



**CURRITUCK COUNTY
NORTH CAROLINA**

May 4, 2020

Minutes – Regular Meeting of the Board of Commissioners

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 Payment moved for approval of the agenda. Commissioner McCord seconded the motion. The motion carried.

Approved agenda:

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

Public Comment

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

Commissioner's Report

County Manager's Report**Public Hearings**

- A) **PB 19-17 Baxter Station:** Planned Development - Residential zoning to support 127 unit subdivision (103 single-family units; 24 duplex units) with a density of 2.37 units per acre and minimum lot size of approximately 10,000 sf with the construction on an onsite wastewater treatment plant.

New Business

- A) **Discussion - Travel Restrictions and Coordination Efforts with Dare County to Reopen the Outer Banks**
- B) **Discussion and Consideration of Request to Construct a Fire Training Facility on County-owned Property in Corolla, NC**
- C) **Consent Agenda**
1. Approval Of Minutes-April 20, 2020
 2. Budget Amendments
 3. Project Ordinance-Watershed Restoration Project, Hurricane Dorian Debris Removal
 4. Proclamation Designating May as Older Americans Month
 5. Grandy Convenience Site Lease Agreement

Closed Session

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 85 and Sunny, LLC v. Currituck County; and, Allied Properties, LLC et al. v. Denise Hall

Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
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

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.

Because of the limitations on mass gatherings in response to the Covid-19 virus, citizens were asked to submit Public Comments via email. Comments received were read into the record by the Clerk to the Board and were related to visitor re-entry and access to the Outer Banks, recommended safety measures for implementation, and comments and questions about vacation rentals.

COMMISSIONER'S REPORT

Commissioner Payment provided an update on Covid-19 virus cases in the region based on data from Albemarle Regional Health Services (ARHS). He noted 165 lab confirmed cases. Five were located in Currituck County and all but one have recovered. He said ARHS expects an uptick in cases with expanded testing.

Commissioner Mary Etheridge presented information on Operation Love Thy Neighbor, a program for Currituck County citizens who are struggling financially due to Covid-19. A video was shown that introduced the program to citizens and contained information for participation or submitting donations.

Commissioner McCord reported on the recent house fire in Carova and offered condolences to the family. He reported on law enforcement operations at the police checkpoints in effect at the Wright Memorial bridge and at Pine Island and offered his thanks to all involved. He noted people are continuing to practice safety measures. He said Senator Bob Steinburg is posting Covid-19 case recovery statistics for North Carolina. Commissioner McCord offered county assistance to those who need it during this time.

Commissioner J. Owen Etheridge acknowledged the loss of several residents who have meant a lot to the citizens of Currituck County and asked we keep them in our thoughts. He discussed the response from citizens to the Board's recent decisions related to Covid-19 and said Commissioners take what they do seriously and try to do the best they can.

Commissioner Jarvis announced Teacher Appreciation Week, celebrated the first full week of May. She discussed the ways in which teachers are continuing to foster learning during this time and thanked her mother, a teacher, and others who influenced her. Commissioner Jarvis encouraged people to help others by donating to Operation Love Thy Neighbor. She also recognized Carrie Simpson who developed an Adopt a Senior program on Facebook as a way to recognize this year's graduates who won't be able to participate in formal ceremonies.

Chairman White responded to some of the comments presented during Public Comment. He said the local Covid cases did not come from visitors to the area. He emphasized that they do not make backroom deals, as suggested during Public Comment, and he addressed how he, as Chairman, handles discussion of issues with the Board.

COUNTY MANAGER'S REPORT

County Manager, Ben Stikeleather, addressed a couple of questions that had been received via email. He said refunds would be handled administratively for deposits received for reservations at Whalehead if a wedding is unable to occur because of restrictions. He said the Mid-Currituck Bridge project has been delayed due to funding, but he is waiting for clarification from the North Carolina Department of Transportation as to why the project was pushed back. He reported distribution of re-entry permits at approximately 7,000 to date, which are used to get through

the bridge checkpoint. He provided project reports on bulkhead repairs at the Currituck County Rural Center and Carova, damaged during Hurricane Dorian.

PUBLIC HEARINGS

A. PB 19-17 Baxter Station:

Chairman White moved to continue PB 19-17: Baxter Station to the May 18, 2020 Board of Commissioners meeting. Commissioner Mary Etheridge seconded the motion. The motion carried.

RESULT:	CONTINUED [UNANIMOUS]	Next: 5/18/2020 6:00 PM
MOVER:	Bob White, Chairman	
SECONDER:	Mary "Kitty" Etheridge, Commissioner	
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner	

NEW BUSINESS

A. Discussion - Travel Restrictions and Coordination Efforts with Dare County to Reopen the Outer Banks

The Board of Commissioners held discussion to consider lifting the travel restrictions for visitors to the Currituck Outer Banks beaches. The discussion was a continuation of talks that took place at the April 20, 2020 Board of Commissioners meeting, when a tentative date of May 15, 2020, was suggested for reopening to visitors.

Chairman White referred to an email which suggested Commissioners with business interests on the Outer Banks recuse themselves from voting on reopening. The issue, which was addressed at the April 20, 2020, Commissioners meeting, was responded to by County Attorney, Ike McRee. Although no vote was taken at the April 20th meeting, Mr. McRee reaffirmed his opinion that Commissioners would have a statutory duty to vote in this instance. Commissioners addressed comments related to the County's decision to reopen to non-resident property owners earlier than anticipated. Chairman White said Currituck County has been in discussion with Dare County to implement a coordinated re-entry plan for visitors, with dates over Memorial Day weekend, May 22 or 23, 2020, being considered.

Chairman White asked if the Board wished to implement a policy to require people to wear masks and Commissioner McCord said it would be difficult to enforce. He suggested at risk individuals wear masks. The Board discussed challenges with grocery store inventory and workforce, the Governor's Executive Order, Dare County's authority over bridge access to the Outer Banks, and other matters related to visitor re-entry. The Board will confer with the Dare County Control Group following Governor Cooper's announcement to set a re-entry date. At Commissioner Beaumont's suggestion, a letter will be sent to Governor Cooper asking that Currituck County be given authority to make decisions on their own behalf.

B. Discussion and Consideration of Request to Construct a Fire Training Facility on County-owned Property in Corolla, NC

Recommend holding a community meeting in Corolla to gauge community support.

The Board of Commissioners considered a request from the Corolla Volunteer Fire Department who wish to build a fire training facility in Corolla on county-owned property behind the Pine Island fire station. County Manager, Ben Stikeleather, recommended a meeting be held prior to making a decision to engage the neighboring communities and weigh community support for the project. He noted property is limited on the Outer Banks. He suggested the county may need the land for other uses, or the facility may be better suited on the mainland in proximity to the new Public Safety Center.

Board discussion noted there would be no cost to the county for construction, and the facility could be disassembled and relocated as needed. The use of the land for future recycling center was considered, as a recent community meeting about Corolla recycling services was recalled.

Following discussion, staff was directed to move forward with a community meeting as well as to identify other land that may be available. Mr. Stikeleather said a meeting could be scheduled to take place after mass gathering restrictions are lifted, and in the meantime, the county would begin to work through some of the planning processes.

C) Consent Agenda

Commissioner Mary Etheridge referred to the Proclamation Establishing May as Older American's Month and noted that the Currituck County Senior Center, although closed, is reaching out and keeping in touch with seniors in the county. She moved for approval of the Consent Agenda and the motion was seconded by Commissioner Jarvis. The motion carried.

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

1) Approval Of Minutes-April 20, 2020

1. Minutes for April 20, 2020

2. Budget Amendments

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10796-514000	Travel		\$ 800
10796-526000	Advertising		\$ 600
10796-514500	Training & Education		\$ 500
10796-516000	Repairs & Maintenance	\$ 1,900	
		<u>\$ 1,900</u>	<u>\$ 1,900</u>

Explanation: Currituck County Rural Center (10796) - Transfer funds for repairs to street lights at the CCRC.

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

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-590003	Hydrants		\$ 8,000
61818-533800	Chemicals	\$ 8,000	
		<u>\$ 8,000</u>	<u>\$ 8,000</u>

Explanation: Mainland Water (61818) - Transfer funds from Fire Hydrants to chemicals to purchase chemicals needed for operations for the remainder of this fiscal year.

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

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
67878-516000	Repairs and Maintenance	\$ 6,450	
67878-514000	Travel		\$ 2,700
67878-514500	Training and education		\$ 1,750
67878-561000	Professional services		\$ 2,000
		<u>\$ 6,450</u>	<u>\$ 6,450</u>

Explanation: Mainland Central Sewer System (67878) - Transfer budgeted funds for repairs to the Mainland Central Sewer System.

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

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
61818-532000	Supplies			\$	8,000
61818-545000	Contract Services	\$	8,000		
		\$	8,000	\$	8,000

Explanation: Mainland Water (6188) - Transfer funds for actuator replacement at the industrial water tower.

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>				
10541 545000	Contracted services	\$	11,968		
10380 484001	Insurance Recovery			\$	11,968
		\$	11,968	\$	11,968

Explanation: Fires Services (10541) - Increase appropriations to record insurance payment for water damage at the Waterlilly fire station.

Net Budget Effect: Operating Fund (10) - Increased by \$11,968.

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
12543-532103	Fire Supplies	\$	6,000		
12543-513003	Utilities			\$	2,000
12543-514503	Travel, Training & Education			\$	4,000
12543-516003	Repairs & Maintenance	\$	7,000		
12543-532003	Supplies			\$	2,000
12543-544003	Volunteer Assistance			\$	5,000
12543-545000	Contract Services	\$	15,500		
12543-590003	Capital Outlay	\$	7,500		
12390-499900	Appropriated Fund Balance			\$	23,000
		\$	36,000	\$	36,000

Explanation: Moyock Volunteer Fire Department (12543) - Transfer funds for operations and increase appropriations to carry-forward \$7,500 in unspent capital funds from FY 2019 and for contract services that was not previously budgeted.

Net Budget Effect: Fire Services Fund (12) - Increased by \$23,000.

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
18609-545000	Contract Services	\$	2,407		
18390-499900	Appropriated Fund Balance			\$	2,407
		\$	2,407	\$	2,407
Explanation: Hog Bridge Ditch (18609)- Increase appropriations for snag/clear project along Hog Bridge Ditch.					
Net Budget Effect: Hog Bridge Ditch Watershed District Fund (18) - Increased by \$2,407.					
		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
210541 514000	Travel			\$	1,000
210541 514500	Training			\$	7,000
210541 532000	Supplies	\$	500		
210541 536000	Uniforms			\$	865
210541 545000	Contracted services	\$	1,000		
210541 553000	Dues and Subscriptions	\$	865		
210541 561000	Professional Services	\$	7,000		
210541 590000	Capital Outlay			\$	500
		\$	9,365	\$	9,365
Explanation: Corolla Fire Services (210541) - Transfer for increased cost of dues and for costs due to COVID19.					
Net Budget Effect: Corolla Fire District Fund (210) - No change.					

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
10530 514000	Travel			\$	1,500
10530 516200	Vehicle Maintenance	\$	8,500		
10530 531000	Fuel			\$	5,000
10530 532000	Supplies			\$	2,000
10530 533900	Ambulance Supplies	\$	4,000		
10530 536000	Uniforms			\$	5,666
10530 590000	Capital Outlay	\$	1,666		
		\$	14,166	\$	14,166
Explanation:	Emergency Medical Services (10530) - Transfer for operations for the remainder of this fiscal year due to unanticipated COVID19 expenses.				
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>				
10531 514000	TRAVEL			\$	2,000
10531 516000	REPAIRS AND MAINT	\$	2,000		
		\$	2,000	\$	2,000
Explanation:	Emergency Management (10531) - Transfer funds for repairs to the medical bus.				
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>				
10445-545000	Contract services	\$	1,569		
10445-506000	Health Insurance			\$	1,569
		\$	1,569	\$	1,569
Explanation:	Human Resources (10445) - Transfer budgeted funds for EAP contract increase.				
Net Budget Effect:	Operating Fund (10) - No change.				

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10511-511000	Telephone		\$ 500
10511-513000	Utilities	\$ 11,500	
10511-514000	Travel		\$ 2,000
10511-514500	Training & Education		\$ 1,800
10511-514500	Training & Education		\$ 1,000
10511-516000	Repairs	\$ 1,800	
10511-516200	Vehicle Repairs & Maintenance	\$ 1,000	
10511-516200	Vehicle Maintenance	\$ 450	
10511-532000	Supplies	\$ 1,000	
10511-536000	Uniforms		\$ 3,500
10511-545000	Contracted Services	\$ 1,000	
10511-547000	Meals		\$ 4,500
10511-547000	Meals		\$ 1,000
10511-561000	Professional Services		\$ 2,000
10380-484001	Insurance Recovery		\$ 450
		<u>\$ 16,750</u>	<u>\$ 16,750</u>
Explanation:	Detention Center (10511) - Transfer budgeted funds to cover jail operations for the remainder of this fiscal year.		
Net Budget Effect:	Operating Fund (10) - Increased by \$450.		

3. Project Ordinance-Watershed Restoration Project, Hurricane Dorian Debris Removal

**COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE**

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

SECTION 1. The project authorized is Hurricane Dorian Watershed Restoration Project, contract 19-091-4044.

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

Hurricane Dorian Watershed Restoration Project	\$ 142,247
	<u>\$ 142,247</u>

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

NC Dept of Agriculture Grant 19-091-4044	\$ 142,247
	<u>\$ 142,247</u>

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 4th of May, 2020.

Bob White, Chairman Board of
Commissioners

ATTEST:

Leeann Walton Clerk to the Board

4. FEMA Designation of Applicant's Agent-Covid-19

5. Proclamation Designating May as Older Americans Month

PROCLAMATION

Recognizing May 2020 as Older Americans Month 2020

Whereas, Currituck County includes a growing number of older Americans who make countless contributions to our community every day; and

Whereas, Currituck County is stronger when people of all ages, abilities, and backgrounds are included and encouraged to make their mark; and

Whereas, Currituck County recognizes the importance of the physical, mental, social, and emotional well-being of its citizens; and

Whereas, Currituck County can support our community members by:

- promoting independence, inclusion, and participation;
- engaging older adults through education, recreation, and service; and
- connecting people with opportunities to share their time, experience, and talents.

Now, therefore, the Currituck County Board of Commissioners hereby proclaims May 2020 to be Older Americans Month. The Board of Commissioners urges every resident to recognize older adults and the people who support them as essential members of our community.

Dated this 4th day of May, 2020.

6. Grandy Convenience Site Lease Agreement

CLOSED SESSION

D. 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 85 and Sunny, LLC v. Currituck County; and, Allied Properties, LLC et al. v. Denise Hall

Chairman White moved to enter 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 85 and Sunny, LLC v. Currituck County; and Allied Properties, LLC et al v. Denise Hall.

Commissioner Beaumont seconded the motion. The motion carried and the Board of Commissioners entered Closed Session.

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

ADJOURN

Motion to Adjourn Meeting

The Board had no further business following closed session and Commissioner Mary Etheridge moved to adjourn. Commissioner McCord seconded the motion. The motion carried and the regular meeting of the Board of Commissioners was adjourned at 8:26 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



**STAFF REPORT
PB 19-17 BAXTER STATION
REZONING
PLANNED DEVELOPMENT- R
BOARD OF COMMISSIONERS
OCTOBER 21, 2019**

APPLICATION SUMMARY

Property Owner: Jarvis Harvest LLC 701 Blue Point Dr Wilmington NC 28411	Applicant: Allied Properties LLC Justin Old 417 Caratoke Highway Unit D Moyock NC 27958
Case Number: PB 19-17	Application Type: Rezoning to PD-R
Parcel Identification Number: 0009-000-025A-0000	Existing Use: Cultivated Farmland
Land Use Plan Classification: Rural	Parcel Size (Acres): 53.43
Moyock Small Area Plan Classification: Full Service	Zoning History: AG (2013) A (1989)
Current Zoning: AG	Proposed Zoning: PD-R
Request: The applicant is requesting a Planned Development-Residential zoning to support a 127 unit subdivision (103 single-family units; 24 duplex units) with a density of 2.37 units per acre and minimum lot size of approximately 10,000 sf with the construction on an onsite wastewater treatment plant.	

ADEQUATE PUBLIC FACILITIES – SCHOOLS¹

School	2019-2020 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	106%	96%	123%	+32
Shawboro Elementary	85%			
Central Elementary	75%			
Moyock Middle Currituck Middle		81%	95%	+10
Currituck High JP Knapp Early College		85%	105%	+18

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

² Capacity percentages are based on 2019-2020 classroom standards and August 2019 ADM

³ Capacity percentages are based on the 2021-2022 classroom standards and August 2019 ADM

SURROUNDING PARCELS

	Land Use	Density (units/ac)	Avg Lot Size	Zoning
North	Low density residential, commercial	.39 (15 lots across from proposal)	2.6 ac	AG, GB, C-MXR
South	Residential (Hidden Oaks)	1.81	.25 ac	C-SFM
East	Residential (Baxter Lane Estates)	.61	.98 ac	C-SFM
West	Vacant	0	5.19 ac	GB

DEVELOPMENT OPTIONS

	Density (units/acre)	Maximum # of Units	BOC Action Required
Option 1 By Right in AG Zone	.44 (w/ 60% open space)	23	Approval of major subdivision
Option 2 Rezone to C-SFM	1.0	53	<ol style="list-style-type: none"> 1. Rezone to C-SFM 2. LUP map automatically revised to Full Service 3. Approval of major subdivision
Option 3 Rezone to PD-R (Applicant's Request)	3.0 (2.37)	160 (127)	<ol style="list-style-type: none"> 1. Rezone to PD-R 2. LUP map automatically revised to Full Service 3. Approval of Planned Development

REQUEST NARRATIVE

The applicant is requesting a Planned Development-Residential (PD-R) zoning designation to support a 127 unit subdivision (103 single-family units; 24 duplex units). A planned development zoning district is defined by a master plan and a terms and conditions document. The density for the project is 2.37 units per acre and minimum lot size of approximately 10,000 sf. An on-site wastewater treatment plant will serve the project.

The maximum residential density allowed in a PD-R is referenced to the land use classifications from Future Land Use Map of the 2006 Land Use Plan. **A PD-R project in Full Service can have up to 3 dwelling units per acre; a PD-R project in Limited Service can have up to 1.5 dwelling units per acre.** There is **not a reference of density for a PD-R project for either Rural or Conservation** classification because Rural and Conservation areas typically do not have the infrastructure to support a higher density development.

