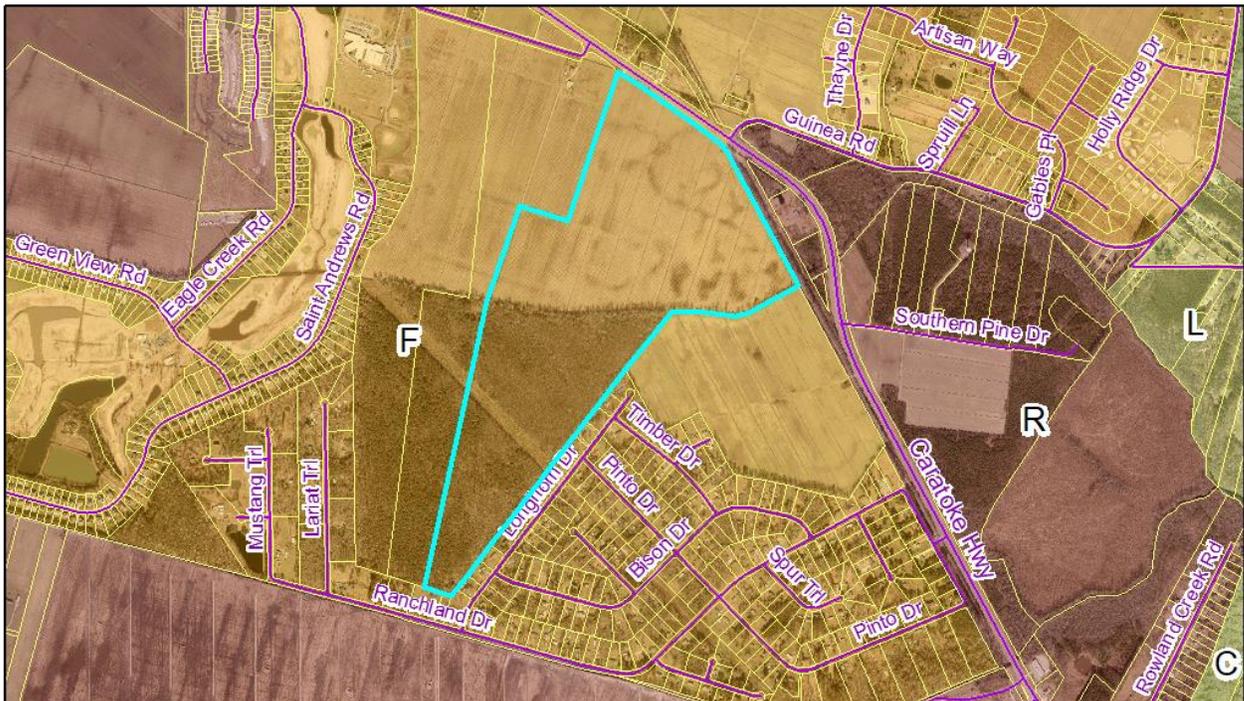
Currituck County
Planning and
Community Development



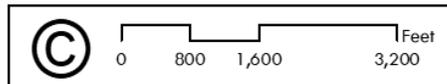
PB 18-23 Fost
Amended PD-R Zoning



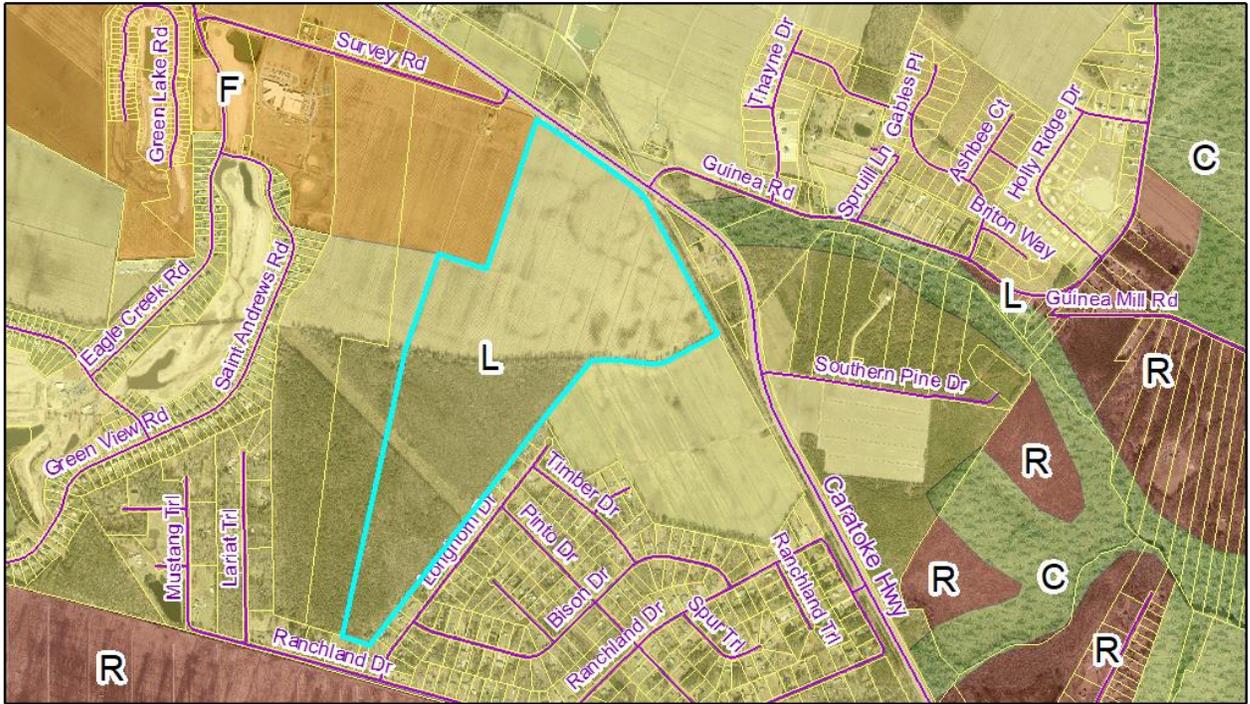
Currituck County
Planning and
Community Development



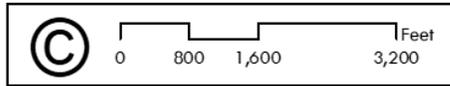
PB 18-23 Fost
Amended PD-R Zoning
LUP Classification



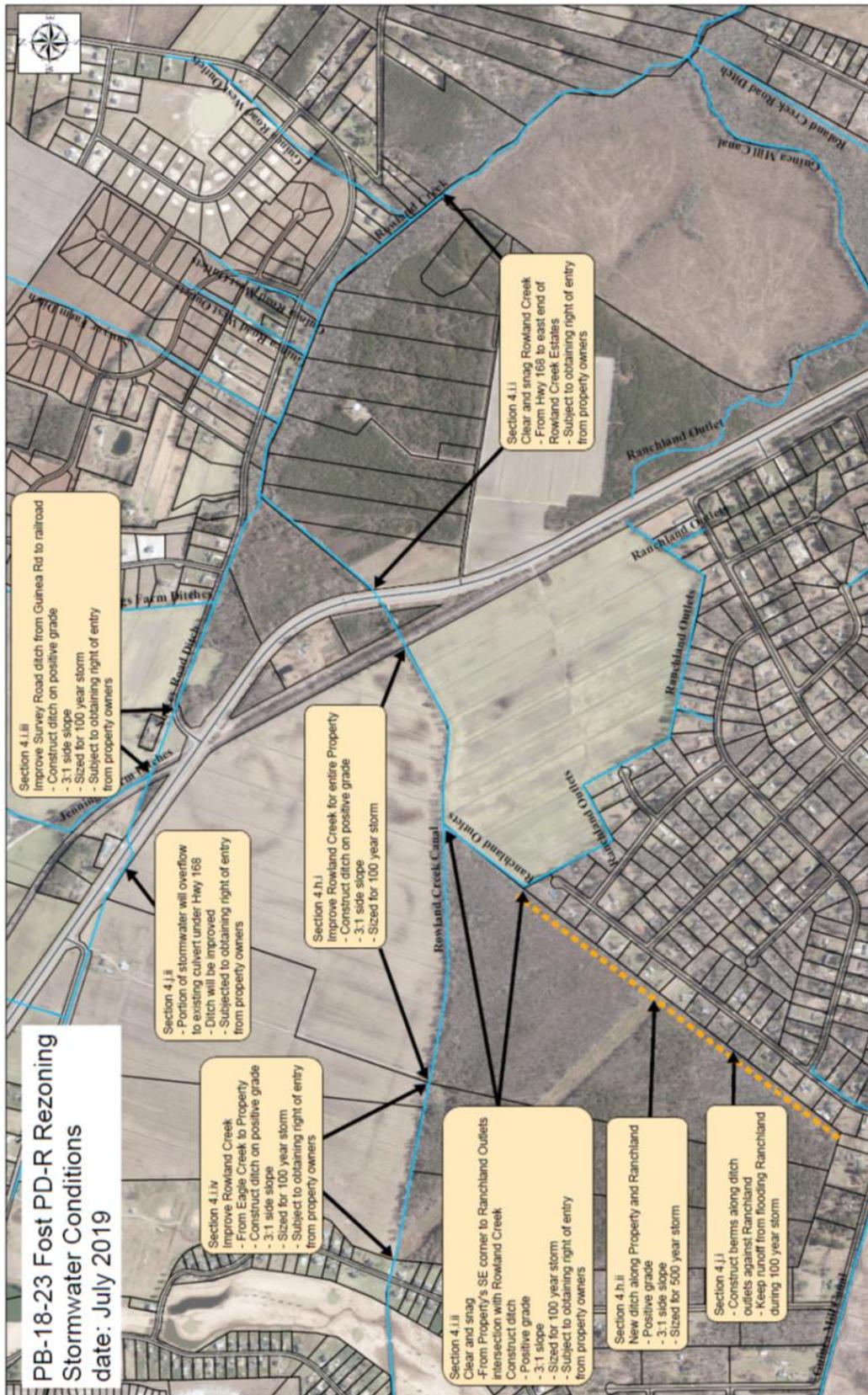
Currituck County
Planning and
Community Development



PB 18-23 Fost
Amended PD-R Zoning
Moyock SAP Classification



Currituck County
Planning and
Community Development



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 requirements 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.

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,

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

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 be 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	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10440-535000	Safekeeping Fees	\$ 5,000	
10320-411000	Article 39 Sales Tax		\$ 5,000
		\$ 5,000	\$ 5,000
Explanation:	Finance (10440) - Increase appropriations for investment safekeeping fees. Fees were suspended when Wachovia merged with Wells Fargo and have not been charged in several years. Wells Fargo has started charging these fees again and governmental entities are required to keep investments with a third		
Net Budget Effect:	Operating Fund (10) - Increased by \$5,000.		

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
10380-487000	DSS Donations			\$	4,500
10390-499000	Appropriated Fund Balance			\$	15,000
10760-585000	Donations - DSS	\$	19,500		
		\$	19,500	\$	19,500

Explanation: Social Services Public Assistance (10760) - Increase appropriations to carry-forward prior year balance and increases in donations for Operation Santa.

Net Budget Effect: Operating Fund (10) - Increased by \$19,500.

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
61818-590000	Capital outlay			\$	5,500
61818-553000	Dues and subscriptions	\$	5,500		
		\$	5,500	\$	5,500

Explanation: Mainland Water (61818) - Transfer budgeted funds for increases in dues for this fiscal year.

Net Budget Effect: Mainland Water Fund (61) - No change.

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
50447-590009	Perch Street Walkover	\$	132,128		
50447-590010	Barracuda Walkover	\$	133,128		
50447-590011	Sailfish Walkover	\$	134,979		
50390-495015	Transfer from Occupancy Tax			\$	400,235
		\$	400,235	\$	400,235

Explanation: County Governmental Construction Fund (50) - Increase appropriations for construction of beach walkovers. This is funded by transfers for completed projects in prior years.

Net Budget Effect: County Governmental Multi-year construction fund (50) - Increased by \$400,235.

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
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:		Detention Center (10511) - Increase appropriations to repair the Detention Department van that was hit by a deer. The vehicle was totalled by insurance due to the age and damage of the vehicle; however, we have an estimate of \$9,489.52 to repair and will need other minor equipment replaced. To replace with a new vehicle is estimated to cost \$40,000.			
Net Budget Effect:		Operating Fund (10) - Increased by \$11,000.			
		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
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:		Various Departments - Increase appropriations to provide a prorated share of the \$250 Christmas bonus to all part-time/temp employees that worked more than 750 hours from November 1, 2019 through October 31, 2020 and are still employed on December 1, 2020.			
Net Budget Effect:		Operating Fund (10) - Increased by \$1,089.			

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

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

Evergreen Report Responses

12/1/2020

Rec. 2-1: Fully engage CCS administrators in the identification of students and families that are eligible for free and reduced-price meals. (p. 2-16) IN PROCESS

This is a continued effort from the School Nutrition Staff and building administrators. Applications are posted online and will now be able to be accessed electronically. A COVID 19 addendum-applications are significantly down for CCS and across the state due to free breakfast and lunch available to all students.

Rec. 2-2: Until such time that the fund balance is sufficient to cover three months of operating expenditures, adopt balanced budgets with some surplus to replenish the fund balance. (p. 2-20) IMPLEMENTED *The adoption of the FY 20/21 budget was the first year that we were able to balance the budget without the use of any fund balance. With careful oversight, we will be able to put some surplus back in to the fund balance.*

Rec. 2-3 Consider modifying the manner in which ADM and the manner in which the inflationary rates are established in the County Funding Formula. (p. 2-21) IMPLEMENTED

Rec. 2-4: Identify capital needs and ensure that capital expenditures are not being made with general operating funds (p. 2-23) IMPLEMENTED *Capital expenditures are identified by the maintenance department in accordance with the NCDPI School Clearinghouse capital outlay definitions. When identified, purchase orders are created by using capital outlay budget codes and then approved by the school Finance Officer.*

Rec. 2-5: Revisit campus-level allocation formulas used in prior years and determine if the current formulas and funding types are relevant, sufficient appropriate. (p. 2-26) IMPLEMENTED *Campus-level allocation formulas now include uniform base amounts plus additional allocations per school ADM.*

Rec. 2-6: Immediately begin charging the full mileage costs for athletic trips to the appropriate school and program code to accurately account for the actual cost of providing these services. (p. 2-26) NOT IMPLEMENTED *The transportation department utilizes the Travel Tracker computer program to account for all athletic*

mileage. However, we are not currently charging individual schools for these trips. All trip costs are paid for out of transportation funds.

Rec. 2-7: Hire or designate a part-time courier to deliver mail, pick up and make bank deposits on a daily basis. (p. 2-3) IN PROCESS As a service to us, TowneBank sends a courier free of charge to pick up bank deposits daily. We are still in discussion as to whether a part-time mail courier would work for our district.

Rec. 2-8: Discontinue the practice of having Finance staff enter requisitions for departments or campuses and require all departments to do their own data entry. (p. 2-41) IMPLEMENTED All departments currently enter their own requisitions.

Rec. 2-9: Discontinue the practice of mailing purchase orders back to the requestor, and instead scan and email the purchase orders to reduce delays in ordering and purchasing goods. (p. 2-41) IMPLEMENTED All purchase orders are now scanned to requestors.

Rec. 2-10: Begin paying invoices and issuing campus checks on a scheduled weekly basis rather than multiple times per week. (p. 2-42) IMPLEMENTED A weekly check write schedule is now utilized.

Rec. 2-11: Replace the current system of paying supplements based on a percentage of current salary with a system where supplements are expressed in terms of hard dollars. (p. 2-46) IMPLEMENTED Beginning in July of 2019, new supplement schedules for teachers, principals and assistant principals were put into place. These new schedules are hard dollar amounts based on factors such as years of service, education level and individual school. Allows for more accurate projected budgets.

Rec. 2-12: Phase out the use of dual employees. (p.2-47) DISAGREE We disagree with this recommendation as do most school districts in the state of North Carolina. Due to the fact that low-hour positions are hard to fill, the practice of hiring dual-task employees allows the school district to be fully staffed. In addition, this practice helps members of our community maintain living wage careers. Since there are only a handful of employees who are assigned dual tasks, any additional cost to the school district is not a significant expense when compared to having unfilled positions.

Rec. 2-13: Conduct a physical inventory of equipment at the end of each fiscal year. (p. 2-50) IN PROCESS Our Information Technology department currently utilizes

a computer program named Destiny which tags and inventories all computer equipment. An annual physical inventory count is done by their department. All other equipment is currently tracked in the Finance Department by our fixed assets computer program and audited annually. At this time, a physical count is not taking place. CTE is also required to tag and inventory all equipment purchased with Perkins Funds.

Rec. 2-14: Work with the new workers' compensation provider to establish a more robust risk management program to include a schedule of inspections and safety training sessions for staff and supervisors. (p. 2-50) IMPLEMENTED Our new safety committee works closely with the risk management section of our new workers' compensation insurance provider at Surry Insurance. They have supplied us with a vast library of safety training videos, return to work guidance and forms that our safety committee can use.

Rec. 2-15: Rebid and/or reassess insurance coverages on a five-year rotating schedule. IMPLEMENTED Our next reassessment is scheduled to occur Spring 2022.

Rec. 3-1: Reduce the span of control of the Superintendent. (p. 3-4) See below

Rec. 3-2: Reclassify the Assistant Superintendent positions as Directors. (p. 3-5) IN PROCESS Only one assistant superintendent position will remain within the organizational structure. The previous assistant superintendent position will be replaced with a Director of Curriculum position.

Rec. 3-3: Eliminate 2.5 assistant principals, create a best practice staffing formula for CCS at the school level, and include this formula in the district's staffing plan. (p. 3-9) IMPLEMENTED/IN PROCESS One AP position has been reduced at the CCHS. State mandates and federal mandates in the areas of evaluation and special education require extensive administrative support. As student and staff levels increase CCS may see an increased need for additional AP's

Rec. 3-4: Revitalize the CCS Strategic Plan and develop ongoing processes for monitoring the district's progress in achieving the plan's goals and objectives. (p. 3-15) IN PROCESS CCS will be embarking on a long-term strategic plan and look forward to partnering with our County Commissioners to provide a robust and engaging educational experience for the students residing in Currituck County

Rec. 3-5: Make program evaluation a core underpinning of CCS actions and determination of program effectiveness. (p. 3-17) IN PROCESS Our strategic plan will guide our decision making and continuous improvement will be a t the core of our plan.

Rec. 3-6: Increase the CCS overall transportation efficiency rating by implementing a broader range of schools on a staggered bell system and/or multi-age ridership in local communities to reduce the number of buses needed

to transport the same number of students. (p. 3-26) **IN PROCESS** Busing is a challenge in a county of our size. We will revisit this issue at a later date.

Rec. 3-7: Increase breakfast and lunch participation rates (p. 3-33) IN PROCESS Increasing participation rates is always our #1 goal. Breakfast in the classroom (BIC) has really taken off. Also, Grab-n-Go lunches were set up and ready to go before COVID-19 closed our schools. When the students return, the implementation of these programs will be an enhancement to our participation numbers. COVID 19

Rec. 3-8: Increase full-priced meal prices to be at or near the federal reimbursement rate. (p. 3-41) IMPLEMENTED The School Nutrition department continues to follow the guidelines of USDA through use of the Paid Lunch Equity (PLE) Tool. The current breakfast price for all schools is up to \$1.25. The current lunch price for all elementary schools is up to \$2.75 and \$3.00 for all middle and high schools. We feel that these prices are in line with what our community can handle and will help to keep participation rates up.

Rec. 3-9: Improve the collection process of delinquent meal fees. (p.3-42) IN PROCESS The utilization of a collection agency did not help in our collection efforts. We have put into place a new process that we hope will have a greater impact. If the account is past due in the amount of \$25 or less, a letter is sent out by the School Nutrition manager. If the account is past due in the amount of \$25 to \$50, the school principal will contact the family. If the account is past due in the amounts of \$50 to \$75, the School Nutrition director will contact the family. If the account is past due in the amount of \$75 or greater, the Superintendent will contact the family. We will assess the effectiveness of this new process at the end of the school year.

Rec. 3-10: Reduce the number of portables valued at more than \$10,000 and not being used as classrooms. (p. 3-46) IMPLEMENTED The maintenance department has an ongoing process in place to identify fully depreciated modulares and dispose of them accordingly. Since the date of this memo 4 have been sold and 3 have been scrapped. None of those modulares sold for more than \$500.

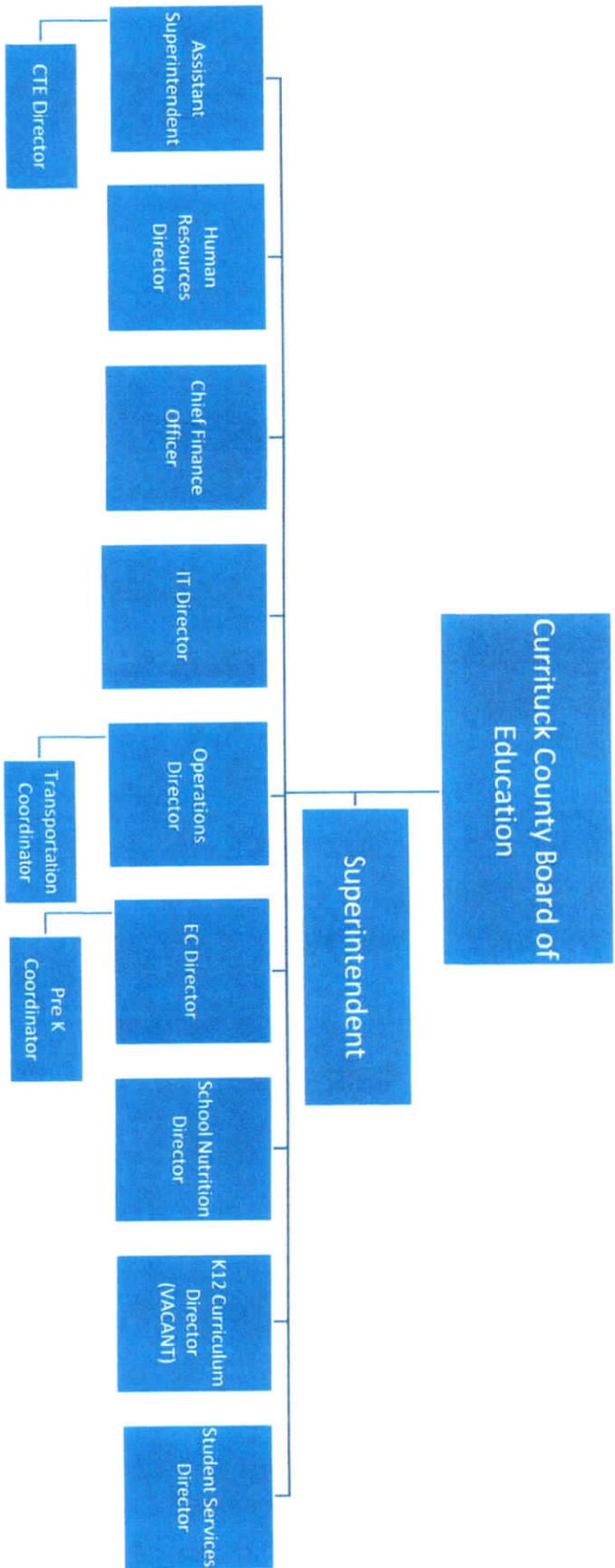
Rec. 3-11: Implement existing facilities use fee schedules to charge for CCS overhead cost and annually review the existing policy for potential changes (p. 3-49) IN PROCESS We continue to discuss the field and facilities use fees on an annual basis. For our next meeting we would like to discuss changing our current hourly rate structure to a "per use" rate structure that would cover all overhead costs (including utilities and custodial expenses). This would make it easier on our employees to calculate the rental rates correctly and collect all monies from the renters before the event.

Rec. 3-12: Develop and maintain a comprehensive District Technology Plan. (p. 3-54) IMPLEMENTED *The technology department has developed and implemented a plan that has allowed CCS to provide quality opportunities for both staff and students in the technology arena*

Rec. 3-13: Develop a detailed Disaster Recovery Plan. (p. 3-55) IN PROCESS

Rec. 3-14: Establish jointly quarterly meetings for both Boards. (p. 3-57) IN PROCESS

Currituck County Schools 2020-2021



Discussion on possible COVID savings FY 19/20

School was not in session from March to June of the 19/20 fiscal school year due to the COVID-19 pandemic. During that time, Currituck County Schools had an approximate savings of \$393,000 in the areas of substitute teachers, school resource officers and transportation expenditures. This number was arrived at by comparing the normal expenditures in these areas from March to June of the 18/19 fiscal school year to the actual expenditures from March to June of the 19/20 fiscal school year.

Further evidence of savings can be seen by the 19/20 increase to our fund balance. Not only did we not have to use the original \$161,446 appropriated to the 19/20 budget, we were able to put an additional \$132,859 back into our fund balance. Although these two totals only equal \$294,305, the missing \$98,695 was due to a decrease in Fines and Forfeitures revenue as well as increased expenditures such as \$17,000 in tree debris removal, \$29,000 in carpet cleaning expenses, and other repairs and maintenance.



**STAFF REPORT
PB 20-14 CURRITUCK COUNTY
USE PERMIT
BOARD OF COMMISSIONERS
DECEMBER 7, 2020**

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

APPLICATION SUMMARY	
Property Owner: Sandler Utilities at Mill Run LLC PO Box 12347 Raleigh NC 27605 PAASCH Developments LLC C/O Eagle Creek Golf Club 109 Greenview Rd Moyock NC 27958	Applicant: Currituck Water & Sewer LLC 4700 Homewood Ct Ste 108 Raleigh NC 27609
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

STAFF ANALYSIS

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:

1. 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

Attachment: 1 Currituck Water and Sewer UP Staff Report (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)

- 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 acres 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.

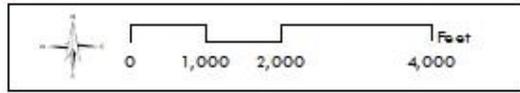
Preliminary Staff Findings:

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.

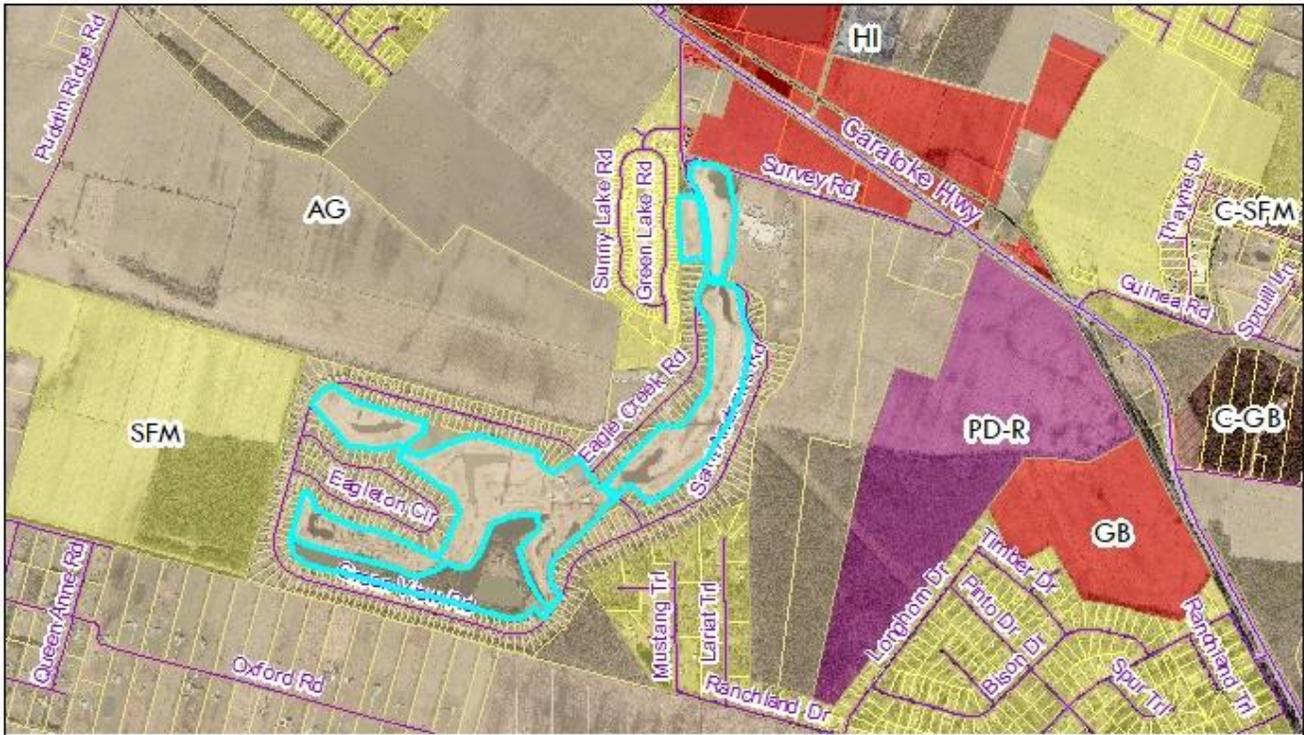
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



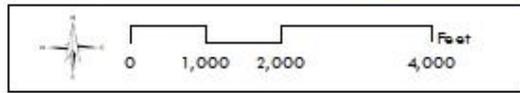
PB 20-14 Currituck Water & Sewer
Use Permit
2016 Aerial Photography



Currituck County
Planning and
Community Development

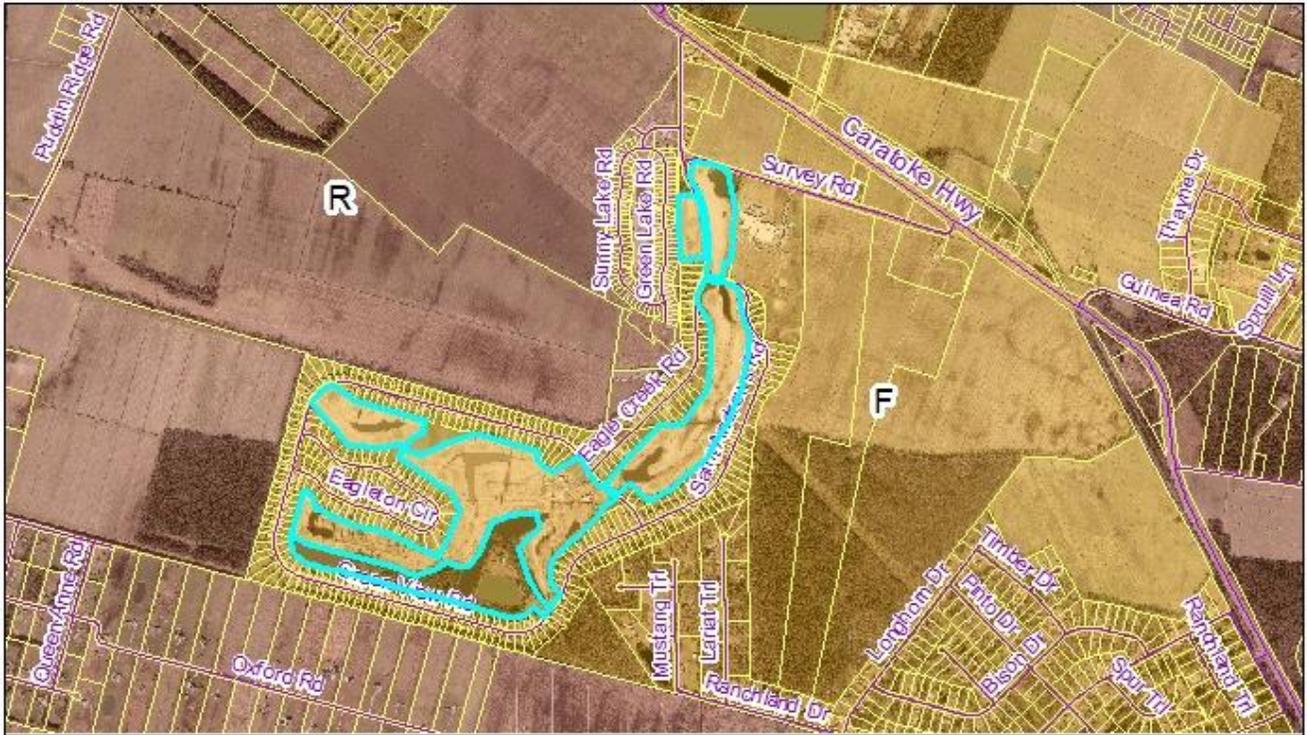


PB 20-14 Currituck Water & Sewer
Use Permit
Zoning

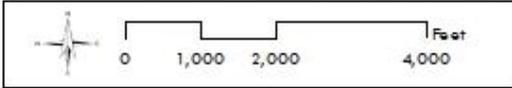


Currituck County
Planning and
Community Development

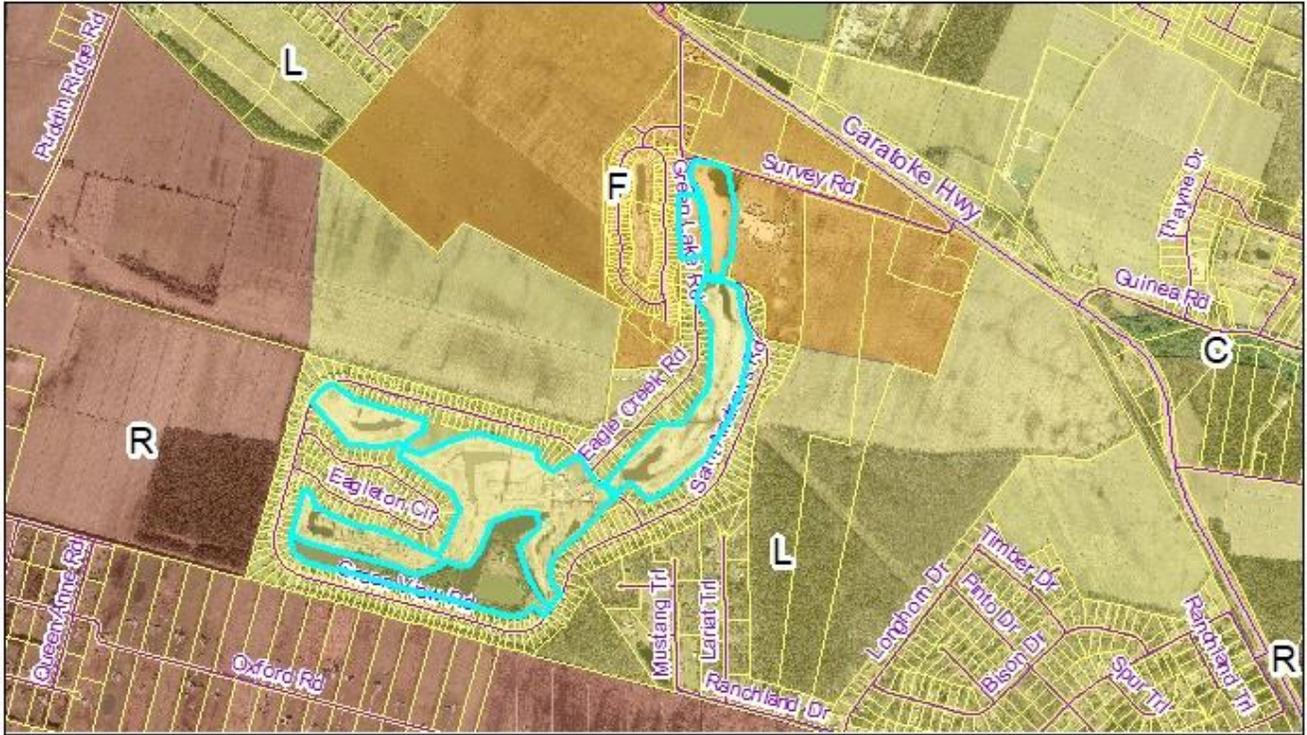
Attachment: 1 Currituck Water and Sewer UP Staff Report (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)



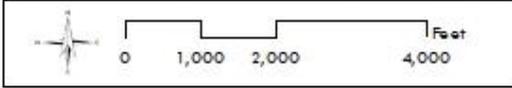
PB 20-14 Currutuck Water & Sewer
Use Permit
LUP Classification



Currutuck County
Planning and
Community Development

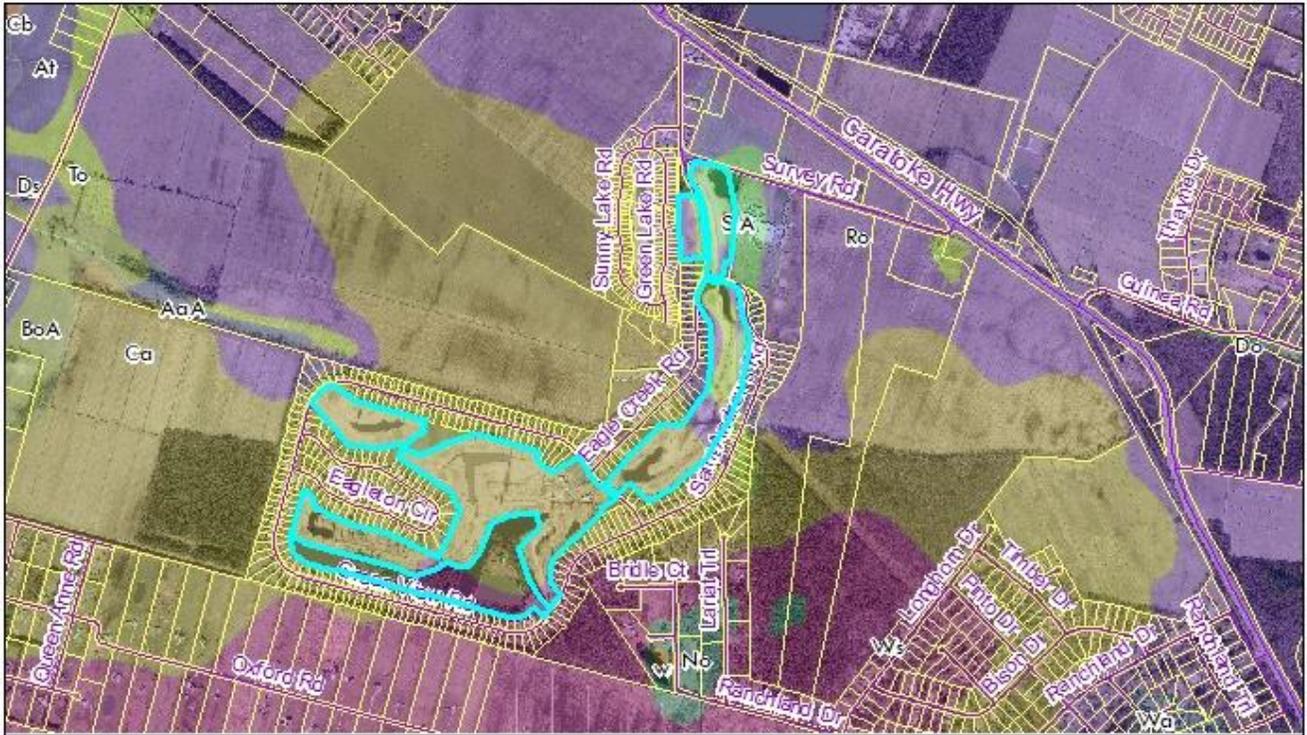


PB 20-14 Currutuck Water & Sewer
Use Permit
Moyock SAP Classification

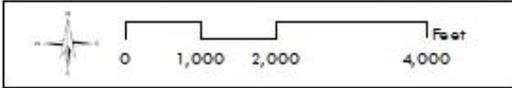


Currutuck County
Planning and
Community Development

Attachment: 1 Currutuck Water and Sewer UP Staff Report (PB 20-14 Currutuck Water & Sewer, LLC – Wastewater Treatment)



PB 20-14 Currituck Water & Sewer
 Use Permit
 Soils

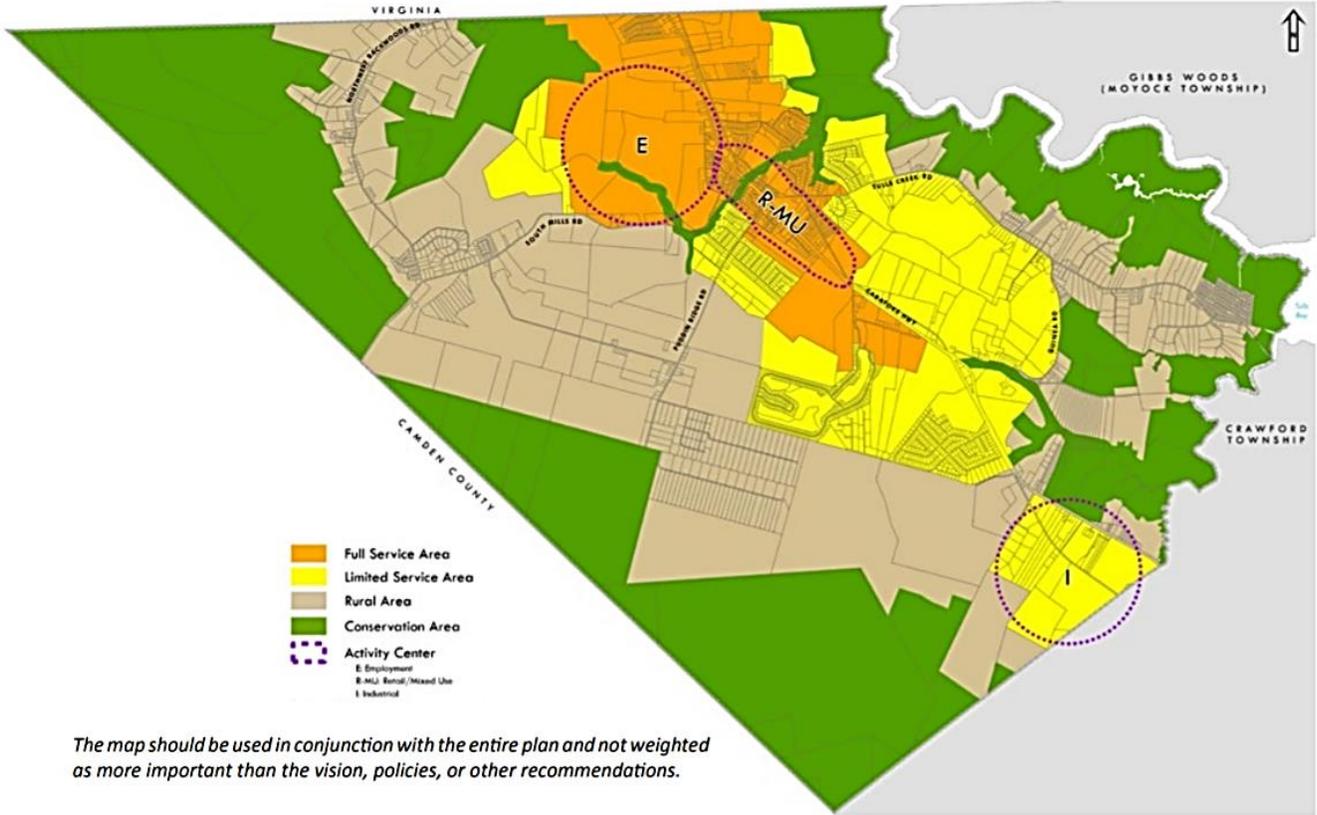


Currituck County
 Planning and
 Community Development

Attachment: 1 Currituck Water and Sewer UP Staff Report (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)

Moyock Small Area Plan Activity center Map

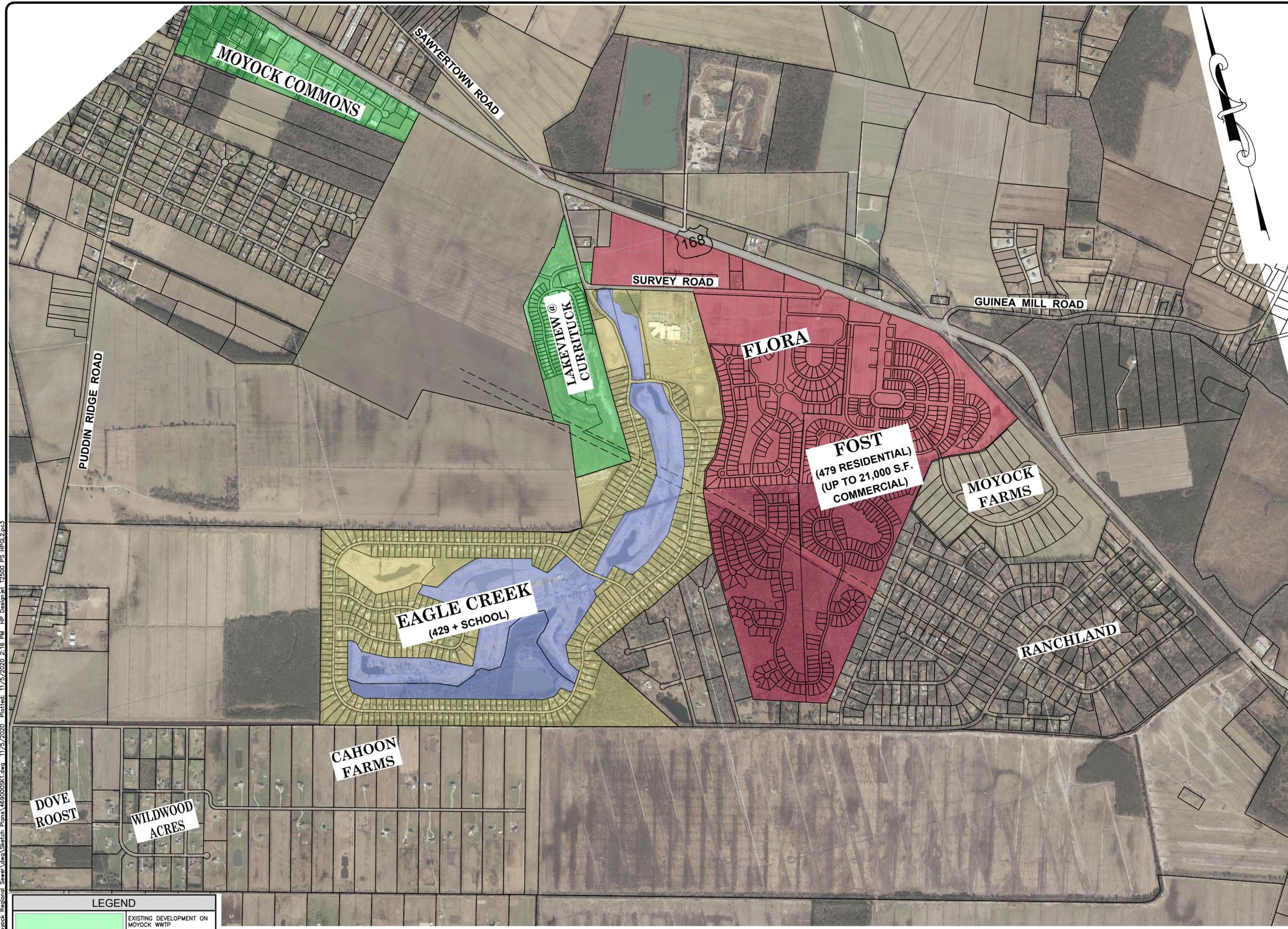
Future Land Use Map



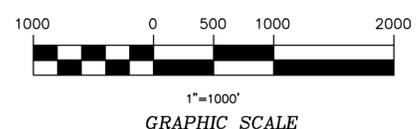
The map should be used in conjunction with the entire plan and not weighted as more important than the vision, policies, or other recommendations.

Attachment: 1 Currituck Water and Sewer UP Staff Report (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)

S:\Projects\4680_Moyock_Regional_Sewer.dwg\Sketch_Plans\469000SK1.dwg 11/5/2020 2:16 PM HP DesignJet 12500 PS HPCL2.pc3



LEGEND	
	EXISTING DEVELOPMENT ON MOYOCK WWTP
	EXISTING DEVELOPMENT IN EAGLE CREEK SERVICE AREA
	PROPOSED CURRITUCK WATER & SEWER SERVICE AREA
	EXISTING & POTENTIAL FUTURE DISPOSAL SITES



BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors and Environmental Specialists

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PROJECT:
CURRITUCK WATER & SEWER, LLC
MOYOCK TWP. CURRITUCK CO. NORTH CAROLINA
AMENDED SERVICE AREA MAP

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	07/28/20	COUNTY COMMENTS	KFW
2	11/5/20	AMENDED SERVICE AREA	KFW

DATE: 07/28/20	SCALE: 1" = 1000'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW	APPROVED: BPG
SHEET: 1 OF 1	
CAD FILE: 469000SK1	
PROJECT NO: 4690	

Currituck Water & Sewer, LLC
4700 Homewood Court, Suite 108
Raleigh NC 27609

Eagle Creek Scope of Improvements Updated 12-3-20

The Eagle Creek wastewater system requires significant investment in order to bring the system condition back up to an acceptable standard and it is believed the current owner does not have the desire or capital in order to effectuate these improvements. NC DEQ required improvements include:

- Rehab of the tertiary filters
- Removal of woody material from infiltration pond

The current budget to address compliance issues estimated at \$75,000.00

While not required by NC DEQ, we anticipate additional capital improvements to improve reliability, service, and treatment levels. These include:

- Repair(weld) hole between clarifier and digester
- Replace 10" Valve
- Replace 4" air down pipes and coarse bubble diffusers
- Repair Building Roof
- Install SCADA
- Add scum tank
- Conduct evaluation on infiltration pond and rehab pond
- Demolish old package plant
- Acquire Easement for force main
- Engineering, permitting, inspection & startup
- Upsize blowers and air piping
- Electrical and controls
- Effluent piping
- Development lift stations and force mains
- Rehabilitate driveway
- Install UV Disinfection
- Install anoxic tank for TN & Nitrate removal
- Upgrade irrigation system controls and nozzles
- Overhaul or Replace vacuum collection system

Upon acquisition of the facility, it is anticipated that these improvements can be completed within 24 months from closing. The current budget for these improvements is approximately \$850,000 excluding the vacuum collection system upgrades, and \$2.35 Million including the collection system upgrades.

Recognizing that the cost for these improvements are ultimately borne by the users of the facility, CWS would have serious concerns making the investment required to acquire the system and make these critical upgrades and repairs without being able to serve additional customers. CWS concerns stem from the impact on user rates if Eagle Creek residents had to bear the cost of these improvements alone and absent the ability to serve additional customers, our ability to acquire this system and make these repairs would be seriously jeopardized.



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: Currituck Water & Sewer LLC
 Sandler Utilities at Mill Run LLC
 Mark Bissell, Bissell Professional Group

From: Tammy D. Glave, CZO, Senior Planner

Date: September 10, 2020

Re: PB 20-14 Currituck Water & Sewer Use Permit – Majority Utility

The following comments have been received for the September 9, 2020 TRC meeting. In order to be scheduled for the October 19, 2020 Board of Commissioners public hearing, please address all comments and resubmit a corrected plan/application by 3:00 p.m. on September 21, 2020. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment:

1. All property owners for each of the PINs listed must be listed on the application, including off-site disposal properties (Fost and Flora developments).
2. All property owners must sign the application or provide a letter or document consenting to the application signed by the owner(s) if the owner(s) cannot sign the application, including off-site disposal properties.
3. 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 water and sewer service area, the solar farm property, Wildwood Acres, Dove Roost, and the properties west of Eagle Creek are 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.*

4. There are also concerns regarding the secondary impacts of approving a major sewer utility in the Moyock area. 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, middle schools, and high schools are approaching capacity.
5. As a point of clarification, we have heard from several property owners in Eagle Creek that the county must approve the major utility or Eagle Creek's WWTP will not be brought into compliance or repairs/upgrades made. That is not true. The current WWTP owners will be responsible for those improvements as they become necessary.
6. Now that Public Utility and Planning staff has had an opportunity to review the request in detail, we are requesting another conference call with you to answer questions such as:
 - a. What is the existing plant's maximum GPD?
 - b. Proposed maximum GPD for expansion?
 - c. How many GPD is being disposed of on the golf course currently? Any concerns for flooding the golf course?
 - d. What type of state permits and from what permitting agency are necessary for the proposal?
 - e. Is the plant compliant with all state regulations currently? What violations and or operational issues does the plant currently have now? We have a report from 2010 prepared by Mark Bissell, PE (See Attached) regarding plant deficiencies but need updates as to what has been repaired/replaced to understand the extent of upgrades/repairs necessary for the major utility.
 - f. Of the disposal, how many GPD are projected to go into the pond, golf course, and off-site areas of Flora and Fost?
 - g. How many new connections per year are required to maintain the proposed rate structure?

Currituck County Chief Building Inspector and Fire Official (Bill Newns, 252-232-6023)

Reviewed with comment:

1. Any new buildings/addition for expansion must submit appendix B and permits for any new work for trade permits.

Currituck County GIS (Harry Lee, 252-232-4039)

Reviewed without comment.

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Approved without comment.

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

Approved without comment.

Currituck County Utilities Director (Will Rumsey, 252-232-2769)

Currituck County Water Department – Distribution Supervisor (Dave Spence, 252-232-2769)

Reviewed with comment:

1. 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

PB 20-14 Currituck Water and Sewer
UP

9/9/2020 TRC Comments
Page 2 of 4

county when it comes to utilities., The County will more than likely receive any complaints directed to CWSI.

2. If they take over the systems like they propose, will they be joining the 811 one call system to receive notice to locate their lines when there is construction and excavating to take place.

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

Reviewed with comment:

1. WASTEWATER SYSTEM EXPANSION PROPOSAL MUST BE APPROVED BY THE NC DIVISION OF WATER QUALITY (WASHINGTON REGIONAL OFFICE-252-946-6481).

NC Department of Transportation, District Engineer (David Otts, 252-331-4860)

Comment has not yet been received.

NC Division of Coastal Management (Charlan Owens, 252-264-3901)

Reviewed without comment.

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.

A use permit hearing is an evidentiary hearing where the Board of Commissioners must make a Quasi-Judicial Decision.

- An evidentiary hearing will be held for the Board of Commissioners to gather competent, material and substantial evidence to establish the facts of the case.
- All testimony is made under oath.
- The applicant or opposing parties shall establish written findings of fact and conclusions of law.
- Parties with standing may participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments.
- Non-parties may present competent, material, and substantial evidence that is not repetitive.

Typical Use Permit (Quasi-Judicial) Hearing at BOC

- Swearing in of witnesses/speakers
- Presentation by County Staff on Application
- Required Presentation by Applicant or Authorized Agent (20-25 minutes)
 - Applicant to Present Findings of Fact
- Public Comment Period (typically 3 minutes each)
- Applicant Rebuttal (typically 5 minutes)
- BOC Deliberation & Decision

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7019 2970 0001 3140 0046
Return Receipt Requested

August 31, 2020

Raymond Gottlieb
Sandler Utilities at Mill Run L L C
448 Viking Dr Ste 200
Virginia Beach, VA 23452

SUBJECT: **NOTICE OF VIOLATION**
Tracking Number: NOV-2020-PC-0389
Permit No. WQ0014306
Eagle Creek WWTP
Currituck County

Dear Mr. Gottlieb:

The North Carolina Division of Water Resources conducted an inspection of the Eagle Creek WWTP on August 19, 2020. This inspection was conducted to verify that the facility is operating in compliance with the conditions and limitations specified in Non-discharge Permit No. WQ0014306. A summary of the findings and comments noted during the inspection are provided in the enclosed copy of the inspection report.

The Compliance Evaluation inspection was conducted by Division of Water Resources staff from the Washington Regional Office. The following violation(s) were noted during the inspection:

Inspection Area	Description of Violation and Compliance Issues
End Use-Infiltration	There is an excessive amount of woody vegetation growing around the high rate infiltration pond that must be removed as soon as possible. This is a violation of permit condition II.1, III.1 and III.18.
Record Keeping	Operational logs were requested for review and were not present during inspection. This is a violation of permit condition IV.10.
Treatment Filters	The tertiary filter has been down and bypassed for 2 years according to staff during inspection. The unit was not operational during the inspection and must be fixed as soon as possible. This a violation of permit conditions II.1, III.1, III.15 and IV.13.

Attachment: 7 WQ0014306_Notice of Violation_20200831 (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)



In addition, the issues below must also be addressed:

Remedial actions should have already been taken to correct this problem and prevent further occurrences in the future. The Division of Water Resources may pursue enforcement action for this and any additional violations of State law. To prevent further action, please respond in writing to this office **within 30 days** upon your receipt of this Notice of Violation regarding your plans or measures to be taken to address the indicated violations and other identified issues, if applicable.

