



CURRITUCK COUNTY NORTH CAROLINA

April 5, 2021

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:30 PM Stormwater

The Currituck County Board of Commissioners met at 4:30 PM for a work session to discuss modifying stormwater regulations in Currituck County. Laurie LoCicero, Planning and Community Development Director, began by comparing neighboring Camden County's stormwater requirements with Currituck County's. Ditching, retention and release rates, upstream and downstream analysis requirements, and other criteria included in Camden County's stormwater plan were reviewed. Different fees charged to developers and homeowners to manage stormwater were described. Commissioners questioned the fees charged to property owners and County Attorney, Ike McRee, explained stormwater in Camden County is treated as a utility and Currituck County could operate in the same manner. The upstream and downstream analysis required in Camden County was discussed, and Eric Weatherly, County Engineer, said modeling could be used to determine how this requirement would affect development. Kim Hamby of Timmons Group, an Engineer familiar with Camden County stormwater requirements, clarified aspects of Camden County's stormwater regulations for Commissioners, including stormwater modeling, drainage and retention, and the processes for performing an upstream and downstream analysis for development.

County Manager, Ben Stikeleather, summarized the plan differences and noted Currituck County concentrates on the amount of water a subdivision can hold while Camden County concentrates on how fast water can drain. After discussion, Commissioners directed staff to draft language to require the upstream and downstream analysis, an engineering review of the stormwater plan, and a post-installation visual inspection of stormwater infrastructure. The Board did not wish to make any changes to retention and recovery rates, nor institute fees at this time.

At a March 15, 2021, work session, Commissioners and staff discussed whether to require dedicated easements for any new development along a major drainageway, what the setbacks for those easements should be, and whether septs or other structures should be allowed to locate within those easements. Commissioners at that time had asked the County Engineer to assess and provide an opinion on the proposal. Mr. Weatherly reported a 25' setback would be a sufficient distance for easements along the county's major drainageways and would allow ample space for work to be performed when necessary.

Commissioners agreed to require a dedicated easement to the county along major drainageways with a 25' setback for new subdivisions but asked to see an overhead of

what a site would look like if infrastructure was prohibited within the setback. Staff agreed to bring back a visual using GIS mapping.

Mr. Stikeleather distributed a draft letter that would be going out to Moyock Township property owners, beginning the process of establishing a Moyock Stormwater Service District. Commissioners were asked to review the letter and provide comment prior to mailing the following week. There was no further discussion and the work session concluded at 5:48 PM.

6:00 PM CALL TO ORDER

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

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

Chairman Payment called the meeting to order and announced the earlier work session.

A) Invocation & Pledge of Allegiance

Sheriff's Deputy in attendance, Ivan Jordan, offered to give the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Commissioner White moved for approval of the agenda. Commissioner J. Owen Etheridge seconded the motion. The motion carried, 7-0.

Work Session

4:30 PM Stormwater

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 PublicHearing. Public comments are limited to 3 minutes.

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

- A) **PB 20-24 Shingle Landing Villas:** Request for a Preliminary Plat/Use Permit for multi-family subdivision (townhouse development) located on Moyock Landing Drive, Tax Map 9, Parcel 29T, Moyock Township.

- B) **PB 21-05 Currituck County Text Amendment PUD Open Space:** Request to amend the Unified Development Ordinance, Sections 1.8.6 and 10.5 to allow construction of a police, fire or EMS facility on county-owned land designated as open space in a Planned Unit Development and amend the definition of police, fire and EMS facility to include training facilities.

New Business

- A) **Consideration of Sale and Purchase Agreement for Acquisition of Property Located on Tulls Creek Road, Moyock, North Carolina, PIN #002200000210000**

- B) **Consideration Of An Ordinance Amending Chapter 2, Article II, Section 2-65 Of The Currituck County Code Of Ordinances To Add County Attorney Report To The Board of Commissioners' Agenda**

- C) **Consideration Of An Ordinance Amending Chapter 9, Article III, Sections 9-33 and 9-36 Of The Currituck County Code of Ordinances Modifying Requirements For Issuance of Amplified Sound Permits And Permits to Exceed Certain Decibel Levels**

- D) **Consideration Of Resolution Amending June 1, 2015 Policy Regulating Alcohol Use At Knotts Island Ruritan Park, Currituck County Rural Center, Soundside Park And Historic Corolla Park Removing Requirement For Law Enforcement Presence At Private Events Held At Historic Corolla Park**

- E) **Consideration Of Resolution Directing The Use Of Eminent Domain To Acquire Easements Necessary For**

Construction Of Stormwater Drainage And Management System To Alleviate Stormwater And Flooding Issues In Ocean Sands Subdivision

F) Board Appointments

1. Planning Board

G) Consent Agenda

1. Budget Amendments
2. Project Ordinance-HJCS Exterior Siding Replacement Project
3. Surplus Resolution-Pump Equipment, Engineering Dept.
4. Surplus Resolution-Backhoe, Public Works
5. Change Order #2-Public Safety Building, Time Extension Request
6. JCPC Certification for FY 2021-2022
7. Petition for Road Additions-Olmstead Lane, Tilden Court and Chapman Lane, Tuckers Cove
8. Petition for Road Additions-Sunny Lake Road and Green Lake Road, Lake View
9. Consideration of Contract to Audit Accounts-FY 2021-22
10. Approval Of Minutes-March 15, 2021

Recess

Special Meeting of the Tourism Development Authority

TDA-Budget Amendments

Adjourn Meeting of the TDA and

Reconvene

Closed Session

Closed Session Pursuant to G.S. 143-318.11(a)(6) to Discuss Personnel Matters

Adjourn

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

PUBLIC COMMENT

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

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

COMMISSIONER'S REPORT

Commissioner J. Owen Etheridge reported on a ribbon cutting ceremony for a new greenhouse at Currituck County High School. He said how impressed he was with the facility and the students who participate in the Future Farmers of America (FFA) program, and noted Currituck County ranks in the top one percent out of 8,612 FFA chapters nation wide.

Commissioner McCord reported the schedule for Covid-19 second shot vaccine clinics.

Commissioner Beaumont announced the upcoming Veterans Advisory Board meeting where a representative from Iredell County's veteran services office will visit to discuss veteran's issues.

Chairman Payment noted the Easter celebrations held throughout the county for children and thanked all who worked to plan the events. He encouraged citizens to support local Volunteer Fire Departments and reminded everyone to be careful with increased traffic on the highway.

Commissioner White reported the Outer Banks recently ranked third among the most searched vacation destinations, per Yahoo Finance. He participated in a virtual meeting with members of the Whalehead Property Owners Association (POA) to discuss county business. He encouraged other community members who are not involved to become more active in their community homeowners association.

Commissioner Jarvis also attended Currituck County High School's greenhouse ribbon cutting. She said the facility is extraordinary and will be a great component to the program. She said over 300 students participate in Currituck County's agricultural programs which demonstrates how important they are to our area.

COUNTY MANAGER'S REPORT

County Manager, Ben Stikeleather, provided additional information on the County's second-dose Covid-19 vaccine clinics and announced new groups eligible to receive vaccinations. He reported on upcoming budget work sessions, to be held late April, and said the county is now posting videos to provide information of interest to citizens. The status of ongoing construction projects were reported, with the Maritime Museum, Public Safety Building and Shingle Landing Park all slated to open this summer.

PUBLIC HEARINGS

A. PB 20-24 Shingle Landing Villas:

APPLICATION SUMMARY

APPLICATION SUMMARY	
Property Owner:	Applicant:
Shingle Landing Villas LLC	Shingle Landing Villas LLC
111 Currituck Commercial Drive Suite B	c/o Sam Miller

APPLICATION SUMMARY	
Moyock NC 27958	111 Currituck Commercial Drive Suite B Moyock NC 27958
Case Number: PB 20-24	Application Type: Preliminary Plat/Use Permit
Parcel Identification Number: 0009-000-029T-0000	Existing Use: Vacant
Land Use Plan Classification: Full Service	Parcel Size (Acres): 4.01
Moyock Small Area Plan Classification: Full Service	Zoning: RA20 (1975); A (1989); GB (2005); C-MXR (2017)
Number of Units: 16 + 1 ADU	Project Density: 4 units/acre
Required Open Space: 1.2 ac (30%)	Provided Open Space: 2.91 ac

SURROUNDING PARCELS		
	LAND USE	ZONING
NORTH	SINGLE-FAMILY DWELLINGS (HIDDEN OAKS SUBDIVISION)	C-SFM
SOUTH	SINGLE-FAMILY DWELLINGS (SHINGLE LANDING SUBDIVISION)	GB
EAST	INSTITUTIONAL (CURRITUCK HOUSE ASSISTED LIVING FACILITY)	GB
WEST	VACANT	GB

This 4.01 acre parcel is located on Moyock Landing Drive, adjacent to the Currituck House assisted living facility to the east and the Rail Road right-of-way to the west. The BOC rezoned the parcel to Conditional-MXR on February 6, 2017 (See Attached Order) and amended the Conditional-MXR zoning district on February 19, 2018. The BOC approved 16 units (4 buildings with 4 units each) with attached garages and one detached accessory dwelling unit. Because the prior rezoning approval did not include subdividing the property/obtaining a use permit, UDO Section 6.6 Adequate Public Facilities Standards did not apply to this project. This request to subdivide the property requires a use permit, so the Adequate Public Facilities ordinance applies.

This multi-family subdivision is subject to appropriate community forms, compatibility, and design standards to ensure a well-designed neighborhood. This multi-family development serves as a transition between General Business (GB) development along Caratoke Highway and the assisted living facility and the neighborhood (Shingle Landing) to the east. It is located in the fastest growing area of the county that continues to evolve as a Full Service community.

Schools

TO APPROVE A PRELIMINARY PLAT/USE PERMIT, ADEQUATE PUBLIC FACILITIES SHALL BE IN PLACE OR PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS AFTER THE INITIAL APPROVAL OF THE USE PERMIT. THIS DEVELOPMENT WILL BE SERVICED BY MOYOCK ELEMENTARY SCHOOL THAT IS

CURRENTLY OVER ACTUAL CAPACITY. THERE IS NO GUARANTEE THAT THE RECENTLY DISCUSSED EXPANSION PROJECT WILL BE COMPLETE WITHIN TWO YEARS OF APPROVAL *. FOR THE THREE ELEMENTARY SCHOOLS IN THE NORTHERN MAINLAND, THERE IS CONCERN THAT COMMITTED CAPACITY IS AT 126%. THERE IS ALSO CONCERN THAT THE HIGH SCHOOLS ARE AT 106% OF COMMITTED CAPACITY. **APPROVING THE PRELIMINARY PLAT/USE PERMIT WITHOUT ADEQUATE PUBLIC FACILITIES IN PLACE WOULD BE IN DIRECT CONFLICT WITH THE ADEQUATE PUBLIC FACILITIES ORDINANCE OF THE UDO AND MULTIPLE POLICIES IN THE LAND USE PLAN AND THE MOYOCK SMALL AREA PLAN.** PLEASE NOTE, THE BELOW CHART DOES NOT INCLUDE THE ADDITIONAL STUDENTS GENERATED BY THE FLORA C-MXR ZONING APPROVED BY THE BOC ON MARCH 2, 2021. THOSE STUDENTS WILL BE ACCOUNTED FOR AT PRELIMINARY PLAT/USE PERMIT APPROVAL.

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019-2020 2020-2021 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	109%	115%	126%	+4
Shawboro Elementary	94%	97%		
Central Elementary	80%	89%		
Griggs Elementary	56%	59%	101%	n/a
Jarvisburg Elementary	82%	88%		
Knotts Island Elementary	35%	36%	36%	n/a
Moyock Middle	95%	79%	93%	+1
Currituck Middle	61%			
Currituck High	84%	86%	106%	+2
JP Knapp Early College	93%			

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

²Capacity percentages are based on 2019-2020 and 2020-2021 school year classroom standards and August 2020 ADM

³Capacity percentages are based on the 2021-2022 school year classroom standards and August 2020 ADM

**According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).” See attached email.*

Community Meeting

A community meeting was held on November 24, 2020 for the project. Nine neighboring property owners attended the meeting. Primary questions were regarding construction start time, sale price of the units, floor plan/square footages, buffering, and parking.

INFRASTRUCTURE	
WATER	PUBLIC
SEWER	PUBLIC (MOYOCK REGIONAL WASTEWATER TREATMENT PLANT)
TRANSPORTATION	PEDESTRIAN: A 5' SIDEWALK WILL CONNECT INTO THE EXISTING SIDEWALK AT THE ASSISTED LIVING FACILITY VIA A TIMER PEDESTRIAN WALKWAY. THE SIDEWALK WILL RUN ACROSS THE FRONT OF THE ENTIRE PROPERTY AND CONNECT TO THE WESTERN PROPERTY LINE VIA A PEDESTRIAN EASEMENT.
	CONNECTIVITY SCORE: N/A (NO STREETS)
STORMWATER/DRAINAGE	THE PROJECT WILL BE MANAGED UNDER A LOW DENSITY STATE STORMWATER PERMIT AND CONSIST OF RETENTION PONDS CONSTRUCTED TO RETAIN STORMWATER AND SLOW RELEASE INTO ADJACENT STORMWATER OUTLETS. A RECENT TEXT AMENDMENT WAS APPROVED FOR THE PROJECT TO ALLOW THE DEVELOPMENT TO FALL UNDER THE NON-RESIDENTIAL STORMWATER DESIGN STANDARDS INSTEAD OF THE MORE RESTRICTIVE SUBDIVISION STORMWATER DESIGN STANDARDS.
DESIGN STANDARDS	THE MULTI-FAMILY PROJECT IS SUBJECT TO APPROPRIATE COMMUNITY FORMS, COMMUNITY COMPATIBILITY, AND DESIGN STANDARDS TO ENSURE A WELL-DESIGNED NEIGHBORHOOD
LIGHTING	FULL CUTOFF STREETLIGHTS ARE PROPOSED AND MUST BE COMPLIANT WITH LIGHTING STANDARDS.
LANDSCAPING	A TYPE B BUFFER IS PROPOSED ALONG THE NORTHERN PROPERTY LINE, A MAJOR ARTERIAL SCREEN BUFFER ALONG THE WEST PROPERTY LINE, SITE LANDSCAPING AT THE EASTERN AND SOUTHERN PROPERTY LINES, AND VEHICULAR USE LANDSCAPING IN THE PARKING AREAS.
PARKING	44 EXTERIOR PARKING SPACES ARE PROPOSED IN ADDITION TO THE 16 GARAGE PARKING SPACES.
COMPATIBILITY	THE DEVELOPMENT CREATES A NEW RESIDENTIAL USE TYPE AT AN APPROPRIATE DENSITY FOR THIS AREA WHERE COUNTY WATER AND SEWER ARE AVAILABLE.
RECREATION AND PARK AREA DEDICATION	A FEE-IN-LIEU OF RECREATION AND PARK AREA DEDICATION WILL BE REQUIRED PRIOR TO FINAL PLAT APPROVAL. BASED ON THE VALUE OF THE LAND AND THE APPROVAL OF 16 UNITS THE FEE WILL BE APPROXIMATELY \$25,487.
RIPARIAN BUFFERS	N/A

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS **DENIAL** OF THE USE PERMIT AND THE PRELIMINARY PLAT BASED TO THE FOLLOWING CONDITIONS:

1. The application does not comply with all applicable review standards of the UDO including:

- a. Adequate public facilities (schools) are not in place or programmed to be in place within two years. Moyock Elementary is over Actual and Committed Capacities and the high schools are over Committed Capacity.
2. The applicant does not demonstrate that the proposed use will meet the use permit review standards of the UDO.

Should the BOC decide to approve this request, the Technical Review Committee recommends the following conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:

- a. Not submitting for preliminary plat/use permit approval until adequate public facilities are in place or programmed to be in place within two years. (Planning)
- b. Developing strictly in accordance with the approved C-MXR conditions set by the BOC on February 18, 2010 and that *these conditions be placed on the plat* (See attached order). The conditional zoning conditions listed on the plat are different than those directed by the BOC through the attached order. (Planning)
 - i. The development shall be completed strictly in accordance with the conceptual development plan submitted to and approved by the Board of Commissioners.
 - ii. The development will consist of a 16 unit townhome development (with attached garages), one detached garage/storage unit, and one detached accessory dwelling unit.
 - iii. The architectural renderings of the townhomes to be incorporated into the approval and units constructed according to the expanded description given at the Board of Commissioners meeting on February 19, 2018, including the additional buffer.
- c. The county will take over the maintenance and operation of the lift station upon completion and certification. (Public Utilities)

STAFF'S CONCERNS REGARDING PROJECT CONSIDERATION AT THIS TIME:

- Inconsistent with the Land Use plan (see below).
- Inconsistent with the Moyock Small Area Plan (see below).
- Inadequate public facilities (schools).

USE PERMIT REVIEW STANDARDS

A USE PERMIT SHALL BE APPROVED ON A FINDING THAT THE APPLICANT DEMONSTRATES THE PROPOSED USE WILL MEET THE BELOW REQUIREMENTS. IT IS STAFF'S OPINION THAT THE EVIDENCE IN THE RECORD, PREPARED IN ABSENCE OF TESTIMONY PRESENTED AT A PUBLIC HEARING, SUPPORTS THE PRELIMINARY STAFF FINDINGS

The use will not endanger the public health or safety.

PRELIMINARY APPLICANT FINDINGS:

1. STORMWATER MANAGEMENT HAS BEEN DESIGNED IN ACCORDANCE WITH THE CONDITIONAL ZONING APPROVAL AND HAS BEEN APPROVED BY THE NC DEPT. OF ENVIRONMENTAL QUALITY. STORMWATER RETENTION PONDS WILL BE CONSTRUCTED TO MANAGE AND RETAIN STORMWATER AND SLOW RELEASE INTO ADJACENT STORMWATER OUTLETS.

2. A WASTEWATER COLLECTION SYSTEM AND LIFT STATION HAVE BEEN DESIGNED AND APPROVED BY THE NCDEQ, WHICH WILL BE PUMPED TO THE MOYOCK REGIONAL WASTEWATER TREATMENT SYSTEM.
3. THE PROJECT HAS BEEN DESIGNED AND APPROVED BY THE DIVISION OF ENERGY, MINERAL AND LAND RESOURCES FOR SEDIMENTATION AND EROSION CONTROL, AND WILL MINIMIZE EROSION AND CONTAIN SILTATION ON SITE.
4. NCDOT HAS REVIEWED AND APPROVED THE CONNECTION TO MOYOCK LANDING DRIVE.