Preferred uses in the Rural classification include very low density, dispersed development associated directly with farm uses. Residential dwellings associated with farm activity typically employ on-site water supply (e.g. individual wells) and waste disposal (i.e. septic systems). Areas meeting this intent of this classification are appropriate for or presently used for agriculture, forestry, and other similar uses. Population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres. In addition, any development in the Rural Areas would be served by individual on-site water and septic. If the rezoning is approved, that act will automatically revise the Future Land Use Map from the 2006 Land Use Plan. This property will be reclassified from Rural to Full Service.

The Moyock Small Area Plan designates this property as Full Service.

Moyock Elementary School is at capacity and the county's middle and high schools are at or over the 2021 committed capacity. Should the board choose to amend the 2006 CAMA Land Use plan and approve the project, a phasing schedule with the maximum number of single-family/duplex building permits allowed per calendar year may be established. There is no phasing plan submitted as part of the Terms and Conditions.

Staff has compatibility concerns between this development and the surrounding developments. While lot size may be "identical to those that were recently approved in adjoining neighborhoods", lot size is not the only factor to compare. Among other factors, it is also important to compare densities and the proposed 2.37 units per acre far exceed those of surrounding developments:

- a. Hidden Oaks: Density 1.81 units per acre with lot sizes similar to those proposed.
- b. Baxter Lane Estates: Density .61 units per acre with the average lot size of .98 of an acre.
- c. 15 Lots with frontage along Baxter Lane density: .39 units per acre with an average lot size of 2.66 acres.

The connectivity index score of 1.45 as shown is below the UDO requirement of 1.6 for a PD-R (UDO Section 5.6.4). It is staff's opinion that the connectivity index score cannot be reduced because the developer has not demonstrated that it is not possible to meet the minimum score due to topographic conditions, natural features, existing road configuration, or adjacent existing development patterns. (UDO Section 5.6.4.C) With an undeveloped lot, without any of the above restrictions, the development can be designed to meet the minimum connectivity index score. This is another indication that the property may be better suited to be zoned C-SFM as the adjoining subdivisions are able to meet the connectivity index score. A project zoned SFM has a minimum connectivity score of 1.2. There are no wetlands on the property. The only major drainage feature currently on the property is the ditch that runs along Baxter Lane. The property slopes from 7-8 feet in the northwestern corner to 5-6 feet in the southeastern corner so topography should not be an issue for street design.

The purpose and intent of community form standards like the connectivity index score adopted by the Board of Commissioners is to require developments to meet certain minimum design standards within communities. The applicant's engineer stated that "the only way to improve the connectivity index score is through additional street stubs to adjacent properties". A different solution would be to reduce the number of cul-de-sacs or dead ends by a redesign of the street layout. A street stub to Baxter Lane Estates is not allowed since because Baxter Lane Estates has open space designated on the area next to this project. A street connection is not allowed through the open space. There is a planned connection to Hidden Oaks. The applicant offered a street stub to the railroad right-of-way as part of a resolution for this issue. This is not a preferred option because it creates another railroad crossing when one is available on Baxter Lane. If the board allows for that street stub, staff suggests that railroad encroachment agreements be in place prior to submittal of preliminary plat and the cost of the improved crossing bonded until the crossing is installed.

Baxter Lane Ditch is a major drainage way that runs along Baxter Lane and outlets to Shingle Landing Creek. This ditch drains Baxter Station, Windswept Pines, properties along Baxter Lane and acreage west of NC 168. The improvements to this ditch will need to be adequately sized to handle the changed upstream drainage patterns from Windswept Pines stormwater management. At the end of NCDOT maintenance on Baxter Lane, there is an undersized culvert and a drainage way leading the Shingle Landing Creek with numerous blockages. This undersized culvert and blocked drainage way may impact proper drainage of not only this project but other areas that are served by this outlet ditch.

The on-site wastewater plant is located near the frontage along the railroad track. With the general information provided with the application, it appears there is adequate space for an on-site wastewater treatment facility to be constructed. At preliminary plant, the applicant will need to have a soil study completed along with approved plans for the on-site treatment facility. Albemarle Regional Health Department supports consulting engineers' proposal to construct a wastewater treatment plant or connect to an existing wastewater treatment if available due to the questionable soil conditions of the project area.

It should be noted that adjoining subdivisions are zoned Conditional Single-Family Mainland (C-SFM). Once adequate public facilities are addressed, staff would support a conditional rezoning from Agricultural (AG) to SFM if all UDO, LUP, and Moyock Small Area Plan standards are met. A LUP map amendment will still be required to change the classification from Rural to Limited or Full Service, but can take place simultaneous with the rezoning. The density allowed will then be more compatible with the adjoining Baxter Lane Estates and closer to compatible with the lots on the opposite side of Baxter Lane. Staff cannot speak to lot size similarities without knowing the average lot size for this development. The average lot size appears to be approximately 10,600 sf. A rezoning to C-SFM would reduce the number of units allowed on the property, but it would also address compatibility and UDO inconsistency as outlined above.

COMMUNITY MEETING

A community meeting was held on April 22, 2019 at 4:30 pm at the Moyock Library. There were 12 people from the community in attendance. The engineer reviewed the proposed development plan and the approval process. The comments received at the meeting included traffic concerns, drainage concerns, property values regarding duplexes, build-out schedule, keeping tree buffer, Baxter Lane ditch improvements, and wastewater treatment. A summary of the community meeting is provided in the packet.

CONDITIONS

The Technical Review Committee recommends denial of the rezoning to a PD-R district. However, should the board decide to approve the PD-R zoning, staff recommends the following conditions be adequately addressed:

1. The Terms and Conditions document be incorporated into this request. (attached)
2. Assure that adequate public facilities are available to serve the development. (i.e. schools, fire/EMS, law enforcement, etc.)
3. Address incompatibility issues with adjoining communities.
4. Redesign street/lot layout to meet the minimum connectivity index score.

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. In areas where on-site wastewater is proposed and other county services are limited, development density should be limited to 1-2 units per acre. The proposed development plan may be considered consistent with the Moyock subarea emphasis, but this consideration does not change the 2006 Land Use Plan land use classification of the subject property. This signifies a discrepancy with the UDO dimensional standards for the PD-R district.* The following land use plan policy is relevant to the request and it is staff's opinion there is conflict with this policy as outlined above.

Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and proximity of the site to existing and planned urban services. (summary)
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***Prior zoning map amendments adopted by the BOC placed emphasis on the Moyock Small Area plan future land use map classifying this property as Full Service. A recent zoning map amendment, PB 18-23 effective May 6, 2019, placed emphasis on the CAMA Land Use Plan. The decision emphasizes the 2006 Land Use Plan as the controlling document and the relation to the UDO dimensional standards for the PD-R district signifies a discrepancy between the two plans.**

Moyock SMALL AREA PLAN

The Moyock Small Area Plan identifies this site as Full Service. Full Service designations are focal points in the community where high amounts of activity occur. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surround land uses. The following small area plan policies are relevant to the request and it is staff's opinion that there are conflicts with these policies as outlined above.

Policy FLU1	Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.
Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location.

Drainage and Utilities

County Engineer Comments

The ditch along Baxter Lane will be a key component for this project. We are aware of downstream restrictions that may impact proper drainage of this area.

RECOMMENDATION

Technical Review Committee

The Technical Review Committee recommends denial of the rezoning subject to the following:

1. It is incompatible with the 2006 Land Use Plan and the surrounding communities as outlined above.

Attachment: 1 PB 19-17 Baxter Station PD-R Staff Report (PB 19-17 Baxter Station)

2. The minimum connectivity index score is not met and the developer has not demonstrated that it is not possible to meet the minimum score due to topographic conditions, natural features, existing road configuration, or adjacent existing development patterns. The minimum score can be met with internal street/lot layout redesign.
3. Adequate public facilities are not present to service this request. (i.e. schools, etc.)

RECOMMENDATION

Planning Board

The Planning Board recommends denial of the rezoning subject to the following:

1. It is incompatible with the 2006 Land Use Plan and the Moyock Small Area plan because of incompatibility with surrounding subdivisions and neighborhoods and because schools are at capacity and the request is not reasonable and not in the public interest for the same reasons.

CONSISTENCY AND REASONABLENESS STATEMENT

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

This PD-R zoning request is inconsistent with the 2006 Land Use Plan because the PD-R request is incompatible with the surrounding communities as outlined above.

A PD-R rezoning is not reasonable and not in the public interest because of compatibility concerns, non-compliance with standards in the UDO, and the fact that adequate public facilities are not present to services this request. However, the 2006 LUP map amendment is compatible and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.

If the Board of Commissioners approves this request, a consistency and reasonableness statement must be made regarding the 2006 Land Use Plan in order to amend that Land Use Plan. Examples include:

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

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

Alternately, assuming adequate public facilities have been addressed, staff will support a new C-SFM rezoning application which would afford compatibility with surrounding developments which are zoned C-SFM and AG. A C-SFM rezoning would be considered reasonable and in the public interest because the SFM district is intended to “accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place stress on the county’s educational infrastructure.” A variety of use types are allowed in the SFM district including single-family dwellings and duplexes.

TERMS AND CONDITIONS

Terms and conditions shall be approved as part of a planned development rezoning. No condition shall be less restrictive than the standards of the parallel general use zoning district. While staff does not support a rezoning to a PD-R district, if the Board of Commissioners approves the request, the Terms and Conditions document (attached) shall be incorporated into the approval.

Summary of Developer's Terms and conditions:

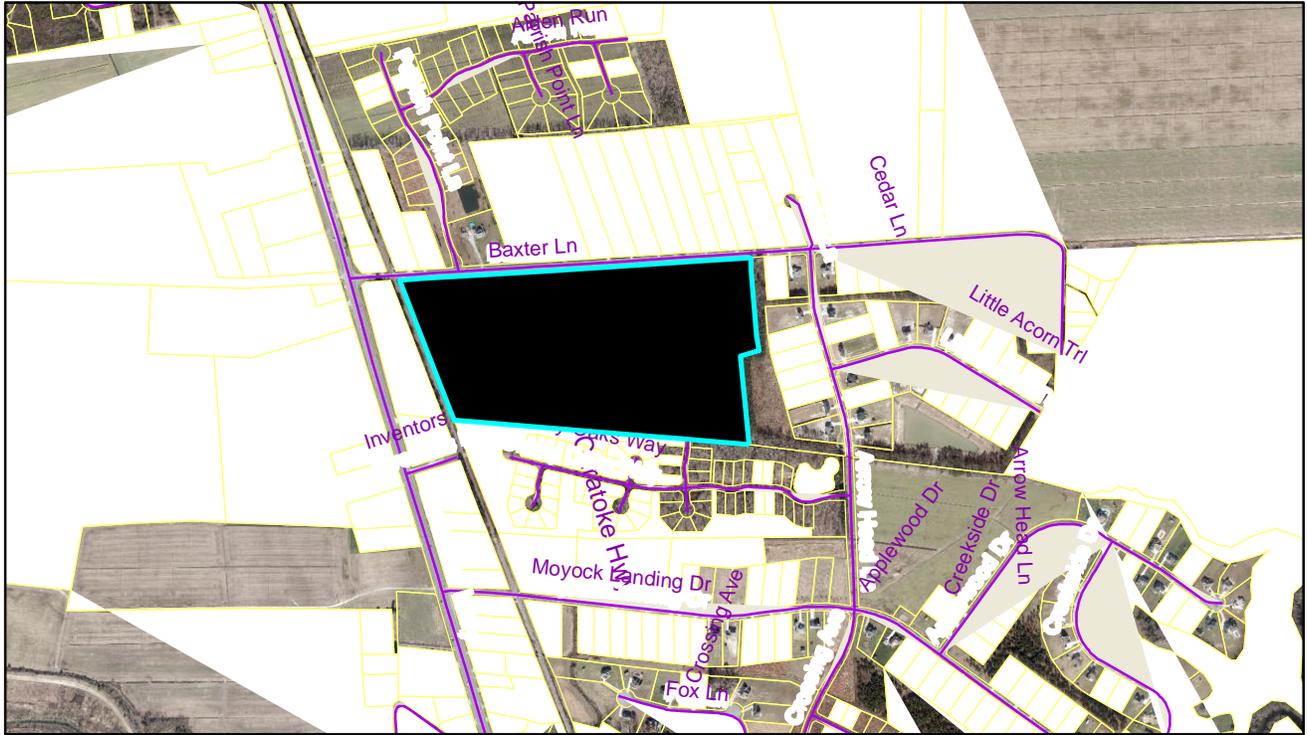
- Use: PD-R Subdivision
- Improvements to be made to Baxter Lane ditch
- Minimum of 2 phases
- Master plan and Terms & Conditions document incorporated into approval
- Housing styles conform to models presented.
- Transportation
 - 3 connections to Baxter Lane
 - Main entrance includes deceleration Lane
 - Connection to Hidden Oaks.
 - Curb and gutter to NCDOT standards, with sidewalks.
- Potable Water
 - Supplied by Currituck County 8" main
 - Looped through site and connected to Hidden Oaks.
 - Adequate flow and pressure for fighting fires
- Wastewater
 - On-site WWTP
 - If off-site becomes available and the applicant desires to connect, an amended PD-R will be required.
- Stormwater Management
 - Improve major drainage way that runs along Baxter Lane (widen, deepen, and laying back slopes) at Phase 1.
 - Conveyed to on-site retention ponds to handle 100 year storm event though a combination of curbs with inlets, stormwater pipes, and open vegetated swales.
- Provisions Related to Environmental Protection and Monitoring
 - Installation and management of stormwater system as well as landscape areas throughout the development.
 - Association will be formed that will assume responsibility for management of facilities, including Baxter Lane ditch from railroad track to eastern property boundary

TABLE A
DEVELOPMENT STANDARDS & SETBACKS

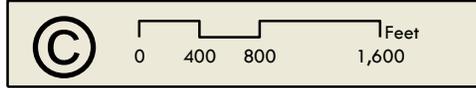
STYLE:	<u>SIMPLEX</u>	<u>DUPLEX</u>
Min Lot Size:	10,000	12,500
Min. Lot Width:	65'	75'
Typ. Lot Width:	65'	80'
Front Setback:	20'	20'
Side Setback:	10'	10'
Rear Setback:	30'	30'
Corner Side Setback:	20'	20'
Maximum Setback:	N/A	N/A
Maximum Height:	35'	35'
Maximum Bldg. Size:	4,800 SF	4800 SF
Maximum Lot Coverage:	45%	45%

Attachment: 1 PB 19-17 Baxter Station PD-R Staff Report (PB 19-17 Baxter Station)

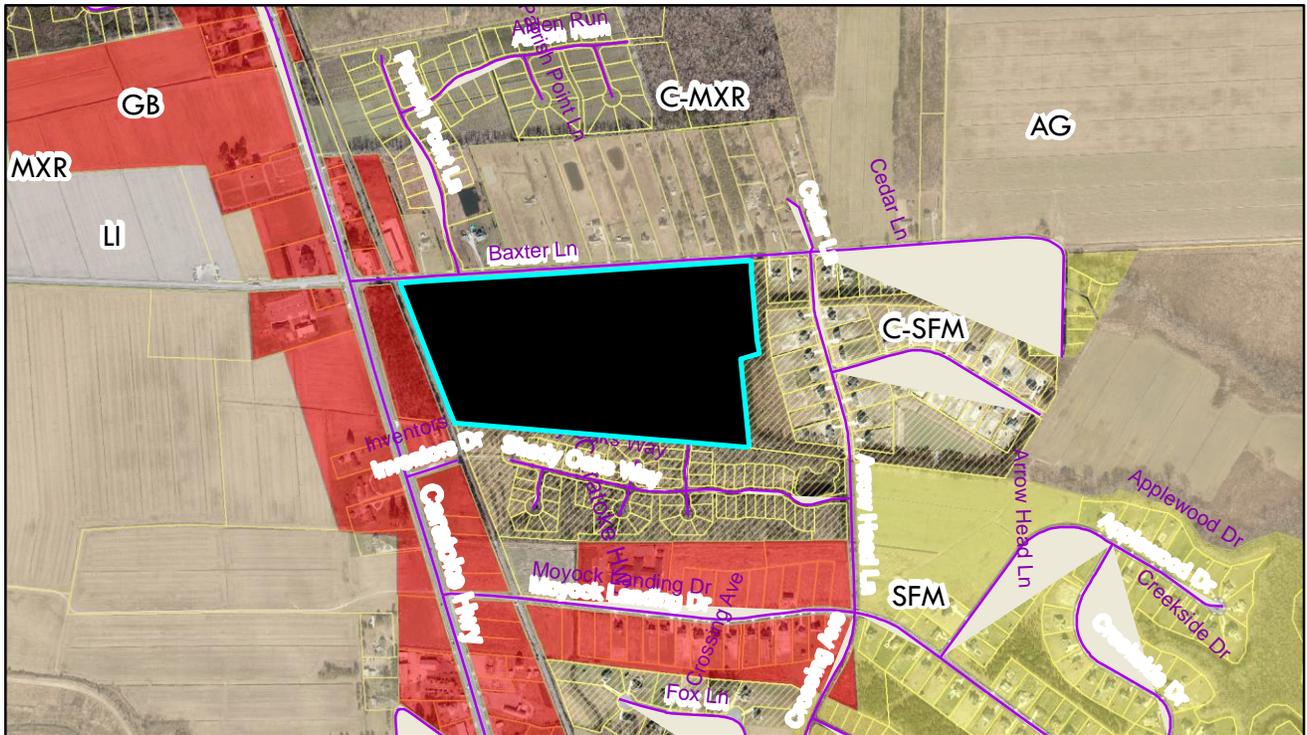
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



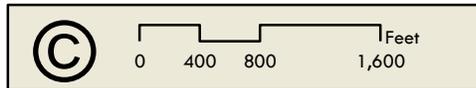
PB 19-17 Baxter Station
 PD-R Rezoning
 2016 Aerial Photography