Reminder: Pursuant to Permit Condition IV.13, the Permittee is required to verbally notify the Regional Office as soon as possible, not to exceed 24 hours, from first knowledge of any non-compliance at the facility including limit violations, bypasses of, or failure of a treatment unit. A written report may be required within 5 days if directed by Division staff. Prior notice should be given for anticipated or potential problems due to planned maintenance activities, taking units off-line, etc.

If you should have any questions, please do not hesitate to contact Paul Mays with the Water Quality Regional Operations Section in the Washington Regional Office at 252-948-3940.

Sincerely,

Robert Tankard

Robert Tankard, Assistant Regional Supervisor
Water Quality Regional Operations Section
Washington Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Compliance Evaluation Cover Letter and Report

Cc: Laserfiche

Attachment: 7 WQ0014306_Notify of Violation_20200831 (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)



From: [Mays, Paul M](#)
To: [Tammy Glave](#)
Cc: [Laurie LoCicero](#); [Donna Voliva](#); [Jennie Turner](#); [Will Rumsey](#); [Tankard, Robert](#); [Bullock, Robert](#)
Subject: RE: [EXTERNAL] RE: [External] WQ0014306 WWTP Status
Date: Friday, September 11, 2020 2:12:54 PM
Attachments: [WQ0014306_Notice of Violation_20200831.pdf](#)

Mrs. Glave,

There are several active violations for Eagle Creek WWTP. The first is a NORR was sent to address groundwater ammonia limit violations that have been occurring at the site for a while now. We are currently waiting for the owner of the facility to update us on the actions that are planned to address and explain the groundwater ammonia limit violations. The second active violation is an NOV sent out after a compliance inspection last month for the facility. The facility was found noncompliant with permit #WQ0014306 and 6 permit conditions were found to be violated during the inspection. The most notable is that we were told the tertiary filter for the facility has been down for 2 years and bypassed the entire time. I have attached the NOV we sent for addressing the violations found during the inspection. So that you may see the violations in more detail.

Lastly, we verified violations for the facility today and this led to another active violation. The facility exceeded Fecal Coliform Daily Maximum limits by 96%, Total Ammonia Daily Maximum Limits by 82% and Total Ammonia Monthly Average by 36% in 07/2020. Additionally, the facility violated permit condition III.19 by not diverting effluent that violated fecal limits to the high rate infiltration pond as required by the permit. We are currently in the process of writing a NOV-I (an NOV with intent to enforce) to address this.

I apologize for following up with you a tad late. However, there was much more to review than I originally thought. Please let me know if you have any other questions or concerns and I will be happy to help you.

Best regards,

Paul M. Mays

From: Tammy Glave <Tammy.Glave@CurrituckCountyNC.gov>
Sent: Thursday, September 10, 2020 5:29 PM
To: Mays, Paul M <paul.mays@ncdenr.gov>
Cc: Laurie LoCicero <Laurie.LoCicero@CurrituckCountyNC.gov>; Donna Voliva <Donna.Voliva@CurrituckCountyNC.gov>; Jennie Turner <Jennie.Turner@CurrituckCountyNC.gov>; Will Rumsey <Will.Rumsey@CurrituckCountyNC.gov>
Subject: RE: [EXTERNAL] RE: [External] WQ0014306 WWTP Status

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That is all I know of for now. We are still in the process of reviewing the request.

Thank you very much for your assistance.

From: Mays, Paul M <paul.mays@ncdenr.gov>
Sent: Thursday, September 10, 2020 4:16 PM
To: Bullock, Robert <robert.e.bullock@ncdenr.gov>; Tammy Glave <Tammy.Glave@CurrituckCountyNC.gov>
Cc: Tankard, Robert <robert.tankard@ncdenr.gov>
Subject: [EXTERNAL] RE: [External] WQ0014306 WWTP Status

[CAUTION]: This email originated from outside of Currituck County's system. Do not click links or open attachments unless you verify that the attachment and contents are safe. Please report any suspicious emails or attachments to to [support](#).

Ms. Gave,

I will be following up with my Assistant Regional Supervisor tomorrow on this issue. There are a few things I would like to review and discuss with him before releasing this information to you. The goal is follow up with you tomorrow morning and get this information to you. Let me know if there is anything else I can help you with before then.

Regards,

Paul M. Mays

From: Bullock, Robert <robert.e.bullock@ncdenr.gov>
Sent: Thursday, September 10, 2020 2:10 PM
To: Tammy Glave <Tammy.Glave@CurrituckCountyNC.gov>; Mays, Paul M <paul.mays@ncdenr.gov>
Cc: Tankard, Robert <robert.tankard@ncdenr.gov>
Subject: RE: [External] WQ0014306 WWTP Status

Paul,

Will you send Ms. Glave the information she requested?

Thanks,
 Robbie

Robbie Bullock
 Environmental Specialist II
 Division of Water Resources
 Water Quality Regional Operations

252-948-3843 Office
 252-402-5832 Cell

Attachment: 8 NCDENR Email WQ0014306 WWTP Status (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)

Robert.e.bullock@ncdenr.gov Email

943 Washington Square Mall
Washington NC 27889

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Tammy Glave <Tammy.Glave@CurrituckCountyNC.gov>
Sent: Thursday, September 10, 2020 2:01 PM
To: Bullock, Robert <robert.e.bullock@ncdenr.gov>
Subject: [External] WQ0014306 WWTP Status

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Hi Robbie,

A use permit application has been submitted to Currituck County to turn the above permitted WWTP (Eagle Creek Subdivision in Moyock – Owned by Sandler at Mill Run) into a regional system operating as a major utility. Can you please send me information regarding active violations at the plant and any other detail you may have?

Thank you so very much for your help with this.

Tammy D. Glave, CZO
Senior Planner
County of Currituck
Planning & Community Development
Phone: 252-232-6025
Fax: 252-232-3026
Email: tammy.glave@currituckcountync.gov
Website: www.currituckgovernment.com



July 23, 2010

DRAFT

Daniel F. Scanlon II
 Currituck County Manager
 PO Box 77
 Currituck, NC

Re: Eagle Creek Wastewater Treatment & Disposal Facility

Dear Dan,

This letter is in response to the discussion we had on Friday afternoon and the questions that were raised during that discussion regarding Currituck County's potential acquisition of the Eagle Creek Wastewater Treatment & Disposal Facility. The following is my recollection of the questions that need to be addressed:

1. Does Sandler Utilities at Mill Run and/or successors and assigns, have the right to access the golf course property to operate and maintain the reclaimed water irrigation system?
2. What flows does the utility company and or assigns have the right to accept?
3. Did the original golf course agreement survive the trustee's sale of that property, and is a new golf irrigation agreement required?
4. What is the condition of the vacuum wastewater collection system?
5. What is the condition of the 90,000 gpd infiltration pond?
6. Is the 90,000 gallon infiltration capacity in addition to the 321,000 gpd permitted irrigation capacity? If not, what would need to be done to make that disposal capacity additive?
7. What is the approximate cost of taking the disposal system from the current rated capacity of 262,625 gpd up to the irrigation permit limit of 321,000 gpd?
8. What is our estimate of the ultimate potential for the Eagle Creek wastewater treatment & disposal site?
9. Finally, the records show an appreciated book value of approximately \$1.2 million for the Eagle Creek wastewater system. What is our opinion of the facility's current value to Currituck County?

The following resources were utilized in an effort to answer these questions:

- Master Declaration of Covenants Conditions and Restrictions for Eagle Creek Golf Community filed May 4, 1999, and amendments thereto dated August 12, 1999 and January 3, 2002.
- Deed from Tate Terrace Realty Investors, Inc. to Mill Run Golf and Country Club, Inc. dated June 20, 1997 and recorded in Book 407 at Page 331 in the Currituck County Registry.
- Affidavit and exhibit of Iris Morgan, Staff Accountant – Public Staff Accounting Division.
- Testimony of Jerry H. Tweed, Utilities Engineer, Public Staff Water Division.
- Plat of Mill Run Exempt Subdivision dated June 17, 1997 and recorded in Plat Cabinet F, Slides 166, 167 and 168 of the Currituck County Registry.
- Original irrigation plan layout prepared by Bissell Professional Group, dated 1997.
- Professional Turf Services as-built - irrigation plan layout from 2000.
- Irrigation hydraulic plan from Mill Run Golf Club prepared by Tri-State Pump and Controls dated January 6, 2010.
- As built drawings of Eagle Creek Wastewater Treatment Plant dated January 12, 2001.
- As built certification and related exhibits dated January 12, 2001.
- Updated preliminary report of the Eagle Creek Wastewater Treatment Plant Evaluation by Bissell Professional Group dated April 21, 2010.
- Discussion with Bill Freed, Enviro-tech of North Carolina (utility system operator).
- Discussion with Robert Tankard, Aquifer Protection Section, Washington Region Office NCDENR.
- Discussion with Karen Kemerait, attorney for Sandler Utilities.
- "Infiltration basin evaluation for Eagle Creek Development and Golf Course" dated October 25, 1997, prepared by Edwin Andrews and Associates, PC.
- Permit #WQ0014306 issued November 13, 2009 to Sandler Utilities at Mill Run, LLC.

- Notice of Violation dated July 7, 2010 to Sandler Utilities at Mill Run, LLC (NOV-2010-PC-0834/Notice of Intent to Enforce) with attachments.
- Currituck County tax records of Eagle Creek and Mill Run Golf Property.

The following answers and opinions are provided based on that review and those discussions:

1. **Right of Access to the Golf Course:**

Both the Master Declaration for the Eagle Creek Golf Community and the special warranty deed to Mill Run Golf and Country Club give the utility company along with its successors and assigns rights to enter the golf course property for the purpose of operating and maintaining the reclaimed water irrigation system. The deed contains a paragraph that this right runs with the land as follows: “the foregoing deed restrictions shall be deemed a covenant running with the land as a burden with and upon the title to the golf course property for the benefit of the owners and their heirs devisees, successors and assigns of the property described in Exhibit C hereof.” The referenced Exhibit C refers to the plat entitled “Mill Run Exempt Subdivision”, dated May 8, 1997 prepared by Bissell Professional Group and recorded in Plat Cabinet F, Slides 166, 167 and 168 of the Currituck County Registry, which is the 160.18 acre Mill Run Golf property.

2. **Wastewater flows that the utility has the right to accept:**

The Master Declaration for Eagle Creek Golf Community reserves the right for the Declarant to construct and operate a wastewater treatment and disposal facility along with rights to irrigate the golf course and some of the common areas within the Eagle Creek development. There does not appear to be any restriction within the declaration as to the amount or type of wastewater that can be accepted into the facility or used to irrigate the golf course and the selected common areas. The Declaration further state that the facility “shall not be governed by the rules applying to lots, improved lots, dwelling units or the golf club” but that it will be operated in such a way “as to reasonably minimize disruption to adjacent owners while preserving its functionality as a wastewater treatment facility”. The Declaration also provides for the possible transfer of the ownership and/or operating responsibility to Currituck County.

Division of Water Quality attorneys have reportedly reviewed the Master Declaration and taken a position that the declaration does not require the golf course to accept wastewater from areas outside the Eagle Creek development, which resulted in the permit condition being added to the permit which was renewed in November 2009, which requires that a new agreement be reached with the golf course operator. This condition states that “until the submittal of a new agreement between the permittee

and Mill Run Golf Course as specified in condition I.2, no type of wastewater other than that originating from the current Eagle Creek development shall be applied to the reclaimed water utilization areas”.

It is our understanding that the utility company is in the process of seeking to have this condition removed from the permit. There are also ongoing discussions with the golf course owner/operator that may result in reaching an agreement that is acceptable between the parties for an appropriate level of remuneration to the golf course operator for the operation and maintenance of the reclaimed water disposal system on the golf course up to the permitted capacity of the facility.

The original agreement between the developer and the initial golf course owner/operator called for a monthly fee in the amount of \$200, to be adjusted for inflation, as compensation for the irrigation of reclaimed water generated from Eagle Creek, the Moyock Middle School and the Mill Run Golf Club. It is our understanding that attorneys for Sandler Utilities have taken the position that the original agreement did not survive the trustee’s sale of the golf property to the current owner, NC Golf Group, LLC.

While the recorded documents give Sandler Utilities and successors/assigns the right to enter the golf course to irrigate reclaimed water as necessary to operate its wastewater facility, it is unclear that the golf course has a corresponding obligation to operate the reclaimed water irrigation system for the benefit of Sandler Utilities without compensation. Both parties attempting to operate the same irrigation system for different purposes would inevitably lead to conflict, so it appears that an appropriate financial arrangement will need to be reached between the utility company and the golf course operator. It is our understanding that the attorneys representing the parties have been in contact and are discussing the parameters for such an agreement.

3. Status of Golf Course Agreement:

It was necessary to answer this question as part of the answer to question number two above.

4. Condition of the Vacuum Wastewater Collection System:

Based on a discussion with Bill Freed of Envirotech, the operator of the wastewater collection system serving Eagle Creek, the condition of the vacuum system has been improved somewhat from the condition that was reported in the Bissell report dated April 21, 2010, with some of the leaking vacuum tanks having been repaired and a vacuum intake filter repaired or replaced. Otherwise the condition is essentially as

reported previously. The vacuum collection system is maintenance-intensive compared to a gravity wastewater collection system, but the system is meeting the needs of the community and is in generally good operating condition.

5. Condition of the 90,000 gpd Infiltration Pond:

It has been reported by the operator that the infiltration pond has been used almost exclusively for more than two years for the disposal of substantially all of the effluent generated from the Eagle Creek Wastewater Treatment Facility. The average daily flows last year ranged from approximately 60,000-70,000 gpd, with peak flows at or above the 90,000 gpd permit limit for continuous operation of the infiltration pond. The operator has reported no difficulty in maintaining the required freeboard level in the infiltration basin, so it appears that the basin does have at least the long term disposal capacity that was shown in the model prepared by Ed Andrews prior to construction.

We have not physically examined the condition of the bottom of the pond; based on its performance it appears that it is in good condition. At some point in the future, it may be necessary to remove any solids that have settled out that could potentially reduce the infiltration capacity. It also may be advisable to perform a loading analysis on the pond in order to better quantify its long-term hydrologic capacity. This could result in its rated capacity being increased.

6. Regarding the 90,000 gallon infiltration capacity being additive to the 321,000 gpd irrigation capacity:

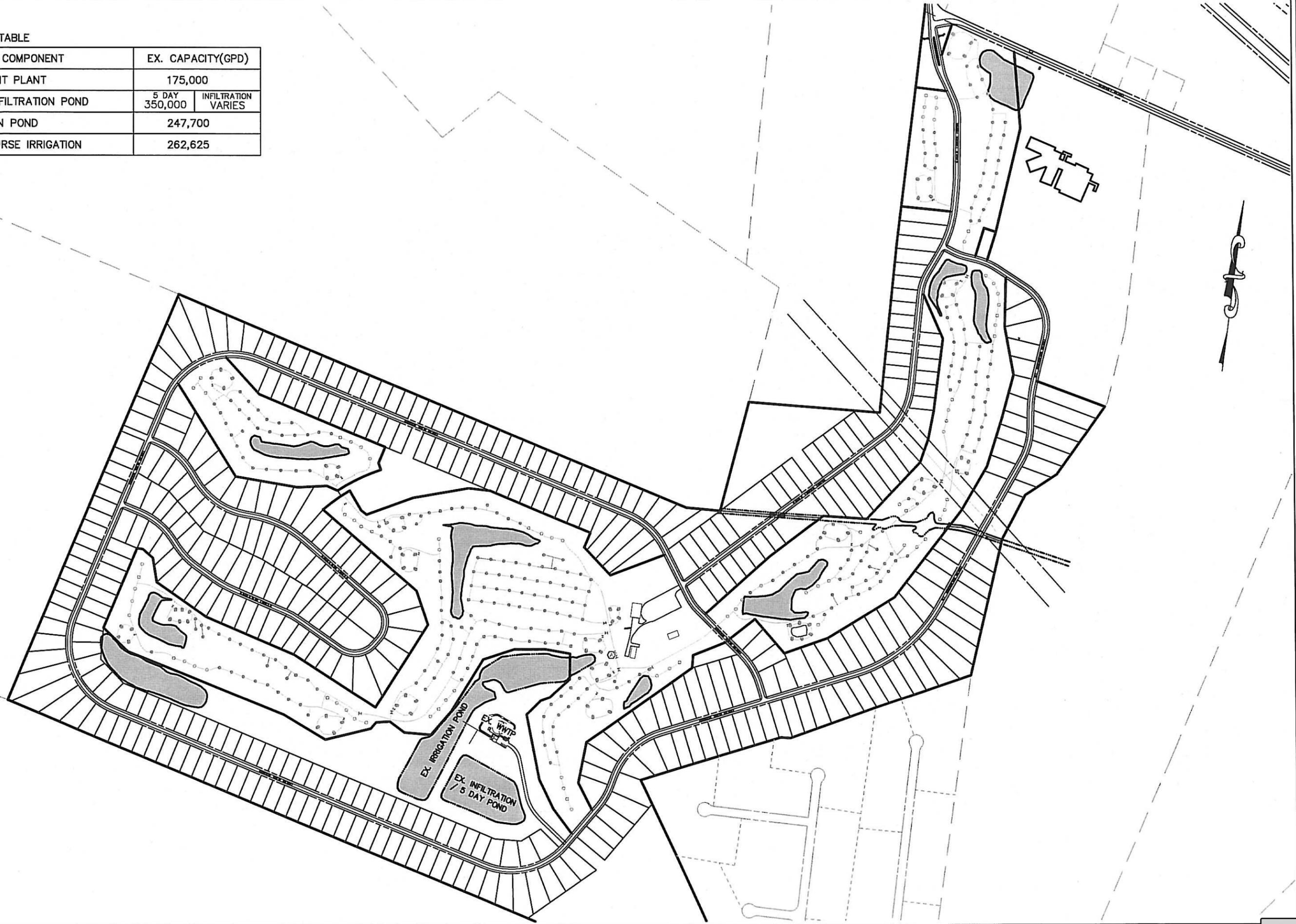
The 1997 Andrews report modeled the infiltration basin at 350,000 gpd for sixteen days with an acceptable mound height and dissipation time. Based on conversations with the hydrogeologist and with DWQ, it appears likely that the infiltration basin can be re-rated for at least some portion of the 90,000 gpd continuous loading rating to be utilized in addition to the 350,000 gpd non-compliant storage/disposal requirement. To finalize this rating, the basin will need to be hydraulically loaded and tested. It is believed that, at a minimum, the basin can accommodate the difference between the treatment plant's current capacity rating of 350,000 gpd and the golf course irrigation permit limit of 321,000 gpd, in order to bring the entire system up to the 350,000 gpd capacity.

7. Approximate cost of increasing the disposal system to 321,000 gpd:

We have studied the current golf course irrigation layout, shown in Exhibit A, attached, along with the wetted area needed in order to accommodate the 321,000 gpd irrigation potential that has been permitted by DWQ. Two alternatives have been identified for accomplishing this increase, as follows:

CAPACITY TABLE

COMPONENT	EX. CAPACITY(GPD)	
TREATMENT PLANT	175,000	
5 DAY/INFILTRATION POND	5 DAY 350,000	INFILTRATION VARIES
IRRIGATION POND	247,700	
GOLF COURSE IRRIGATION	262,625	



BISSELL
PROFESSIONAL GROUP
Bissell, Professional Group
10000 North Carolina Highway
10000 North Carolina Highway
Raleigh, North Carolina
27617-1790
(919) 871-1790

EXISTING CONDITIONS
175,000 GPD
THIS DOCUMENT IS THE SOLE PROPERTY OF BISS, INC. OF 800 CITY
HAWK, NORTH CAROLINA. THE REPRODUCTION, IN WHOLE OR

PROJECT: **EAGLE CREEK WW STUDY**
NORTH CAROLINA
MAYCOCK TOWNSHIP CURRITUCK COUNTY

NO.	DATE	DESCRIPTION	BY

DATE: 07-21-10 SCALE: 1"=100'
DESIGNER: BPG CHECKER: DMK
SHEET: 1 OF 1
CAD FILE: 3410WWE.dwg
PROJECT NO: 3410

1. Add irrigation piping and spray heads to increase the irrigation area in general conformance with the original 1997 Bissell plan. The cost of this addition is estimated at approximately \$285,000, which includes an allowance for upgrading the irrigation controller and reporting system. This would be accomplished in connection with expansion of the irrigation pond, which has already been included in the April 21, 2010 report as part of the incremental expansion to the 262,625 gpd level. This is shown on Exhibit B, attached.

Additional areas within common areas and on the wastewater disposal site have been identified for increasing the irrigation capacity up to the 350,000 gpd rating of the existing treatment facility. The incremental cost of increasing from 321,000 to 350,000 gpd of reclaimed water irrigation was determined to be cost-prohibitive compared to available alternatives for increasing the disposal capacity, and particularly as compared to the cost of re-rating the infiltration basin to accommodate the additional 29,000 gpd of disposal, estimated at approximately \$75,000.

2. Provide mechanical drainage around the existing infiltration basin, add nutrient removal to the existing wastewater treatment plant, and re-permit the disposal facility under the current 2T Rules. With this plan, the golf course irrigation system would become a backup disposal system. The cost of this option is estimated at approximately \$733,000. This alternative does not appear to be cost-effective as an alternative to the irrigation system expansion, but could be considered as a future expansion of the disposal system.

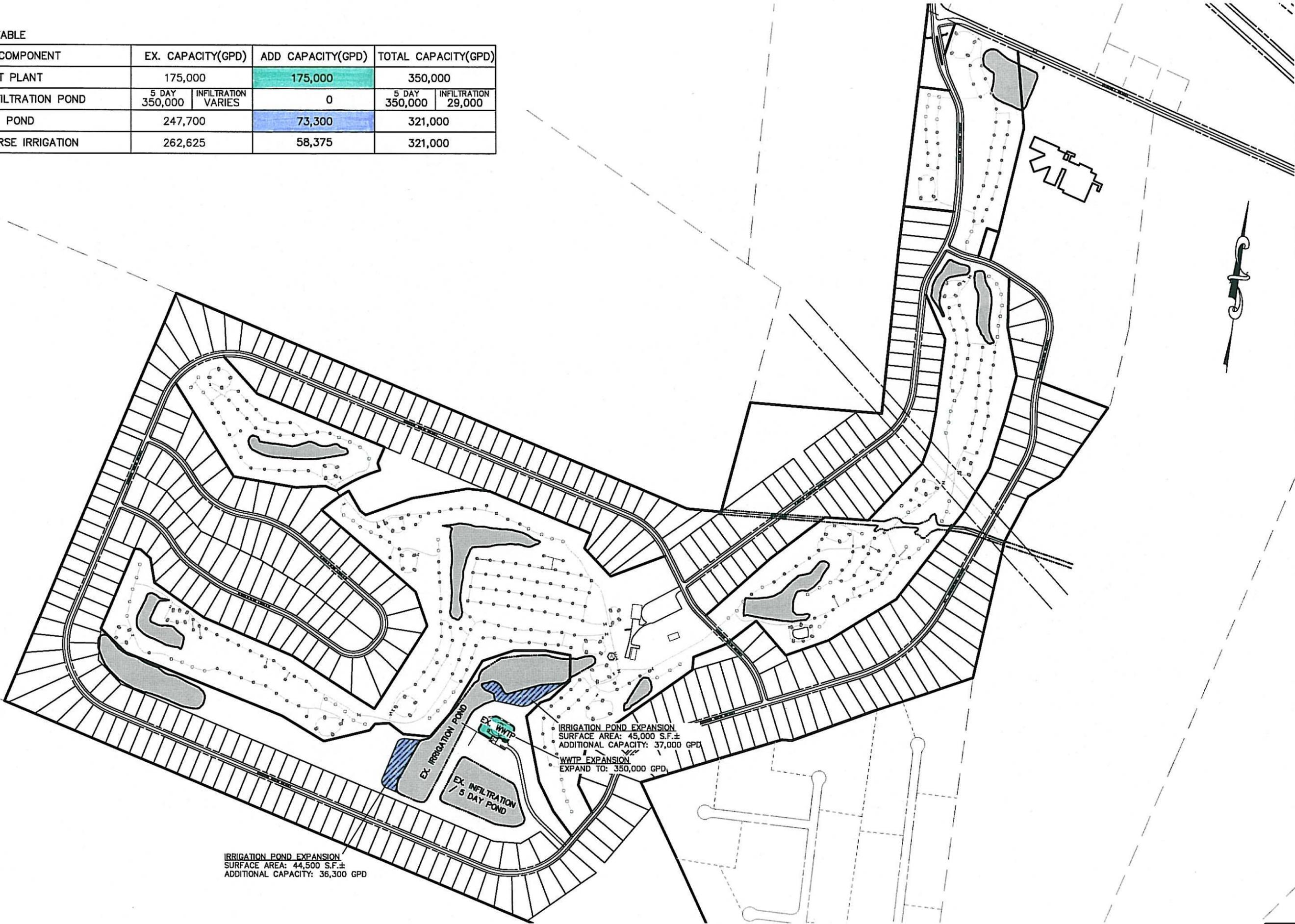
8. **Estimate of the ultimate potential for the Eagle Creek Wastewater Treatment and Disposal site:**

As part of the analysis of the wastewater disposal facility's potential ultimate capacity, the all the areas that are available to the utility company were considered with the objective of maximizing the site's disposal potential. The project site can accommodate considerably more wastewater treatment than disposal, so the disposal capacity was determined, and then treatment components added to bring the facility up to the disposal potential.

Two potential high rate disposal sites have been identified, one to the west of the irrigation pond on utility owned property and one to the north of number one green and number two tee on common area that is available for irrigation. For both of these areas, a high rate surface irrigation on a sand backfill will be the suggested disposal method, which will also involve mechanical drainage. It is estimated, subject to a site specific hydrogeological investigation, that at least 250,000 gpd can be infiltrated on these two sites. A parallel wastewater treatment system would be added to the existing

CAPACITY TABLE

COMPONENT	EX. CAPACITY(GPD)		ADD CAPACITY(GPD)	TOTAL CAPACITY(GPD)	
TREATMENT PLANT	175,000		175,000	350,000	
5 DAY/INFILTRATION POND	5 DAY 350,000	INFILTRATION VARIES	0	5 DAY 350,000	INFILTRATION 29,000
IRRIGATION POND	247,700		73,300	321,000	
GOLF COURSE IRRIGATION	262,625		58,375	321,000	



IRRIGATION POND EXPANSION
SURFACE AREA: 44,500 S.F.±
ADDITIONAL CAPACITY: 36,300 GPD

IRRIGATION POND EXPANSION
SURFACE AREA: 45,000 S.F.±
ADDITIONAL CAPACITY: 37,000 GPD
WWTP EXPANSION
EXPAND TO: 350,000 GPD

NO.	DATE	DESCRIPTION	BY

facility, which would include biological nutrient removal components, increasing the entire treatment and disposal system up to a rated capacity of 600,000 gpd.

A tentative layout of the expanded treatment and disposal system is shown on Exhibits C and D, which would involve biological nutrient removal for the second treatment plant, as well as extended aeration and tertiary filtration. This system would permit high rate infiltration on existing available land under the current 2T Rules.

The 600,000 gallon per day capacity could theoretically be increased to approximately 900,000 gpd on this site by utilizing the multiple disposal options that are available in parallel, including maximizing the golf course irrigation, adding high-rate surface irrigation, and converting the existing infiltration basin to a high-rate disposal system, adding a lined pond to become the new 5-day non-compliant storage pond to comply with current 2T disposal rules. Alternatively, it may be prudent to consider the site a 600,000 gallon per day disposal site that has a 300,000 to 350,000 gpd alternative disposal option for use in the event one of the other two disposal options needs repair.

9. Opinion of the facility's current value:

This issue will be addressed in a separate attachment.

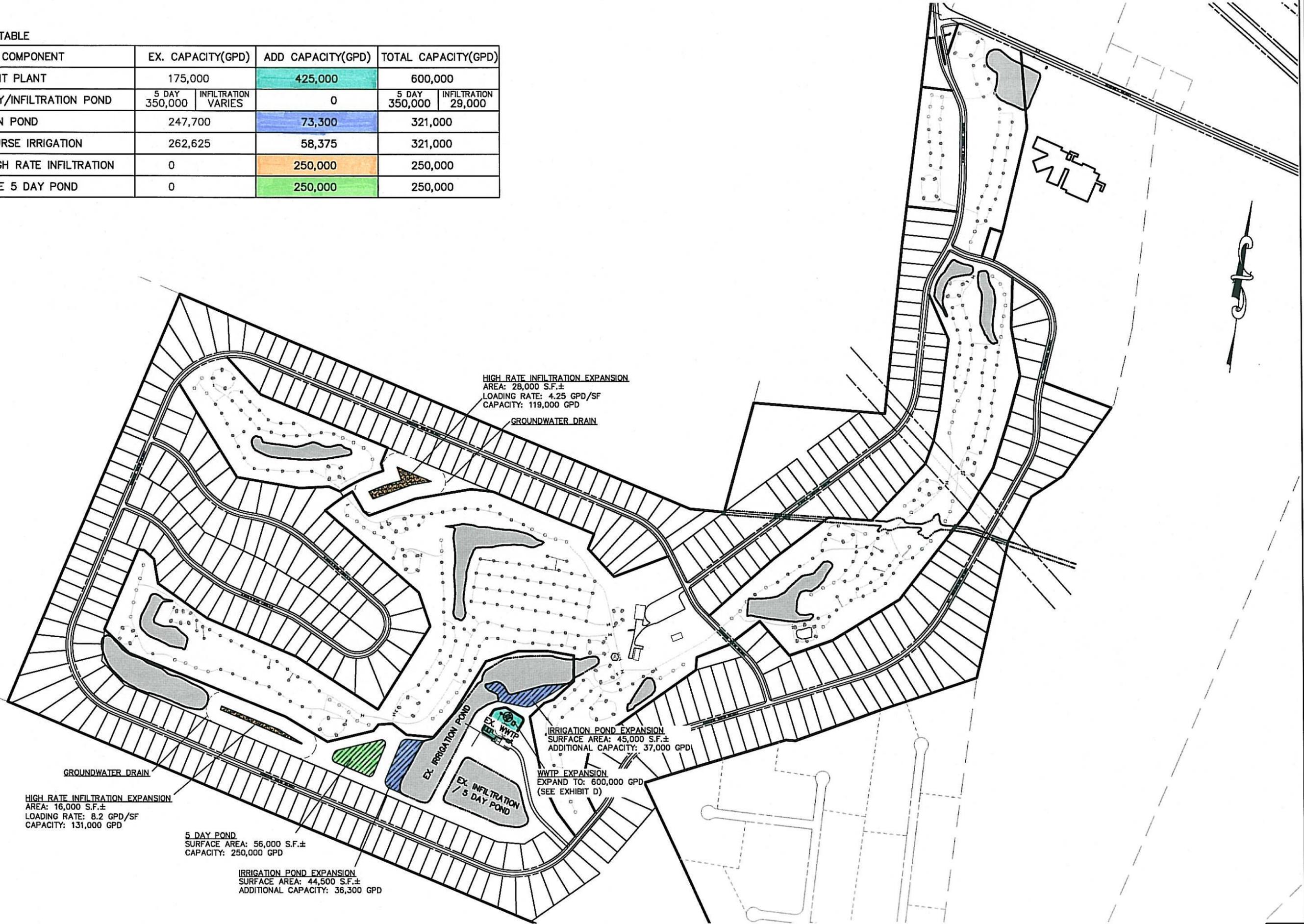
Thank you for the opportunity to assist in this evaluation. Please let me know if you have any questions or need any additional information at this time.

Sincerely yours,
Bissell Professional Group

Mark S. Bissell, PE

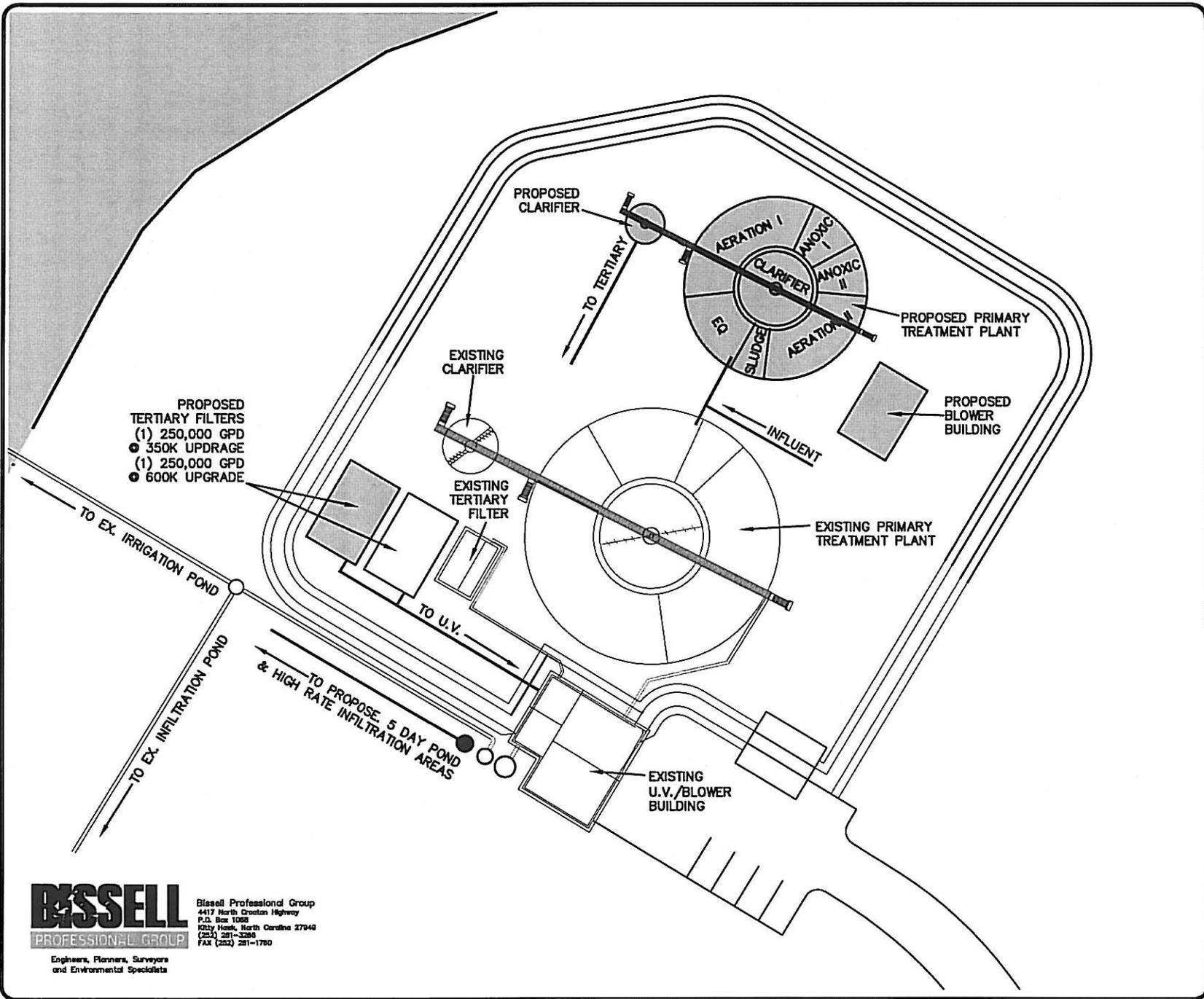
CAPACITY TABLE

COMPONENT	EX. CAPACITY(GPD)		ADD CAPACITY(GPD)	TOTAL CAPACITY(GPD)	
TREATMENT PLANT	175,000		425,000	600,000	
EX. 5 DAY/INFILTRATION POND	5 DAY 350,000	INFILTRATION VARIES	0	5 DAY 350,000	INFILTRATION 29,000
IRRIGATION POND	247,700		73,300	321,000	
GOLF COURSE IRRIGATION	262,625		58,375	321,000	
PROP. HIGH RATE INFILTRATION	0		250,000	250,000	
HIGH RATE 5 DAY POND	0		250,000	250,000	



NO.	DATE	DESCRIPTION

DATE	07-21-10	SCALE
REVISION		
BY		
CHKD		
DATE		
SHEET	1	OF
CAD FILE	3410WWL	
PROJECT NO.	3410	



BISSELL
PROFESSIONAL GROUP

Bissell Professional Group
4417 North Croatan Highway
P.O. Box 1068
Roxboro, North Carolina 27948
(252) 281-3288
FAX (252) 281-1780

Engineers, Planners, Surveyors
and Environmental Specialists

600,000 GPD WWT EXPANSION

EXHIBIT D

August 19, 2020

Currituck Water and Sewer Application for Major Utility Community Meetings for Use Permit Application

Scheduled times and place: 2:00pm, 4:00pm and 6:00pm at the Eagle Creek Event Site, Moyock, NC 27958

Each meeting began on time or slightly ahead of time and lasted approximately one hour each.

Nearly 60 residents attended between the three meetings, with separate sign-in sheets provided for each of the three meetings (attached). Also in attendance were Carr McLamb and Lee Bowman representing the Applicant, and Mark Bissell, Engineer.

An overview of the request was presented including the advantages of having an expanded customer base, along with a request for input from the customers regarding improvements that are needed to the existing facility. An overview of the permitting process was also provided. There were many questions and answers provided, and by the end of each meeting, people were generally in favor of the proposal.

Public comments were made and addressed as follows:

Question	Answer
Can a new pump like the one at St. Andrews be added to back of the Greenville and Eagleton Circle area to help?	We will look into it.
Are you bringing money to the table? **Comment: We like that approach	Yes, dollars are invested in the system first then after the investment the utilities commission looks at the rate schedule to allow the utility to recover the investment.
Will there be a rate increase?	The rate model is based on adding Fost and Flora to the system, which will help keep the rates flat.
Have you talked with the Flora and Fost developers?	Yes and they are in favor of connecting.
What are they contributing?	They are constructing and contributing their wastewater collection systems and some land for disposal of effluent or groundwater.
What if these developments don't succeed?	The improvements to the Eagle Creek system will be phased. The developers are contributing their portion of the new facilities to the utility.

Can you demonstrate that you are not going to abuse people over wastewater the way the previous utility did?	This company is in the water and wastewater utility business as its primary business and is operated quite differently from a developer owned utility company. Investment in the system is expected and is then recovered thru future rates.
Will there be commercial properties connected?	Yes, Flora and Fost both have commercial components and there is commercial land in the proposed service area as shown on the preliminary map.
What will you know later that we don't know now?	There will be a more comprehensive list of improvements needed to the Eagle Creek system, a routing plan for pipelines, and additional meetings may be held with the community and/or HOA.
When will the first upgrade take place?	In spring or summer, 2021.
We suggest putting up a webpage for information and comment.	Will do.
There are flooding issues at the wastewater plant.	We are here to learn about the problems and find solutions.
The 3 day response time needs to be improved.	Additional personnel have been provided to be able to address issues in a more timely manner.
How does the Fost and Flora permitting work?	Fost is under construction but will need a permit modification to connect to the system. Flora is still in the zoning approval stage.
What if they are not approved?	Most likely the system will not be purchased.
Have you considered changing the vacuum collection system to a gravity and pump station system?	Replacement of the collection system would not be feasible from a cost standpoint.
Will the new projects go into the vacuum system?	No, they will be pumped directly to the wastewater system, bypassing the existing vacuum system.
The plant flooded, will the pumps be moved?	We will study the cause of the flooding and determine what needs to be done to address it.
Would a different type of system be constructed if it were built today?	Possibly. We are looking at different ways to upgrade the existing system.
Will the effluent all be disposed of only on the golf course?	No, multiple disposal options are being pursued. When an additional development connects they will also be expected to take back either effluent or ground water.

The pipes could leak.	They are all tested prior to being put into service.
How will this benefit the existing customers?	A major utility has more resources to invest in the system and more incentive to do so.
Will valve pits be replaced or the plant problems addressed	Both.
What similar projects have there been and do you have references?	Approximately 200 water and sewer systems are being operated across the state and references can be provided.
Are grants available?	Not for private utility systems.
Can we do anything to expedite the approval?	Yes, if you express support the approvals will go more smoothly.
I cannot find a new pit cap.	A spare one will be provided.
How many connections can the wastewater treatment plant handle as it currently exists?	The basic components are in place for about 2-3 times the current number of connections and the basic footprint is in place to be able to handle approximately 5 times the current connections (roughly 2000)
Will this be more cost effective for Fost than building its own facility?	Most likely this will result in lower costs for both Fost and Eagle Creek.
What is the impact of cost on the existing customer base?	With a stagnant base as currently exists all of the improvement costs will be born by the existing customers. With an expanded base they will be spread out over a larger base.
Will it be settled before the first home is built at Fost?	Either Fost will need to have its own facility in place or be connected to Eagle Creek.
The pits are absorbing stormwater. Can secondary pits be installed for stormwater?	A better solution will likely be to make the existing pits waterproof or raise them. Also a different type of valve is available that functions better when submerged.
Guinea Mill has a stormwater tax but nothing is being done.	We understand the county is looking for people to serve on the advisory board to spend that money on stormwater.
We are tired of sewage backing up. What is going to change with a vacuum based system?	We will improve the pit valves by replacing valves with a newer type of valve and also by waterproofing or raising the pits.
The plant cannot handle stormwater. We understand that the Fost project is helping the stormwater situation.	Once the valve pits are repaired or raised less stormwater will be getting into the system. It is true that Fost will be helping with the stormwater system but improvements are also needed to the Eagle Creek collection system.
There are problems with the existing groundwater lowering pump.	The pump will be repaired or replaced. Also backup power needs to be provided. This is part of the capital improvements plan.
What other developments will connect to the	We are only talking with Flora and Fost at the

system?	moment. These will make it financially feasible.
Will it be economically feasible to do this without the expanded customer base from Flora and Fost?	The model is based on Flora and Fost together. If only Fost is connected it is uncertain.
We are in favor of this	
We are at our highest point of leverage right now. How does Eagle Creek get priority with a 20 year old system compare to the new neighborhoods?	A team of engineers will figure out what is best for the system overall. The plan is to both upgrade the existing system and to add on to what is there.
We understand the economy to scale but how does the 20 year old system get attention. We have not been able to hold Sandler's feet to the fire.	There is a big difference between a developer-owned utility and a utility company whose core business is wastewater systems like Envirolink/Currituck Water and Sewer. We are incentivized to invest money in the system by the NC Utilities Commission.
What is the time frame for the list of upgrades?	We hope to have a preliminary list in a week, but will amend it as we learn more information about the system.
Can a conditional permit be granted?	There could be certain conditions attached to the Use Permit.
The HOA has a list of problem areas which could be arbitrated by the directors.	We will have additional meetings and discussions with the HOA.
This is just wastewater not stormwater right?	Correct.
The two piece valve pit leaks and stormwater overloads the system. Can these be replaced with one piece pits?	This can be considered. We understand that there are only 10 to 15 that currently have extensive flooding and these should be replaced.
Can Eagle Creek have protection from rate increases?	No, the rates are set by the NC Utilities Commission based on the actual investment in the utility.
What about the Fost and Flora systems?	The developer contributes collection systems separately which are considered contributions in aid of construction.
How much will the rates increase?	The utility company invests in improvements and afterward applies for a rate adjustment. The utilities commission considers the reasonable and necessary expenses and spreads those costs over the available customer base to determine an appropriate rate.
What is the time frame for the take over and the	There are a number of permitting processes that we have to go through including the

repairs?	county use permit, a construction approval with DEQ and a rate case with the NC Utilities Commission. Probably spring at the earliest or possibly summer and then repairs will begin right after the takeover.
Will DEQ require repairs to be made?	Sometimes they do.
What about sanitary sewer overflow, are those tracked and is there an annual report?	There are statutory requirements on reporting. Some within 24 hours, some within 5 days and some require newspaper advertising.
How do we make sure that reporting is done properly?	Envirolink has a compliance team who is responsible for this type of reporting.
Will you talk to the homeowners about each pit problem? There are pictures of all of the problem pits which will be made available.	Yes, it's part of the due diligence.
Do you follow the state or EPA guidelines for assessments?	Information is already available and filed with NCUC on which ones flood etc. (answer from HOA).
Guinea Mill is a mess.	The HOA is taking this up with the county.
Stormwater improvements will help with wastewater issues?	Yes, but new board members are needed for the Guinea Mill stormwater district.
The pump at the canal is a problem and needs an alternate power source.	Backup power will be provided along with a new motor and/or impeller as needed.
Personal cell phone numbers are needed for Envirolink personnel.	Additional contact information will be provided. There is also an emergency number.
Does the utility company have any influence over the HOA?	No, it is totally separate.
What is the difference between Envirotech and Envirolink?	Envirotech has been acquired by Envirolink which is a much larger company.
Fost and Flora were mentioned as essential ingredients. What happens if Flora is not approved?	The financial model is based on Flora being a part of the system. If it is not approved for development we will have to determine whether the project is still financially viable.

<p>We are all for this. Things keep getting worse as they are now.</p>	<p>Thank you. Please express your support.</p>
--	--

Several people stayed over for informal discussion and a closer look at the proposed service area map at the end of each meeting.

Leeann Walton

From: Mark Bissell <mark@bissellprofessionalgroup.com>
Sent: Tuesday, September 22, 2020 3:22 PM
To: Tammy Glave
Cc: Laurie LoCicero; Donna Voliva; Jennie Turner; 'Michael Myers'; 'Carr McLamb'; davek@bissellprofessionalgroup.com; admin@bissellprofessionalgroup.com
Subject: RE: [EXTERNAL] RE: 4690 PB20-14 Currituck Water and Sewer UP TRC Comments 9-9-2020

Tammy,

We would like to continue with the original application that did not include these two properties as co-applicants. We can add them later, since effluent will likely not need to be sent there for some years to come.

Thanks,

Mark S. Bissell, PE



The Coastal Experts

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Facebook

"Like" Bissell Professional Group

From: Tammy Glave [mailto:Tammy.Glave@CurrituckCountyNC.gov]
Sent: Tuesday, September 22, 2020 3:14 PM
To: Mark Bissell
Cc: Laurie LoCicero; Donna Voliva; Jennie Turner
Subject: RE: [EXTERNAL] RE: 4690 PB20-14 Currituck Water and Sewer UP TRC Comments 9-9-2020

Mark – Please verify that the adjoining property owner list covers the addition of these two parcels. It does not appear to, so those property owners will need to be notified and a community meeting held to include them before we can process the application any further. Since we discussed the addition of the two properties at the pre-app meeting, another pre-app meeting is not necessary.

Let me know if you have any questions. Thank you.

From: Mark Bissell <mark@bissellprofessionalgroup.com>
Sent: Monday, September 21, 2020 2:58 PM
To: Tammy Glave <Tammy.Glave@CurrituckCountyNC.gov>
Cc: 'Lee Bowman' <lbowman@envirolinkinc.com>; davek@bissellprofessionalgroup.com; admin@bissellprofessionalgroup.com
Subject: [EXTERNAL] RE: 4690 PB20-14 Currituck Water and Sewer UP TRC Comments 9-9-2020

Attachment: Bissell Email Removing Fost and Flora from Application (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)

[CAUTION]: This email originated from outside of Currituck County's system. Do not click links or open attachments unless you verify that the attachment and contents are safe. Please report any suspicious emails or attachments to [support](#).

Mark S. Bissell, PE



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From: Tammy Glave [<mailto:Tammy.Glave@CurrituckCountyNC.gov>]

Sent: Thursday, September 10, 2020 5:44 PM

To: Mark Bissell (mark@bissellprofessionalgroup.com); Lee Bowman; brittney@lmssi.com; Tammy Glave

Cc: Laurie LoCicero; Donna Voliva; Jennie Turner; Will Rumsey

Subject: PB20-14 Currituck Water and Sewer UP TRC Comments 9-9-2020

Please find the attached Technical Review Committee memo and supporting documents for your request for a use permit for a major utility. You will see in the memo that we are requesting a conference call with you for further information. We can call Tuesday afternoon (9/15) at 3pm or Wednesday morning (9/16) if either of those times work for you. Please advise. Thank you.



Use Permit Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: Currituck Water & Sewer, LLC
Address: 4700 Homewood Ct., Ste. 108
 Raleigh, NC 27609
Telephone: 252-236-5710
E-Mail Address: lbowman@envirolinkinc.com

PROPERTY OWNER:

Name: Sandler Utilities at Mill Run, LLC
Address: PO Box 12347
 Raleigh, NC 27605
Telephone: 757-510-4235
E-Mail Address: brittney@lmssi.com
 (continued/attached)

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: LOI Holder

Property Information

Physical Street Address: 287 Green View Road
Location: Moyock, NC 27958
Parcel Identification Number(s): 0015-000-084I-0000, 0015-000-084A-0000, 0015-000-084B-0000, 0015-000-084C-0000,
 0015-000-084D-0000, 0016-000-001A-0000
Total Parcel(s) Acreage: 196.65 ac. +/-
Existing Land Use of Property: Wastewater treatment & disposal; golf course

Request

Project Name: Currituck Water and Sewer Major Utility
Proposed Use of the Property: Improved and expanded wastewater system
Deed Book/Page Number and/or Plat Cabinet/Slide Number: P.C. "F", Slide 396, DB 1244, PG 459
Total square footage of land disturbance activity: N/A
Total lot coverage: N/A **Total vehicular use area:** N/A
Existing gross floor area: N/A **Proposed gross floor area:** N/A

Community Meeting

Date Meeting Held: 8/19/2020 **Meeting Location:** Eagle Creek Event Center

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): _____
See Attachment A

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

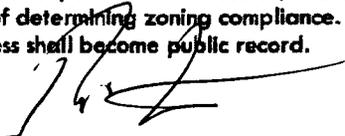
A. The use will not endanger the public health or safety.
See Attachment A

B. 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.
See Attachment A

C. The use will be in conformity with the Land Use Plan or other officially adopted plan.
See Attachment A

D. 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.
See Attachment A

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.



Property Owner(s)/Applicant* Sandler Utilities at Mill Run, LLC
Raymond L. Gottlieb, manager

August 28, 2020
Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

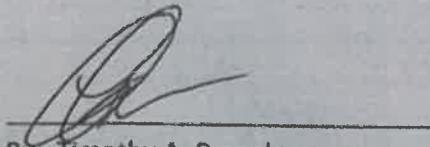
Paasch Developments, LLC
109 Greenview Road
Moyock, NC 27958

August 28, 2020

To Whom it May Concern:

Paasch Developments, LLC, as owner of the 5 golf parcels at Eagle Creek that are included in the Application for Use Permit for Major Utility being made by Currituck Water & Sewer, LLC, (parcels 0015-000-084A-0000, 0015-000-084B-0000, 0015-000-084C-0000, 0015-000-084D-0000, and 0016-000-001A-0000) hereby consent to this application. The application does not change any part of the recorded Effluent Easement Agreement that the Utility has with Eagle Creek Golf Course.

Paasch Developments, LLC



By: Timothy A. Paasch
Its: Chairman/Manager

Notary Certificate

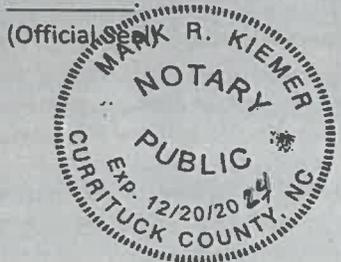
Currituck County, North Carolina

I, Mark R. Kiemer, a Notary Public for Currituck Co NC

County, North Carolina, do hereby certify that Timothy A. Paasch

Personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 28th day of August 2020



Notary Signature

12-20-2024
My Commission Expires

Attachment: 13 Application Paasch Agreement (PB 20-14 Currituck Water & Sewer, LLC - Wastewater Treatment)



Use Permit Application

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

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>Currituck Water & Sewer, LLC</u>	Name: <u>Sandler Utilities at Mill Run, LLC</u>
Address: <u>4700 Homewood Ct., Ste. 108</u>	Address: <u>PO Box 12347</u>
<u>Raleigh, NC 27609</u>	<u>Raleigh, NC 27605</u>
Telephone: <u>252-236-5710</u>	Telephone: <u>757-510-4235</u>
E-Mail Address: <u>lbowman@envirolinkinc.com</u>	E-Mail Address: <u>brittney@lmssi.com</u> (continued/attached)
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>Same</u>	

Property Information

Physical Street Address: 287 Green View Road

Location: Moyock, NC 27958

Parcel Identification Number(s): 0015-000-084I-0000 , 0015-000-084A-0000, 0015-000-084B-0000,0015-000-084C-0000, 0015-000-084D-0000, 0016-000-001A-0000, 0015-000-0086-0000, 0015-000-085B-0000

Total Parcel(s) Acreage: 196.65 ac. +/-

Existing Land Use of Property: Wastewater treatment & disposal; golf course

Request

Project Name: Currituck Water and Sewer Major Utility

Proposed Use of the Property: Improved and expanded wastewater system

Deed Book/Page Number and/or Plat Cabinet/Slide Number: P.C. "F", Slide 396, DB 1244, PG 459

Total square footage of land disturbance activity: N/A

Total lot coverage: N/A Total vehicular use area: N/A

Existing gross floor area: N/A Proposed gross floor area: N/A

Community Meeting

Date Meeting Held: 8/19/2020 Meeting Location: Eagle Creek Event Center

Attachment: 14 Application - Fost (PB 20-14 Currituck Water & Sewer, LLC - Wastewater Treatment)



Use Permit Application

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

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>Currituck Water & Sewer, LLC</u>	Name: <u>Paasch Developments, LLC</u>
Address: <u>4700 Homewood Ct., Ste. 108</u>	Address: <u>109 Greenview Road</u>
<u>Raleigh, NC 27609</u>	<u>Moyock, NC 27958</u>
Telephone: <u>252-236-5710</u>	Telephone: <u>757-620-2200</u>
E-Mail Address: <u>lbowman@envirolinkinc.com</u>	E-Mail Address: <u>tim@eaglecreekgolfing.com</u>

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

Physical Street Address: 287 Green View Road
 Location: Moyock, NC 27958
 Parcel Identification Number(s): 0015-000-084I-0000, 0015-000-084A-0000, 0015-000-084B-0000, 0015-000-084C-0000, 0015-000-084D-0000, 0016-000-001A-0000
 Total Parcel(s) Acreage: 196.65 ac. +/-
 Existing Land Use of Property: Wastewater treatment & disposal; golf course

Request

Project Name: Currituck Water and Sewer Major Utility
 Proposed Use of the Property: Improved and expanded wastewater system
 Deed Book/Page Number and/or Plat Cabinet/Slide Number: P.C. "F", Slide 396, DB 1244, PG 459
 Total square footage of land disturbance activity: N/A
 Total lot coverage: N/A Total vehicular use area: N/A
 Existing gross floor area: N/A Proposed gross floor area: N/A

Community Meeting

Date Meeting Held: 8/19/2020 Meeting Location: Eagle Creek Event Center

Attachment: 14 Application - Fost (PB 20-14 Currituck Water & Sewer, LLC - Wastewater Treatment)

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): _____

See Attachment A

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

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

See Attachment A

B. 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.

See Attachment A

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

See Attachment A

D. 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.

See Attachment A

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.


Moyock Development, LLC

John J. Flora, III

Property Owner(s)/Applicant*

Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

Attachment A

Purpose of the Use Permit and Project Narrative

The Eagle Creek community is served by a community wastewater system. After treatment, the cleaned water is repurposed as irrigation for the Eagle Creek golf course and can also be disposed of via infiltration pond on the facility's property.

Currituck Water and Sewer intends to upgrade (and in some cases replace) various components of the treatment facility. While doing so, expansion of the facility would be designed, as needed, to allow for neighboring communities to tie into the treatment facility. Those neighboring communities would provide additional disposal areas to handle disposal needs.

Note that the neighboring parcels wastewater would be pump to the WWTP and not enter the Eagle Creek Collection system.

There are several reasons for the proposed expansion. The main reason is that the Eagle Creek wastewater plant was installed many years ago and needs upgrades to remain complaint with permit requirements. There are signs of aging with some components of the facility, which will ultimately need to be replaced. Also, other neighboring parcels are being developed with individual treatment facilities. By combining treatment facilities, operational efficiencies will be gained that include less costs to manage that are spread over a larger customer base.

This proposal should bring both immediate and long term benefits to the Eagle Creek customers:

1. The Utility's expertise managing community wastewater systems, from testing, treatment, monitoring, and reporting to addressing ever changing regulations and technology, will bring improvements in reliability, compliance and efficiency.
2. Following through on outstanding obligations from the developer-owned Utility. In addition to some of the deferred maintenance, the new Utility will be able to update and repair some of the Eagle Creek related drainage concerns while doing the connection work for the new development(s).

And pit valve replacement will be done as necessary to reduce stormwater infiltration.