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

PRELIMINARY APPLICANT FINDINGS:

1. LAND TO THE NORTH IS SINGLE FAMILY RESIDENTIAL BUT HAS A SIGNIFICANT TREE BUFFER TO THE SITE, LAND TO THE EAST IS THE CURRITUCK HOUSE ASSISTED LIVING FACILITY, LAND TO THE WEST IS COMMERCIAL AND LAND TO THE SOUTH IS RESIDENTIAL. THE COUNTY COMMISSIONERS DETERMINED THAT THE USE IS APPROPRIATE FOR THE LAND BY VIRTUE OF CONDITIONAL ZONING APPROVAL THAT WAS GRANTED AND AMENDED IN 2018. IT WAS DETERMINED THAT THIS DEVELOPMENT CREATES A NEW RESIDENTIAL USE TYPE AT AN APPROPRIATE DENSITY FOR THIS AREA WHERE COUNTY WATER AND SEWER ARE AVAILABLE AND PROVIDES A MODERATE COST HOUSING OPPORTUNITY FOR COUNTY RESIDENTS WITHIN A WELL-DESIGNED NEIGHBORHOOD.

The use will not be in conformity with the Land Use Plan or other officially adopted plans.

PRELIMINARY STAFF FINDINGS:

WHILE THE USE IS IN CONFORMITY WITH SOME POLICIES OF THE LAND USE PLAN (SEE ATTACHED APPLICATION FOR DEVELOPERS COMPLETE LIST), IT IS NOT IN CONFORMITY WITH THE FOLLOWING:

POLICY SF4	<p>CURRITUCK COUNTY SHALL CONTINUE TO SUPPORT A SERVICE LEVEL POLICY FOR SCHOOLS THAT CALLS FOR THE CONSTRUCTION AND MAINTENANCE OF CLASSROOM SPACE SUFFICIENT TO AVOID THE USE OF MOBILE CLASSROOM UNITS.</p> <p><u>COMMENTS:</u></p> <ul style="list-style-type: none"> • DWELLING UNITS ARE PROPOSED IN THE MOYOCK ELEMENTARY SCHOOL DISTRICT WHERE NO SCHOOL CAPACITY CURRENTLY EXISTS AND IS NOT YET PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS. • APPROVING THE USE _PERMIT/PRELIMINARY PLAT WITHOUT ADEQUATE PUBLIC FACILITIES IN PLACE OR PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS OF THE APPROVAL WOULD BE IN CONFLICT WITH THE ADEQUATE PUBLIC FACILITIES ORDINANCE OF THE UDO.* <p><i>*According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).”</i></p>
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POLICY PP2	<p>CURRITUCK COUNTY SHALL CONTINUE TO IMPLEMENT A POLICY OF ADEQUATE PUBLIC FACILITIES, SUFFICIENT TO SUPPORT ASSOCIATED GROWTH AND DEVELOPMENT. SUCH FACILITIES MAY INCLUDE BUT NOT LIMITED TO WATER SUPPLY, SCHOOL CAPACITY, PARK AND OPEN SPACE NEEDS, FIREFIGHTING CAPABILITY, AND LAW ENFORCEMENT.</p> <p><u>COMMENTS:</u></p> <ul style="list-style-type: none"> • DWELLING UNITS ARE PROPOSED IN THE MOYOCK ELEMENTARY SCHOOL DISTRICT WHERE NO SCHOOL CAPACITY CURRENTLY EXISTS AND IS NOT YET PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS. • APPROVING THE USE _PERMIT/PRELIMINARY PLAT WITHOUT ADEQUATE PUBLIC FACILITIES IN PLACE OR PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS OF THE APPROVAL WOULD BE IN CONFLICT WITH THE ADEQUATE PUBLIC FACILITIES ORDINANCE OF THE UDO.* <p><i>*ACCORDING TO A JANUARY 15, 2021 EMAIL, THE COUNTY MANAGER “EXPECTS TO GIVE THE NOTICE TO PROCEED WITH THE SCHOOL EXPANSION PROJECT BY JUNE 1ST. THE EXPANSION SHOULD INCREASE THE CAPACITY OF MOYOCK ELEMENTARY SCHOOL TO 750 STUDENTS. THE PROJECT SHOULD BE COMPLETED BY THE START OF THE 2023-2024 SCHOOL SESSION. BECAUSE OF THE EXPANSION PROJECT THIS SUMMER, WE WILL HAVE A SOLUTION TO OUR ADEQUATE PUBLIC FACILITY ISSUE REGARDING MOYOCK ELEMENTARY WITHIN TWO YEARS (FROM JUNE 1ST – STAFF ADDITION).”</i></p>
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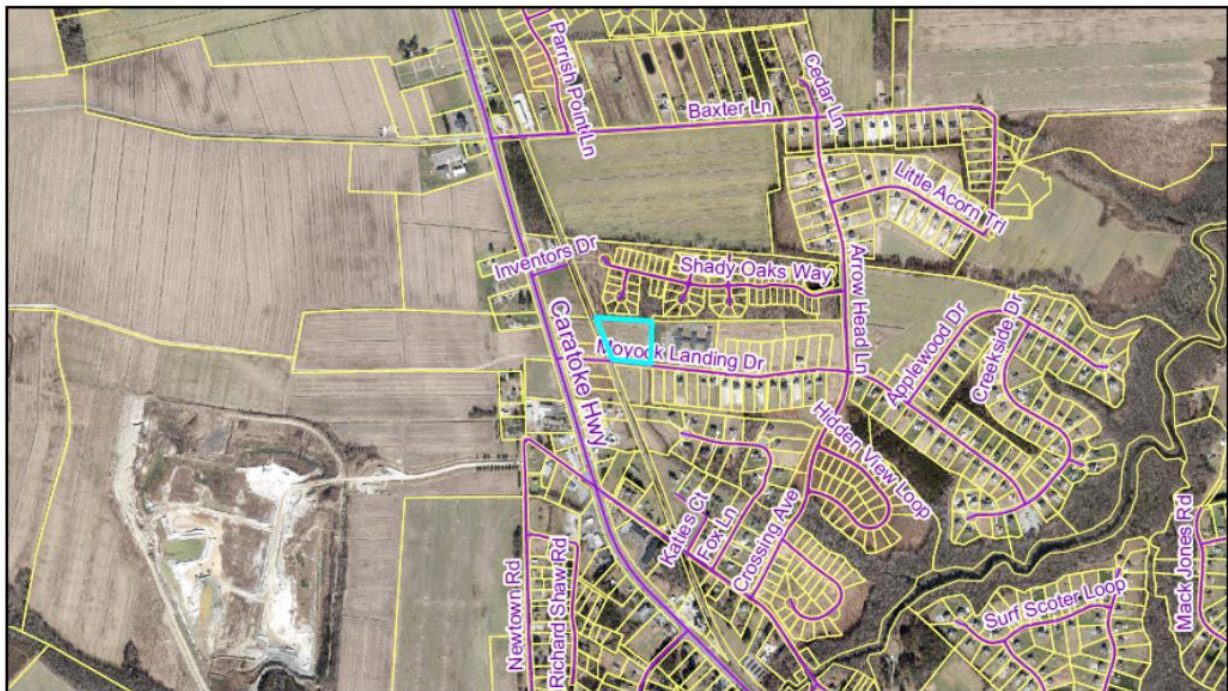
WHILE THE USE IS IN CONFORMITY WITH SOME OF THE POLICIES OF THE MOYOCK SMALL AREA PLAN (SEE ATTACHED APPLICATION FOR DEVELOPERS COMPLETE LIST), IT IS NOT IN CONFORMITY WITH THE COMMUNITY VALUES OF THE PLAN:

COMMUNITY VALUES	<ul style="list-style-type: none"> • RURAL ATMOSPHERE – SIGHTS, SOUNDS, SMELLS, AND OVERALL FEEL OF A RURAL COMMUNITY. • LOW TAXES, FISCAL RESPONSIBILITY, AND AVAILABILITY OF ADEQUATE COUNTY SERVICES; AND, • HUMAN SCALE DEVELOPMENT THAT SUPPORTS WALKABILITY. <p><u>COMMENTS:</u> CURRENTLY ADEQUATE COUNTY SERVICES DO NOT EXIST TO SERVE THIS PROJECT. MOYOCK ELEMENTARY SCHOOL IS OVER ACTUAL AND COMMITTED CAPACITIES AND THE HIGH SCHOOLS ARE OVER COMMITTED CAPACITIES.</p>
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The use will exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

PRELIMINARY STAFF FINDINGS:

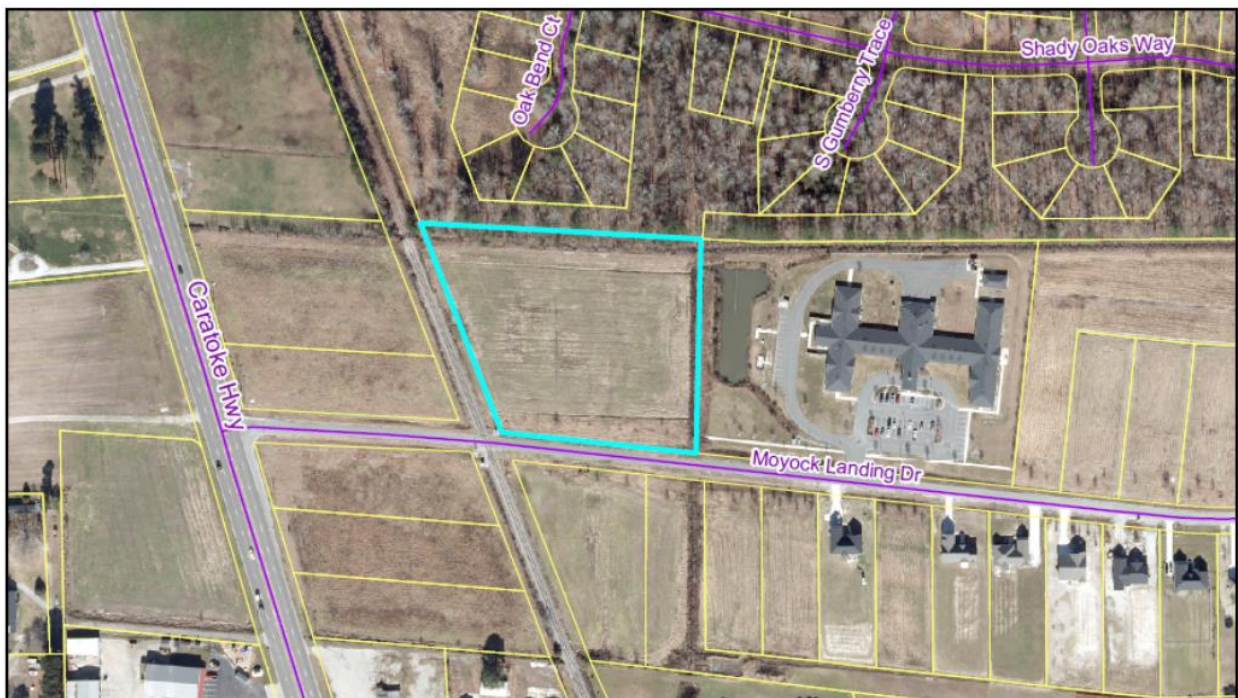
1. MOYOCK ELEMENTARY IS OVER ACTUAL AND COMMITTED CAPACITIES. (SEE ADEQUATE PUBLIC FACILITIES – SCHOOLS TABLE ABOVE.)
2. THE HIGH SCHOOLS ARE OVER COMMITTED CAPACITIES. (SEE ADEQUATE PUBLIC FACILITIES – SCHOOLS TABLE ABOVE.)



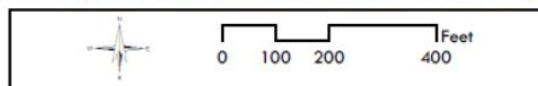
PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
Context Map



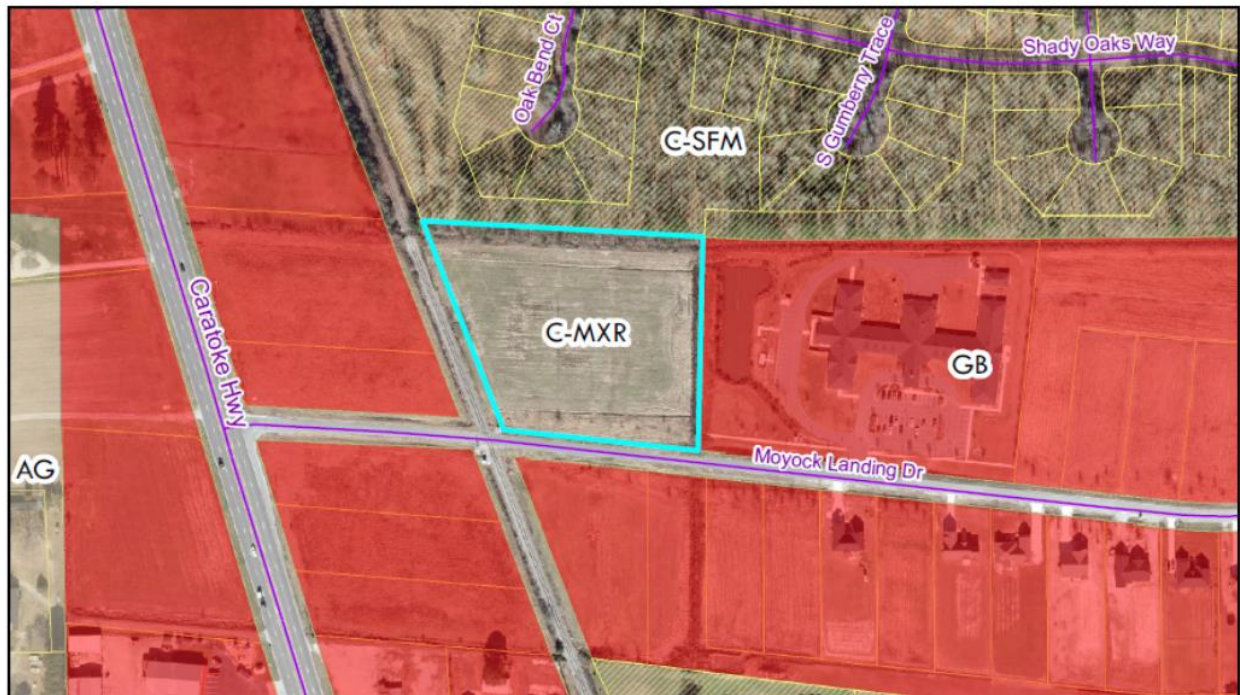
Currituck County
Planning and
Community Development



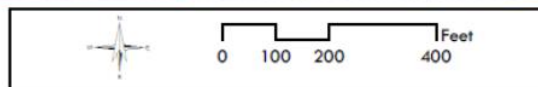
PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
2016 Aerial Photography



Currituck County
Planning and
Community Development



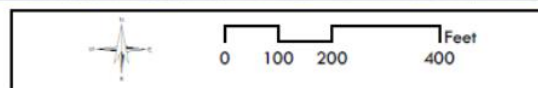
PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
Zoning



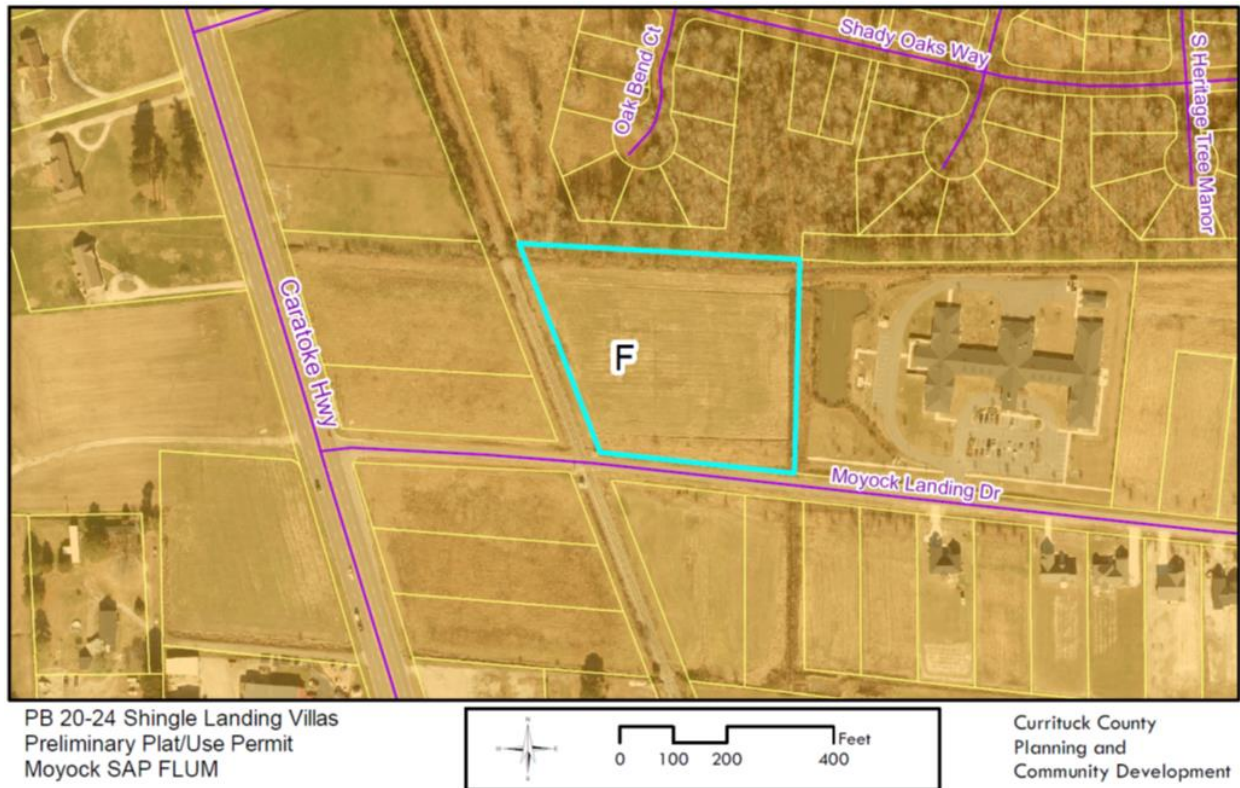
Currituck County
Planning and
Community Development



PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
Land Use Plan - FLUM



Currituck County
Planning and
Community Development



The hearing for Shingle Landing Villas had been continued from the meeting of March 15, 2021, to provide an opportunity for expert witnesses to appear and testify on behalf of the applicant.

Additional parties to speak were sworn in and John Morrison, Attorney representing the applicant, questioned Mr. Kim Tate, Real Estate Appraiser. Mr. Tate's professional resume was submitted for the record and he was tendered an expert witness after a review of his education and experience. Mr. Tate reported on his visit to the site, assessment of the subject site and surrounding parcels, and stated the use would not have a negative impact on adjacent properties. The Board had no questions following Mr. Tate's explanation of how he formed the basis of his opinion.