Currituck County
 Planning and
 Community Development



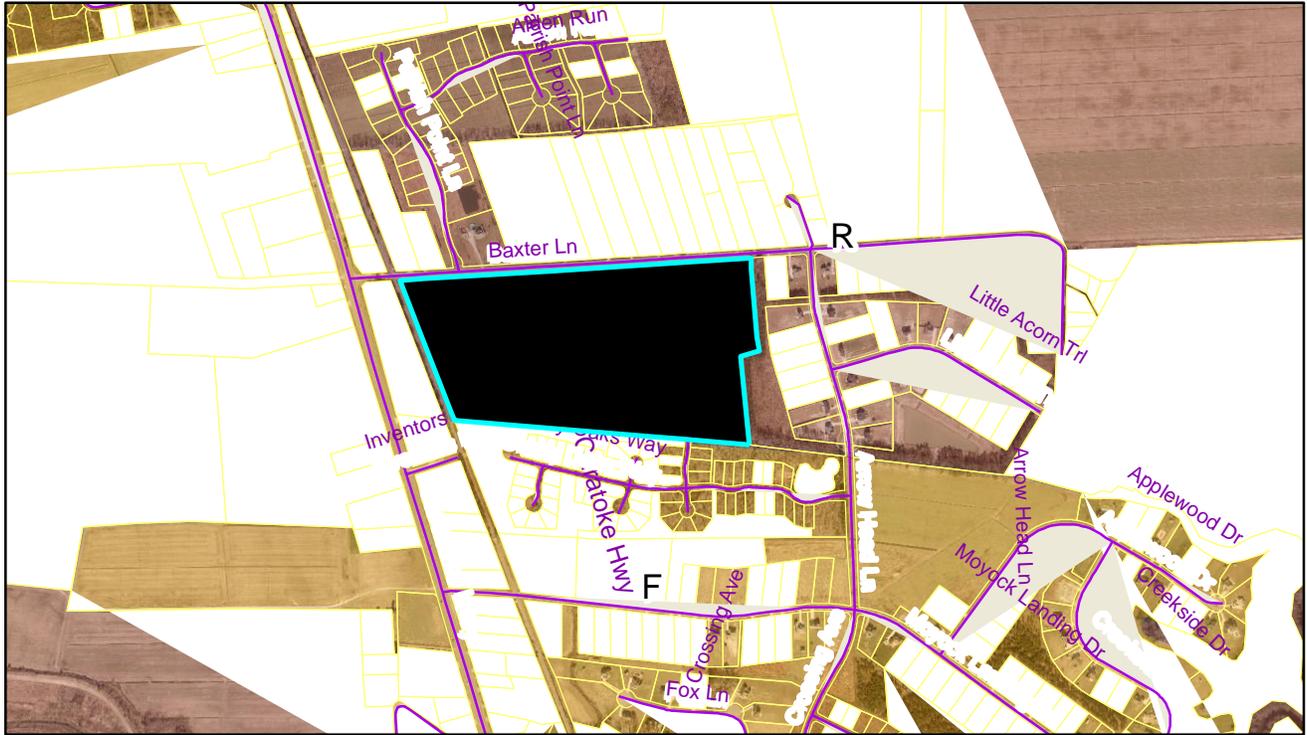
PB 19-17 Baxter Station
 PD-R Rezoning
 Zoning Map



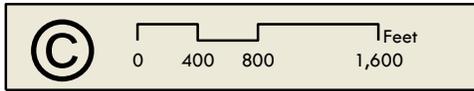
Currituck County
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 Community Development

PB 19-17 Baxter Station
 Planned Development Rezoning
 10/21/19 BOC Mtg
 Page 9 of 10

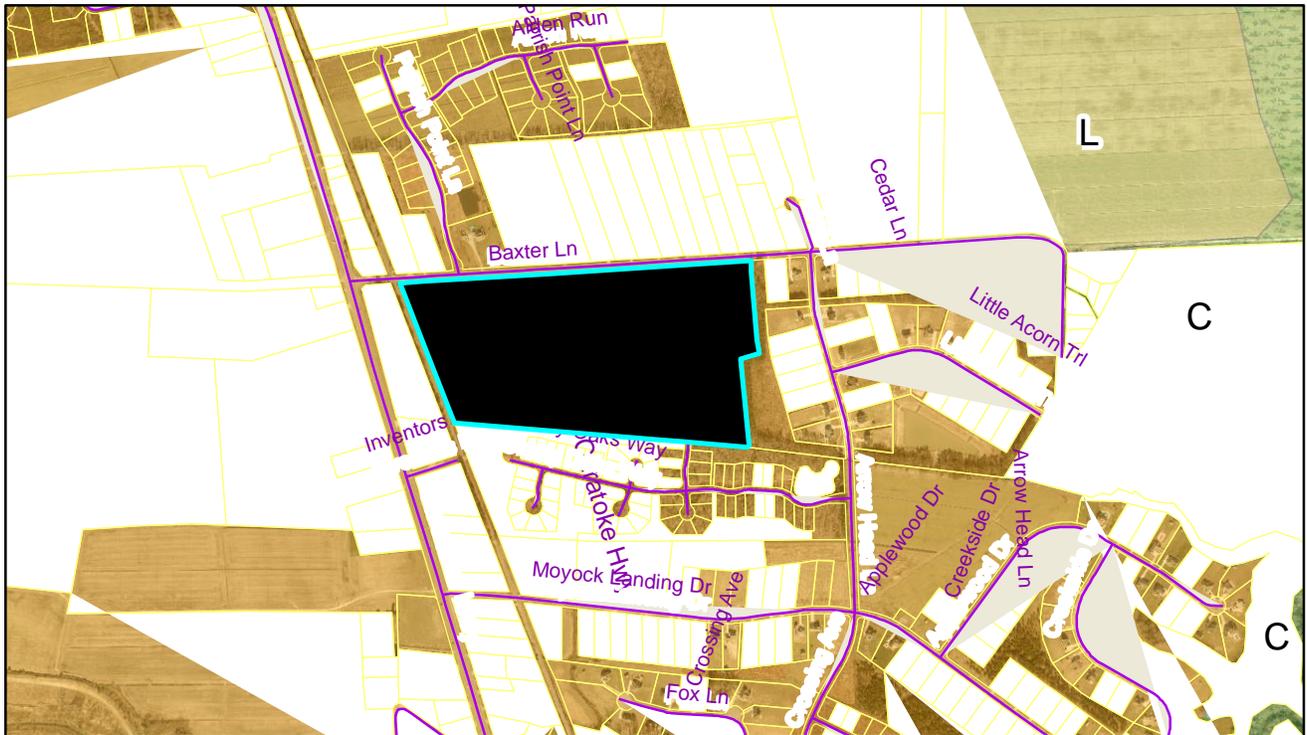
Attachment: 1 PB 19-17 Baxter Station PD-R Staff Report (PB 19-17 Baxter Station)



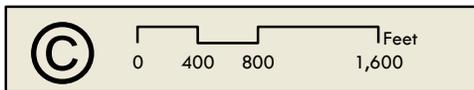
PB 19-17 Baxter Station
 PD-R Rezoning
 2006 LUP Classification



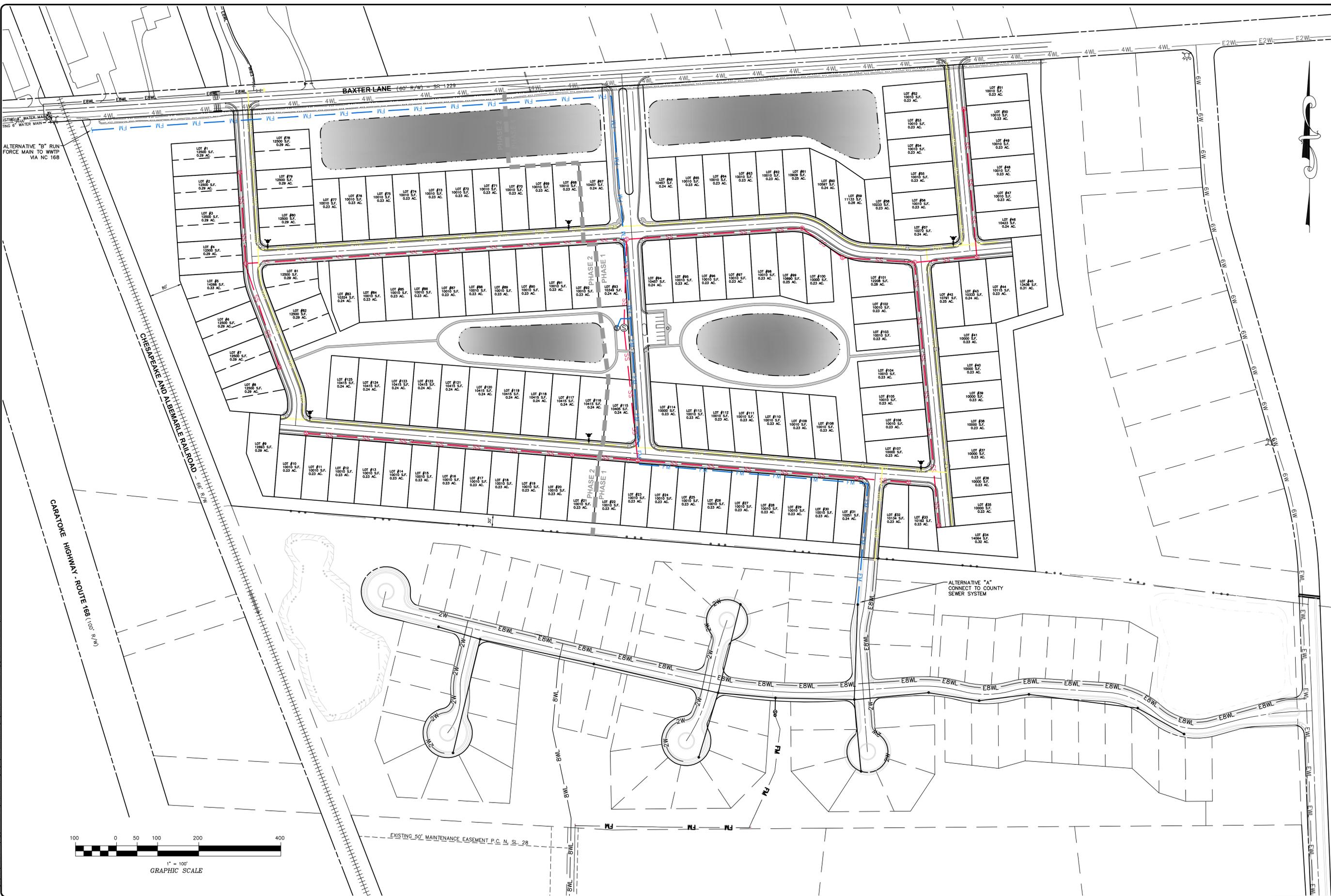
Currituck County
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 Community Development



PB 19-17 Baxter Station
 PD-R Rezoning
 Moyock SAP



Currituck County
 Planning and
 Community Development



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 S:\projects\4671\Baxter Station PD-R\467100SK1A.dwg 6/27/2019 8:56 AM HP Desktop 12500 PS UN2,2x33

BISSELL
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 and Environmental Specialists
 Bissell Professional Group
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 10000 Highway
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 Cary, NC 27513
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 Fax: (252) 281-1760

**UTILITIES PLAN WITH
 OFF-SITE WWTP FACILITY**
 THIS PLAN IS THE SOLE PROPERTY OF BISS, INC. IN NO EVENT SHALL BISS, INC. BE LIABLE FOR ANY DAMAGE TO PERSONS OR PROPERTY OR FOR THE MODIFICATION OF ANY DETAIL OR DESIGN OR MARKS ON THIS PLAN. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. BISS, INC. SHALL NOT BE RESPONSIBLE FOR ANY SUCH PERMITS OR APPROVALS.

BAXTER STATION PD-R
 NORTH CAROLINA
 CURRITUCK COUNTY
 MOYOCK TOWNSHIP
PRELIMINARY MASTER PLAN

NO.	DATE	REVISIONS	DESCRIPTION

PRELIMINARY
 DO NOT USE FOR
 CONSTRUCTION

DATE: 6/14/19 SCALE: 1" = 100'
 DESIGNED: BPG CHECKED: MSB
 DRAWN: KFW APPROVED: BPG
 SHEET: 3 OF 5
 CAD FILE: 467100SK1A
 PROJECT NO: 4671



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: Mark Bissell, Bissell Professional Group
 Justin Old, Allied Properties LLC

From: Tammy D. Glave, CZO
 Senior Planner

Date: July 11, 2019

Re: PB 19-17 Baxter Station – Planned Development Request

The following comments have been received for the July 11, 2019 Technical Review Committee meeting. Please provide necessary corrections prior to July 22, 2019 in order to be placed on the August 13, 2019 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comments:

1. Until recently zoning map amendments adopted by the BOC placed emphasis on the Moyock Small Area Plan future land use map classifying this property as Full Service. A recent zoning map amendment, PB 18-23 Fost, effective May 6, 2019, placed emphasis on the 2006 CAMA Land Use Plan. The decision emphasizes the 2006 Land Use Plan as the controlling document and the relation to the UDO dimensional standards for the PDR district signifies a discrepancy between the two plans.
 - a. Planned Development – Residential (PD-R) is not allowed on property with a Rural designation in the 2006 Land Use Plan (UDO Sections 3.7.2.B and 3.7.3). A 2006 Land Use Plan (LUP) map amendment by the Board of Commissioners would be required to change the Rural designation of the property to Full Service. We do agree that “there is no corresponding maximum density for the Rural Service Area”, but that is not an oversight, it is simply not allowed. The UDO restricts density in the Rural Service Area by not allowing a planned development in that classification.
 - b. The PD zoning district designation, the master plan, and the terms and conditions document shall be consistent with the LUP, and any applicable functional plans and small area plans adopted by the county. (UDO Section 3.7.2.E)
 - c. Preferred uses in the Rural classification included *very low density*, dispersed development associated directly with farm uses. Residential dwellings associated with farm activity typically employ on-site water supply (e.g. individual wells) and waste disposal (i.e. septic systems). *Areas meeting this intent of this classification are appropriate for or presently used for agriculture, forestry, and other similar uses.* Population densities are generally very low and *development density is anticipated at no more than 1 unit per 3 acres.* In addition, any

development in the Rural Areas would be served by *individual on-site water and septic*.

2. Schools are at or over the 2021 committed capacity in Moyock in the elementary and high school groups.
3. Compatibility issues with surrounding development are a concern. While lot size may be “identical to those that were recently approved in adjoining neighborhoods”, lot size is not the only factor to compare. Among other factors, it is also important to compare densities and the proposed 2.37 units per acre far exceeds those of surrounding developments:
 - a. Hidden Oaks: Density 1.9 units per acre with lot sizes similar to those proposed.
 - b. Baxter Lane Estates: Density .65 units per acre with the average lot size of .98 of an acre.
 - c. 15 Lots “stripped out along Baxter Lane” density: .39 units per acre with an average lot size of 2.66 acres.
4. Revise reference in Conversion Schedule “Duplex lots, if market conditions warrant, maybe converted to conventional single-family dwellings at the rate of 1.5 single-family lots per one duplex.” PD-R district allows no more than 85% of a maximum single housing type. At 127 units proposed, 19 would have to remain a different housing type, not all single-family dwellings.
5. The connectivity index score of 1.45 as shown is below the UDO requirement of 1.6 (UDO Section 5.6.4). It is staff’s opinion that the connectivity index score cannot be reduced because the developer has not demonstrated that it is not possible to meet the minimum score due to topographic conditions, natural features, existing road configuration, or adjacent existing development patterns. (UDO Section 5.6.4.C) With an undeveloped lot, without any of the above restrictions, the development can be designed to meet the minimum connectivity index score. The purpose and intent of community form standards like the connectivity index score adopted by the Board of Commissioners is to require developments to meet certain minimum standards within communities. A text amendment to the UDO to lower the index score for the PD-R district will be required.
6. Remove all references for off-site wastewater connection from the plan set and Terms and Conditions document since off-site wastewater connection is not available at this time. If off-site wastewater connection is desired and becomes available in the future, an amended application, plan, Terms and Conditions document, etc. is required.
7. It should be noted that the surrounding subdivisions used in comparison by the applicant are zoned Single-Family Mainland (SFM). Staff would support a rezoning from Agricultural (AG) to SFM if all UDO, LUP, and Moyock Small Area Plan standards are met. A LUP map amendment will still be required to change the classification from Rural to Limited or Full Service, but can take place simultaneous with the rezoning. The density allowed will then be compatible with the lots in Baxter Lane Estates and closer to compatible with the lots on the opposite side of Baxter Lane. Staff cannot speak to lot size similarities without knowing the average lot size for this development. The average lot size appears to be approximately 10,600 sf?

At preliminary plat/use permit submittal, the development will be reviewed for compliance with subdivision and development regulations, some of which are:

8. Please call out the easement for future connection for the street stub/sidewalks if not installing to the property line. (UDO Section 5.6.5.B and 5.6.10)
9. Call out 5’ non access easements on corner lots on the street with the most traffic. (UDO Section 10.3.3)
10. Call out how pedestrian crossings will be delineated. (UDO Section 5.6.10)

11. Call out the sight triangles for the main entrance. (UDO 10.3.4)
12. Call out the planting easements for street trees.

Recommendations

13. Consider aligning the main entrance to the subdivision with the main entrance of Windswept Pines across Baxter Lane. It is more compatible to align the main subdivision entrance with another main subdivision entrance across the street than with a single-family dwelling across the street, particularly at night.

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

Approved with corrections:

Inspection Comments

1. Cluster mail box units must be accessible (accessible route, reach ranges)
2. Accessible routes must be provided to all amenities such as pools, boardwalks, piers, docks and other amenities within the development. Plans must be designed to the 2018 NC Building Code design loads and structures must meet ADA requirements.
3. Curb cuts at vehicular traffic areas and pedestrian crossings must be ADA compliant and have detectable warning devices installed.
4. Soil engineering reports for footings will be required for lots that have fill placed on them where the footings do not rest at a minimum of 12" below grade on undisturbed natural soil. Site preparation, the area within the foundation walls shall have all vegetation, top soil and foreign material removed.
5. Compaction testing will be required for slabs and thickened footing areas that exceed 24" of fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to ensure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches for clean sand or gravel and 8 inches (203 mm) for earth.
6. Mark fire hydrants locations in the center of road/street with blue reflectors.