3. Separating the system from the developer and increasing the customer base means the system will be on an even more secure footing for the future. While there are no plans to raise the rates for Eagle Creek customers, eventually as costs rise rates will need to rise accordingly. The benefit of a larger customer base is that it allows the Utility to spread those costs over more customers which helps to minimize the impact on each individual bill.
4. As development occurs in this area, having one central facility to operate rather than multiple treatment facilities is extremely efficient for the community at large. Additionally, the Utility will have the flexibility to manage the reuse water on the golf course irrigation system as well as the other development's disposal areas.

The Utility will design a plan to upgrade and expand the treatment facility in a manner that will allow the Eagle Creek facility to remain in operation throughout the upgrade/expansion work.

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

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.

B. 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.

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, along with disposal on remote sites that have also been set aside for this purpose in accordance

with those approvals. 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.

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

The service area is a mixture of full service and rural land on 2006 land use plan. Making utility service available to property does not in itself affect land use or density one way or the other, but simply provides an opportunity for a public service where one is needed. The proposal does not appear to conflict with any provision of the Land Use Plan or other officially adopted plan. The proposal is consistent with the following specific policies from the 2006 Land Use Plan:

Policy WS-7: Currituck County allows for the appropriate use of package sewage treatment plants as a means of achieving more efficient land use, while properly disposing of waste. Such systems shall have a permanent organizational ownership to guarantee their proper management, including operation, maintenance and replacement needs. Depending on their location in the county, such systems may be required to have a design that allows for assimilation into a larger system at a future date.

Policy WS-8: Central and package treatment plants shall be designed using best available technology to eliminate or reduce odors. In addition, such plants shall be properly located so as not to adversely impact nearby land uses.

Moyock Subarea Policy: “Most of the Moyock Area is classified as Class II land, largely due to poor soil suitability for septic tanks. This limitation may be overcome by the use of package sewage treatment plants, which may ultimately join together into a centralized sewage collection and treatment system.”

- D. 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.**

The proposed use will have no impact on schools, fire and rescue or law enforcement, and should have a positive impact on the County's regional wastewater facility which is currently at capacity and unable to provide additional service without expansion.

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): _____

See Attachment A

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

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

See Attachment A

B. 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.

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

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See Attachment A

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Moyock Development, LLC

John J. Flora, III

Property Owner(s)/Applicant*

Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.



Use Permit Application

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

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>Currituck Water & Sewer, LLC</u>	Name: <u>Sandler Utilities at Mill Run, LLC</u>
Address: <u>4700 Homewood Ct., Ste. 108</u>	Address: <u>PO Box 12347</u>
<u>Raleigh, NC 27609</u>	<u>Raleigh, NC 27605</u>
Telephone: <u>252-236-5710</u>	Telephone: <u>757-510-4235</u>
E-Mail Address: <u>lbowman@envirolinkinc.com</u>	E-Mail Address: <u>brittney@lmssi.com</u> (continued/attached)
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>Same</u>	

Property Information

Physical Street Address: 287 Green View Road

Location: Moyock, NC 27958

Parcel Identification Number(s): 0015-000-084I-0000, 0015-000-084A-0000, 0015-000-084B-0000, 0015-000-084C-0000, 0015-000-084D-0000, 0016-000-001A-0000

Total Parcel(s) Acreage: 196.65 ac. +/-

Existing Land Use of Property: Wastewater treatment & disposal; golf course

Request

Project Name: Currituck Water and Sewer Major Utility

Proposed Use of the Property: Improved and expanded wastewater system

Deed Book/Page Number and/or Plat Cabinet/Slide Number: P.C. "F", Slide 396, DB 1244, PG 459

Total square footage of land disturbance activity: N/A

Total lot coverage: N/A Total vehicular use area: N/A

Existing gross floor area: N/A Proposed gross floor area: N/A

Community Meeting

Date Meeting Held: 8/19/2020 Meeting Location: Eagle Creek Event Center

Attachment: 16 Application2 Final (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)



Use Permit Application

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

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>Currituck Water & Sewer, LLC</u>	Name: <u>Paasch Developments, LLC</u>
Address: <u>4700 Homewood Ct., Ste. 108</u>	Address: <u>109 Greenview Road</u>
<u>Raleigh, NC 27609</u>	<u>Moyock, NC 27958</u>
Telephone: <u>252-236-5710</u>	Telephone: <u>757-620-2200</u>
E-Mail Address: <u>lbowman@envirolinkinc.com</u>	E-Mail Address: <u>tim@eaglecreekgolfing.com</u>

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Currituck Water & Sewer, LLC

June 17, 2020

Ms. Arthur Sandler, Partner
Sandler Utilities at Mill Run, LLC
48 Viking Drive, Suite 220
Virginia Beach, Virginia 23452

RE: Letter of Intent for Eagle Creek Wastewater System

Dear Mr. Sandler,

Currituck Water & Sewer, LLC (CWS) has made its review of the Eagle Creek Subdivision Wastewater System owned and operated by Sandler Utilities at Mill Run, LLC (SUMR) or its affiliates. Our understanding is that the SUMR or its affiliates currently owns the Eagle Creek wastewater system located in Moyock, NC. The Eagle Creek wastewater system serves approximately 420 residential connections (along with one 600 student school and 1 Golf Club connection) and is regulated by North Carolina Department of Environmental Quality (NCDEQ).

CWS proposal is contained in the following outline:

A. Individual System Components to be acquired. The operating wastewater system components of the Eagle Creek wastewater system to be acquired shall include, but are not limited to, the following:

- All current and future wastewater assets of the Eagle Creek wastewater system which include:
 - a series of small diameter vacuum collection lines with approximately 219 vacuum pits that each serve two residential units as well as the collection infrastructure to serve the School and Golf Club
 - the WWTP site including land, a central vacuum pump station, building, tankage and other facilities and equipment for treatment
 - disposal facilities on the WWTP site including an effluent lift station, 30-day irrigation pond, and infiltration pond.
- Any and all agreements, easements, permits, and rights to provide services to customers that exist for the current and futures phases of the Eagle Creek wastewater system.

B. Indication of Value and Form of Consideration. We believe the transaction should be structured as an asset sale whereby the SUMR or its affiliates will receive the following at closing. The purchaser of the assets will be Currituck Water & Sewer, LLC.

CWS's proposed purchase price is:

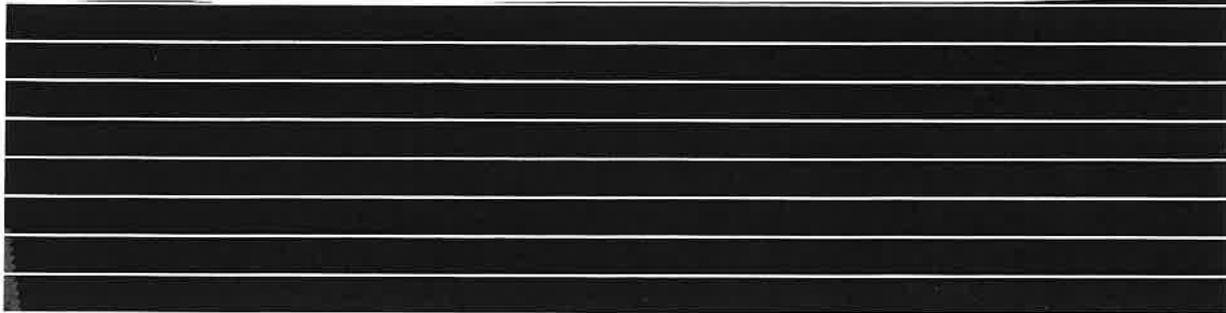
[Redacted]

[Redacted]

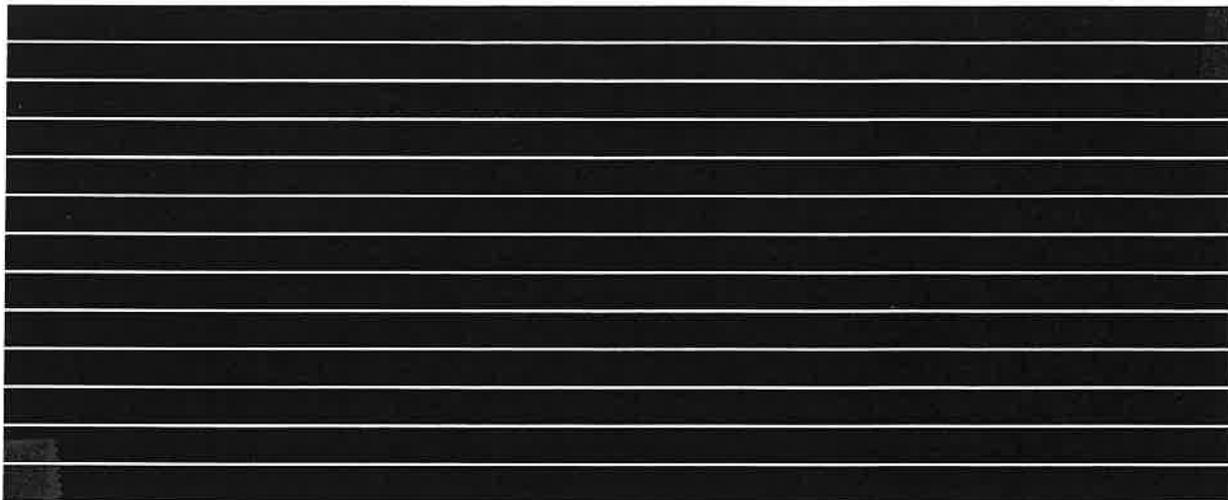
[Redacted]

CWS shall have its legal counsel to prepare the Asset Purchase Agreement ("APA") and related documents reflecting our full proposal. The final Agreement shall contain terms and conditions that are normal, usual, and appropriate including representations and warranties of both CWS and SUMR or its affiliates regarding due authorization, title to and condition of assets and regulatory compliance as well as indemnification provisions and Closing conditions. The final Agreement shall be subject to the mutual agreement of both CWS and SUMR or its affiliates. The APA will be contingent upon North Carolina Utility Commission approval of the terms as

specified above. If the Commission does not authorize the purchase price or terms and the amounts listed in the APA, the parties have the right to terminate the APA.



The Closing will be held 30 days after all required approvals have been received. CWS shall make its best efforts in seeking to satisfy the closing conditions and to obtain the needed regulatory approvals including the filings with the Utility Commission.



This Letter of Intent assumes that SUMR or its affiliates has not entered into any agreement or understanding with another party which would interfere with by this Letter of Intent.

If you concur with this non-binding Letter of Intent, please sign in the appropriate place below and return the original to me.

Very truly yours,

G. Lee Bowman
Director of Project and Corporate Development

I confirm and agree to the terms and conditions outlined above.

Sandler Utilities at Mill Run, LLC

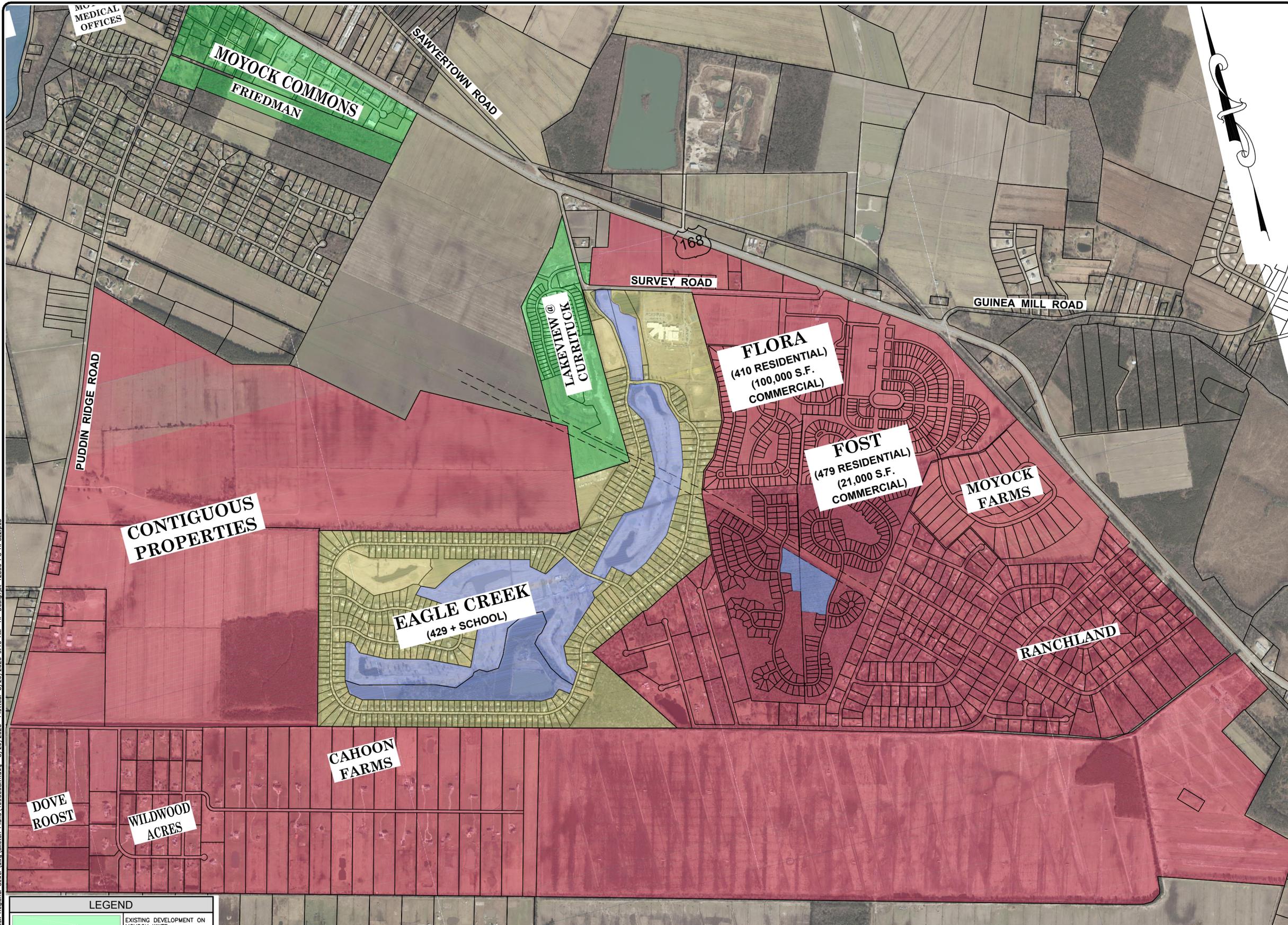
By *Art Sandler*

Title _____

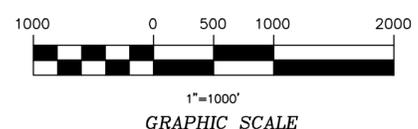
Date *June 19, 2020*

Attachment: 17 Eagle Creek Scope of Improvements (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)

S:\Projects\4680_Moyock_Regional_Sewer.dwg\Sketch_Plans\469000SK1.dwg 8/26/2020 9:13 AM HP Desktop 72500 PS HPGL2.pc3



LEGEND	
	EXISTING DEVELOPMENT ON MOYOCK WWTP
	EXISTING DEVELOPMENT IN EAGLE CREEK SERVICE AREA
	PROPOSED CURRITUCK WATER & SEWER SERVICE AREA
	EXISTING & POTENTIAL FUTURE DISPOSAL SITES



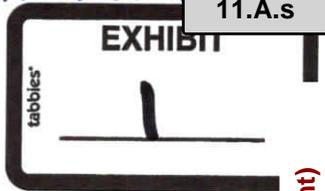
BISSELL
 PROFESSIONAL GROUP
 Engineers, Planners, Surveyors and Environmental Specialists
 This document is the sole property of BPG, Inc. of Kitty Hawk, North Carolina. The reproduction, in whole or part, or the modification of any detail or design is not to be made without the express written consent of Mark S. Bissell, Principal at BPG, Inc. Copyright 2020

Bissell Professional Group
 Firm License # C-956
 3512 North Croatan Highway
 Kitty Hawk, North Carolina 27949
 (252) 261-3266
 FAX (252) 261-1760

PROJECT: CURRITUCK WATER & SEWER, LLC
 MOYOCK TWP. CURRITUCK CO. NORTH CAROLINA
 PRELIMINARY SERVICE AREA MAP

REVISIONS	
NO.	DATE DESCRIPTION BY

DATE: 07/28/20	SCALE: 1" = 1000'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW	APPROVED: BPG
SHEET: 1 OF 1	
CAD FILE: 469000SK1	
PROJECT NO: 4690	



MARK S. BISSELL, P.E., PRINCIPAL ENGINEER BISSELL PROFESSIONAL GROUP

EDUCATION

- B.S.C.E. – Duke University – Civil Engineering
- Green Infrastructure and Sustainable Communities - Certificate Course by ACEC, Colorado State University and the University of Florida
- LID Training—NC Low Impact Development (2011)
- LEED GA Training (Leadership in Energy and Environmental Design) - 2012

REGISTRATION

- Professional Engineer, North Carolina (1982) and Virginia (1999)

QUALIFICATIONS

Mark is the President of Bissell Professional Group and is a licensed civil engineer in North Carolina and Virginia. He has over 35 years' experience providing a full range of engineering and survey services to public and private sector clients in northeastern North Carolina. In addition to his experience, he serves as a member of Currituck County's Technical Advisory Group on the county's on-going Unified Development Ordinance project. He has numerous years of experience working with local governments and planning initiatives including: neighborhood and county-wide use planning and visioning, growth management strategies, regulatory programs and ordinances, and open space planning. A brief summary of qualifications and experience follows:

- 40+ years of engineering and project management, 35 years focused in Currituck and Dare Counties
- Planning and design on numerous capital improvement projects in both the public and private sectors on the Currituck Outer Banks, Ma Currituck, Dare County and throughout eastern North Carolina.
- Client consultation and problem solving

PROJECT EXPERIENCE

EXAMPLES OF PROJECT EXPERIENCE INCLUDE THE FOLLOWING:

- Laurel Woods Estates - 160 lot Conservation Subdivision - Currituck, North Carolina
- Estates at Carova Beach - Open Space Subdivision Design and Approvals - Carova, North Carolina
- Currituck County - Ocean Pearl - Surveys and Environmental Studies for Roadway Improvements - Corolla, North Carolina
- Swan Beach Resort - Master Plan for Undeveloped Areas of Swan Beach - Swan Beach, North Carolina
- Albemarle Plantation - Engineering for Golf and Boating Community in Perquimans County, North Carolina
- Kinnakeet Shores - 500 Acre Subdivision in Avon, North Carolina - 1988 to 2020
- Pirate's Cove - Marina Community in Manteo, North Carolina (Consultant from 1984 to Project Completion in 2015)
- Walnut Island Sanitary District - Wastewater System Design and Construction Management - Grandy, North Carolina
- Beachwoods Resort - 300+ unit Resort Development - Kitty Hawk, North Carolina
- Wanchese Seafood Industrial Park - Stormwater Management; Water System Improvements - Wanchese, North Carolina - 2001 to Present
- Waterside Villages - 250-unit Active Adult Community - Grandy, North Carolina
- NCDOT Manns Harbor Shipyard - Dare County, North Carolina—Addition of Ferry Dock Maintenance Platen
- Villages at Ocean Hill – Engineering & Permitting for resort development in Corolla from 1989 to date; currently working on final phases
- Currituck County UDO Technical Advisory Committee

PROFESSIONAL AFFILIATIONS

- Professional Engineers of North Carolina
- National Society of Professional Engineers

Attachment: 2020-12-07_PB 20-14 Currituck Water & Sewer-Exhibits (PB 20-14 Currituck Water & Sewer, LLC – Wastewater Treatment)

Michael J Myers President

Education

MS/ Food, Agriculture and Biological Engineering/ The Ohio State University
BS/ Food, Agriculture and Biological Engineering/ The Ohio State University

Years of Experience

24

Expertise

Water and Wastewater Utility Management
Water and Wastewater Utility Engineering
Water and Wastewater Regulation
Water and Wastewater Rate Analysis
Water and Wastewater Operational Optimization

Continuing Education

Water Quality Modeling/ Manhattan College
Water Quality Standards Institute/ US EPA
NPDES Permit Writers Course/ US EPA
NAWC Rate School/ NAWC, Michigan State University
Water Utility Management/University of Florida
Municipal Utility Finance/University of North Carolina
Irrigation System Design/North Carolina State University
North Carolina Pretreatment Program/ North Carolina Division of Water Quality

Affiliations/Organizations

Tau Beta Bi (National Engineering Honor Society)
Gamma Sigma Delta (National Agricultural Honor Society)
Alpha Epsilon (National Agricultural Engineering Honor Society)
Rural Water Association
American Water Works Association
Water Environment Federation
North Carolina Water Operators Association
North Carolina Wastewater Operators Association
NC AWWA Utility Management Committee
NC AWWA Water Resources Committee
NC AWWA Utility Finance Committee
Society of American Military Engineers

Primary Business Address

4700 Homewood Ct., Suite 108
Raleigh, NC 27609

Office: 252.235.4900

Fax: 252.820.9992

email: mmyers@envirolinkinc.com

PROFESSIONAL EXPERIENCE

Mr. Myers has served numerous roles within the utility management, design, construction and operations arena for nearly 20 years. Over the years, much of his experience has been gained as an engineer and director for NYSE private utilities and environmental regulatory agencies. One of the more challenging experiences in Mr. Myers' career was team leader in acquisition and started up of utility operations, maintenance, and management for the large water and wastewater Public-Private Partnership awarded by the Department of Defense. He brings an in-depth knowledge of management, master planning, design, startup, and operation and maintenance of water and wastewater treatment facilities, and is an expert in the areas of water and wastewater process optimization and asset management. Mr. Myers received his BS and MS degrees in Food, Agricultural and Biological Engineering from The Ohio State University. Mr. Myers is active in numerous professional and technical societies. He has lived in Wake Forest, NC with his wife since 1996 and has two teenage boys.

REPRESENTATIVE PROJECT EXPERIENCE

Envirolink - Mr. Myers joined Envirolink in 2010 as a shareholder and CEO. Under his leadership, Envirolink went from a 8 person \$1M dollar a year company located outside of Raleigh, NC to over a \$28 MM/year, 110 person 3 state organization. Envirolink is currently the largest water infrastructure management company in the State of North Carolina and helps numerous local governments better manage water, sewer and public works services.

Old North State Water Company—Mr. Myers partnered with Integra Water to form and run Old North State Water Company. Under Mr. Myers direction, Old North State Water Utility started from the ground in 2014 and is currently the fourth largest North Carolina Regulated Water Utility. Old North State Water is regulated by the North Carolina Utilities Commission and has positioned itself for a bright future.

Fort Bragg Water and Wastewater Utility Privatization - Responsible for the operation, maintenance and management of a 6 MGD water and wastewater system serving a population of 95,000. Responsibilities included overall operation, maintenance, management, design, and construction of state subsidiary for the company.

Lake Monticello Utility Rate Case, Lake Monticello, Virginia - Project included review of operational costs, along with current and future capital expenditures in order to develop an appropriate and defensible rate structure. Prepared testimony for presentation to the Virginia State Corporation Commission.

Utility Rate Structure Analysis - Analyze the rate structures for the various companies under the company corporate umbrella and design a rate structure that would allow consolidation of the various rate structures into one statewide rate structure.

Cannon's Gate Reclaimed Wastewater System, Carteret County, North Carolina - Responsible for the operation, maintenance and management of a 0.2 MGD Membrane Bioreactor Wastewater Treatment and High Rate Infiltration Pond disposal.

Radium and Uranium Treatment Feasibility Study, North Carolina - Review available technology and develop strategy for achieving compliance for over 75 groundwater wells that exceeded EPA MCL standards for radium 226, radium 228 and uranium. Technology review included analyzing processes, byproducts and waste streams to minimize operational and maintenance cost while ensuring compliance with EPA Standards.

Sewer Rehabilitation and Wastewater Treatment Upgrades, Lake Monticello, Virginia - Responsible for restoring the system to regulatory compliance through a structure plan of optimizing operation of existing water/wastewater infrastructure, sewer collection system rehabilitation and upgrade/expansion of the wastewater treatment system to a 2.0 MGD WWTP located in the Chesapeake Bay Watershed.

Briar Chapel Reclaimed Wastewater Treatment System, Chatham County, North Carolina - Responsible for the operation, maintenance and management of 0.25 MGD Wastewater System utilizing a MLE Activated Sludge and Spray Irrigation.

PB 20-14:
Currituck Water &
Sewer, LLC.





STAFF REPORT
PB 18-23 FOST TRACT #2 AMENDED PD-R
BOARD OF COMMISSIONERS
DECEMBER 7, 2020

APPLICATION SUMMARY	
Property Owner: Moyock Development LLC 417 Caratoke Hwy Unit D Moyock NC 27958	Applicant: Moyock Development LLC 417 Caratoke Hwy Unit D Moyock NC 27958
Case Number: PB 18-23	Application Type: Amended Planned Development – Residential #2
Parcel Identification Number: 0015-000-0086-0000	Existing Use: Planned Development – Residential under construction
Land Use Plan Classification: Full Service	Parcel Size (Acres): 228.83
Moyock Small Area Plan Classification: Limited Service	Zoning History: 1989 (A), 1974 (A-40), 1970 and 1971 (RA-20), 2019 (PD-R)
Current Zoning: PD-R	Proposed Zoning: Amended PD-R #2
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.	

REQUEST
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.

Attachment: 1 Amendment #2 Fost PD-R PB Staff Report (PB 18-23 Fost Tract)

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	
<p>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;</p>	
Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. (Summary)

Attachment: 1 Amendment #2 Fost PD-R PB Staff Report (PB 18-23 Fost Tract)

MOYOCK SMALL AREA PLAN

In 2013, the Board of Commissioners recognized the uniqueness of Moyock and the concerns of the area’s citizens, so they commissioned the Moyock Small Area Plan (MSAP) to comprehensively review growth and development. The MSAP examines issues, concerns, and expectations of the Moyock community and establishes public policy that works to accomplish the public’s vision . The MSAP includes policies that will address growth management, sense of place and quality of life, and economic development specific to Moyock. The MSAP Plan classifies this site as Limited Service. The policy emphasis for Limited Service is for the land to be less intensely developed than Full Service areas. Limited service designations provide for limited availability to infrastructure and services and low to moderate residential densities. Residential densities in this designation range between 1 – 1.5 units per acre. The Board of Commissioners found the proposed plan consistent with policies in the plan, including:

Policy FLU1	Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. (Summary)
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Drainage and Utilities

County Engineer Comments

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

RECOMMENDATION

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.

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.

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:

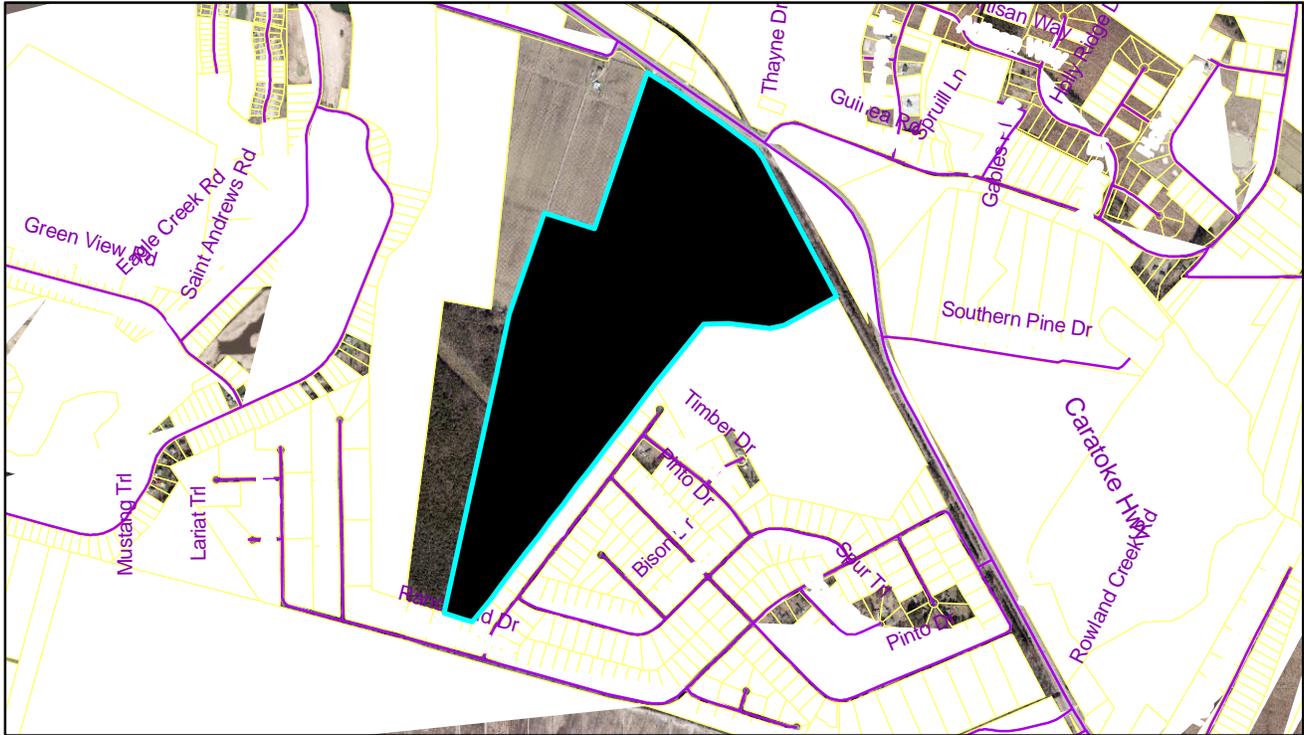
- It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C.
- The conditions placed on the development will improve drainage problems on the property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage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

Attachment: 1 Amendment #2 Fost PD-R PB Staff Report (PB 18-23 Fost Tract)

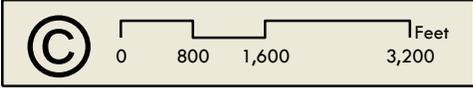
- It is compatible with existing Moyock Township Subdivision.

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.

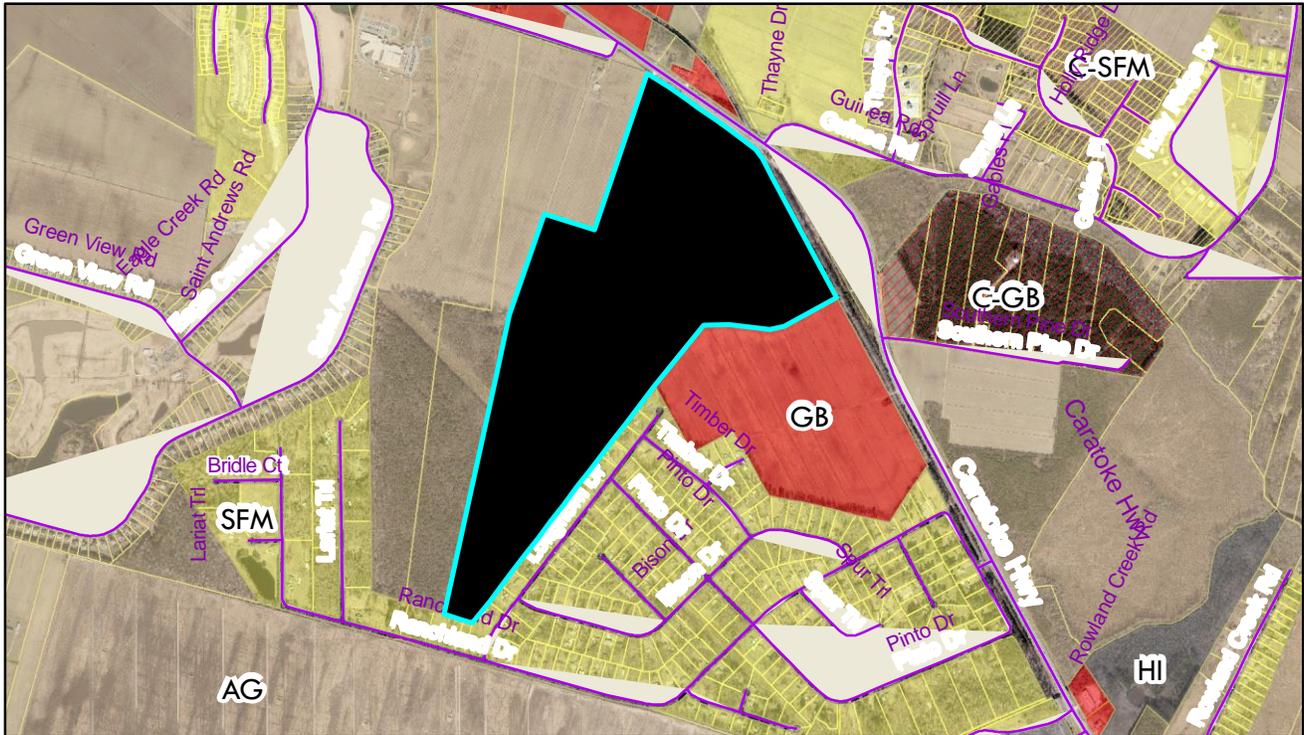
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



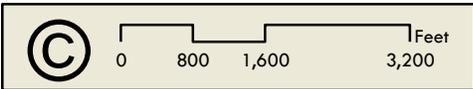
PB 18-23 Fost
Amended PD-R Zoning
2016 Aerial Photography



Currituck County
Planning and
Community Development

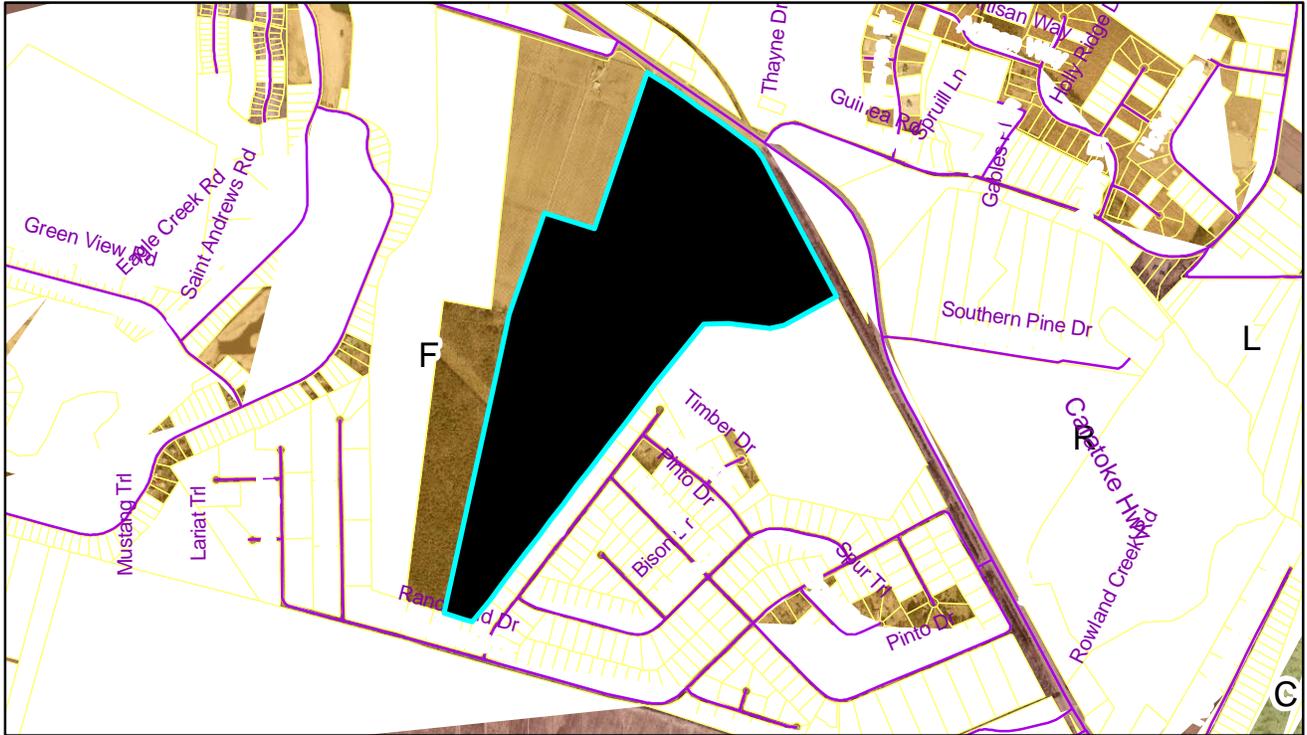


PB 18-23 Fost
Amended PD-R Zoning
Zoning

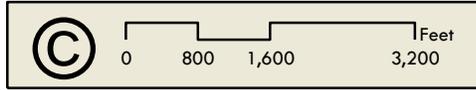


Currituck County
Planning and
Community Development

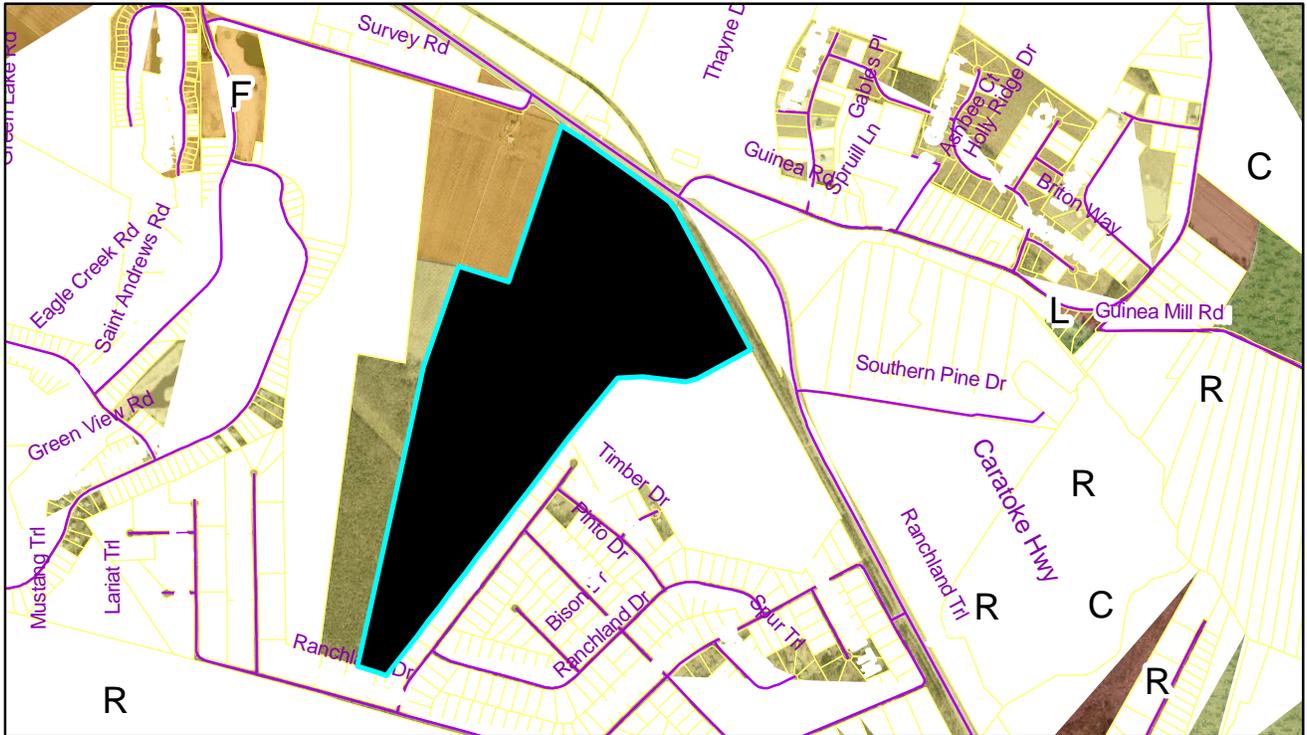
Attachment: 1 Amendment #2 Fost PD-R PB Staff Report (PB 18-23 Fost Tract)



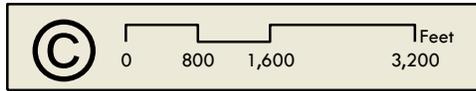
PB 18-23 Foster
Amended PD-R Zoning
LUP Classification



Currituck County
Planning and
Community Development

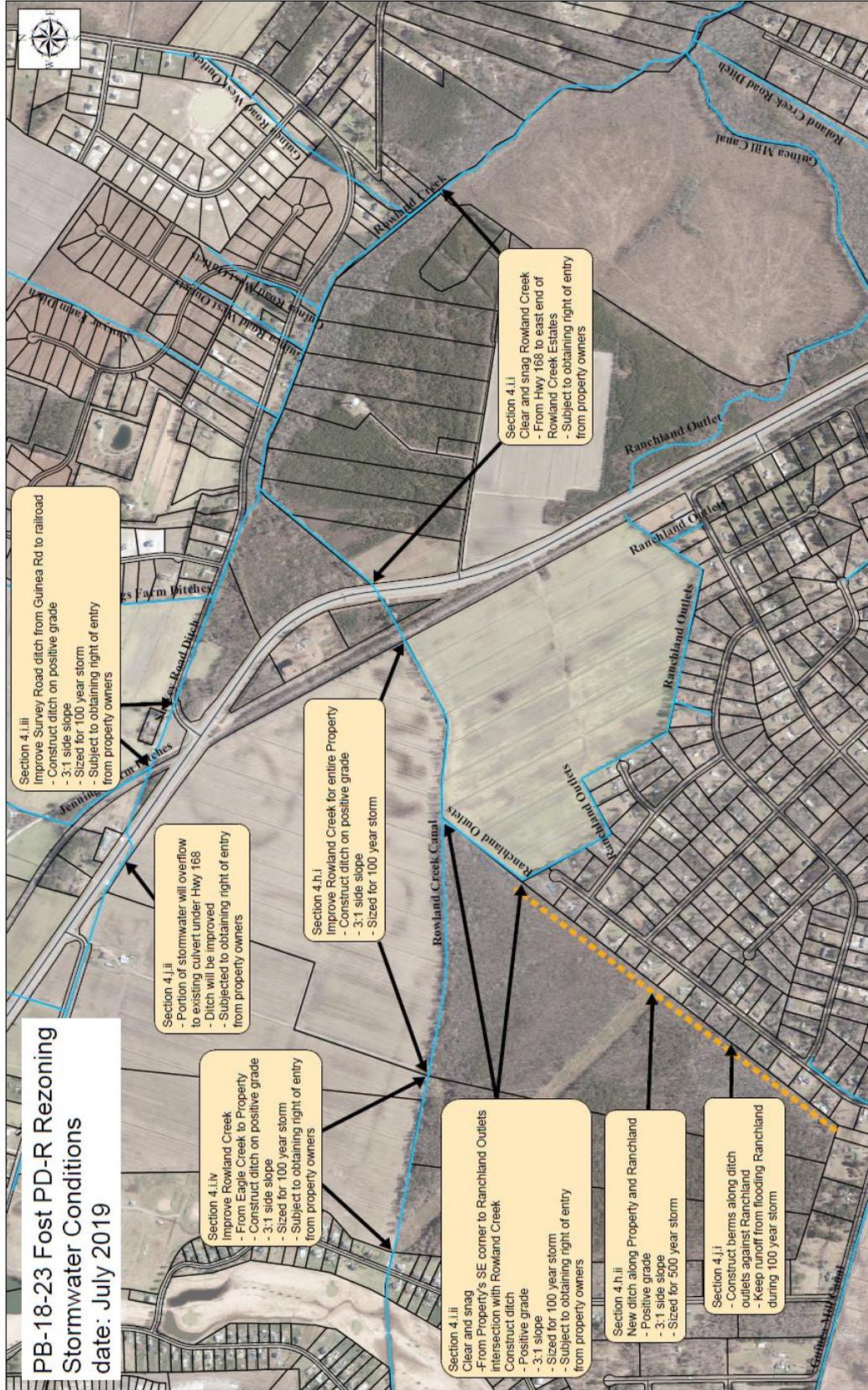


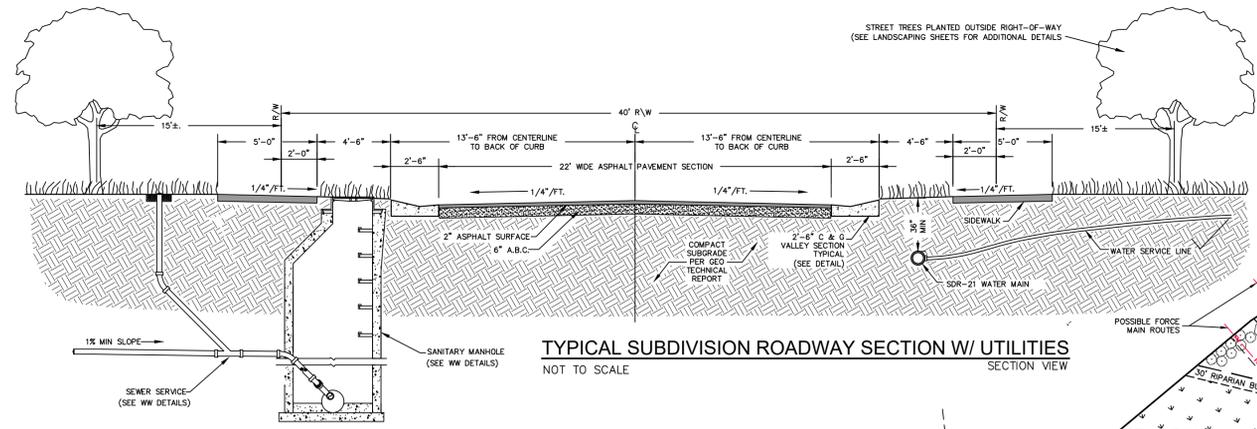
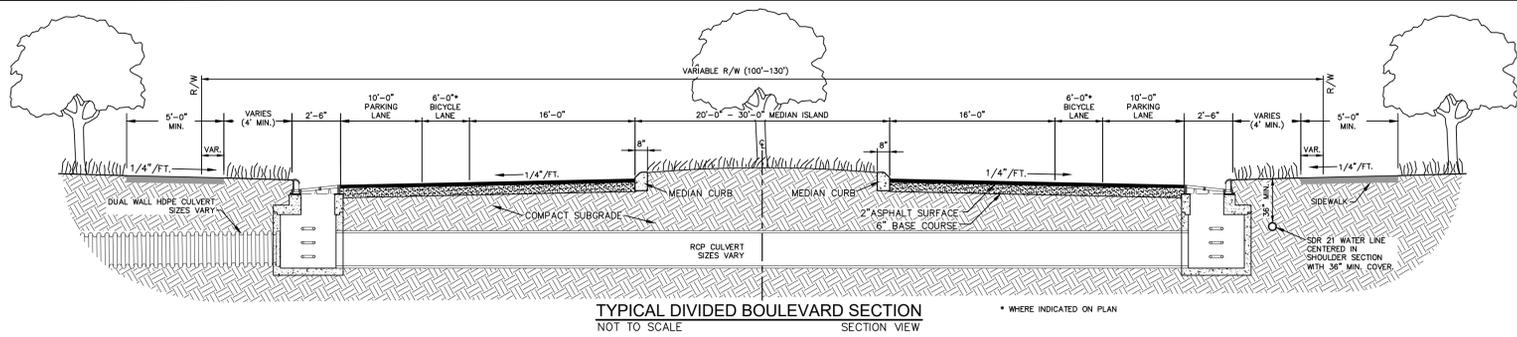
PB 18-23 Foster
Amended PD-R Zoning
Moyock SAP Classification



Currituck County
Planning and
Community Development

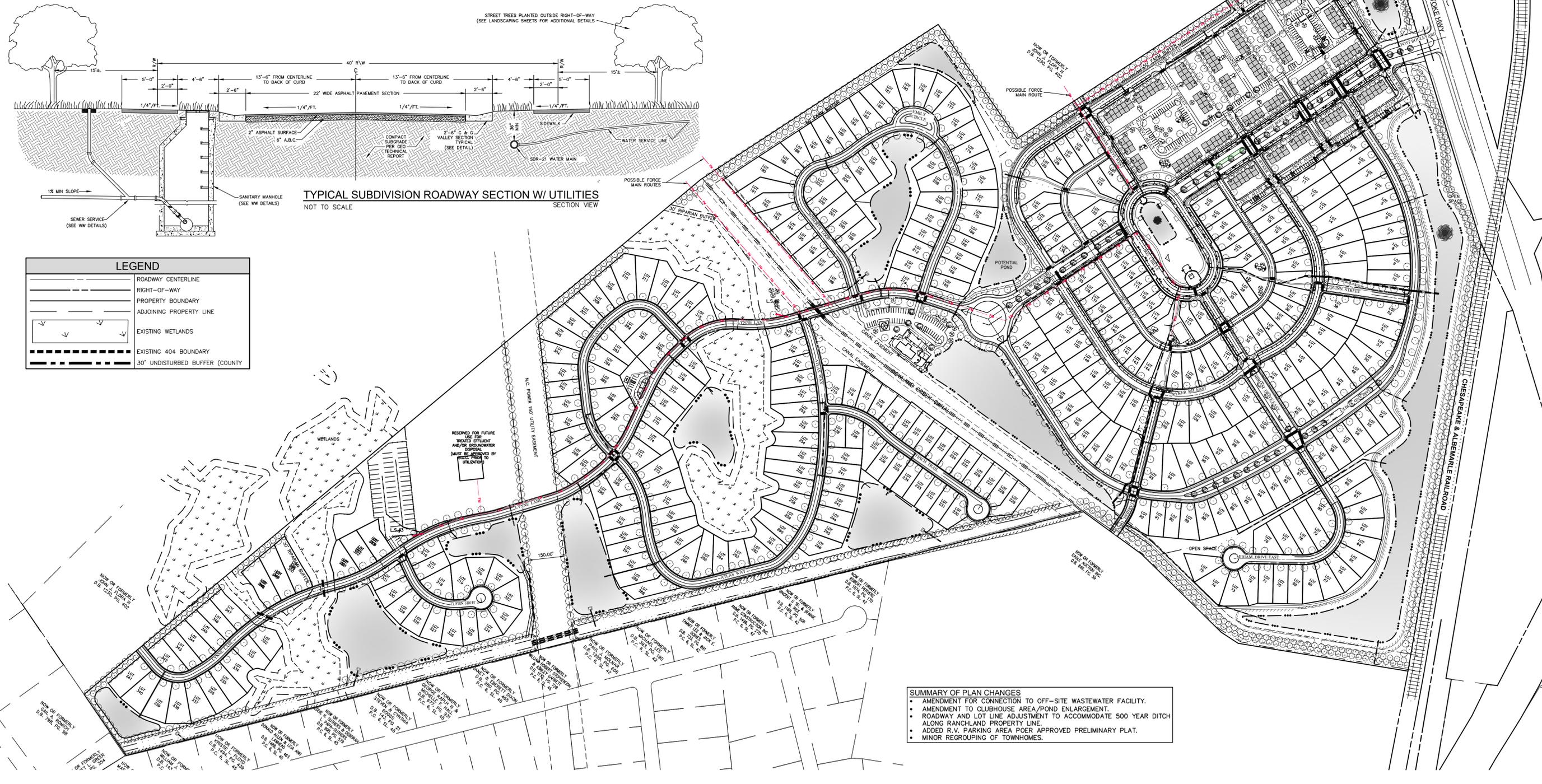
Attachment: 1 Amendment #2 Foster PD-R PB Staff Report (PB 18-23 Foster Tract)





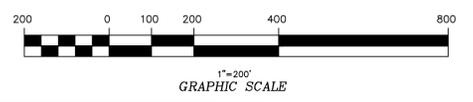
LEGEND

	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	EXISTING WETLANDS
	EXISTING 404 BOUNDARY
	30' UNDISTURBED BUFFER (COUNTY)



SUMMARY OF PLAN CHANGES

- AMENDMENT FOR CONNECTION TO OFF-SITE WASTEWATER FACILITY.
- AMENDMENT TO CLUBHOUSE AREA/POND ENLARGEMENT.
- ROADWAY AND LOT LINE ADJUSTMENT TO ACCOMMODATE 500 YEAR DITCH ALONG RANGLAND PROPERTY LINE.
- ADDED R.V. PARKING AREA POER APPROVED PRELIMINARY PLAT.
- MINOR REGROUPING OF TOWNHOMES.



BISSELL PROFESSIONAL GROUP
 Firm License # C-956
 10000 Highway
 P.O. Box 1008
 Cary, NC 27513
 Phone: (919) 232-7900
 Fax: (919) 232-7900

PLANNING GROUP
 Engineers, Planners, Surveyors
 and Environmental Specialists

PLAN AMENDMENT NO. 3

THE FOST TRACT PD-R
 CURRITUCK COUNTY
 NORTH CAROLINA

AMENDED MASTER PLAN

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK
1	11/23/20	ISSUE COMMENTS		

PROGRESS DRAWING
 PURPOSES ONLY
 CONSTRUCTION

DATE: 9/23/20 SCALE: 1" = 200'
 DESIGNED: BPG CHECKED: MSB
 DRAWN: KFW/DMK APPROVED: BPG
 SHEET: 1 OF 1
 CAD FILE: 4651MASTER4
 PROJECT NO: 4651

Section 4: The zoning map amendment for the Property is approved with the following conditions:

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the

Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy-one (71) residential units.
- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") or Department of Health & Human Services ("NCDHHS") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protections shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- 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 constructed by the

Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission.

- h. **On-Site Stormwater:** The following improvements to stormwater drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:
- i. Improve Rowland Creek for the entire length on the Property by construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
 - iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.
- i. **Off-Site Stormwater:** Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:
- i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088MOOOO)
 - ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 0238000004201 F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
 - iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063YO000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
 - v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.
 - vi. Should Developer be unable to obtain right of entry from any landowner prior to recording Phase 2, then Developer's only

obligation under this Section (i), Off-Site Stormwater, shall be to provide fee in lieu in the amount of 115% of the cost of the Off-Site Improvements, such that the County may complete these Improvements if and when right of entry is obtained.

j. Overall stormwater conditions:

- i. The Developer shall construct berms along ditch outlets against Ranchland to keep proposed development's runoff from flooding Ranchland during a 100 year storm.
- ii. On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. A portion of the stormwater will also overflow to an existing culvert that runs directly under N.C. Highway 168 near the northwest corner of the property, The ditch that drains that outlet will also be improved as necessary subject to obtaining right of access referenced above.

In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard for the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater shall be modeled for the 100-year storm event and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties.

Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.

k. Perimeter compatibility shall be addressed as follows:

- i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
- ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks, berms and landscaping.
- iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
- iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
- v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.

- I. Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. Wetland buffers have been shown on the Master Plan and the Development plan honors those buffers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of the buffer areas other than incidental tree cutting and vegetation removal, except for minor impacts associated with stormwater management facilities.

The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Currituck County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as periodic improvements to Rowland Creek both through the development, as well as a contribution to off-site maintenance.

Wind tides will be considered in the design of site grading, with structures located above the elevation of the historic wind tidal influence from Rowland Creek.