Brandon Dixon, a Licensed Mortgage Broker, testified on behalf of the applicant and presented information on the characteristics of a condominium versus a townhouse development. He said townhouse developments are considered single-family dwellings and are easier to finance as opposed to condos. He said condos have higher interest rates and must meet several federal agency regulations and requirements. He responded to questions from Commissioners to better clarify financing differences.

Chairman Payment opened the Public Hearing. No speakers were signed up and the Public Hearing was closed.

County Planner, Tammy Glave, was present and responded to several questions posed by Board members. Commissioner Mary Etheridge discussed her concerns with adequate public facilities. Ms. Glave recalled the rezoning previously approved by the

Board, which was a legislative matter, and compared it to the Use Permit process, which triggers the adequate public facilities ordinance requirement. Ms. Glave was asked to provide her interpretation of the adequate public facilities ordinance. She said Planners are required to interpret the language in the Unified Development Ordinance (UDO) as it is written. She said the language can be modified by the Board of Commissioners.

Ben Stikeleather, County Manager, discussed expansion plans for Moyock Elementary which are expected to be completed and available for students in August, 2023.

Ike McRee, County Attorney, discussed the development of the UDO and its purpose, and the role of the Board of Commissioners as finders of fact on matters after receiving evidence.

Attorney Morrison returned to address Commissioners and summarized the testimony heard on behalf of the applicant.

Board discussion concluded and Commissioner J. Owen Etheridge moved to approve PB 20-24, Shingle Landing Villas Preliminary Plat/Use Permit because the applicant has demonstrated the proposed use meets the use permit review standards of the UDO.

The use will not endanger the public health or safety:

- Stormwater management has been designed in accordance with the Conditional Zoning Approval and has been approved by the North Carolina Department of Environmental Quality (NCDEQ). Stormwater retention ponds will be constructed to manage and retain stormwater and slow release into adjacent stormwater outlets.
- A wastewater collection system and lift station have been designed and approved by the NCDEQ, which will be pumped to the Moyock Regional Wastewater Treatment System.
- The project has been designed and approved by the Division of Energy, Mineral and Land Resources for sedimentation and erosion control, and will minimize erosion and contain siltation on site.
- NCDOT has reviewed and approved the connection to Moyock Landing Drive.

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

- Land to the north is single-family residential but has a significant tree buffer to the site, land to the east is the Currituck House Assisted Living Facility, land to the west is commercial and land to the south is residential. The County Commissioners determined that the use is appropriate for the land by virtue of conditional zoning approval that was granted and amended in 2018. It was determined that this development creates a new residential use type at an appropriate density for this area where county water and sewer are available and provides a moderate cost housing opportunity for county residents within a well-designed neighborhood.

The use will be in conformity with the Land Use Plan (LUP) and other officially adopted plans.

1. It was determined in 2018 that the proposed development is consistent with 2006 LUP because:
 - a.) County water and sewer are available to the site and this use will help grow these systems. (Policy ES1)
 - b.) It is at a density appropriate for the location. (Policy HN1)
 - c.) It is located in the fastest growing area of the county that continues to evolve as a Full Service Community. (Moyock Policy Emphasis)
2. The amended conditional rezoning request is consistent with the Moyock Small Area Plan because:
 - a.) There will be a sidewalk connection to the assisted living facility, park, and subdivision to the east. (TR2)
 - b.) Infrastructure and service needs of the community are met (IS2)
 - c.) Impervious lot coverage is reduced and stormwater is properly managed (IS4)
 - d.) It is compatible with a rural atmosphere, transitional areas, and a small town, main street feel. (CC1)

The use will not exceed the county's ability to provide adequate public facilities.

- The Board of Commissioners determined in 2018 that the development is reasonable and in the public interest and that adequate public facilities are available to service the project. Construction of the project has been delayed due to Currituck County's inability to provide a wastewater connection, but now that sewer capacity has been made available, the project is now moving forward in accordance with the original conditions of approval.

Commissioner McCord seconded the motion. The motion carried on a member vote of 6-1.

A recess was called at 6:55 PM. The meeting reconvened at 7:00 PM.

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

B. PB 21-05 Currituck County Text Amendment PUD Open Space:

To: Board of Commissioners

From: Planning Staff

Date: March 22, 2021

Subject: PB 21-05 Currituck County – Text Amendment
PUD Open Space

Request

The enclosed text amendment submitted by Currituck County revises the Unified Development Ordinance (UDO) to allow construction of a police, fire or EMS facility on county-owned land designated as open space in a Planned Unit Development (PUD). This amendment modifies the definition of police, fire or EMS facility to include training facilities.

Background

Corolla Fire and Rescue desires to improve firefighting and response services by constructing a fire training facility in Corolla. The proposed facility will be located on property adjacent to the existing Pine Island Fire Station at 470 Ocean Trail. The county owns the property adjacent to the fire department located within Pine Island PUD. The county-owned property is designated as open space on the Pine Island PUD Amended Sketch Plan. Currently, the UDO does not allow use of a police, fire and EMS facility on property designated as open space.

The proposed fire training facility will be composed of 6 recycled storage containers attached to a concrete slab. The storage containers will allow for simulation of building access with artificial smoke and darkness, no utilities are proposed.

The Board of Commissioners has directed staff to prepare this text amendment. Staff suggests narrowly tailoring this amendment to limit its use. Land available for public service improvements is limited in Corolla.

PUDs are the predominate type of development in the paved road portion of Corolla and all existing PUDs within the county are located in Corolla. A PUD is a type of development permitted under prior zoning ordinances. PUD developments were intended to foster development expected to promote a more efficient use of land, a higher level of amenities and more creative design. PUDs have detailed sketch plans that lay out residential areas, specific residential densities, commercial areas and open space areas.

This text amendment will give the county flexibility to site needed public safety facilities on county-owned land designated as open space in existing PUDs in Corolla and will therefore allow the county to provide an increased level of training for fire response service in the Corolla area.

Text Amendment Review Standards

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

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;

6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

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

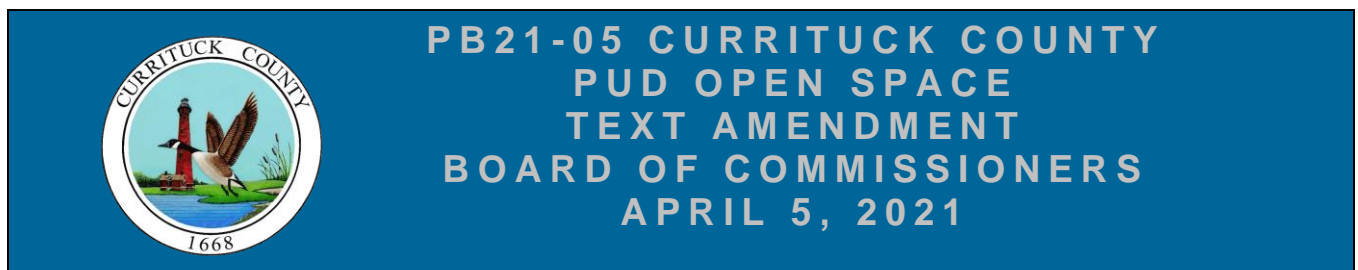
1. POLICY PS1: As the area grows, the County may establish strategically located SUBSTATIONS FOR PUBLIC SAFETY SERVICES (i.e. law enforcement, fire fighting and rescue), provided that sufficient resources can be made available to properly staff and equip them.
2. POLICY PS2: Currituck County shall support and encourage the development and improvement of FIRE FIGHTING SERVICES that enhance the security and safety of life and property, while resulting in the added benefit of lower property insurance rates. The need for additional fire stations or improvements to existing fire stations shall be examined annually to keep pace with the growth of the area.
3. POLICY OB1: Currituck County supports the provision of INFRASTRUCTURE (e.g. potable water) AND SERVICES (e.g. law enforcement officers) adequate to meet basic quality of life and public health and safety requirements of residents on the Outer Banks, while at the same not stimulating inappropriate intensive development in environmentally fragile, hazardous barrier island areas.

The request is reasonable and in the public interest because:

1. It addresses a demonstrated community need by allowing for training facilities that will improve fire fighter training opportunities in Corolla.

Planning Board Recommendation

On March 9, 2021, the Planning Board recommended approval of the request as submitted 5-0.



Currituck County requests an amendment to the Unified Development Ordinance, Chapter 1 Transitional Provisions to allow construction of a police, fire and EMS facility on county-owned land designated as open space in a PUD. This amendment also modifies the definition of police, fire or EMS facility to include training facilities.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 1 is amended by adding the following underlined language:

1.8.6 Approved Planned Unit Development District Overlay and Sketch Plan

Lands subject to approval of a planned unit development district overlay classification and sketch plan approval before January 1, 2013 shall retain the Planned Unit Development Overlay district classification and sketch plan approval, and may be developed consistent with the sketch plan approval and any relevant conditions of approval, until the sketch plan approval or any portion of thereof expires. If the sketch plan approval (or any portion thereof) expires or is revoked (e.g., for failure to comply with a term or condition of approval) any subsequent development of the site (or portion thereof) shall be applied for in accordance with the procedures and standards of this Ordinance.

An owner of a parcel proposed for redevelopment, vacant parcel, or phase of a planned unit development subject to an approved sketch plan may submit a development application or application to amend the approved sketch plan or special use permit consistent with the applicable conditions of approval and compliance with the following:

Bulk and Dimensional Requirements

Development applications or modifications to an approved sketch plan shall comply with the standards in Table 1.8.6.A, Bulk and Dimensional Standards.

TABLE 1.8.6.A: BULK AND DIMENSIONAL STANDARDS	
SITE CHARACTERISTIC	STANDARD
Minimum Lot Area (square feet)	10,000 with central sewer [1]; 20,000 without central sewer
Minimum Lot Width (feet)	65
Maximum Lot Coverage (%)	Nonresidential: 65 Residential: 30 for lots larger than 19,000 sf 35 for lots 10,000 sf – 19,000 sf 45 for lots less than 10,000 sf
Minimum Front Setback (feet)	20
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	25; 10 when abutting open space
Maximum Building Height (feet)	35
Maximum Density (du/ac)	3
Maximum Nonresidential FAR (%)	0.40
Minimum Open Space Set-Aside (%)	35 [2]
Maximum Land Area Occupied by Commercial Development (%)	10
NOTES:	

TABLE 1.8.6.A: BULK AND DIMENSIONAL STANDARDS

SITE CHARACTERISTIC	STANDARD
[1] May be reduced in accordance with Section 3.2.2, Zero Lot Line Development or if lot size reduction is added to the minimum open space set-aside.	
[2] No modification to an approved sketch plan shall result in a planned development with less than 35 percent of its land area occupied by open space.	

Allowable Uses

The range of principal uses allowed on a site subject to a modified sketch plan shall be limited to the following:

Land designated for residential development shall be limited to the allowable uses for the SFO district listed in Table 4.1.1.A, Summary Use Table.

Land designated for commercial or multi-family development shall be limited to the allowable uses for the PD-O district listed in Table 4.1.1.B, Summary Use Table.

Airports, major utilities, wind energy facilities, outdoor recreation/entertainment uses, and vehicle sales and services require approval of a use permit.

County-owned land designated as open space may be used as a police, fire or EMS facility.

Development Standards

Development associated with a development application or modified sketch plan shall comply with the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure, and Chapter 7: Environmental Protection provided compliance with the standards does not have the effect of decreasing the type, density, or intensity of land designation contained in the approved master plan establishing the planned unit development.

Sketch plan amendment applications that comply with the land designations contained in the approved master plan establishing the planned unit development and development applications that comply with Subsection (B) above may be approved by the Planning Director.

To the extent a landowner proposes development that is different than that allowed in the sketch plan or Subsection (B) above, the land requires approval of an amended sketch plan and use permit (see Section 2.4.6, Use Permit).

Item 2: That Chapter 10 is amended by adding the following underlined language:

POLICE, FIRE, OR EMS FACILITY

A facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the

housing and feeding of emergency personnel while on duty. Such facilities also include training facilities.

Item 3: The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

The request is reasonable and in the public interest because:

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

Jennie Turner, Planner, reviewed the text amendment that was initiated by the Board of Commissioners to allow the use of county property for safety training facilities. Consistency statements and policies supporting approval of the request were presented. Both Staff and Planning Board recommend approval.

Ike McRee, County Attorney, recommended executing a use or licensing agreement, such as a Memorandum of Understanding, to provide design standards and to release the county from any liability. Commissioner McCord recommended a revision to change the word "police" to "Law Enforcement" and Commissioners agreed to the change.

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

Commissioner White moved to approve PB 21-05 because the request is consistent with the following policies of the 2006 Land Use Plan: Policy PS1, Policy PS2, Policy OB1; and, the request is reasonable and in the public interest because it addresses a demonstrated community need by allowing for training facilities that will improve fire-fighter training opportunities in Corolla. Include revised language to replace the word "Police" with "Law Enforcement".

Commissioner Jarvis seconded the motion. The motion carried, 7-0.

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

NEW BUSINESS

A. Consideration of Sale and Purchase Agreement for Acquisition of Property Located on Tulls Creek Road, Moyock, North Carolina, PIN #002200000210000

County Attorney, Ike McRee, reviewed the Sale and Purchase agreement to acquire 36.21 acres of land located in Moyock Township for an elementary school site at a cost of \$890,000. Mr. McRee was asked about the farm lease currently in place and said he did not anticipate it would hinder the county's ability to move forward. After noting a possible error on the document, Mr. McRee said he would contact the seller's agent to confirm the seller's name and make any necessary corrections.

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

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

B. Consideration Of An Ordinance Amending Chapter 2, Article II, Section 2-65 Of The Currituck County Code Of Ordinances To Add County Attorney Report To The Board of Commissioners' Agenda

County Attorney, Ike McRee, recalled a prior discussion with the Chairman and Vice-chairman and, with agreement of the other Board members, the ordinance establishing the Agenda Order of Business was revised to include a County Attorney's Report. He reviewed some of the duties the County Attorney's office is responsible for.

Commissioner J. Owen Etheridge moved for approval of the ordinance amendment. Commissioner White seconded the motion. The motion carried, 7-0.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 2-65 OF THE CURRITUCK COUNTY, NORTH CAROLINA CODE OF ORDINANCES PROVIDING FOR COUNTY ATTORNEY REPORTS ON THE BOARD OF COMMISSIONERS' AGENDA

WHEREAS, pursuant to N.C. Gen. Stat. §153A-71 a board of commissioners may adopt its own rules of procedure in keeping with the size and nature of the board and in the spirit of generally accepted principles of parliamentary procedure.

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

PART I. Sec. 2-65 of the Code of Ordinances, Currituck County, North Carolina is rewritten to read as follows

Sec. 2-65. - Order of business.

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- (1) Call to order;

- (2) Invocation and pledge of allegiance;
- (3) Approval of agenda;
- (4) Public comment;
- (5) Commissioner reports;
- (6) County manager's report;
- (7) ~~Administrative reports~~ County attorney's report;
- (8) ~~Old business~~ Administrative reports;
- (9) ~~Public hearings~~ Old business;
- (10) ~~New business~~ Public hearings;
- (11) ~~Board appointments~~ New business;
- (12) ~~Consent agenda~~ Board appointments;
- (13) ~~Approval of minutes~~ Consent agenda;
- (14) ~~Adjournment~~ Approval of minutes;
- (15) Adjournment.

Without objection, the chair may call items in any order most convenient for the dispatch of business.

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

PART III. This ordinance is effective immediately upon adoption.

ADOPTED this 5th day of April 2021.

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

C. Consideration Of An Ordinance Amending Chapter 9, Article III, Sections 9-33 and 9-36 Of The Currituck County Code of Ordinances Modifying Requirements For Issuance of Amplified Sound Permits And Permits to Exceed Certain Decibel Levels

County Attorney, Ike McRee, reviewed changes to the County's Noise ordinance that would expand the number of event permits allowable. He reviewed the language changes as well as some non-substantive changes to clean up the ordinance.

Commissioners discussed concerns with the impacts of allowing more permitting for events and decibel levels as it relates to residential uses. Commissioner McCord discussed the application process for event permits.

Commissioner Beaumont recommended tabling the item to provide time to notify Corolla residents and get their input. Commissioner White suggested getting statistics on the number of permits issued annually, and he moved to continue the item to the April 19, 2021, Board of Commissioners meeting. Commissioner Beaumont seconded the motion. The motion carried, 7-0.

RESULT:	CONTINUED [UNANIMOUS]	Next: 4/19/2021 4:00 PM
MOVER:	Bob White, Commissioner	
SECONDER:	Paul M. Beaumont, Commissioner	
AYES:	Michael H. Payment, Commissioner, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner	

D. Consideration Of Resolution Amending June 1, 2015 Policy Regulating Alcohol Use At Knotts Island Ruritan Park, Currituck County Rural Center, Soundside Park And Historic Corolla Park Removing Requirement For Law Enforcement Presence At Private Events Held At Historic Corolla Park

County Attorney, Ike McRee, discussed the original adoption of the rules and regulations for alcohol use on county property and reviewed the modification to remove the requirement that law enforcement be present at private events at Historic Corolla Park. Commissioner Jarvis requested that Soundside Park be changed to Sound Park, as is on the sign at the location.

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

RESOLUTION AMENDING POLICY REGULATING ALCOHOL USE AT KNOTTS ISLAND RURITAN PARK, CURRITUCK COUNTY RURAL CENTER (CCRC), SOUNDSIDE PARK AND HISTORIC COROLLA PARK DATED JUNE 1, 2015

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-169 a county may by ordinance regulate the use of county property; and

WHEREAS, pursuant to Section 10-133 of the Currituck County Code of Ordinances the Board of Commissioners adopted rules regarding the use of alcohol at certain county property requiring that a law enforcement officer must be retained and present during a wedding or other private function serving alcohol at Historic Corolla Park; and

WHEREAS, it is determined by the Board of Commissioners that any concern regarding order at weddings or private functions serving alcohol at Historic Corolla Park is alleviated by the ability on duty law enforcement officers to respond to calls for assistance at such events.

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

Section 1. Rules for the use and service of alcohol at Knotts Island Ruritan Park, Currituck County Rural Center (CCRC), Sound Park and Historic Corolla Park dated June 1, 2015 are amended as shown on Exhibit A attached to this resolution and incorporated by reference.

Section 2. This resolution shall take effect upon its adoption.

ADOPTED the 5th day of April, 2021.