Fire Comments

7. Needed Fire Flow for construction is determined by the ISO method.
8. No new construction can occur that creates a Needed Fire Flow greater than the available fire flow on site.
9. Fences/barriers must not impede the fire hydrant access to site.
10. Gates/entrances to sites must be 20' clear width.
11. Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated in appendix D of the NC Fire Code. The backing of 150' should be measured in a straight line.
12. Fire apparatus access must be at least 20' wide 13' 6" in height. Maximum slope shall not exceed 10%.
13. All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
14. By general statue parking is not allowed within 15' of a fire hydrant. (FDC)
15. Mark fire hydrants locations in the center of road/street with blue reflectors.

Subdivisions

16. Fire hydrants must be within 500' of all road frontages.
17. Cul-de-sacs must be 96' in width curb to curb at the center of the cul de sac.
18. Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method.
19. Dwellings 4800 sq. ft. and no greater than 2 stories may use set-backs as indicated in the ISO method to determine Needed Fire Flow.

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

Reviewed with comment:

1. The ditch along Baxter Lane will be a key component for this project. We are aware of downstream restrictions that may impact proper drainage of this area.

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

Reviewed with comment:

1. GIS will assign addresses during the Preliminary Plat review cycle. Please submit proposed street names for review.

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

Reviewed with comment:

1. The county will be accepting a fee-in-lieu of recreation and park area dedication.

Currituck Soil and Stormwater (Will Creef, 252-232-3360)

Reviewed with comment:

1. A major drainage way (Baxter Lane Ditch) runs down Baxter Lane and outlets to the NW River. This drainage way is responsible for draining Baxter Station and acreage west of 168.

Southern Outer Banks Water System (Benjie Carawan, 252-453-2620)

Reviewed without comment.

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

Reviewed with comment:

1. NOTE: DUE TO PROPOSED SMALL LOT SIZES AND QUESTIONABLE SOIL CONDITIONS FOR SUB-SURFACE WASTEWATER SYSTEMS FOR EACH LOT THAT MAKES UP THIS PROPOSED SUB-DIVISION ; CURRITUCK COUNTY HEALTH DEPT. SUPPORTS CONSULTING ENGINEERS' PROPOSAL TO CONSTRUCT A WASTEWATER PACKAGE PLANT OR CONNECT TO A EXISTING WASTEWATER TREATMENT PLANT IF AVAILABLE TO PROVIDE WASTEWATER TREATMENT AND DISPOSAL FOR PROPOSED LOTS. *CONSULT WITH KEVIN CARVER RS AT 252-232-6603.

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

Reviewed without comment.

US Post Office (Moyock)

Please contact the post office regarding method of mail delivery.

Comments Not Yet Received from:

Currituck County Water Department (Yama Jones, 252-232-2769)
NC Department of Transportation (Caitlin Spear, 252-331-4737)

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans
- 1 – 8.5 x 11” reduced copy
- 1- PDF digital copy of all revised or new documents and plans.

TERMS & CONDITIONS

BAXTER STATION PLANNED DEVELOPMENT

These Terms & Conditions shall be incorporated into the Master Plan approval for the Baxter Station PD-R:

1. Conditions related to approval of the application for the PD conditional zoning classification:
 - a) Improvements shall be made to the existing Baxter Lane ditch that fronts this property by the Developer as part of the first phase of the development including widening and laying back side slopes and putting the ditch on proper grade.
 - b) The development will be completed in a minimum of two phases, as shown on the Master Plan.
 - c) The development will be connected to a central wastewater treatment and disposal system, either an on-site facility or off-site facility, and to the Currituck County water system. Fire protection will be provided in accordance with the UDO Standards and the N.C. Fire Code.
2. The Master Plan including the density, dimensional standards and development standards that are shown on the Master Plan drawings and in this accompanying document shall be incorporated into the approval and adhered to by the Developer.
3. The housing styles shall conform to the example model home drawings that are and included as an attachment to this document. Variations shall be provided and permitted in colors, materials, and architectural detailing that are compatible with the design concept.
4. Transportation, potable water, wastewater, and stormwater management will be addressed in accordance with the following paragraphs:
 - a) Transportation: Three connections will be made to Baxter Lane. The main entrance will include a deceleration lane. Connectivity will be provided to N. Heritage Tree Manor (Hidden Oaks) to the south.

Roadways will be laid out generally as shown on the Master Plan and will be designed with a curb and gutter section per NCDOT subdivision standards, and will have sidewalks.

- b) Potable Water: Water will be supplied by Currituck County via an existing 8" main that will be extended along Baxter Lane and will be tapped and looped through the site and connected to an existing main at Hidden Oaks. Fire protection will be provided in accordance with UDO Standards and the applicable ISO standards. The water system will be modeled to demonstrate

adequate flow and pressure for fighting fires while meeting the maximum day domestic demand.

- c) Wastewater: A wastewater collection system will be constructed by the Developer and managed by either Currituck County or a privately owned wastewater utility that will be regulated by the North Carolina Utilities Commission. If off-site wastewater service becomes available (either a new Regional System or Currituck County) the development may connect to one of those utilities, generally as shown on the Master Plan. Land has also been set aside for the construction of a centralized wastewater treatment and disposal facility if it becomes necessary to construct a facility on-site. If so, the facility will be designed and constructed in accordance with NCDEQ Standards and approved by NCDEQ and regulated by the Utilities Commission.
- d) Stormwater Management: An existing major drainage way runs along the edge of Baxter Lane along the frontage of this property, which is in need of improvement. The developer will commit to widening and deepening and laying the slopes back on this ditch to carry an appropriate design storm based on modeling on both on and off-site stormwater that currently flows and will flow thru this ditch section. Those improvements will be completed in connection with the first phase of the Baxter Station development.

On-site stormwater will be managed by constructing a series of stormwater ponds that will be interconnected and retain and slow release stormwater primarily to the Baxter Lane ditch. In addition to modeling and retaining stormwater to the UDO and stormwater model annual standard of the difference between run-off from the 10 year developed condition and run-off from a two year wooded condition site, the stormwater will also 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 will conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open vegetated swales.

5. Provisions Related to Environmental Protection and Monitoring: There are no wetlands on this site subject to the jurisdiction of the US Army Corps of Engineers, nor is there any vegetation that needs to be protected. The site has been farmed for many years.

The main environmental protection and monitoring that will be associated with this development will be the installation and management of stormwater system, as well as lawn and landscape areas throughout the development.

As Association will be formed that will be responsible for management of these facilities, including the Baxter Lane ditch that runs from the railroad track to the eastern property boundary of the development.

6. Other Provisions: None at this time

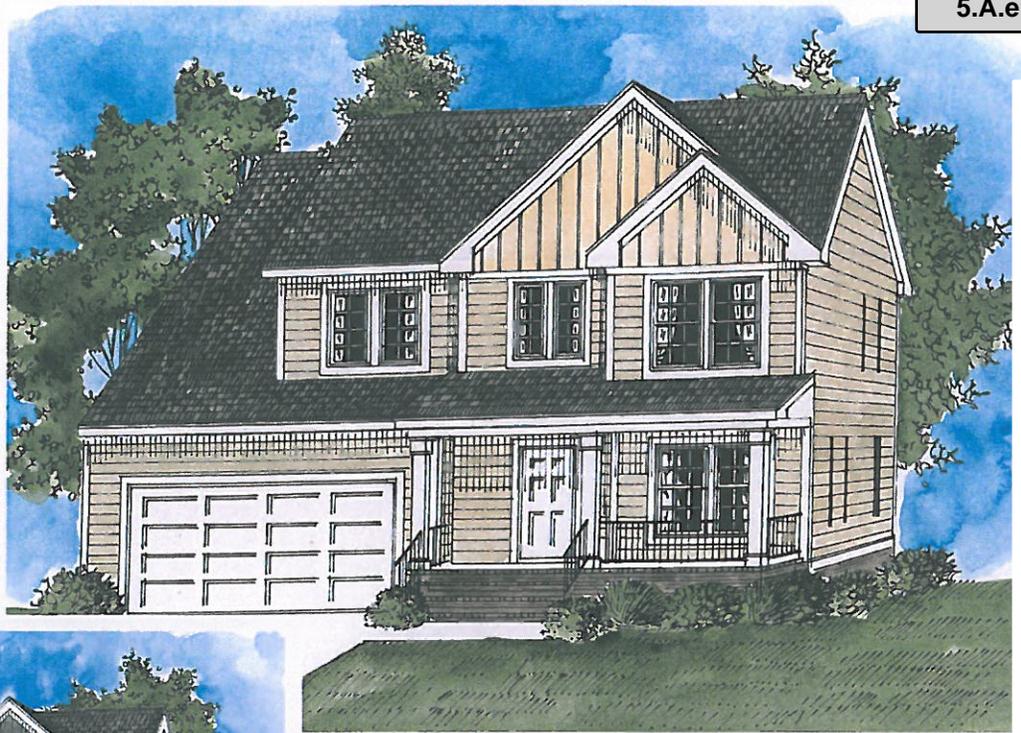
TABLE A
DEVELOPMENT STANDARDS & SETBACKS

STYLE:	<u>SIMPLEX</u>	<u>DUPLEX</u>
Min Lot Size:	10,000	12,500
Min. Lot Width:	65'	75'
Typ. Lot Width:	65'	80'
Front Setback:	20'	20'
Side Setback:	10'	10'
Rear Setback:	30'	30'
Corner Side Setback:	20'	20'
Maximum Setback:	N/A	N/A
Maximum Height:	35'	35'
Maximum Bldg. Size:	4,800 SF	4800 SF
Maximum Lot Coverage:	45%	45%

Attachment: 4 Terms and Conditions (PB 19-17 Baxter Station)

Preliminary Building Elevations

(Actual construction is expected to be similar, though not identical, to these representative housing styles.)



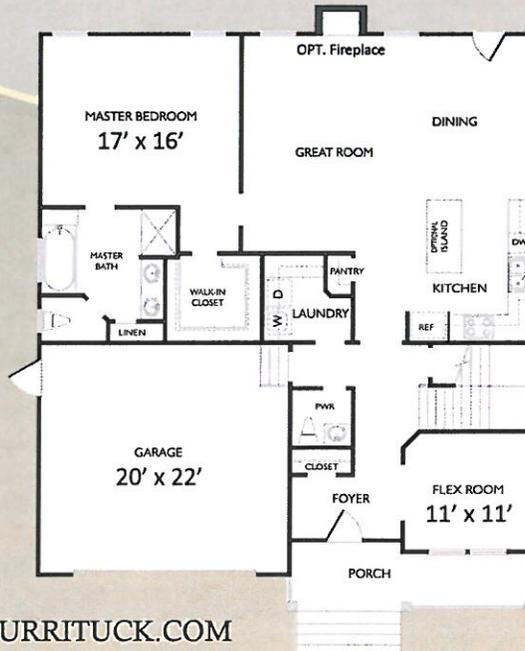
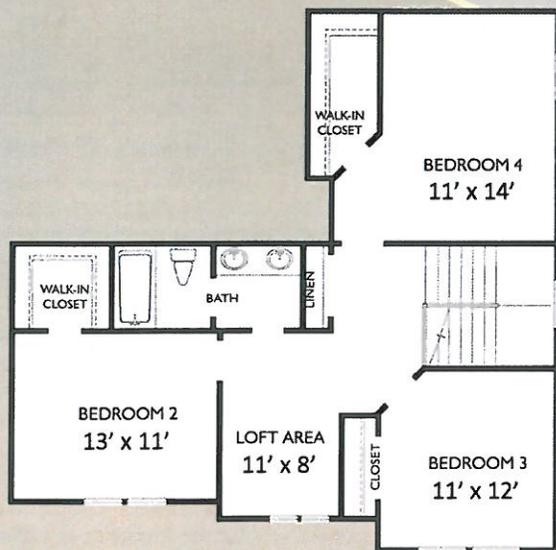
Shown with decorative gable option.

THE BRIGANTINE

First Floor - 1,546 sq.
 Second Floor - 809 sq.
 Total Heated - 2,355 sq.
 Garage - 440 sq.
 Opt. Dining Room - 55 sq.



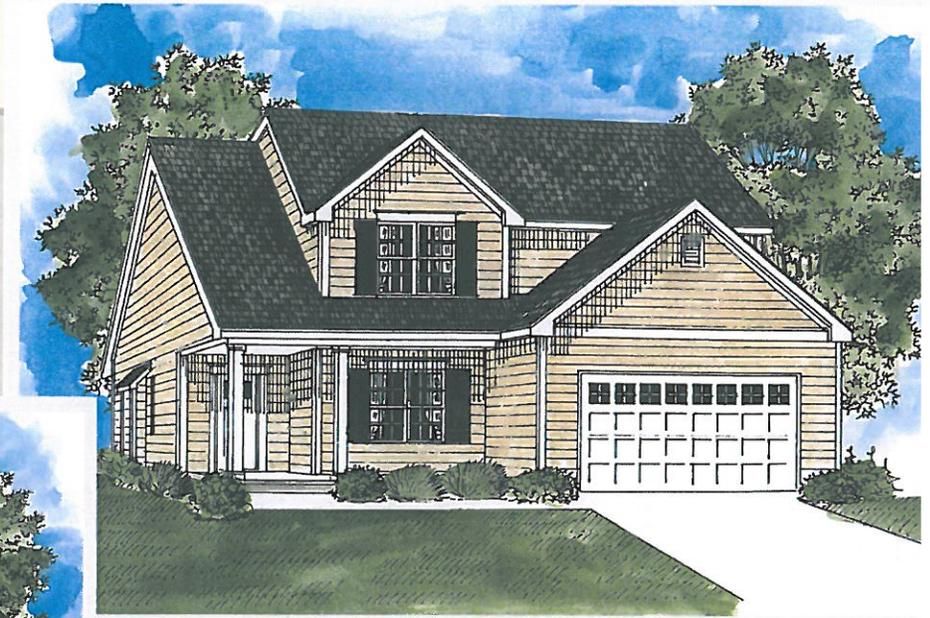
Shown with side load garage, craftsman columns and decorative gables.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.

Attachment: 5 Prelim. Bldg. Elevations (PB 19-17 Baxter Station)



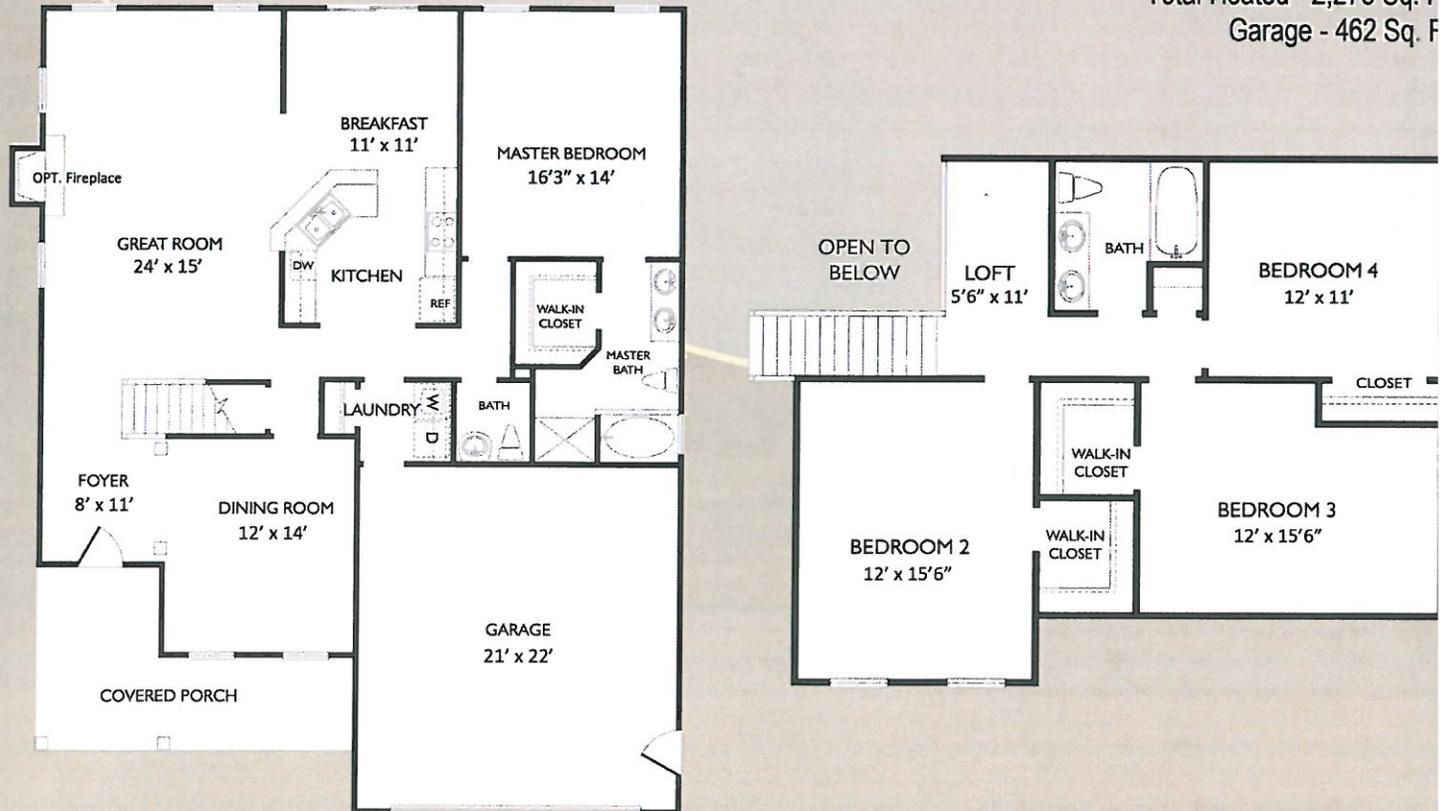
Standard Elevation



Elevation B

THE MELINA

First floor - 1,494 Sq. F.
 Second Floor - 784 Sq. F.
 Total Heated - 2,278 Sq. F.
 Garage - 462 Sq. F.



Attachment: 5 Prelim. Bldg. Elevations (PB 19-17 Baxter Station)



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Shown with decorative gable option.