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND T.H.</u>	<u>TND SFLOT</u>	<u>CONV. SFLOT</u>
Min Lot Size:	1,800 SF	6,900 SF	9,500 SF
Typ. Lot Size:	1,800 – 3,000 SF	7,000 – 9,000 SF	10,000 – 15,000 SF
Min. Lot Width:	20'	35'	35'
Typ. Lot Width:	20' – 25'	50' – 60'	62'
Front Setback:	15'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	75'	140'
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	16,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	45%

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (AC.)(+/-)</u>	<u>DEVELOPMENT INTENSITY (D.U./AC.)</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1A	18.3	2.3	25	1	16	42	Rowland Creek Improvements
1B	13	2.23	0	11	18	29	
PH. 1 SUBTOTAL	31.3	2.27	25	12	34	71	
2	31.5	2.06	19	16	30	65	Main Lake (Completion)
3	26.6	1.92	16	14	21	51	Village Green & Clubhouse
4	24.7	3.12	27		50	77	Multi-Use Path
5	14.9	2.48		17	20	37	Swimming Pool
6	35	2.26	21		58	79	
7	23.8	2.56	18		43	61	Up to 22,000 SF Neighborhood Commercial
8	18.6	1.02			19	19	
9	13.7	1.39			19	19	
Effluent & RV	8.18	0					
TOTALS	228.28	2.10	126	59	294	479	

Attachment: 4 11-30-20 Updated Terms and Conditions (PB 18-23 Fost Tract)

SCHEDULE C
ROADWAY
STANDARDS

<u>TYPE</u>	<u>R/W WIDTH</u>	<u>PAV'T. WIDTH</u> <u>(B-B)</u>
Boulevard w/on-street parking & bike lane	100' – 130'	35' each way
Local Road w/parking both sides	60'	43'
Local Road w/parking one side	50' – 55'	35
Local Road w/no parking	40'	27'
Alley	20' – 30'	20'
Boulevard w/out bike lane	80'	16' each way

Attachment: 4 11-30-20 Updated Terms and Conditions (PB 18-23 Fost Tract)

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (AC.)(+/-)</u>	<u>DEVELOPMENT INTENSITY (D.U./AC.)</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1A	18.3	2.3	25	1	16	42	Rowland Creek Improvements
1B	13	2.23	0	11	18	29	
PH. 1 SUBTOTAL	31.3	2.27	25	12	34	71	
2	31.5	2.06	19	16	30	65	Main Lake (Completion)
3	26.6	1.92	16	14	21	51	Village Green & Clubhouse
4	24.7	3.12	27		50	77	Multi-Use Path
5	14.9	2.48		17	20	37	Swimming Pool
6	35	2.26	21		58	79	
7	23.8	2.56	18		43	61	Up to 22,000 SF Neighborhood Commercial
8	18.6	1.02			19	19	
9	13.7	1.39			19	19	
Effluent & RV	8.18	0					
TOTALS	228.28	2.10	126	59	294	479	

Attachment: 5 11-30-20 Updated Schedule B (PB 18-23 Fost Tract)



Planned Development Application

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

Contact Information

APPLICANT:

Name: Moyock Development, LLC
Address: 417-D Caratoke Hwy.
Moyock, NC 27958
Telephone: 252-435-2718
E-Mail Address: jold@qhoc.com

PROPERTY OWNER:

Name: Moyock Development, LLC
Address: 417-D Caratoke Hwy.
Moyock, NC 27958
Telephone: 252-435-2718
E-Mail Address: jold@qhoc.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

Physical Street Address: Caratoke Hwy.
Location: Moyock, NC 27958
Parcel Identification Number(s): 0015-000-0086-0000
Total Parcel(s) Acreage: 228.83
Existing Land Use of Property: Agricultural/Woodland

Request

Current Zoning of Property: PD-R

Proposed Zoning District

- Planned Development – Residential (PD-R)
- Planned Development – Mixed (PD-M)
- Planned Development – Outer Banks (PD-O)

Amendments

- Amended Master Plan
- Amended Terms and Conditions

Community Meeting

Date Meeting Held: 9/23/2020 **Meeting Location:** Eagle Creek Event Pavilion

Planned Development Request

It is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the master plan, terms and conditions document, use(s) authorized, and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Currituck County Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such planned development so authorized and shall be submitted to the Technical Review Committee.

Property Owner(s)

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

[Signature]
Date

Attachment: 6 Application (PB 18-23 Fost Tract)



Planned Development Application

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

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>Moyock Development, LLC</u>	Name: <u>Moyock Development, LLC</u>
Address: <u>417-D Caratoke Hwy.</u>	Address: <u>417-D Caratoke Hwy.</u>
<u>Moyock, NC 27958</u>	<u>Moyock, NC 27958</u>
Telephone: <u>252-435-2718</u>	Telephone: <u>252-435-2718</u>
E-Mail Address: <u>jold@qhoc.com</u>	E-Mail Address: <u>jold@qhoc.com</u>
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>Same</u>	

Property Information

Physical Street Address: Caratoke Hwy.
 Location: Moyock, NC 27958
 Parcel Identification Number(s): 0015-000-0086-0000
 Total Parcel(s) Acreage: 228.83
 Existing Land Use of Property: Agricultural/Woodland

Request

Current Zoning of Property: PD-R

<u>Proposed Zoning District</u>	<u>Amendments</u>
<input type="checkbox"/> Planned Development – Residential (PD-R)	<input checked="" type="checkbox"/> Amended Master Plan
<input type="checkbox"/> Planned Development – Mixed (PD-M)	<input checked="" type="checkbox"/> Amended Terms and Conditions
<input type="checkbox"/> Planned Development – Outer Banks (PD-O)	

Community Meeting

Date Meeting Held: 9/23/2020 Meeting Location: Eagle Creek Event Pavilion

Planned Development Request

It is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the master plan, terms and conditions document, use(s) authorized, and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Currituck County Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such planned development so authorized and shall be submitted to the Technical Review Committee.

[Signature] Date 9/24/2020
 Property Owner(s)
 NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

Attachment: 7 fost-app-20oct14 (PB 18-23 Fost Tract)

Planned Development Terms and Conditions, and Submittal Checklist

The terms and conditions document shall incorporate by reference or include, but not be limited to the items listed in the 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.

Planned Development Terms and Conditions and Submittal Checklist

Date Received: _____ TRC Date: _____

Project Name: 4651- Post Text Amendment

Applicant/Property Owner: Moyock Development, LLC

Terms and Conditions Checklist		
1	Conditions related to approval of the application for the PD zoning district classification.	X
2	The master plan, including and density/intensity standards, dimensional standards, and development standards established in the master plan.	X
3	Conditions related to the approval of the master plan, including any conditions related to the form and design of development shown in the master plan.	X
4	Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development.	X
5	Provisions related to environmental protection and monitoring.	X
6	Any other provisions the Board of Commissioners determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.	X

Submittal Checklist		
1	Complete Planned Development application	X
2	Application fee (\$300 plus \$5 for each acre or part thereof)	X
3	Community meeting written summary	X
4	Master Plan	X
5	Terms and Conditions	X
6	3 copies of plans	X
7	2 hard copies of ALL documents	X
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	X

For Staff Only

Pre-application Conference

Pre-application Conference was held on _____ and the following people were present:

Comments

Attachment: 7 fost-app-20oct14 (PB 18-23 Fost Tract)

Fost PD-R Amendment No. 2 and Preliminary Plat Amendment

September 23, 2020

Scheduled Time/Place: 4:00pm and 6:00pm, Eagle Creek Pavilion

The first meeting began at 4:00pm/Meeting Ended: at approximately 4:40pm

The second meeting began at 5:50pm/Meeting ended at approximately 6:15pm

Attendees: (See attached sign-in sheets)

Also: Jennie Turner, Currituck County
Justin Old, Developer
Mark Bissell, Engineer

Comments from the Community	How Addressed
How will the sewer work?	It is proposed that wastewater be pumped to Eagle Creek for treatment and disposal. A site is being set aside for future disposal of treated effluent and/or groundwater from the Eagle Creek site.
Where will the entrance be located and when will it be constructed?	About halfway between the railroad tract and Survey road. The work is supposed to begin on the entrance road next week and you should see the connection within two weeks.
How will the new drainage ditch work and can Ranchland properties connect?	The ditch will be constructed along the property line with all of the widening taking place on the Fost side. The Ranchland side of the ditch actually extends onto many of the Ranchland lots that will have direct access to it. The ditch will be connected to the Rowland Creek canal which is also being improved.
Where will the berm be located?	On the Fost side of the Ranchland ditch.

Summary:

Between the two meetings, only three residents showed up, all from Ranchland. Their questions were addressed and they seemed satisfied. There being no further questions or comments the meetings were adjourned.

Attachment: 7 fost-app-20oct14 (PB 18-23 Fost Tract)



September 24, 2020

Ms. Tammy Glave, CZO, Senior Planner
Currituck County Department of Planning & Community Development
153 Courthouse Road, Suite 110
Currituck, NC 27929

Re: The Fost Tract-Application for PD-R Amendment (Second Amendment)

Dear Tammy,

We are submitting three copies of plans, one 8.5 x 11 reduction, 2 hard copies of documents and a pdf on CD of a request for plan amendment to the Fost PD-R to provide for an off-site wastewater system connection, minor amendment to the clubhouse area and associated pond enlargement, and to adjust lot lines and roadway alignments as necessary to accommodate the 500-year Ranchland ditch. The following are included in this package:

- Application
- Review Fee
- Amended master plan drawing
- Amendment to Terms & Conditions
- Community meeting minutes and sign-in sheets

We believe this package meets the submittal requirements for review of this request; please let us know if you find that you need anything additional in order to be able to place this item on the October TRC agenda for review.

Sincerely yours,
BISELL PROFESSIONAL GROUP



Mark Bissell, PE

cc: Mr. Justin Old

Community Meeting Sign-In Sheet
Fost Development
September 23, 2020
4:00 P.M.

NAME	ADDRESS	TELEPHONE	E-MAIL
Lisa Laidhead	122 Congorndr Moyock	804-854-7028	ewboy67@yahoo
Jemie Turner		252-232-6051	jenae.turner@chathamcountync.gov
Don Dixon	114 Longhorne Dr	252-455-9378	
Justin Old	131 Sparkle Ln	252-435-2718	Tolcl@alter.com

Section 4: The zoning map amendment for the Property is approved with the following conditions:

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy (70) residential units.
- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protections shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- 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 constructed by the Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission.
- h. On-Site Stormwater: The following improvements to stormwater

drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:

- i. Improve Rowland Creek for the entire length on the Property by construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
 - iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.
- i. Off-Site Stormwater: Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:
- i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088M0000)
 - ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 023B000004201F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
 - iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063Y0000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
 - v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.
 - vi. Should Developer be unable to obtain right of entry from any

landowner within 4 months from the date this ordinance is adopted, such time not being tolled in the event of an appeal, injunction or other stay of the zoning case, then Developer's only obligation under this Section (i), Off-Site Stormwater, shall be to provide fee in lieu in the amount of 115% of the cost of the Off-Site Improvements, such that the County may complete these Improvements if and when right of entry is obtained.

j. Overall stormwater conditions:

- i. The Developer shall construct berms along ditch outlets against Ranchland to keep proposed development's runoff from flooding Ranchland during a 100 year storm.
- ii. On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. A portion of the stormwater will also overflow to an existing culvert that runs directly under N.C. Highway 168 near the northwest corner of the property, The ditch that drains that outlet will also be improved as necessary subject to obtaining right of access referenced above.

In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard for the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater shall be modeled for the 100-year storm event and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties.

Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.

- k. Rear loaded cottage lots, if market conditions warrant, may be converted to conventional frontloaded single family dwelling lots at the rate of up to 50% in each phase that includes cottage lots. No more than 22,000 square feet of neighborhood commercial development may be constructed on the ground floor of the townhouse section along the entrance boulevard where indicated on the Master Plan drawings, if market conditions support this style of development. If not, these areas may be converted to residential use (without increasing the approved density).

l. Perimeter compatibility shall be addressed as follows:

- i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
- ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance

- road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks, berms and landscaping.
- iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
 - iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
 - v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.
- m. Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. Wetland buffers have been shown on the Master Plan and the Development plan honors those buffers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of the buffer areas other than incidental tree cutting and vegetation removal.

The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Currituck County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as periodic improvements to Rowland Creek both through the development, as well as a contribution to off-site maintenance.

Wind tides will be considered in the design of site grading, with structures located above the elevation of the historic wind tidal influence from Rowland Creek.

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND T.H.</u>	<u>TND SFLOT</u>	<u>CONV. SFLOT</u>
Min Lot Size:	1,800 SF	7,000 SF	9,000 SF
Typ. Lot Size:	1,800 – 3,000 SF	7,000 – 10,000 SF	9,000 – 17,600 SF
Min. Lot Width:	20'	35'	43'
Typ. Lot Width:	20' – 25'	50' – 60'	62'
Front Setback:	15'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	25'	35'
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	6,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	50%

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND T.H.</u>	<u>TND SFLOT</u>	<u>CONV. SFLOT</u>
Min Lot Size:	1,800 SF	6,900 SF	9,500 SF
Typ. Lot Size:	1,800 – 3,000 SF	7,000 – 9,000 SF	10,000 – 15,000 SF
Min. Lot Width:	20'	35'	35'
Typ. Lot Width:	20' – 25'	50' – 60'	62'
Front Setback:	15'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	75'	140'
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	16,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	45%

SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (AC.)</u>	<u>DEVELOPMENT INTENSITY (D.U./AC.)</u>	<u>TND I.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	39.7	1.79	25	12	34	71	Rowland Creek Improvements
2	33.1	1.96	19	9	37	65	Main Lake (Completion)
3	29.2	1.88	16	14	25	55	Village Green & Clubhouse
4	19.9	3.67	27	7	39	73	Multi-Use Path
5	14.4	2.57		17	20	37	Swimming Pool
6	39.7	1.99	21		58	79	Up to 22,000 SF Neighborhood Commercial
7	23.8	2.56	18		43	61	
8	17	1.12			19	19	
9	12	1.58			19	19	
TOTALS	228.8	2.09	126	59	294	479	

**SCHEDULE C
ROADWAY
STANDARDS**

<u>TYPE</u>	<u>R/W WIDTH</u>	<u>PAV'T. WIDTH</u> <u>(B-B)</u>
Boulevard w/on-street parking & bike lane	100' – 130'	35' each way
Local Road w/parking both sides	60'	43'
Local Road w/parking one side	50' – 55'	35'
Local Road w/no parking	40'	27'
Alley	20' – 30'	20'
Boulevard w/out bike lane	80'	16' each way

Attachment: 7 fost-app-20oct14 (PB 18-23 Fost Tract)

Fost PD-R Amendment No. 2 and Preliminary Plat Amendment

September 23, 2020

Scheduled Time/Place: 4:00pm and 6:00pm, Eagle Creek Pavilion

The first meeting began at 4:00pm/Meeting Ended: at approximately 4:40pm

The second meeting began at 5:50pm/Meeting ended at approximately 6:15pm

Attendees: (See attached sign-in sheets)

Also: Jennie Turner, Currituck County
Justin Old, Developer
Mark Bissell, Engineer

Comments from the Community	How Addressed
How will the sewer work?	It is proposed that wastewater be pumped to Eagle Creek for treatment and disposal. A site is being set aside for future disposal of treated effluent and/or groundwater from the Eagle Creek site.
Where will the entrance be located and when will it be constructed?	About halfway between the railroad tract and Survey road. The work is supposed to begin on the entrance road next week and you should see the connection within two weeks.
How will the new drainage ditch work and can Ranchland properties connect?	The ditch will be constructed along the property line with all of the widening taking place on the Fost side. The Ranchland side of the ditch actually extends onto many of the Ranchland lots that will have direct access to it. The ditch will be connected to the Rowland Creek canal which is also being improved.
Where will the berm be located?	On the Fost side of the Ranchland ditch.

Summary:

Between the two meetings, only three residents showed up, all from Ranchland. Their questions were addressed and they seemed satisfied. There being no further questions or comments the meetings were adjourned.

Attachment: 8 Community Meeting Minutes (PB 18-23 Fost Tract)

Community Meeting Sign-In Sheet

Fost Development

September 23, 2020

4:00 P.M.

NAME	ADDRESS	TELEPHONE	E-MAIL
Lisa Laidhead	122 Congorndt Moyaak	804-854-7028	cwb0167@yahoo
Jemie Turner		252-232-6051	jenae.turner@chathamcountync.gov
Don Dixon	114 Longhorne Dr	252-455-9378	
Justin Old	131 Sparkle Ln	252-435-2718	Tolcl@alter.com

November 2019 Approved Plan



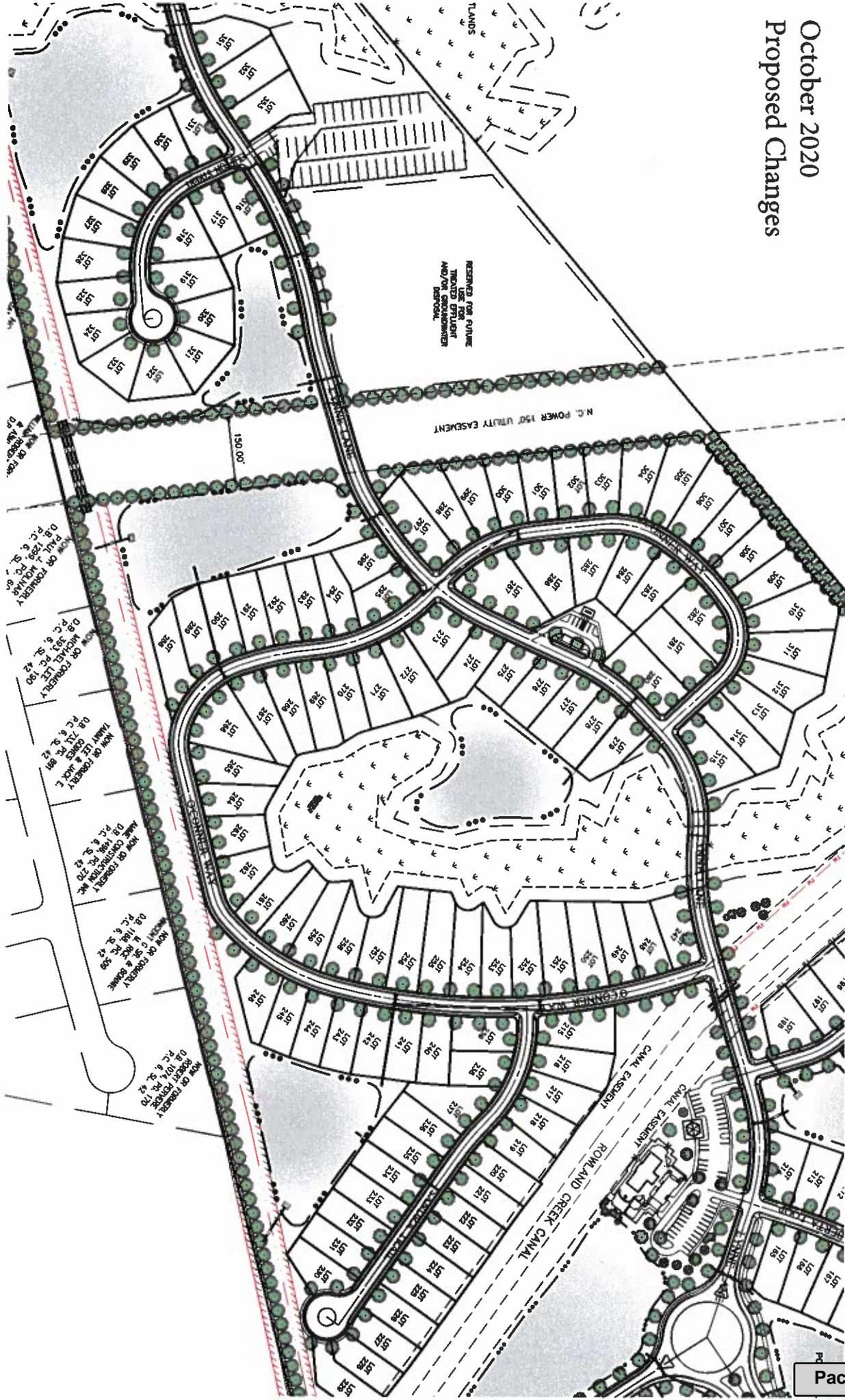
Attachment: 10 November 2019 Approved Plan Zoom In - revised (PB 18-23 Fost Tract)

November 2019 Approved Plan



Attachment: 12 November 2019 Approved Plan Zoom In - revised (PB 18-23 Fost Tract)

October 2020
Proposed Changes



Attachment: 13 Proposed Amended Plan Zoom In - revised (PB 18-23 Fost Tract)



November 23, 2020

Mrs. Laurie LoCicero, AICP and Currituck County Planning Staff
 Currituck County Planning and
 Community Development
 153 Courthouse Road, Suite 110
 Currituck, NC 27929

RE: Fost #2 Amended Plan Development Master Plan/Terms and Condition Documents TRC Comments

Dear Laurie and Staff,

We are responding to TRC comments dated Oct. 15, 2020 for the Fost 2nd Amendment to the Master Plan. We had intended to reply prior to this request going to the Planning Board for consideration, but since it went ahead of the anticipated schedule, we are responding now before it goes to the County Commissioners. November 23, 2020 is the date we had already planned for this submittal and we are addressing the comments as follows:

Planning (Tammy Glave)

1. As suggested, we have reworded condition b of the approved zoning conditions to include both NCDEQ and DHHS, since both agencies have authority over wastewater systems in NC.
2. The correct most recently approved terms and conditions template is being utilized, including removal of the original Paragraph K, the corrected version of Paragraph M, and the single correct version of Schedule A. Schedule B has now been updated to reflect the updated phasing as shown in the annual phasing report that is being submitted concurrently. (Let me know if this is problematic to include here; if so, we will try to handle it in some other way.)
3. Additional minor changes to the approved Master Plan have been called out on the plan, including a minor regrouping of multi-family units, and identifying the approved RV equipment/storage parking area that was shown on the approved preliminary plat and construction drawings.
4. A note regarding the BOC needing to approve the use of this site for effluent or groundwater from off-site has been added.
5. It is acknowledged that the off-site wastewater connection is not approved unless the BOC approves the separate application for a major utility.

Currituck Soil and Stormwater (Dylan Lloyd)

1. Rowland Creek south of the development will be cleared and snagged prior to an application being made for final plat approval for the first development phase.

NC Division of Coastal Management (Charlan Owens)

1. It is acknowledged that the contractor will need to coordinate with DCM prior to beginning work downstream of the railroad track.

US Post Office (Postmaster)

1. The post office was contacted previously and locations for the CBU's were coordinated with the postmaster.

We are providing 3 full size copies of revised plans, ten 11x17 copies of revised plans, one 8.5x11 copy of revised plans and one .pdf digital copy of all revised documents and plans for your use in continuing the review and approval process of this request.

Please let me know if you need any additional information at this time.

Sincerely yours,

BISELL PROFESSIONAL GROUP



Mark S. Bissell, P.E.

Cc: Mr. Justin Old

Attachment: 14 Response to TRC Comments Memo 11-23-2020 (PB 18-23 Fost Tract)



November 23, 2020

Mrs. Laurie B. LoCicero, AICP
 Currituck County Planning and
 Community Development
 153 Courthouse Road, Suite 110
 Currituck, NC 27929

RE: Fost PDR Terms and Conditions

Dear Laurie,

As provided for in Paragraph a. of Section 4 of Amendment 1 to the Fost PD-R Rezoning Terms and Conditions, we are providing an annual update to the phasing plan for this development. A plan is attached showing the updated phase lines, along with an associated phasing schedule for this development.

The following is a summary of the changes to the previous phasing schedule:

1. Phase 1 is being divided into two sub-phases, called phases 1A and 1B, which corresponds to the anticipated construction schedule, which will allow a portion of the first phase to go to record in advance of the remainder of Phase 1. Together, Phase 1A and 1B have the same number of each type of housing unit, and the same 71 total dwelling units that were originally approved for recording as Phase 1.
2. The phase lines of Phase 2 have been modified based on the approved construction drawings. There is also an adjustment in the number of TND Single Family vs. Conventional Single Family in Phase 2, with the total number of dwelling units in that phase remaining at 65 per the previous approval.
3. The lines between Phases 3 and 4 have been modified so that Phase 3 now has 4 fewer lots and Phase 4 has 4 more lots than on the previous schedule.
4. The phase line between the townhome portion of phases 6 & 7 has been adjusted.
5. The single family portions of phases 5-9 are unchanged in terms of the number and type of dwelling units and approximate phase boundaries.

We anticipate incorporating this updated phasing plan into future submittals for the development so that the Master Plan, Preliminary Plat and Construction Drawings are all consistent going forward.

We anticipate submitting a second annual phasing report in November, 2021.

Please let me know if you have any questions.

Sincerely yours,
 BISSELL PROFESSIONAL GROUP

Mark S. Bissell, P.E.

Cc: Mr. Justin Old P.O. Box 1068 • 3512 N. Croatan Hwy. • Kitty Hawk, NC 27949
 252-261-3266 • Fax: 252-261-1760 • E-mail: bpg@bissellprofessionalgroup.com

Attachment: 15 Revised Phasing Plan Memo (PB 18-23 Fost Tract)



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 may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

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

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

Staff Recommendation

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:

1. 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)
 - 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													
USE CATEGORY	USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]											
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS							ADDITIONAL REQ. (4.2.____)	
					CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN		OAK TRAIL
AGRICULTURAL USE CLASSIFICATION													
Agricultural Support and Services (Not Directly Related)	Distribution hub for agricultural <u>and agronomic</u> products		MP										1.C
INSTITUTIONAL USE CLASSIFICATION													
Utilities	Wind energy facility, large		MP	MP									2.K
COMMERCIAL USE CLASSIFICATION													
Recreation/Entertainment, Outdoor	<u>Outdoor tour operator, Aviation</u>		MP	MP									<u>4.F.7</u>

Attachment: 1- 20-17 CC - Corrections Housekeeping (PB 20-17 Currituck County)

Item 2: Staff suggested Statement of Consistency and Reasonableness:

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

1. 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)
 - 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)

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

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2020.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

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

PLANNING BOARD DATE: 11/10/20
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 4 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 11/25/20 & 12/2/20
BOARD OF COMMISSIONERS PUBLIC HEARING: 12/7/20
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: 1- 20-17 CC - Corrections Housekeeping (PB 20-17 Currituck County)



Text Amendment Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: Currituck County
Address: 153 Courthouse Road
Currituck, NC 27929
Telephone: 252-232-3055
E-Mail Address: _____

Request

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

Amend Chapter(s) 4 Section(s) 4.1.2. Table 4.1.1.B as follows:

The proposed text amendment is to correct the the Planned Development Summary Use Table to reestablish or modify three uses excluded from a recent text amendment. The amendment includes corrections for large wind energy facilities, agricultural support and services, and aviation outdoor tour operators.

*Request may be attached on separate paper if needed.

Laurie B. LeCicero
Petitioner

October 8, 2020
Date

**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.

Michael H. Payment, Chairman
Board of Commissioners

ATTEST:

Leeann Walton,
Clerk to the Board of Commissioners

(COUNTY SEAL)

Attachment: Resolution authorizing conveyance of property JDLoveLLC 120720 (Public Hearing-Conveyance of Property, Maple Commerce

NORTH CAROLINA

CURRITUCK COUNTY

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT is made and entered into this 17 day of November, 2020, by and among COUNTY OF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina (herein called "Seller") and JDLOVE, LLC, a North Carolina limited liability corporation, (herein called "Buyer").

WITNESSETH:

1. Agreement to Sell and Purchase. For and in consideration of the Initial Earnest Money, in hand paid by Buyer to Escrow Agent, the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Seller and Buyer, Seller hereby agrees to sell and convey to Buyer, and Buyer hereby agrees to purchase and take from Seller, subject to and in accordance with all of the terms and conditions of this Agreement, the following:

- All that certain lot, tract or parcel of improved real estate more particularly described on Exhibit "A" attached hereto, together with all plants, shrubs and trees located thereon, and together with all rights, ways and easements appurtenant thereto (herein collectively called the "Land");

The matters described in this paragraph 1 are herein sometimes collectively called the "Property".

2. Purchase Price; Method of Payment. The purchase price for the Property (herein called the "**Purchase Price**"), shall be ONE HUNDRED EIGHTY-THREE THOUSAND A THREE HUNDRED DOLLARS (\$183,300.00). The Purchase Price, after crediting the Earnest Money, and subject to the prorations and adjustments herein described, shall be paid on the Closing Date by Buyer to Seller by wire delivery of funds through the Federal Reserve System to an account designated in writing by Seller.

3. Earnest Money.

a. Contemporaneously with Buyer's execution and delivery of this Agreement, Buyer has delivered to Leeann Walton, Clerk to the Currituck County Board of Commissioners, as escrow agent (herein called "Escrow Agent") the sum of \$9,150.00 which shall be deposited in accordance with the North Carolina Daily Deposit Act in a noninterest bearing account.

b. If Buyer shall fail to deliver any Earnest Money to Escrow Agent on or before the date required by this agreement, then the Earnest Money theretofore deposited shall be paid to Seller as consideration for Seller's execution of and entry into this Agreement, all rights and obligations of the parties under this Agreement shall expire, and this Agreement shall become null and void. All deposits by Buyer required pursuant to this paragraph 3 shall be in the form of Buyer's check drawn against collected funds, payable to Escrow Agent, and no such deposit shall be deemed timely unless actually received by the date therefor set forth in this paragraph 3.

c. Throughout the term of this Agreement, Escrow Agent shall hold and disburse the Earnest Money in accordance with the terms and conditions of this Agreement.

d. On the Closing Date, the Earnest Money will be applied as part payment of the Purchase Price.

4. Closing. The closing of the purchase and sale of the Property (herein called "Closing"), shall be held at the offices of Buyer's attorney at such time and on such date (the "Closing Date"), as may be specified by written notice from Buyer to Seller not less than ten (10) days prior thereto; provided, however, that the Closing Date shall be on or before thirty (30) days from the date:

a. Buyer receives from Seller site plan and permitting approval for improvements on the Property;

b. Buyer receives from Seller a commitment to provide wastewater treatment and disposal services or determination by Buyer to construct on-site wastewater treatment for Buyer's improvements on the Property; and

c. Buyer receives Seller's certification that Seller has all required state or federal permits required for Seller's development and sale of the Property;

(herein called the "Final Closing Date") and, if Buyer shall fail to give notice designating the Closing Date, the Closing Date shall be, and the Closing shall take place at 10:00 A.M. on, the Final Closing Date.

Notwithstanding the foregoing, Buyer may terminate this Agreement if Seller is unable to provide Buyer with items specified in paragraph 4.a., 4.b., and 4.c. prior to closing in that event Seller will return to Buyer's Earnest Money in full.

Attachment: Purchase & Sale-Maple Complex Lot 1 (Public Hearing-Conveyance of Property, Maple Commerce Park)

5. Access and Inspection; Examination by Buyer.

a. Between the date of this Agreement and the Closing Date, Buyer and Buyer’s agents, employees, contractors, representatives and other designees (“Buyer’s Designees”) shall have the right to enter the Property for the purposes of inspecting the Property, conducting soil tests, conducting surveys, mechanical and structural engineering studies, and conducting any other investigations, examinations, tests and inspections as Buyer may reasonably require to assess the condition of the Property; provided, however, that (i) any activities by or on behalf of Buyer, including, without limitation, the entry by Buyer or Buyer’s Designees onto the Project, or the other activities of Buyer or Buyer’s Designees with respect to the Property (“Buyer’s Activities”) shall not damage the Property in any manner whatsoever, (ii) in the event the Property is altered or disturbed in any manner in connection with any Buyer’s Activities, Buyer shall immediately return the Property to the condition existing prior to Buyer’s Activities, and (iii) Buyer shall indemnify, defend and hold Seller harmless from and against any and all claims, liabilities, damages, losses, costs and expenses of any kind or nature whatsoever (including, without limitation, attorneys’ fees and expenses and court costs) suffered, incurred or sustained by Seller as a result of, by reason of, or in connection with any Buyer’s Activities. Notwithstanding any provision of this Agreement to the contrary, Buyer shall not have the right to undertake any environmental studies or testing beyond the scope of a standard “Phase I” evaluation without the prior written consent of Seller.

b. Buyer shall have until Feb. 5, 2021 (the “Due Diligence Date”), to perform such investigations, examinations, tests and inspections as Buyer shall deem necessary or desirable to determine whether the Property is suitable and satisfactory to Buyer. In the event Buyer shall determine that the Property is not suitable and satisfactory to Buyer, Buyer shall have the right to terminate this Agreement by: (i) giving written notice to Seller on or before the Due Diligence Date; and (ii) delivering to Seller, on or before Due Diligence Date, the items required by subparagraph d of this paragraph 5 and paragraph 15.b. of this Agreement. In the event Buyer gives Seller the notice and delivers to Seller the items required by the immediately preceding sentence, then the Earnest Money shall be refunded to Buyer promptly upon request, all rights and obligations of the parties under this Agreement shall expire, and this Agreement shall become null and void. If Buyer does not terminate this Agreement in accordance with this paragraph 5 on or before the Due Diligence Date, Buyer shall have no further right to terminate this Agreement pursuant to this paragraph 5.

c. Prior to any entry by Buyer or any of Buyer’s Designees onto the Property, Buyer shall: (i) if Buyer does not then have such a policy in force,

Attachment: Purchase & Sale-Maple Complex Lot 1 (Public Hearing-Conveyance of Property, Maple Commerce Park)

procure a policy of commercial general liability insurance, issued by an insurer reasonably satisfactory to Seller, covering all Buyer's Activities, with a single limit of liability (per occurrence and aggregate) of not less than \$1,000,000.00; and (ii) deliver to Seller a Certificate of Insurance, evidencing that such insurance is in force and effect, and evidencing that Seller has been named as an additional insured thereunder with respect to any Buyer's Activities (such Certificate of Insurance shall be delivered to Seller, at the address for notices set forth below Seller's execution of this Agreement). Such insurance shall be written on an "occurrence" basis, and shall be maintained in force until the earlier of the termination of this Agreement and the conclusion of all Buyer's Activities, or Closing.

d. Buyer acknowledges that Seller may deliver to Buyer certain documents and information in Seller's possession regarding the Property (the "Due Diligence Materials"). The Due Diligence Materials will be provided to Buyer without any representation or warranty of any kind or nature whatsoever and are merely provided to Buyer for Buyer's informational purposes.

5. Prorations and Adjustments to Purchase Price. The following prorations and adjustments shall be made between Buyer and Seller at Closing, or thereafter if Buyer and Seller shall agree:

a. All state and county ad valorem taxes and similar impositions levied or imposed upon or assessed against the Property (the "Taxes"), for the year in which Closing occurs shall be prorated as of the Closing Date on a calendar year basis.

b. Any other items which are customarily prorated in connection with the purchase and sale of properties like the Property shall be prorated as of the Closing Date.

In the event that the amount of any item to be prorated is not determinable at the time of Closing, such proration shall be made on the basis of the best available information, and the parties shall re-prorate such item promptly upon receipt of the applicable bills therefor and shall make between themselves any equitable adjustment required by reason of any difference between the estimated amount used as a basis for the proration at Closing and the actual amount subject to proration. In the event any prorated item is due and payable at the time of Closing, the same shall be paid at Closing. If any prorated item is not paid at Closing, Seller shall deliver to Buyer the bills therefor promptly upon receipt thereof and Buyer shall be responsible for the payment in full thereof within the time fixed for payment thereof and before the same shall become delinquent.

Attachment: Purchase & Sale-Maple Complex Lot 1 (Public Hearing-Conveyance of Property, Maple Commerce Park)

6. Title.

a. For the purposes of this Agreement, "good and marketable fee simple title" shall mean such title as is insurable by a title insurance company licensed to do business in North Carolina, under its standard form of ALTA owner's policy of title insurance, at its standard rates, subject only to the following (the "Permitted Exceptions"): (i) the standard or printed exclusions in the form of owner's policy of title insurance referenced above; (ii) such matters as would be disclosed by a current and accurate survey and inspection of the Property; (iii) the lien for Taxes not due and payable on or before the Closing Date; (iv) zoning ordinances affecting the Property; (v) all easements, covenants, restrictions, reservations, rights-of-way and other similar matters of record as of the date of Seller's execution of this Agreement; (vi) the state of compliance or non-compliance of the Property, as of the date of Seller's execution of this Agreement, with any laws, codes, ordinances, rules, regulations or private restrictive covenants applicable to or affecting the Property; and (vii) all matters, if any, waived by Buyer pursuant to this paragraph 7.

b. Buyer shall have until 30 days before closing which to examine title to the Property and in which to give Seller written notice of any objections which render Seller's title less than good and marketable fee simple title. Buyer may reexamine title to the Property up to and including the Closing Date and give Seller written notice of any additional objections appearing of record subsequent to the date of Buyer's initial examination, but Buyer's failure to specify in its initial notice of title objections any objection appearing of record as of the date of such initial notice shall be deemed to be, and shall constitute, a waiver of any such objection, and such objection shall thereafter constitute a Permitted Exception under this Agreement; and, if Buyer shall fail so to examine title to the Property or to give Seller such initial notice of title objections, Buyer shall be deemed to have waived all objections appearing of record as of closing date, and all such objections shall thereafter constitute Permitted Exceptions under this Agreement.

c. Seller shall have until 20 days before closing in which to review Buyer's initial notice of title objections and, if Seller elects, in which to give Buyer written notice of any valid objections specified therein which Seller does not intend to attempt to satisfy. If Seller gives Buyer such written notice with respect to any objection specified in Buyer's initial notice of title objections, and if Buyer thereafter does not elect to terminate this Agreement pursuant to paragraph 4 hereof, Buyer shall be deemed to have waived any objection specified in Buyer's initial notice of title objections as to which Seller has given Buyer such notice, and any such objection shall thereafter constitute a Permitted Exception under this Agreement.

d. Seller shall have until the Closing Date to satisfy all valid objections other than those waived by Buyer pursuant to subparagraphs b and c of this **paragraph 7**, and, if Seller fails to so satisfy any such valid objections, then, at the option of Buyer, and as its sole and exclusive alternatives and remedies, Buyer may either: (i) terminate this Agreement in which event the Earnest Money shall be refunded to Buyer promptly upon request, all rights and obligations of the parties under this Agreement shall expire, and this Agreement shall become null and void; or (ii) waive such satisfaction and performance and elect to consummate the purchase and sale of the Property, in which event all unsatisfied objections shall constitute Permitted Exceptions under this Agreement.

8. Survey. Buyer, at Buyer's option, shall have the right to cause a surveyor selected by Buyer properly licensed under the laws of the State of North Carolina to prepare a current and accurate survey of the Property (the "Survey"). If Buyer elects to obtain the Survey; Buyer shall cause one (1) print of the Survey to be delivered to Seller's attorney at the address for copies of notices set forth below Seller's execution of this Agreement. At Buyer's option, the Survey will be utilized as the basis for the preparation of a legal description of the Property to be included in the deed to be delivered by Seller to Buyer at Closing.

9. Proceedings at Closing. On the Closing Date, the Closing shall take place as follows:

a. Seller shall deliver to Buyer the following documents and instruments, duly executed by or on behalf of Seller:

(i) a Warranty Deed, in recordable form, in the form of, and conveying the Land and the Improvements;

(ii) if Seller is not a Foreign Person, a Certificate and Affidavit of Non-Foreign Status;

(iii) a completed 1099-S request for taxpayer identification number and certification, and acknowledgment;

(iv) if requested by Buyer, a quitclaim deed conveying all of Seller's right, title and interest in and to the Property in accordance with the legal description prepared from the Survey; and

(v) an affidavit and indemnity agreement in standard form regarding contractor's and materialmen's liens on the Property acceptable to Buyer's title insurer.

b. Seller shall deliver to Buyer the following items, if the same have not been theretofore delivered by Seller to Buyer: Evidence in form and

substance reasonably satisfactory to Buyer's title insurer that Seller has the power and authority to execute and enter into this Agreement and to consummate the purchase and sale of the Property, and that any and all actions required to authorize and approve the execution of and entry into this Agreement by Seller, the performance by Seller of all of Seller's duties and obligations under this Agreement, and the execution and delivery by Seller of all documents and other items to be executed and delivered to Buyer at Closing, have been accomplished.

c. Buyer shall pay the Purchase Price to Seller in accordance with the provisions of this Agreement.

10. Costs of Closing. Seller shall bear and pay the Currituck County and State of North Carolina real estate transfer tax payable in connection with the conveyance of the Property and Seller's attorneys' fees. All other costs and expenses of this transaction (including, without limitation, all recording costs, the costs of the Survey, the premiums for any owner's policy of title insurance issued in favor of Buyer insuring Buyer's title to the Property, and Buyer's attorneys' fees) shall be borne and paid by Buyer.

11. Disclaimer of Warranties. SELLER DOES NOT, BY THE EXECUTION AND DELIVERY OF THIS AGREEMENT, AND SELLER SHALL NOT, BY THE EXECUTION AND DELIVERY OF ANY DOCUMENT OR INSTRUMENT EXECUTED AND DELIVERED IN CONNECTION WITH CLOSING, MAKE ANY REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE WHATSOEVER, WITH RESPECT TO THE PROPERTY, AND ALL SUCH WARRANTIES ARE HEREBY DISCLAIMED. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, SELLER MAKES, AND SHALL MAKE, NO EXPRESS OR IMPLIED WARRANTY AS TO MATTERS OF TITLE (OTHER THAN SELLER'S LIMITED WARRANTY OF TITLE SET FORTH IN THE LIMITED WARRANTY DEED TO BE DELIVERED AT CLOSING), ZONING, TAX CONSEQUENCES, PHYSICAL OR ENVIRONMENTAL CONDITION (INCLUDING, WITHOUT LIMITATION, LAWS, RULES, REGULATIONS, ORDERS AND REQUIREMENTS PERTAINING TO THE USE, HANDLING, GENERATION, TREATMENT, STORAGE OR DISPOSAL OF ANY TOXIC OR HAZARDOUS WASTE OR TOXIC, HAZARDOUS OR REGULATED SUBSTANCE), VALUATION, GOVERNMENTAL APPROVALS, GOVERNMENTAL REGULATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE PROPERTY, (THE "DISCLAIMED MATTERS"). BUYER AGREES THAT, WITH RESPECT TO THE PROPERTY, BUYER HAS NOT RELIED UPON AND WILL NOT RELY UPON, EITHER DIRECTLY OR INDIRECTLY, ANY REPRESENTATION OR WARRANTY OF SELLER. BUYER WILL CONDUCT SUCH INSPECTIONS AND INVESTIGATIONS OF THE PROPERTY (INCLUDING, BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITION THEREOF) AND RELY

UPON SAME AND, UPON CLOSING, SHALL ASSUME THE RISK THAT ADVERSE MATTERS, INCLUDING, BUT NOT LIMITED TO, THE DISCLAIMED MATTERS, MAY NOT HAVE BEEN REVEALED BY BUYER'S INSPECTIONS AND INVESTIGATIONS. SUCH INSPECTIONS AND INVESTIGATIONS OF BUYER SHALL BE DEEMED TO INCLUDE AN ENVIRONMENTAL AUDIT OF THE PROPERTY, AN INSPECTION OF THE PHYSICAL COMPONENTS AND GENERAL CONDITION OF ALL PORTIONS OF THE PROPERTY, SUCH STATE OF FACTS AS AN ACCURATE SURVEY AND INSPECTION OF THE PROPERTY WOULD SHOW, PRESENT AND FUTURE ZONING AND LAND USE ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY, COUNTY AND STATE WHERE THE PROPERTY IS LOCATED AND THE VALUE AND MARKETABILITY OF THE PROPERTY. SELLER SHALL SELL AND CONVEY TO BUYER, AND BUYER SHALL ACCEPT, THE PROPERTY "AS IS", "WHERE IS", AND WITH ALL FAULTS, AND THERE ARE NO ORAL AGREEMENTS, WARRANTIES OR REPRESENTATIONS, COLLATERAL TO OR AFFECTING THE PROPERTY BY SELLER OR ANY THIRD PARTY. WITHOUT IN ANY WAY LIMITING ANY PROVISION OF THIS PARAGRAPH 11, BUYER SPECIFICALLY ACKNOWLEDGES AND AGREES THAT IT HEREBY WAIVES, RELEASES AND DISCHARGES ANY CLAIM IT HAS, MIGHT HAVE HAD OR MAY HAVE AGAINST SELLER WITH RESPECT TO (i) THE DISCLAIMED MATTERS, (ii) THE CONDITION OF THE PROPERTY, EITHER PATENT OR LATENT, (iii) THE PAST, PRESENT OR FUTURE CONDITION OR COMPLIANCE OF THE PROPERTY WITH REGARD TO ANY ENVIRONMENTAL PROTECTION, POLLUTION CONTROL OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING, WITHOUT LIMITATION, CERCLA, AND (iv) ANY OTHER STATE OF FACTS THAT EXISTS WITH RESPECT TO THE PROPERTY. THE TERMS AND CONDITIONS OF THIS PARAGRAPH 11 SHALL EXPRESSLY SURVIVE THE CONSUMMATION OF THE PURCHASE AND SALE OF THE PROPERTY ON THE CLOSING DATE, THE DELIVERY OF THE DEED AND THE PAYMENT OF THE PURCHASE PRICE, WITHOUT REGARD TO ANY LIMITATIONS UPON SURVIVAL SET FORTH IN THIS AGREEMENT.

12. Possession at Closing. Seller shall surrender possession of the Property to Buyer on the Closing Date, subject to the Permitted Exceptions.

13. Remedies.

a. If the purchase and sale of the Property contemplated hereby is not consummated in accordance with the terms and provisions of this Agreement due to circumstances or conditions which constitute a default by Buyer under this Agreement, the Earnest Money shall be delivered to and retained by Seller as Seller's full liquidated damages for such default. The parties acknowledge that Seller's actual damages in the event of a default by Buyer will be difficult to ascertain, that such liquidated damages represent the

parties' best estimate of such damages, and that Seller and Buyer believe such liquidated damages are a reasonable estimate of such damages. The parties expressly acknowledge that the foregoing liquidated damages are intended not as a penalty, but as full liquidated damages, in the event of a default. Such liquidated damages shall be the sole and exclusive remedy of Seller by reason of a default by Buyer, and Seller hereby waives and releases any right to sue Buyer for specific performance of this Agreement or to prove that Seller's actual damages exceed the amount which is herein provided to Seller as full liquidated damages; provided, however, that the foregoing liquidated damages shall not apply to any duty, obligation, liability or responsibility which Buyer may have under the indemnification provisions of paragraphs 5 and 17 of this Agreement, as to which Seller shall have all rights and remedies provided for or allowed by law or in equity.

b. If the purchase and sale of the Property contemplated hereby is not consummated in accordance with the terms and provisions of this Agreement due to circumstances or conditions which constitute a default by Seller under this Agreement, the Earnest Money shall be refunded to Buyer promptly upon request, and Buyer, as its sole and exclusive remedies, may exercise the following additional rights and remedies: (i) in the event of any default by Seller, Buyer shall have the right to terminate this Agreement, in which event all rights and obligations of the parties under this Agreement shall expire, and this Agreement shall become null and void; and (ii) if, and only if, Seller's default is a refusal by Seller to convey the Property to Buyer as required by this Agreement, then Buyer shall have the right to sue Seller for specific performance of this Agreement, or Buyer shall have the right to sue Seller to collect actual monetary damages; provided, however, that in the event that Buyer elects to seek to recover damages from Seller on account of any default by Seller under this Agreement, Seller's liability to Buyer for all damages, of any nature whatsoever, shall not exceed the lesser of (A) Buyer's actual out-of-pocket costs and expenses incurred by Buyer in connection with its proposed acquisition of the Property, or (B) the amount of Earnest Money deposited by Buyer as of the date Seller's receives notice from Buyer of a default by Seller, and Buyer shall not claim, sue for or accept an award for more than the maximum amount of damages hereinabove set forth on account of or in connection with this Agreement or any default by Seller under this Agreement. In no event shall Buyer have the right to recover from Seller any special or consequential damages. The inability of Seller to convey good and marketable fee simple title to the Property on the Closing Date shall not constitute a default by Seller under this Agreement unless such inability is caused by a defect in Seller's title to the Property which is not a Permitted Exception under this Agreement, which arises subsequent to the date of Seller's execution of this Agreement, and which arises solely by reason of an affirmative act of Seller. Seller shall have no other liability to Buyer under this Agreement.

14. Condemnation.

a. In the event of commencement of eminent domain proceedings respecting any portion of the Property prior to Closing, Seller shall give Buyer prompt written notice thereof. If all or any part of the Property is taken by eminent domain proceedings, or if there is the commencement or bona fide threat of the commencement of any such proceedings, on or before the Due Diligence Date, and Buyer shall not elect to terminate this Agreement pursuant to paragraph 5 hereof, Buyer shall have no right to terminate this Agreement by reason of such taking. If all or any material part of the Property is taken by eminent domain proceedings after the Due Diligence Date, and prior to Closing, Buyer shall have the right, at Buyer's option, to terminate this Agreement by giving written notice to Seller on or before the date ten (10) days after the date upon which Seller gives Buyer written notice of such taking, in which event the Earnest Money shall be refunded to Buyer promptly upon request, all rights and obligations of the parties under this Agreement shall expire, and this Agreement shall become null and void. In the event of a taking of less than all or a material part of the Property after the Due Diligence Date, Buyer shall have no right to terminate this Agreement by reason of such taking.

b. If all or any part of the Property is taken by eminent domain proceedings prior to Closing and the purchase and sale of the Property contemplated by this Agreement is thereafter actually consummated: (i) the Purchase Price shall be reduced by the total of any awards or other proceeds actually received by Seller on or before the Closing Date with respect to any taking and not expended by Seller prior to Closing for the repair or restoration of the Property; and (ii) at Closing, Seller shall assign to Buyer all rights of Seller in and to any awards or other proceeds payable thereafter by reason of such taking.

15. Ownership of Information; Confidentiality Obligation.

a. Any studies, data, reports, analyses, investigations, examinations, tests, inspections or writings of or with respect to the Property produced or obtained on behalf of or at the instance of Buyer shall be deemed the sole, confidential property of Seller as owner of the Property prior to the Closing Date, but shall become the sole, confidential property of Buyer from and after the Closing Date.

b. If the purchase and sale of the Property is not consummated in accordance with this Agreement, regardless of the reason or the party at fault, Buyer shall immediately deliver to Seller, at Buyer's cost and expense and at no cost or expense to Seller: (i) a list setting forth the names of all persons or entities who conducted investigations, examinations, tests or

inspections of or with respect to the Property on behalf of or at the instance of Buyer; (ii) all reports, studies, surveys, site plans and other written or graphic material of any kind or nature whatsoever generated, collected, prepared or compiled in connection with such investigations, examinations, tests or inspections; and (iii) an instrument in form and substance reasonably satisfactory to Seller transferring and assigning to Seller all of Buyer's rights, title and interest in or to the materials described in clause (ii), above. No termination of this Agreement by Buyer pursuant to any provision of this Agreement permitting termination by Buyer shall be deemed effective unless and until Buyer shall have delivered to Seller all items required by this subparagraph b.

b. No information or contents of any environmental reports, nor the results of any investigation of the Property, including, but not limited to, the contents of the report issued in connection therewith, shall be disclosed by Buyer or its agents, consultants or employees to any third party without Seller's prior written approval, unless and until Buyer is legally compelled to make such disclosure under applicable laws or until Buyer consummates its purchase of the Property pursuant to this Agreement. Notwithstanding the foregoing, Buyer may disclose such matters to Buyer's consultants and Buyer's directors, officers, employees, legal counsel and lenders or prospective lenders (the "Related Parties", the specific identities of which shall be supplied to Seller prior to any permitted disclosure to such party by Buyer) who, in Buyer's reasonable opinion, must know such information for the purpose of evaluating the same for Buyer as a potential purchaser of the Property. Buyer shall take all necessary actions to ensure that any Related Parties to whom such documents, items or information are furnished not make the same available or disclose the contents thereof to any person. If this Agreement is terminated for any reason, Buyer shall immediately return to Seller all documents, plans and other items furnished to Buyer or any Related Parties pursuant to this **subparagraph c** without retaining copies thereof. The provisions of this **subparagraph c** shall survive the consummation of the purchase and sale of the Property on the Closing Date hereunder or any termination or cancellation of this Agreement.

c. All studies, data, reports, analyses, writings and communications, including, without limitation, any environmental reports, shall be generated by any consultant for the use of Buyer's and Seller's attorneys and, to the fullest extent permitted by law, shall be the work product of both Buyer's and Seller's respective attorneys and shall constitute confidential attorney/client communications, and each party shall use its best efforts to ensure that such confidence and privilege is maintained.

16. Broker and Commission.

a. All negotiations relative to this Agreement and the purchase and sale of the Property as contemplated by and provided for in this Agreement have been conducted by and between Seller and Buyer without the intervention of any person or other party as agent or broker. Seller and Buyer warrant and represent to each other that other than with regard to Broker, Seller and Buyer have not entered into any agreement or arrangement and have not received services from any broker or broker's employees or independent contractors, and there are and will be no broker's commissions or fees payable in connection with this Agreement or the purchase and sale of the Property by reason of their respective dealings, negotiations or communications.

17. Survival. The provisions of paragraphs 6, and 11 of this Agreement, the provisions of clauses (i), (ii) and (iii) of paragraph 5(a) of this Agreement, and the indemnification provisions of paragraph 17 of this Agreement shall survive the consummation of the purchase and sale of the Property on the Closing Date, the delivery of the deed and the payment of the Purchase Price. Notwithstanding anything to the contrary set forth in this Agreement, the provisions of paragraphs 5.d. and 16 of this Agreement, the provisions of clauses (i), (ii) and (iii) of paragraph 5.a. of this Agreement, and the indemnification provisions of paragraph 17 of this Agreement shall also survive any termination of this Agreement in accordance with its terms.

18. General Provisions.

a. **Notices.** Whenever any notice, demand or request is required or permitted under this Agreement, such notice, demand or request shall be in writing and shall be delivered by hand, be sent by registered or certified mail, postage prepaid, return receipt requested, or be sent by nationally recognized commercial courier for next business day delivery, to the addresses set forth below their respective executions hereof, or to such other addresses as are specified by written notice given in accordance herewith, or shall be transmitted by facsimile to the number for each party set forth below their respective executions hereof, or to such other numbers as are specified by written notice given in accordance herewith. All notices, demands or requests delivered by hand shall be deemed given upon the date so delivered; those given by mailing as hereinabove provided shall be deemed given on the date of deposit in the United States Mail; those given by commercial courier as hereinabove provided shall be deemed given on the date of deposit with the commercial courier; and those given by facsimile shall be deemed given on the date of facsimile transmittal. Nonetheless, the time period, if any, in which a response to any notice, demand or request must be given shall commence to run from the date of receipt of the notice, demand or request by the addressee thereof. Any notice, demand or request not received because of changed address or facsimile number of which no notice was given as

hereinabove provided or because of refusal to accept delivery shall be deemed received by the party to whom addressed on the date of hand delivery, on the date of facsimile transmittal, on the first calendar day after deposit with commercial courier, or on the third calendar day following deposit in the United States Mail, as the case may be.

b. **Facsimile as Writing.** The parties expressly acknowledge and agree that, notwithstanding any statutory or decisional law to the contrary, the printed product of a facsimile transmittal shall be deemed to be “written” and a “writing” for all purposes of this Agreement.

c. **Assignment.** This Agreement may not be assigned by Buyer, in whole or in part, without the prior written consent of Seller, and any such assignment without the consent of Seller shall be null and void and of no force or effect. Subject to the foregoing, this Agreement shall be binding upon and enforceable against, and shall inure to the benefit of, Buyer and Seller and their respective legal representatives, successors and permitted assigns. No assignment shall relieve Buyer of liability for the performance of Buyer’s duties and obligations under this Agreement.

d. **Headings.** The use of headings, captions and numbers in this Agreement is solely for the convenience of identifying and indexing the various provisions in this Agreement and shall in no event be considered otherwise in construing or interpreting any provision in this Agreement.

e. **Exhibits.** Each and every exhibit referred to or otherwise mentioned in this Agreement is attached to this Agreement and is and shall be construed to be made a part of this Agreement by such reference or other mention at each point at which such reference or other mention occurs, in the same manner and with the same effect as if each exhibit were set forth in full and at length every time it is referred to or otherwise mentioned.

f. **Defined Terms.** Capitalized terms used in this Agreement shall have the meanings ascribed to them at the point where first defined, irrespective of where their use occurs, with the same effect as if the definitions of such terms were set forth in full and at length every time such terms are used.

g. **Pronouns.** Wherever appropriate in this Agreement, personal pronouns shall be deemed to include the other genders and the singular to include the plural.

h. **Severability.** If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall ever be held to be invalid or unenforceable, then in each such event the remainder of this Agreement or the application of such term, covenant,

condition or provision to any other person or any other circumstance (other than those as to which it shall be invalid or unenforceable) shall not be thereby affected, and each term, covenant, condition and provision hereof shall remain valid and enforceable to the fullest extent permitted by law.

i. **Non-Waiver.** Failure by any party to complain of any action, non-action or breach of any other party shall not constitute a waiver of any aggrieved party’s rights hereunder. Waiver by any party of any right arising from any breach of any other party shall not constitute a waiver of any other right arising from a subsequent breach of the same obligation or for any other default, past, present or future.

j. **Rights Cumulative.** All rights, remedies, powers and privileges conferred under this Agreement on the parties shall be cumulative of and in addition to, but not restrictive of or in lieu of, those conferred by law].

k. **Time of Essence; Dates.** Time is of the essence of this Agreement. Anywhere a day certain is stated for payment or for performance of any obligation, the day certain so stated enters and becomes a part of the consideration for this Agreement. If any date set forth in this Agreement shall fall on, or any time period set forth in this Agreement shall expire on, a day which is a Saturday, Sunday, federal or state holiday, or other non-business day, such date shall automatically be extended to, and the expiration of such time period shall automatically to be extended to, the next day which is not a Saturday, Sunday, federal or state holiday or other non-business day. The final day of any time under this Agreement or any deadline under this Agreement shall be the specified day or date, and shall include the period through and including such specified day or date. All references to the “**Effective Date**” shall be deemed to refer to the later of the date of Buyer’s or Seller’s execution of this Agreement, as indicated below their executions hereon.

l. **Applicable Law.** This Agreement shall be governed by, construed under and interpreted and enforced in accordance with the laws of the State of North Carolina.

m. **Entire Agreement; Modification.** This Agreement supersedes all prior discussions and agreements among Seller and Buyer with respect to the purchase and sale of the Property and other matters contained herein, and this Agreement contains the sole and entire understanding among Seller and Buyer with respect thereto. This Agreement shall not be modified or amended except by an instrument in writing executed by or on behalf of Seller and Buyer.