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

E. Consideration Of Resolution Directing The Use Of Eminent Domain To Acquire Easements Necessary For Construction Of Stormwater Drainage And Management System To Alleviate Stormwater And Flooding Issues In Ocean Sands Subdivision

County Attorney, Ike McRee, reviewed the Resolution that would begin eminent domain proceedings so easements could be secured to address and cure chronic flooding experienced by property owners and residents in the Ocean Sands subdivision in Corolla. Easements to complete the multi-use path along North Carolina Highway 12 to enhance pedestrian safety would also be secured. He said requests made by the County for the easements have been continuously denied. Commissioner Beaumont discussed the ongoing problem, and said the Board does not take the action of eminent domain lightly.

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

RESOLUTION AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE AN EASEMENT ON CERTAIN REAL PROPERTY LOCATED IN OCEAN SANDS AND CROWN POINT SUBDIVISIONS FOR THE PUBLIC PURPOSE OF ESTABLISHING, ENLARGING OR IMPROVING STORM SEWER AND DRAINAGE SYSTEMS AND MULTI-USE PATHWAY RECREATIONAL FACILITY

WHEREAS, a county is authorized under Chapter 153A of the General Statutes of North Carolina to provide structural and natural stormwater and drainage systems of all types, to undertake watershed improvement projects, acquire, construct, reconstruct, extend, renovate, enlarge, maintain, operate, or otherwise build and improve drainage projects; and

WHEREAS, under N.C. Gen. Stat. §40A-3(b)(4) a county may acquire by condemnation any property for establishing, extending, enlarging or improving storm sewer and drainage systems and works; and

WHEREAS, located in the community of Corolla on the Currituck Outer Banks, Ocean Sands and Crown Point Subdivisions attract many tourists annually who rent residential dwellings within the subdivision; and

WHEREAS, when Ocean Sands and Crown Point Subdivisions were constructed, limited storm water management and drainage requirements for development existed; and

WHEREAS, much of the area within Ocean Sands and Crown Point Subdivisions has a high water table and is located within a "bowl" between sand dunes to the east

and N. C. Highway 12 to the west causing retention of storm water that frequently results in flooding and high water within the subdivisions that can last for extended periods of time causing property damage, infiltration of storm water into the wastewater treatment facility serving the subdivisions, impassability of streets, and risk to public health from compromised sewer mains; and

WHEREAS, the only storm water and drainage infrastructure currently existing with Ocean Sands and Crown Point Subdivisions consist of a system of ditches and reliance on gravity to move storm water through and away from the subdivisions; and

WHEREAS, to address drainage and flooding issues in Ocean Sands and Crown Point Subdivisions the county created a service district in 2016 to finance the study and initial plans to solve the flooding and drainage problems in the Ocean Sands and Crown Point subdivisions; and

WHEREAS, although the county has for years sought the cooperation from the developers and owners of the property over which easements are necessary to construct a storm water drainage system to resolve drainage and flooding issues within Ocean Sands and Crown Point Subdivisions, the developers and owners of such property have continuously rejected requests to convey necessary easements to the county even though a storm water management system would enhance the value and developable area of their property; and

WHEREAS, the Board of Commissioners determines that it is necessary and in the interest of the public health, safety and welfare to condemn an easement for the purpose of establishing, extending, enlarging or improving storm sewer and drainage systems and works within areas dedicated as Open Spaces shown on recorded plats for Ocean Sands Subdivision Sections D, E, F, H, I, J, K, L, M, N, O, P, Q, R; the Open Space area of Section G located on the west side of N. C. Highway 12; and within street and road rights-of-way shown on recorded plats for Ocean Sands Subdivision Sections D, E, F, H, I, J, K, L, M, N, O, P, Q and W (Crown Point); and

WHEREAS, a county is authorized under Chapter 153A of the General Statutes of North Carolina to finance, provide or maintain facilities and functions for recreation; and

WHEREAS, under N.C. Gen. Stat. §40A-3(b)(3) a county may acquire by condemnation any property for establishing, enlarging, or improving recreational facilities; and

WHEREAS, after motor vehicle caused death of pedestrians walking along N.C. Highway 12 in the Corolla area, Currituck County developed the "Connecting Corolla" plan that, among other things, laid out the location for a multi-use pathway recreational facility to allow pedestrians and bicyclists to safely move through the Corolla area and along N.C. Highway 12; and

WHEREAS, a missing link in the Corolla multi-use pathway recreational facility is an area extending the length of Ocean Sands Subdivision Section T adjacent to N.C. Highway 12; and

WHEREAS, although the county has for years sought the cooperation of the developers and owners of Ocean Sands Subdivision Section T for an easement necessary for the construction of a missing link of the Corolla multi-use pathway recreational facility, the developers and owners of the property have continuously rejected requests to convey necessary easements to the county even though linking Ocean Sands Subdivision Section T to the Corolla multi-use pathway recreational facility would benefit owners and visitors of Ocean Sands Subdivision Section T when developed; and

WHEREAS, the Board of Commissioners determines that it is necessary and in the interest of the public health, safety and welfare to condemn an easement for the purpose of establishing, extending, enlarging or improving a multi-use pathway recreational facility a minimum of ten feet in width extending along the western length of Ocean Sands Subdivision Section T as shown on recorded plats or deeds.

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

Section 1. Currituck County shall acquire by condemnation, for the purposes stated in this resolution, a perpetual non-exclusive easement over the following property:

All areas dedicated as open spaces and streets on recorded plats or deeds for Ocean Sands Subdivision Sections D, E, F, H, I, J, K, L, M, N, O, P, Q, and R; that portion of Section G dedicated as open space located on the west side of N.C. Highway 12; all areas dedicated as streets on recorded plat or deed for Ocean Sands Subdivision Section W (Crown Point); and an area a minimum of ten feet in width extending along the western length of Ocean Sands Subdivision Section T as shown on recorded plats or deeds.

Section 2. The County Attorney is directed and authorized to institute the necessary proceedings under Chapter 40A of the General Statutes of North Carolina to acquire the property.

Section 3. The County Manager and County Attorney are authorized to obtain necessary appraisals, title opinions, surveys and to make all deposits of the estimated fair market value required for filing the condemnation action.

Section 4. The County Manager and County Attorney are authorized to execute all documents necessary to effectuate the condemnation.

Section 5. This resolution is effective upon its adoption.

This the 5th day of April, 2021.

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

F) Board Appointments

1. Planning Board

Commissioner White nominated a new member, Tom Hurley, to serve on the Planning Board. Serving members Garry Owens, Bryan Bass and C. Shay Balance were nominated for reappointment.

Commissioner White moved for approval of all nominees and Commissioner J. Owen Etheridge seconded the motion. The motion carried and the appointments were approved.

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

G) Consent Agenda

Commisisoner Jarvis moved for approval of the Consent Agenda. The motion was seconded by Commissioner J. Owen Etheridge. The motion carried, 7-0.

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

1. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10410-502000	Salaries - Regular	\$ 5,100	
10410-505000	FICA	400	
10410-506000	Health Insurance	820	
10410-507000	Retirement	811	
10410-532000	Supplies	3,500	
10540-502000	Salaries - Regular	9,000	
10540-505000	FICA	690	
10540-506000	Health Insurance	820	
10540-507000	Retirement	1,430	
10540-526000	Advertising	1,000	
10540-532000	Supplies	3,500	
10660-502000	Salaries - Regular	9,000	
10660-505000	FICA	690	
10660-506000	Health Insurance	820	
10660-507000	Retirement	1,430	
10660-526000	Advertising	1,000	
10660-532000	Supplies	3,500	
10320-411000	Article 39 Sales Tax		\$ 43,511
		\$ 43,511	\$ 43,511
Explanation:	Administration (10410); Inspections (10540); Planning (10660) - Increase appropriations to hire an Assistant to the County Manager that will train during June and July 2021 with current staff that will be retiring at the end of July 2021 and to hire a new Development Services Director as of May 1, 2021.		
Net Budget Effect:	Operating Fund (10) - Increased by \$43,511.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10415-561000	Professional Services	\$ 30,000	
10320-411000	Article 39 Sales Tax		\$ 30,000
		\$ 30,000	\$ 30,000
Explanation:	Legal (10415) - Increase Legal Professional Services for the remainder of this fiscal year.		
Net Budget Effect:	Operating Fund (10) - Increased by \$30,000.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
220548-590000	Capital Outlay		\$ 9,000
220548-536115	Personal Protect Equip-KI	\$ 9,000	
		<u>\$ 9,000</u>	<u>\$ 9,000</u>
Explanation:	Knotts Island Fire Services (220548) - Transfer budgeted funds from Capital Outlay to Personal Protective Equipment to replace damaged/missing parts to equipment.		
Net Budget Effect:	Knotts Island Fire Services Fund (220) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10430-532100	Ballot Programs and Imprint		\$ 2,000
10430-532000	Supplies	\$ 2,000	
		<u>\$ 2,000</u>	<u>\$ 2,000</u>
Explanation:	Elections (10430) - Transfer budgeted funds for supplies needed for operations.		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10510-508510	Sheriff Supplemental Retirement	\$ 1,553	
10510-506000	Health Insurance		\$ 1,553
		<u>\$ 1,553</u>	<u>\$ 1,553</u>
Explanation:	Sheriff (10510) - Transfer budgeted funds for increased cost of Sheriff supplemental retirement.		
Net Budget Effect:	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10640-532004	FCS Supplies	\$ 2,436	
10330-449900	Miscellaneous Grants		\$ 2,436
		\$ 2,436	\$ 2,436
Explanation: Cooperative Extension (10640) - To record NC Department of Insurance (MIPPA base funds) grant funds received.			
Net Budget Effect: Operating Fund (10) - Increased by \$2,436.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
43848-590000	Capital Outlay	\$ 890,000	
43390-499900	Appropriated Fund Balance		\$ 890,000
		\$ 890,000	\$ 890,000
Explanation: Land Banking (43848) - Increase appropriations to purchase property for potential school site.			
Net Budget Effect: Land Banking Fund (43) - Increased by \$890,000.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50447-590447	Jarvisburg Colored School - Siding Replacement	\$ 50,000	
50390-495015	T F - Occupancy Tax		\$ 50,000
		\$ 50,000	\$ 50,000
Explanation: County Governmental Construction (50447) - Increase appropriations for the design of repair/replace siding on the Jarvisburg Colored School.			
Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$50,000.			

2. Project Ordinance-HJCS Exterior Siding Replacement Project

COUNTY OF CURRITUCK

CAPITAL PROJECT ORDINANCE

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

SECTION 1. The project authorized is design of siding replacement for the Historic Jarvisburg Colored School.

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

Historic Jarvisburg Colored School Siding Project	\$	50,000
	<u>\$</u>	<u>50,000</u>

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

Occupancy Tax	\$	50,000
	<u>\$</u>	<u>50,000</u>

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 5th day of April 2021.

3. Surplus Resolution-Pump Equipment, Engineering Dept.

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	
6163	8" PUMP ASSEMBLY W/ 9-STAGES	N/A	
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 5th day of April, 2021.			

4. Surplus Resolution-Backhoe, Public Works

RESOLUTION			
<p>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 disposed of per directions of insurance company. Backhoe was destroyed by fire and insurance company has declared a total loss.</p>			
County			
Asset Tag	Description (Year & Make/Model)	Dept.	Serial Number
6121	4 WD Backhoe Loader	PW	SLP214TC4U0904637
<p>NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.</p>			
<p>ADOPTED, this 5th day of April 2021.</p>			

5. Change Order #2-Public Safety Building, Time Extension Request

6. JCPC Certification for FY 2021-2022

7. Petition for Road Additions-Olmstead Lane, Tilden Court and Chapman Lane, Tuckers Cove

8. Petition for Road Additions-Sunny Lake Road and Green Lake Road, Lake View

9. Consideration of Contract to Audit Accounts-FY 2021-22

10) Approval Of Minutes-March 15, 2021

1. Minutes for March 15, 2021

RECESS

Chairman Payment recessed the regular meeting at 7:49 PM to hold a meeting of the Tourism Development Authority.

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners sat as the Tourism Development Authority (TDA) in a Special Meeting during a recess of the 6:00 PM Regular Commissioners Meeting

on April 5, 2021. The Special Meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

The TDA meeting was called to order at 7:49 PM by Chairman Payment.

TDA-Budget Amendments

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

				Debit		Credit
				Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>					
15448-516000	Repairs & Maintenance			\$ 5,000		
15448-590460	Capital Facility Projects			\$ 95,000		
15320-415000	Occupancy Tax					\$ 100,000
				<u>\$ 100,000</u>		<u>\$ 100,000</u>
Explanation:	Occupancy Tax - Whalehead (15448) - Increase appropriations to replace roof on the Historic Boat House, replace a backflow valve and to remove finger piers in the basin.					
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$95,000					
				Debit		Credit
				Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>					
15448-503500	Temporary Services					\$ 4,870
15448-531000	Gas					\$ 1,600
15448-532500	Concessions					\$ 9,380
15448-516200	Vehicle Maintenance					\$ 1,000
15448-532000	Supplies					\$ 3,000
15448-545000	Contracted Services			\$ 12,850		
15448-511000	Telephone & Postage			\$ 1,000		
15448-516000	Repairs & Maintenance			\$ 6,000		
				<u>\$ 19,850</u>		<u>\$ 19,850</u>
Explanation:	Occupancy Tax - Whalehead (15448) - Transfer budgeted funds for operations.					
Net Budget Effect:	Occupancy Tax Fund (15) - No change.					

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587050	T T - Co Govt Construction	\$ 50,000	
15447-545002	Historic Preservation		\$ 25,000
15447-561000	Professional Services		\$ 25,000
		\$ 50,000	\$ 50,000
Explanation: Occupancy Tax - Tourism Related (15447)- Transfer funds to County Governmental Construction Fund for design to repair/replace siding on the Historic Jarvisburg			
Net Budget Effect: Occupancy Tax Fund (15) - No change.			

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

ADJOURN MEETING OF THE TDA AND RECONVENE

There was no further business and Commissioner White moved to adjourn. Commissioner Beaumont seconded the motion. The motion carried, 7-0, and the meeting of the Tourism Development Authority was adjourned at 7:51 PM.

The Board of Commissioners reconvened the regular meeting to hold a Closed Session.

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

CLOSED SESSION

Closed Session Pursuant to G.S. 143-318.11(a)(6) to Discuss Personnel Matters

Chairman Payment moved to enter Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss personnel matters. Commissioner White seconded the motion. The motion carried unanimously and the Board of Commissioners went into Closed Session.

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

ADJOURN

Motion to Adjourn Meeting

The Board had no further business after returning from Closed Session. Commissioner Mary Etheridge moved to adjourn and Commissioner J. Owen Etheridge seconded the motion. The motion carried, 7-0, and the meeting of the Board of Commissioners adjourned at 8:18 PM.

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



STAFF REPORT
PB 20-24 SHINGLE LANDING VILLAS
PRELIMINARY PLAT/USE PERMIT
BOARD OF COMMISSIONERS
MARCH 15, 2021

APPLICATION SUMMARY

Property Owner: Shingle Landing Villas LLC 111 Currituck Commercial Drive Suite B Moyock NC 27958	Applicant: Shingle Landing Villas LLC c/o Sam Miller 111 Currituck Commercial Drive Suite B Moyock NC 27958
Case Number: PB 20-24	Application Type: Preliminary Plat/Use Permit
Parcel Identification Number: 0009-000-029T-0000	Existing Use: Vacant
Land Use Plan Classification: Full Service	Parcel Size (Acres): 4.01
Moyock Small Area Plan Classification: Full Service	Zoning: RA20 (1975); A (1989); GB (2005); C-MXR (2017)
Number of Units: 16 + 1 ADU	Project Density: 4 units/acre
Required Open Space: 1.2 ac (30%)	Provided Open Space: 2.91 ac

SURROUNDING PARCELS

	Land Use	Zoning
North	Single-Family Dwellings (Hidden Oaks Subdivision)	C-SFM
South	Single-Family Dwellings (Shingle Landing Subdivision)	GB
East	Institutional (Currituck House Assisted Living Facility)	GB
West	Vacant	GB

STAFF ANALYSIS

This 4.01 acre parcel is located on Moyock Landing Drive, adjacent to the Currituck House assisted living facility to the east and the Rail Road right-of-way to the west. The BOC rezoned the parcel to Conditional-MXR on February 6, 2017 (See Attached Order) and amended the Conditional-MXR zoning district on February 19, 2018. The BOC approved 16 units (4 buildings with 4 units each) with attached garages and one detached accessory dwelling unit. Because the prior rezoning approval did not include subdividing the property/obtaining a use permit, UDO Section 6.6 Adequate Public Facilities Standards did not apply to this project. This request to subdivide the property requires a use permit, so the Adequate Public Facilities ordinance applies.

This multi-family subdivision is subject to appropriate community forms, compatibility, and design standards to ensure a well-designed neighborhood. This multi-family development serves as a transition between General Business (GB) development along Caratoke Highway and the assisted

living facility and the neighborhood (Shingle Landing) to the east. It is located in the fastest growing area of the county that continues to evolve as a Full Service community.

Schools

To approve a preliminary plat/use permit, adequate public facilities shall be in place or programmed to be in place within two years after the initial approval of the use permit. This development will be serviced by Moyock Elementary School that is currently over Actual Capacity. There is no guarantee that the recently discussed expansion project will be complete within two years of approval *. For the three elementary schools in the northern mainland, there is concern that committed capacity is at 126%. There is also concern that the high schools are at 106% of Committed Capacity. **Approving the preliminary plat/use permit without adequate public facilities in place would be in direct conflict with the adequate public facilities ordinance of the UDO and multiple policies in the Land Use Plan and the Moyock Small Area Plan.** Please note, the below chart does not include the additional students generated by the Flora C-MXR zoning approved by the BOC on March 2, 2021. Those students will be accounted for at preliminary plat/use permit approval.

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019-2020 2020-2021 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	109%	115%	126%	+4
Shawboro Elementary	94%	97%		
Central Elementary	80%	89%		
Griggs Elementary	56%	59%	101%	n/a
Jarvisburg Elementary	82%	88%		
Knotts Island Elementary	35%	36%	36%	n/a
Moyock Middle	95%	79%	93%	+1
Currituck Middle	61%			
Currituck High	84%	86%	106%	+2
JP Knapp Early College	93%			

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

²Capacity percentages are based on 2019-2020 and 2020-2021 school year classroom standards and August 2020 ADM

³Capacity percentages are based on the 2021-2022 school year classroom standards and August 2020 ADM

**According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).” See attached email.*

Community Meeting

A community meeting was held on November 24, 2020 for the project. Nine neighboring property owners attended the meeting. Primary questions were regarding construction start time, sale price of the units, floor plan/square footages, buffering, and parking.