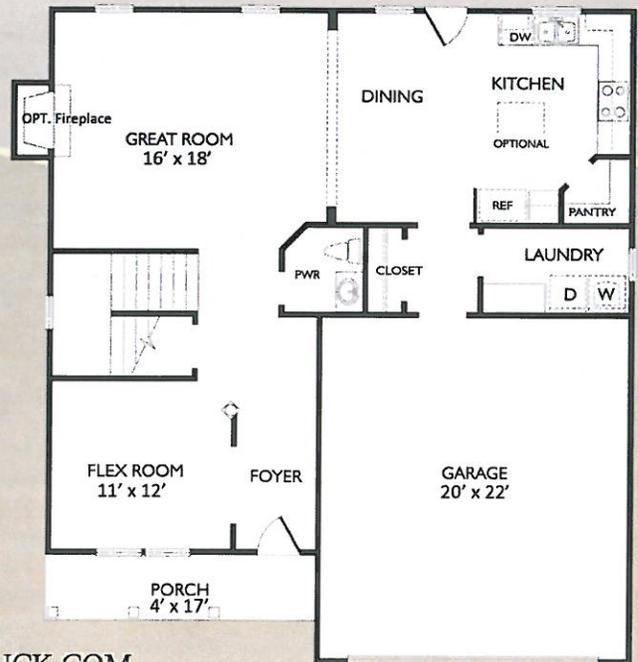
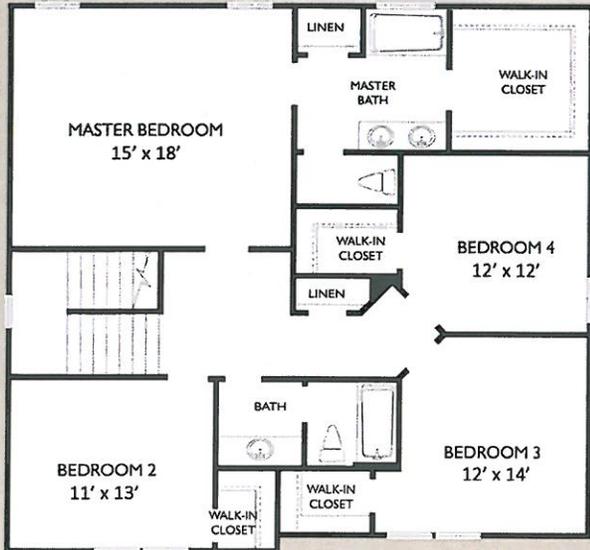


Elevation B



THE AVINGTON

First Floor - 982 sq
 Second Floor - 1,262 sq
 Total Heated - 2,244 sq
 Garage - 440 sq



QUALITYHOMESOFCURRITUCK.COM

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Attachment: 5 Prelim. Bldg. Elevations (PB 19-17 Baxter Station)



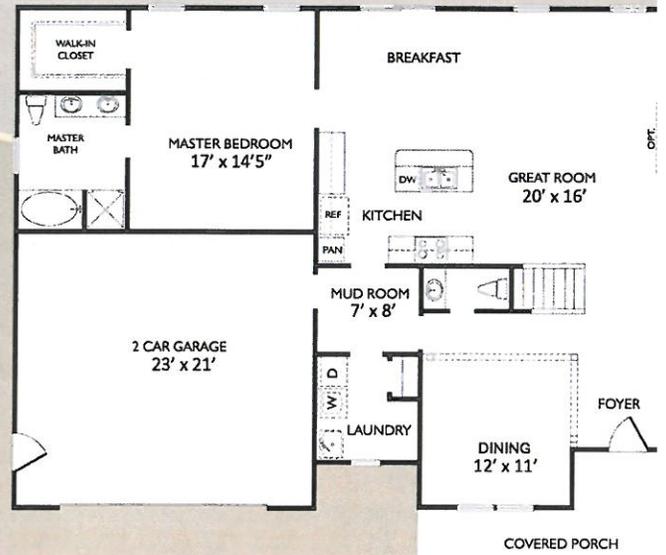
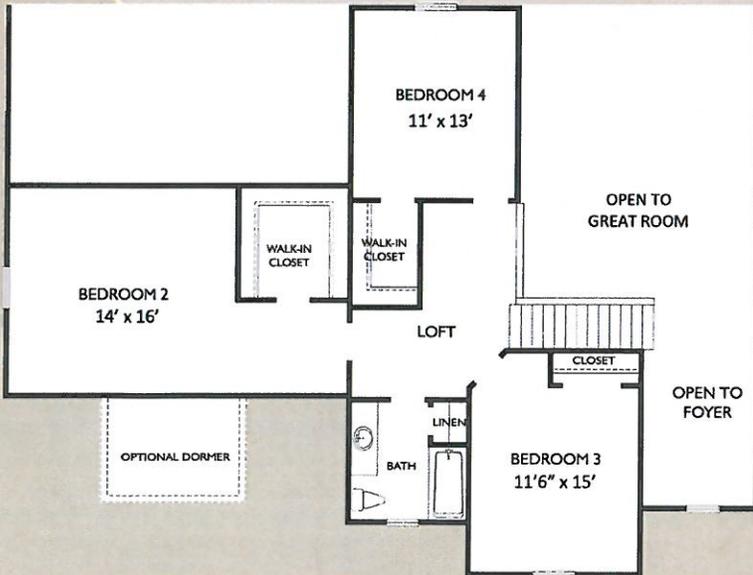
Shown with optional dormer



Elevation B shown with optional dormer

THE ANFIELD

First Floor - 1,493 sq.
 Second Floor - 927 sq.
 Total Heated - 2,420 sq.
 Garage - 528 sq.
 Opt Dormer - 68 sq.



Attachment: 5 Prelim. Bldg. Elevations (PB 19-17 Baxter Station)



QUALITYHOMESOFCURRITUCK.COM

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Attachment: 5 Prelim. Bldg. Elevations (PB 19-17 Baxter Station)

CONSISTENCY WITH COMPREHENSIVE PLAN
BAXTER STATION

The proposed zoning is from AG to PD-R, with a sketch plan limiting density to approximately 2.58 units per acre. This request is for approximately 53.52 acres along Baxter Lane just off Caratoke Highway to provide new single-family planned development including a duplex section. This request is consistent with the following density and development pattern policies of the 2006 Land Use Plan, Moyock Small Area Plan, and UDO:

1. 2014 Moyock Area Small Area Plan (“MSAP”):

The 2014 MSAP “is used to assist staff and the Board of Commissioners in guiding growth as well as planning for future county improvements to infrastructure and services.” MSAP, p. 1. The plan guidance materials indicate that it was intended to:

“supplement the [2006] Land Use Plan to more specifically address the needs and issues of the [Moyock] study area over the next 10 years. The policies and guidance given in this plan are consistent with the Land Use Plan and other county policies and documents. This plan will establish a new focus for growth and development. The Board of Commissioners and staff will use the SAP to make recommendations about development proposals and other county land use policy decisions. This plan is a vital tool for staff in day to day decision making and in assisting the public with development proposals.”

MSAP, p. 7. The MSAP Future Land Use Map “should be used in conjunction with the entire plan.” MSAP, p. 30. The fact that the site is designated Full Service on the MSAP Future Land Use Map, will have County water available, is located close to 168, and is adjacent to a Full Service Area on the MSAP and 2006 LUP all support the requested density for the site.

The MSAP designates this area as Full Service Area, with densities up to 3 units per acre. This is significant because only several portions of the MSAP include Full Service; the majority of the plan is Rural Area and Conservation Area. MSAP p. 30. The Full Service designations “are focal points in the community where high amounts of activity occur ...[and] ... a broad range of infrastructure and service investments ... will be made available by the public and/or private sectors.” These investments may include centralized water and sewer. MSAP p. 31. “[P]lanned commercial and residential areas with diversity in housing types is preferred. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surrounding land uses.” MSAP p. 31.

Activity centers are located in full service designations, and are anticipated to be destination hubs for activity in the surrounding community. MSAP p. 32. This property is also almost adjacent to the largest Activity Center on the MSAP, the Employment Center, across Hwy 168. This center includes planned corporate parks, and supporting residential use is encouraged.

Policy FLU 1 – promote compatibility between new development and existing development to avoid adverse impacts to the existing community.

Policy CC 1 - Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.

Policy CC 2 - Encourage non-residential and mixed use development that incorporates building and site design to enhance community appearance, promote human scale, and create a unique sense of place. This may include common themed building materials, forms, and site amenities.

2. 2006 Currituck County Land Use Plan (“LUP”):

A. Land Use Compatibility Policies

i. Density: The project is located within the Rural Area of the LUP, and proposes a maximum density of 2.58 units per acre. The site is across from land zoned MXR and AG to the north, all put to residential, non-agricultural uses. To the west of the site is a General Business zoning designation, which extends along Caratoke Highway. To the east and south the land is zoned and used for residential use, zoned C-MXR and C-SFM. Directly across 168 from the property is an area proposed as G-3 and up to 12 dwelling units per acre.

The density guidance in the LUP is based on assumptions about available infrastructure, existing development patterns, and the presence of environmental features that do not apply to this site in the same way they may apply to Rural sites in general. There are no environmentally sensitive features or factors which suggest preservation of this portion of the development is critical. County water is available to be extended from Baxter Lane.

POLICY HN1: *Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre.... Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.* LUP, p. 9-7.

POLICY AG6: *For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall*

remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes. LUP, p. 9-7.

ii. Development Patterns: This is consistent with the County's approach to development in the Moyock area, which encourages continuation of development patterns instead of abrupt changes, holes, or leapfrogging. It is also consistent with the Board's findings in similar cases approving density in this area of Moyock. The site is also adjacent to commercial uses along 168, which is designated a Full Service Area, and thus is close to the area where more intense development is anticipated.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl... OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map. LUP, p. 9-7.

POLICY HN4: Currituck County shall discourage all forms of housing from "LEAPFROGGING" INTO THE MIDST OF FARMLAND and rural areas, thereby eroding the agricultural resource base of the county. LUP, p. 9-7.

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 greenspace identified as Rural and Conservation areas on the Future Land Use Map. LUP, p. 9-6.

POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land. LUP, p. 9-6.

B. Moyock Area Policy Emphasis of the Land Use Plan:

Summary of Area Character: *The Moyock area is the fastest growing part of Currituck County. Development densities currently range from 1 to 3 units per acre depending upon development type.*

Moyock Area Policy Emphasis: *The policy emphasis of this plan is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, 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 through the use of overlay zones. Clustered housing developments, with open space required by ordinance, will ... be encouraged. Given the existing development pattern and availability of services, much of the Moyock area is planned as Full Service. LUP, p. 11-4.*

The applicant is proposing on-site stormwater improvements, centralized wastewater treatment with both off-site and on-site treatment alternatives offered, and will connect to County water available on Baxter Lane. The Moyock Area policy consistently references densities at 1 unit per acre minimum, and recognizes that increased density is appropriate where services are available. This is consistent with the 2.58 units per acre proposed.

3. UDO:

- A.** The proposed single-family residential use is designated in the PD-R (Planned Development – Residential) District is intended to encourage “creative design to provide a mix of different residential uses in close proximity to one another on mainland Currituck County, while at the same time providing an efficient use of open space.” UDO Sec. 3.7.3(A).
- B.** This district includes dimensional standards for single-family detached development, including the minimum district area of 50 acres, the maximum housing type, and buffers. UDO Sec. 3.7.3(B). Maximum density is established in the master plan for these districts, and may not exceed 3 units per acre in Full Service areas or 1.5 units per acre for Limited Service areas. There is no corresponding maximum density listed for the Rural Service Area, and thus the UDO does not restrict density in the Rural designated areas of the 2006 Land Use Plan. The proposed density is thus consistent with the UDO.

Baxter Station PD-R

A. Statement of Planning Objectives for the District:

Baxter Station is a 53.52 acre tract of land located on Baxter Lane directly across Caratoke Highway from one of the proposed main entrances to the Currituck Station Mega Site. It is surrounded on three sides by existing residential development and on the fourth side by a railroad tract and commercial frontage on NC 168. The location and setting make it ideal for the development of a residential planned development, with lot sizes mirroring those in the recently developed Hidden Oaks Subdivision directly to the south. There is also an opportunity for an alternative housing type that is not currently available in the Moyock area, which is the duplex development.

The objective of this project is to develop an attractive community of single family and duplex lots with large expanses of open space that provide opportunities for active and passive recreation, and particularly connected by walking paths and multi-use trails. Multiple options are being proposed for wastewater treatment and disposal from this development.

The ways in which these goals and objectives will be achieved is shown graphically on the Master Plan, and is further described in the following paragraphs:

1. Two housing options are proposed, which are attractively designed single-family homes similar to those developed in neighboring Hidden Oaks, and upscale attractive duplex houses.
2. The Community will be pedestrian friendly, with open spaces and greenways connected by sidewalks and multi-use paths. There will be ponds and other large outdoor recreation areas.
3. Details of the Master Plan are shown on the drawings and supplemented by the information included on subsequent pages in this supplemental report, including development acreages, types and land uses, and residential density. Open spaces are also identified with tentative improvements shown.
4. The general location of an onsite wastewater treatment facility is shown, as well as two tentative force main routes for a possible off-site wastewater connection if one becomes available. The off-site wastewater solution is the preferred alternative for this development.
5. An existing 8" water main that runs along Baxter Lane will be extended in front of the property, and will be tapped to provide potable water for the development, generally as shown on the Preliminary Utilities Plan.
6. An overview of stormwater management facilities is provided on the plan, with more details provided in the Terms & Conditions section.

7. Solid waste management will be provided door to door using rollout trash containers.

B. Densities/Intensities

1. The proposed density for this development is 2.37 units per acre for the alternative that includes a wastewater treatment facility, and 2.58 units per acre for the off-site wastewater alternative.
2. The consistency with County plans is addressed in a separate attachment.
3. Compatibility with surrounding areas: The property is surrounded on three sides by existing residential development. To the north are residential lots stripped out on Baxter Lane and the recently developed Windswept Pines Subdivision. To the east is Baxter Lane Estates Subdivision which has been completed recently, and to the south is the Hidden Oaks Subdivision which is nearing completion. Both Hidden Oaks and Baxter Lane Estates have dedicated open space areas adjacent to the proposed development, ranging in width from 50' to more than 200' in width. An additional buffer is being proposed around the periphery of Baxter Lane Estates to increase separation to existing development.

To the west is the Chesapeake and Albemarle railroad and then commercial frontage along Caratoke Highway.

Lot sizes are identical to those that were recently developed in Hidden Oaks, and no land use compatibility issues are anticipated.

C. Development Phasing Plan

The community is proposed to be phased, with 2 phases being proposed for development as shown on the Master Plan drawings. The plan shows water and sewer infrastructure, open space and amenity areas which are associated with each development phase.

D. Conversion Schedule

Duplex lots, if market conditions warrant, maybe converted to conventional single-family dwellings at the rate of 1.5 single-family lots per one duplex lot. Also, if an off-site wastewater facility is utilized, the area set aside for an on-site utility system may be converted to open space so that an additional eleven (11) dwelling units can be developed, as shown on the alternative development plans.

E. Onsite Public Facilities

The developer will design and construct wastewater collection sewers, a pump station, water distribution mains, stormwater management facilities, roadways, sidewalks and multi-use paths throughout this development. These facilities are shown on the Master Plan.

All rights-of-way and easements necessary for the construction, use and ongoing maintenance of these facilities will be dedicated in accordance with applicable county, state and federal regulations.

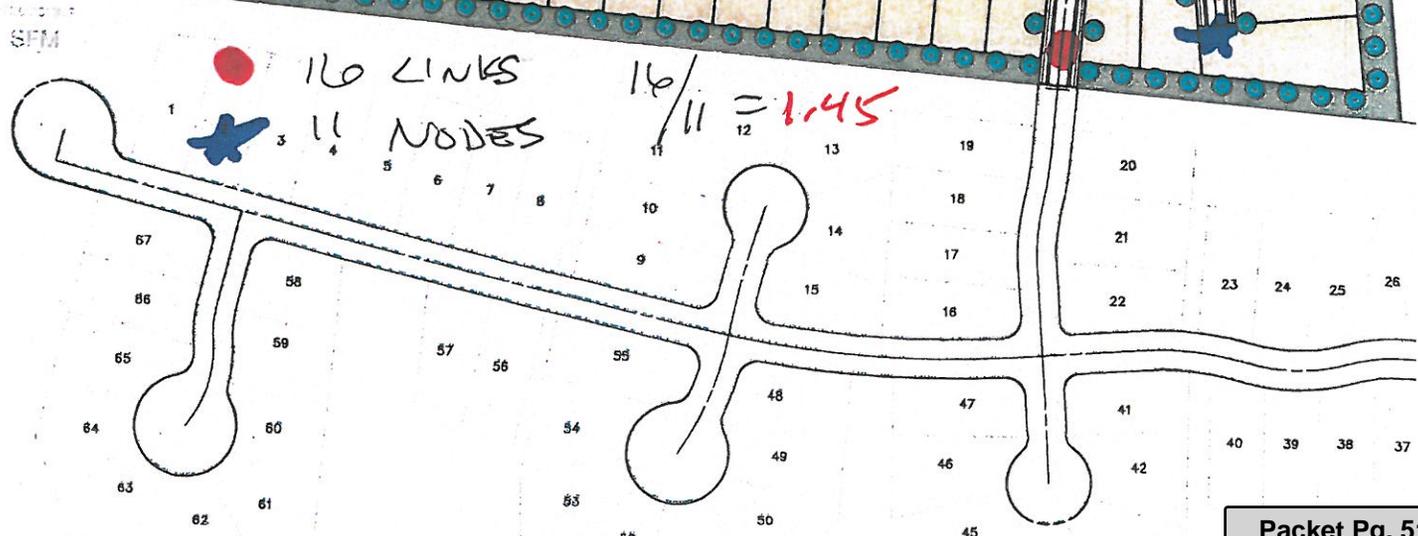
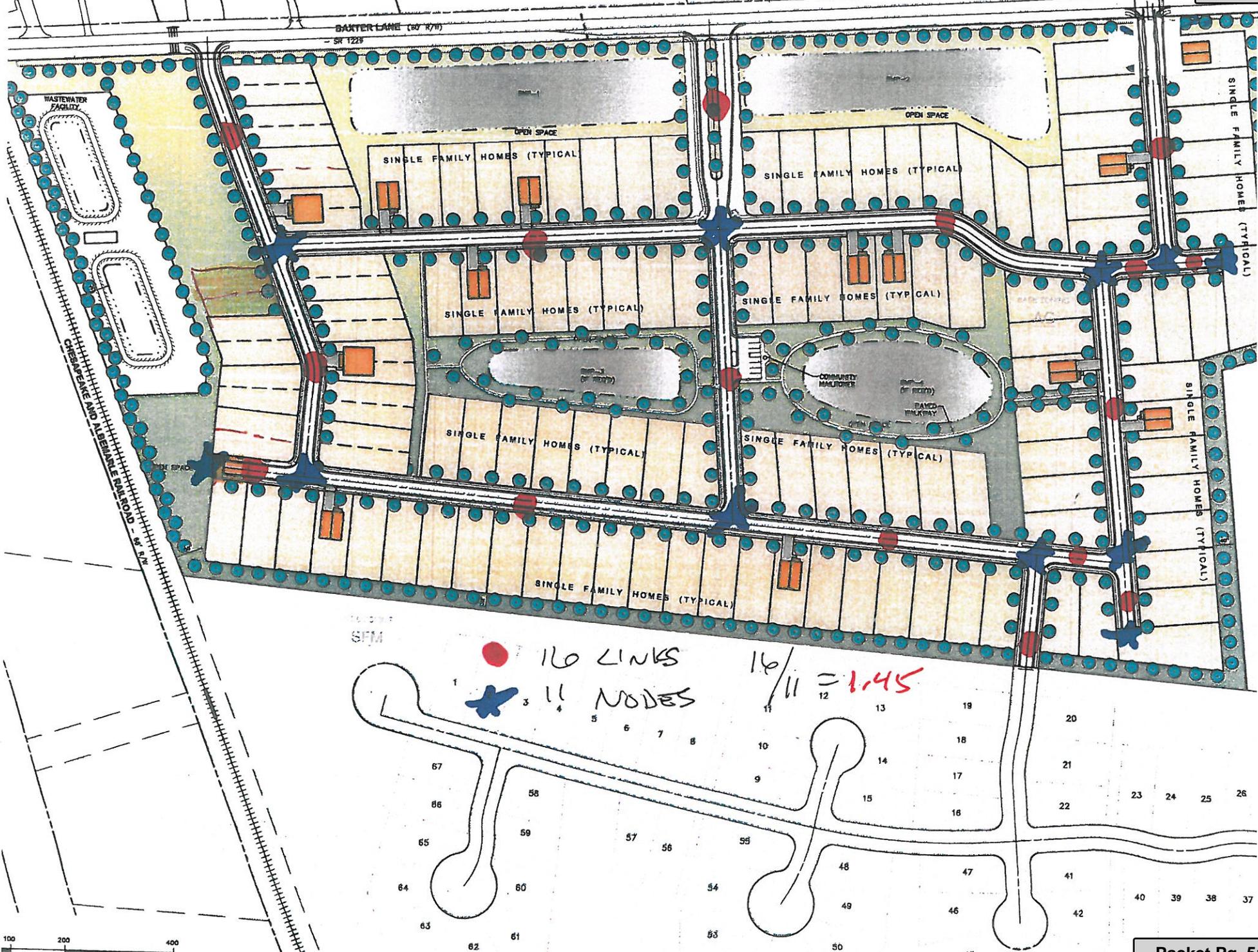
F. Street Standards