Attachment: Purchase & Sale-Maple Complex Lot 1 (Public Hearing-Conveyance of Property, Maple Commerce Park)

n. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same instrument.

o. **Attorney's Fees.** In the event of any litigation between Buyer and Seller arising under or in connection with this Agreement, the prevailing party shall be entitled to recover from the other party the expenses of litigation (including reasonable attorneys' fees, expenses and disbursements) incurred by the prevailing party.

p. **Authority.** Each party hereto warrants and represents that such party has full and complete authority to enter into this Agreement and each person executing this Agreement on behalf of a party warrants and represents that he has been fully authorized to execute this Agreement on behalf of such party and that such party is bound by the signature of such representative.

q. **Counsel.** Each party hereto warrants and represents that each party has been afforded the opportunity to be represented by counsel of its choice in connection with the execution of this Agreement and has had ample opportunity to read, review, and understand the provisions of this Agreement.

r. **No Construction Against Preparer.** No provision of this Agreement shall be construed against or interpreted to the disadvantage of any party by any court or other governmental or judicial authority by reason of such party's having or being deemed to have prepared or imposed such provision.

s. **No Lien.** This Agreement is not and shall not be deemed or considered to convey or be an interest in or lien against the Property.

t. **No Recording.** In no event shall this Agreement or any memorandum hereof be recorded by Buyer in any public records, and any such recordation or attempted recordation shall constitute a breach of this Agreement by Buyer.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to execute and deliver this Agreement, all as of the day and year first written above.

ATTEST:

Leeann Walton, Clerk to the Board

SELLER:

COUNTY OF CURRITUCK

By: _____
Chairman

Signed and delivered in the presence of:

Unofficial Witness

BUYER:

JDLOVE, LLC

By: *DeeAnn Birtley*
Manager

Attachment: Purchase & Sale-Maple Complex Lot 1 (Public Hearing-Conveyance of Property, Maple Commerce Park)

EXHIBIT A

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.

Attachment: Purchase & Sale-Maple Complex Lot 1 (Public Hearing-Conveyance of Property, Maple Commerce Park)

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

5 WHEREAS, on March 20, 2020 the Chairman of the Currituck County Board
 6 of Commissioners declared a State of Emergency under Chapter 166A of the
 7 General Statutes of North Carolina and Chapter 6, Article III of the Currituck
 8 County Code of Ordinances in response to the COVID-19 pandemic; and

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

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

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

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

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

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

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

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

33 **Sec. 8-88. License required.**

34 (a) It shall be unlawful for any person to engage in business as an outdoor
 35 tour operator or to operate an outdoor tour vehicle in the designated area without a

1 license issued pursuant to this article. The license shall be effective only for term of
2 two years stated in the license and upon payment of any annual fee, unless
3 suspended or revoked sooner as provided for by ordinance and may not be
4 transferred.

5 (b) No more than ten licenses to engage in business as an outdoor tour
6 operator or to operate outdoor tour vehicles in the designated area shall be issued at
7 any one time. In the event that a license is forfeited, revoked, not renewed or
8 otherwise vacated, the county manager or county manager's designee may solicit by
9 public notification applications for the available license. The county manager or
10 county manager's designee shall then use a lottery in selecting from among the
11 qualified license applicants.

12 (c) Each license may allow an outdoor tour operator to operate at any given
13 point in time and only on approved routes five outdoor tour vehicles or the number
14 of outdoor tour vehicles allowed in an issued special use permit, whichever is less.

15 (d) Any outdoor tour operator lawfully operating more outdoor tour vehicles
16 than allowed pursuant to section 8-88(c) of this article on the date that this
17 ordinance becomes effective shall be deemed a nonconforming use. Any use
18 determined to be a nonconforming use by application of the provisions of section 8-
19 88(d) of this article shall be permitted to continue for a period not to exceed one year
20 from the effective date of the ordinance from which this article is derived.

21 (e) For the year 2020, Payment of the annual license fee required in
22 paragraph (a) of this section shall be in the amount of ~~twenty five percent (25%)~~
23 seventy-five percent (75%) of the fee for Outdoor Tour Operator License set forth in
24 the Currituck County Master Fee Schedule is deferred for the year 2020 until
25 September 1, 2020.

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

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

34 PART III. This ordinance is effective upon its adoption.
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ADOPTED on its second reading this 7th day of December, 2020.

Chair, Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr., County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS

Attachment: Amendment-Pkt_Ordinance Regulating Outdoor Tour Operators Section 8-88(e) 120720 (Ordinance Amendment-Outdoor Tour

Schedule of Rules, Standards, and Values to be used in appraising property in Currituck County for the Reappraisal effective January 1, 2021.

(G.S. 105-317)

&

Present Use-Value Schedule of Values to be used in appraising property that qualifies for Use-Value Assessment in Currituck County for the Reappraisal effective January 1, 2021.

(G.S. 105-277.6)

**CURRITUCK COUNTY
BOARD OF COMMISSIONERS**

Approved

Date

CURRITUCK COUNTY BOARD OF COMMISSIONERS

Signed _____

Chairman, Board of Commissioners

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

TABLE OF CONTENTS:

- Section 1: Statutory Requirements
- Section 2: Appraisal Theory and Mass Appraisal
- Section 3: Estimating Replacement Cost
- Section 4: Residential Buildings
- Section 5: Commercial Buildings
- Section 6: Other Buildings & Yard Improvement
- Section 7: Land

STATUTORY REQUIREMENTS***G S 105-286. Time for general reappraisal of Real Property.***

(a) Octennial Plan. - Unless the date shall be advanced as provided in subdivision (a)(2), each county of the State, as of January 1 of the year prescribed in the schedule set out in subdivision (a)(1), below, and every eighth year thereafter, shall reappraise all real property in accordance with the provisions of G.S. 105-283 and 105-317.

(1) Schedule of Initial Reappraisals. –
Division Two – 1973: ---Currituck

G S 105-296. Powers and duties of assessor.

(b) Within budgeted appropriations, he shall employ listers, appraisers, and clerical assistants necessary to carry out the listing, appraisal, assessing, and billing functions required by law. The assessor may allocate responsibility among such employees by territory, by subject matter, or on any other reasonable basis. Each person employed by the assessor as a real property appraiser or personal property appraiser shall during the first year of employment and at least every other year thereafter attend a course of instruction in his area of work. At the end of the first year of their employment, such persons shall also achieve a passing score on a comprehensive examination in property tax administration conducted by the Department of Revenue.

G S 105-299. Employment of experts.

The board of county commissioners may employ appraisal firms, mapping firms or other persons or firms having expertise in one or more of the duties of the assessor to assist him or her in the performance of such duties. The county may make available to such persons any information it has that will facilitate the performance of a contract entered into pursuant to this section. Persons receiving such information shall be subject to the provisions of G.S. 105-289(e) and G.S. 105-259 regarding the use and disclosure of information provided to them by the county. Any person employed by an appraisal firm whose duties include the appraisal of property for the county shall be required to demonstrate that he or she is qualified to carry out such duties by achieving a passing grade on a comprehensive examination in the appraisal of property administered by the Department of Revenue. In the employment of such firms, primary consideration shall be given to the firms registered with the Department of Revenue pursuant to the provisions of G.S. 105-289(i). A copy of the specifications to be submitted to potential bidders and a copy of the proposed contract may be sent by the board to the Department of Revenue for review before the invitation or acceptance of any bids. Contracts for the employment of such firms or persons shall be deemed to be contracts for personal services and shall not be subject to the provisions of Article 8, Chapter 143, of the General Statutes.

Schedule of Values **Currituck County 2021 Section 1**

(1939, c. 310, s. 408; 1971, c. 806, s. 1; 1973, c. 476, s. 193; 1975, c. 508, s. 2; 1983, c. 813, s. 4; 1985, ARTICLE 19.

G S 105-317. Appraisal of real property; adoption of schedules, standards, and rules.

(a) Whenever any real property is appraised it shall be the duty of the persons making appraisals:

(1) In determining the true value of land, to consider as to each tract, parcel, or lot separately listed at least its advantages and disadvantages as to location; zoning; quality of soil; waterpower; water privileges; dedication as a nature preserve; conservation or preservation agreements; mineral, quarry, or other valuable deposits; fertility; adaptability for agricultural, timber-producing, commercial, industrial, or other uses; past income; probable future income; and any other factors that may affect its value except growing crops of a seasonal or annual nature.

(2) In determining the true value of a building or other improvement, to consider at least its location; type of construction; age; replacement cost; cost; adaptability for residence, commercial, industrial, or other uses; past income; probable future income; and any other factors that may affect its value.

(3) To appraise partially completed buildings in accordance with the degree of completion on January 1.

(b) In preparation for each revaluation of real property required by G.S. 105-286, It shall be the duty of the assessor to see that:

(1) Uniform schedules of values, standards, and rules to be used in appraising real property at its true value and at its present-use value are prepared and are sufficiently detailed to enable those making appraisals to adhere to them in appraising real property.

(2) Repealed by Session Laws 1981, c. 678, s. 1.

(3) A separate property record be prepared for each tract, parcel, lot, or group of contiguous lots, which record shall show the information required for compliance with the provisions of G.S. 105-309 insofar as they deal with real property, as well as that required by this section. (The purpose of this subdivision is to require that individual property records be maintained in sufficient detail to enable property owners to ascertain the method, rules, and standards of value by which property is appraised.)

Schedule of Values**Currituck County 2021 Section 1**

(4) The property characteristics considered in appraising each lot, parcel, tract, building, structure and improvement, in accordance with the schedules of values, standards, and rules, be accurately recorded on the appropriate property record.

(5) Upon the request of the owner, the board of equalization and review, or the board of county commissioners, any particular lot, parcel, tract, building, structure or improvement be actually visited and observed to verify the accuracy of property characteristics on record for that property.

(6) Each lot, parcel, tract, building, structure and improvement be separately appraised by a competent appraiser, either one appointed under the provisions of G.S. 105-296 or one employed under the provisions of G.S. 105-299.

(7) Notice is given in writing to the owner that he is entitled to have an actual visitation and observation of his property to verify the accuracy of property characteristics on record for that property.

(c) The values, standards, and rules required by subdivision (b)(1) shall be reviewed and approved by the board of county commissioners before January 1 of the year they are applied. The board of county commissioners may approve the schedules of values, standards, and rules to be used in appraising real property at its true value and at its present-use value either separately or simultaneously. Notice of the receipt and adoption by the board of county commissioners of either or both the true value and present-use value schedules, standards, and rules, and notice of a property owner's right to comment on and contest the schedules, standards, and rules shall be given as follows:

(1) The assessor shall submit the proposed schedules, standards, and rules to the board of county commissioners not less than 21 days before the meeting at which they will be considered by the board. On the same day that they are submitted to the board for its consideration, the assessor shall file a copy of the proposed schedules, standards, and rules in his office where they shall remain available for public inspection.

(2) Upon receipt of the proposed schedules, standards, and rules, the board of commissioners shall publish a statement in a newspaper having general circulation in the county stating:

a. That the proposed schedules, standards, and rules to be used in appraising real property in the county have been submitted to the board of county commissioners and are available for public inspection in the assessor's office; and

Schedule of Values Currituck County 2021 Section 1

b. The time and place of a public hearing on the proposed schedules, standards, and rules that shall be held by the board of county commissioners at least seven days before adopting the final schedules, standards, and rules.

(3) When the board of county commissioners approves the final schedules, standards, and rules, it shall issue an order adopting them. Notice of this order shall be published once a week for four successive weeks in a newspaper having general circulation in the county, with the last publication being not less than seven days before the last day for challenging the validity of the schedules, standards, and rules by appeal to the Property Tax Commission. The notice shall state:

a. That the schedules, standards, and rules to be used in the next scheduled reappraisal of real property in the county have been adopted and are open to examination in the office of the assessor; and

b. That a property owner who asserts that the schedules, standards, and rules are invalid may except to the order and appeal therefrom to the Property Tax Commission within 30 days of the date when the notice of the order adopting the schedules, standards, and rules was first published.

(d) Before the board of county commissioners adopts the schedules of values, standards, and rules, the assessor may collect data needed to apply the schedules, standards, and rules to each parcel in the county

§ 105-283. *Uniform appraisal standards.*

All property, real and personal, shall as far as practicable be appraised or valued at its true value in money. When used in this Subchapter, the words "true value" shall be interpreted as meaning market value, that is, the price estimated in terms of money at which the property would change hands between a willing and financially able buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of all the uses to which the property is adapted and for which it is capable of being used. For the purposes of this section, the acquisition of an interest in land by an entity having the power of eminent domain with respect to the interest acquired shall not be considered competent evidence of the true value in money of comparable land

Authors Notes: The Machinery Act of North Carolina has been provided as an integral part of these Uniform Schedules of Value, Standards, and Rules. All applicable standards not recited in this test are included by reference.

APPRAISAL THEORY

An appraisal, in itself, is nothing more than an opinion of value. This does not imply, however, that one opinion is necessarily as good as another; there are valid and accurate appraisals, and there are invalid and inaccurate appraisals. The validity of an appraisal can be measured against the supporting evidence from which it was derived, and its accuracy against that very thing it is supposed to predict - the actual behavior of the market. Each is fully contingent upon the ability of the appraiser to record adequate data and to interpret that data into an indication of value.

Appraising real property, like the solving of any problem, is an exercise in reasoning. It is a discipline, and like any discipline, it is founded on fundamental economic and social principles. From these principles evolve certain premises which, when applied to the valuation of property, serve to explain the reaction of the market. This section concerns itself with those concepts and principles basic to the property valuation process. One cannot overstate the necessity of having a workable understanding of them.

BUNDLE OF RIGHTS

Real estate and real property are often used interchangeably. Generally speaking, real estate pertains to the real or fixed improvements to the land such as structures and other appurtenances, whereas real property encompasses all the interests, benefits and rights enjoyed by the ownership of the real estate.

Real property ownership involves the Bundle of Rights Theory which asserts that the owner has the right to enter it, use it, sell it, lease it, or give it away, as he so chooses. Law guarantees these rights, but they are subject to certain governmental and private restrictions.

The Governmental restrictions are found in its power to:

- tax property
- take property by condemnation for the benefit of the public, providing that just compensation is made to the owner (Eminent Domain)
- police property by enforcing any regulations deemed necessary to promote the safety, health, morals and general welfare of the public
- provide for the reversion of ownership to the state in cases where a competent heir to the property cannot be ascertained (Escheat)

Private restrictions imposed upon property are often in the form of agreements incorporated into the deed. The deed also spells out precisely which rights of the total bundle of rights the buyer is acquiring. Since value is related to each of these rights, the appraiser should know precisely which rights are involved in his appraisal.

Appraisals for Ad Valorem tax purposes generally assume the property is, owned in the "Fee Simple", meaning that the total bundle of rights is considered to be intact.

THE NATURE AND MEANING OF VALUE

An appraisal is an opinion or estimate of value. The concept of value is basic to the appraisal process and calls for a thorough understanding. The American Institute of Real Estate Appraisers' Appraisal Terminology Handbook, 1981 edition, offers the following definitions of value:

"The measure of value is the amount (for example, of money) which the potential purchaser probably will pay for possession of the thing desired."

"The ratio of exchange of one commodity for another, for example, one bushel of wheat in terms of a given number of bushels of corn; thus the value of one thing may be expressed in terms of another thing. Money is the common denominator by which value is measured."

"It is the power of acquiring commodities in exchange, generally with a comparison of utilities - the utility of the commodity parted with (money) and that of the commodity acquired in the exchange (property)."

"Value depends upon the relation of an object to unsatisfied needs; that is, supply and demand."

"Value is the present worth of future benefits arising out of ownership to typical users and investors."

With these definitions, one can see that value is not an intrinsic characteristic of the commodity itself. On the contrary, value is determined by people, created by desire, modified by varying degrees of desire and reduced by lack of desire. Throughout the definitions a relationship between the purchase and the commodity (property) is implied; this relationship is "value". A purchaser desires a property because it is a useful commodity in that it has utility. Utility is a prerequisite to value, but utility standing alone does not sufficiently cause value. If a great supply of a useful commodity exists, as for example air, needs would be automatically satisfied, desire would not be aroused, and therefore value would not be created. Therefore, besides having utility, to effectively arouse desire, the commodity must also be scarce.

One additional factor is necessary to complete the value equation. . . the ability to become a buyer. A translation must be made of desire into a unit of exchange; a buyer must have purchasing power. The relationship is now complete . . . the commodity has utility and is relatively scarce, it arouses desire, and the buyer is able to satisfy that desire by trading for it . . . value is created. The question is how much value, and herein lays the job of the appraiser.

Numerous definitions of value have been offered, some simple and some complex. It would seem though that any valid definition of value would necessarily embody the

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elements of utility, desire, scarcity and purchasing power. Furthermore, the concept of value very rarely stands alone. Instead, it is generally prefixed by a descriptive term that serves to relate it to a specific appraisal purpose or activity such as "loan value". Since appraisals are made for a variety of reasons, it is important for the appraiser to clarify the specific purpose for the appraisal and the type of value that he seeks to estimate.

For Ad Valorem Tax purposes, the value sought is generally market value. The descriptive term "market" indicates the activity of buyers and sellers. MARKET VALUE is the justifiable price, or that price which an informed and intelligent buyer, fully aware of the existence of competing properties, and not being compelled to act, would be justified in paying for a particular property.

VALUE IN USE AS OPPOSED TO VALUE IN EXCHANGE

We have stated that there are a number of qualifying distinctions made in reference to the meaning of value. One of the most common and probably the most important relative to the purpose of this manual is the distinction between value in use and value in exchange. We have defined market value as a justifiable price which buyers, in general, will pay in the market. The question arises then as to the value of property which, by nature of its special and highly unique design, is useful to the present owner, but relatively less useful to buyers in the market. One can readily see that such a property's utility value may differ greatly from its potential sales price. It is even possible that no market for such a property exists. Such a property is said to have value in use, which refers to the actual value of a commodity to a specific person, as opposed to value in exchange, which aligns itself with market value, referring to the dollar-value of a commodity to buyers in general.

THE PRINCIPLE OF SUPPLY AND DEMAND

Among the forces which constantly operate to influence supply and demand are population growth, new techniques in transportation, purchasing power, price levels, wage rates, taxation, governmental controls, and scarcity. A sudden population growth in an area would create an increase in demand for housing. If the demand increased at a higher rate than the supply, this could soon be a scarcity of housing. If the demand was backed up by purchasing power, rentals and sale prices would tend to increase and ultimately reach a level which would tend to stimulate more builders to compete for the potential profits and thus serve to increase the supply toward the level of demand. As the supply is increased demand would begin to taper off. This would cause rentals and sale prices to level off. When builders, due to increases in labor and material rates, are no longer able to build cheaply enough to meet the new level of prices and rents, competition would tend to taper off and supply would level off. The cycle is then complete.

Balance occurs when reasonable competition serves to coordinate supply with demand. When competition continues unchecked to produce a volume that exceeds the demand,

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the net returns to investors are no longer adequate to pay all the costs of ownership, resulting in loss rather than profit and consequently, a decline in values.

A community may well support two shopping centers, but the addition of a third shopping center may increase the supply to excess. If this occurs, one of two effects are caused; either the net dollar return to all the shopping centers will be reduced below that level necessary to support the investment, or one of the shopping centers will flourish at the others' expense.

THE PRINCIPLE OF HIGHEST AND BEST USE

The highest and best use for a property is that use which will produce the highest net return to the land for a given period of time within the limits of those uses which are economically feasible, probable and legally permissible.

On a community-wide basis, the major determining factor in highest and best use is the maximum quantity of land that can be devoted to a specific use and still yield a satisfactory return. Once a suitable basic use has been chosen for a specific property, each increment of capital investment to the existing or planned improvement will increase the net return to the land only up to a certain point; after this point is reached; the net return to the land begins to diminish. This is the point at which the land is at its highest and best use

For example, in planning a high-rise office building, each additional upper floor represents an extra capital expenditure that must yield a certain return to the investor. This return will be dependent upon the levels of economic rent that the market will bear at the time. An optimum number of floors can be calculated above which the income yield requirements of additional expenditures will no longer be satisfactorily met. This, notwithstanding the possibility of other more particular considerations, should determine the number of stories of the building.

Detailed analysis of this type is rarely thrust upon the property tax appraiser. Generally the tax appraiser will find the most prudent course of action is to consider the present use and follow development rather than anticipate it.

THE PRINCIPLE OF CHANGE

The impact of change on the value of real property manifests itself in the life cycle of a neighborhood. The cycle is characterized by three stages of evolution: the development and growth evidenced by improving values; the leveling off stage evidenced by static values; and finally, the stage of infiltration of decay evidenced by declining values.

The highest and best use today is not necessarily the highest and best use tomorrow. The highest and best use of the land often lies in a succession of uses. A declining single-family residential neighborhood may be ripe for multi-family, commercial or industrial

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development. Whether it is or not depends upon the relationship of present or anticipated future demand with existing supply.

In estimating value, the appraiser is obligated to reasonably anticipate the future benefits, as well as the present benefits derived from ownership and to evaluate the property in light of the quality, quantity, and duration of these benefits based on actual data as opposed to speculative or potential benefits that may or may not occur.

THE PRINCIPLE OF SUBSTITUTION

Value is created by the market place. It is the function of translating demand into a commodity of exchange. When the benefits and advantages derived from two properties are equal, the lowest priced property receives the greatest demand, and rightfully so. The informed buyer is not justified in paying anything more for a property than it would cost to acquire an equally desirable property. That is to say that the value of a property is established as that amount for which equally desirable comparable properties are being bought and sold in the market. Herein lies an approach to value . . . and the basis of the valuation process.

TRADITIONAL APPROACHES TO VALUE

In the preceding paragraphs, it has been stated that value is an elusive item that occurs in many different forms, and that the forces and influences which combine to create, sustain, or destroy value are numerous and varied. It is the appraiser's function to define the type of value sought, to compile and to analyze all related data, and giving due consideration to all the factors which may influence the value, to process and translate that data into a final opinion or *estimate of value*. This he must do for each property he is to appraise.

The processing of this data into a conclusion of value generally takes the form of three recognized approaches to value: Cost Approach, Market Data Approach and Income Approach. Underlying each of the approaches is the principle that the justifiable price of a property is no more than the cost of acquiring and/or reproducing an equally desirable substitute property. The use of one or all three approaches in the valuation of a property is determined by the quantity, quality, and accuracy of the data available to the appraiser.

The *COST APPROACH* involves making an estimate of the depreciated cost of reproducing or replacing the building and site improvements. *Reproduction Cost* refers to the cost at a given point in time of reproducing a replica property, whereas *Replacement Cost* refers to the cost of producing improvements of equal utility. Depreciation is deducted from this cost new for loss in value caused by physical deterioration, and functional or economic obsolescence. To this depreciated cost is then added the estimated value of the land, resulting in an indication of value derived by the Cost Approach.

The significance of the Cost Approach lies in its extent of application . . . it is the one approach that can be used on all types of construction. It is a starting point for appraisers,

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and therefore it is a very effective “yardstick” in any equalization program for Ad Valorem taxes. Its widest application is in the appraisal of properties where the lack of adequate market and income data preclude the reasonable application of the other traditional approaches.

The *MARKET DATA APPROACH* involves the compiling of sales and offerings of properties that are comparable to the property being appraised. These sales and offerings are then adjusted for any dissimilarity, and a value range obtained by comparison of said properties. The approach is reliable to the extent that the properties are comparable, and the appraiser's judgment of proper adjustments is sound. The procedure for using this approach is essentially the same for all types of property with the only difference being the elements of comparison.

The significance of this approach lies in its ability to produce estimates of value, which directly reflect the attitude of the market. Its application is contingent upon the availability of comparable sales, and therefore finds its widest range in the appraisal of vacant land and residential properties.

The *INCOME APPROACH* measures the present worth of the future benefits of a property by the capitalization of the net income stream over the remaining economic life of the property. The approach involves making an estimate of the “effective gross income” of a property, derived by deducing the appropriate vacant and collection losses from its estimated economic rent, as evidenced by the yield of comparable properties. From this figure applicable operating expenses are deducted, the cost of taxes and insurance, and reserve allowances for replacements resulting in an estimate of net income, which may then be capitalized into an indication of value.

The approach obviously has its basic application in the appraisals of properties universally bought and sold on their ability to generate and maintain a stream of income for their owners. The effectiveness of the approach lies in the appraiser's ability to relate to the changing economic environment and to analyze income yields in terms of their relative quality and durability.

APPLYING THE COST APPROACH

If the highest and best use of a property is its present use, a valid indication of value may be derived by estimating the value of the land, and adding the land value to the depreciated value of the structures on the land; the resulting equation being . . .

	Estimated Land Value
+	Estimated Replacement Cost New of Structures
-	Estimated Depreciation
=	Indication of Property Value

Since estimating the land value is covered in a separate section, this section will address itself to the two remaining elements, Replacement Cost and Depreciation.

REPLACEMENT COST

Replacement Cost is the current cost of producing an improvement of equal utility to the subject property; it may or may not be the cost of reproducing a replica property. The distinction being drawn is one between *Replacement Cost*, which refers to a substitute property of equal utility, as opposed to *Reproduction Cost*, which refers to a substitute replica property. In a particular situation the two concepts may be interchangeable, but they are not necessarily so. They both, however, have application in the Cost Approach to value, the difference being reconciled in the consideration of depreciation allowances.

In actual practice, outside of a few historic type communities in this country, developers and builders, for obvious economic reasons, replace buildings, not reproduce them. It logically follows that if an appraiser's job is to measure the actions of knowledgeable persons in the market place, the use of proper replacement costs should provide an accurate point of beginning in the valuation of most improvements.

The replacement cost includes the total cost of construction incurred by the builder whether preliminary to, during the course of, or after completion of the construction of a particular building. Among these are material, labor, all subcontracts, builders' overhead and profit, architectural and engineering fees, consultation fees, survey and permit fees, legal fees, taxes, insurance, and the cost of interim financing.

ESTIMATING REPLACEMENT COST

There are various methods that may be employed to estimate replacement cost new. The methods widely used in the appraisal field are the quantity-survey method, the unit-in-place or component part-in-place method, and the model method.

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The *Quantity-Survey Method* involves a detailed itemized estimate of the quantities of various materials used, labor and equipment requirements, architect and engineering fees, contractor's overhead and profit, and other related costs. This method is primarily employed by contractors and cost estimators for bidding and budgetary purposes and is much too laborious and costly to be effective in every day appraisal work, especially in the mass appraisal field. The method, however, does have its place in that it is used to develop certain unit-in-place costs which can be more readily applied to estimating for appraisal purposes.

The *Unit-in-Place Method* is employed by establishing in-place cost estimates (including material, labor, overhead and profit) for various structural components. The prices established for the specified components are related to their most common units of measurement such as cost per yard of excavation, cost per lineal foot of footings, and cost per square foot of floor covering.

The unit prices can then be multiplied by the respective quantities of each as they are found in the composition of the subject building to derive the whole dollar component cost, the sum of which is equal to the estimated cost of the entire building, providing of course, that due consideration is given to all other indirect costs which may be applicable. This components part-in-place method of using basic units can also be extended to establish prices for larger components in-place such as complete structural floors (including the finish flooring, sub-floor, joists and framing) which are likely to occur repeatedly in a number of buildings.

The *Model Method* is still a further extension, in that unit-in-place costs are used to develop base unit square foot or cubic foot costs for total specified representative structures in place, which may then serve as "models" to derive the base unit cost of comparable structures to be appraised. The base unit cost of the model most representative of the subject building is applied to the subject building and appropriate tables of additions and deductions are used to adjust the base cost of the subject building to account for any significant variations between it and the model.

Developed and applied properly, these pricing techniques will assist the appraiser in arriving at valid and accurate estimates of replacement cost new as of a given time. The cost generally represents the upper limit of value of a structure. The difference between its replacement cost new and its present value is depreciation. The final step in completing the Cost Approach then is to estimate the amount of depreciation and deduct said amount from the replacement cost new.

DEPRECIATION

Simply stated, depreciation can be defined as "a loss in value from all causes." As applied to real estate, it represents the loss in value between market value and the sum of the replacement cost new of the improvements plus the land value as of a given time.

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The causes for the loss in value may be divided into three broad classifications: Physical Deterioration, Functional Obsolescence, and Economic Obsolescence.

Physical Deterioration pertains to the wearing out of the various building components, referring to both short-life and long-life terms, through the action of the elements, age, and use. The condition may be considered either “curable” or “incurable”, depending upon whether it may or may not be practical and economically feasible to cure the deficiency by repair and replacement.

Functional Obsolescence is a condition caused by either inadequacies or over-adequacies in design, style, composition, or arrangement inherent to the structure itself, which tends to lessen its usefulness. Like physical deterioration, the condition may be considered either curable or incurable. Some of the more common examples of functional obsolescence are excessive wall and ceiling heights, excessive structural construction, surplus capacity, ineffective layouts, and inadequate building services.

Economic Obsolescence is a condition caused by factors extraneous to the property itself, such as changes in population characteristics and economic trends, encroachment of inharmonious land uses, excessive taxes, and governmental restrictions. The condition is generally incurable in that the causes lie outside the property owner's realm of control.

ESTIMATING DEPRECIATION

An estimate of depreciation represents an opinion of the appraiser as to the degree that the present and future appeal of a property has been diminished by deterioration and obsolescence. Of the three estimates necessary to the cost approach, it is the one most difficult to make. The accuracy of the estimate will be a product of the appraiser's experience in recognizing the symptoms of deterioration and obsolescence and the ability to exercise sound judgment in equating all observations to the proper monetary allowance to be deducted from the replacement cost new. There are several acceptable methods that may be employed:

Physical deterioration and/or functional obsolescence can be measured by observing and comparing the physical condition and/or functional deficiencies of the subject property as of a given time with either an actual or hypothetical, comparable, new and properly planned structure.

Curable physical deterioration and functional obsolescence can be measured by estimating the cost of restoring each item of depreciation to a physical condition as good as new, or estimating the cost of eliminating the functional deficiency.

Functional and economic obsolescence can be measured by capitalizing the estimated loss in rental due to the structural deficiency, or lack of market demand.

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Total accrued depreciation may be estimated by first estimating the total useful life of a structure and then translating its present condition, desirability, and usefulness into an effective age (rather than an actual age) which would represent that portion of its total life (percentage) which has been used up.

Total accrued depreciation may also be estimated by deriving the amount of depreciation recognized by purchasers as evidenced in the prices paid for property in the market place; the loss of value being the difference between the cost of replacing the structure now and its actual selling price (total property selling price less the estimated value of the land).

APPLYING THE MARKET DATA APPROACH

An indication of the value of a property can be derived through analysis of the selling prices of comparable properties. The use of this technique, often referred to as the “comparison approach” or “comparable sales approach”, involves the selection of a sufficient number of valid comparable sales and the adjustment of each sale to the subject property to account for variations in time, location, site and structural characteristics.

SELECTING VALID COMPARABLES

Since market value has been defined as the price which an informed and intelligent buyer, fully aware of the existence of competing properties and not being compelled to act is justified in paying for a particular property, it follows that if market value is to be derived from analyzing comparable sales, that the sales must represent valid “arms length” transactions. Due consideration must be given to the conditions and circumstances of each sale before selecting the sales for analysis. Some examples of sales that do not normally reflect valid market conditions are as follows:

Sales in connection with: foreclosures, bankruptcies, condemnations and other legal actions.

Sales to or by federal, state, county and local governmental agencies.

Sales to or by religious, charitable or benevolent tax exempt agencies.

Sales involving family transfers, or "love and affection."

Sales involving intra-corporate affiliations.

Sales involving the retention of life interests.

Sales involving cemetery lots.

Sales involving mineral or timber rights, and access or drainage rights.

Sales involving the transfer of part interests.

In addition to selecting valid market transactions, it is equally important to select properties that are truly comparable to the property under appraisal. For instance, sales involving both real property and personal property or chattels may not be used unless the sale can be adjusted to reflect only the real property transaction, nor can sales of non-operating or deficient industrial plants be validly compared with operating plants. The comparable sales and subject properties must exhibit the same use, and the site and structural characteristics must exhibit an acceptable degree of comparability.

PROCESSING COMPARABLE SALES

All comparable sales must be adjusted to the subject property to account for variations in time and location. The other major elements of comparison will differ depending upon the type of property being appraised. In selecting these elements, the appraiser must give prime consideration to the same factors that influence the prospective buyers of particular types of properties.

The typical homebuyer is interested in the property's capacity to provide the family with a place to live. A primary concern is with the living area, utility area, number of rooms, number of baths, age, structural quality and condition, and the presence of a modern kitchen and recreational conveniences of the house. Equally important is the location and neighborhood, including the proximity to and the quality of schools, public transportation, and recreational and shopping facilities.

In addition to the residential amenities, the buyer of agricultural property is primarily interested in the productive capacity of the land, the accessibility to the market place, and the condition and functional utility of the farm buildings and structures on the land.

The typical buyer of commercial property, including warehouses and certain light industrial plants, is primarily concerned with its capability to produce revenue. Of special interest will be the age, design and structural quality and condition of the improvements, the parking facilities, and the location relative to transportation, labor markets and trade centers.

In applying the market data approach to commercial/industrial property, the appraiser will generally find it difficult to locate a sufficient number of comparable sales, especially of properties that are truly comparable in their entirety. It will, therefore, generally be necessary to select smaller units of comparison such as price per square foot, per unit, per room, etc. In doing so, great care must be exercised in selecting a unit of comparison that represents a logical common denominator for the properties being compared. A unit of comparison that is commonly used and proven to be fairly effective is the Gross Rent Multiplier, generally referred to as G.R.M., which is derived by dividing the gross annual income into the sales price. Using such units of comparison enables the appraiser to compare two properties that are similar in use and structural features, but differ significantly in size and other characteristics.

Having selected the major factors of comparison, it remains for the appraiser to adjust each of the factors to the subject property. In comparing the site, adjustments for size, location, accessibility, and site improvements must be made. In comparing the structures, adjustments for size, quality, design, condition, and significant structural and mechanical components also must be made. The adjusted selling prices of the comparable properties will establish a range in value in which the value of the subject property will fall. Further analysis of the factors should enable the appraiser to narrow the range down to the value level that is most applicable to the subject property.

APPLYING THE INCOME APPROACH**INTRODUCTION**

The justified price paid for income producing property is no more than the amount of investment required to produce a comparably desirable return; and since the market can be analyzed in order to determine the net return actually anticipated by investors, it follows that the value of income producing property can be derived from the income which it is capable of producing. What is involved is an estimate of income through the collection and analysis of available economic data, the development of a property capitalization rate, and the processing of the net income into an indication of value by employing one or more of the acceptable capitalization methods and techniques.

THE PRINCIPLES OF CAPITALIZATION

Capitalization is the process for converting the net income produced by property into an indication of value. Through the years of appraisal history, a number of procedures have been recognized and employed by appraisal authorities in determining the value of real estate by the income approach. Although present-day practice recommends only certain methods, we will at least touch on the other approaches to value - even though they may not be accepted in today's appraisal scene because they do not accurately reflect the current market conditions.

EXPLORING THE RENTAL MARKET

The starting point for the appraiser is an investigation of current economic rent in a specific area in order to establish a sound basis for estimating the gross income that should be returned from competitive properties. The appraiser must make a distinction between economic rent or the rent which property is normally expected to produce on the open market, as opposed to control rent or the rent which property is actually realizing at the time of the appraisal due to lease terms established some time in the past.

The first step then is to obtain specific income and expense data on properties that best typify normal market activity. The data is necessary to develop local guidelines for establishing the economic rent and related expenses for various types of properties.

The next step is to similarly collect income and expense data on individual properties, and to evaluate the data against the established guidelines. The collection of income and expense data (I & E) is an essential phase in the valuation of commercial properties. The appraiser is primarily concerned with the potential earning power of the property. The objective is to estimate its expected net income. Income and Expense Statements of past years are valuable only to the extent that they serve this end. The statements must not only be complete and accurate, but must also stand the test of market validity. Consideration of the following factors should assist the appraiser in evaluating the

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income and expense (I & E) data in order to arrive at an accurate and realistic estimate of net income.

QUESTIONS RELATING TO INCOME DATA

- A. Was the reported income produced entirely by the subject property? Very often the rent will include an amount attributable to one or more additional parcels of real estate. In this case, it would be necessary to obtain the proper allocations of rent.
- B. Was the income attributable to the subject property as it physically existed at the time of the appraisal, or did the appraisal include the value of leasehold improvements and remodeling for which the tenant paid in addition to rent? If so, it may be necessary to adjust the income to reflect economic rent.
- C. Does the reported income represent a full year's return? It is often advisable to obtain both monthly and annual amounts as verification.
- D. Does the income reflect current economic rent? Is either part or all of the income predicated on old leases? If so, what are the provisions for renewal options and rates?
- E. Does the reported income reflect 100% occupancy? What percentage of occupancy does it reflect? Is this percentage typical of this type of property, or is it due to special non-recurring causes?
- F. Does the income include rental for all marketable space? Does it include an allowance for space, if any, which is either owner or manager occupied? Is the allowance realistic?
- G. Is the income attributable directly to the real estate and conventional amenities? Is some of the income derived from furnishings and appliances? If so, it will be necessary to adjust the income or make provisions for reserves to eventually replace them, whichever local custom dictates.
- H. In many properties an actual rental does not exist because the real estate is owner occupied. In this event it is necessary to obtain other information to provide a basis to estimate economic rent. The information required pertains to the business operation using the property. Proper analysis of the annual operating statements of the business, including gross sales or receipts, can provide an accurate estimate of economic rent. Information requirements for a few of the more common property uses are as follows:

Retail Stores	The annual net gross sales. (Gross sales less returned merchandise).
Hotels and Motels	The annual operating statement of the business. If retail or office space is leased in these properties, obtain the actual rent paid.
Theaters	The annual gross receipts (including admissions and concessions) and seating capacity.
Automobile Parking	The annual gross receipts.

ANALYSIS OF EXPENSE DATA

The appraiser must consider only those expenses that are applicable to the cost of ownership; that is, those expenses that are normally owner incurred. Any portion of the expenses incurred directly or indirectly by the tenant should not be considered. Each expense item must stand the test of both legitimacy and accuracy. How do they compare with the established guidelines and norms? Are they consistent with the expenses incurred by comparable properties?

Management - refers to the cost of administration. These charges should realistically reflect what a real estate management company would actually charge to manage the property. If no management fee is shown on the statement; an allowance must be made, by the appraiser. On the other hand, if excessive management charges are reported, as is often the case, the appraiser must disregard the reported charges and use an amount that he deems appropriate and consistent with comparable type properties. The cost of management bears a relationship with the risk of ownership and will generally range between 4 to 10% of the gross income.

General expenses - may include such items as the cost of services and supplies not charged to a particular category. Unemployment and F.I.C.A. taxes, Workmen's Compensation, and other employee insurance plans are usually legitimate deductions when employees are a part of the building operation.

Reimbursed expenses - refer to the cost associated with the maintenance of public or common areas of the commercial property. This expense is passed on to the tenants and should, therefore, only be considered when the amount of reimbursement is included as income.

Miscellaneous expenses - is the "catch-all" category for incidentals. This item should reflect a very nominal percentage of the income. If expenses reported seem to be excessive, the appraiser must examine the figures carefully in order to determine if they are legitimate expenses, and if so, to allocate them to their proper category.

Cleaning expenses - are legitimate charges. They are for such items as general housekeeping and maid service, and include the total cost of labor and related supplies. All or a portion of the cleaning services may be provided by outside firms working on a "contract" basis. Cleaning expenses vary considerably and are particularly significant in operations such as offices and hotels. "Rule of thumb" norms for various operations are made available through national management associations. The appraiser should have little difficulty in establishing local guidelines.

Utilities - are generally legitimate expenses and if reported accurately, need very little reconstruction by the appraiser, other than to determine if the charges are consistent with comparable properties. Local utility companies can provide the appraiser with definite guidelines.

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Heat and Air Conditioning - costs are often reported separately and in addition to utilities. The expenses would include the cost of fuel other than the above mentioned utilities, and may include, especially in large installations, the cost of related supplies, inspection fees, and maintenance charges. These are generally legitimate costs, and the same precautions prescribed for “utilities” are in order.

Elevator expenses - including the cost of repairs and services, are legitimate deductions, and are generally handled through service contracts. These fees can generally be regarded as fairly stable annual recurring expenses.

Decorating and minor alterations - are necessary to maintain the income stream of many commercial properties. In this respect they are legitimate expenses. However, careful scrutiny of these figures is required. Owners tend to include the cost of major alterations and remodeling which are, in fact, capital expenditures, and as such are not legitimate operating expenses.

Repairs and Maintenance - expenses reported for any given year, are not necessarily a true indication of the average or typical annual expense for these items. For example, a statement could reflect a substantial expenditure for a specific year (possibly because the roof was replaced and/or several items of deferred maintenance were corrected); yet the statement for the following year may indicate that repairs and maintenance charges were practically nil. It is necessary for the appraiser to either obtain complete economic history on each property in order to make a proper judgment as to the average annual expense for these items, or include a proper allowance based on norms for the type and age of the improvements to cover annual expenses. Since it is neither possible nor practical to obtain enough economic history on every property, the latter method is generally used and the amounts reported for repairs and maintenance are then estimated by the appraiser.

Insurance - Caution must be used in accepting insurance expense figures. Cost shown may be for more than one year, or may be for blanket policies including more than one building. It is generally more effective for the appraiser to establish his own guidelines for insurance. He must also be careful to include only items applicable to the real estate. Fire extended coverage and owner's liability are the main insurance expense items. Separate coverage on special component parts of the buildings, such as elevators and plate glass, are also legitimate expenses.

Real Estate Taxes - In making appraisals for tax purposes, the appraiser must exclude the actual amount reported for real estate taxes. Since future taxes will be based on his appraised value, the appraiser must express the taxes as a factor of the estimated value. This can be done, by including an additional percentage in the capitalization rate to account for real estate taxes.

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Depreciation - The figure shown for depreciation on an operating statement is a “bookkeeping figure” which the owner uses for Internal Revenue purposes and should not be considered in the income approach. This reflects a tax advantage that is one of the benefits of ownership.

Interest - Although interest is considered a legitimate expense, it is always included in the Capitalization Rate. Most property is appraised as if it were “free and clear”; however, the appraiser does consider the interest of a current mortgage in the Capitalization Rate build-up.

Land Rent - When appraising for real estate tax purposes, only the sum of the leasehold and the leased fee is usually considered. Land rent is not deducted as an expense. Considered separately, rent from a ground lease would be an expense to the leasehold interest and an income to the leased fee. However, if land were rented from another property to supply additional parking for example, that land rent would be an allowable expense.

It is obvious that there are some expense items encountered on operating statements that the appraiser should not consider as allowable. This is because he is interested in legitimate cash expenses only. Income statements are usually designed for income tax purposes where credit can be taken for borrowing costs and theoretical depreciation losses.

It is virtually impossible and certainly not always practical to obtain a complete economic history on every commercial property being appraised. On many properties, however, detailed economic information can be obtained through the use of Income and Expense forms. One must realistically recognize the fact that the data obtainable on some properties is definitely limited.

In most cases, the gross income and a list of the services and amenities furnished can be obtained during the data gathering operation. However, in order to insure a sound appraisal, it may be necessary to estimate the fixed and operating expenses. This is best accomplished by setting guidelines for expenses, based on a percent of Effective Gross Income or a cost per square foot of leased area. These percentages or costs will vary depending on the services supplied and the type of property.

CAPITALIZATION METHODS

The most prominent methods of capitalization are Direct, Straight Line, Sinking Fund, and Annuity. Each of these is a valid method for capitalizing income into an indication of value. The basis for their validity lies in the action of the market, which indicates that the value of income producing property can be derived by equating the net income with the net return anticipated by informed investors. This can be expressed in terms of a simple equation:

Value = Net Income divided by Capitalization Rate

The *Straight Line* and *Sinking Fund* methods are both actual forms of Straight Capitalization, with one using Straight Line recapture and the other using Sinking Fund recapture. Both methods follow the same basic principles as Direct Capitalization, differing only in that they provide for separate capitalization rates for land and buildings; the building rate differing from the land rate in that it includes an allowance for recapture.

Straight Line Capitalization allows for “recapture” based on remaining economic life of the building - implying that at the end of that period of time, there would be a zero improvement value. There are three fallacies in this thinking. First, the potential buyer (investor) has no intention of holding the property that long. The average investment period might average ten years. Second, the investor anticipates that at the end of that period he will either get all his money back or will make a profit. And third, is the depreciation allowance possible in connection with federal income taxes.

Depreciation allowances begin to “run out” between seven and ten years, so the advantages of owning the property are reduced considerably. A prudent owner may choose to sell the property at this point and re-invest in another property so that he may begin the depreciation cycle again and continue to take full advantage of the favorable tax laws.

For these reasons, the Straight Line Capitalization Method does not usually follow what the market indicates.

Straight Line recapture calls for the return of investment capital in equal increments or percentage allowances spread over the estimated remaining economic life of the building.

Sinking Fund recapture calls for the return of invested capital in one lump sum at the termination of the estimated remaining economic life of the building. This is accomplished by providing for the annual return of a sufficient amount needed to invest and annually re-invest in “safe” interest-bearing accounts, such as government bonds or certificates of deposit, which will ultimately yield the entire capital investment during the course of the building's economic life.

Annuity Capitalization lends itself to the valuation of long-term leases. In this method, the appraiser determines, by the use of annuity tables, the present value of the right to receive a certain specified income over stipulated duration of the lease. In addition to the value of the income stream, the appraiser must also consider the value that the property will have once it reverts back to the owner at the termination of the lease. This reversion is valued by discounting its anticipated value against its present day worth. The total property value then is the sum of the capitalized income stream plus the present worth of the reversion value.

CURRENT TECHNIQUES

There are two methods, however, that do lend themselves to an accurate measure of market value based on potential income. These are Direct Capitalization, utilizing the Direct Comparison Method of Rate Selection, and Mortgage Equity Capitalization.

In *Direct Capitalization*, the appraiser determines a single “overall” capitalization rate. This is done through analysis of actual market sales of similar types of properties. He develops the net income of each property, and divides the net income by the sales price to arrive at an overall rate to provide an indication of value.

Mortgage Equity Capitalization is a form of direct capitalization with the major difference in the two approaches being the development of the overall capitalization rate.

In this method, equity yields and mortgage terms are considered influencing factors in construction of the interest rate. In addition, a plus or minus adjustment is required to compensate for anticipated depreciation or appreciation. This adjustment can be related to the recapture provisions used in other capitalization methods and techniques.

RESIDUAL TECHNIQUES

It can readily be seen that any one of the factors of the Capitalization Equation (Value = Net Income divided by Capitalization Rate) can be determined if the other two factors are known. Furthermore, since the value of property is the sum of the land value plus the building value, it holds that either of these can be determined if the other is known. The uses of these mathematical formulas in capitalizing income into an indication of value are referred to as the residual techniques, or more specifically, the property residual, the building residual, and the land residual techniques.

The *Property Residual Technique* is an application of Direct Capitalization. In this technique, the total net income is divided by an overall capitalization rate (which provides for the return on the total investment) to arrive at an indicated value for the property. This technique has received more popular support in recent years because it closely reflects the market. With this technique, the capitalization rate may be developed by either “direct comparison” in the market or by the Mortgage Equity Method.

The *Building Residual Technique* requires the value of the land to be a known factor. The amount of net income required to earn an appropriate rate of return on the land investment is deducted from the total net income. The remainder of the net income (residual) is divided by the building capitalization rate (which is composed of a percentage for the return on the investment, plus a percentage for the recapture of the investment) to arrive at an indicated value for the building.

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The *Land Residual Technique* requires the value of the building to be a known factor. The amount of net income required to provide both, a proper return on and the recapture of the investment is deducted from the total net income. The remainder of the net income (residual) is then divided by the land capitalization rate (which is composed of a percentage for the return on the investment) to arrive at an indicated value for the land.

MORTGAGE EQUITY METHOD EXAMPLE

For purposes of illustration, assume an investment financed with a 70% loan at 14.0% interest. The term of the mortgage is 20 years, paid off in level monthly payments. The total annual cost for principal and interest on such a loan can be determined by referring to the mortgage equity tables. Select the Constant Annual percent for an interest rate of 14.0% and a term of 20 years. Note that the constant is 14.92% of the amount borrowed, or .92% more than the interest rate alone.

Assume that the equity investor will not be satisfied with less than a 18% yield. The income necessary to satisfy both Lender and Equity can now be shown. The product of the percent portion and the rate equals the weighted rate. The total of each weighted rate equals the weighted average.

	PORTION	RATE	=	WEIGHTED RATE
Mortgage loan (principle interest)	70%	.1492	=	.1044
Equity (down payment)	30%	.18	=	.0540
Weighted Average	100%			100%

Note that the “constant annual percent” is used for the rate of the loan.

Since there is a gain in equity's position through the years by the loan being paid off little by little, it is necessary to calculate the credit for “Equity Build-Up”. Assume that the investor plans to hold the property for ten years. Since the mortgage is for 20 years, only a portion of the principal will be paid off and this amount must be discounted, as it won't be received for ten years. From the Table of Loan Balance and Debt Reduction, at the end of ten years for a 20 year mortgage at 14%, the figure is .199108. Consulting the sinking fund tables indicates that the discount factor for 18% and 10 years is .0425.

The credit for Equity Build-Up can now be deducted from the basic rate, thus . . .

$$\begin{array}{rcl}
 .199108 & & .0425 \\
 (\% \text{ of loan paid in 10 yrs.}) & \times & (\text{sinking fund 18\% for 10 yrs.}) \\
 & & = \underline{\underline{.0059}} \\
 \text{Resulting Net Rate} & & = .1525
 \end{array}$$

LAND VALUATION TECHNIQUES

In making appraisals for Ad Valorem Tax purposes, it is generally necessary to estimate separate values for the land and the improvements on the land. In actuality, the two are not separated and the final estimate of the property as a single unit must be given prime consideration. However, in arriving at that final estimate of value, aside from the requirements for property tax appraisals, there are certain other reasons for making a separate estimate of value for the land:

An estimate of land value is required in the application of the Cost Approach.

An estimate of land value is required to be deducted, from the total property sales price in order to derive indications of depreciation through market-data analysis. (Depreciation being equal to the difference between the replacement cost new of a structure and the actual price paid in the market place for the structure.)

As land is not a depreciable item, a separate estimate of land value is required for bookkeeping and accounting purposes; likewise, the total capitalization rate applicable to land will differ from the rate applicable to the improvements on the land.

Since land may or may not be used to its highest potential, the value of land may be completely independent of the existing improvements on the land.

Real Estate is valued in terms of its highest and best use. The highest and best use of the land (or site), if vacant and available for use, may be different from the highest and best use of the improved property. This will be true when the improvement is not an appropriate use and yet makes a contribution to total property value in excess of the value of the site. Highest and Best Use (Highest and Most Profitable Use; Optimum Use) is that reasonable and probable use which will support the highest present value as of the date of the appraisal. Alternatively, it is the most profitable likely use to which a property can be put. It may be measured in terms of the present worth of the highest net return that the property can be expected to produce over a stipulated long run period of time. (American Institute of Real Estate Appraisers' Appraisal Terminology Handbook, 1981 edition.)

As appraisers' opinions are based on data derived from the market, it is necessary to study and adapt, if possible, procedures used by those closest to everyday transactions.

COMPARABLE SALES METHOD

The most frequently used method in estimating the value of land is the comparable sales method in which land values are derived from analyzing the selling prices of similar sites. This method is in essence the application of the market data approach to value and all the considerations pertaining thereto are equally applicable here.

The appraiser must select comparable and valid market transactions, and must weigh and give due consideration to all the factors significant to value, adjusting each to the subject property. The comparable sites must be used in the same way as is the subject property, and subjected to the same zoning regulations and restrictions. It is also preferable, whenever possible, to select comparable sales from the same or a similar neighborhood. The major adjustments will be to account for variations in time, location, and physical characteristics to include size, shape, topography, landscaping, access, as well as other factors which may significantly influence the selling price, such as the productivity of farm land.

Although it is always preferable to use sales of unimproved lots for comparison, it is not always possible to do so. Older neighborhoods are not likely to yield a sufficient number of representative sales of unimproved lots to permit a valid analysis. In such cases, in order to arrive at an estimate of land values using the comparable sales approach, it is necessary to consider improved property sales and to estimate the portion of the selling price applicable to the structure. The procedure would be to estimate the replacement cost of the buildings as of the date of sale, estimate the accrued depreciation and deduct that amount from the replacement cost resulting in the estimated selling price of the buildings, which can be deducted from the total selling price of the property to derive the portion of the selling price which can be allocated to the land. The equation is as follows:

$$\begin{array}{r}
 \text{Selling Price of Property} \\
 - \text{ Estimated Depreciated Value of Buildings} \\
 \hline
 = \text{ Indication of Land Value}
 \end{array}$$

In some of these older neighborhoods, vacant lots will exist often as a result of fire or normal deterioration. Since the desirability as a new building site is restricted, value is generally determined by adjoining property owners who have a desire for additional land area.

In order to apply the comparable sales method, it is first necessary to establish a common unit of comparison. The units generally used in the valuation of land are price per front foot, price per square foot, price per acre, price per lot or site or home site price per apartment unit, and price per motel unit. The selection of any one particular unit depends upon the type of property being appraised . . . frontage being commonly used for platted, uniform type residential lots, and square footage and acreage for larger, unplatted tracts, as well as irregularly shaped lots lacking in uniformity. Use of square footage is especially desirable in Central Business Districts where the entire lot maintains the same

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level of value: depth factor adjustments have a tendency to distort this concept. Commercial arteries are also best valued on a square foot basis.

The utility of a site will vary with the frontage, width, depth, and overall area. Similarly, the unit land values should be adjusted to account for differences in size and shape between the comparable and the subject property. Since such an adjustment is generally necessary for each lot, it is beneficial that the appraiser adopts and/or develops standardized procedures for adjusting the lot size and the unit values to account for the variations. It is not uncommon for all lots within a development to market at the same price. Should data indicate this, it is necessary to make alterations or adjustments to maintain this value level. In some cases, a “site value” concept has advantages. Site value tables provide for uniform pricing of standard sized lots within homogenous neighborhoods or subdivisions. Some of the techniques commonly employed are as follows:

Standard lot sizing techniques provide for the adjustment of the frontage, width, and depth of irregular shaped lots to make the units of measurement more comparable with uniform rectangular lots. Incremental and decremented adjustments can be applied to account for size differences.

Standard Depth Tables provide for the adjustment of front foot unit values to account for variations in depth from a predetermined norm.

Frontage Tables provide for the adjustment of front footage unit values to account for variations in the relative utility value of excessive or insufficient frontage as compared to a predetermined norm.

Acreage or Square Footage Tables provide for the adjustment of unit values to account for variations in the relative utility value of excessive or insufficient land sizes as compared to a predetermined norm.

During the process of adjusting the comparable sales to account for variations between them and the subject property, the appraiser must exercise great care to include all significant factors and to properly consider the impact of each of the factors upon the total value. If done properly, the adjusted selling prices of the comparable properties will establish a range in value in which the value of the subject property will fall. Further analysis of the factors should enable the appraiser to narrow the range down to the value level that is most applicable to the subject property.

Schedule of Values**Currituck County 2021 Section 2****THE LAND RESIDUAL TECHNIQUE**

In the absence of sufficient market data, income-producing land may be valued by determining the portion of the net income attributable to the land and capitalizing the net income into an indication of value. The procedure is as follows:

1. Determine the highest and best use of the land, which may be either its present use or hypothetical use.
2. Estimate the net income which the property can be expected to yield.
3. Estimate the replacement cost new of the improvements.
4. If the case involves the present use, estimate the proper allowance for depreciation, and deduct that amount from the replacement cost new of the improvements to arrive at an estimate of their depreciated value.
5. Develop appropriate capitalization rates.
6. Calculate the income requirements of the improvements, and deduct the amount from the total net income to derive that portion of the income that can be said to be attributable to the land.
7. Capitalize the residual income attributable to the land to an indication of value.