INFRASTRUCTURE	
Water	Public
Sewer	Public (Moyock Regional Wastewater Treatment Plant)
Transportation	<p>Pedestrian: A 5' sidewalk will connect into the existing sidewalk at the assisted living facility via a timer pedestrian walkway. The sidewalk will run across the front of the entire property and connect to the western property line via a pedestrian easement.</p> <p>Connectivity Score: n/a (no streets)</p>
Stormwater/Drainage	The project will be managed under a low density State Stormwater Permit and consist of retention ponds constructed to retain stormwater and slow release into adjacent stormwater outlets. A recent text amendment was approved for the project to allow the development to fall under the non-residential stormwater design standards instead of the more restrictive subdivision stormwater design standards.
Design Standards	The multi-family project is subject to appropriate community forms, community compatibility, and design standards to ensure a well-designed neighborhood
Lighting	Full cutoff streetlights are proposed and must be compliant with lighting standards.
Landscaping	A Type B buffer is proposed along the northern property line, a major arterial screen buffer along the west property line, site landscaping at the eastern and southern property lines, and vehicular use landscaping in the parking areas.
Parking	44 exterior parking spaces are proposed in addition to the 16 garage parking spaces.
Compatibility	The development creates a new residential use type at an appropriate density for this area where county water and sewer are available.
Recreation and Park Area Dedication	A fee-in-lieu of recreation and park area dedication will be required prior to final plat approval. Based on the value of the land and the approval of 16 units the fee will be approximately \$25,487.
Riparian Buffers	n/a

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends **denial** of the use permit and the preliminary plat based to the following conditions:

1. The application does not comply with all applicable review standards of the UDO including:
 - a. Adequate public facilities (schools) are not in place or programmed to be in place within two years. Moyock Elementary is over Actual and Committed Capacities and the high schools are over Committed Capacity.
2. The applicant does not demonstrate that the proposed use will meet the use permit review standards of the UDO.

Should the BOC decide to approve this request, the Technical Review Committee recommends the following conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:

- a. Not submitting for preliminary plat/use permit approval until adequate public facilities are in place or programmed to be in place within two years. (Planning)
- b. Developing strictly in accordance with the approved C-MXR conditions set by the BOC on February 18, 2010 and that *these conditions be placed on the plat* (See attached order). The conditional zoning conditions listed on the plat are different than those directed by the BOC through the attached order. (Planning)
 - i. The development shall be completed strictly in accordance with the conceptual development plan submitted to and approved by the Board of Commissioners.
 - ii. The development will consist of a 16 unit townhome development (with attached garages), one detached garage/storage unit, and one detached accessory dwelling unit.
 - iii. The architectural renderings of the townhomes to be incorporated into the approval and units constructed according to the expanded description given at the Board of Commissioners meeting on February 19, 2018, including the additional buffer.
- c. The county will take over the maintenance and operation of the lift station upon completion and certification. (Public Utilities)

STAFF'S CONCERNS REGARDING PROJECT CONSIDERATION AT THIS TIME:

- Inconsistent with the Land Use plan (see below).
- Inconsistent with the Moyock Small Area Plan (see below).
- Inadequate public facilities (schools).

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. Stormwater management has been designed in accordance with the Conditional Zoning Approval and has been approved by the NC Dept. of Environmental Quality. Stormwater retention ponds will be constructed to manage and retain stormwater and slow release into adjacent stormwater outlets.
2. A wastewater collection system and lift station have been designed and approved by the NCDEQ, which will be pumped to the Moyock Regional Wastewater Treatment System.
3. The project has been designed and approved by the Division of Energy, Mineral and Land Resources for sedimentation and erosion control, and will minimize erosion and contain siltation on site.
4. NCDOT has reviewed and approved the connection to Moyock Landing Drive.

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

Preliminary Applicant Findings:

1. Land to the north is single family residential but has a significant tree buffer to the site, land to the east is the Currituck House Assisted Living Facility, land to the west is commercial and

land to the south is residential. The County Commissioners determined that the use is appropriate for the land by virtue of conditional zoning approval that was granted and amended in 2018. It was determined that this development creates a new residential use type at an appropriate density for this area where county water and sewer are available and provides a moderate cost housing opportunity for county residents within a well-designed neighborhood.

The use will not be in conformity with the Land Use Plan or other officially adopted plans.

Preliminary Staff Findings:

While the use is in conformity with some policies of the Land Use Plan (See attached application for developers complete list), it is not in conformity with the following:

Policy SF4	<p>Currituck County shall continue to support a service level policy for schools that calls for the construction and maintenance of classroom space sufficient to avoid the use of mobile classroom units.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> • Dwelling units are proposed in the Moyock Elementary School district where no school capacity currently exists and is not yet programmed to be in place within two years. • Approving the Use _Permit/Preliminary Plat without adequate public facilities in place or programmed to be in place within two years of the approval would be in conflict with the adequate public facilities ordinance of the UDO.* <p><i>*According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).”</i></p>
Policy PP2	<p>Currituck County shall continue to implement a policy of ADEQUATE PUBLIC FACILITIES, sufficient to support associated growth and development. Such facilities may include but not limited to water supply, school capacity, park and open space needs, firefighting capability, and law enforcement.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> • Dwelling units are proposed in the Moyock Elementary School district where no school capacity currently exists and is not yet programmed to be in place within two years. • Approving the Use _Permit/Preliminary Plat without adequate public facilities in place or programmed to be in place within two years of the approval would be in conflict with the adequate public facilities ordinance of the UDO.* <p><i>*According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).”</i></p>

While the use is in conformity with some of the policies of the Moyock Small Area Plan (See attached application for developers complete list), it is not in conformity with the community values of the plan:

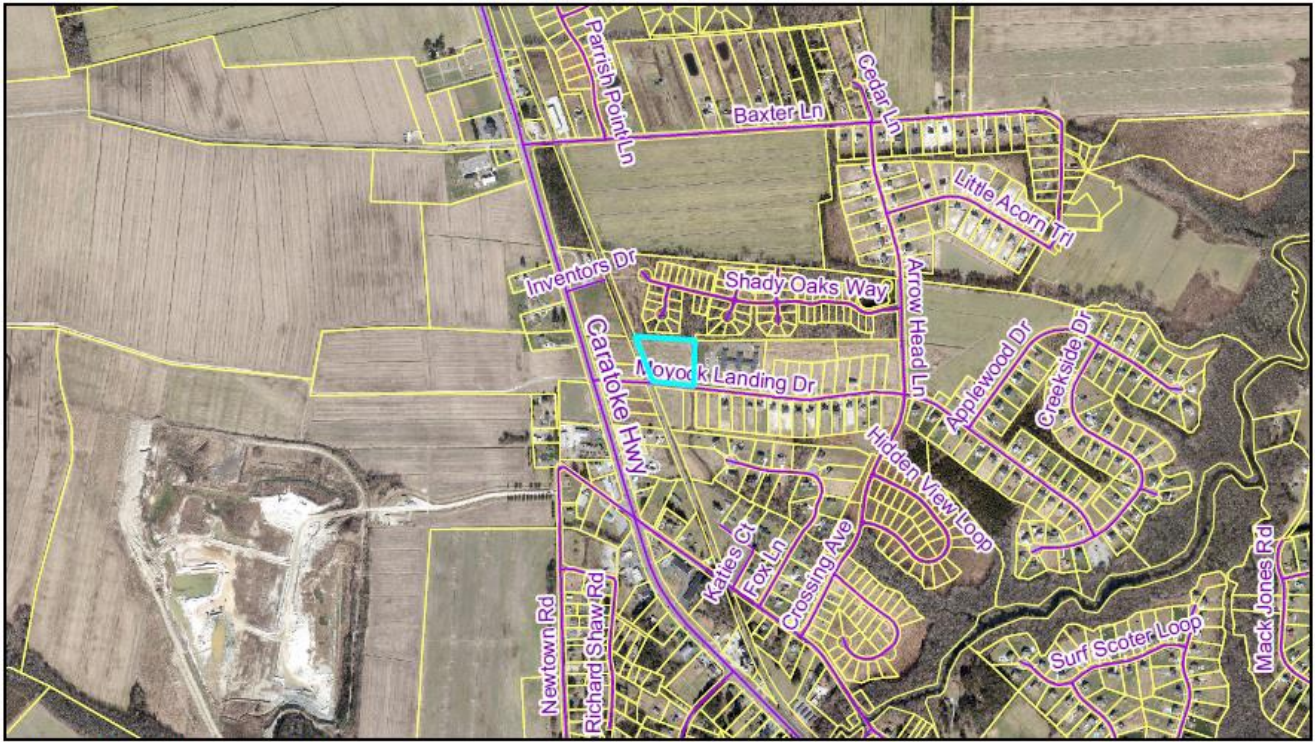
Community Values	<ul style="list-style-type: none"> • Rural atmosphere – sights, sounds, smells, and overall feel of a rural community. • Low taxes, fiscal responsibility, <i>and availability of adequate county services;</i> and, • Human scale development that supports walkability. <p><u>Comments:</u> Currently adequate county services do not exist to serve this project. Moyock Elementary School is over Actual and Committed Capacities and the high schools are over Committed Capacities.</p>
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The use will exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

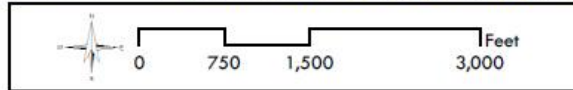
Preliminary Staff Findings:

1. Moyock Elementary is over Actual and Committed Capacities. (See ADEQUATE PUBLIC FACILITIES – SCHOOLS table above.)
2. The high schools are over Committed Capacities. (See ADEQUATE PUBLIC FACILITIES – SCHOOLS table above.)

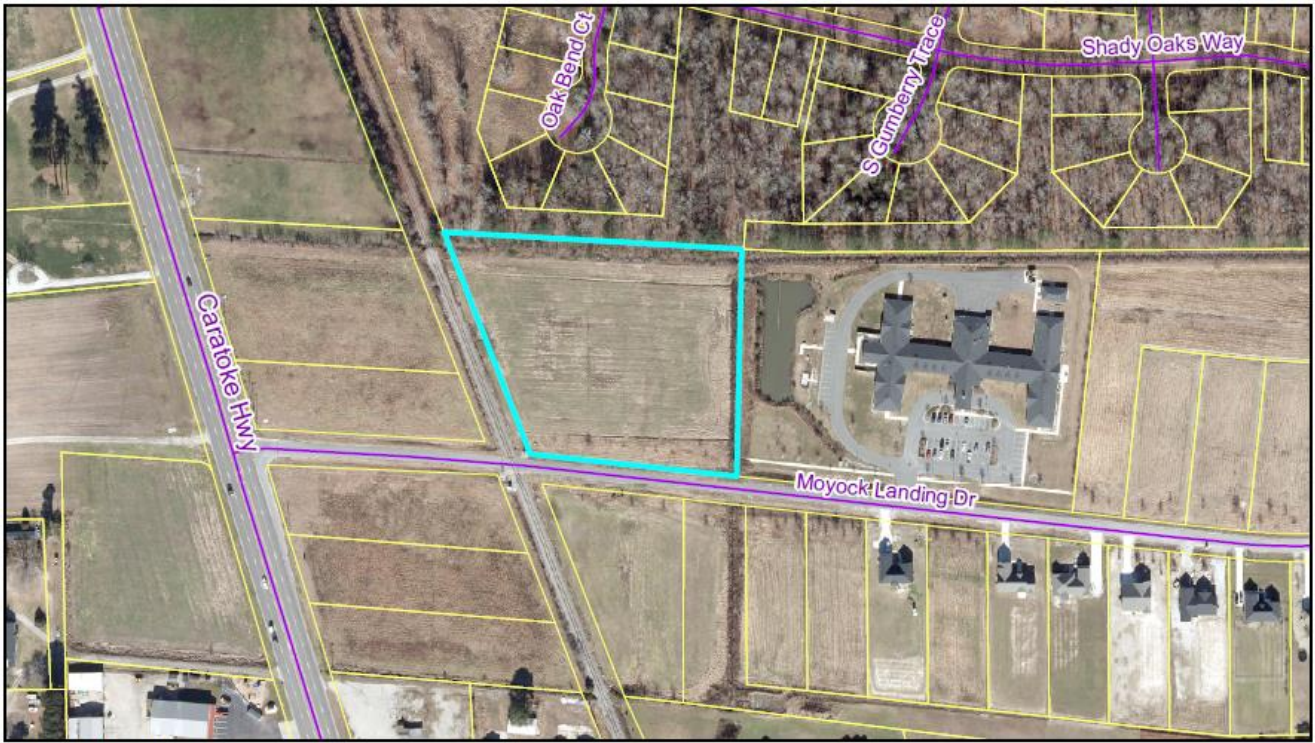
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



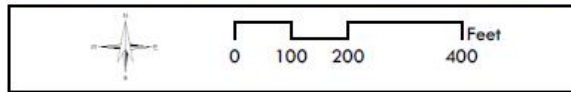
PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
Context Map



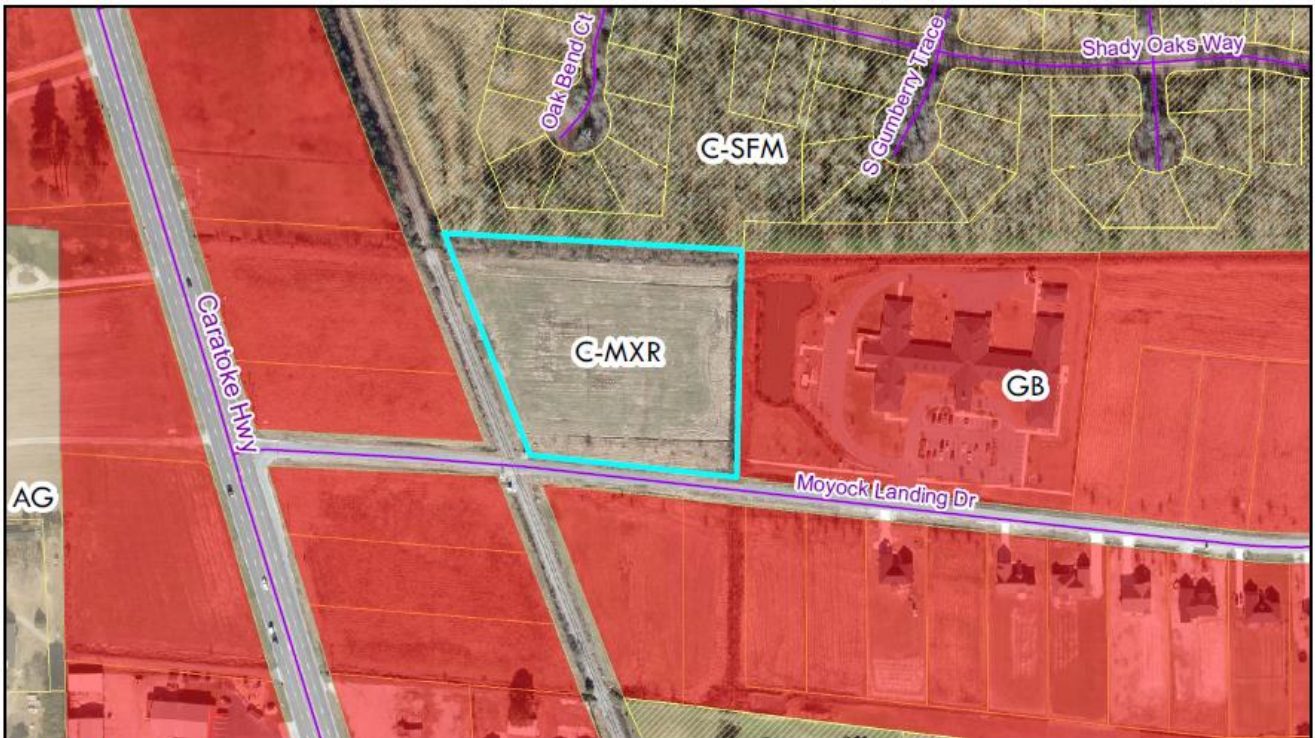
Currituck County
Planning and
Community Development



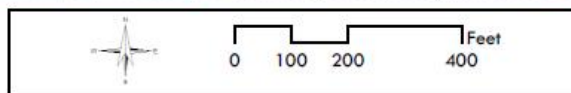
PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
2016 Aerial Photography



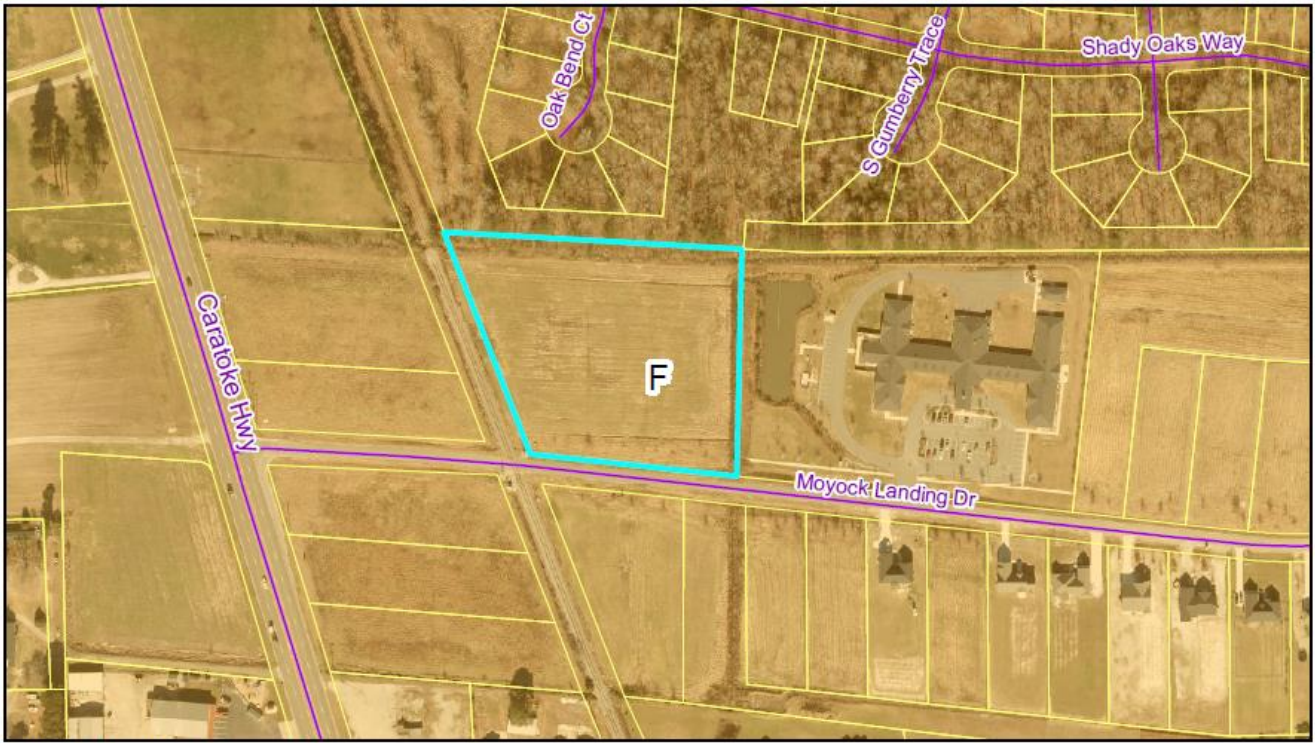
Currituck County
Planning and
Community Development