The general street layout is shown on the Master Plan drawing. Pavement widths will be 27 feet from back-of-curb to back-of-curb, per NCDOT standards.

Roadways are being designed to accommodate emergency service vehicles in accordance with applicable standards, including the North Carolina Fire Code.

G. Planned Development Terms & Conditions

A Terms and Conditions document is attached on the following pages.



Attachment: 8 Street Connectivity Index Plan (PB 19-17 Baxter Station)

4671 Baxter Station

Community Meeting Minutes

Monday, April 22, 2019

Scheduled Time/Place: 4:30pm, Moyock Library, Moyock, NC

Meeting Began at 4:35 pm

Attendees: Justin Old, Representing the Developer
Tammy Glave, Representing the Currituck County
Planning and Development Department
Mark Bissell, Representing the Engineering Firm
Nearby Community Residents(please refer to the
attached sign-in sheet)

Summary:

An outline of the meeting presentation is attached. The residents were provided an overview of the review and approval process for this type of project, and were provided a description of the main elements of the development plan. A map showing the context of the site as well as the preliminary development plan were presented.

The following comments and concerns were expressed by the Community members, and responses that were given are shown next to each comment below:

Comments from the Community	How Addressed
Traffic is increasing on Baxter Lane. Are there any plans to improve the road?	NCDOT periodically does traffic counts and uses the results to determine when improvements are needed.
A light is needed at the intersection of Baxter Lane and Highway 168.	The road to the West across from Baxter Lane will become one of the main entrances to the Currituck Station according to the County's master plan. It is our understanding that a traffic light will eventually be provided at that intersection, but the timing will be up to NCDOT.
Please make sure there is no drainage impact on Hidden Oaks.	Drainage is being directed to the North toward two large stormwater ponds located adjacent to the canal that runs along Baxter Lane.
There is a drainage issue at the end of the road that will connect to the new development.	There is some standing water now after a rain fall, but that is because the final lift of asphalt has not yet been installed, which should clear up that problem.
How many duplexes will there be?	We are showing 15 lots, or 30 total duplex units on the master plan

Attachment: 9 Meeting Minutes (PB 19-17 Baxter Station)

What will be the values of the duplexes?	We are anticipating approximately \$225,000 sale price. They will be two-story, upscale units.
What is the build-out schedule?	We anticipate a build-out in approximately three years if market conditions continue to be strong.
Will the tree buffer remain?	The existing tree buffer will remain and we are proposing additional buffer on the Baxter Station side.
Really like the buffer. How wide will it be?	The buffer at Hidden Oaks ranges from 50' to more than 100'. A 50' buffer is being proposed at Baxter Station, so the minimum total buffer should be 100' between lots.
How will the Baxter Lane ditch be improved?	The ditch will be widened, deepened as necessary to put it on a positive grade along Baxter Lane, and then the side slopes laid back at a 3 to 1 slope for ease of future maintenance.
Where will the ponds overflow?	They will overflow directly to the Baxter Lane ditch which runs east to an outlet at Moyock Creek.
We are concerned about traffic on Heritage Tree Manor. Can speed bumps be installed?	We don't believe that NCDOT will allow speed bumps to be installed on what will become a state road. However, we are providing a Tee intersection with a stop sign about 200' into the project.
Houses will be two stories?	Most houses will be two story.
Will there be sidewalks?	There will be sidewalks on both sides of the street as well as a walkway through the central park area.
How will wastewater be handled?	We are planning to put in a pump station and force main to connect to an off-site wastewater treatment plant, either the Moyock treatment plant owned by Currituck County or another plant. The county may also require us to look at an on-site wastewater treatment option.

The main part of the meeting ended at approximately 5:20 PM; several of the community members stayed to look at the maps and further discuss the details of the development, until about 5:45 PM.



Planned Development Application

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

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>Allied Properties, LLC</u>	Name: <u>Jarvis Harvest, LLC</u>
Address: <u>417 Caratoke Hwy., Unit D</u>	Address: <u>701 Blue Point Dr.</u>
<u>Moyock, NC 27958</u>	<u>Wilmington, NC 28411</u>
Telephone: <u>(252) 435-2718</u>	Telephone: _____
E-Mail Address: <u>jold@qhoc.com</u>	E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

Physical Street Address: Baxter Lane, Moyock, NC
 Location: Moyock, NC
 Parcel Identification Number(s): 0009000025A0000
 Total Parcel(s) Acreage: 53.43
 Existing Land Use of Property: _____

Request

Current Zoning of Property: _____

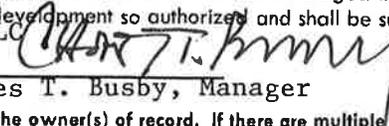
<u>Proposed Zoning District</u>	<u>Amendments</u>
<input checked="" type="checkbox"/> Planned Development – Residential (PD-R)	<input type="checkbox"/> Amended Master Plan
<input type="checkbox"/> Planned Development – Mixed (PD-M)	<input type="checkbox"/> Amended Terms and Conditions
<input type="checkbox"/>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

Community Meeting

Date Meeting Held: April 22, 2019 Meeting Location: Moyock Library

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.

By: JARVIS HARVEST, LLC  6/27/19
 Property Owner (s) Charles T. Busby, Manager Date
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.

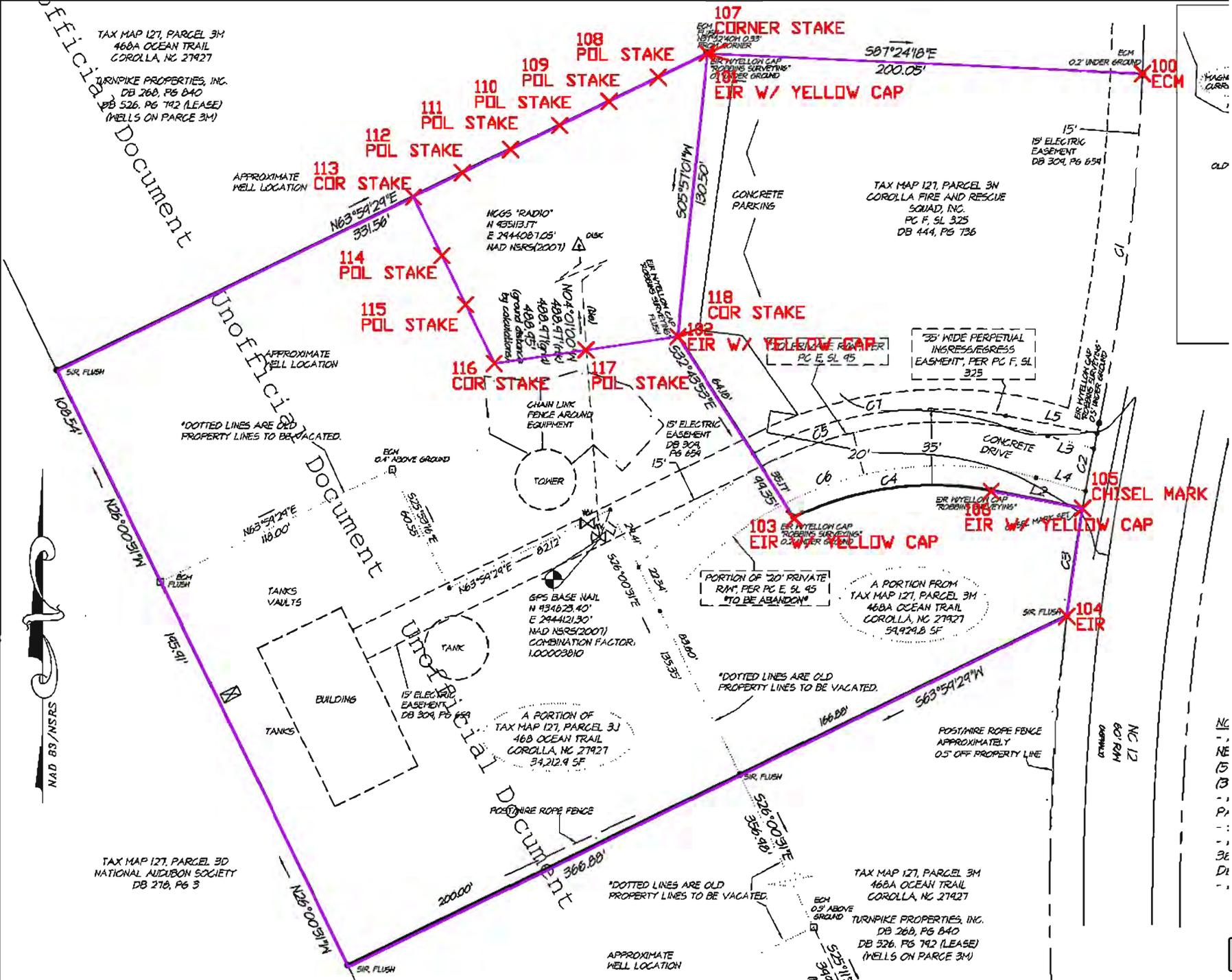
Attachment: 10 Signed Application (PB 19-17 Baxter Station)

Filed for registration on Aug. 10, 20 11
at 2:40:51 o'clock PM.
County/Plat Cabinet M Page 25
Charlene Y. Swick Natalie R. Widby
Register of Deeds Asst./Deputy

Unofficial Document

Unofficial Document

Unofficial Document



Attachment: Pine Island Station 6 (Corolla VFD Request-Fire Training Facility Construction in Corolla)



Attachment: Pine Island Station 6 Aerial Overlay (Corolla VFD Request-Fire Training Facility Construction



**CURRITUCK COUNTY
NORTH CAROLINA**

April 20, 2020
Minutes – Regular Meeting of the Board of Commissioners

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met for 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	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

Chairman White moved to amend the agenda to change the order of items. Albemarle Regional Health Services Administrative Report was moved to the first item, followed by Public Comment and the Discussion of Current Declaration and Deadlines for travel to the Outer Banks.

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

Approved agenda:

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

Communication: Minutes for April 20, 2020 (Approval Of Minutes-April 20, 2020)

Administrative Reports

- A) Albemarle Regional Health Services Covid-19 Update-
Health Director, R. Battle Betts, Jr.

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.

Administrative Reports. Continued

**Covid-19 Discussion of Current Declaration &
Deadlines**

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

- A) **PB 19-17 Baxter Station:** Planned Development - Residential zoning to support 127 unit subdivision (103 single-family units; 24 duplex units) with a density of 2.37 units per acre and minimum lot size of approximately 10,000 sf with the construction on an onsite wastewater treatment plant.

New Business

- A) **Consideration of Personnel Policy Revisions-Sick Leave and Retiree Health Insurance**
- B) **Discussion to Consider an Exchange of Property, Grandy Road**
- C) **Consent Agenda**
1. Approval Of Minutes for March 16, 2020
 2. Budget Amendments
 3. Surplus Resolution-Booking Station, Detention
 4. Banking-Signature Resolution, Soil & Water Conservation
 5. Consideration of Waze Connected Citizens Program
 6. Parks and Recreation Records Disposal Request

Special Meeting - Ocean Sands Water & Sewer District Board

OSWSD-Budget Amendment

Adjourn Special Meeting

Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
SECONDER:	Mike H. Payment, Vice 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

ADMINISTRATIVE REPORTS**A. Albemarle Regional Health Services Covid-19 Update-Health Director, R. Battle Betts, Jr.**

Battle Betts, Director of Albemarle Regional Health Services (ARHS), and staff joined the Commissioner meeting via teleconference to present a regional update on the Covid-19 virus. A powerpoint was used during presentation and Mr. Betts described the department's efforts as they transition from containment to mitigation. Ashley Stoop, Incident Commander and Director of Policy, provided global, national, state and local case statistics, with eighty-five cases reported in the ARHS region. Symptoms and guidance for testing were presented. Recommendations for the public on diagnosis and reporting, self-isolation and prevention were reviewed. Health information resources were displayed.

Mr. Betts and Ms. Stoop responded to questions posed by Board members regarding containment, testing, diagnosis and modeling. Mr. Betts believes the state has not yet peaked with cases and that the area is in good shape with both supplies and available capacity at regional providers. Mr. Betts answered questions about surface life and transmission of the virus.

Commissioner Payment, who serves on the Albemarle Regional Health Services Board, recognized the ARHS staff for their efforts and hard work, and Commissioners thanked Mr. Betts and staff for presenting. Mr. Betts thanked Commissioners for their support.

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.

Due to meeting restrictions in effect because of Covid-19, citizens were asked to submit Public Comments by email. A summary of those received was compiled and presented by Chairman White. The majority of comments reflected the views of non-resident property owners, residents and business owners regarding travel restrictions imposed for the Outer Banks, re-entry for non-resident property owners and visitors, supply chain, and safety protocols. Emails received for Public Comment would be recorded, and all were received by each Board member for review.

At the Board's request, County Attorney, Ike McRee, responded to questions from non-

resident property owners requesting property tax refunds or suspension. Mr. McRee reviewed provisions in the General Statutes for which taxes could be refunded said the Board would not have the authority to refund taxes in this circumstance. Mr. McRee addressed the criteria necessary to establish residency. He reviewed a Board member's statutory duty to vote and reasons for recusal in response to comments about conflicts of interest with Commissioners who have business investments on the Outer Banks. Mr. McRee's expressed opinion was that both would be required, by statute, to vote in this instance. Ben Stikeleather, County Manager, said the County is following State and Federal guidelines and complying with the North Carolina Governor's executive orders.

The Public Comment period was closed.

Public Comment emails for April 20, 2020

(A) Positive comments

1. Thanking Board for restricting access: 2

(B) Letter from Northern Currituck Outer Banks Association - signed by 68 members

1. Support the access restrictions
2. Concerned about reopening the Outer Banks will bring a higher risk of exposure
3. Request the following:
 - a. Start an access system to limit the number of day trippers.
 - b. Provide PPE (Personal Protective Equipment) to resident workers.
 - c. Come up with clear guidelines for social distancing and enforce.
 - d. Suspend horse tours.
 - e. If not suspend horse tours, sanitize public parks and restrooms on a regular basis throughout each day.
 - f. Sanitize boat docks regularly each day.