RATIO METHOD

A technique useful for establishing broad indications of land values is a “typical” allocation or ratio method. In this technique, the ratio of the land value to the total value of improved properties is observed in situations where there is good market and/or cost evidence to support both the land values and total values. This market abstracted ratio is then applied to similar properties where the total values are known, but the allocation of values between land and improvements are not known. The ratio is usually expressed as a percentage that represents the portion of the total improved value that is land value, or as a formula:

$$\frac{\text{Total Land Value}}{\text{Total Property Value}} \times 100\% = \% \text{ Land Is of Total Property Value}$$

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This technique can be used on most types of improved properties, with important exceptions being farms and recreational facilities, provided that the necessary market and/or cost information is available. In actual practice, available market information limits this technique primarily to residential properties, and to a much lesser extent, commercial and industrial properties such as apartments, offices, shopping centers, and warehouses. The ratio technique cannot give exact indications of land values. It is nevertheless useful, especially when used in conjunction with other techniques of estimating land values because it provides an indication of the reasonableness of the final estimate of land value.

The ratio should be extracted from available market information and applied to closely similar properties. It should be noted that any factor that affects the value could also affect the ratio of values. Zoning is particularly important because it may require more or less improvements be made to the land, or may require a larger or smaller minimum size. This tends to have a bearing on the land values, and may influence the ratio of values considerably from community to community.

The following is an example of a residential land valuation situation:

Market information derived from an active new subdivision

Typical Lot Sale Price (most lots equivalent)				\$15,000
Improved Lot Sales (range)				\$65,000 to \$75,000
Indicated Ratio	$\frac{\$15,000}{75,000}$	To	$\frac{15,000}{65,000}$	X 100% 20% to 23%

Similar subdivision, but 100% developed

Typical Lot Sale Price (most lots equivalent)	Unavailable
Improved Lot Sales (range)	\$85,000 to \$105,000
Broadest Indicated Range of Lot Values (20% x \$85,000 to 23% x \$105,000)	\$17,000 to \$24,150
Narrowest Indicated Range of Lot Values (23% x \$85,000 to 20% x \$105,000)	\$19,550 to \$21,000

If both lots and improvements vary considerably, the broadest range is most appropriate. If most lots vary little and are judged equivalent but the improvements vary somewhat, the narrowest range is appropriate. Most subdivisions exhibit a combination of the two ranges, showing a narrow typical range, but a wider actual range of land values.

MASS APPRAISING

In preceding sections, we have outlined the fundamental concepts, principles, and valuation techniques underlying the Appraisal Process. We will now approach the problem at hand . . . the reappraisal of certain specified real property within a total taxing jurisdiction, be it an entire county or any subdivision thereof . . . and to structure a systematic mass appraisal program to effect the appraisal of said properties in such a way as to yield valid, accurate, and equitable property valuations at a reasonable cost dictated by budgetary limitations, and within a time span totally compatible with assessing administration needs.

The key elements of the program are validity, accuracy, equity, economy, and efficiency. To be effective, the program must. . . .

- incorporate the application of proven and professionally acceptable techniques and procedures;
- provide for the compilation of complete and accurate data and the processing of that data into an indication of value approximating the prices actually being paid in the market place;
- provide the necessary standardization measures and quality controls essential to promoting and maintaining uniformity throughout the jurisdiction;
- provide the appropriate production controls necessary to execute each phase of the operation in accordance with a carefully planned budget and work schedule; and –
- provide techniques especially designed to streamline each phase of the operation, eliminating superfluous functions, and reducing the complexities inherent in the Appraisal Process to more simplified but equally effective procedures.

In summary, the objective of an individual appraisal is to arrive at an opinion of value, the key elements being the validity of the approach and the accuracy of the estimate. The objective of a mass appraisal for tax purposes is essentially the same. However, in addition to being valid and accurate, the value of each property must be equitable to that of each other property, and what's more, these valid, accurate, and equitable valuations must be generated as economically and efficiently as possible.

OVERVIEW

The prime objective of mass appraisals for tax purposes is to equalize property values. Not only must the value of one residential property be equalized with another, but it must

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also be equalized with each agricultural, commercial, and industrial property within the political unit.

The common denominator or the basis for equalization is market value . . . that price which an informed and intelligent person, fully aware of the existence of competing properties and not being compelled to act, is justified in paying for a particular property.

The job of the appraiser is to arrive at a reasonable estimate of that justified price. To accomplish this, the coordination of approaches to the valuation of the various classes of property must be made so that they are related one to another in such a way as to reflect the motives of the prospective purchasers of each type of property.

A prospective purchaser of a residential property is primarily interested in its capacity to render service to the family as a place to live. Its location, size, quality, design, age, condition, desirability and usefulness are the primary factors to be considered in making a selection. By relying heavily upon powers of observation and inherent intelligence, knowing what could be afforded and simply comparing what is available, one property will eventually stand out to be more appealing than another. So it is likewise the job of the appraisers to evaluate the relative degree of appeal of one property to another for tax purposes.

The prospective purchaser of agricultural property will be motivated somewhat differently. The primary interest will be in the productive capabilities of the land. It is reasonable to assume that the purchaser will be familiar, at least in a general way, with the productive capacity of the farm. It might be expected that the prudent investor will have compared one farm's capabilities against another. Accordingly, the appraiser for local tax equalization purposes must rely heavily upon prices being paid for comparable farmland in the community.

The prospective purchaser of commercial property is primarily interested in the potential net return and tax shelter the property will provide. That price which is justified to pay for the property is a measure of the prospects for a net return from the investment. Real estate, as an investment then, must not only compete with other real estate, but also with stocks, bonds, annuities, and other similar investment areas. The commercial appraiser must explore the rental market and compare the income-producing capabilities of one property to another.

The prospective purchaser of industrial property is primarily interested in the overall utility value of the property. Of course, in evaluating the overall utility, individual consideration must be given to the land and each improvement thereon. Industrial buildings are generally of special purpose design, and as such, cannot readily be divorced from the operation for which they were built. As long as the operation remains effective, the building will hold its values; if the operation becomes obsolete, the building likewise becomes obsolete. The upper limit of its value is its replacement cost new, and its present day value is some measure of its present day usefulness in relation to the purpose for which it was originally designed.

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Any effective approach to valuations for tax purposes must be patterned in such a way as to reflect the “modus operandi” of buyers in the market place. As indicated above, the motives influencing prospective buyers tend to differ depending upon the type of property involved. It follows that the appraiser's approach to value must differ accordingly.

The residential appraiser must rely heavily upon the market data approach to value analyzing the selling prices of comparable properties and considering the very same factors of location, size, quality, design, age, condition, desirability, and usefulness, which were considered by the buyer.

The commercial appraiser will find that since commercial property is not bought and sold as frequently as is residential property, the sales market cannot be readily established. By relying heavily on the income approach to value, the net economic rent that the property is capable of yielding can be determined, and the amount of investment required to effect that net return at a rate commensurate with that normally expected by investors could also be determined. This can only be achieved through a comprehensive study of the income-producing capabilities of comparable properties and an analysis of present-day investment practices.

The industrial appraiser will not be able to rely on the market data approach because of the absence of comparable sales, each sale generally reflecting different circumstances and conditions. Also, it is not possible to rely upon the income approach . . . again because of the absence of comparable investments, and because of the inability to accurately determine the contribution of each unit of production to the overall income produced. Therefore, by relying heavily on the cost approach to value, a determination must be made of the upper limit or replacement cost new of each improvement and the subsequent loss of value resulting overall from physical, functional and economic factors.

The fact that there are different approaches to value, some of which are more applicable to one class of property than to another, does not, by any means, preclude equalization between classes. Remember that the objective in each approach is to arrive at a price which an informed and intelligent person, fully aware of the existence of competing properties and not being compelled to act, is justified in paying for any one particular property. Underlying, and fundamental to each of the approaches is the comparison process. Regardless of whether the principal criteria are actual selling prices, income-producing capabilities, or functional usefulness, like properties must be treated alike. The primary objective is equalization. The various approaches to value, although valid in themselves, must nevertheless be coordinated one to the other in such a way as to produce values that are not only valid and accurate, but are also equitable. The same “yardstick” of values must be applied to all properties, and must be applied by systematic and uniform procedures.

It is obvious that sales on all properties are not required to effectively apply the market data approach. The same is true regarding any other approach. What is needed is a

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comprehensive record of all the significant physical and economic characteristics of each property in order to compare the properties of “unknown” values with the properties of “known” values. All significant differences between properties must in some measure, either positively or negatively, be reflected in the final estimate of value.

Each property must be given individual treatment, but the treatment must be uniform and standardized, and essentially no different than that given to any other property. All the factors affecting value must be analyzed and evaluated for each and every property within the entire political unit. It is only by doing this that equalization between properties and between classes of properties can be ultimately effected.

All this, at best, is an oversimplification of the equalization process underlying the entire Mass Appraisal Program. The program itself consists of various operational phases, and its success depends primarily upon the systematic coordination of collecting and recording data, analyzing the data, and processing the data to an indication of value.

DATA INVENTORY

Basic to the appraisal process is the collecting and recording of pertinent data. The data will consist of general supporting data, referring to the data required to develop the elements essential to the valuation process; neighborhood data, referring to information regarding pre-delineated neighborhood units; and specific property data, referring to the data compiled for each parcel of property to be processed into an indication of value by the cost, market and/or income approach.

The data must be comprehensive enough to allow for the adequate consideration of all factors that significantly affect property values. In keeping with the economics of a mass appraisal program, it is costly and impractical to collect, maintain, and process data of no or marginal contribution to the desired objectives. The axiom “too much data is better than insufficient data” does not apply. What does apply is the proper amount of data, no more or no less, which is necessary to provide the database necessary to generate the desired output.

Cost data must be sufficient enough to develop or select and validate the pricing schedules and cost tables required to compute the replacement cost new of improvements needed to apply the cost approach to value.

All data pertaining to the cost of total buildings in place should include the parcel identification number, property address, and date of completion, construction cost, name of builder, source of information, structural characteristics, and other information pertinent to analysis.

Cost information may be recorded on the same form (unassigned property record card) used to record specific property data.

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The principal sources for obtaining cost data are builders, suppliers, and developers, and it is generally advisable to collect cost data in conjunction with new construction pick-ups.

Sales data must be sufficient enough to provide a representative sampling of comparable sales needed to apply the market data approach, to derive unit land values and depreciation indicators needed to apply the cost approach, and to derive gross rent multipliers and elements of the capitalization rate needed to apply the income approach.

All sales data should include the parcel identification number, property qualification code, month and year of sale, selling price, source of information, i.e., buyer, seller, agent, or fee, and a reliable judgment as to whether or not the sale is representative of a true arm's length transaction.

Sales data should be recorded on the same form (assigned property record card) used to record specific property data, and verified during the property-listing phase.

The principal source for obtaining sales data is the County Register of Deeds Office, MLS, Sales Letters, Fee Appraisers and the real estate transfer returns. Other sources may include developers, realtors, lending institutions, and individual owners during the listing phase of the operation.

Income and expense data must be sufficient enough to derive capitalization rates and accurate estimates of net income needed to apply the income approach. Income and expense data should include both general data regarding existing financial attitudes and practices, and specific data regarding the actual incomes and expenses realized by specific properties.

The general data should include such information as equity return expectations, gross rentals, vacancy and operating cost expectations and trends, prevailing property management costs, and prevailing mortgage costs.

Specific data should include the parcel identification number, property address (or building ID), source of information, the amount of equity, the mortgage and lease terms, and an itemized account of the annual gross income, vacancy loss, and operating expenses for the most recent two-year period.

The general data should be documented in conjunction with the development of capitalization procedural guidelines. The specific data, since it is often considered confidential and not subject to public access, should be recorded on special forms, designed in such a way as to accommodate the property owner or

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agent thereof in submitting the required information. The forms should also have space reserved for the appraiser's analysis and calculations.

The principal sources for obtaining the general financial data are investors, lending institutions, fee appraisers and property managers. The primary sources for obtaining specific data are the individual property owners and/or tenants during the listing phase of the operation.

Neighborhood data. At the earliest feasible time during the data inventory phase of the operation, and after a thorough consideration of the living environment and economic characteristics of the overall county, or any political sub-division thereof, the appraisal staff should delineate the larger jurisdictions into smaller “neighborhood units,” each exhibiting a high degree of homogeneity in residential amenities, land use, economic trends, and housing characteristics such as structural quality, age, and condition. The neighborhood delineation should be outlined on an index (or comparable) map and each assigned an arbitrary Neighborhood Identification Code, which when combined with the parcel identification numbering system, will serve to uniquely identify it from other neighborhoods.

Neighborhood data must be comprehensive enough to permit the adequate consideration of value-influencing factors to determine the variations in selling prices and income yields attributable to benefits arising from the location of one specific property as compared to another. The data should include the taxing district, the school district, the neighborhood identification code, special reasons for delineation (other than obvious physical and economic boundaries), and various neighborhood characteristics such as the type (urban, suburban, etc.), the predominant class (residential, commercial, etc.), the trend (whether it is declining, improving, or relatively stable), its accessibility to the central business district, shopping centers, interstate highways and primary transportation terminals, its housing characteristics, the estimated range of selling prices for residentially-improved properties, and a rating of its relative durability.

All neighborhood data should be recorded on a specially designed form during the delineation phase.

Specific property data must be comprehensive enough to provide the data base needed to process each parcel of property to an indication of value, to generate the tax roll requirements, to generate other specified output, and to provide the assessing officials with a permanent record to facilitate maintenance functions and to administer taxpayer assistance and grievance proceedings.

The data should include the parcel identification number, ownership and mailing address, legal description, property address, property classification code, local zoning code, neighborhood identification code, site characteristics, and structural characteristics.

All the data should be recorded on a single, specially-designed property record card customized to meet individual assessing needs. Each card should be designed and

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formatted in such a way as to accommodate the listing of information and to facilitate data processing. In addition to the property data items noted above, space must be provided for a building sketch, land and building computations, summarization, and memoranda. In keeping with the economy and efficiency of a mass appraisal program, the card should be formatted to minimize writing by including a sufficient amount of site and structural descriptive data that can be checked and/or circled. The descriptive data should be comprehensive enough to be suitable for listing any type of land and improvement data regardless of class, with the possible exception of large industrial, institutional, and utility complexes that require lengthy descriptions. In these cases, it will generally be necessary to use a specially- designed supplemental property record document, keyed and indexed to the corresponding property record card. The property record card should be made a permanent part of the assessing system, and used not only in conjunction with the revaluation, but also to update the property records for subsequent assessments.

The specific property data should be compiled from existing assessing records and field inspections. The parcel identification number, ownership, mailing address, and legal description may be obtained from existing tax rolls. Property classification codes may also be obtained from existing tax rolls (whenever available) and verified in the field. Local zoning codes may be obtained from existing zoning maps. Neighborhood identification codes may be obtained from the neighborhood delineation maps. Lot sizes and acreage may be obtained from existing tax maps. The property address, and the site and structural characteristics may be obtained by making a physical inspection of each property.

In transferring lot sizes from the tax maps to the property record cards, the personnel performing the tasks must be specially trained in the use of standardized lot sizing techniques and depth tables, may be used, which are necessary to adjust irregular shaped lots and abnormal depths to account for variations from predetermined norms. In regard to acreage, the total acreage may be transferred, but the acreage breakdowns required to effect the valuation of agricultural, residential, forestry, commercial, and industrial properties must be obtained in the field from the property owner and verified by personal observation and aerial photographs, if available.

Field inspections must be conducted by qualified listers under the close supervision of the appraisal staff. During this phase of the operation, the lister must visit each property and attempt personal contact with the occupant. In the course of the inspection, the following procedures must be adhered to.

Identification of the property.

Recording the property address.

Interviewing the occupant of the building and recording all pertinent data.

Measuring and inspecting the exterior of the building, as well as all other improvements on the property, and recording the story height, and the dimensions and/or size of each.

Recording a sketch of the principal building(s), consisting of a plan view showing the main portion of the structure along with any significant attached exterior features, such as porches, etc. All components must be identified and the exterior dimensions shown for each.

Selection of and recording the proper quality grade of the improvement.

Selection of and recording the proper adjustments for all field priced items.

Reviewing the property record card for completeness and accuracy.

After the field inspection is completed, the property record cards must be submitted to clerical personnel to review the cards for completeness, calculate the areas, and make any necessary mathematical extensions.

Complete and accurate data are essential to the program. Definite standardized data collection and recording procedures must be followed if these objectives are to be met.

PROCESSING THE DATA

This phase of the operation involves the analysis of data compiled during the data inventory phase and the processing of that data to an indication of value through the use of the cost, market, and income approaches to value.

During the analytical phase, it will be necessary to analyze cost, market, and income data in order to provide a basis for validating the appropriate cost schedules and tables required to compute the replacement cost new of all buildings and structures; for establishing comparative unit land values for each class of property; for establishing the appropriate depreciation tables and guidelines for each class of property; and for developing gross rent multipliers, economic rent and operating expense norms, capitalization rate tables and other related standards and norms required to effect the mass appraisal of all the property within an entire political unit on an equitable basis.

After establishing the appropriate standards and norms, it remains to analyze the specific data compiled for each property by giving due consideration to the factors influencing the value of that particular property as compared to another, and then to process the data into an indication of value by employing the techniques described in the section of the manual dealing with the application of the traditional approaches to value.

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Any one, or all three of the approaches, if applied properly, should lead to an indication of market value; of primary concern is applying the approaches on an equitable basis. This will require the coordinated effort of a number of individual appraisers, each appraiser acting as a member of a team, with the team effort directed toward a valid, accurate and equitable appraisal of each property within the political unit. Each property must be physically reviewed, during which time the following procedures must be adhered to.

- verification of the characteristics recorded on the property record card.
- certification that the proper schedules and cost tables were used in computing the replacement cost of each building and structure.
- determination of the proper quality grade and design factor to be applied to each building to account for variations from the base specifications.
- making a judgment of the overall condition, desirability, and usefulness of each improvement in order to arrive at a sound allowance for depreciation.
- capitalization of net income capabilities into an indication of value in order to determine the loss of value attributable to functional and economic obsolescence.
- addition of the depreciated value of all improvements to the land value, and reviewing the total property value in relation to the value of comparable properties.

At the completion of the review phase, the property record cards must be, once again, submitted to clerical personnel for final mathematical calculations and extensions, and a final check for completeness and accuracy.

Once the final values have been established for each property, the entire program should be evaluated in terms of its primary objectives . . . do the values approximate a satisfactory level of market value, and what's more important, are the values equitable? Satisfactory answers to these questions can best be obtained through a statistical analysis of recent sales in an appraisal-to-sale ratio study, if sufficient sales are available.

To perform the study, it is necessary to take a representative sampling of recent valid sales and compute the appraisal-to-sale ratio for each of the sales. If the sample is representative, the computed median appraisal-to-sale ratio will give an indication of how close the appraisals within each district approximates the market value. This is providing, of course, that the sales included represent true market transactions. It is then necessary to determine the deviation of each individual appraisal-to-sale ratio from the median ratio, and to compute either the average or the standard deviation, which will give an indication of the degree of equity within each individual district. What remains then is to compare the statistical measures across property classes in order to determine those areas, if any, which need to be

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further investigated, revising the appraisal, if necessary, to attain a satisfactory level of value and equity throughout the entire jurisdiction.

The techniques and procedures set forth herein, if applied skillfully, should yield highly accurate and equitable property valuations, and should provide a sound property tax base. It should be noted, however, that no program, regardless of how skillfully administered, can ever be expected to be error-free. The appraisal must be fine-tuned and this can best be done by giving the taxpayer an opportunity to question the value placed upon his property and to produce evidence that the value is inaccurate or inequitable. During this time, the significant errors will be brought to light, and taking the proper corrective action will serve to further the objectives of the program. What's important in the final analysis is to use all these measures as well as any other resources available to affect the highest degree of accuracy and equity possible.

ESTIMATING REPLACEMENT COST NEW

The informed buyer is not justified in paying anything more for a property than what it would cost him to acquire an equally desirable substitute property. Likewise, the upper limit of value of most improvements is the cost of reproducing an equally desirable substitute improvement. It follows, then, that a uniform starting point for an Equalization Program is to determine the Replacement Cost New of each and every improvement.

REPLACEMENT COST

Replacement Cost is the current cost of producing an improvement of equal utility to the subject property; it may or may not be the cost of reproducing a replica property. The distinction being drawn is one between Replacement Cost, which refers to a substitute property of equal utility, as opposed to Reproduction Cost, which refers to a substitute replica property.

The Replacement Cost of an improvement includes the total cost of construction incurred by the builder, whether preliminary to, during the course of, or after completion of its construction. Among these are materials, labor, all sub-contracts, builder's overhead and profit, architectural and engineering fees, consultation fees, survey and permit fees, legal fees, taxes, insurance and the cost of interim financing.

PRICING SCHEDULES

Major pricing schedules and related cost tables are included in this manual to assist the appraiser in arriving at accurate estimation of Replacement Cost New. They have been developed by applying unit-in-place costs to the construction of specified hypothetical or model buildings. Application of the schedules involves the selection of the model which most nearly resembles the subject building and adjusting its price to compensate for all significant variations. Minor pricing schedule schedules and related cost table are not included in this manual, but are hereby included by means of reference.

Pricing schedules are included for various types of Residential, Agricultural, Commercial and Institutional structures.

Cost adjustments for the variations which are most frequently encountered in a particular type building are included. Adjustments for other variations may be made by using either the other Feature Cost Tables or other appropriate schedules

SELECTING THE PROPER QUALITY GRADE

The quality of materials and workmanship is the one most significant variable to be considered in estimating the replacement cost of a structure. Two buildings may be built from the same general plan, each offering exactly the same facilities and with the same specific features, but with widely different costs due entirely to the quality of materials and workmanship used in their construction. For instance, the cost of a dwelling constructed of high quality materials and with the best of workmanship throughout can be more than twice that of one built from the same floor plan, but with inferior materials and workmanship.

The schedules included in this manual have been developed to provide the appraiser with a range of grades comprehensive enough to distinguish all significant variations in the quality of materials and workmanship which may be encountered; the basic specifications for each grade as to the type of facility furnished remain relatively consistent throughout, and the primary criterion for establishing the grade being the overall quality of materials and workmanship.

The majority of buildings erected fall within a definite class of construction, involving the use of average quality of materials with average quality of workmanship. This type of construction being the most common, it can readily be distinguished by the layman as well as the professional appraiser. Consequently, better or inferior quality of construction can be comparatively observed. The quality grading system and pricing schedules in this manual are keyed to this obvious condition; the basic grade being representative of that cost of construction using average quality of materials with average quality workmanship. The principal Quality Grade classifications are as follows:

Grade X	Superior Quality
Grade A	Excellent Quality
Grade B	Good/Very Good Quality
Grade C	Average Quality
Grade D	Fair Quality

The five grades listed above will cover the entire range of construction qualities.

The general quality specifications for each grade are as follows:

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X Grade	Buildings generally having an outstanding architectural style and design, constructed with the finest quality materials and workmanship. Superior quality interior finish, built-in features, deluxe heating system, plumbing and lighting fixtures.
A Grade	Buildings usually constructed with higher quality materials and workmanship throughout. Higher quality interior finish and built-in features. Deluxe heating system and very good grade plumbing and lighting fixtures.
B Grade	Buildings constructed with good quality materials and above average workmanship throughout. Moderate architectural treatment. Good quality interior finish and built-in features. Good grade heating, plumbing and lighting fixtures.
C Grade	Buildings constructed with average quality materials and workmanship throughout, conforming to the base specifications used to develop the pricing schedule. Minimal architectural treatment. Average quality interior finish and built-in features. Standard grade heating, plumbing and lighting fixtures.
D Grade	Buildings constructed with economy quality materials and fair workmanship throughout. Void of architectural treatment. Cheaper quality interior finish and built-in features. Lower grade heating, plumbing and lighting fixtures.

In order to facilitate using this grading system, and again to promote and maintain uniformity in approach, the value relationship of grade to grade as just described has been incorporated into the development of the base specifications relating to each schedule used in the manual.

Note: The appraiser must exercise extreme caution not to confuse the concepts “quality” and “condition” when selecting the proper grade. This is especially applicable to older buildings, wherein a deteriorated condition can have a noticeable effect on their physical appearance. A building will always retain its initial grade of construction, regardless of its existing deteriorated condition. The Quality Grade ultimately selected must reflect that original built-in quality, and the selection of that grade cannot be influenced in any way by the physical condition of the building.

APPLYING THE PROPER GRADE FACTOR

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Grading would be a relatively simple process if all buildings were built to conform to the quality grade specifications outlined above. The fact is, however, that this ideal condition does not exist. It is not unusual for any conventional building to be built incorporating construction qualities that fall between the established grade levels. The grading system in this manual has been designed in such a way as to provide the appraiser with a method for accounting for such variations by establishing intermediate grades.

If the Subject building is judged to be of a better or inferior quality than the actual grade levels, a grade factor of plus (+) or minus (-) should be applied, i.e., C+ would be better than a straight "C" Grade, B- poorer than a straight "B" Grade, etc.

There is rarely a clear-cut designation of a specific grade factor. The appraiser will generally select a range, such as C+ to B-, and then weigh the various quality factors exhibited in the construction in order to select the proper factor.

Following the above procedures results in the full range of Quality Grade Factors, examples of these factors are listed below.

X (+)	220%	B (+)	135%	D (+)	85%
X	200%	B	126%	D	78%
X (-)	180%	B (-)	117%	D (-)	65%
A (+)	167%	C (+)	110%		
A	155%	C	100%		
A (-)	145%	C (-)	92%		

Note: the quality factor ultimately selected should represent a composite judgment of the overall Quality Grade. Generally, the quality of materials and workmanship is fairly consistent throughout the construction of a specific building; however, since this is not always the case, it is frequently necessary to weight the quality of each major component in order to arrive at the proper "overall" Quality Grade. Equal consideration must also be given to any "Additions" which are constructed of materials and workmanship inconsistent with the quality of the main building.

APPLYING THE PROPER COST AND DESIGN FACTOR

Architectural fees, material quantities, labor efficiency, and other factors influencing total construction costs may vary considerable from one building to another, depending upon its particular design. Two dwellings, for instance, showing no

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marked difference in size and quality may still show a measurable difference in cost, attributable primarily to a difference in design.

In computing the replacement cost of any building, therefore, it is necessary to adjust the cost to account for any features varying significantly from the base specifications from which the pricing schedules were developed.

The pricing schedules included in this manual, unless otherwise specified, have been developed to reflect perimeter-to-area wall ratios of rectangular shaped buildings, uniform eave lines and roof slopes, overhangs, ceiling heights, and other architectural features most typical of conventional designs.

The adjustment for variations in design must be made by applying a Cost and Design Factor denoting a percentage adjustment of the sub-total replacement cost, i.e., apply a +5% to indicate a 5% increase in the replacement cost, apply a +10% to indicate a 10% increase, etc.

The Cost and Design Factors applicable to dwellings will normally range from 0 to 15%. However, the Cost and Design Factors applicable to special architectural designs may range considerably higher. The selection of the proper Cost and Design Factor is largely a product of the experience and sound judgment of the appraiser, who must have the ability to analyze various construction components and determine the influence of each upon the overall cost.

In lieu of Cost and Design Factors, the appraiser may choose to use the following Grade factors for residences of superior quality.

X3	230%	X4	240%	X5	250%
X6	260%	X7	270%	X8	280%
X9	290%				

PRICING SCHEDULES AND COST TABLES

The Pricing Schedules and Cost Tables in this manual are provided to assist the appraiser in arriving at accurate and uniform valuations. Used properly, they should prove to be an invaluable tool. Quality valuations, however, are not the product of schedules and tables themselves, but rather of the appraiser’s ability to use them effectively. In order to bring this about, a thorough understanding of the make-up and the capabilities and limitations of each schedule is essential. The appraiser must know the specifications, from which the base prices were derived, the composition of the prices, and the proper techniques and procedures for applying the prices. What’s more important, the appraiser must be able to exercise good common sense and sound judgment in selecting and using them.

It should also be noted that the schedules and tables in the manual have been developed primarily for mass appraisal and tax equalization purposes. They have,

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therefore, been designed to provide the appraiser with an uncomplicated, fast, and effective method of arriving at an accurate estimate of replacement costs. In order to maintain simplicity in the schedules, techniques, and procedures, it is often necessary to make certain compromises from a strictly technical and engineering point of view. Extensive effort has been made in developing the schedules to minimize these compromises and limit them to variables that have minimal influence on the final value of the building. The schedules have been designed to reflect actual building costs and practices.

RESIDENTIAL BUILDINGS**QUALITY GRADE OR CLASS**

The quality grade of materials and workmanship is the one most significant variable to be considered in estimating the replacement cost of a structure. Two buildings may be built from the same general plan, each offering exactly the same facilities and with the same specific features, but with widely different cost due entirely to the quality of materials and workmanship used in their construction. For instance, the cost of a dwelling constructed of high quality materials and with the best of workmanship throughout can be more than twice that of one built from the same floor plan but with inferior materials and workmanship prevailing.

The following schedule has been developed to distinguish between variations in cost. This schedule represents the full range of conventional dwelling construction. The basic specifications for each grade, as to type of facilities furnished is relatively constant; that is, each has a specific type of heating system, two bathrooms, kitchen unit, and other typical living facilities, but with variable quality of materials and workmanship prevailing.

The basic grade represents cost of construction using average quality materials, with average workmanship. The majority of dwellings erected fall within one class above and one class below the base grade of C. The layman or professional appraiser can readily distinguish between these classes. The three classes of grade of quality for this group of dwelling have been established as follows:

Grade C+ Good	Quality 110%
Grade C Average	Quality 100%
Grade C- Fair	Quality 92%

In order to justify variation in cost, maintain uniformity and retain complete control throughout the cost range, we have established these base grades. The pricing spread of 15-20% \pm between each grade is based upon the use of better grade materials and higher quality workmanship from C Grade to B Grade. B Grade dwellings are found to have better individual features and interior finish, which reflects approximately 25% higher costs than C Grade. Likewise, the D Grade dwelling would be constructed of approximately 22% less quality than C Grade, due to the type of materials used and workmanship. Consequently, better quality of construction or construction of cheaper quality can be comparatively observed.

To cover the entire range of dwelling construction, three additional classes of dwellings above the three base grade dwellings must be considered along with one grade dwelling below the base three grades.

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The three base grades above are:

“X”	Superior Quality	220%
“A”	Excellent Quality	155%
“B”	Good/VGood Quality	126%

The X, A and B Grade dwelling incorporates the best quality of materials and workmanship. Construction costs of X Grade dwellings usually run 220% and higher than the cost of C Grade dwellings. Large Beach Homes, mini-mansion, or country estate-type homes are usually in this class. The A Grade dwellings having outstanding architectural style and design are generally the custom built homes and are 55% better in overall construction than the C Grade dwellings. The B Grade dwellings have better workmanship & materials that the C Grade home are are 26% better in overall construction.

The dwelling of the cheapest quality construction built of lower-grade materials and is the E Grade quality.

These five (5) established base grades or classes of quality will cover the entire range of dwelling construction, from the cheapest to the finest in quality.

USE OF GRADE FACTORS

The grading method is based on C Grade as standards of quality and design. A factor highest grade level to the lowest grade level is established by means of grade factor multipliers. Since not all dwellings are constructed to fall into one of the precise grade levels with no adjustments, it becomes necessary to further refine our grading system. It is not unusual for conventional houses to be built incorporation qualities that fall above or below these established grades. If the house that is being appraised does not fall exactly on a specific grade, but should be classified within that grade, the use of Grade Factor Symbols (+ or -) will accomplish this adjustment in the Grade X, A, B, C, and D Classes.

For a grading increase in the A Grade category, a plus factor can be used, which will result in each factor being higher than the last.

A Sample Would Be - A dwelling with outstanding architectural style and design, constructed with the finest quality materials and workmanship throughout. Superior quality interior, finish with extensive built-in features. Deluxe heating system and high-grade lighting and plumbing fixtures may be graded A+. The A+ Grade places this house in the Superior Quality range. The + part of the A+ Grade places this house one level above the A Grade category. Grade A+ has a multiplier of 167%. Thus, once you have priced this house to the base level of C, a multiplier of 167% would be applied to adjust the C Grade base level up to the A+ Grade level you desired.

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The same approach would apply should you have a house constructed with a very cheap grade of materials, usually culls and seconds, and very poor quality workmanship resulting from unskilled, inexperienced, do-it-yourself type labor. Minimal code, low-grade mechanical features and fixtures may be graded D. The D Grade places this house in the Cheap Quality range. Grade E has a multiplier of 78%. Thus once you have priced this house to the base level of "C", a multiplier of 78% would be applied to adjust the C Grade base level down to the D Grade level you desired.

NOTE: The quality factor ultimately selected is to represent a composite judgment of the overall Quality Grade. Generally, the quality of materials and workmanship is fairly consistent throughout the construction of a specific building; however, since this is not always the case, it is frequently necessary to weigh the quality of each major component in order to arrive at the proper overall Quality Grade. Equal consideration must also be given to any additions which are constructed of materials and workmanship inconsistent with the quality of the main building.

The appraiser must use extreme caution not to confuse Quality and Condition when establishing grades for older houses in which a deteriorated condition may have a noticeable effect on their appearance. Grades should be established on original built-in quality as new dwellings, and not be influenced by physical condition. Proper grading must reflect replacement cost of new buildings. Bear in mind a house will always retain its initial grade of construction, regardless of its present deteriorated condition.



Grade X+

Grade X+



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Grade X



Grade X

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Grade X-



Grade X-



Grade A+

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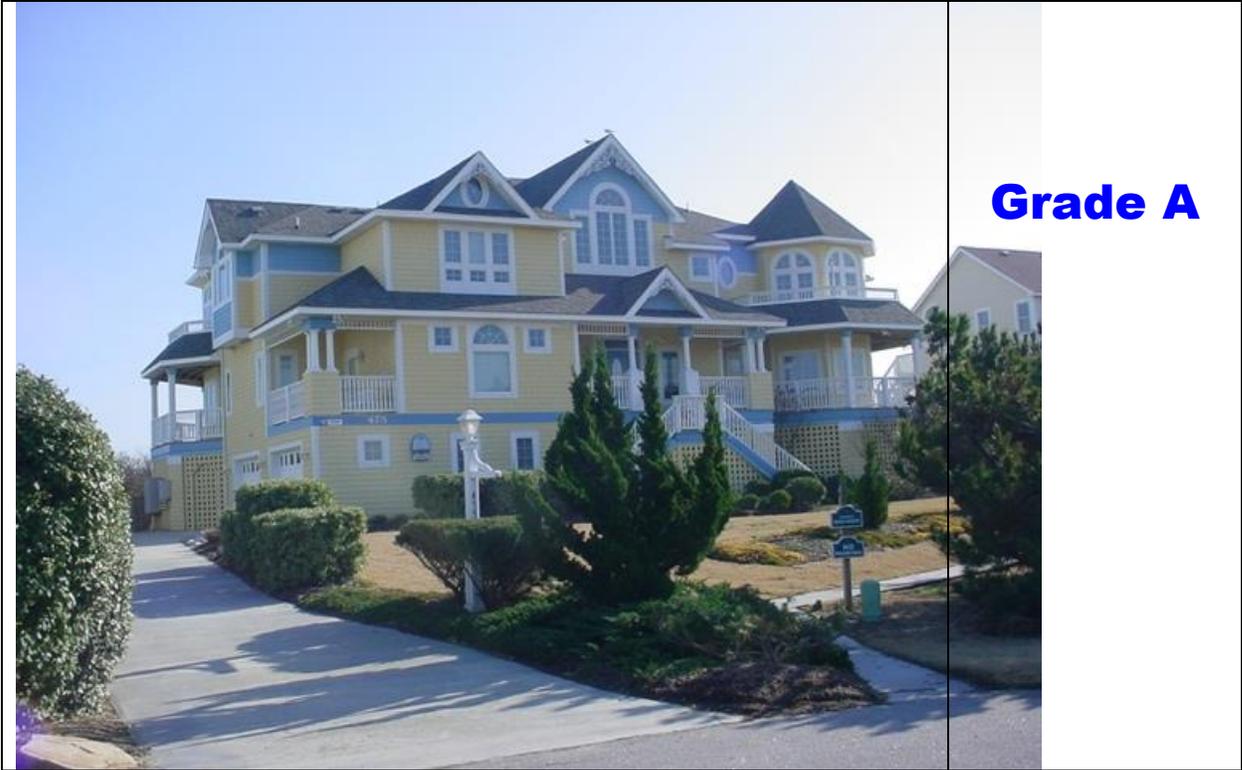
<p>Grade A+</p>	
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	<p>Grade A</p>
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**Grade
A-**

**Grade
B+**



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Grade B+



Grade B

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**Grade
B-**

**Grade
B-**



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**Grade
B-**



Grade B-

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**Grade
C+**

Grade C



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**Grade
C**



**Grade
C-**

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**Grade
C-**



Grade D+

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**Grade
D+**

**Grade
D**



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**Grade
D**



**Grade
D-**

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MANUFACTURED HOUSING

While many site-built homes are constructed according to a specific building code to ensure proper design and safety, all manufactured homes are constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, in effect since June 15, 1976. This building code, administered by the United States Department of Housing and Urban Development (HUD) and known as the HUD Code, regulates manufactured home design and construction, strength and durability, fire resistance, and energy efficiency. In the early 1990s, this building code was revised to enhance energy efficiency and ventilation standards and to improve the wind resistance of manufactured homes in areas prone to winds of hurricane force. Every manufactured home has red and silver label certifying that it was built and inspected in compliance with the HUD Code. No manufactured home may be shipped from the factory unless it complies with the HUD Code and receives the certification label from an independent, third-party inspection agency.

MANUFACTURED HOME CLASSIFICATION STANDARDS

Any manufactured home will be considered *real property* and will be valued in accordance with the schedule of values if the owner of the land and the owner of the home placed upon the land are the same, having the towing hitch and axle assembly removed and placed upon a permanent foundation.

If the owner of the manufactured home does not own the land it occupies, the home may be considered a *personal property* item.

Manufactured homes will be graded within the classifications shown above. Special depreciation or adjustment may be applied at the appraisers discretion to bring the value in line with the values of other comparable homes or to the appraiser's opinion of value.

Schedule of Values**Currituck County 2021 Section 4****RESIDENTIAL COST SCHEDULES**

The Cost Approach to value lends itself best to property valuation for tax purposes for two principle reasons.

- 1) Appraisals for Ad Valorem purposes require separate land value estimates.
- 2) The Cost Approach can be applied to all classes of property.

The use of one approach to the exclusion of others is contrary to the appraisal process. The approach outlined in this manual includes cost schedules which have been developed and are supported through analysis and incorporation of economic factors indicated by all three approaches to value; Cost, Income and Market.

The following cost schedules are based on a model residence (Grade C) constructed using typical components, average quality workmanship and materials, consisting of one twelve hundred (1200) square feet, one full bath, vinyl siding, central heating system and crawl space.

Major adjustments from base specifications are included in the following schedules. Additional factors

Base Cost	104.15/sq ft
Size Adjustment	Area x .000584 +.2992
<u>Exterior Wall</u>	
Wood/Vinyl/Stucco/Block	Base
Brick	+6%
Masonry Frame	+3%
Stone	+9%
<u>Plumbing</u>	
	+1500/additional fixtures
<u>HVAC</u>	
Central heat – No AC	Base
No central heat	-2250
None	-4050
Centra; heat with AC	+4500
<u>Foundation</u>	
Crawl/Piers	Base
Slab	-1500
Pilings	+2250
<u>Elevators</u>	
	14400

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<u>Basement</u>	
Unfinished	\$12.25/ft
Finished	\$34.95/ft

<u>Fireplaces</u>	
WBFP w/1 Opening	5200
Prefab	3200
Additional Openings	900

Some factors and adjustment are also influenced by size, grade, and other factors.

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Depreciation Table (typical) - %Good

Age	Excellent	Very Good	Good	Average	Fair	Poor	Very Poor
1	100	100	100	100	95	84	74
2	100	100	100	100	95	84	73
3	100	100	100	100	94	83	72
4	100	100	100	99	94	83	71
5	100	100	100	99	93	82	70
6	100	100	100	98	93	82	69
7	100	100	100	98	92	81	68
8	100	100	100	97	91	81	67
9	100	100	100	97	91	80	66
10	100	100	99	96	90	80	65
11	100	100	99	96	89	79	64
12	100	100	99	95	89	79	63
13	100	100	98	95	88	78	62
14	100	100	98	94	87	77	61
15	100	100	98	94	87	77	60
16	100	100	97	93	86	76	59
17	100	100	97	93	95	75	58
18	100	100	97	92	85	74	57
19	100	100	96	92	84	74	57
20	100	100	96	91	83	73	56
21	100	100	96	91	83	72	55
22	100	99	95	90	82	72	55
23	100	99	95	90	82	71	54
24	100	99	95	89	81	70	53
25	100	99	94	89	80	70	53
26	100	98	94	88	80	69	52
27	100	98	93	88	79	68	51
28	100	98	93	87	78	68	51
29	100	97	92	87	78	67	50
30	100	97	92	86	77	66	49
31	100	97	91	86	77	66	49
32	100	96	91	85	76	65	48
33	100	96	90	86	76	64	48

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

Schedule of Values

Currituck County 2021 Section 4

Depreciation Table (Continued)

Age	Excellent	Very Good	Good	Avg	Fair	Poor	Very Poor
34	100	96	90	84	75	64	64
35	100	95	89	84	75	63	63
36	100	95	89	83	74	62	62
37	100	95	88	83	74	62	62
38	100	94	88	82	73	61	61
39	100	94	87	81	73	60	60
40	100	94	87	81	72	60	60
41	99	93	86	80	72	59	59
42	99	93	86	80	71	58	58
43	99	93	85	79	71	58	58
44	99	92	85	79	70	57	57
45	98	92	84	78	70	56	56
46	98	91	84	78	69	56	56
47	98	91	83	77	69	55	55
48	97	90	83	77	68	54	54
49	97	90	82	76	68	54	54
50	96	89	82	76	67	53	53
51	96	89	81	75	67	53	53
52	95	88	81	75	66	52	52
53	95	88	80	74	66	52	52
54	94	87	80	74	65	51	51
55	94	87	79	73	65	51	51
56	93	86	79	73	64	50	50
57	93	86	78	72	64	50	50
58	92	85	78	72	63	49	49
59	92	85	77	71	63	49	49
60	91	84	77	71	62	48	48
61+	90	83	76	70	61	47	47

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

All factors, rates, formulas, and depreciation in this section is subject to modification if warranted to arrive at fair market value.

COMMERCIAL BUILDING SCHEDULES

Commercial and Industrial pricing schedules are provided for a variety of buildings based on the use of the property. The General Commercial Schedule is to be used as a guide for computing the replacement cost of mercantile type buildings, offices, retail, service and similar type structures.

The general application of all the schedules is essentially the same. . . selecting the base price (per square foot) which is most representative of the subject building and adjusting the base price to account for any significant variation. The following rates and schedules are subject to change if it is found during the reassessment process that a rate must be tweaked in order achieve market value.

SCHEDULE FORMAT - BASE PRICES

The schedules designate base prices by use type for a series of perimeter-area ratios and wall types. "C" Grade base prices are provided for various finish types at different floor levels with specified floor-to-floor heights, for fire resistant construction with brick (or equal), frame (or equal), and metal superstructure walls and reinforced concrete basement walls.

Pricing adjustments for variations in both wall height and construction type, i.e., wood joist or reinforced concrete, together with prices for the various exterior walls are included. This makes it possible to select the proper base price which is representative of the actual, floor-to-floor heights of the subject buildings for either wood joist, fire resistant, fire proof, or light steel construction.

The base prices are determined by selecting the appropriate square foot price for fire resistant steel frame construction by exterior wall type and use, adjusting it for variations in wall height, and making the proper deduction or addition for wood joist or fire proof construction, if necessary.

The base prices for each floor level use type include the exterior walls with normal openings, interior finish, mechanical features, and other features for that particular floor. In addition to these, each respective floor level includes the following features:

First Floor - site preparation and normal foundation construction for a building at grade level, normal parapets and coping, ground floor slab including base and cement finish, normal roof construction consisting of insulation, decking, framing, and utility service.

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Basement - excavation and backfill and structural floor (for first floor) construction consisting of sub floor and framing.

Note: The cost of the basement exterior wall construction and spread footings exclude an allowance for the normal foundation construction included with the first floor.

Upper Floors - structural floor construction consisting of sub-floor and framing for each respective floor.

Normal partitions, plumbing, and lighting are included for each floor level based on use type. Adjustments may be made by for the various base price components if the component is greater or less than what is considered normal for the use type.

Example: For general retail, normal is considered a cross partition (separating the sales area from the stock area) and partitions for two toilet rooms. If the store would be divided into several sales areas, an addition for excessive partitions would be applicable.

Stairways (with enclosures in the finished use types) are included in the basement and upper floor prices.

BASE PRICE COMPONENTS

This table is provided to identify the cost associated with the various components included in the base price components for variations in the construction features of the floor level. The adjustments are listed for variations most frequently encountered in the particular type buildings included with the schedule. Adjustments for other variations should be made by using the following tables, or other appropriate schedules.

Note: In making adjustments for variations, it is important to consider only those items which are significant to value. The replacement cost of a building represents the cost of replacing it with a building of equal utility.

QUALITY GRADE SPECIFICATIONS

The base prices are for normal "C" Grade buildings erected with average quality materials and workmanship. A Table of Quality Factors is provided to adjust the "C" Grade prices in order to account for variations in construction quality.

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- A Grade VERY GOOD: Architecturally attractive buildings constructed with higher quality materials and workmanship. Higher quality interior finish, built-in features, heating system, and very good grade plumbing and lighting fixtures.

- B Grade GOOD: Buildings constructed with good quality materials and above average workmanship, moderate architectural treatment. Good quality interior finish, built-in features, heating, plumbing, and lighting fixtures.

- C Grade AVERAGE: Buildings constructed with average quality materials and workmanship conforming with the base specifications used to develop the pricing schedule. Minimal architectural treatment. Average quality interior finish and built-in features. Standard quality heating system, plumbing, and lighting fixtures.

- D Grade BELOW AVERAGE: Buildings constructed with economy quality materials and fair workmanship. Void of architectural treatment. Cheap quality interior finish and built-in features. Low grade heating, plumbing, and lighting fixtures.

- +/- The appraiser may elect to use apply a positive (+) or minus (-) factor to the above grades when in his/her opinion an adjustment is warranted. (Examples: A-, B+, C-, etc.)

Note: The quality factor selected is to represent a composite judgment of the overall grade. Generally, the quality of materials and workmanship is consistent throughout the construction of a specific building. However, since this is not always the case, it is necessary to weigh the quality of each major component in order to arrive at the proper "overall" quality grade. Particular consideration must be given to "special features" such as elevators and banking features, since variations for quality are already considered in the respective pricing tables. Equal consideration must also be given to those "additions" which are constructed of materials and workmanship inconsistent with the quality of the main building.

COMMERCIAL GRADE FACTORS:

A+ = 2.00	B+ = 1.42	C+ = 1.15	D+ = .85
A = 1.62	B = 1.35	C = 1.00	D = .75
A- = 1.50	B- = 1.25	C- = 0.92	D- = .65

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

Schedule of Values**Currituck County 2021 Section 5****COMMERCIAL STRUCTURE CODE ASSIGNMENTS**

Structure Code	Description	Basic Structure Code	Frame	Fire Res	Use Group
101	RESIDENTIAL 1 FAMILY	10	COM40	COM40	00
102	RESIDENTIAL 2 FAMILY	10	COM40	COM40	00
103	RESIDENTIAL 3 FAMILY	10	COM40	COM40	00
104	RESIDENTIAL 4 FAMILY	10	COM40	COM40	00
	MIXED				
105	RESIDENTIAL/COMMERCIAL	10	COM40	COM40	00
106	CONDO COMMON ELEMENT	10	COM40	COM40	00
107	CONDO FEE SIMPLE	10	COM40	COM40	00
201	RES STRCT ON APT VAL	10	COM40	COM40	17
211	APARTMENTS - GARDEN	02	COM40	COM50	01
212	APARTMENTS HIGH RISE	01	COM50	COM50	01
301	RES ON COMM LAND	10	COM40	COM40	17
314	HOTEL/MOTEL HI RISE	01	COM50	COM50	02
315	HOTEL/MOTEL LO RISE	02	COM30	COM40	02
316	NURSING HOME	02	COM40	COM50	00
318	BRDING-ROOMING HOUSE	10	COM40	COM50	17
319	MIXED RES/COMM	03	COM40	COM50	03
321	RESTAURANT	03	COM30	COM40	16
323	FOOD STAND	03	COM20	COM20	20
325	FRANCHISE FOOD	09	COM20	COM20	20
327	BAR/LOUNGE	03	COM30	COM40	24
328	NIGHT/CLUB/DNR THEATER	03	COM30	COM40	16
331	AUTO DEALER/F-SEVICE	05	COM30	COM40	04
332	AUTO SERVICE GARAGE	04	COM30	COM40	14
333	SERVICE STATION - FULL	03	COM20	COM20	00
334	SERVICE STATION FULL SERVE	03	COM20	COM20	00
335	TRUCK STOP	04	COM30	COM40	16
336	CAR WASH - MANUAL	07	COM20	COM20	00
337	CAR WASH - AUTOMAITC	04	COM20	COM30	00
338	PARKING GARAGE/DECK	04	COM40	COM40	13
339	KWIK LUBE	03	COM20	COM40	14
340	SUPER REG SHOPMALL	03	COM40	COM50	05
341	REGIONAL SHPMALL/CNT	03	COM40	COM50	05
342	COMM SHOPPING CENTER	03	COM30	COM40	03
343	NBHD SHOPPING CENTER	03	COM30	COM40	03
344	STRIP SHOPPING CNTR	03	COM30	COM40	03
345	DISCOUNT DEPT STORE	03	COM30	COM40	19
346	DEPARTMENT STORES	03	COM40	COM50	09
347	SUPERMARKET	03	COM30	COM40	19
348	CONVENIENCE FOOD MKT	03	COM30	COM40	22
349	MEDICAL OFFICE BLDG	05	COM40	COM50	10

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351	BANK	05	COM40	COM60	15
352	SAVINGS INSTITUTION	05	COM40	COM50	15
353	OFFICE BLDG L/R 1-4S	05	COM40	COM50	04
354	OFFICE BLDG H-R 5ST	08	COM60	COM60	04
355	OFFICE CONDOMINIUM	05	COM40	COM50	04
356	RETAIL CONDOMINIUM	05	COM40	COM50	03
361	FUNERAL HOME	10	COM40	COM50	00
362	VETERINARY CLINIC	03	COM30	COM40	24
363	LEGITIMATE THEATER	06	COM60	COM60	24
364	MOTION PICTURE THEATER	06	COM40	COM50	24
365	CINEMA/THEATER	06	COM40	COM40	24
366	RADIO/TV/MIN PIC STUDIO	05	COM40	COM50	24
367	SOCIAL/FRATERNAL HALL	03	COM30	COM40	24
368	HANGAR	04	COM30	COM40	07
369	DAY CARE CENTER	03	COM30	COM40	23
370	GREENHOUSE/FLORIST	04	COM30	COM40	03
371	DOWNTOWN ROW TYPE	03	COM40	COM50	03
373	RETAIL SINGLE OCCUP	03	COM30	COM40	03
374	RETAIL MULTI OCCUP	03	COM30	COM40	03
375	RETAIL DRIVE-UP	03	COM30	COM40	03
381	BOWLING ALLEY	04	COM30	COM40	24
382	SKATING RINK	04	COM30	COM40	00
383	HEALTH SPA	05	COM30	COM40	00
384	SWIMMING-INDOOR POOL	04	COM20	COM30	00
385	TENNIS CLUB - INDOOR	04	COM30	COM40	00
386	RACQUET CLUB INDOOR	03	COM30	COM40	00
387	COUNTRY CLUB	05	COM40	COM50	04
388	CLUB HOUSE	03	COM30	COM40	03
389	COUNTRY CLUB/W CRSE	05	COM40	COM50	04
391	COLD STORAGE	04	COM30	COM40	12
392	LUMBER STORAGE	07	COM20	COM30	07
395	TRUCK TERMINAL	04	COM30	COM40	07
396	MINI WAREHOUSE	04	COM30	COM40	08
397	OFFICE/WAREHOUSE	04	COM40	COM50	07
398	WAREHOUSE	04	COM30	COM40	07
399	PREFAB WAREHOUSE	07	COM30	COM30	07
401	MFG/PROCESSING	04	COM40	COM50	12
405	RESEARCH & DEVELOPMENT	05	COM40	COM50	04
610	RECREATIONAL/HEALTH	05	COM30	COM40	00
611	LIBRARY	05	COM50	COM60	00
612	SCHOOL	05	COM50	COM60	00
613	COLLEGES & UNIVERSITY	05	COM50	COM60	00
620	RELIGIOUS	05	COM50	COM60	00
630	AUDITORIUM	06	COM50	COM60	00
640	HOSPITALS	05	COM50	COM60	00

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Schedule of Values **Currituck County 2021 Section 5**

660	POLICE/FIRE STATIONS	05	COM50	COM60	00
670	CORRECTIONAL	05	COM50	COM60	00
680	CULTURAL FACILITIES	05	COM50	COM60	00
690	RAIL/BUS/AIR TERMINAL	05	COM50	COM50	00
710	TELEPHONE EQUIPMENT BLDG	04	COM50	COM60	00
715	TELE SRV GAR FACILITY	04	COM30	COM40	00
720	RADIO/TV TRANSMITTER BLD	04	COM30	COM40	00

COMMERCIAL BASE SF RATES

Code	Level	Const Type	Rate	Code	Level	Const Type	Rate
01	Basement	1	12.25	05	First Floor	2	17.05
01	First Floor	1	9.7	05	Upper Floor	2	15.5
01	Upper Floor	1	8.8	05	Basement	3	14.1
01	Basement	2	13.1	05	First Floor	3	21.65
01	First Floor	2	13.1	05	Upper Floor	3	19.7
01	Upper Floor	2	11.9	05	Basement	4	11.35
01	Basement	3	13.1	05	First Floor	4	11.75
01	First Floor	3	17.75	05	Upper Floor	4	10.7
01	Upper Floor	3	16.15	06	Basement	1	12.2
02	Basement	1	8.1	06	First Floor	1	12
02	First Floor	1	8.75	06	Upper Floor	1	10.9
02	Upper Floor	1	8	06	Basement	2	14.45
02	Basement	2	9.85	06	First Floor	2	18.25
02	First Floor	2	11.1	06	Upper Floor	2	16.55
02	Upper Floor	2	10.1	06	Basement	3	14.45
02	Basement	3	9.85	06	First Floor	3	23.8
02	First Floor	3	16.3	06	Upper Floor	3	21.65
02	Upper Floor	3	14.8	06	Basement	4	11.7
03	Basement	1	12.5	06	First Floor	4	11.9
03	First Floor	1	10	06	Upper Floor	4	10.8
03	Upper Floor	1	9.1	07	Basement	1	9.9
03	Basement	2	13.75	07	First Floor	1	9
03	First Floor	2	14.4	07	Upper Floor	1	8.15
03	Upper Floor	2	13.1	07	Basement	2	10.6
03	Basement	3	13.75	07	First Floor	2	9.9
03	First Floor	3	18.3	07	Upper Floor	2	9
03	Upper Floor	3	16.6	07	Basement	3	10.6
03	Basement	4	12.35	07	First Floor	3	13.1
03	First Floor	4	10.6	07	Upper Floor	3	11.9
03	Upper Floor	4	9.65	07	Basement	4	8.6
04	Basement	1	10.2	07	First Floor	4	8
04	First Floor	1	9.3	07	Upper Floor	4	7.3

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04	Upper Floor	1	8.4	08	Basement	1	14.15
04	Basement	2	10.9	08	First Floor	1	13
04	First Floor	2	10.2	08	Upper Floor	1	11.8
04	Upper Floor	2	9.3	08	Basement	2	15.4
04	Basement	3	10.9	08	First Floor	2	19.2
04	First Floor	3	13.5	08	Upper Floor	2	17.45
04	Upper Floor	3	12.2	08	Basement	3	15.4
04	Basement	4	8.9	08	First Floor	3	24.6
04	First Floor	4	8.3	08	Upper Floor	3	22.4
04	Upper Floor	4	7.5	10	Basement	1	3.95
05	Basement	1	10.2	10	First Floor	1	8.75
05	First Floor	1	12.3	10	Upper Floor	1	8
05	Upper Floor	1	11.15	10	Basement	2	4.6
05	Basement	2	14.1	10	First Floor	2	10.15
				10	Upper Floor	2	9.25