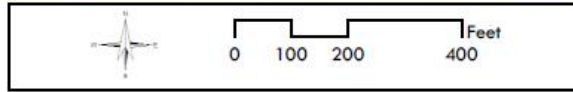
PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
Zoning



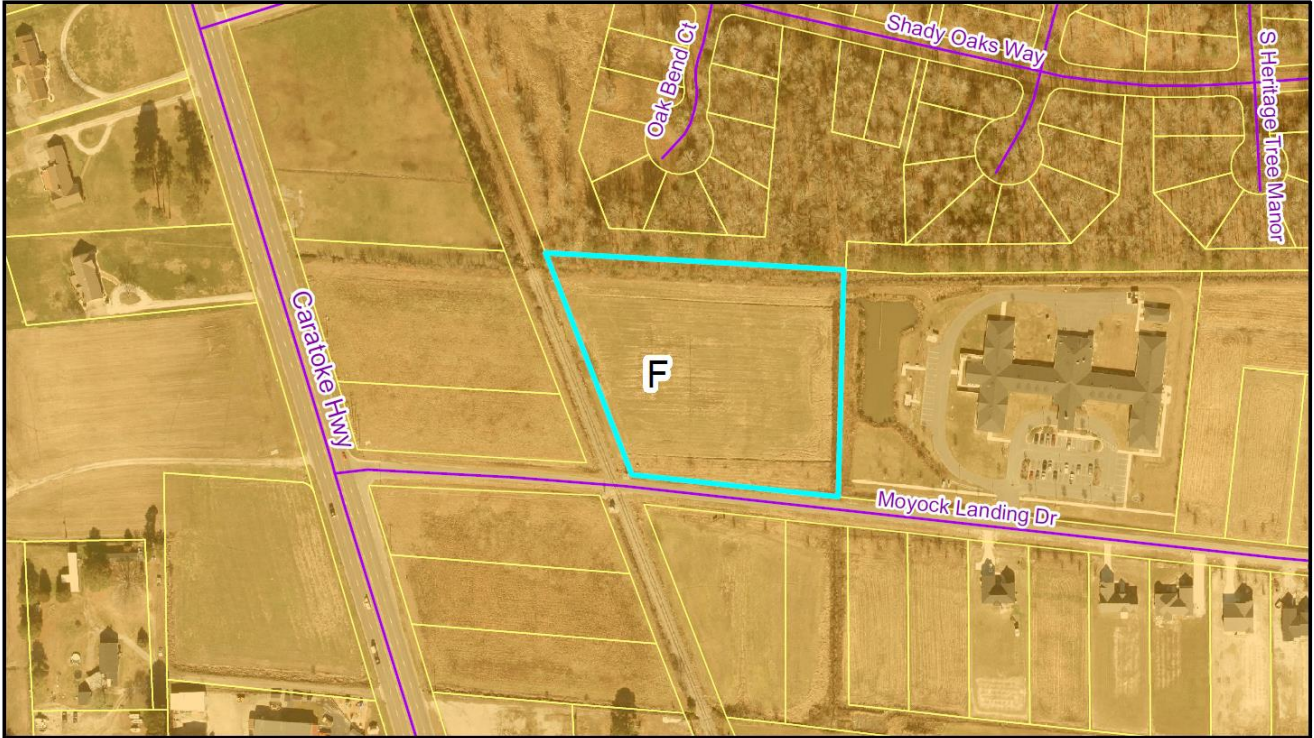
Currituck County
Planning and
Community Development



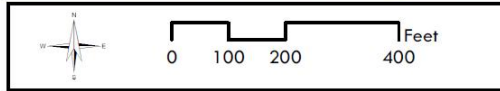
PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
Land Use Plan - FLUM



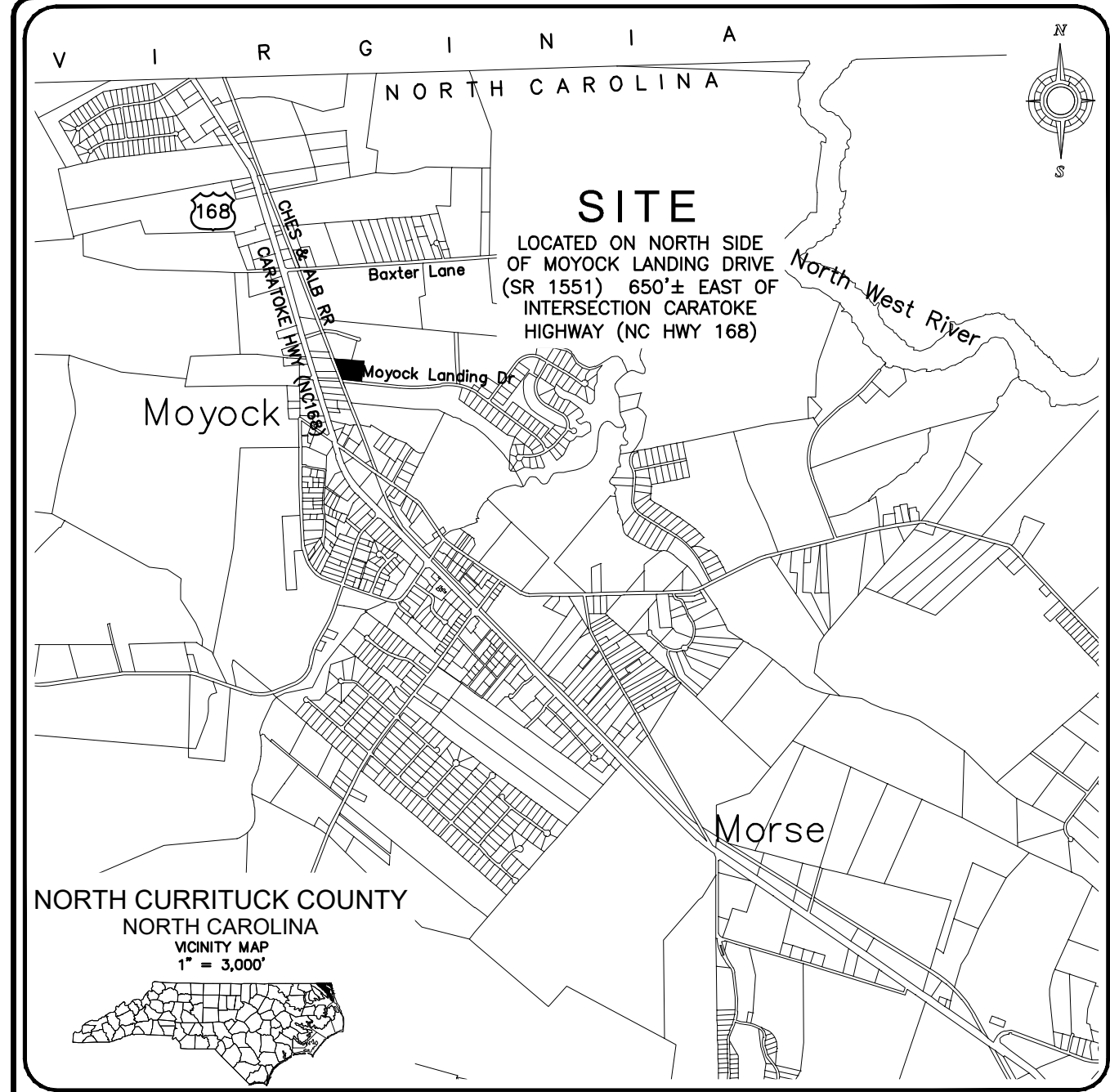
Currituck County
Planning and
Community Development



PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
Moyock SAP FLUM



Currituck County
Planning and
Community Development



DEVELOPMENT NOTES

1. OWNER/APPLICANT: SHINGLE LANDING VILLAS, LLC
C/O SAM MILLER, MANAGING MEMBER
111 CURRITUCK COMMERCIAL DR. SUITE B
MOYOCK, NC 27958

2. PROPERTY DATA:
PIN: 0009-000-029T-0000
REFERENCE: P.C. L. SL 51; P.C. N. SL 28; DB 1466, PG 883
CURRENT ZONING: CONDITIONAL MIXED RESIDENTIAL (C-MXR)
FLOOD ZONE: THE SITE IS LOCATED IN FLOOD ZONE X PER F.I.R.M. MAP NUMBER 3721802200K, EFFECTIVE DATE 12-21-2018, SUBJECT TO CHANGE BY FEMA
ADDRESS: MOYOCK LANDING ROAD, MOYOCK, NC 27958
EXISTING USE: VACANT

EXISTING CONDITION INFORMATION BASED ON A COMBINATION OF THE FOLLOWING:

- BOUNDARY AND FIELD TOPOGRAPHIC SURVEY PERFORMED BY BISSELL PROFESSIONAL GROUP
- FIELD TOPOGRAPHIC SURVEY PERFORMED BY EDWARD T. HYMAN, JR., PLS-2690. DWG.#16-585, DATE:07/26/16
- 2016 AERIAL IMAGERY OBTAINED FROM NCDEMAPP.COM
- ELEVATIONS ARE REFERENCED TO NAVD 1988 VERTICAL DATUM PER OPUS SOLUTION.

3. DEVELOPMENT DATA:

A. PROPOSED DENSITY:
(4) 4-UNIT TWO STORY BUILDINGS
(1) ACCESSORY UNIT
EQUATES TO (16) TOTAL RESIDENTIAL MULTI-FAMILY UNITS + (1) ACCESSORY UNIT

B. SUSTAINABLE DEVELOPMENT PRACTICES: (5.13)
SCHEDULE A - 2 REQUIRED
• INCLUSION OF RAIN WATER RECAPTURE AND REUSE DEVICES SUCH AS CISTERNS
• USE OF CENTRAL AIR CONDITIONS THAT ENERGY STAR QUALIFIED
SCHEDULE B - 4 REQUIRED
• INCLUSION OF SHADING FEATURES TO SHADE ALL WINDOWS AND DOORS ON THE SOUTHERN BUILDING FACADE.
• USE OF XERISCAPE LANDSCAPING TECHNIQUES WITHOUT IRRIGATION
• PROVISION OF ON-SITE TRANSIT FACILITIES SUCH AS A BUS SHELTER
• PROVISION OF AT LEAST ONE ENCLOSED RECYCLING STATION PER BUILDING

C. BUILDING DATA:
• MAXIMUM BUILDING HEIGHT: 35'
• MINIMUM UNIT SIZE: 800 SF
• MAXIMUM UNIT SIZE: 1,600 SF
• MINIMUM SPACING BETWEEN BUILDINGS: 20' OR ISO NEEDED FIRE FLOW REQUIREMENTS, WHICHEVER IS GREATER
• BUILDING SETBACKS: AS SHOWN, INCLUDING RECORDED EASEMENTS.

D. OPEN SPACE DATA:
• REQUIRED: 52,415 SF (30%)
• PROVIDED: 126,807 SF (73%)

E. EASEMENT DATA:
• A BLANKET NON-EXCLUSIVE DRAINAGE EASEMENT SHALL BE ESTABLISHED ACROSS ALL OPEN SPACE AREA
• UTILITY EASEMENTS SHALL BE ESTABLISHED AS SHOWN AND OVER ALL UTILITIES
• AN ACCESS EASEMENT SHALL BE ESTABLISHED OVER ALL DRIVE AISLES AND MAIL KIOSK IMPROVEMENTS
• PARKING EASEMENTS SHALL BE ESTABLISHED OVER ALL PARKING SPACES
• PEDESTRIAN ACCESS EASEMENTS SHALL BE ESTABLISHED OVER SIDEWALKS NOT LOCATED ON A LOT
• AN EASEMENT SHALL BE ESTABLISHED FOR FUTURE SIDEWALK CONNECTION AT WESTERN PROPERTY BOUNDARY.

4. SITE COVERAGE DATA:
TOTAL PROPERTY AREA: 174,717 SF (4.01 AC.)
LOT AREA: 24,188 SF (0.56 AC.)

PROPOSED COVERAGES:

CONDO BUILDINGS W/ PORCHES:	15,992 SF
ACCESSORY DWELLING/STORAGE BUILDING:	1,152 SF
PARKING AND DRIVES:	19,772 SF
PATIO:	1,920 SF
SIDEWALKS:	2,203 SF
DUMPSTER:	180 SF
MAIL/BUS SHELTER:	242 SF
MISC. OTHER:	471 SF
TOTAL:	41,032 SF
PERCENT COVERAGE:	24.0%

5. PARKING DATA:
A. MINIMUM PARKING REQUIRED:
1.8 SPACES/DWELLING UNIT = 30 SPACES
B. PARKING PROVIDED:
EXTERIOR PARKING SPACES = 44
GARAGE PARKING SPACES = 16
TOTAL = 60

6. UTILITIES:
WATER SERVICE IS TO BE COORDINATED WITH THE CURRITUCK COUNTY WATER DEPARTMENT.
WASTEWATER IS TO BE PROVIDED BY A CONNECTION TO CURRITUCK WASTEWATER SYSTEM.
ALL UTILITIES ARE TO BE INSTALLED UNDERGROUND
SEE SHEET 6 FOR DETAILS

7. NO JURISDICTIONAL WETLANDS HAVE BEEN IDENTIFIED ON THE PROPERTY.

8. THIS PROJECT DISTURBS MORE THAN 1.0 ACRE AND REQUIRES AN EROSION & SEDIMENT CONTROL PERMIT FROM NCDEQ. SEE SHEETS 5 & 9 FOR EROSION CONTROL PLAN AND DETAILS.

9. THIS PROJECT REQUIRES A STORMWATER MANAGEMENT PERMIT FROM NCDEQ. SEE SHEETS 4 & 8 FOR GRADING, DRAINAGE AND STORMWATER MANAGEMENT PLAN AND DETAILS.

10. LANDSCAPING AND BUFFERING SHALL COMPLY WITH COUNTY STANDARDS AS PRESCRIBED UNDER SECTION 5.2 OF THE UDO AND IN ACCORDANCE WITH THE APPROVED LANDSCAPING PLAN PROVIDED ON SHEET 7.

11. ALL LIGHTING SHALL COMPLY WITH COUNTY STANDARDS AS PRESCRIBED UNDER SECTION 5.4 OF THE UDO. A SEPARATE LIGHTING PLAN MAY BE REQUIRED FOR APPROVAL PRIOR TO INSTALLATION.

12. REFUSE COLLECTION FACILITIES SHALL COMPLY WITH COUNTY STANDARDS AS PRESCRIBED UNDER SECTION 5.5 OF THE UDO AND IN ACCORDANCE WITH THE APPROVED PLAN PROVIDED ON SHEET 7.

13. ALL SIGNAGE SHALL COMPLY WITH COUNTY STANDARDS AS PRESCRIBED UNDER SECTION 5.12 OF THE UDO. A SEPARATE SIGNAGE PLAN MAY BE REQUIRED FOR APPROVAL PRIOR TO INSTALLATION.

THE FOLLOWING PERMITS ARE REQUIRED PRIOR TO PROJECT CONSTRUCTION:			
PERMIT	AGENCY	REFERENCE NUMBER	DATE OF ISSUANCE
SEDIMENTATION AND EROSION CONTROL PERMIT	N.C.D.E.Q. - DIVISION OF LAND RESOURCES	CURRI-2021-002	8/19/2020
STORMWATER MANAGEMENT PERMIT	N.C.D.E.Q. - DIVISION OF LAND RESOURCES	SW7200707	8/20/2020
DRIVEWAY PERMIT	NCDDOT	#2815	9/3/2020
ENCROACHMENT AGREEMENT	NCDDOT	WATER ENCROACHMENT	9/3/2020
WASTEWATER COLLECTION SYSTEM	N.C.D.E.Q. - DIVISION OF WATER RESOURCES	WQ0041996	9/28/2020
CURRITUCK COUNTY CONSTRUCTION AUTHORIZATION	CURRITUCK COUNTY PLANNING STAFF		

CONDITIONAL ZONING CONDITIONS

- C-MXR ZONING CONDITIONS AS ADOPTED
- MULTI-FAMILY AND TOWNHOUSE USE-SPECIFIC STANDARDS (4.2.2.5)
- MULTI-FAMILY DESIGN STANDARDS (5.7)
- COMMUNITY COMPATIBILITY STANDARDS (5.10)
- UNITS ARE INTENDED TO BE SOLD AS INDIVIDUAL TOWNHOMES
- STORMWATER MANAGEMENT, LANDSCAPING, SCREENING, BUFFERING, LIGHTING, FIRE PROTECTION, ETC.
- SITE SHALL CONTAIN A COMMUNITY MAILBOX AS APPROVED BY US POSTAL SERVICE
- CONNECTION TO EXISTING COUNTY WATER AND SEWER SYSTEMS
- SUBJECT TO OBTAINING STORMWATER MANAGEMENT PERMIT & EROSION CONTROL PLAN APPROVAL FROM NCDEQ

Private Streets Owner Certificate

I hereby certify that the private streets shown on this plat are intended for private use and will remain under the control, maintenance and responsibility of the developer and/or a homeowner's association and acknowledge that some public services may not be provided due to the private nature of the road.

Date _____ Owner _____

Public Dedication of Recreation and Park Area Statement

A payment-in-lieu of recreation and park area dedication has been provided in accordance with the Currituck County Unified Development Ordinance. Payments-in-lieu received by the county shall be used only for the acquisition or development of recreation and park areas, and open space sites consistent with the requirements of North Carolina General Statutes Section 153A-331.

Date _____ Owner _____

North Carolina
One-Call Center Inc.



Know what's below
Call before you dig.