(B) Requests that the access restrictions are extended:

1. Business owner and resident in Corolla, doesn't feel safe bringing in NRPOs (Non-resident property owner) right now, requests that county wait until at least May 15: 1

(B) Suggestions:

1. NRPOs should be allowed access if they quarantine, use face masks, bring own supplies: 4
2. Keep beaches closed: 1
3. Use a pass system for NRPOs similar to beach parking permits: 1
4. Institute a 6-day rental week, so 7th day is used for cleaning all houses: 1
5. Require face masks and quarantine for visitors: 1
6. Close beaches except for fishing and exercise: 1
7. Implement a calendar system for owner access by designated area/subdivision: 1
8. Suggestions for retail stores' safe practices: 1
9. Include restricted access to campgrounds also: 1

(C) Request entry for NRPOs

1. They promise to isolate, social distance, bring own supplies: 11
2. Say they would go to facilities other than OBX Hospital if they get sick: 5

(D) Complaints/Concerns:

1. Want access to check on home, make repairs, get ready for season: 15
2. Restriction is illegal/unconstitutional/threaten lawsuit: 15
3. Board has created a hostile rift between locals and NRPOs: 12
4. Want tax rebate or taxes suspended due to restricted access: 12
5. Not fair that locals and workers can come and go, possibly spreading virus: 11
6. NRPOs are tax-paying citizens who are being treated unfairly: 10
7. Should be treated as a resident because it's a second home, not a rental: 6
8. Complaint about short notice of access restrictions: 4
9. Want a phased reentry to have time to prepare rental home: 4
10. Financial aspect of visitors allowed in to shops, restaurants, etc. is important: 4
11. Complaint about loss of rental income: 3
12. Lack of county catastrophe plan, want better one in future: 2
13. Not allowing a child/relative driving separately to enter Corolla: 2
14. Was in Corolla before SOE (State of Emergency) went in effect, should be allowed to leave and re-enter: 2
15. Simply request that the Board open access: 2
16. Complaint about KOA opening on mainland, bringing visitors to county: 1
17. Complaint directed toward Dare County: 1

(E) Questions:

1. What are the public health metrics being used to decide if going to reopen?: 2
2. When will bridge be open to NRPOs?: 1
3. Wants a clear explanation of exactly what a NRPO is: 1
4. Please advise on procedures when bridge open, ex: family traveling in 2 cars: 1
5. Asks about homeowner's liability if a renter gets COVID-19 while in their house: 1
6. What if Currituck opens and Dare still controls the bridge?: 1
7. Have any Commissioners with tourism-related businesses recused themselves or sought an opinion from ethics experts? 1
8. Is Currituck following the Governor's plan closely? 1
9. Does the county have enough tests, resources, and workers? 1
10. What are the requirements of the county to test, trace, and study? 1
11. If there is a spike, how would the county execute a shutdown and evacuation order? 1

(F) Not related to access restrictions:

1. Wants beach parking permits to be mailed instead of having to pick them up: 1

ADMINISTRATIVE REPORTS, CONTINUED

1. Covid-19 Discussion of Current Declaration & Deadlines

The Board of Commissioners held discussion to consider re-entry dates for both non-resident property owners and visitors to the Currituck County Outer Banks communities. County Manager, Ben Stikeleather, said the travel restrictions currently enacted will expire at 11:59 PM on April 30, 2020. Mr. Stikeleather asked the Board to provide direction as to which other family members would be permitted entry in addition to the deeded owners of property.

Chairman White noted previously held discussions suggested entry dates of May 1, 2020 for non-resident property owners and May 15th or 16th, tentatively, for visitors, and several Commissioners expressed a desire to open prior to May 1. Commissioner Jarvis offered Friday, April 24, as a date for reopening to non-resident property owners based on recent events and a need to assess their properties for damage. Commissioner Mary Etheridge suggested a phased reopening could begin immediately but did have concerns with non-resident property owners being able to get through the Dare County checkpoint. Chairman White and Mr. Stikeleather said Dare County would be supportive and allow Currituck property owners entry. Commissioner Beaumont also agreed with an immediate opening and suggested it could begin the following day. Commissioner Payment agreed with a phased approach and said allowing non-resident property owners would help local businesses. Commissioner McCord reviewed the process for identification at the checkpoint and said the Sheriff's office had no concerns with check-point monitoring, no matter what date is set.

Chairman White discussed his concerns with the grocery supply chain, and Mr. Stikeleather said grocery store managers stated they would need a week or more to ramp up supply.

Commissioners discussed the need for proper messaging, and noted access would be contingent on support from Dare County. Commissioner J. Owen Etheridge talked about the reality that people are getting tired of being home. Commissioner Beaumont made a motion to allow access beginning 7:00 AM on Wednesday but retracted it, as any directives would be revised in the Emergency Declaration. The Board chose not to allow visitor access in conjunction with non-resident property owners, as rental businesses and service providers would not have enough time to gear up and prepare for the rental season.

Mr. Stikeleather requested a couple of days to allow staff time to prepare. Commissioners decided on Thursday, April 23, at 9 AM, to open access to non-resident property owners. A tentative date of May 15, 2020 was set for visitor access but it would be discussed and possibly reconsidered at the May 4, 2020 Commissioner meeting. A revised State of Emergency would be revised, as directed.

COMMISSIONER'S REPORT

Commissioner Payment thanked first responders, the Sheriff, county staff, and fellow Board members for their efforts to work through the current situation.

Commissioner Mary Etheridge reported on the recent Department of Social Services (DSS) Board meeting, held via teleconference, and read a statement to the Board of

Commissioners from DSS Director, Samantha Hurd and DSS staff to express their gratitude for action taken by the Board and the County Manager to protect employees during the Covid-19 pandemic. She announced a North Carolina State University student from Currituck County, Mary Kate Morgan, was one of four recipients of the Mathews Medal, the highest non-academic achievement at the university, and congratulations were offered to all of this year's High School and College graduates.

Commissioner Beaumont, experienced as a Biological Warfare Officer, said there are so many unknowns with new viruses and acknowledged all levels of government, including local, for actions that were essential in flattening the curve. He discussed the likelihood that the virus will be here for a long time and original goals need to be followed through.

Commissioner McCord thanked county staff and acknowledged the Department of Social Service's continued service to the community. He announced last week was Telecommunicator Week and thanked dispatch for the phenomenal job they do. He thanked Mary Beth Newns, Emergency Management Director, for assisting with issues at the bridge checkpoint. He encouraged people to continue to practice safety measures. He commended the school system on the children's meal and backpack for kids programs.

Commissioner J. Owen Etheridge, whose wife is a dispatcher, also highlighted the work of Telecommunicators as the true first responders. He thanked the citizens of Currituck County for acting appropriately, keeping the Covid-19 caseload down which allows the Board to make decisions about reopening the county. He talked about the economic impacts to those who own businesses.

Commissioner Jarvis noted forty days will have passed when the Governor's executive order expires at the end of April and encouraged people to continue to take the necessary precautions to stay safe. She acknowledged the decisions made in these uncertain times are not easy ones. Commissioner Jarvis also recognized Mary Kate Morgan, a former student of hers, on receiving the Mathews Award. She thanked county staff for all they have done throughout this time.

Chairman White thanked county staff and specifically acknowledged those who assisted with the production of several recent informational videos. He recognized the concerns expressed by residents in the many emails received but stated the Board does not want to further harm businesses in the county. He discussed his contributions to the community as a business owner and responded to criticisms of his horse tour businesses.

COUNTY MANAGER'S REPORT

Chairman White called a recess at 7:40 PM. The meeting was reconvened at 7:48 PM. Chairman White quickly reported on discussion at a State Board of Elections where it was suggested the state would utilize only absentee voting in the upcoming election. He encouraged citizens to contact their state Representatives about this decision.

Ben Stikeleather, County Manager, updated Commissioners on ongoing construction projects and the bid opening for the Moyock Wastewater Treatment Plant. Upcoming Board agenda items were presented. With regard to the county's operation with the Covid-19 restrictions in place, Mr. Stikeleather said Public Hearings would be postponed unless they

are required by Federal or State mandate. Telework for staff would continue and County functions would likely be cancelled if the Governor's order is extended.

PUBLIC HEARINGS

A. PB 19-17 Baxter Station:

Chairman White moved to continue the Public Hearing for Baxter Station to the May 4, 2020, Commissioner meeting. Commissioner Mary Etheridge seconded the motion. The motion carried.

RESULT:	CONTINUED [UNANIMOUS]	Next: 5/4/2020 6:00 PM
MOVER:	Bob White, Chairman	
SECONDER:	Mary "Kitty" Etheridge, Commissioner	
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner	

NEW BUSINESS

Motion for recusal-Commissioner McCord

Prior to consideration, Commissioner McCord requested to be recused from the vote since the retiree health insurance policy revision, if approved, would affect his retirement benefit. Commissioner J.Owen Etheridge moved to allow the recusal and the motion was seconded by Commissioner Payment. The motion carried and Commissioner McCord exited the Board Room.

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

Motion-Personnel Policy Rev-Retiree Health Insurance

Ben Stikeleather, County Manager, reviewed the change proposed for the County's retiree health insurance plan. He said the Human Resources Director identified five employees who would be affected by the change at an annual cost of \$14,540.00. The revision would allow retirees with a gap in service of one year or less to be included in the retiree health insurance plan.

Commissioner Jarvis moved for approval of the revision. The motion was seconded by Commissioner Beaumont. The motion carried, 6-0.

RESULT:	APPROVED [6 TO 0]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner
RECUSED:	Kevin E. McCord, Commissioner

A. Consideration of Personnel Policy Revisions-Sick Leave and Retiree Health Insurance

Commissioner McCord returned to the Board Meeting Room to consider revisions to the county's sick leave policy. The changes reflect Federal provisions related to the Covid-19 virus. Commissioner J. Owen Etheridge moved for approval and the motion was seconded by Commissioner Jarvis. The motion carried.

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

B. Discussion to Consider an Exchange of Property, Grandy Road

Ben Stikeleather, County Manager, reviewed the request for a land swap at the location of the former Grandy convenience site, a county-owned piece of property located on Grandy Road, Grandy. County Attorney, Ike McRee, reviewed the Public Hearing and notice requirements, and informed Commissioners he would like to consult with risk managers due to the prior use of the property as a solid waste disposal site. Otherwise, he had no issues with minor modification. Following discussion, Commissioners directed the County attorney to move forward with the process.

C) Consent Agenda

Commissioner J. Owen Etheridge moved for approval of the Consent Agenda. Commissioner McCord seconded the motion. The motion carried.

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
10512-516000	Vehicle Maintenance	\$	4,000		
10512-590000	Capital Outlay			\$	4,000
		\$	4,000	\$	4,000
Explanation: Animal Services and Control (10512) - Transfer funds for vehicle maintenance.					
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>				
10606-514000	Travel			\$	300
10606-514500	Training & Education			\$	1,300
10606-545000	Contracted Services	\$	1,600		
		\$	1,600	\$	1,600
Explanation: Soil & Water Conservation (10606) - Transfer budgeted funds for removal of three beaver dams.					
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>				
10795-516200	Vehicle Maintenance	\$	1,314		
10795-576009	Soccer			\$	1,064
10795-576011	Adult Volleyball			\$	250
		\$	1,314	\$	1,314
Explanation: Parks and Recreation (10795) - Transfer budgeted funds for unanticipated vehicle maintenance.					
Net Budget Effect: Operating Fund (10) - No change.					

Communication: Minutes for April 20, 2020 (Approval Of Minutes-April 20, 2020)

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
10796-590000	Capital Outlay			\$	3,000
10796-532000	Contracted Services	\$	3,000		
		\$	3,000	\$	3,000

Explanation: Currituck County Rural Center (10796) - Transfer funds for contract purchases that were below the capital thresholds.

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>				
220548-516115	Buildings & Grounds	\$	5,000		
220548-536115	Personal Protect Equip			\$	5,000
		\$	5,000	\$	5,000

Explanation: Knotts Island Fire Services (220548) - Transfer budgeted funds for electrical upgrades and air compressor for the SCBA room at the Knotts Island Fire Station.

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

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
10460-514000	Travel			\$	3,100
10460-514500	Training & Education			\$	3,400
10460-516400	Equipment Maintenance			\$	2,400
10460-516200	Vehicle Maintenance	\$	5,000		
10460-516000	Repairs & Maintenance	\$	3,900		
		\$	8,900	\$	8,900

Explanation: Public Works (10460) - Transfer funds to repair a Public Works truck and for other maintenance for the remainder of this fiscal year.

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

Communication: Minutes for April 20, 2020 (Approval Of Minutes-April 20, 2020)

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
10981-502100	Salaries - Overtime	\$	20,000		
10981-503500	Temporary Salaries	\$	6,000		
10981-505000	FICA Expense	\$	1,989		
10981-507000	Retirement Expense	\$	3,822		
10981-532000	Supplies	\$	15,000		
10981-557000	Customer Refunds	\$	10,000		
10330-445100	FEMA - Public Assistance			\$	56,811
		\$	56,811	\$	56,811

Explanation: Disaster Recovery (10981) - Increase appropriations to record costs associated with COVID19 pandemic.

Net Budget Effect: Operating Fund (10) - Increased by \$56,811.

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
52606-545001	Hurricane Matthew/Snag & Clear	\$	14,760		
52330-448201	NC Dep Ag - Hurricane Matthew			\$	14,760
		\$	14,760	\$	14,760

Explanation: Hurricane Matthew (52606) - Increase appropriations to record amendment 02-2020 for Stream Debris Removal Program contract 17-175-4005.

Net Budget Effect: Multi-year Grant Fund (52) - Increased by \$14,760.

		Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
<u>Account Number</u>	<u>Account Description</u>				
10550-592000	Airport Projects			\$	30,000
10550-590000	Capital Outlay	\$	14,000		
10550-545000	Contracted Services	\$	16,000		
		\$	30,000	\$	30,000

Explanation: Airport (10550) - Transfer budgeted funds from Airport projects to purchase mower for the airport property and to contract services for operations for the remainder of this year.

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

3. Surplus Resolution-Booking Station, Detention

Communication: Minutes for April 20, 2020 (Approval Of Minutes-April 20, 2020)

RESOLUTION

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.

County	Asset Tag	Description	Serial Number
	6886	Booking Station w/ Full Hand Scanner	AAV248000310

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

ADOPTED, this 20th day of April, 2020.

Robert M. White
County of Currituck, Board of Commissioners

Leeann Walton
Clerk to the Board (Seal)

- 4. **Banking-Signature Resolution, Soil & Water Conservation**
- 5. **Consideration of Waze Connected Citizens Program**
- 6. **Parks and Recreation Records Disposal Request**

SPECIAL MEETING - OCEAN SANDS WATER & SEWER DISTRICT BOARD

The Currituck County Board of Commissioners held a Special Meeting of the Ocean Sands Water & Sewer District Board during a recess of the 6:00 PM regular meeting on April 20, 2020. The Special Meeting took place in the Board Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, to consider a budget amendment.

D. OSWSD-Budget Amendment

The meeting was opened and County Manager, Ben Stikeleather, presented the Budget Amendment for consideration. Following review, Chairman White moved for approval and

Communication: Minutes for April 20, 2020 (Approval Of Minutes-April 20, 2020)

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

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20200121

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of May 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10796-514000	Travel		\$ 800
10796-526000	Advertising		\$ 600
10796-514500	Training & Education		\$ 500
10796-516000	Repairs & Maintenance	\$ 1,900	
		<u>\$ 1,900</u>	<u>\$ 1,900</u>

Explanation: Currituck County Rural Center (10796) - Transfer funds for repairs to street lights at the CCRC.

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

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Journal # _____

Clerk to the Board

Attachment: BudAmends-May 4_General Meeting (Budget Amendments)

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20200122

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of May 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-590003	Hydrants		\$ 8,000
61818-533800	Chemicals	\$ 8,000	
		<u>\$ 8,000</u>	<u>\$ 8,000</u>

Explanation: Mainland Water (61818) - Transfer funds from Fire Hydrants to chemicals to purchase chemicals needed for operations for the remainder of this fiscal year.

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

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Clerk to the Board

Attachment: BudAmends-May 4_General Meeting (Budget Amendments)

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of May 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
67878-516000	Repairs and Maintenance	\$ 6,450	
67878-514000	Travel		\$ 2,700
67878-514500	Training and education		\$ 1,750
67878-561000	Professional services		\$ 2,000
		<u>\$ 6,450</u>	<u>\$ 6,450</u>

Explanation: Mainland Central Sewer System (67878) - Transfer budgeted funds for repairs to the Mainland Central Sewer System.

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

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Journal # _____

Clerk to the Board

Attachment: BudAmends-May 4_General Meeting (Budget Amendments)

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of May 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12543-532103	Fire Supplies	\$ 6,000	
12543-513003	Utilities		\$ 2,000
12543-514503	Travel, Training & Education		\$ 4,000
12543-516003	Repairs & Maintenance	\$ 7,000	
12543-532003	Supplies		\$ 2,000
12543-544003	Volunteer Assistance		\$ 5,000
12543-545000	Contract Services	\$ 15,500	
12543-590003	Capital Outlay	\$ 7,500	
12390-499900	Appropriated Fund Balance		\$ 23,000
		<u>\$ 36,000</u>	<u>\$ 36,000</u>

Explanation: Moyock Volunteer Fire Department (12543) - Transfer funds for operations and increase appropriations to carry-forward \$7,500 in unspent capital funds from FY 2019 and for contract services that was not previously budgeted.

Net Budget Effect: Fire Services Fund (12) - Increased by \$23,000.

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Clerk to the Board

Attachment: BudAmends-May 4_General Meeting (Budget Amendments)

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20200127

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of May 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
18609-545000	Contract Services	\$ 2,407	
18390-499900	Appropriated Fund Balance		\$ 2,407
		<u>\$ 2,407</u>	<u>\$ 2,407</u>

Explanation: Hog Bridge Ditch (18609)- Increase appropriations for snag/clear project along Hog Bridge Ditch.

Net Budget Effect: Hog Bridge Ditch Watershed District Fund (18) - Increased by \$2,407.

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Clerk to the Board

Attachment: BudAmends-May 4_General Meeting (Budget Amendments)

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20200128

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of May 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
210541 514000	Travel			\$	1,000
210541 514500	Training			\$	7,000
210541 532000	Supplies	\$	500		
210541 536000	Uniforms			\$	865
210541 545000	Contracted services	\$	1,000		
210541 553000	Dues and Subscriptions	\$	865		
210541 561000	Professional Services	\$	7,000		
210541 590000	Capital Outlay			\$	500
		<u>\$ 9,365</u>		<u>\$ 9,365</u>	

Explanation: Corolla Fire Services (210541) - Transfer for increased cost of dues and for costs due to COVID19.

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

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Clerk to the Board

Attachment: BudAmends-May 4_General Meeting (Budget Amendments)

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of May 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10530 514000	Travel		\$ 1,500
10530 516200	Vehicle Maintenance	\$ 8,500	
10530 531000	Fuel		\$ 5,000
10530 532000	Supplies		\$ 2,000
10530 533900	Ambulance Supplies	\$ 4,000	
10530 536000	Uniforms		\$ 5,666
10530 590000	Capital Outlay	\$ 1,666	
		<u>\$ 14,166</u>	<u>\$ 14,166</u>

Explanation: Emergency Medical Services (10530) - Transfer for operations for the remainder of this fiscal year due to unanticipated COVID19 expenses.

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

Minute Book # _____, Page # _____

Journal # _____ Clerk to the Board _____

Attachment: BudAmends-May 4_General Meeting (Budget Amendments)

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20200134

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of May 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10510-514500	Training & Education		\$ 25,000
10510-531000	Fuel		\$ 27,000
10510-590000	Capital Outlay	\$ 52,000	
		<u>\$ 52,000</u>	<u>\$ 52,000</u>

Explanation: Sheriff (10510) - Transfer budgeted funds to purchase replacement vehicles which will not be funded in the FY 2021 budget.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-May 4_General Meeting (Budget Amendments)

**COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE**

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

SECTION 1. The project authorized is Hurricane Dorian Watershed Restoration Project, contract 19-091-4044.