COMMERCIAL EXTERIOR WALL RATES

Wall Code	Struct code	Description	Rate
01	01	BRICK VENEER	13.55
01	02	BRICK VENEER	11.5
01	03	BRICK VENEER	13.85
01	04	BRICK VENEER	13.2
01	05	BRICK VENEER	15.4
01	06	BRICK VENEER	15.2
01	07	BRICK VENEER	11.5
01	08	BRICK VENEER	15.4
01	10	BRICK VENEER	11.5
02	01	FRAME	9.1
02	02	FRAME	8.45
02	03	FRAME	9.85
02	04	FRAME	9.1
02	05	FRAME	10.15
02	06	FRAME	9.95
02	07	FRAME	7.7
02	08	FRAME	10.15
02	10	FRAME	8.45
03	01	CONCRETE BLOCK	11.8
03	02	CONCRETE BLOCK	10.55
03	03	CONCRETE BLOCK	11.6
03	04	CONCRETE BLOCK	10.8
03	05	CONCRETE BLOCK	13
03	06	CONCRETE BLOCK	12.4
03	07	CONCRETE BLOCK	8.45

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03	08	CONCRETE BLOCK	13
03	10	CONCRETE BLOCK	10.55
04	01	BRICK & CONCRETE BLOCK	12.6
04	02	BRICK & CONCRETE BLOCK	11.1
04	03	BRICK & CONCRETE BLOCK	12.8
04	04	BRICK & CONCRETE BLOCK	12.05
04	05	BRICK & CONCRETE BLOCK	14.15
04	06	BRICK & CONCRETE BLOCK	13.75
04	07	BRICK & CONCRETE BLOCK	9.8
04	08	BRICK & CONCRETE BLOCK	14.5
04	10	BRICK & CONCRETE BLOCK	11.1
05	01	TILE	16.9
05	02	TILE	16.6
05	03	TILE	17
05	04	TILE	16.1
05	05	TILE	16.6
05	06	TILE	16.75
05	08	TILE	16.6
05	10	TILE	16.6
06	01	MASONRY & FRAME	11.3
06	02	MASONRY & FRAME	10
06	03	MASONRY & FRAME	11.9
06	04	MASONRY & FRAME	11.15
06	05	MASONRY & FRAME	12.8
06	06	MASONRY & FRAME	12.55
06	07	MASONRY & FRAME	9.35
06	08	MASONRY & FRAME	12.8
06	10	MASONRY & FRAME	10
07	03	METAL, LIGHT	2.95
07	04	METAL, LIGHT	2.95
07	05	METAL, LIGHT	2.95
07	06	METAL, LIGHT	2.95
07	07	METAL, LIGHT	2.5
07	08	METAL, LIGHT	2.95
08	03	METAL, SANDWICH	14.6
08	04	METAL, SANDWICH	13.8
08	05	METAL, SANDWICH	13.8
08	06	METAL, SANDWICH	13.8
08	07	METAL, SANDWICH	13.8
08	08	METAL, SANDWICH	138
09	01	CONCRETE LOAD BEARING	12.8
09	02	CONCRETE LOAD BEARING	11.9
09	03	CONCRETE LOAD BEARING	13.6
09	04	CONCRETE LOAD BEARING	13.15
09	05	CONCRETE LOAD BEARING	14.65

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09	06	CONCRETE LOAD BEARING	14.3
09	07	CONCRETE LOAD BEARING	10.3
09	08	CONCRETE LOAD BEARING	14.65
09	10	CONCRETE LOAD BEARING	11.9
10	01	CONCRETE NON-LOAD BEARING	12.2
10	03	CONCRETE NON-LOAD BEARING	12.4
10	04	CONCRETE NON-LOAD BEARING	12.1
10	05	CONCRETE NON-LOAD BEARING	13.5
10	06	CONCRETE NON-LOAD BEARING	12.3
10	07	CONCRETE NON-LOAD BEARING	9.65
10	08	CONCRETE NON-LOAD BEARING	13.5
11	01	GLASS	19.75
11	02	GLASS	18.6
11	03	GLASS	20
11	04	GLASS	18.25
11	05	GLASS	20.95
11	06	GLASS	20.5
11	07	GLASS	15.95
11	08	GLASS	20.95
11	10	GLASS	18.6
12	01	GLASS & MASONRY	18.1
12	02	GLASS & MASONRY	16.9
12	03	GLASS & MASONRY	18
12	04	GLASS & MASONRY	16.55
12	05	GLASS & MASONRY	20.2
12	06	GLASS & MASONRY	21.42
12	07	GLASS & MASONRY	0
12	08	GLASS & MASONRY	20.2
12	10	GLASS & MASONRY	16.9
13	04	ENCLOSURE	2.65
13	07	ENCLOSURE	2.75
14	03	CONCRETE TILT-UP	10.75
14	04	CONCRETE TILT-UP	9.7
14	05	CONCRETE TILT-UP	11.15
14	06	CONCRETE TILT-UP	11.1
14	07	CONCRETE TILT-UP	7.4
14	08	CONCRETE TILT-UP	11.15
15	01	SOLAR GLASS	26.95
15	02	SOLAR GLASS	29.7
15	03	SOLAR GLASS	31.75
15	04	SOLAR GLASS	29.35
15	05	SOLAR GLASS	34.85
15	06	SOLAR GLASS	34.25
15	08	SOLAR GLASS	34.85
15	10	SOLAR GLASS	29.7

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16	01	ASBESTOS, COR. RIG.	8.15
16	02	ASBESTOS, COR. RIG.	7.7
16	03	ASBESTOS, COR. RIG.	9
16	04	ASBESTOS, COR. RIG.	8.6
16	05	ASBESTOS, COR. RIG.	9.4
16	06	ASBESTOS, COR. RIG.	9.2
16	07	ASBESTOS, COR. RIG.	6.2
16	08	ASBESTOS, COR. RIG.	9.4
16	10	ASBESTOS, COR. RIG.	7.7
17	01	MASONRY & MTL	12.2
17	02	MASONRY & MTL	10.75
17	03	MASONRY & MTL	12.5
17	04	MASONRY & MTL	12.1
17	05	MASONRY & MTL	13.5
17	06	MASONRY & MTL	11.75
17	07	MASONRY & MTL	0
17	08	MASONRY & MTL	13.5
17	10	MASONRY & MTL	10.75
18	01	NATIVE STONE	11.3
18	02	NATIVE STONE	10
18	03	NATIVE STONE	11.9
18	04	NATIVE STONE	11.5
18	05	NATIVE STONE	12.8
18	06	NATIVE STONE	12.55
18	07	NATIVE STONE	9.35
18	08	NATIVE STONE	12.8
18	10	NATIVE STONE	9.95

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Schedule of Values**Currituck County 2021 Section 5****COMMERCIAL INTERIOR FINISH RATES**

USE		BASE		USE		BASE	
		SF	INT			SF	INT FIN
TYPE	DESCRIPTION	RATE	FIN	TYPE	DESCRIPTION	RATE	INT FIN
11	APARTMENT	42	-4.75	54	NURSING HOMES	45.5	-9.25
12	HOTEL	33.8	-4.3	55	SCHOOL	41.15	-9.25
21	MOTEL	30.5	-4	56	HOSPITAL	122.4	-15.7
23	DORMITORY	35.05	-4.3	57	LIBRARY	44.4	-9.25
25	DWG CONV-OFFICE	54	-4.75	58	FUNERAL HOME	32.75	-4.85
26	DWG CONV-SALES	54	-4.75	61	AUDITORIUM/THEATER	34.4	-4.55
27	DWG	54	-4.75	62	CINEMA	33.2	-4.55
31	RESTAURANT	33.6	-6	63	RELIGIOUS INST	33.9	-4.55
32	DEPARTMENT STORE	24.9	-5.35	64	SOCIAL/FRATERNAL HALL	31.6	-4.55
33	DISCOUNT STORE/MKT	18.6	-5.35	70	SERVICE STATION		
					W/BAYS	19.10	-0.9
					SERVICE STN-CONV		
34	RETAIL STORE	18.9	-5.35	71	RETAIL	20.15	-0.9
35	TAVERN/BAR	31.2	-5.35	72	SERVICE STN-CONV STG	19.1	-0.9
					SERVICE STATION W/O		
					BAY	28.85	-0.9
36	BAR LOUNGE	31.2	-5.35	73	BAY	28.85	-0.9
37	CAFETERIA	34	-4.4	74	CAR WASH MANUAL	7.85	-2
38	CONVENIENCE STORE	26.4	-5.35	75	CAR WASH AUTOMATIC	7.85	-2
39	MALL SHOPS	20.82	-5.75	76	KWIK LUBE	19.1	-0.9
41	MINI-WAREHOUSE	7.2	-0.9	81	MULTI-USE APARTMENTS	23.65	-3.7
42	HANGAR	7.55	-0.9	82	MULTI-USE OFFICE	32.76	-4.85
43	MANUFACTURING	7.92	-0.9	83	MULTI USE SALES	15.55	-2.45
44	LIGHT MANUFACTURING	6.5	-0.9	84	MULTI USE STORAGE	7.85	-2
45	WAREHOUSE	6.5	-0.9	85	ENCLOSURE	18	-4.8
46	AUTO SHOWRM/OFFICE	21.2	-4.85	86	SUPPORT AREA	7.85	-2
47	AUTO PARTS/SERVICE	7.9	-0.9	88	MULTI USE RR/LOCKER	7.85	-2
48	TENNIS CLUB	17.15	-0.9	90	PARKING GARAGE	2.4	0
49	RACQUET BALL COURT	32.8	-2	91	UNFIN RES BSMT	5.8	-2
50	SKATE RINK ICE/ROLL	15.55	-2.45	95	COVERED MALL	17.5	-5.35
51	BANK/SAVINGS INST	47.82	-9.45	100	FOOD FRANCHISE	82.2	0
					PARKING GAR UPPER		
					LEVEL	0.01	0
52	MEDICAL CENTER	51.2	-9.25	990	LEVEL	0.01	0
53	OFFICES	40.8	-9.25				

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

Schedule of Values**Currituck County 2021 Section 5****COMMERCIAL PARTITION ADJ**

USE			BELOW		ABOVE
TYPE	NAME	NONE	NORM	NORM	NORM
11	APT	-9.1	-0.95		1.02
12	HOTEL	-13.7	-1.55		1.9
21	MOTEL	-12.65	-1.55		1.9
23	DORM	-13.85	-1.55		1.85
25	DWG CNV-OFFC	-8.8	-1.5		1.9
26	DWG CONV-SAL	-8.8	-1.5		1.9
27	DWG	-8.8	-1.5		1.9
31	RESTAURANT	-11.75	-4.1		8.2
32	DEPT STORE	-5.15	-1.15		1.5
33	DISCNT STORE	-1.8	-0.2		0.3
34	RETAIL STORE	-2.35	-0.78		0.95
35	TAVERN/BAR	-7.7	-2.6		3
36	BAR LOUNGE	-7.7	-2.6		4.2
37	CAFETERIA	-4	-1.4		2.15
38	CONVNCE STOR	-2.35	-0.8		0.95
39	MALL SHOPS	-2.35	-0.8		0.95
41	MINI WRHSE	-0.85	-0.65		0.85
42	HANGAR	-0.65	-0.2		0.3
43	MFTG	-01.1	-0.4		0.85
44	LT MFGT	-1.1	-0.4		0.85
45	WRHSE	-0.85	-0.65		0.85
46	AUTO SHWRM	-3.6	-0.95		1.4
47	AUTO PRTS/SR	-1.1	-0.4		0.65
48	TENNIS CLUB	-3.6	-0.4		0.65
49	RQT BALL COR	-18	-1.8		5.2
50	SKT RNK	-2.3	-0.8		0.95
51	BNK/SAV INST	-19.75	-3.05		3.55
52	MED CENTER	-21.1	-3.1		3.6
53	OFFICES	-15.4	-3.35		4.4
54	NRSNG HOMES	-16.1	-2.6		3.1
55	SCHOOL	-15.4	-0.65		2.6
56	HSPTL	-35.5	-3.2		3.55
57	LIBRARY	-1.4	-2		2.35
58	FNRL HOME	-12.8	-3.1		4
61	AUDTRM/THETR	-12.55	-2.35		3.5
62	CINEMA	-12.6	-2.95		3.7
63	RLIGUS INST	-13.2	-3.1		4
64	SCL/FRAT HAL	-11.4	-2.15		2.5
70	SRVC STN BAY	-7.85	-0.95		01.1
71	SRVC STN-CV	-7.85	-0.95		1.1
72	SRVC ST-CV	-7.85	-0.95		1.1

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

Schedule of Values Currituck County 2021 Section 5

73	SRVC STN	-7.85	-0.95	0	1.1
74	CAR WSH MANL	-0.9	-0.3		0.4
75	CAR WSH AUTO	-0.95	-0.3	0	0.4
76	KWIK LUBE	-7.85	-0.95	0	1.1
81	MULT-USE APT	-9.45	-0.95		1.1
82	MULT-USE OFC	-12.8	-3.2		4
83	MULTI SALES	-2.3	-0.8		0.95
84	MLTI STORAGE	-0.95	-0.3		0.4
85	ENCLOSURE	-8.8	-1.5		1.9
86	SPRT AREA	-0.95	-0.3		0.4
88	MULT-USE RR	-0.5	-0.		0.4
90	PRKNG GRGE	-0.85	-0.65		0.85
91	UNFIN BSMT	-0.95	-0.3		0.5
95	COVERED MALL	-0.95	-0.3		0.4

COMMERCIAL HEATING ADJ

USE		HOT	STEAM	UNIT	HEAT			
TYPE	NAME	NONE	AIR	OTHER	HEATER	ELEC.	PUMP	SOLAR
11	APT	-1.9			-1.3			
12	HOTEL	-2.15			-1.5			
21	MOTEL	-2.05			-1.5			
23	DORM	-2.15			-1.5			
25	DWG CNV-OFFC	-2.05			-1.5			
26	DWG CONV-SAL	-2.05			-1.5			
27	DWG	-2.05			-1.5			
31	RESTAURANT	-2.3			-1.3			
32	DEPT STORE	-2.3			-1.3			
33	DISCNT STORE	-2.3			-1.3			
34	RETAIL STORE	-2.3			-1.3			
35	TAVERN/BAR	-2.3			-1.3			
36	BAR LOUNGE	-2.3			-1.3			
37	CAFETERIA	-1.55			-1.1			
38	CONVNCE STOR	-2.3			-1.3			
39	MALL SHOPS	-2.3			-1.3			
41	MINI WRHSE	-2.15			-1.15			
42	HANGAR	-2.15			-1.15			
43	MFTG	-2.15			-1.15			
44	LT MFGT	-2.15			-1.15			
45	WRHSE	-2.15			-1.15			
46	AUTO SHWRM	-2.15			-1.15			
47	AUTO PRTS/SR	-2.15			-1.15			
48	TENNIS CLUB	-2.15			-1.15			
49	RQT BALL COR	-1.8			-0.8			
50	SKT RNK	-2.05			-1.15			

Schedule of Values **Currituck County 2021 Section 5**

51	BNK/SAV INST	-3.1							-2.3
52	MED CENTER	-3.1							-2.3
53	OFFICES	-3.1							-2.3
54	NRSNG HOMES	-3.1							-2.3
55	SCHOOL	-3.1							-2.3
56	HSPTL	-4.7	3.77						2.6
57	LIBRARY	-3.1							-2.3
58	FNRL HOME	-3.05							-2.15
61	AUDTRM/THETR	-3.55							-2.6
62	CINEMA	-3.55							-2.6
63	RLIGUS INST	-3.55							-2.6
64	SCL/FRAT HAL	-3.55							-2.6
70	SRVC STN BAY	-2							-0.3
71	SRVC STN-CV	-2							-0.3
72	SRVC ST-CV	-2							-0.3
73	SRVC STN	-2	0	0			0	0	-0.3
74	CAR WSH MANL	-2.05							-1.15
75	CAR WSH AUTO	-2.05	0	0			0	0	-1.15
76	KWIK LUBE	-2	0	0			0	0	-0.3
81	MULT-USE APT	-1.9							-1.4
82	MULT-USE OFC	-3.05							-2.15
83	MULTI SALES	-2.05							-1.15
84	MLTI STORAGE	-2.05							-1.15
85	ENCLOSURE	-2.05							-1.5
86	SPRT AREA	-2.05							-1.15
88	MULT-USE RR	-2.05							-1.15
90	PRKNG GRGE								
91	UNFIN BSMT		2.05	2.05			1.15	2.05	2.05
95	COVERED MALL	-2.3							-1.3

COMMERCIAL AIR CONDITIONING ADJ

USE					
TYPE	NAME	NONE	CENT.	UNIT	HVAC
11	APT	-2.95		-1.15	
12	HOTEL	-3.25		-1.3	
21	MOTEL	-3.25		-1.3	
23	DORM	-3.05	0	-1.3	
25	DWG CNV-OFFC	-3.05	0	-1.3	
26	DWG CONV-SAL	-3.05		-1.3	
27	DWG	-3.05		-1.3	
31	RESTAURANT	-7.85		-1.9	
32	DEPT STORE	-3.6		-1.9	
33	DISCNT STORE	-3.6		-1.9	

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Schedule of Values **Currituck County 2021 Section 5**

34	RETAIL STORE	-3.6		-1.9
35	TAVERN/BAR	-3.6		-1.9
36	BAR LOUNGE	-3.6		-1.9
37	CAFETERIA	-3.6		-1.9
38	CONVNCE STOR	-3.6		-1.9
39	MALL SHOPS	-3.6		-1.9
41	MINI WRHSE		3.3	1.5
42	HANGAR		3.3	1.5
43	MFTG		3.3	1.5
44	LT MFGT		3.3	1.5
45	WRHSE		3.3	1.5
46	AUTO SHWRM	-3.3		-1.5
47	AUTO PRTS/SR	-3.3		-1.5
48	TENNIS CLUB	-3,3		-1.5
49	RQT BALL COR	-2.65		-1.5
50	SKT RNK	-3.55		-1.4
51	BNK/SAV INST	-4		-1.85
52	MED CENTER	-4		-1.85
53	OFFICES	-4		-1.85
54	NRSNG HOMES	-4		-1.85
55	SCHOOL	-4		-1.85
56	HSPTL	-4.85		-2.25
57	LIBRARY	-4		-1.85
58	FNRL HOME	-4		-1.85
61	AUDTRM/THETR	-4		-1.6
62	CINEMA	-4		-1.6
63	RLIGUS INST	-4		-1.6
64	SCL/FRAT HAL	-4		-1.6
70	SRVC STN BAY		3.3	1.5
71	SRVC STN-CV		3.3	1.5
72	SRVC ST-CV		3.3	1.5
73	SRVC STN	0	3.3	1.5
74	CAR WSH MANL		3.25	1.45
75	CAR WSH AUTO	0	3.25	1.45
76	KWIK LUBE	0	3.3	1.5
81	MULT-USE APT	-2.9		-1.15
82	MULT-USE OFC	-3.95		-1.85
83	MULTI SALES	-3.55		-1.85
84	MLTI STORAGE		3.25	1.45
85	ENCLOSURE	-3.05		-1.15
86	SPRT AREA		3.25	1.45
88	MULT-USE RR		3.25	1.45
91	UNFIN BSMT		3.25	1.45
95	COVERED MALL	-3.6		-1.9

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Schedule of Values**Currituck County 2021 Section 5****COMMERCIAL PLUMBING ADJ**

USE			BELOW		ABOVE
TYPE	NAME	NONE	NORM	NORM	NORM
11	APT	-2.8	-0.8		0.9
12	HOTEL	-5.75	-1.45		1.85
21	MOTEL	-5.4	-1.4		1.85
23	DORM	-5.6	-1.45	0	2
25	DWG CNV-OFFC	-3.35	-1	0	1.45
26	DWG CONV-SAL	-3.35	-1		1.45
27	DWG	-3.35	-1		1.45
31	RESTAURANT	-6.8	-2.3		3.3
32	DEPT STORE	-2.65	-2.35		0.85
33	DISCNT STORE	-1.55	-0.4		1.55
34	RETAIL STORE	-1.5	-0.65		0.95
35	TAVERN/BAR	-6.8	-2.3		3.3
36	BAR LOUNGE	-6.8	-2.3		3.3
37	CAFETERIA	-4.4	-1.5		2.15
38	CONVNCE STOR	-1.5	-0.6		0.95
39	MALL SHOPS	-1.5	-0.6		0.95
41	MINI WRHSE	-1	-0.85		0.9
42	HANGAR	-1	-0.85		1
43	MFTG	-1.15	-0.4		0.65
44	LT MFGT	-1.15	-0.4		0.65
45	WRHSE	-1	-0.85		0.9
46	AUTO SHWRM	-2.45	-0.8		0.95
47	AUTO PRTS/SR	-1.4	-0.65		0.9
48	TENNIS CLUB	-2.45	-0.65		0.95
49	RQT BALL COR	-1.8	-0.5		1.8
50	SKT RNK	-1.5	-0.65		0.9
51	BNK/SAV INST	-4.2	-1.5		2.3
52	MED CENTER	-6.3	-2.35		3.25
53	OFFICES	-2.05	-0.3		2.6
54	NRSNG HOMES	-6.65	-1.9		2.6
55	SCHOOL	-4.3	-1.45		2.05
56	HSPTL	-12.8	-3.05		4.15
57	LIBRARY	-3.5	-1.3		1.9
58	FNRL HOME	-2.95	-1.15		1.8
61	AUDTRM/THETR	-4.32	-1		1.4
62	CINEMA	-3.1	-0.8		0.95
63	RLIGUS INST	-3.3	-1.15		1.8
64	SCL/FRAT HAL	-3.5	-1.3		1.9
70	SRVC STN BAY	-5.7	-1.9		1.1
71	SRVC STN-CV	-5.7	-1.9		1.1
72	SRVC ST-CV	-5.7	-1.9		1.1

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Schedule of Values **Currituck County 2021 Section 5**

73	SRVC STN	-15.4	-7.85	0	2.95
74	CAR WSH MANL	-0.95	-01.4		0.4
75	CAR WSH AUTO	-0.95	-0.3	0	0.4
76	KWIK LUBE	-5.7	-1.9	0	1.1
81	MULT-USE APT	-2.9	-0.85		0.95
82	MULT-USE OFC	-2.95	-1.15		1.8
83	MULTI SALES	-1.5	-0.65		0.9
84	MLTI STORAGE	-0.95	-0.3		0.4
85	ENCLOSURE	-3.35	-1		1.45
86	SPRT AREA	-0.95	-0.3		0.4
88	MULT-USE RR	-0.95	-0.3		0.4
		-0.95			
91	UNFIN BSMT	0	-0.3		0.5
95	COVERED MALL				

COMMERCIAL OTHER FEATURES

Code	Description	Unit	Rate Per Unit
AE1	AERIAL WALK	Area	214.55
AT3	ATRIUM-COVER ONLY	Area	34.3
AT4	ATRIUM WALLS	Area	12.4
BA1	BALCONY	Area	8.4
BC1	BANK CANOPY-DRIVE IN	Area	30.9
BE0	BANK PNEUMATIC TUBE	Lineal	620
BE1	BANK VAULT - NO DOOR	Area	110.7
BE2	BANK VAULT REC ST/ND	Area	33.4
BE3	BANK VAULT DR CIRC \$	Each	125500
BE4	BANK VAULT DR RECT \$	Each	34300
BE5	BANK VAULT DR REC ST	Each	2750
BE6	BANK NT DEP CHUTE	Each	7120
BE7	BANK DR IN WINDOW	Each	9160
BE8	BANK SERV WINDOW	Each	
BE9	BANK DR IN TELLER BOOTH	Area	79.5
BT0	ATM STRUCTURE	Each	24340
BT1	BASEMENT TOP	Area	7.9
CA1	CENTRAL AIR CONDITIONING	Area	3.55
CA2	UNIT AIR CONDITIONER	Area	1.85
CF1	COOLER-CHILLER	Area	7.7
CF2	COOLER-FREEZER	Area	9.65
CF3	COOLER-SHARP FREEZE	Area	13.15
CM1	COVERED MALL	Area	24.75
CP5	CANOPY ONLY	Area	6.7
CP6	CANOPY ROOF/SLAB	Area	8.2
CP7	CANOPY RF-ECONOMY	Area	10.8

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CP8	CANOPY RF-AVERAGE	Area	15
CP9	CANOPY RF-GOOD	Area	24
CR1	COMPUTER FLOOR	Area	12.05
CR2	COMPUTER ROOM AIR CTL	Area	8
CR3	COMPUTER FIRE SUPP	Area	10.25
CS1	CONCESSION STAND (EL)	Area	9
CS2	CONCESSION STAND (BA)	Area	18
CW1	CRANEWAYS	Lineal	37.75
CW2	CRANEWAYS	Lineal	45.3
CW3	CRANEWAYS	Lineal	50.65
DL1	DOCK LEVEL FLOOR	Area	1.15
EE1	ENCLOSED ENTRY	Area	23.15
FI1	FIREPLACE 1 OPENING	Each	3000
FI2	FIREPLACE 2 OPENINGS	Each	4410
FI3	FIREPLACE 3 OPENINGS	Each	5880
GH4	GREENHSE-ECONOMY	Area	8.45
GH5	GREENHSE-AVERAGE	Area	10.85
GH6	GREENHSE-GOOD	Area	12.65
GZ1	GAZEBO	Area	14.4
LD1	LOAD DOCK,ST OR CONC	Area	1.25
LD2	LOADING DOCK, WOOD	Area	7
LD3	LOADING DOCK, INTR	Area	22.3
LD4	TRUCK & TRAIN WELLS	Area	12.25
LD5	DOCK LEVELERS	Each	5110
LP3	PATIO, CONCRETE	Area	2.7
LP4	PATIO, ASPHALT	Area	1.75
LP5	PATIO, FLGST-SND-BSE	Area	5.45
LP6	PATIO, FLGST-CON-BSE	Area	6.9
LP7	PATIO, BRICK	Area	6.6
MR1	MONITOR ROOF	Area	3.3
MR2	HIGH BAY ROOF	Area	3.3
MS1	MISCELLANEOUS	Each	1.2
OA1	OPEN AREA APT. HOTEL	Area	6.35
OA2	OPEN AREA MOTEL DWLG	Area	5.8
OA3	OPEN AREA STORE RSTR	Area	6.85
OA4	OPEN AREA INDSTR/WHS	Area	6.85
OA5	OPEN AREA BANKS OFFICE	Area	8.35
OA6	OPEN AREA THEAT AUDT	Area	8
OA7	OPEN AR.LT MTL/AG BD	Area	4.9
OA8	OPEN AREA HI RISE OFFICE	Area	8.6
OD1	OVERHEAD DR-WOOD/MTL	Area	11.9
OD2	OVERHEAD DR-ROLL STL	Area	18.85
OD3	OVRHD DR-MTR-OP-WD-MT	Area	15.8
OD4	OVRHD DR-MTR-OP-RL-ST	Area	25.1
PR1	PORCH, OPEN	Area	19.2

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PR2	PORCH, ENCLOSED	Area	30
PR3	PORCH, OPEN UPPER	Area	12
PR4	PORCH, ENCLOSED UPPER	Area	18
PR6	PORCH, SCREENED	Area	26.4
PR8	PORCH SCREEN-UPPER	Area	16.3
RA1	GARAGE-ATTACHED-FRM	Area	14.6
RA2	GARAGE-ATTACHED-MAS	Area	18.65
RC1	CARPORT	Area	8.2
RR1	RAILROAD TRACKAGE	Lineal	72.1
RS1	UTILITY BLDG-FRAME	Area	9.3
RS2	UTILITY BLDG-METAL	Area	12.2
RS3	UTILITY BLDG-BRK/STN	Area	13.2
SC2	INDOOR POOL	Area	42.9
SF1	STORE FRONT/WOOD FRAM	Lineal	85.85
SF2	STORE FRONT/AV MET F	Lineal	171.6
SF3	STORE FRONT/ELABORATE	Lineal	247.45
SK1	INDOOR SKATING RINK	Area	13
SS1	SPRINKLER SYS WET	Area	2.1
SS2	SPRINKLER SYS DRY	Area	2.4
TS1	TRUCK SCALE	Area	0
TS2	TRUCK SCALE-ELEC.RDR.	Each	5900
TU1	TUNNEL	Area	360.4
TU2	TUNNEL UTILITY	Area	112.85
WD1	WOOD DECK	Area	8.05

All factors, rates, formulas, and depreciation in this section is subject to modification if warranted to arrive at fair market value.

OTHER BUILDING AND YARD ITEMS PRICING SCHEDULES

The Other Building and Yard Item pricing schedules are provided to calculate the replacement cost new of a variety of types of structures typically associated with residential property.

Base prices and adjustments are provided for swimming pools, detached garages, greenhouses, carports, canopies, utility buildings, tennis courts, boat houses, and boat docks. Each structure has been assigned a unique Structure Type Code to be utilized on Computer-Assisted Mass Appraisal (CAMA) programs.

Depreciation allowances, where applicable, are included on the appropriate schedule.

GRADE FACTOR:

Grade A	Grade B	Grade C	Grade D	Grade E
155%	125%	100%	85%	55%

The depreciated values of most other buildings are arrived using the following formula. The rates (R1, R2 & R3) used are contained in the following table. There may be instances where the appraiser finds it necessary to make other adjustments to arrive a fair estimate of value.

Formula:

$$[R1 + (\text{square root of area} \times R2) + (\text{Area} \times R3)] \times 1.25 \times \text{Grade Factor} \times \text{Depreciation\%} = \text{Value}$$

Area = area of building

CODE	DESCRIB	R1	R2	R3
AB1	BANK BARN			30.60
AB2	FLAT BARN			13.75
AB3	STABLE			38.75
AB4	EQUESTRIAN BARN/STABLE			60.50
AC1	WOOD CORN CRIB			7.50
AC2	WOOD CORN CRIB			7.50
AG1	STL GRN BIN ND			0
AK1	BUNKER SILO			0
AL1	LEAN-TO			4.40
AO1	POT STRG UNGD			5.10

Schedule of Values

Currituck County 2021 Section 6

CODE	DESCRIB	R1	R2	R3
AO1	POT STRG UNDGD			5.10
AP1	MTL PL.BARN 4S			5.60
AP2	WD POLEBARN 4S			5.90
AP3	MTL PL.BN 1SOP			5.20
AP4	WD PL.BRN 1SOP			5.20
AP5	MTL PL.BN 4SOP			3.50
AP6	WD PL.BRN 4SOP			3.20
AQ1	QUONSET HUT			11.25
AS1	CONC SILO W RF			5.30
AS5	SILO-PREFAB			2.85
AV1	SWINE FARROW B			10.00
AW2	SWINE CONFIN B			6.75
AX1	PREFAB STL BLD			8.10
BC1	BANK CANOPY-DRIVE			71.25
BD1	BOAT DOCK (WOOD T			18.75
BH1	BOATHOUSE OPEN			25.00
BH2	BOAT HOUSE ENCLOS			28.00
BK1	BULKHEAD/RET.WALL			85
BRW	BRICK WALL			190
BS1	BOAT SLIP ECONOMY			1500
BS2	BOAT SLIP AVERAGE			2000
BS3	BOAT SLIP GOOD			2500
BT0	AUTO TELLER MACHINE			100
BT2	BATH HOUSE			86.25
CB1	CABIN WITH PLUMBING			86.25
CB2	CABIN WITHOUT PLUMBING			76.25
CBW	CONCRETE BLK WALL			200
CD1	COMMERCIAL WOOD DECK			20.35
CP5	CANOPY ONLY			15.25
CP6	CANOPY ROOF/SLAB			21.60
CP7	CANOPY RF-ECONOMY			26.65
CP8	CANOPY RF-AVERAGE			34.30
CP9	CANOPY RF-GOOD			44.50
FN1	FENCE CHN-LNK			15.25
FN2	EFNCE PICKETT			12.10
FN3	FENCE PRIVACY			14.30
FN4	FENCE POST & RAIL			11.45
FN5	FENCE BSKTWEAVE			13.70
FN6	FENCE BRCK/STONE WA			24.15
FN7	FENCE WROUGHT IRON			24.15

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

Schedule of Values

Currituck County 2021 Section 6

CODE	DESCRIB	R1	R2	R3
GC1	GOLF COURSE HOLE-EX.			190000
GC2	GOLF COURSE HOLE-VG			160000
GC3	GOLF COURSE HOLE-GD			130000
GC4	GOLF COURSEHOLE-AV			100000
GC5	GOLF COURSE HOLE-FR			85000
GC6	GOLF COURSE HOLE-PAR 3			50000
GC7	GOLF COURSE HOLE-MINIATURE			7000
GH1	GHOUSE WD FRAME			68.15
GH2	GHOUSE PIPE METAL			12.20
GH3	GHOUSE PLAS FRAME			6.10
GS3	ATTENDANT BOOTH MASONRY/GLASS			193.00
GS4	ATTENDANT BOOTH FRAME/BLOCK			155.00
GT1	GATE HOUSE			8.15
GZ1	GAZEBO			21.25
LD1	LOADING DOCK -CONC OR STL			17.75
LD2	LOADING DOCK -WOOD			17.75
LD3	LOADING DOCK -INTERIOR			17.75
LD4	TRUCK/TRAIN WELLS			17.75
LD5	DOCK LEVELERS			17.75
LT1	LGHT MER-WL-MTD-F			800
LT2	LGHT INC-WL-MTD-F			240
LT3	LGHT FLO-POLE & B			1200
LT4	LGHT INCN-POLE &			1900
LT5	LGHT MER-POLE & B			2200
MH1	M.H. SITE PARK-EX			19000
MH2	M.H. SITE PARK-GD			16000
MH3	M.H. SITE PARK-AV			12000
MH4	M.H. SITE PARK-FR			8800
MH5	M.H. SITE PARK-PR			4800
MH6	M.H. SITE PARK-RV			2400
PA1	PAVING-ASPHALT PA			3.50
PA2	PAVING-ASP/CONC-S			5.00
PA3	PATIO/POOL APRON			6.5
PA4	PATIO/SLAB (RAISED)			6.5
PB1	PLUMBING FIXTURES			1500
PC1	PAVING CONC-AVG			5.00
PC2	PAVING CONC-HEAVY			6.5

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

Schedule of Values **Currituck County 2021 Section 6**

CODE	DESCRIB	R1	R2	R3
PC3	PAVING CONC MAT/S			8.5
RC1	CARPORT			13.00
RC2	CANOPY			13.00
RC3	METAL CARPORT/SHED			5.10
RD1	LIGHT DOC			17.00
RD2	MEDIUM DOC			22.50
RD3	HEAVY DOC			28.50
TS1	TRUCK SCALES			800
WD1	WOOD DECK			18.00

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

Schedule of Values**Currituck County 2021 Section 6****Depreciation Table (typical) - %Good**

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

Schedule of Values **Currituck County 2021 Section 6**

Depreciation Table (Continued)

Age	Excellent	Very Good	Good	Average		Fair	Poor	Very Poor
34	77	72	67	62	57	47	37	
35	77	72	67	62	57	47	37	
36	76	71	66	61	56	46	36	
37	76	71	66	61	56	46	36	
38	75	70	65	60	55	45	35	
39	75	70	65	60	55	45	35	
40	74	69	64	59	54	44	34	
41	74	69	64	59	54	44	34	
42	73	68	63	58	53	43	33	
43	73	68	63	58	53	43	33	
44	72	67	62	57	52	42	32	
45	72	67	62	57	52	42	32	
46	71	66	61	56	51	41	31	
47	71	66	61	56	51	41	31	
48	70	65	60	55	50	40	30	
49	70	65	60	55	50	40	30	
50	69	64	59	54	49	39	29	
51	69	64	59	54	49	39	29	
52	68	63	58	53	48	38	28	
53	68	63	58	53	48	38	28	
54	67	62	57	52	47	37	27	
55	67	62	57	52	47	37	27	
56	66	61	56	51	46	36	26	
57	66	61	56	51	46	36	26	
58	65	60	55	50	45	35	25	
59	65	60	55	50	45	35	25	
60	65	60	55	50	45	35	25	
61+	64	59	54	49	44	34	24	

All factors, rates, formulas, and depreciation in this section is subject to modification if warranted to arrive at fair market value.

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

Schedule of Values **Currituck County 2021 Section 7**

<u>OUTERBANKS</u>		Typical Range*		Schedule Range*	
		<u>Low</u>	<u>High</u>	<u>Low</u>	<u>High</u>
Oceanfront Residential	- Acre =	\$600,000/AC	\$2,500,000/AC	\$400,000/AC	\$3,000,000/AC
	- Lot =	\$400,000/LT	\$1,500,000/LT	\$100,000/LT	\$5,000,000/LT
Semi OF Residential	- Acre =	\$200,000/AC	\$850,000/AC	\$100,000/AC	\$1,500,000/AC
	- Lot =	\$100,000/LT	\$850,000/LT	\$100,000/LT	\$1,000,000/LT
Residential Lots	- Acre =	\$100,000/AC	\$600,000/AC	\$20,000/AC	\$800,000/AC
	- Lot =	\$20,000/LT	\$500,000/LT	\$10,000/LT	\$800,000/LT
Non-Residential	- Acre =	\$600,000/AC	\$1,500,000/AC	\$400,000/AC	\$3,000,000/AC
	- Lot =	\$400,000/LT	\$1,250,000/LT	\$100,000/LT	\$5,000,000/LT

MAINLAND (Including Knotts Island)

Residential Lots	- Acre =	\$30,000/AC	\$95,000/AC	\$20,000/AC	\$200,000/AC
	- Lot =	\$20,000/LT	\$100,000/LT	\$15,000/LT	\$300,000/LT
Waterfront	- Acre =	\$100,000/AC	\$400,000/AC	\$50,000/AC	\$700,000/AC
	- Lot =	\$75,000/LT	\$400,000/LT	\$40,000/LT	\$600,000/LT
Non Residential Lots	- Acre =	\$30,000/AC	\$200,000/AC	\$10,000/AC	\$500,000/AC
	- Lot =	\$20,000/LT	\$100,000/LT	\$10,000/LT	\$400,000/LT
Rural Open Land	- Acre =	\$2,000/AC	\$20,000/AC	\$1,200/AC	\$50,000/AC
Rural Wooded Land	- Acre =	\$250/AC	\$20,000/AC	\$150/AC	\$50,000/AC
Swamp/Marsh	- Acre =	\$100/AC	\$,1000/AC	\$40/AC	\$5,000/AC

Special Use Property – Solar Farms = \$6,000 minimum/ AC

*Land rates are to be applied as noted or equivalent units that corresponds with the valuation method used.

Land is to be adjusted to reflect Zoning and added value due to amenities, special-use permits, special densities & height allowances; will be valued by one of the following methods: Acres, Square Ft, Front Ft, Lot/Site

Note: All the above values may be given a percent condition (up or down) by the appraiser to adjust for topography, size, location, shape, access, road frontage, rights of way, etc or other influences that affect value. Rates may be modified if needed to arrive at fair market value.

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

**Present Use-Value Schedule of Values to be used
in appraising property that qualifies for Use-
Value Assessment in Currituck County for the
Reappraisal effective January 1, 2021.
(G.S. 105-277.6)**

**CURRITUCK COUNTY
BOARD OF COMMISSIONERS**

Approved

Date

CURRITUCK COUNTY BOARD OF COMMISSIONERS

Signed _____

Chairman, Board of Commissioners

Attachment: 2021 Schedule of Values (2021 Reappraisal Schedule of Values-Approval)

Schedule of Values**Currituck County 2021****2021 USE-VALUE SCHEDULE****AGRICULTURE & HORTICULTURE**

Class1	Class2	Class 3	Class 4
\$1,200	\$1,085	\$815	\$40
Altavista	Augusta	Bojac	Beaches
Cape Fear	Conaby	Conetoe	Corolla
Pasquotank	Dragston		Currituck Muck
Portsmouth	Munden		Dare Muck
State	Nimmo		Dorovan
Tomotley	Ponzer		Duckston
Wasda	Roanoke		Dune Land
	Wahee		Newhan
			Osier
			Ousley
			Udorthents
			Wando

FORESTRY

Class1	Class 2	Class 3	Class 4	Class 5	Class 6
\$256	\$205	\$193	\$179	\$54	\$40
Altavista	Bojac				
Augusta	Conetoe	None	None	Dare Muck	Beaches Newhan
Cape Fear	Wando			Dorovan	Corolla
Conaby				Ousley	Currituck Muck
Dragston				Ponzer	Duckston
Munden					DuneLand
Nimmo					Newhan
Osier					Udorthents
Pasquotank					
Portsmouth					
Roanoke					
State					
Tomotley					
Wahee					
Wasda					

Agricultural values are based on the average rents for each soil divided by a capitalization rate of 6.5% per the 2021 USE-VALUE MAUNAL FOR AGRICULTURAL, HORTICULTUREAL AND FOREST LAND published by the North Carolina Use-Value Advisory Board. Forestry Land is also based on the values listed in the 2021 manual. Said manual is hereby made a part of the Currituck Schedule of Values and incorporated by reference.



Rebecca Gay
Contract Purchasing Agent

Currituck County

153 Courthouse Road, Suite 210
Currituck, North Carolina 27929
252-232-6080
rebecca.gay@currituckcountync.gov

MEMORANDUM

To: Board of Commissioners
Ben Stikeleather, County Manager

From: Rebecca Gay, Contract Purchasing Agent *RG*

Subject: Recommendation of Award – P0221 - Phase I - Whalehead Subdivision Public Access Walkover Replacement

Date: November 23, 2020

Project Description: The project consists of the demolition and reconstruction of the Barracuda Street, Perch Street, and Sailfish Street pedestrian ocean access walkovers in the Whalehead Subdivision.

Recommendation of Award:

Bids for Phase I - Whalehead Subdivision Public Access Walkover Replacement were received and opened at 2:00 p.m. on November 10, 2020 at the Historic Courthouse, Board of Commissioners Meeting Room. A total of four (4) bids were received. Bidders provided a total base bid for reconstruction with treated wood decking and two alternate bids, one for composite decking and one for concrete decking panels. The bid tabulation is attached for your reference.

The low bidder is W.M. Dunn Construction, LLC with a Total Base Bid Amount of Three hundred sixty-three thousand eight hundred fifty dollars and no cents (\$363,850.00). The bid documents and Contractor's qualifications have been reviewed and found satisfactory.

Staff recommends award of the project to W.M. Dunn Construction, LLC in the amount of \$363,850.00 for the reconstruction of the Barracuda Street, Perch Street, and Sailfish Street walkovers with treated wood decking.

Staff also requests delegation of contract execution authority to the County Manager for this contract.

Attachment: Whalehead Walkovers-P0221- Recommendation of Award (Bid Award-Whalehead Walkovers)



BID TABULATION

Project No. 0221
 Phase I - Whalehead Subdivision Public Access Walkover Replacement
 Bid Opening: November 10, 2020 at 2:00 p.m.

BIDDER	Sealed Bid	Bid Security Included	Acknowledge (3)	G.C. License Included	E-Verify Included	Total Base Bid (Treated Wood Decking)	Alternate Bid No. 1 (Composite Decking)	Alternate Bid No. 2 (Concrete Decking Panels)
T.D. Eure Marine Construction, LLC	X	X	X	X	X	\$518,275.00	\$37,000.00	\$80,000.00
W.M. Dunn Construction, LLC	X	X	X	X	X	\$363,850.00	\$30,000.00	\$38,000.00
Carolina Marine Structures, Inc.	X	X	X	X	X	\$518,400.00	\$77,760.00	\$103,680.00
Millstone Marine Construction, Inc.	X	X	X	X	X	\$385,578.00	\$38,644.00	\$42,477.00

Rebecca L. Gay 11-10-2020
 Rebecca L. Gay, Contract Purchasing Agent Date

----- Forwarded message -----

From: **CBVFR Treasurer** <treasurer@cb> Date: Fri, Nov 6, 2020 at 1:22 PM

Subject: Capital expense and budget update To: <bridget.brinkley@currituckcountync.gov>
CC: Sarah Gates <cbvfrbookkeeper@gmail.com>, <chief7carova@gmail.com>

Hi Bridget,

Our tanker has experienced engine issues that have necessitated an emergency repair. We could not get multiple estimates for this work as we needed to take it Norfolk International, which is the only regional repair center.

In order to cover this expense, we would like to move the \$15,000 from the \$50,000 budgeted for the SCBA air compressor in our capital budget. Please let me know when this is approved.

Regards,

Jennifer Early Treasurer
Carova Beach Volunteer Fire & Rescue, Inc. 919-824-5282
jmearly@techemail.com

CONFIDENTIALITY NOTICE: This e-mail and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute, or take action upon this message. If you have received this email in error, please notify me immediately by return e-mail

Attachment: Carova VFD-Tanker Repair (FEAB Approval-Funds Request for Carova-Engine Repair)

Number 20210046

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10440-535000	Safekeeping Fees	\$ 5,000	
10320-411000	Article 39 Sales Tax		\$ 5,000
		<hr/>	<hr/>
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

Explanation: Finance (10440) - Increase appropriations for investment safekeeping fees. Fees were suspended when Wachovia merged with Wells Fargo and have not been charged in several years. Wells Fargo has started charging these fees again and governmental entities are required to keep investments with a third party safekeeper.

Net Budget Effect: Operating Fund (10) - Increased by \$5,000.

Minute Book # _____, Page # _____

Journal # 60074

Clerk to the Board

Attachment: BudAmends_Dec 7_General Meeting (Budget Amendments)

Number 20210047

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10380-487000	DSS Donations		\$ 4,500
10390-499000	Appropriated Fund Balance		\$ 15,000
10760-585000	Donations - DSS	\$ 19,500	
		<hr/>	<hr/>
		<u>\$ 19,500</u>	<u>\$ 19,500</u>

Explanation: Social Services Public Assistance (10760) - Increase appropriations to carry-forward prior year balance and increases in donations for Operation Santa.

Net Budget Effect: Operating Fund (10) - Increased by \$19,500.

Minute Book # _____, Page # _____

Journal # 60085

Clerk to the Board

Attachment: BudAmends_Dec 7_General Meeting (Budget Amendments)

Number 20210048

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-590000	Capital outlay		\$ 5,500
61818-553000	Dues and subscriptions	\$ 5,500	
		<hr/>	<hr/>
		<u>\$ 5,500</u>	<u>\$ 5,500</u>

Explanation: Mainland Water (61818) - Transfer budgeted funds for increases in dues for this fiscal year.

Net Budget Effect: Mainland Water Fund (61) - No change.

Minute Book # _____, Page # _____

Journal # 60090

Clerk to the Board

Attachment: BudAmends_Dec 7_General Meeting (Budget Amendments)

Number 20210049

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50447-590009	Perch Street Walkover	\$ 132,128	
50447-590010	Barracuda Walkover	\$ 133,128	
50447-590011	Sailfish Walkover	\$ 134,979	
50390-495015	Transfer from Occupancy Tax		\$ 400,235
		<u>\$ 400,235</u>	<u>\$ 400,235</u>

Explanation: County Governmental Construction Fund (50) - Increase appropriations for construction of beach walkovers. This is funded by transfers for completed projects in prior years.

Net Budget Effect: County Governmental Multi-year construction fund (50) - Increased by \$400,235.

Minute Book # _____, Page # _____

Journal # 60091 _____

Clerk to the Board

Attachment: BudAmends_Dec 7_General Meeting (Budget Amendments)

Number 20210050

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
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 Balance		\$ 8,825
		<hr/>	<hr/>
		<u>\$ 14,385</u>	<u>\$ 14,385</u>

Explanation: Information Technology (10441) - Transfer budgeted funds for increased technology needed for computer security and to carry-forward software licenses fees budgeted in prior year, but not paid until this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$8,825.

Minute Book # _____, Page # _____

Journal # 60092

Clerk to the Board

Attachment: BudAmends_Dec 7_General Meeting (Budget Amendments)

Number 20210051

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
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	
		<hr/>	<hr/>
		<u>\$ 663,823</u>	<u>\$ 663,823</u>

Explanation: CARES Act (200981) - Increase appropriations to record the second round of CARES funding released in FY 2021 and to move funding from original appropriation to cover actual expenses.

Net Budget Effect: CARES ACT Fund (200) - Increased by \$538,823.

Minute Book # _____, Page # _____

Journal #60096

Clerk to the Board

Attachment: BudAmends_Dec 7_General Meeting (Budget Amendments)

Number 20210052

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10511-590000	Capital Outlay	\$ 11,000	
10380-484001	Insurance Recovery		\$ 8,207
10320-411000	Article 39 Sales Tax		\$ 2,793
		<hr/>	<hr/>
		<u>\$ 11,000</u>	<u>\$ 11,000</u>

Explanation: Detention Center (10511) - Increase appropriations to repair the Detention Department van that was hit by a deer. The vehicle was totalled by insurance due to the age and damage of the vehicle; however, we have an estimate of \$9,489.52 to repair and will need other minor equipment replaced. To replace with a new vehicle is estimated to cost \$40,000.

Net Budget Effect: Operating Fund (10) - Increased by \$11,000.

Minute Book # _____, Page # _____

Journal # 60093

Clerk to the Board

Attachment: BudAmends_Dec 7_General Meeting (Budget Amendments)

Number 20210053

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
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
		<u>\$ 1,089</u>	<u>\$ 1,089</u>

Explanation: Various Departments - Increase appropriations to provide a prorated share of the \$250 Christmas bonus to all part-time/temp employees that worked more than 750 hours from November 1, 2019 through October 31, 2020 and are still employed on December 1, 2020.

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

Minute Book # _____, Page # _____

Journal # 60094

Clerk to the Board

Attachment: BudAmends_Dec 7_General Meeting (Budget Amendments)



North Carolina Pandemic Recovery Office

Coronavirus Relief Fund (CRF)

Currituck County Plan

Instructions

1. This document is to be used by counties to document the planned use of the CRF monies allotted in Session Law 2020-4.
2. Please add the name of your county in front of the existing name as follows: "NashCounty CRF plan"
3. Submit your plan to NCPRO@osbm.nc.gov on or before June 15, 2020.
4. Under Categories. Please aggregate the amount of all expenses for that specific category. Example amounts should be removed and you can enter the county amounts. The total must agree with your allotment.

The County is responsible for maintaining adequate documentation to support expenditures. If estimates are being used the methodology must be documented and defensible. The County is responsible for following the Federal *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* promulgated by the United States Office of Management and Budget unless the US Treasury publishes guidance stating otherwise.

County Information

Name of County: Currituck
 Person Submitting: Sandra Hill
 Title: Finance Director
 Email: sandra.hill@currituckcountync.gov
 Phone Number: (252) 232-2381

Planned Expenditures	
Categories	Amount
<p>1. Medical expenses such as:</p> <ul style="list-style-type: none"> • COVID-19-related expenses of public hospitals, clinics, and similar facilities. • Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs. • Costs of providing COVID-19 testing, including serological testing. • Emergency medical response expenses, including emergency medical transportation, related to COVID-19. • Expenses for establishing and operating public telemedicine capabilities for COVID-19 related treatment. 	\$ -
<p>2. Public health expenses such as:</p> <ul style="list-style-type: none"> • Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19. • Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency. • Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency. • Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety. • Expenses for public safety measures undertaken in response to COVID-19. • Expenses for quarantining individuals. 	\$ 59,000.00
<p>3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.</p>	\$ 1,081,536.00
<p>4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:</p> <ul style="list-style-type: none"> • Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions. • Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions. • Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions. • Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions. • COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions. • Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions. 	\$ 75,000.00

<p>5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:</p> <ul style="list-style-type: none"> • Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. • Expenditures related to a State, territorial, local, or Tribal government payroll support program. • Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise. 	\$ -
<p>6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund’s eligibility criteria.</p>	\$ -
<p>7. Grants to municipalities and nonprofits. List each planned subaward. (add more rows if necessary)</p>	
<p>b. Interfaith Community Outreach</p>	\$ 25,000.00
c.	
d.	
e.	
f.	
g.	
h.	
i.	
j.	
k.	
l.	
m.	
n.	
o.	
<p>Grand Total</p>	\$ 1,240,536.00

Signature _____

Title _____

Date - REVISED 12/7/2020 _____



North Carolina Pandemic Recovery Office

Coronavirus Relief Fund (CRF)

Currituck County Plan

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<p>6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund’s eligibility criteria.</p>	\$ -
<p>7. Grants to municipalities and nonprofits. List each planned subaward. (add more rows if necessary)</p>	
<p>b. Interfaith Community Outreach</p>	\$ 25,000.00
c.	
d.	
e.	
f.	
g.	
h.	
i.	
j.	
k.	
l.	
m.	
n.	
o.	
<p>Grand Total</p>	\$ 1,240,536.00

Signature _____

Title _____

Date - REVISED 12/7/2020 _____



CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: EMERGENCY MEDICAL TECHNICIAN – CAPTAIN / SHIFT SUPERVISOR DEPARTMENT OF FIRE-EMERGENCY MEDICAL SERVICES Operations Division

GENERAL STATEMENT OF JOB

Under general supervision, assists in developing, designing, coordinating, implementing and monitoring standards and policies of the Currituck County Emergency Medical Services system; functions as key liaison and consultant with all EMS and volunteer fire department personnel, and other essential public safety departments within the county. Serves as an immediate supervisor to an assigned group of department personnel; managing and supervising staff engaged in Fire/EMS duties, daily operations of the department, and resource management. Performs in accordance with established emergency medical procedures and protocols approved by the local medical director at the NC EMT-Paramedic level and must exercise considerable independent judgment to assess conditions of patients and administer appropriate medical treatment. Work is subject to both inside and outside environmental conditions, extremes in temperatures, noise, vibrations, exposure to fumes, odors, dusts, mists, gases, poor ventilation, and oils. Due to the nature of the work, employee is exposed to human blood and is subject to the OSHA requirements on bloodborne pathogens. Participates in firefighting activities to include driving fire apparatus, operating fire department equipment, fighting fires and patient extrications. Reports to the Deputy Chief.

Manages the department in the absence of the Chief and Deputy Chief.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS (SHIFT SUPERVISOR)

Assist the department with the coordination, and implementation of the policies, procedures, and guidelines; reviewing system plan and other applicable policies for accuracy and compliance with local, state, and federal regulations.

Manage shift schedule, vacation and sick time requests, and exchange of duty requests; ensuring each shift and EMS unit is staffed appropriately; employee's requests for vacation, sick time, and exchange of duties are within department and county policies.

Procurement and maintenance of supply inventory and equipment; develop cost effective measures for the purchasing of supplies and equipment; Manage monthly requests for supplies needed; Under supervision of the medical director Deputy Chief and Chief of the department, keep and accurate and correct track of narcotics and drug supply in accordance with DEA standards; evaluate new products and equipment for future use; establish and update preventive maintenance procedures for equipment in accordance with manufacture recommendations; monitor use for budgetary planning; track and monitor assigned program budget; keep perpetual inventory of supplies and equipment using an electronic database.

Implement, coordinate, oversee and maintain a vehicle maintenance program for all department vehicles that is consistent with manufacture's recommendations; schedule vehicles for required maintenance and

repair, ensuring vehicles are delivered and retrieved appropriately; conduct routine repairs and maintenance procedures not requiring an automotive technician (i.e. changing light bulbs, checking fluid levels, replacing fuses, etc); develop and maintain electronic database of repair requests and maintenance.

Ensure daily operations of the department are met; personnel are reporting to work on-time and in proper dress, professional attire and grooming and with appropriate personnel protective equipment; delegate assignments and instructions to shift personnel; keeps department personnel abreast of pertinent information to their mission and daily operations; if required, fills in as crew member on opens shifts until a suitable replacement can be found; management of delivery and retrieval of supplies and equipment; retrieving and reviewing patient care reports for accuracy and compliance with applicable policies, reporting discrepancies to the Training Captain or Chiefs for review.

Conduct on-shift training and skills assessment with shift personnel; develop cohesiveness between shift personnel, EMS and fire department volunteers; training shall be done in cooperation with the EMS Training Officer **Captain** and shall include equipment and product in-service, skills and procedure development, annual required training, and other such training deemed necessary by the EMS Chief.

Makes recommendations regarding routine personnel matters affecting subordinates including, but not limited to, recruiting, interviewing, training, etc., submitting such records and reports as required by Department or County management.

ESSENTIAL JOB FUNCTIONS (CAPTAIN - EMT-P/FIREFIGHTER)

Responds to calls for medical aid including motor vehicle collisions, rescue operations, and any other incident were EMS has been requested. Provides management, oversight and may conduct prehospital care at the EMT-Paramedic level including, but not limited to, examining patients and monitoring vital signs, administration of medications, insertion of airway devices including a blind insertion airway device, tracheal intubation and cricothyrotomy; use of cardiac monitors to acquire, interpret and transmit 12-Lead EKG's, defibrillation, synchronized cardioversion, and external transcutaneous pacing; chest decompression; collection of blood for laboratory analysis, establishes peripheral and intraosseous intravenous access; other basic and advanced first aid and life support actions as approved by the North Carolina Medical Board and the Currituck County EMS Medical Director; communicates with hospital and/or health care professionals in person or by radio; completes required reports. Ensures that crews restocks supplies and maintains emergency vehicles and equipment in proper working conditions.