NOTE:
EXISTING SITE INFORMATION DESCRIBED HEREON IS BELIEVED TO BE ACCURATE, HOWEVER, BPG INC. MAKES NO WARRANTY AS TO THE ACCURACY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THIS INFORMATION BEFORE RELYING ON IT. THE CONTENT OF THESE DOCUMENTS MAY ALSO INCLUDE TECHNICAL INACCURACIES OR TYPOGRAPHICAL ERRORS. IF SUCH CONDITIONS EXIST, THE CONTRACTOR SHALL CONSULT WITH THE ENGINEER PRIOR TO PROCEEDING WITH THE SCHEDULED WORK AND MAY CONTINUE AFTER AN AUTHORIZATION TO PROCEED HAS BEEN GRANTED.

STORMWATER CERTIFICATE

I, _____ OWNER/AGENT HEREBY CERTIFY THE INFORMATION INCLUDED ON THIS AND ATTACHED PAGES IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

ON THE PLAN ENTITLED, MULTI-FAMILY SITE DEVELOPMENT PLANS FOR SHINGLE LANDING VILLAS - GRADING, DRAINAGE AND STORMWATER MANAGEMENT PLAN, STORMWATER DRAINAGE IMPROVEMENTS SHALL BE INSTALLED ACCORDING TO THESE PLANS AND SPECIFICATIONS AND APPROVED BY CURRITUCK COUNTY. YEARLY INSPECTIONS ARE REQUIRED AS PART OF THE STORMWATER PLAN. THE OWNER IS RESPONSIBLE FOR ALL MAINTENANCE REQUIRED. CURRITUCK COUNTY ASSUMES NO RESPONSIBILITY FOR THE DESIGN, MAINTENANCE, OR PERFORMANCE OF THE STORMWATER IMPROVEMENTS.

Date _____ OWNER/AGENT _____

Improvements Certificate

I hereby certify that all improvements required by the Currituck County Unified Development Ordinance have been installed in accordance with the plans and specifications prepared by _____, and said improvements comply with Currituck County specifications.

Date _____ Registered Land Surveyor/Engineer _____

Registration Number _____

Ownership and Dedication Certificate

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of Currituck County, that I hereby freely adopt this plat of subdivision and dedicate to public use all area shown on this plat as streets, utilities, alleys, walks, recreation and parks, open space and easements, except those specifically indicated as private and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority or home owners' association. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such use is approved by the appropriate public authority in the public interest.

Date _____ Owner _____

I, _____, a notary public of _____ County,

North Carolina, do hereby certify that _____ personally appeared before me this date and acknowledged the due execution of the foregoing certificate.

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

Notary Public _____

My commission expires _____

Approval Certificate

I hereby certify that the subdivision shown on this plat is in all respects in compliance with the Currituck County Unified Development Ordinance and, therefore, this plat has been approved by the Currituck County Technical Review Committee and signed by the administrator, subject to its being recorded in the Currituck County Registry within 90 days of the date below.

Date _____ Administrator _____

SURVEYOR'S CERTIFICATION

I, Michael D. Barr, certify that this plat was drawn under my supervision from an actual survey made under my supervision (seed and description recorded in Books referenced); that the boundaries not surveyed are clearly indicated as drawn from information found in Books referenced; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with C.S. 47-30 as amended.

This is to certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Witness my original signature, registration number and seal this _____ day of _____, A.D., 2020.

Signature _____ L-1756

PRELIMINARY SUBDIVISION PLAT

SHINGLE LANDING VILLAS

MOYOCK TOWNSHIP

CURRITUCK COUNTY

NORTH CAROLINA

Sheet Number

Sheet Title

1

COVER SHEET, DEVELOPMENT NOTES & SITE LOCATION

2

EXISTING SITE CONDITIONS

3

GENERAL SITE DEVELOPMENT OVERVIEW PLAN

4

SHINGLE LANDING VILLA LOT DESCRIPTION

5

GRADING, DRAINAGE & STORMWATER MANAGEMENT PLAN

6

EROSION AND SEDIMENT CONTROL PLAN

7

WATER AND WASTEWATER COLLECTION SYSTEM PLAN

8

LANDSCAPING, SCREENING, BUFFERING AND LIGHTING PLAN

SURVEY LEGEND

EQMID	EXISTING CONCRETE MONUMENT
SIR	SET IRON ROD
EIR	EXISTING IRON ROD
EIP	EXISTING IRON PIPE
CP	CALCULATED POINT
M.B.L.	MAXIMUM BUILDING LIMIT
N.T.S.	NOT TO SCALE
P.C.	PLAT CABINET
D.B.	DEED BOOK
SL	SLIDE
SF	SQUARE FEET
AC	ACRES

Review Office Certificate
State of North Carolina,
County of Currituck

I, _____, Review Officer of Currituck County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

IMPROVEMENT LEGEND

	PROPOSED GRADE CONTOUR
	PROPOSED SWALE W/ FLOW ARROW
	PROPOSED SWALE HIGH POINT
	PROPOSED DRAINAGE PIPE
	PROPOSED BMP WATER SURFACE
	PROPOSED WATER LINE (SIZE AS INDICATED)
	PROPOSED DISTURBANCE LIMITS
	PROPOSED SILT FENCE
	PROPOSED STABILIZED CONSTRUCTION ENTRANCE
	PROPOSED TEMP CHECK DAM
	PROPOSED DRAINAGE DIRECTION ARROW
	PROPOSED RIP-RAP APRON

EXISTING CONDITIONS LEGEND

	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	EXISTING DITCH CENTERLINE
	EXISTING DITCH TOP OF BANK
	EXISTING TREE LINE
	EXISTING RAILROAD TRACKS
	EXISTING GRADE CONTOUR
	FEMA BOUNDARY LINE
	EXISTING CULVERT
	EXISTING FIRE HYDRANT
	EXISTING WATER LINE
	EXISTING SANITARY FORCE MAIN

LANDSCAPING LEGEND

	EXISTING TREELINE (APPROX.)
	PROPOSED SCREENING FENCE
	PROPOSED CANOPY TREE
	PROPOSED UNDERSTORY TREE
	PROPOSED SHRUB

Bissell Professional Group
Firm License # C-846
P.O. Box 1068
27958-1068 Currituck County, NC
(252) 261-3260
FAX (252) 261-1790

BISSELL
PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

COVER SHEET, DEVELOPMENT
NOTES & SITE LOCATION

SHINGLE LANDING VILLAS
CURRITUCK COUNTY
MOYOCK TOWNSHIP

PRELIMINARY SUBDIVISION PLAN

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	4/29/20	ISSUE FOR PERMIT	MB	MB
2	5/29/20	PERMIT ISSUED	MB	MB
3	6/1/20	PERMIT ISSUED	MB	MB
4	6/1/20	PERMIT ISSUED	MB	MB
5	6/1/20	PERMIT ISSUED	MB	MB
6	6/1/20	PERMIT ISSUED	MB	MB
7	6/1/20	PERMIT ISSUED	MB	MB
8	6/1/20	PERMIT ISSUED	MB	MB
9	6/1/20	PERMIT ISSUED	MB	MB
10	6/1/20	PERMIT ISSUED	MB	MB
11	6/1/20	PERMIT ISSUED	MB	MB
12	6/1/20	PERMIT ISSUED	MB	MB
13	6/1/20	PERMIT ISSUED	MB	MB
14	6/1/20	PERMIT ISSUED	MB	MB
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16	6/1/20	PERMIT ISSUED	MB	MB
17	6/1/20	PERMIT ISSUED	MB	MB
18	6/1/20	PERMIT ISSUED	MB	MB
19	6/1/20	PERMIT ISSUED	MB	MB
20	6/1/20	PERMIT ISSUED	MB	MB

DATE: 11-2-2020 NO SCALE

DESIGNED: BPG CHECKED: MSB

DRAWN: KFW/DMK APPROVED: BPG

SHEET: 1 OF 8

CAD FILE: 449800PP1

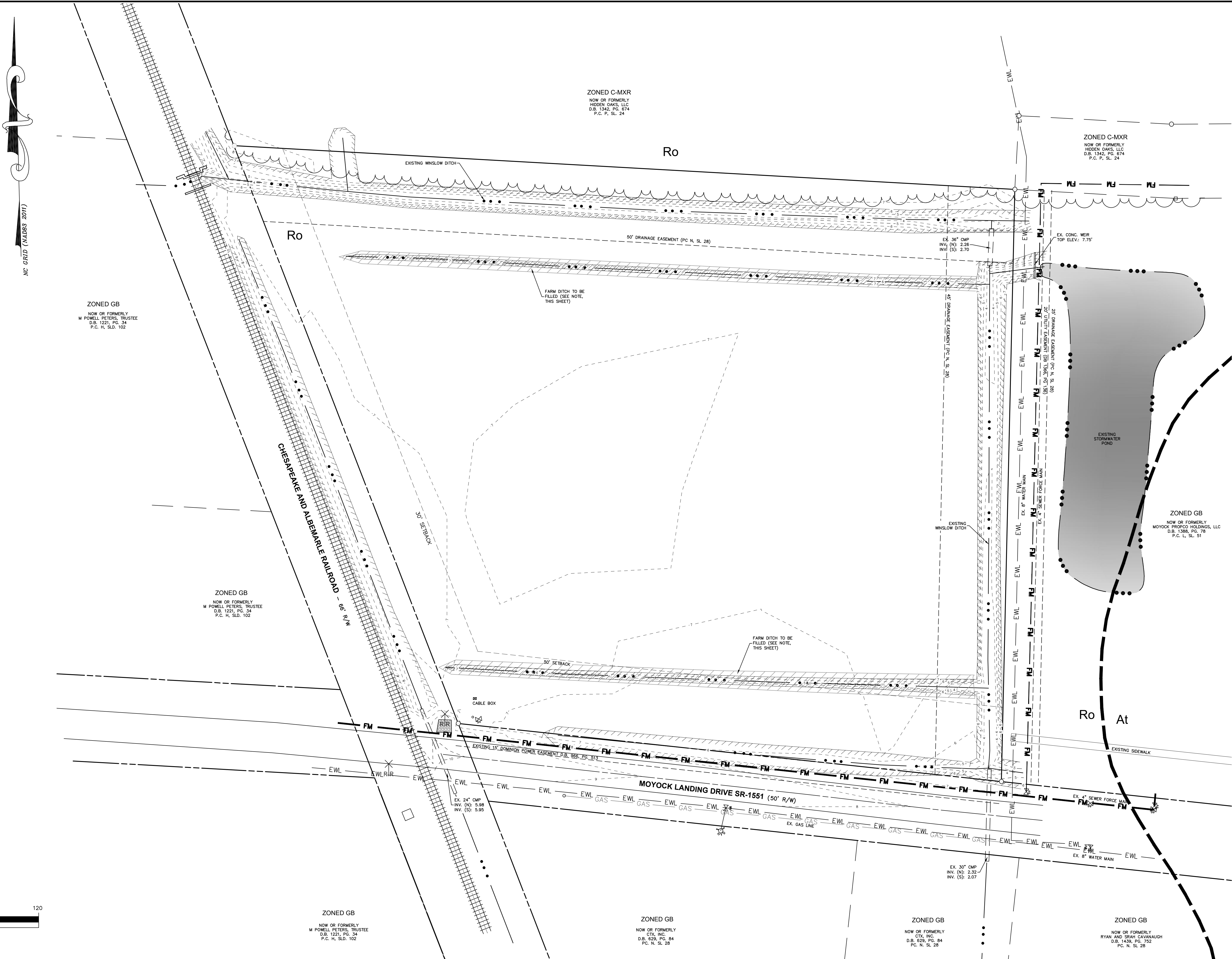
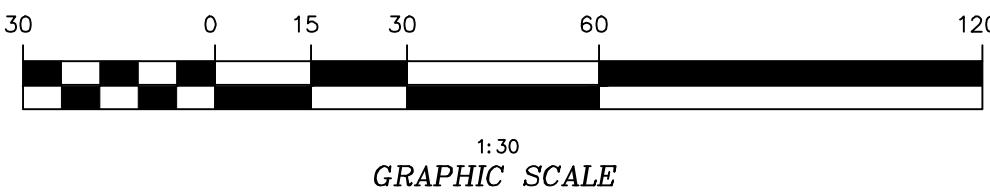
PROJECT NO: 4498

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SOILS LEGEND	
---	SOILS LINE
At	AUGUSTA FINE SANDY LOAM
Ro	ROANOKE FINE SANDY LOAM

SCS - SOIL SURVEY OF CURRITUCK COUNTY

EXISTING FARM DITCH FILL NOTE:
EXISTING FARM DITCHES NOTED AS BEING FILLED SHALL BE DEMUCKED AND BACKFILLED WITH CLEAN, COMPACTED SELECT MATERIAL. DITCH FILLING SHALL COINCIDE WITH DRAINAGE PATTERNS AND EROSION CONTROL MEASURES AS PROVIDED IN THESE PLANS.



REVISIONS

NO.	DATE	DESCRIPTION	BY
1	11-20-2020	24-26-24 AND ADJACENT ZONING & DITCH LABEL DMK	DMK
2			
3			
4			
5			
6			
7			
8			
9			
10			

PROJECT INFORMATION

DATE: 11-20-2020
DESIGNED: BPG
CHECKED: MSB
PROJECT: KFW/DMK
SHEET: 2 OF 8
CAD FILE: 449800PP1
PROJECT NO: 4498

EXISTING SITE CONDITIONS & DEMOLITION PLAN

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SHINGLE LANDING VILLAS

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY SUBDIVISION PLAN

Attachment: 2 SLV PP SET 3-2-2021 (PB 20-24 Shingle Landing Villas)

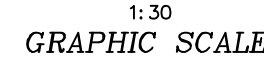
Bissett Professional Group

Engineers, Planners, Surveyors and Environmental Specialists

Bissett

PROFESSIONAL GROUP

Bissett Professional Group
Firm License # C-356
10000 Highway 108
P.O. Box 108
Kitty Hawk, North Carolina 27949
Tel: (252) 261-1760
Fax: (252) 261-1760



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11-20-2020	1" = 30'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW/DMK	APPROVED: BPG

SHEET:

3 OF 8

CAD FILE:
449800PP1

PROJECT NO:
4498

Attachment: 2 SLV PP SET 3-2-2021 (PB 20-24 Shingle Landing Villas)



SHINGLE LANDING VILLA
LOT DESCRIPTIONS

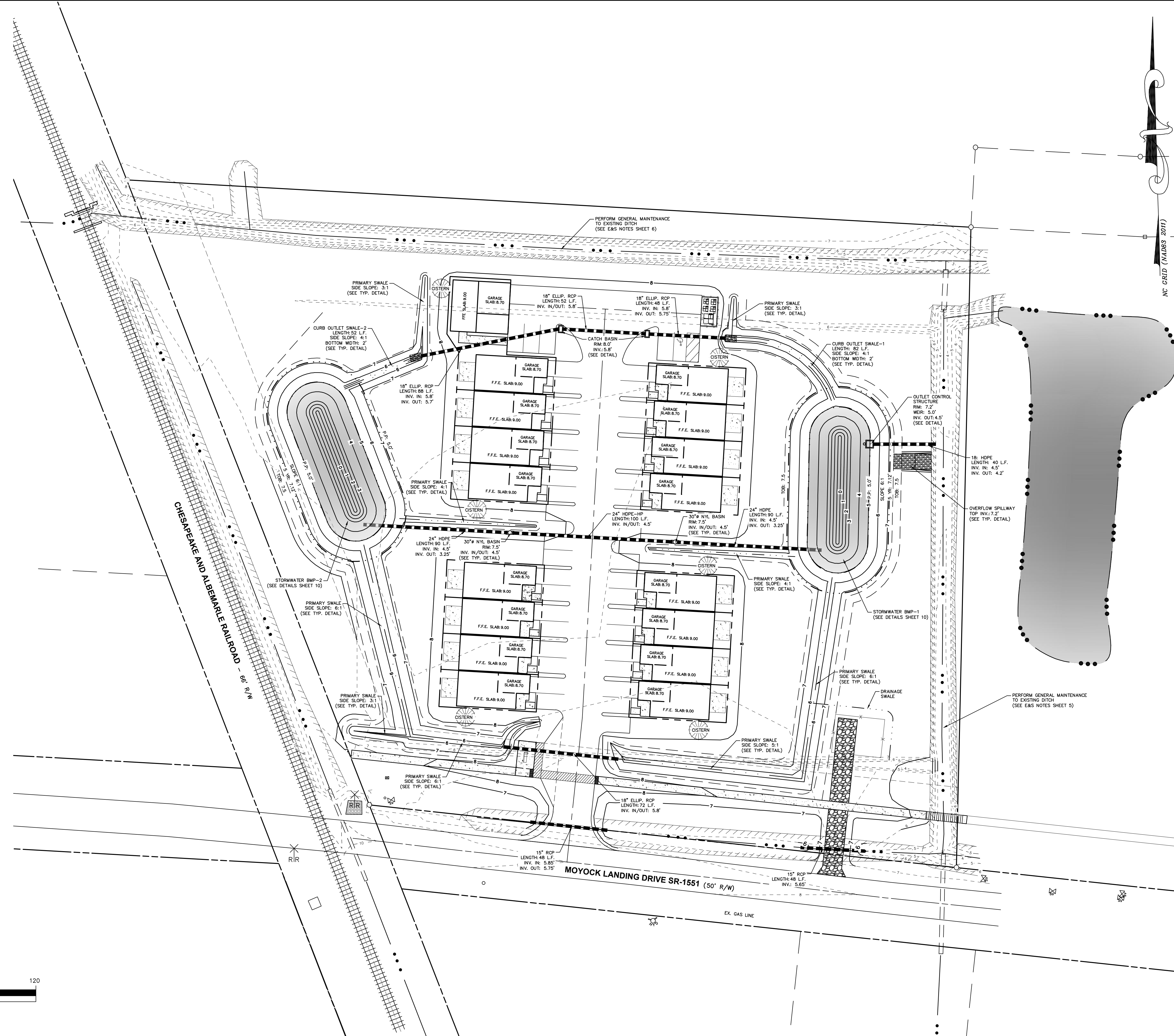
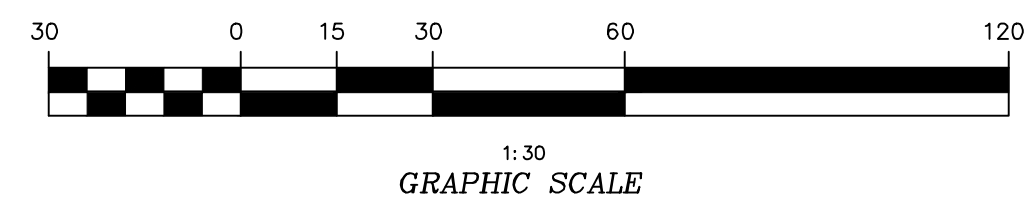
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BISSELL
PROFESSIONAL GROUP

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and Environmental Specialists