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

Hurricane Dorian Watershed Restoration Project	\$	142,247
		<hr/>
	\$	142,247
		<hr/> <hr/>

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

NC Dept of Agriculture Grant 19-091-4044	\$	142,247
		<hr/>
	\$	142,247
		<hr/> <hr/>

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

Attachment: Proj_May 4_Watershed Restoration Hurr Dorian (Project Ordinance-Hurricane Dorian-Ditch Cleaning)

materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.

- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 4th of May, 2020.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

DESIGNATION OF APPLICANT'S AGENT AND APPLICANT ASSURANCES FOR PUBLIC ASSISTANCE

ORGANIZATION NAME (HEREAFTER NAMED ORGANIZATION)

PRIMARY AGENT	SECONDARY AGENT
AGENT'S NAME	AGENT'S NAME
ORGANIZATION	ORGANIZATION
OFFICIAL POSITION	OFFICIAL POSITION
MAILING ADDRESS	MAILING ADDRESS
CITY ,STATE, ZIP	CITY ,STATE, ZIP
DAYTIME TELEPHONE	DAYTIME TELEPHONE
FACSIMILE NUMBER	FACSIMILE NUMBER
PAGER OR CELLULAR NUMBER	PAGER OR CELLULAR NUMBER

THE ABOVE PRIMARY AND SECONDARY AGENTS ARE HEREBY AUTHORIZED TO EXECUTE AND FILE APPLICATION FOR PUBLIC ASSISTANCE ON BEHALF OF THE ORGANIZATION FOR THE PURPOSE OF OBTAINING CERTAIN STATE AND FEDERAL FINANCIAL ASSISTANCE UNDER THE ROBERT T. STAFFORD DISASTER RELIEF & EMERGENCY ASSISTANCE ACT, (PUBLIC LAW 93-288 AS AMENDED) OR OTHERWISE AVAILABLE. THIS AGENT IS AUTHORIZED TO REPRESENT AND ACT FOR THE ORGANIZATION IN ALL DEALINGS WITH THE STATE OF NORTH CAROLINA AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR MATTERS PERTAINING TO SUCH DISASTER ASSISTANCE REQUIRED BY THE AGREEMENTS AND ASSURANCES PRINTED ON THE REVERSE SIDE HEREOF.

CHIEF FINANCIAL OFFICER	CERTIFYING OFFICIAL
NAME	OFFICIAL'S NAME
ORGANIZATION	ORGANIZATION
OFFICIAL POSITION	OFFICIAL POSITION
MAILING ADDRESS	MAILING ADDRESS
CITY ,STATE, ZIP	CITY ,STATE, ZIP
DAYTIME TELEPHONE	DAYTIME TELEPHONE
FACSIMILE NUMBER	FACSIMILE NUMBER
PAGER OR CELLULAR NUMBER	PAGER OR CELLULAR NUMBER

APPLICANT'S STATE COGNIZANT AGENCY FOR SINGLE AUDIT PURPOSES (IF A COGNIZANT AGENCY IS NOT ASSIGNED, PLEASE INDICATE):

APPLICANT'S FISCAL YEAR (FY) START

MONTH: **June** DAY: **30**

APPLICANT'S FEDERAL EMPLOYER'S IDENTIFICATION NUMBER

-

APPLICANT'S STATE PAYEE IDENTIFICATION NUMBER

- -

CERTIFYING OFFICIAL'S SIGNATURE

Attachment: DAA-UPDATE-COVID19 (FEMA-Designation of Applicant's Agent-Covid-19)

APPLICANT ASSURANCES

The applicant hereby assures and certifies that he will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally-assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that it is duly authorized pursuant to appropriate applicant authority and/or a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body and that the agents and officials designated herein are duly authorized under North Carolina law to act on behalf of the organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to the disaster assistance required by the agreements and assurances contained herein.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 12148, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act, as amended, 5 USC 1501 et. seq. and 7324 et. seq., which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, 29 U.S.C. Section 201 et seq., as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973, as amended, 42 U.S.C. 40001 et. seq.. Further, Sections 102 and 103 (42 U.S.C. 4012a and 4015) required, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108 (former 16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 or 1974, 54 U.S.C. 312501 et. seq. (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.



North Carolina Department of Public Safety Division of Emergency Management

APPLICANT: County of Currituck DISASTER COVID-19
:
FEMA 4487-DR-NC
-

PUBLIC ASSISTANCE CFDA# 97.036

STATE – APPLICANT DISASTER ASSISTANCE AGREEMENT

This Agreement made by and between the State of North Carolina, Dept. of Public Safety, Division of Emergency Management (“the State”) and County of Currituck (“the Applicant”) shall be effective on the date signed by the State and the Applicant. It shall apply to all disaster assistance funds provided by or through the State to the Applicant as a result of the disaster COVID-19, and pursuant to the Disaster Declaration called

made by the President of the United States numbered FEMA 4487-DR-NC

The designated representative of the Applicant (Applicant’s Agent) certifies that:

1. He/She has the legal authority under North Carolina law to apply for assistance on behalf of the Applicant that it is duly authorized pursuant to appropriate Applicant authority and/or a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant’s governing body and that the agents and officials designated herein are duly authorized under North Carolina law to act on behalf of the organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to the disaster assistance required by the agreements and assurances contained herein.
2. The Applicant shall provide all necessary financial and managerial resources to meet the terms and conditions of receiving Federal and State disaster grant assistance.
3. The applicant shall use disaster assistance funds solely for the purpose for which these funds are provided and as approved by the Governor’s Authorized Representative (GAR).
4. The Applicant is aware of and shall comply with cost-sharing requirements of Federal and State disaster assistance: specifically that Federal assistance is limited to 75% of eligible expenditures, and that State assistance is limited to 25% of the eligible costs. Alternate projects selected by the Applicant may be eligible for only 75% of the approved Federal share of estimated eligible costs.
5. The Applicant shall provide the following completed documentation to the State:
 - Designation of Applicant’s Agent;
 - State-Applicant Disaster Assistance Agreement

Attachment: SAA-Updated-4 14 2020 (FEMA-Designation of Applicant's Agent-Covid-19)

- Private Non-Profit Organization Certification (if required);
- Summary of Documentation Form itemizing actual costs expended for large project payment requests;
- Monthly Progress Reports;
- Copies of Single Audit Reports as applicable.

If the Applicant fails to provide any of the above documentation, the State will be under no obligation to reimburse the Applicant for eligible expenses.

- The Applicant shall establish and maintain a proper accounting system to record expenditures of disaster assistance funds in accordance with generally accepted accounting principles or as directed by the Governor's Authorized Representative. If applicable, the Applicant shall conduct audit(s) pursuant to the Single Audit Act of 1984, 31 U.S.C. §7501 et. seq., 44 C.F.R. Part 14, 2 C.F.R. Part 200 OMB Circular A-133, "Audits of States, Local Governments and Non-profit Organizations," and applicable North Carolina laws, rules and regulations.
- The Applicant shall provide to the State monthly Progress Reports for all open large projects funded by State and Federal disaster assistance grants. The first Progress Report will be due on the 10th day of the first month following initiation of the project and subsequent Progress Reports will be due on the 10th day of each and every month thereafter until project completion. Forms and reporting requirements will be provided by the Governor's Authorized Representative.
- The Applicant, its employees and agents, including consultants, contractors and subcontractors to be paid with funds provided under this Agreement, shall give State and Federal agencies designated by the Governor's Authorized Representative, full access to and the right to examine all records and documents related to the use of disaster assistance funds.
- The Applicant shall return to the State, within thirty (30) days of a request by the Governor's Authorized Representative, any funds advanced to the Applicant that are not supported by audit or other Federal or State review of documentation maintained by the Applicant.
- The Applicant shall comply with all applicable codes and standards in the completion of eligible work to repair or replace damaged public facilities.
- The Applicant shall comply with all applicable provisions of Federal and State statutes, rules and regulations regarding the procurement of goods and services and regarding contracts for the repair and restoration of public facilities.
- The Applicant shall begin and complete all items of work within the time limits established by the Governor's Authorized Representative and in accordance with applicable Federal and State statutes, rules and regulations.
- The Applicant shall request a final inspection within ninety (90) days after completion of each and every large project funded under this Agreement, or within ninety (90) days after the expiration of the time limit established for each project under Paragraph 12 above, whichever occurs first. Applicant shall present all supporting documentation to State and/or Federal inspectors at the time of final inspection. **The State, as Grantee, reserves the right to conduct a final inspection of any large project after expiration of the ninety- (90) day period and to reimburse Applicant only for costs documented at the time of final inspection.**
- The Applicant shall comply with all applicable Federal and State statutes, rules and

regulations for publicly financed or assisted contracts including, but not limited to, non-discrimination, labor standard, and access by the physically handicapped.

6.C.4.b

15. The Applicant's Designated Agent shall execute and comply with the Lobbying Prohibition document incorporated herein as Attachment A.
16. The Applicant's Designated Agent shall execute and comply with the Statement of Assurances (SF 424D) document incorporated herein as Attachment B.
17. The Applicant shall not enter into cost-plus-percentage-of-cost contracts for debris removal, emergency protective measures, or completion of disaster restoration or repair work.
18. The Applicant shall not enter into contracts for which payment is contingent upon receipt of State or Federal funds.
19. The Applicant shall not enter into any contract with any entity that is debarred or suspended from participation in Federal Assistance. The State and/or FEMA will not be under any obligation to reimburse Applicant for payments made to a debarred or suspended contractor. Applicant may search for debarred or suspended contractors on the "Excluded Parties List System" (EPLS) at the following website: www.sam.gov. The Applicant shall be responsible to ensure that it has checked the State Debarred Vendors Listing, <http://www.pandc.nc.gov/actions.asp> to verify that contractors, Subapplicants or Sub-Recipients have not been suspended or debarred from doing business with federal or State government".
20. The Applicant shall comply with the provisions of 42 U.S.C. §5155 (Section 312 of the Stafford Act) which prohibits duplication of benefits. Applicant shall notify State immediately if any other source of funds is available to offset disaster assistance provided pursuant to this Agreement. Applicant agrees that eligible costs under this Agreement will be reduced by duplicate benefits received from any other source.
21. The Applicant shall comply with all uniform grant administration requirements required by State and Federal statutes, rules and regulations, including but not limited to, the Robert T. Stafford Disaster Relief and Emergency assistance Act, Public Law 93-288, as amended, Title 44 of the Code of Federal Regulations, 2 C.F.R. Part 200, applicable OMB Circulars, and policy guidance issued by the Federal Emergency Management Agency (FEMA).
22. If the Applicant pays contractors, subcontractors or consultants with funds provided through this Agreement then the Applicant shall include language in all contracts that binds the contractor, subcontractor or consultant to the terms and conditions of this Agreement with the State. Contractual arrangements with contractors, subcontractors or consultants shall in no way relieve the Applicant of its responsibilities to ensure that all funds provided through this Agreement are administered in accordance with all State and Federal requirements.

Attachment: SAA-Updated-4 14 2020 (FEMA-Designation of Applicant's Agent-Covid-19)

FOR THE APPLICANT:

Date

56-6000292

Applicant's Federal Tax I.D.
Number (required)

BY: _____
Signature

Sandra L Hill
Typed Name

Finance Director
Title

FOR THE STATE:

Date

BY: _____
Signature

Typed Name

Title

Attachment: SAA-Updated-4 14 2020 (FEMA-Designation of Applicant's Agent-Covid-19)

ATTACHMENT A

LOBBYING PROHIBITION

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence either directly or indirectly an officer or employee of any State or Federal agency, a member of the N.C. Legislature, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL. "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all recipients of funds under this Agreement shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

County of Currituck

Name of Applicant

BY: _____
Signature of Applicant's Designated Agent

Attachment: SAA-Updated-4 14 2020 (FEMA-Designation of Applicant's Agent-Covid-19)

ATTACHMENT B-1

OMB Approval No. 0348-0042

ASSURANCES-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of the project costs) to ensure proper planning, management and completion of the project described in this application
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply by the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-2763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended relating to nondiscrimination in the sale, rental, or financing of housing ; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

Attachment: SAA-Updated-4 14 2020 (FEMA-Designation of Applicant's Agent-Covid-19)

ATTACHMENT B-2

Authorized for Local Reproduction

Standard Form 424D (Rev. 7-97)

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S. C. §§276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L.93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of under ground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

Attachment: SAA-Updated-4 14 2020 (FEMA-Designation of Applicant's Agent-Covid-19)

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE Finance Director
APPLICANT ORGANIZATION County of Currituck	DATE SUBMITTED 5/4/2020

PROCLAMATION Recognizing May 2020 as Older Americans Month 2020

Whereas, Currituck County includes a growing number of older Americans who make countless contributions to our community every day; and

Whereas, Currituck County is stronger when people of all ages, abilities, and backgrounds are included and encouraged to make their mark; and

Whereas, Currituck County recognizes the importance of the physical, mental, social, and emotional well-being of its citizens; and

Whereas, Currituck County can support our community members by:

- promoting independence, inclusion, and participation;
- engaging older adults through education, recreation, and service; and
- connecting people with opportunities to share their time, experience, and talents.

Now, therefore, the Currituck County Board of Commissioners hereby proclaims May 2020 to be Older Americans Month. The Board of Commissioners urges every resident to recognize older adults and the people who support them as essential members of our community.

Dated this 4th day of May, 2020.

Robert M. White, Chairman

ATTEST:

Leeann Walton, Clerk to the Board



Attachment: Proclamation-Older Americans Month (Proclamation-Older Americans Month 2020)

This instrument has been Pre
audited in the manner
required by The Local
Government Budget and
Fiscal Control Act

County Finance Director

NORTH CAROLINA

LEASE AGREEMENT

CURRITUCK COUNTY

THIS LEASE AGREEMENT, which supersedes any prior lease agreements between the parties, made and entered into this 6 day of April, 2020, by and between WILLIAM E. BRADLEY (the "Lessor) and THE COUNTY OF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing under the laws of the State of North Carolina, (the "Lessee");

WITNESSETH:

THERE WHEREAS, North Carolina General Statutes 153A-121, 153A-132.1, and 153A-136, provide that a county may regulate the storage, collection and disposal of solid waste; and

WHEREAS, North Carolina General Statute 153A-165 provides that a county may lease as lessee any real property for any authorized public purpose; and

WHEREAS, the County, in order to provide the public with a convenient method for the disposal of solid waste desires to enter into this lease for the siting and placement of a convenience center for use by the public for the disposal of solid waste;

NOW, THEREFORE, for and in consideration of the rental, specified below, and of the stipulated covenants, the Lessor and Lessee agree as follows:

1. Lessor agrees to lease to Lessee 1.1 acres, more or less, of the premises situated at 6815 Caratoke Highway, Poplar Branch Township, Grandy, North Carolina which area includes access road from Caratoke Highway.
2. The lease of the above-described premises shall be for a term of one (1) year commencing on the 1st day of July, 2020, and ending on the 30th day of June 2021.
3. The rent for the term of this lease is \$7,200.00 per year or \$600.00 per month, payable in advance without demand or notice.
4. It is understood by the parties that the leased premises will be improved for Lessee's use as a solid waste disposal center. It is mutually agreed between Lessor and Lessee that any costs incurred and all improvements made to the leased premises shall be at the expense of the Lessee.
5. Lessee agrees to keep the leased premises neat in appearance.

Attachment: Grandy Convenience Site Lease Agmt (GRANDY CONVENIENCE SITE LEASE AGREEMENT)

6. Lessee agrees to indemnify and hold Lessor harmless from any liability of any nature, which may arise in connection with Lessee's use of the leased premises, and Lessor shall indemnify and hold Lessee harmless from any liability due to conditions existing to or on the leased premises prior to the date of this lease agreement.

7. Lessee may not assign, transfer, sublease, pledge or otherwise encumber or dispose of this lease without the written consent of the Lessor, except as described in paragraph 4 of this lease agreement.

8. Upon termination of this lease agreement, any rental paid by Lessee in advance shall be returned to Lessee on a pro-rata basis.

9. Upon Termination or expiration of this lease, Lessee agrees to remove all fixtures, personal property and other improvements from the leased premises and to return the leased premises to Lessor in substantially the same condition as on the date Lessor takes possession of the premises.

10. Lessee shall have peaceful and quiet enjoyment of the premises for the term of this lease provided that Lessee pays the rent as agreed to in this lease agreement and otherwise performs all of the conditions and covenants set forth in this lease agreement.

IN WITNESS WHEREOF, Lessor and Lessee have executed this lease the day and year first written above.

LESSOR

William E. Bradley (SEAL)
William E. Bradley

STATE OF Virginia

CITY/COUNTY OF Newport News

I, Kimberly Ann Smith, the undersigned Notary Public, certify that William E. Bradley personally came before me this day and acknowledged the due execution of the foregoing instrument.

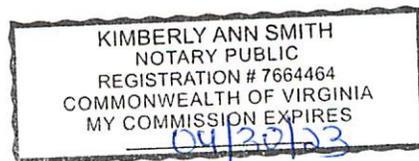
WITNESS my hand and official seal this 6th day of April, 2020.

Kimberly Ann Smith
Notary Public

(OFFICIAL SEAL)

Kimberly Ann Smith
Printed Name

My Commission Expires: 04-30-23



Attachment: Grandy Convenience Site Lease Agmt (GRANDY CONVENIENCE SITE LEASE AGREEMENT)

ATTEST:

LESSEE

Leeann Walton
Clerk to the Board

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

(SEAL)

NORTH CAROLINA

COUNTY OF CURRITUCK

I, _____ a Notary Public of the County and State aforesaid, certify that Leeann Walton personally came before me this day and acknowledged that she is the Clerk of the Currituck County Board of Commissioners for the County of Currituck, a politic body and political subdivision of the State of North Carolina, and that by authority duly given and as the act of the County, the foregoing instrument was signed in its name by its County Manager, sealed with its County seal and attested by her as its Clerk to the Board.

WITNESS my hand and official seal this _____ day of _____, 2020.

Notary Public

(OFFICIAL SEAL)

Printed Name

My Commission Expires: _____

Attachment: Grandy Convenience Site Lease Agmt (GRANDY CONVENIENCE SITE LEASE AGREEMENT)