Conduct and participate in drills and training exercises; develop skills in fire suppression, complete 36 hours of fire department training annually. Participates in a continuous training program to improve competence in medical clinical work and in ambulance service and operation; maintains knowledge of new or modified operational protocols; complete 36 hours of EMS continuing education training annually.

In a fire emergency, assists the volunteer fire departments, performing basic firefighting duties and responsibilities within permissible limits; drive and operate fire apparatus with specific ability to respond a pumper or tanker to the scene of an incident and obtain water flow, perform exterior (and interior if determined to be qualified by Fire/EMS Chief) fire ground operations; assist firefighters in the handling of fire hoses, ladders, SCBA equipment, manpower rehabilitation, and other vital equipment and functions; assists with the extrication and removal of entrapped or confined patients.

Prepare, submit, and maintain reports on emergency medical services activities, fire suppression activities, incidents and accidents, and other related information; prepare clear and concise documentation; obtaining medical data including patient identification, medical history, type of accident or nature of illness, rescue

measures, preceding emergency care, care given at an emergency medical scene; direct patient care and transport.

Operate, inspect, inventory, and maintain emergency response equipment and vehicles; perform minor repairs on equipment and vehicles or report deficiencies to proper staff for other disposition; order necessary supplies; clean and maintain patient compartment and cabinets of emergency vehicles; ensures proper supplies and equipment are stocked and functions properly.

Perform general maintenance and cleaning of station; sweep and mop floors, light dusting, and clean windows; cleaning of restrooms and bathrooms, keeping bunkrooms neat with beds made in a neat and clean manner; changing sheets and pillow cases after each use, laundry as necessary.

Work with the community in a variety of educational, public relations, and service programs; fire prevention, safety awareness, community CPR training, and public school activities for EMS standby.

ADDITIONAL JOB FUNCTIONS

Ensure that all personnel maintain current skills and develop additional ones as appropriate by conducting needs assessments, and/or developing, administering and participating in training activities.

Meet with shift personnel to discuss problems, events, current information, and the handling of past emergencies to improve future performance.

Conducts employee performance appraisals for department personnel assigned to their shift; document performance measures, commendation and disciplinary actions, and needs assessment; establish appropriate goals and objectives for individuals, provide encouragement and resources for those goals to be met.

Makes recommendations to the chain of command regarding routine personnel matters affecting subordinates including, but not limited to, recruiting, interviewing, training, etc., submitting such records and reports as required by Department or County management.

Explain and enforce policies and procedures, disciplining staff in a fair and equal manner as necessary; properly and effectively intervene to settle an argument or some interpersonal problem among staff; notify a superior of a problem and recommend a course of action for solution.

Work with the EMS and fire department volunteers to enhance the overall operation and function of the departments, local volunteer fire departments and other county entities.

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

Performs other related work as required.

JOB RESPONSIBILITIES RELATED TO HIPAA COMPLIANCE

Is expected to protect the privacy and security of all protected health information (PHI) and electronic PHI (e-PHI) in accordance with Department privacy and security policies, procedures, and practices, as required by federal [and state] law, and in accordance with general principles of professionalism as a health care provider. Failure to comply with the Department's policies and procedures regarding the privacy and security of PHI and e-PHI may result in disciplinary action up to and including termination of employment.

May access PHI and e-PHI only to the extent that is necessary to complete job duties and may only share such information with those who have a need to know specific patient information to complete their job responsibilities related to treatment, payment or other company operations.

Is encouraged and expected to report, without the threat of retaliation, any concerns regarding the Department's policies and procedures on patient privacy or security and any observed practices in violation of those policies to the designated Privacy/Information Security Officer.

Is expected to actively participate in Department privacy and security training and is required to communicate privacy policy information to coworkers, students, patients and others in accordance with Department policy.

ADDITIONAL JOB FUNCTIONS

Performs duties as assigned by the County Manager, or their designee during a State of Emergency or other disaster.

Work with the EMS and fire department volunteers to enhance the overall operation and function of the department, local volunteer fire departments, and other county entities.

Performs other related work as required.

Oversee Patient reporting and billing for the department.

Provide IT support for department computer programs and ensure that they are functioning on a daily bases.

Seeks outside funding for projects improvements for the department by writing and submitting grants.

MINIMUM TRAINING AND EXPERIENCE

High school diploma or equivalent with vocational or technical school training as an Emergency Medical Technician-Paramedic; NC Firefighter II or equivalent certification required. Any equivalent combination of training and experience which provides the required skills for the job functions, knowledge and abilities may be substituted; and

Credentialed by the North Carolina Office of Emergency Medical Services as an Emergency Medical Technician-Paramedic as outlined in 10A NCAC 13P .0502;

Current Basic Life Support, Healthcare Provider (CPR) instructor **or** and-provider certification, or equivalent;

Current Advanced Cardiac Life Support, Pediatric Advanced Life Support, and Obtain Prehospital Trauma Life Support (PHTLS) within one year of employment. PEPP may be substituted for PALS.

Emergency vehicle operator certification, or equivalent.

Hazardous Material Awareness and Terrorism – Level I. Operations level preferred

Successfully complete Incident Command System–100, 200, 300, 400 and the National Incident Management System–700 and 800.

SPECIAL REQUIREMENTS

Captain-Shift Supervisor

Must possess a valid drivers operators license. North Carolina residents must obtain DMV Class B Operator's license within one year of employment.

Successfully pass the Technical Scope of Practice evaluation, valid Basic Life Support, Healthcare Provider (CPR) certification, Advanced Cardiac Life Support, 36 hours of continuing education per year.

Completion of Bloodborne Pathogens and HIPAA compliance training, and participates in an annual refresher.

**MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED
TO PERFORM ESSENTIAL JOB FUNCTIONS**

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including stretchers, stair chairs, backboards, ladders, various fire hoses, and extrication equipment. Must be physically able to operate a motor vehicle, including fire apparatus and other emergency vehicles. Must be able to exert in excess of 100 pounds of force occasionally, and/or up to 75 pounds of force frequently, and/or 20 pounds of force constantly to move objects. Requires the ability to maintain body equilibrium when bending, stooping, crouching, climbing, reaching and/or stretching arms, legs or other parts of body, and to physically maneuver over and/or upon varying terrain, surfaces or physical structures. Physical demand requirements are for Very Heavy Work.

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

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

Language Ability: Requires the ability to read a variety of correspondence, reports, logs, etc. Requires the ability to prepare a variety of reports, forms, logs, invoices, etc., using prescribed formats. Requires the ability to speak to people with poise, voice control and confidence.

Intelligence: Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including medical terminology and emergency response codes.

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

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

Motor Coordination: Requires the ability coordinate hands and eyes rapidly and accurately in lifting and positioning or transporting objects, and operating motor vehicles.

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

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

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

Physical Communication: Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via telephone and two-way radio.

KNOWLEDGE, SKILLS AND ABILITIES

Working knowledge of the Currituck County emergency medical policies, procedures, and treatment protocols.

Working knowledge of equipment and supplies employed in the emergency care of patients and emergency scenes.

Working knowledge of County geography and of the location of roads and streets within the County, including location of frequently utilized medical facilities and landing zones.

Working knowledge of procedures of extrication, movement of patients, rescue techniques, transportation and psychological needs of a patient.

Working knowledge of radio communications equipment.

Ability to respond quickly and calmly to emergency situations.

Ability to lift substantial weight.

Ability to understand and follow oral and written instructions.

Ability to deal tactfully, courteously and firmly with the general public.

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

ED: 12/07/2020 (REV BOC)

ED: 10/05/2020 (REV BOC)



CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: TEMPORARY IT CLERICAL STAFF

GENERAL STATEMENT OF JOB

Under general supervision, performs responsible clerical and accounting work requiring independent judgment and initiative monitoring expenses for the County's IT Department. Work includes but is not limited to answering telephones, filing paperwork, and assisting with accounts payable.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

Maintains records of expenditures.

Enters information into financial system.

Sorts and delivers incoming mail daily.

Prepares, reviews and verifies invoices for payment; maintains computer files of invoices.

Maintains vendor relations.

Performs routine clerical tasks, such as greeting visitors, recording and relaying messages, typing routine correspondence, addressing envelopes, processing and distributing mail, etc.

ADDITIONAL JOB FUNCTIONS

Answers telephone and receives inquiries, providing information or referring callers to other County officials, as appropriate.

Prepares, copies, files and/or distributes, as appropriate, various correspondence, records and forms.

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

Performs other related work as required.

MINIMUM TRAINING AND EXPERIENCE

Graduation from high school preferably accompanied by some experience in bookkeeping duties; or any equivalent combination of training and experience which provides the required knowledge, skills and abilities. Must possess a valid driver's license.

**MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED
TO PERFORM ESSENTIAL JOB FUNCTIONS**

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, calculators, copiers, facsimile machines, dictation recorders, etc. Requires the ability to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects.

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

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

Language Ability: Requires the ability to read a variety of reports, correspondence, time sheets, work schedules, forms, procedural manuals, etc. Requires the ability to prepare a variety of correspondence, reports, forms, charts, etc. Must be able to speak to people with poise, voice control and confidence.

Intelligence: Requires the ability to apply rational systems to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists; to interpret a variety of instructions furnished in written, oral, diagrammatic, or schedule form.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages such as Accounting terminology.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; determines percentages and decimals; verifies and computes interest rates.

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

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using automated office equipment.

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

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

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

Physical Communication: Requires the ability to talk and/or hear: (talking - expressing or exchanging ideas by means of spoken words; hearing - perceiving nature of sounds by ear). Requires the ability to communicate via telephone.

KNOWLEDGE, SKILLS, AND ABILITIES

General knowledge of the organization, operation, programs and policies of the County.

General knowledge of the application of established bookkeeping and accounting principles and techniques to governmental accounting transactions.

General knowledge of arithmetic.

General knowledge of state and local fiscal regulations, policies and procedures.

General knowledge of modern office practices and procedures.

Ability to use common office machines, including popular computer-driven word processing, spreadsheet and file maintenance programs.

Ability to maintain clerical records and to compile reports from them.

Ability to type accurately at a moderate rate of speed.

Ability to understand or apply laws, regulations and policies to the maintenance of financial records.

Ability to verify documents and forms for accuracy and completeness.

Ability to understand and follow written and oral instructions.

Ability to exercise independent judgment, discretion and confidentiality in the completion of work assignments.

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

ED: 12/07/2020 (BOC)



2020 BOARD OF EQUALIZATION & REVIEW
Minutes
November 16, 2020

The 2020 Board of Equalization & Review was called to order at 5:00pm on Monday November 16, 2020. Board Members Paul Beaumont, J. Owen Etheridge, Mary Etheridge, Selina S. Jarvis, Mike Payment and Bob White were in attendance.

Harris Teeter: The Tax Administrator presented to the Board an appeal submitted by Ryan, a tax services and accounting firm, that represents Harris Teeter. They contended that the assessed value of the personal property owned by Harris Teeter was over assessed. The board voted unanimously to confirm the 2019 assessed value of \$1,250,060 and the 2020 assessed value of \$1,227,321.

No other taxpayers appeared before the Board requesting a hearing with respect to the listing or appraisal of the taxpayer’s property or property of others.

The 2020 Board of Equalization and Review adjourned at 5:30pm

ATTEST:

Tracy Sample, Clerk to the Board of Equalization and Review

Chairman, Bob White

Communication: Board of Equalization and Review-2020 (Approval Of Minutes-11/16/2020, Board of Equalization and Review-2020)



**CURRITUCK COUNTY
NORTH CAROLINA**

November 16, 2020
Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Board of Equalization and Review

The Board of Commissioners met in a Special Meeting to sit as the Board of Equalization and Review. The meeting was held from 5:00 PM until 5:30 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck. Commissioners heard one appeal presented by Tax Assesor, Tracy Sample. Related documents were distributed to Commissioners for their review. Mr. Sample responded to questions regarding the appeal.

2. 5:30 PM Moyock Sewer Discussion

The Board of Commissioners met at 5:30 PM in the Board Meeting Room of the Historic Courthouse to discuss the County's options for operation of the Moyock Regional Wastewater Treatment Plant. County Manager, Ben Stikeleather, recalled previous work session discussion when the Board was first asked to consider whether the County will continue to operate the wastewater plant or sell to a private operator. This discussion resulted in a majority of the Board wanting to keep the plant, but questions and concerns were raised over the costs to do so. Mr. Stikeleather said a decision is needed to meet the timeline set by the North Carolina Department of Environmental Quality for notification and submittal of an amended SOC (Special Orders by Consent).

Although not in attendance, Mr. Stikeleather reported Commissioner McCord maintains his position to sell the wastewater plant.

A history of challenges with the design and operation of the plant were discussed, as were concerns with costs to repair or replace the plant on top of school capital needs. Impacts on customer rates, commercial development, and residential growth were considered. In response to questions on seeking damages if the plant's design is determined to be faulty, County Attorney, Ike McRee, said documents were sent to outside council for a legal opinion in this regard. Larry Lombardi, Economic Development Director, was asked his opinion. He said a sale would affect the County's ability to provide incentives to potential businesses. Eric Weatherly, County Engineer, was asked about Wastewater personnel. He said the County wastewater staff are both capable and ample.

Following discussion, the Board chose to keep the Moyock Regional Wastewater plant. Those in favor of keeping the plant included Chairman White, Commissioner Beaumont, Commissioner Mary Etheridge and Commissioner Jarvis. Commissioner J. Owen Etheridge, Commissioner McCord, and Commissioner Payment favored selling.

Commissioners directed staff to develop customer rate and debt payment options for discussion at the Board's annual retreat. The work session concluded at 5:56 PM.

6:00 PM CALL TO ORDER

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

Attendee Name	Title	Status	Arrived
Bob White	Chairman	Present	
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	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 Beaumont offered the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner McCord moved to approve the agenda. Commissioner Jarvis seconded the motion. The motion carried.

Approved agenda:

Work Session

- 5:00 PM Board of Equalization and
- Review 5:30 PM Moyock Sewer
- Discussion

6:00 PM Call to Order

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

Public Comment

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

Commissioner's

Communication: Minutes for November 16, 2020 (Approval Of Minutes-11/16/2020, Board of Equalization and Review-2020)

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

- A) **Public Hearing on the 2020 Reappraisal Schedule of Values**
- B) **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.
- C) **PB 20-18 Oak Trail Solar:** Oak Trail Solar, LLC is requesting a Solar Energy Facility Use Permit for 1,229 acres located off Puddin Ridge Road, Tax Map 10, Parcels 11, 12, 13, 14A, 18D, 18F; and Tax Map 11, Parcel 1, in Moyock Township.

New 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**
- B) **Fire and EMS Advisory Funding Requests: Lower Currituck VFD Tanker Repair and Crawford VFD Rescue 4 Light Tower Repair**
- C) **Board Appointments**
1. Tourism Advisory Board
- D) **Consent Agenda**
1. Budget Amendments
 2. Surplus Resolution-Forklift, Parks and Rec
 3. Maritime Museum-Change Order #5
 4. Job Description Revision-Fire Lieutenant
 5. Road Addition Petition: Jeanni Court and Donna Court, Launch Landing
 6. Approval Of Minutes-November 2, 2020

Adjourn

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

PUBLIC COMMENT

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

Chairman White opened the Public Comment period.

Barbara Zemienieuski, of North Spot Road, Powells Point, spoke of the Gallop Sand Mine project, a Use Permit application that will potentially be coming before the Board of Commissioners. Speaking directly to the Board, and on behalf of the Pinewood Acres-North Spot Road Preservation Commission, she is opposed to the project in her neighborhood.

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

COMMISSIONER'S REPORT

Chairman White reported on discussion at the Wild Horse Advisory Board meeting and relayed information on the status of the horse fence repairs on the off-road area. Although no quorum was present for an official meeting of the Tourism Advisory Board, members present discussed tourism advertising initiatives. He remarked on the Maritime Museum, currently under construction in Corolla. He announced he will step down as Chairman of the Board in December when a new Chair and Vice-chair will be elected. Chairman White spoke of the Board's upcoming retreat and encouraged the public to attend.

Commissioner Payment thanked Chairman White for his service as Chairman. He provided an update from Albemarle Regional Health Services on Covid cases in Currituck County. Commissioner Payment encouraged residents to get chimney inspections with cold weather approaching and wished everyone a safe and Happy Thanksgiving.

Commissioner Mary Etheridge recognized the efforts of the Senior Center volunteers. She thanked voters for their confidence upon her re-election and thanked Chairman White for his service.

Commissioner Beaumont recognized Veterans and those who currently serve in the military. He thanked citizens for the opportunity to continue to serve as County Commissioner and he, too, thanked the Chairman for his leadership.

Commissioner McCord congratulated fellow Commissioners on their successful elections and thanked Chairman White for his efforts serving as Chairman. He cautioned citizens to be watchful to protect themselves from fraud or package theft over the holidays. A recent boat rescue in rough waters in the sound was reported.

Commissioner J. Owen Etheridge congratulated Commissioners on winning their elections and thanked Chairman White for his service. He recognized Currituck voters on a 74% voter turnout and thanked Sydni Banks, Director of Elections, and the Board of Elections for their professionalism during the election. He wished everyone a Happy Thanksgiving.

Commissioner Jarvis talked about the struggles everyone faced this year and encouraged people to reflect on the positive. She recognized first responders and educators working through challenges with Covid-19, and she thanked voters for her re-election. Commissioner Jarvis thanked Chairman White for his guidance and insight.

COUNTY MANAGER'S REPORT

Ben Stikeleather, County Manager, updated Commissioners on the County's response to the North Carolina Governor's new executive order related to the Covid-19 pandemic. All county services will be provided. Staggered shifts will be utilized to maintain continuity of operations in case of staff exposure. He announced the reopening of Pickle-ball courts, available by reservation through the Senior Center, for those who wish to play. The annual Christmas parade has been canceled, but County offices will be decorated and maps provided to citizens who'd like to visit the various locations. He reported many water customers signed up for payment plans after public information efforts, including door hangars, reduced the number of potential water cutoffs from 172 to 16. Dr. Mark Lutz, School Superintendent, was present at the meeting and was asked to update the Board of the school reopenings and protocols being followed for Covid-19.

Chairman White called a brief recess at 6:40 PM. The meeting reconvened at 6:54 PM.

PUBLIC HEARINGS

A. Public Hearing on the 2020 Reappraisal Schedule of Values

Tax Assessor, Tracy Sample, provided an overview and timeline for the revaluation process and recalled the presentation of the Schedule of Values that went before Commissioners on November 2, 2020. The Public Hearing is required by North Carolina Statute to provide an opportunity to receive comment on the Schedule of Values.

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

B. 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.

In an effort to best meet the safety protocols established in the North Carolina Governor's Executive Order related to Covid-19, a recess was called prior to each Public Hearing and citizens were asked to limit in-person attendance to the particular case of interest.

A recess was called at 6:56 PM to allow parties for PB 20-14: Currituck Water and Sewer, LLC-Wastewater Treatment, to enter the meeting room. The meeting reconvened at 6:59 PM.

County Attorney, Ike McRee, reviewed the quasi-judicial procedures and process, and described the type of evidence the Board may consider in determining whether an applicant has met the burden as to the findings of fact.

All parties to speak were sworn in. Laurie LoCicero, Planning and Community Development Director, reviewed the major utility Use Permit application and staff report with the Board of Commissioners. The overhead displayed the location of the plant, disposal area, surrounding zoning and Land Uses. The expanded wastewater service areas were reviewed.

Ms. LoCicero responded to Board questions. She said it is possible for the utility to expand outside of the requested service area. A use permit amendment would be needed to increase the disposal area. Photos of the existing Eagle Creek Wastewater Treatment Plant were displayed and Use Permit review standards and findings of fact were presented. When asked, she reviewed the public input process used to develop the 2012 Moyock Small Area Plan and defined full and limited service areas based on the future Land Use map. Land Use Plan and Moyock Small Area Plan policies were reviewed. She stated staff concerns with the wastewater plant's current state of disrepair, active violations with the North Carolina Department of Environmental Quality (DEQ), and adding additional development to the existing plant. She presented the outstanding items to be addressed by the applicant, and noted the Technical Review Committee (TRC) recommends denial of the application. Ms. LoCicero addressed varying soils in areas around Moyock and suitability for development.

Engineer, Mark Bissell, addressed Commissioners on behalf of the applicant and explained their legal council could not attend due to Covid-19. Applicants initially wanted to proceed with the hearing, but after conferring with the County Attorney, parties agreed an attorney should be present to represent the applicant and Mr. Bissell asked for the item to be deferred. A motion to table was made by Commissioner Mary Etheridge but was withdrawn because the applicant had deferred the item previously and only one applicant request for deferral is permitted by County ordinance. Mr. Bissell therefore requested the Board of Commissioners agree to defer the item.

Commissioner Mary Etheridge moved to table the item to the December 7, 2020, Board of Commissioners meeting. Chairman White seconded the motion. The motion carried.

RESULT:	TABLED [UNANIMOUS]	Next: 12/7/2020 6:00 PM
MOVER:	Mary "Kitty" Etheridge, Commissioner	
SECONDER:	Bob White, Chairman	
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner	

C. PB 20-18 Oak Trail Solar:

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**STAFF REPORT PB 20-18 OAK TRAIL SOLAR
USE PERMIT
BOARD OF COMMISSIONERS
NOVEMBER 16, 2020**

APPLICATION SUMMARY	
<p>Property Owner: Karen Jarvis 301 Lynden Ln Newbern NC 28560</p> <p>Elizabeth Jarvis Campbell PO Box 46 Maple NC 27956</p> <p>FPI Carolinas LLC 4600 S Syracuse St Ste 1450 Denver CO 80237</p> <p>Charles Jarvis 1211 Toxey Rd Elizabeth City NC 27909</p>	<p>Applicant: Oak Trail Solar LLC 11757 Katy Freeway Ste 400 Houston TX 77079</p>
<p>Case Number: PB 20-18</p>	<p>Application Type: Use Permit</p>
<p>Parcel Identification Numbers: 0010000018F0000 001000000110000 001000000120000 001000000130000 0010000014A0000 001100000010000 0010000018D0000</p>	<p>Existing Use: Cultivated Farmland</p>
<p>Land Use Plan Classification: Rural Moyock Small Area Plan: Rural/Limited</p>	<p>Total Parcel Sizes (Acres): 1,229 acres</p>
<p>Request: Solar Energy Facility</p>	<p>Zoning: AG (Agriculture)</p>

SURROUNDING PARCELS		
	Land Use	Zoning
North	Farmland/Residential	AG
South	Farmland/Woodlands	AG
East	Residential	AG/SFM
West	Farmland/Residential	AG

The applicant is requesting a use permit for a 100MW solar energy facility which includes photovoltaic panels, access roads, fencing, racking system, inverters, transformers, collection system, interconnection facilities (including a substation at the point of interconnection), and related facilities and equipment. The project contains eight adjacent

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parcels with a total size of 1,229 acres. The total construction area is expected to span approximately 878 acres.

The panels will be mounted on support structures that will be designed to track the sun’s path through the sky along a single axis, oriented in a roughly north-south direction in order to maximize the amount of incident solar radiation absorbed over the year and the annual product of electrical energy. Energy generated at the Facility will deliver power through a generation interconnection line from the Facility’s collection substation to the proposed Point of Interconnect switchyard, located adjacent to the existing Dominion Energy North Carolina transmission line.

At least 30% of the total site acreage will be planted with native pollinator species to provide a net benefit to habitat diversity because of the Facility. The remaining ground cover will be regularly mowed or otherwise managed to remain below two feet in height as required by the UDO. After the Facility is complete, facility staff will receive continuous site monitory and remote control responses from the remote operations center. In addition, staff will receive continuous predictive equipment health analytics algorithms and automated performance calculations. The annual maintenance plan includes regularly scheduled visits (monthly), mechanical and electrical maintenance activities, and it is intended to optimize Facility performance and protection.

INFRASTRUCTURE	
Water	The use does not require potable water; however, water trucks will be available to suppress dust from construction activity. Three monitoring wells will be installed to test ground water as related to the North Carolina Drinking Water Act.
Sewer	Permanent sewer facilities are not required. Portable toilets will be on site during the construction phase.
Stormwater/Drainage	NPDES permit and a county stormwater plan must be issued for the site. To protect surface waters, groundwater, and stormwater quality, E&SC measures will be installed and maintained through the site. Appropriate setbacks will be met from major drainageways and the on-site ditches will be maintained.
Design Standards	N/A
Lighting	Security and maintenance lighting are anticipated for the substation and inverter locations. Exterior lights will be full cut-off fixtures unless a security plan is approved otherwise.
Landscaping	A Type D opaque buffer will be developed around the perimeter of the site parcels. Installed vegetation will be inspected monthly by the facility operator.
Parking	None required.
Compatibility	A SEF is an allowable use in the AG zoning district.

RECOMMENDATIONS
TECHNICAL REVIEW COMMITTEE

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The Technical Review Committee recommends **approval** of the use permit subject to the following conditions of approval: The application complies with all applicable review standards of the UDO provided the following outstanding items are addressed at site plan review:

1. Surface material for road connecting to the substation and switchyard must be 20' wide and capable of withstanding a 75,000 vehicle. (Building Inspector)
2. Clear and snag ditches, where necessary, to allow for proper drainage from the site. (Soil and Stormwater)
3. Applicant has been in contact with NCDOT. Driveway permits are necessary and must be approval prior to driveway construction. (NCDOT)

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 facility is a low impact use that will not endanger public health or safety. The electric components will have an Underwriters Laboratories listing and the Facility will comply with the National Electric Code at the time of construction. The facility will not emit noxious noise. The facility will be surrounded by a security fenced to prevent unauthorized entry. The Facility will be operated in compliance with the UDO requirements for appropriate ground cover for soil stabilization and ground cover maintenance.
2. The Facility components will not leach chemicals and will comply with the UDO requirements on ground water monitoring. UDO § 4.2.3.K(8). First Solar, Inc. ("First Solar") photovoltaic ("PV") panels are solid-state devices with no liquids or vapors. The panels use heat strengthened glass and there is 725 pounds of strength per square inch holding together the front and back glass in the PV module. For over a decade, First Solar panels have been mounted on top of the filter hall and subterranean pure water tank of the Tegel Waterworks, part of the Berlin Waterworks, delivering clean drinking water to Germany's capital city.
3. First Solar PV panels have been certified by Underwriters Laboratory ("UL") 1703 regarding PV module safety. UDO § 4.2.3.K(7). First Solar PV modules consist of a thin layer of cadmium telluride ("CdTe") semiconductor. Cadmium telluride is not cadmium. CdTe differs from cadmium due to its extremely high chemical and thermal stability. CdTe is a stable compound that is insoluble in water, has a high melting point (1041°C), a high boiling point (1050°C), and a low evaporation rate. In addition, First Solar's thin film semiconductor is encapsulated between two sheets of glass and sealed with an industrial laminate, which further limits potential for release into the environment in the event of fire or breakage. In the past two decades, over 200 million First Solar panels have been deployed in over 18,000 projects worldwide, including projects in North Carolina. The safety of First Solar's CdTe solar panel technology has been extensively researched for over a decade and more than 50 researchers from leading international institutions, including national laboratories such as Brookhaven National Lab and National Renewable Energy Laboratory. They

have concluded CdTe photovoltaic panels are safe during normal operation, in the event of breakage or fire, and through end-of-life recycling and disposal.

4. The Facility will generate minimal traffic. The Institute of Transportation Engineers Trip Generation manual 10th Edition reports that the average single-family housing unit will produce an average of 9.44 trips on a weekday. During operation, the proposed Facility will generate far fewer daily trips than an average single-family home. The Facility generates clean energy, producing no emissions and utilizing no water, which is distributed into the local grid. The generation of locally distributed clean energy benefits Currituck County.

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 proposed in an area where the surrounding uses are rural residences or agricultural uses, which is typical of the areas in which solar facilities across the County and North Carolina are constructed. The Facility is harmonious with the surrounding area and will meet or exceed the UDO's requirements for setbacks and screening.
2. The Facility is in harmony with area surrounding the subject properties. The Facility will be constructed on approximately 878 acres of land that is under option for lease or purchase by Oak Trail Solar. Like the subject properties, the adjacent properties are also zoned AG – Agriculture, with the exception of two parcels zoned SFM – Single-Family Residential – Mainland (one of which has a Planned Unit Development overlay). The Facility is in harmony with rural residential and agricultural uses, generally having a lower visual profile than many improvements allowed or present in the area. The setbacks and buffers required by the UDO are intended to ensure harmony with adjoining properties, and the proposed Facility meets or exceeds all setback and buffering requirements.
3. Oak Trail will present expert testimony from a certified North Carolina appraiser that the Facility, as proposed, will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located at the quasi-judicial hearing on this application.

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

Preliminary Staff Findings:

1. The Land Use Plan vision statement “We want to protect our vital land and water natural resources and preserve farmland and open space while building a thriving and sustainable local economy. (*The Facility will preserve and return the land to farmland once the Facility is decommissioned and will contribute to the county tax base, helping support a thriving sustainable local economy.*)
2. 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. (*All of the land designated as Rural in this request. The facility will not increase population density.*)
 - b. 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

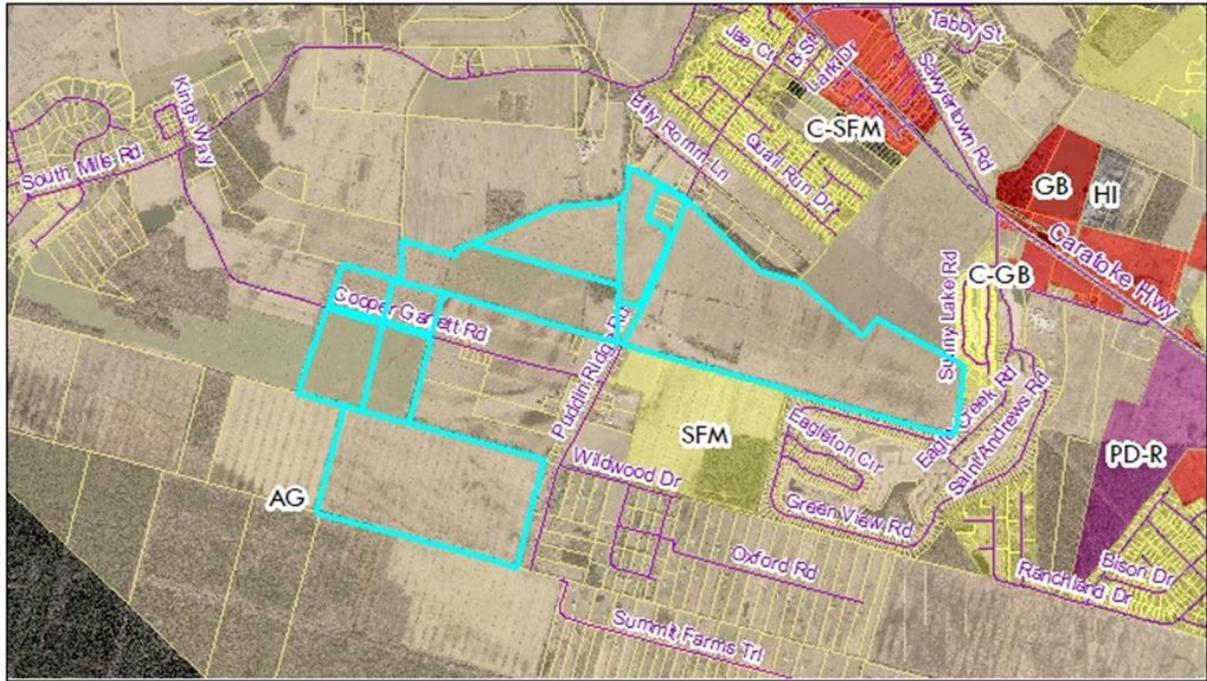
as, among other things, industries that do not adversely impact the environmental quality of the area or overburden the local infrastructure. *(Because there are no dwellings associated with the Facility, there should be minimal impacts on local infrastructure. According to the Tax Administrator, taxes will increase from \$11,300.19 annually to \$23,077.44 annually once the Facility is installed.)*

- c. POLICY PP2: Currituck County shall continue to implement a policy of ADEQUATE PUBLIC FACILITIES, sufficient to support associated growth and development. Such facilities may include but not be limited to water supply, school capacity, park and open space needs, firefighting capability, and law enforcement. *(The Facility will have no impact on water supply, school capacity, park and open space needs and limited impact, if any, on fire fighting and law enforcement.)*
 - d. POLICY WQ1: Currituck County's GROUND WATER RESOURCES shall receive a level of protection commensurate with their enormous value. Efforts shall be made to monitor the quantity and quality of groundwater resources, with an eye toward preventing pollution, saltwater intrusion, or excessive drawdowns. Particular attention shall be given to locations near water and sewer treatment plants and areas with concentrations of septic tanks. *(Three ground water monitoring wells will be installed prior to operation of the Facility and reports will be generated as required in the UDO.)*
 - e. POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post development runoff shall not exceed pre-development volumes. *(Stormwater runoff will be contained on site, on site ditches will be cleaned out and maintained, and appropriate setbacks are provided along major drainageways.)*
3. The 2014 Moyock Small Area Plan classifies this site as Rural (Approximately 1,030 acres) and Limited Service (Approximately 200 acres). The proposed use is in keeping with the policies of the plan, some of which are:
 - a. POLICY FLU1: Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural site planning measures that encourage harmony. *(Compatibility will be achieved through increased setbacks and a Type D opaque buffer installed along the perimeter of the facility. Setback from dwelling property lines and ROWs is a minimum of 150'.)*
 - b. POLICY BI 4: Provide industrial development opportunities for cluster industries identified by Currituck Economic Development such as defense aero-aviation, port and maritime related industries, *alternative energy*, agriculture and food, and local existing business support.

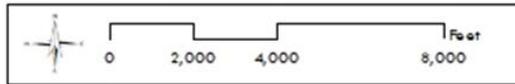
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

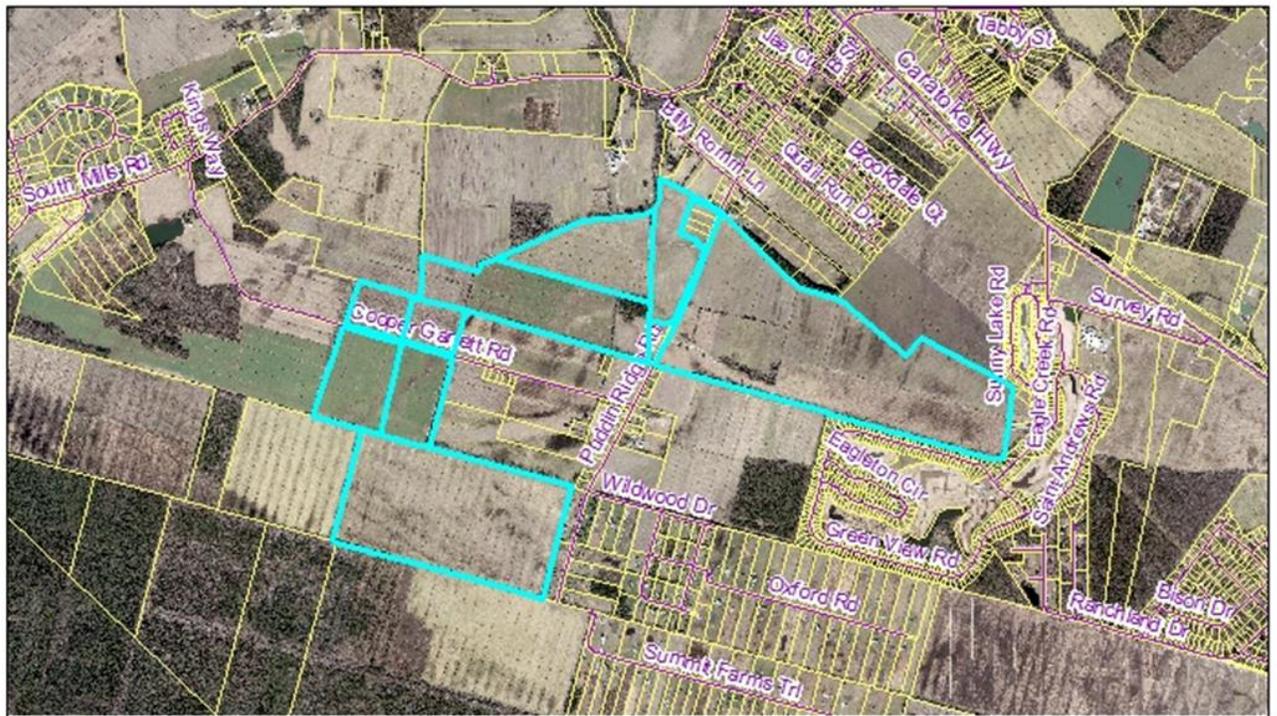
1. The use will not increase or exceed the county's ability to provide services to schools, fire and rescue, and law enforcement.



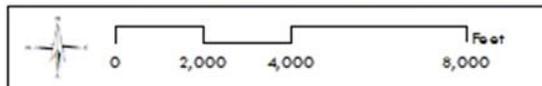
PB 20-18 Oak Trail Solar Use Permit Zoning



Currituck County Planning and Community Development

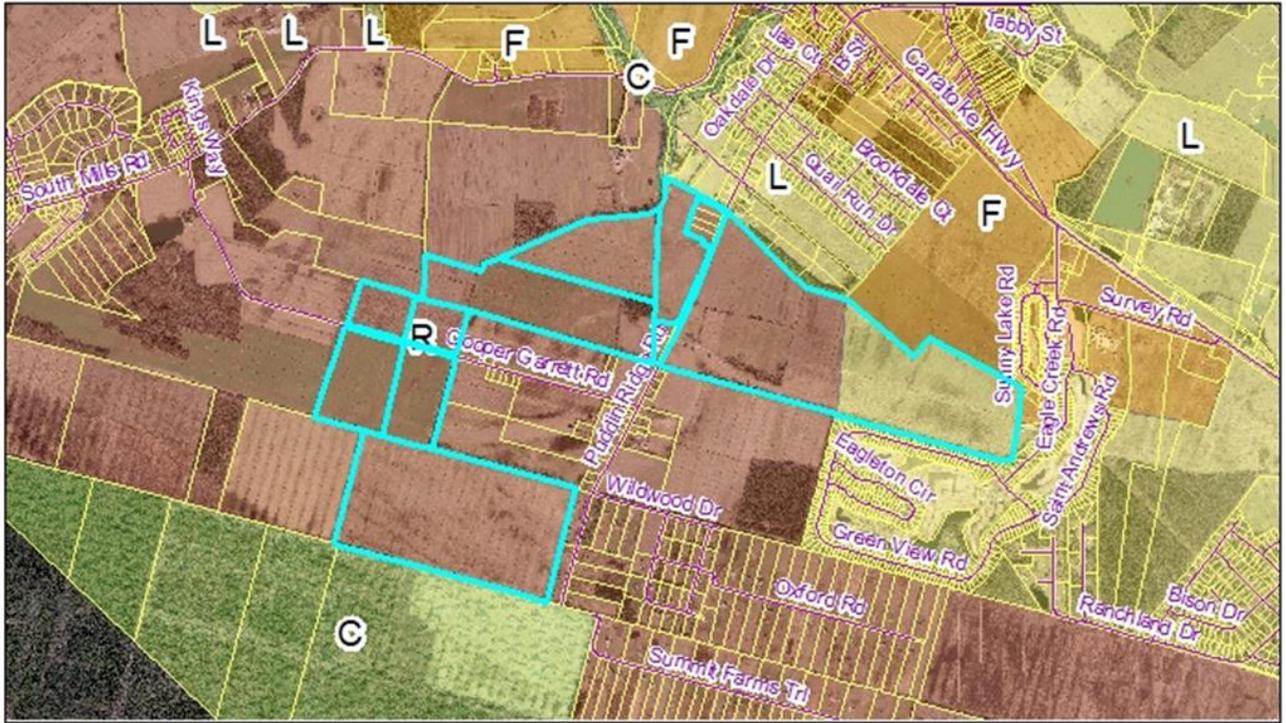


PB 20-18 Oak Trail Solar Use Permit 2016 Aerial Photography

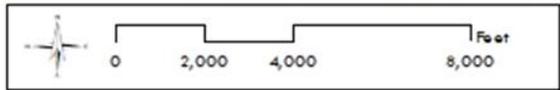


Currituck County Planning and Community Development

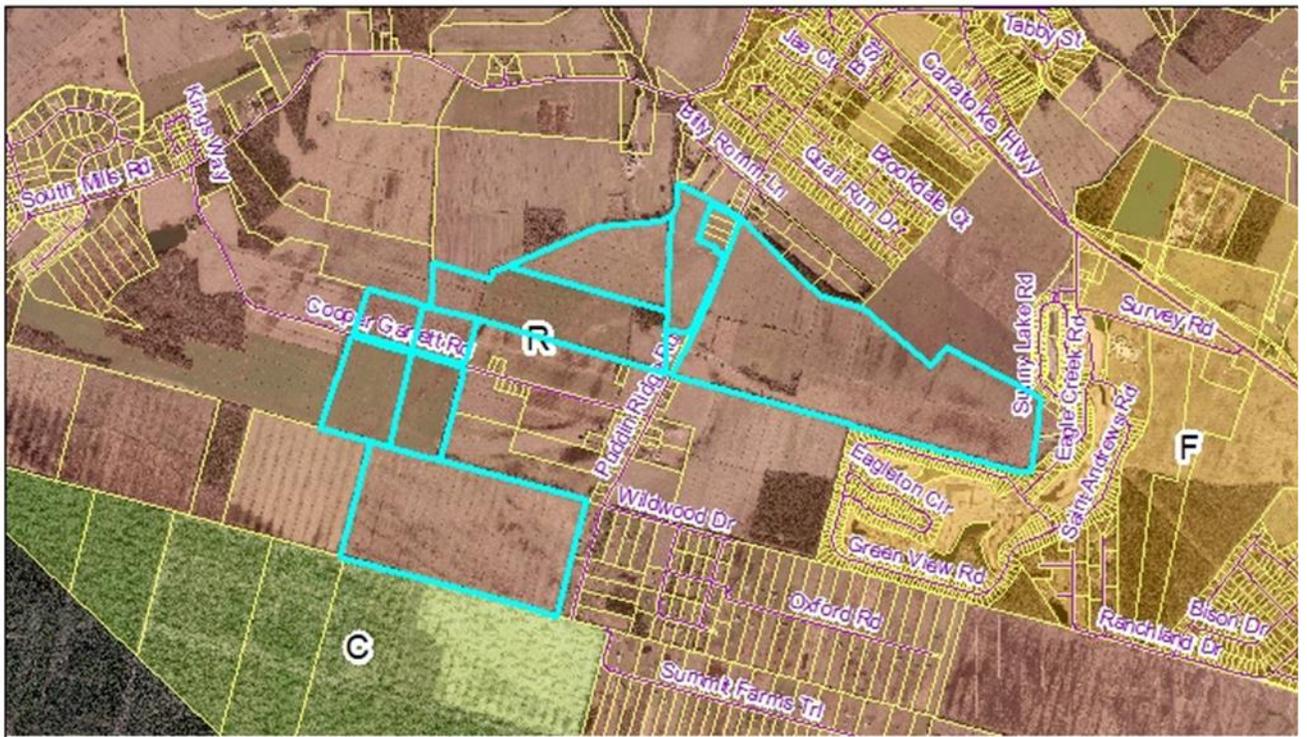
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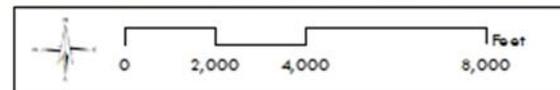
PB 20-18 Oak Trail Solar Use Permit Moyock SAP



Currituck County Planning and Community Development



PB 20-18 Oak Trail Solar Use Permit LUP Classification



Currituck County Planning and Community Development

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A recess was called at 7:49 PM to allow parties for the PB 20-18: Oak Trail Solar Public Hearing, to enter the meeting room. The meeting reconvened at 7:58 PM.

Parties to testify were sworn and Laurie LoCicero, Planning and Community Development Director, reviewed the application for Oak Trail Solar with the Board. Using the overhead, she showed the location of the proposed solar facility and described the zoning and land uses surrounding the area. The site plan, Use Permit review standards, findings of fact, and Land Use Plan policies were presented. The Technical Review Committee (TRC) recommended approval of the request and TRC conditions were stated. Commissioners had no questions for staff following initial presentation.

Attorney for the applicant, Merrick Parrott, addressed the Board and introduced experts to testify on behalf of the applicant in support of approval.

Matt Crook, Developer for First Solar, presented a powerpoint to review the development plan for the solar farm in compliance with the language in the Unified Development Ordinance (UDO) for solar arrays. A hardcopy of the presentation was received by members of the Board (Exhibit 2). Findings of fact to support approval of the request were summarized. Mr. Crook testified that the solar development would not injure the value of surrounding property and would be in harmony with the area, citing surrounding agricultural, low density uses and no visual impacts.

Tommy Cleveland, Engineer, reviewed his professional credentials and experience with solar energy, its testing and development. Mr. Cleveland's sworn affidavit (Exhibit 3) was submitted for the record and presented to Commissioners, and information on the health and safety impacts of the project were reviewed. He said mowing would be the primary method for maintaining grass at the site, but some over the counter herbicides will also be used. He discussed the composition of solar panels, decommissioning and drainage, and presented his opinion that the proposed site will not endanger the public health and safety.

Richard Kirkland, reviewed his credentials as a North Carolina Certified Appraiser and described ten years of experience assessing impacts of solar facilities on neighboring properties. A copy of his sworn affidavit (Exhibit 4) was submitted for the record and to Board members. Methodology used for the assessment was reviewed and Mr. Kirkland, in his professional opinion, said the facility would have no negative impacts to adjoining property values and is harmonious with the adjoining uses. In response to questions, he discussed local comparisons that had been used for assessment and described the matched pair process for determining value impacts.

Several questions were posed to the applicants.

Applicant representatives addressed fire concerns, particularly with regard to the inverter system and vegetation. Mr. Crook said the system was still in design but he has asked the Fire Chief for feedback. He confirmed mowing and weed eating would be the primary way to maintain vegetation, particularly with the incorporation of a pollinator habitat at the site. Mr. Cleveland said invertors catching fire or blowing up is not a common occurrence. Addressing concerns over appropriate panel installation, Mr. Crook said the installation would be engineered to required wind speeds and would

respond appropriately utilizing a wind tracker system for storms. Monthly safety checks will also take place.

Allowing county staff access to the facility upon notice was discussed, as was installation of fencing around the ponds. Mr. Crook responded to concerns over negative affects to nearby property values and said the revised Solar Array ordinance they will be following contains greater setback and buffering requirements than others already built in the county.

Chairman White opened the Public Hearing.

Josh Bass, Moyock resident and Currituck County Chamber of Commerce President, spoke on behalf of the Chamber in support of the project from an innovation and farmland preservation perspective.

Sherry Motes, of Summit Farms Trail, voiced concerns with drainage and problems with existing ditching. She said revenue increases represented by the applicant are not as much as they claim.

Eric Smith, of Puddin' Ridge Road adjacent to the proposed Solar Farm, said he was concerned initially over impacts to his property and said two of his neighbors sold their homes. He said a panel exclusion area was created after discussion with the developer. He asked the Board to consider several revisions around his home that included modifications to the vegetative buffer and front and side panel setbacks. Concerns with Covid-19 and construction activity and upkeep of the panel exclusion area were presented. Mr. Smith encourages approval if his needs are met. Pictures to show his location were distributed for Board review.

Michael Coulter, a Summit Farms resident, said he visited the solar farm site after a flooding storm and saw no indication that the site contributed to flooding and believes a solar facility is better use of the land than building homes that would increase traffic on Puddin' Ridge Road. He supports the project.

Chairman White recessed the meeting at 9:35 PM. The meeting reconvened at 9:43 PM.

Nicole Riles, Cooper Garrett Road, is located at the center of the construction location and expressed concerns with Cooper Garrett Road being used for construction purposes, as it is unpaved. She asked for confirmation that Cooper Garrett would not be used for construction, as she was told, but requested minimal use when no one could confirm the road would not be used. Drainage and stormwater were discussed.

Kaylee Bynum, a Puddin' Ridge Road resident and local business owner, voiced several concerns with the project that she stated provides little benefit to the community. The lack of local job creation, use of outside employees for construction, power being sold to Virginia, concerns with drainage, dust, pollutants, and wildlife, property values, and minimal tax benefits were some of the issues stated by Ms. Bynum. She questioned affects the facility may have on her acquiring Historic Landmark Status for her home.

Charles Jarvis, site property owner, spoke in support of approval of the project, and noted using the site in this manner does not require additional public facilities and the land can be returned to its original state.

Karen Jarvis, site property owner, said the project will temporarily boost the local economy and believes it will reduce everyone's utility bill. It will not require county facilities and she encouraged voting to approve the project.

Tom Campbell, Romm Point Road, favors approval of the Oak Trail Solar Farm. He referred to the constant, predictable revenue without the need for County facilities. He discussed crops that might be grown below the panels, the safety of photovoltaic materials and the ability to return the land to agricultural use. Mr. Campbell's degrees in Botany and Horticulture and career at North Carolina State-Cooperative Extension Service in Pasquotank County were highlighted.

Elizabeth Campbell, Romm Point Road, favors approval of the Oak Trail Solar project as a way to preserve productive farmland for the future, saving it from commercial and residential development. She said it is a stable tax revenue and will help her family to continue farming.

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

Applicant representatives responded to comments. Ms. Parrott said the closest solar panel to Mr. Smith's home is 315 feet, meeting the 300 feet requested. Mr. Crook responded to comments related to dust suppression and wildlife. Wildlife could navigate through buffer areas, he noted, and dust is typically less than with farm use. He clarified the tax revenues of \$120,000, which includes facilities and equipment in addition to the land. The applicant agreed to provide a copy of a letter to Ms. Bynum in which the state confirmed the solar facility will not impact the historic home designation.

Ms. Parrott thanked the Board and, in summary, said the applicant has met the burden of the findings of fact and with no contrary evidence presented, is entitled to issuance of the Use Permit.

Additional discussion related to site access by County staff and determination of a suitable time for notice took place, and Mr. McRee confirmed the Board of Commissioners can set conditions for access. Following discussion, Commissioners settled on a one month maximum time frame for site access by the County Manager or designee, and a seventy-two hour response time after notification for scheduling.

Commissioner Beaumont moved to approve PB 20-18: Oak Trail Solar, with staff recommendations because the applicant has demonstrated the proposed use meets the use permit review standards of the UDO, specifically the 2006 Land Use Plan (LUP), in that the use will not endanger public health or safety and that electrical components have a UL Listing and the facility will comply with the National Electric Code at the time of construction and during maintenance activities.

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, in that the facility is proposed in an area where the

surrounding uses are rural residences or agricultural uses, which are typical areas in which solar facilities are constructed across the county and state. Setbacks and opaque buffers meet or exceed UDO requirements, lessening the visibility of the facility.

The use will be in conformity with the LUP and other adopted plans, in that the LUP vision statement includes: "We want to protect our vital land and water natural resources and preserve farmland and open space while building a thriving and sustainable economy." The facility will preserve and return the land to farmland once the facility is decommissioned and will contribute to the county tax base.

The use will not exceed the county's ability to provide adequate public facilities, in that it will not add to services currently required, specifically schools, fire and rescue, and law enforcement.

Conditions of approval include the TRC recommendations, specifically:

- Surface material for road connecting to the substation and switchyard must be 20' wide and capable of withstanding a 75,000 vehicle. Access roads to other electrical facilities are to be maintained in a drivable condition.
- Ditches will be cleared and snagged where necessary to allow for proper drainage from the site.
- Any driveway permits are obtained from NCDOT prior to construction of driveways.
- All fasteners used to assemble panels and arrays will be torqued to specification while under construction.
- Reasonable access to the property will be granted within one month of notification, with response to the County within 72 hours of a request to access the property by the County Manager or County Manager's designee.

Commissioner McCord seconded the motion. The motion carried.

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

NEW BUSINESS

Motion to allow the recusal of Chairman White from considering Item A under New Business-Amendment to the Outdoor Tour Operator License Fee

Chairman White requested recusal from considering the item as owner of an Outdoor Tour Operator in the County. Commissioner Payment moved to allow recusal of Chairman White. The motion was seconded by Commissioner J. Owen Etheridge. The motion carried. Vice-chairman Payment assumed the duties of Chairman.

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

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

Following recusal from consideration, Bob White approached the podium and addressed the Board to report on impacts the Covid-19 pandemic had on seasonal revenues for Outdoor Tour Operators, particularly horse tour businesses. Mr. White said he had reached out to other tour operators and most noted a 20% reduction in revenues over all. He responded to questions related to operator fees, capacity limits, and the benefit of the extended visitor season as a result of the pandemic. Fees were reported at \$950 per vehicle, with seven licenses active out of ten available.

Mr. White exited the Board room and County Attorney, Ike McRee, reviewed the ordinance language for Commissioners. Following review, the Board discussed reducing the fee by 25 percent instead of 75 percent as discussed initially, resulting in a fee of \$712.50 per vehicle.

Vice-Chairman Payment moved to approve with a revision in language on line 22 to change the figure from 25% to 75% with the rest of the language to remain as is. Commissioner J. Owen Etheridge seconded the motion. The motion carried.

A second reading was advised by the County Attorney due to the member recusal. As directed, County Manager, Ben Stikeleather, will include a budget amendment at the second reading to provide the balance of funds for Carova road maintenance.

RESULT: ORDINANCE PASSED FIRST READING [6 TO 0] Next: 12/7/2020 6:00 PM
MOVER: Mike H. Payment, Vice Chairman
SECONDER: J. Owen Etheridge, Commissioner
AYES: Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
RECUSED: Bob White, Chairman

B. Fire and EMS Advisory Funding Requests: Lower Currituck VFD Tanker Repair and Crawford VFD Rescue 4 Light Tower Repair

Ben Stikeleather, County Manager, reviewed the request for funds to repair apparatus and equipment for Lower Currituck Volunteer Fire Department and Crawford Volunteer Fire Department. Commissioners confirmed the Fire and Emergency Medical Services Advisory

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Board had heard the requests and made the recommendation for Board consideration. Commissioner Beaumont explained the purpose for Lower Currituck Volunteer Fire Department's request to use apparatus replacement funds for the tanker repair rather than existing funds.

Commissioner Beaumont moved for approval of the funding requests. The motion was seconded by Commissioner McCord. The motion carried.

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

C) Board Appointments

1. Tourism Advisory Board

The following appointments to the Tourism Advisory Board were made:

Commissioner Beaumont reappointed Keith Dix to serve a full term ending November, 2022.

Commissioner Jarvis nominated Ed Rudzinski to fill an unexpired term ending November, 2021.

Chairman White nominated Matt Paulson to fill an unexpired term ending November, 2021.

Commissioner McCord moved for approval of the nominees. Commissioner J. Owen Etheridge seconded the motion. The motion carried.

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

D) Consent Agenda

Commissioner McCord asked for a review of the Road Addition petitions in Launch Landing, Consent Agenda item 5. Following review by the County Manager, Commissioner Jarvis moved to approve the Consent Agenda. Commissioner J. Owen Etheridge seconded the motion. The motion carried.

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		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
10441-503500	Temporary Services	\$	8,500		
10441-505000	FICA Expense	\$	650		
10441-502000	Salaries - Reg			\$	4,575
10441-506000	Health Insurance			\$	4,607
10441-553000	Dues & Subscriptions	\$	32		
		<u>\$ 9,182</u>		<u>\$ 9,182</u>	
Explanation:	Information Technology (10441) - Increase appropriations for temporary clerical staff for ITS office and for increase in annual dues & subscriptions.				
Net Budget Effect:	Operating Fund (10) - No change.				
		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
10510-590000	CAPITAL OUTLAY	\$	5,253		
10510-532000	SUPPLIES			\$	5,253
10510-516200	VEHICLE MAINTENANCE	\$	1,500		
10510-506000	INSURANCE EXPENSE			\$	1,500
		<u>\$ 6,753</u>		<u>\$ 6,753</u>	
Explanation:	Sheriff (10510) - Transfer budgeted funds to equip replacement vehicle that was wrecked and for unanticipated vehicle maintenance.				
Net Budget Effect:	Operating Fund (10) - No change.				

2. Surplus Resolution-Forklift, Parks and Rec

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5. Road Addition Petition: Jeanni Court and Donna Court, Launch Landing

6) Approval Of Minutes-November 2, 2020

1. Minutes for November 2, 2020

ADJOURN

Motion to Adjourn Meeting

There was no further business and Commissioner Mary Etheridge moved to adjourn. Commissioner McCord seconded the motion. The motion carried and the meeting of the Board of Commissioners concluded at 11:10 PM.

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

Communication: Minutes for November 16, 2020 (Approval Of Minutes-11/16/2020, Board of Equalization and Review-2020)