Bissell Professional Group
Firm License # C-956
10000 Southwestern Highway
P.O. Box 1068
Kitty Hawk, North Carolina 27949
Phone (252) 261-1760
FAX (252) 261-1760

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BISSELL
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and Environmental Specialists

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Hawthorne, North Carolina 27449
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FAX (252) 261-1780

SHINGLE LANDING VILLAS
MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA

PRELIMINARY SUBDIVISION PLAN

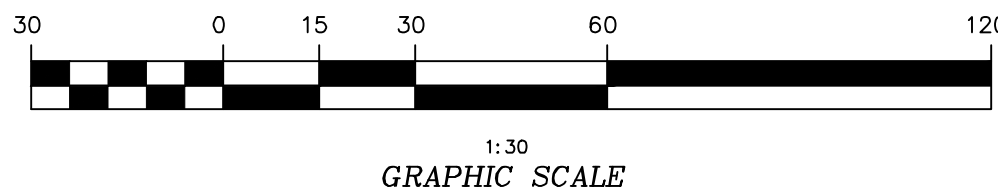
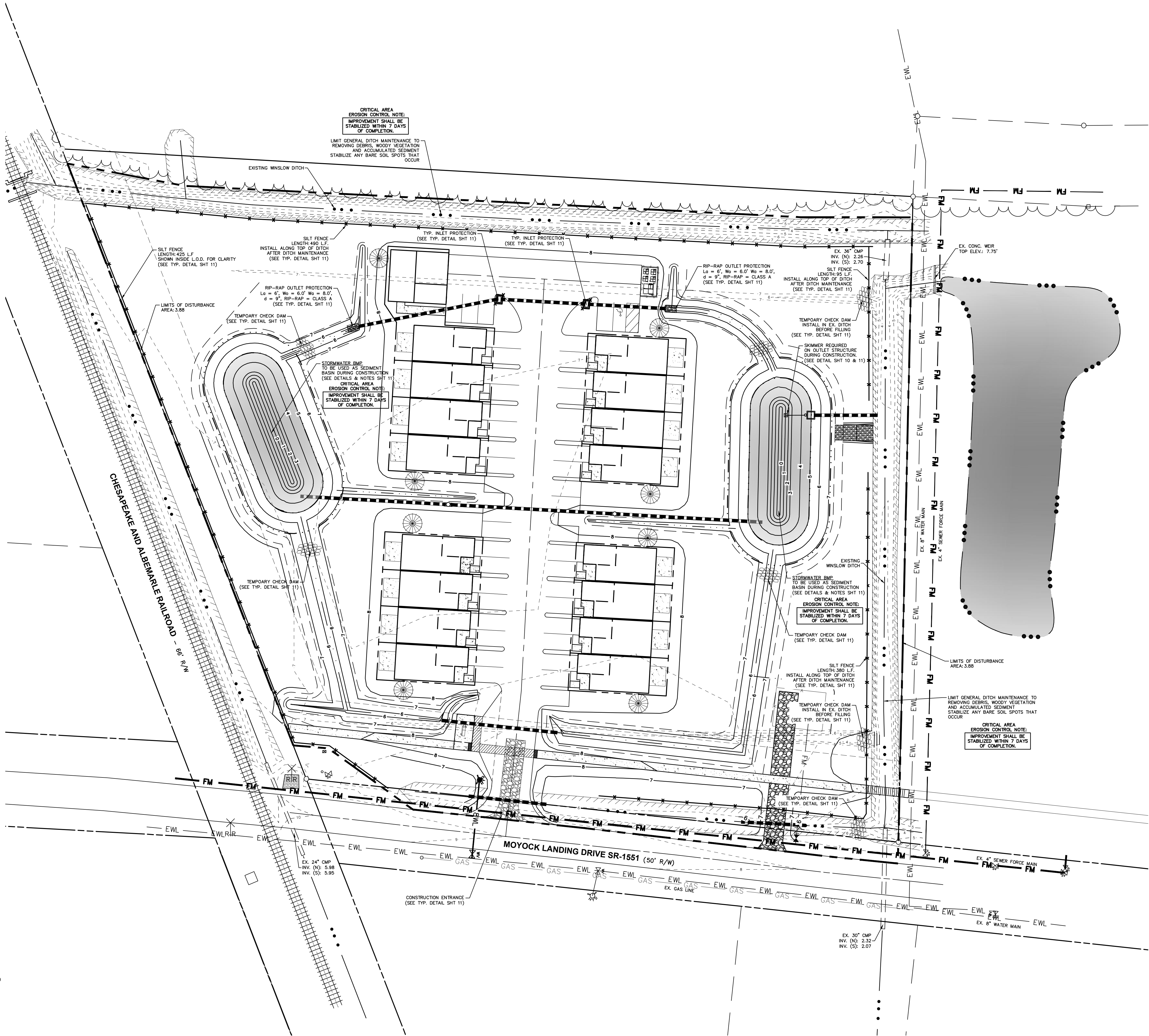
PROJECT: SHINGLE LANDING VILLAS
BY: [Signature]
NO. DATE DESCRIPTION
11-20-2020 1" = 30'
DESIGNED: BPG CHECKED: MSB
DRAWN: KFW/DMK APPROVED: BPG
SHEET: 5 OF 8
CAD FILE: 449800PP1
PROJECT NO: 4498

GRADING, DRAINAGE & STORM-
WATER MANAGEMENT PLAN

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- SEDIMENTATION AND EROSION CONTROL NOTES**
1. THESE NOTES ARE IN ADDITION TO THE SEDIMENTATION AND EROSION CONTROL NOTES PROVIDED ON SHEET 11.
 2. ALL MATERIALS EXCAVATED OVER THE COURSE OF CONSTRUCTION SHALL REMAIN ON THE PROJECT SITE. SUITABLE MATERIALS SHALL BE USED FOR CONSTRUCTION OF THE PROPOSED BUILDING, PARKING AND OTHER IMPROVEMENTS. IF NECESSARY, EXCAVATED MATERIALS REMAINING AT THE END OF CONSTRUCTION MAY BE DISPOSED OF OFF-SITE AT AN APPROVED AND PERMITTED BORROW PIT.
 3. OFF-SITE BORROW MATERIAL NECESSARY FOR THE PROPOSED FILL SITES MUST BE OBTAINED FROM AN APPROVED AND PERMITTED BORROW PIT.
 4. THIS PROJECT IS ANTICIPATED TO BE CONSTRUCTED IN 1 SINGLE PHASE.
 5. IMPROVEMENTS IDENTIFIED AS CRITICAL AREA MUST BE STABILIZED WITHIN 7 DAYS OF COMPLETION. SEE STABILIZATION NOTES ON SHEET 11.
 6. THE FOLLOWING PROVIDES AN ESTIMATE OF CUT/FILL MATERIAL OF THE PROJECT:
APPROXIMATE VOLUME OF CUT: 1,600 CYs
APPROXIMATE VOLUME OF FILL: 3,500 CYs
*THESE VALUES ARE ESTIMATES AND ARE PROVIDED FOR PERMITTING PURPOSES ONLY. CONTRACTORS SHALL CONFIRM BEFORE RELYING UPON THEM.

- CONSTRUCTION SEQUENCE**
1. INSTALL DRIVEWAY CULVERT AND CONSTRUCTION ENTRANCE.
 2. INSTALL SILT FENCE ALONG LIMITS OF DISTURBANCE AND ALONG EXISTING IMPROVED DITCHES WHERE SPECIFIED.
 3. EXCAVATE STORMWATER BMPs TO BE USED AS TEMPORARY SEDIMENT BASIN, INCLUDING OUTLET STRUCTURE AND SKIMMER.
 4. TEMPORARILY STOCK PILE MATERIALS IN AREAS WHERE AVAILABLE ON-SITE.
 5. CONDUCT GENERAL CONSTRUCTION ACTIVITIES FOR INSTALLATION OF BUILDING, PARKING, UTILITIES, DRAINAGE, ETC.
 6. DURING CONSTRUCTION, ROUTE RUNOFF TO THE SEDIMENT BASINS THROUGH THE PROPOSED PERMANENT DRAINAGE IMPROVEMENTS OR TEMPORARY DIVERSIONS. INSTALL TEMPORARY CHECK DAMS AND INLET PROTECTION MEASURES WHERE SPECIFIED.
 7. FINISH GRADE, TOP SOIL, SEED AND STABILIZE ALL DISTURBED AREAS.
 8. AFTER STABILIZATION IS ESTABLISHED, REMOVE ALL TEMPORARY EROSION CONTROL MEASURES AND SEED & STABILIZE THOSE AREAS.
 9. CLEAN OUT SEDIMENT BASINS AND RETURN TO STORMWATER BMP DESIGN CONDITIONS. INSTALL AQUATIC PLANTINGS IF APPROPRIATE SEASON.



Bissell Professional Group
3512 North Crandon Highway
Kitty, NC 28756
Phone: (828) 281-3266
Fax: (828) 281-1960

BISSELL
PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

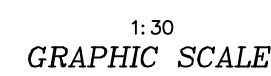
**EROSION AND SEDIMENT
CONTROL PLAN**

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SHINGLE LANDING VILLAS
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY SUBDIVISION PLAN

PROJECT:		BY:	
NO.		DATE	
DESCRIPTION			
DATE		REVISION	
11-20-2020		1" = 30'	
DESIGNED:		CHECKED:	
BPG		MSB	
DRAWN:		APPROVED:	
KFW/DMK		BPG	
SHEET:			
6		8	
CAD FILE:		449800PP1	
PROJECT NO:		4498	



SHINGLE LANDING VILLAS
CURRITUCK COUNTY
NORTH CAROLINA
PRELIMINARY SUBDIVISION PLAN

WATER AND WASTEWATER
COLLECTION SYSTEM PLAN

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DISSSELL PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

Bissell Professional Group
Firm License # C-956
3512 North Croatan Highway
P.O. Box 1068
Waynesville, North Carolina 27949
(252) 261-2926
(252) 261-2926
FAX (252) 261-1760

Packet Pg. 55



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: Dave Klebitz, Bissell Professional Group
 Sam Miller, Shingle Landing Villas LLC

From: Tammy D. Glave, CZO, Senior Planner

Date: December 10, 2020

Re: PB 20-24 Shingle Landing Villas, Preliminary Plat/Use Permit

The following comments have been received for Shingle Landing Villas preliminary plat/use permit. To be placed on the January 18, 2021 Board of Commissioners' agenda, all outstanding **TRC comments must be addressed before 3:00 pm on December 21, 2020.** TRC comments are valid for six months.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment/Resubmit:

1. Attachment A indicates that one attached accessory dwelling unit was approved with the conditional zoning for the project. That is not correct. A detached accessory dwelling unit was approved.
2. Please clarify the number of lots requested. Sixteen lots/units are allowed under the approved conditional zoning; however, if the accessory dwelling unit is going to be subdivided out on its own lot, it is no longer an accessory dwelling unit. It would be lot 17, which is what is shown on the lot layout plan sheet and not allowed. By definition an accessory dwelling unit is located on the same lot as the primary dwelling unit. (UDO Chapter 10 and Approved Conditional Zoning Order)
3. Because the prior approval did not include subdividing the property/obtaining a use permit, UDO Section 6.6 Adequate Public Facilities Standards did not apply to this project. This request to subdivide the property requires a use permit, so the Adequate Public Facilities ordinance applies. There are not currently adequate public facilities (schools) in place now or programmed to be in place within two years after the initial approval of this use permit; therefore, the project cannot be approved since adequate public facilities are not available to serve the project.
4. The prior approval was for a non-residential site plan with appropriate drainage. This request is for a major subdivision/use permit which requires more stringent drainage requirements. UDO Section 7.3.4.B.2 requires major subdivisions to implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 1—year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site. The drainage provided for this subdivision does not meet the minimum requirements of Section 7.3.4.B.2.
5. Since the sidewalk is not making a complete connection at the western property line, please provide an easement for future connection.
6. Please call out on-site utility easements (UDO Section 6.2.3)

7. In the development notes, please provide an open space summary (required/provided) and identify the open space on the plat.
8. A payment-in-lieu of recreation and park area dedication (\$25,487.28) is due before final plat approval (UDO Section 6.5).
9. The Conditional Zoning Conditions listed on plat page 1 are different than those approved in the Amendment to the Official Zoning Map (See Attached) by the Board of Commissioners on February 19, 2018. Please revise to reflect approved conditions. If you wish to add conditions, that will require an amended conditional-zoning approval by the Board of Commissioners.
10. Show sight triangles. (UDO Section 10.3.4)
11. Please label the Winslow ditch.
12. Call out zoning of adjacent properties. (Administrative Manual)

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

Reviewed with comments:

1. See attached TRC comments from past reviews that need to be in place as phases are being installed.

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

Comments not yet received.

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

Reviewed without comment.

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

Reviewed with comment:

1. Special attention needs to be given to storm water. This area is already experiencing storm water problems.

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

Reviewed with comment. Resubmit.:

1. UDO Section 7.3.4.B.2 requires major subdivisions to implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 1—year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site. The drainage provided for this subdivision does not meet the minimum requirements of Section 7.3.4.B.2.
2. Does Primary Swale south of Stormwater Basin #2 grade toward or away from pond? Does the flow pattern go from the piped culvert underneath the driveway toward this BMP or is it taking it away?
3. Does this planned stormwater conveyance directing water to the back lot line ditch or will it be conveyed toward the Moyock Landing Dr roadside ditch?
4. The Winslow Ditch must be cleaned out at the start of site work.

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

Reviewed with comment:

1. Waterline location concerns have been addressed.
2. The sewer lift station operation will be the owner's responsibility not Currituck County.
3. Individual water meters required for each unit. Master meters will not work.
4. Utility easements required.
5. Water line must loop around the back of the property. No dead ends. Isolation valves required so repairs can be made to buildings without having to shutoff water to the entire complex.

Economic Developments (Larry Lombardi, 252-232-6015)

Reviewed without comment.

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

Reviewed with comment:

1. DEVELOPER WILL NEED SEWER APPROVAL LETTER FROM THE MOYOCK SEWER DISTRICT (CURRITUCK COUNTY) AND THE NC DIVISION OF WATER RESOURCES (WASHINGTON REGIONAL OFFICE-252-946-6481).

NC Department of Transportation (David Otts, 252-453-2721)

Reviewed with comment:

1. The Department has no avenue to accept this parking lot for addition to the State system. Our only requirement at this time would be that the applicant obtain a driveway permit.

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

Reviewed without comment.

US Post Office (Local)

Please contact the post office regarding method of mail delivery.

Mediacom (252-482-5583)

See attached letter.

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.

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

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

Typical Use Permit (Quasi-Judicial) Hearing at BOC

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

**PB 16-17
SB&K INVESTMENTS, LLC
Amendment 1**

Amendment to the Official Zoning Map

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina:

Item 1: The Official Zoning Map is hereby amended for 4.01 acres zoned Conditional-Mixed Residential (C-MXR) located on Moyock Landing Drive, adjoining Currituck House assisted living facility to the east, Tax Map 9, Parcel 29T, Moyock Township to change the conceptual development plan to a sixteen unit two-story townhome development with attached garages, one detached garage/storage unit, and one detached accessory dwelling unit; the architectural rendering of the townhomes to be incorporated into the approval and units constructed according to the expanded description given to the Board of Commissioners at the February 19, 2018 meeting including the additional buffer.

Item 2: The zoning map amendment for this property is consistent with the 2006 Land Use Plan because:

- County water and sewer are available to the site and this use will help grow these systems. (Policy ES1)
- It is at a density appropriate for the location. (Policy HN1)
- Adequate public facilities are available to service the project. (PP2)
- It is located in the fastest growing area of the county that continues to evolve as a Full Service community. (Moyock Policy Emphasis)

The amended conditional rezoning request is consistent with the Moyock Small Area Plan because:

- There will be a sidewalk connection to the assisted living facility, park, and subdivision to the east. (TR2)
- Infrastructure and service needs of the community are met. (IS2)
- Impervious lot coverage is reduced and stormwater is properly managed. (IS4)
- It is compatible with a rural atmosphere, transitional areas, and a small town, main street feel. (CC1)

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

- It creates a new residential use type, multi-family, at an appropriate density for the area where county water and sewer are available.
- It provides a moderate cost housing opportunity for county residents within a well-design neighborhood.

Item 3: This property shall be subject to the standards applicable to the general use zoning district, as modified by the conditions of approval. These standards and the following modifying conditions are binding on the land as an amendment to the Unified Development Ordinance and the Official Zoning Map:

1. The development shall be completed strictly in accordance with the conceptual development plan submitted to and approved by the Board of Commissioners.
2. The development will consist of a 16 unit townhome development (with attached garages), one detached garage/storage unit, and one detached accessory dwelling unit.

3. The architectural rendering of the townhomes to be incorporated into the approval and units constructed according to the *expanded description* given at the Board of Commissioners meeting on February 19, 2018, *including the additional buffer*.

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This zoning map amendment shall be in effect from and after the 19th day of February, 2018.

IN WITNESS WHEREOF, the County has caused this zoning map amendment to be approved in its name.

ATTEST:


Clerk to the Board
3.14.18
Date


Chairman
Board of Commissioners

(NOT VALID UNTIL FULLY EXECUTED)

(Seal)



TRC Comments

Subdivisions

- No Parking signs placed throughout at/within 50' of road entrances, intersections and at cul de sacs.
- Mark fire hydrants locations in the center of road/street with blue reflectors, install no parking signage at hydrant locations.
- Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method.
- Dwellings 4800 sq. ft. and no greater than 2 stories may use setbacks as indicated in the ISO method to determine Needed Fire Flow.
- Town homes must have utilities placed on the lots they serve (no gang metering systems)

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

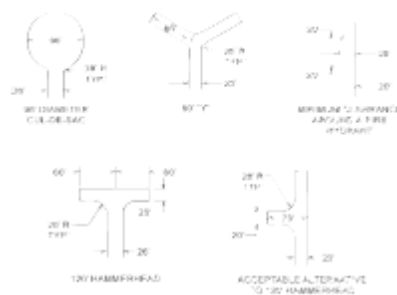


FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

CHAPTER 7

Other Considerations for Determining Needed Fire Flow (NFF)

- When the subject building or exposure buildings have a wood-shingle roof covering and ISO determines that the roof can contribute to spreading fires, ISO adds 500 gpm to the NFF.
- The maximum NFF is 12,000 gpm. The minimum NFF is 500 gpm.
- ISO rounds the final calculation of NFF to the nearest 250 gpm if less than 2,500 gpm and to the nearest 500 gpm if greater than 2,500 gpm.
- For 1- and 2-family dwellings not exceeding 2 stories in height, ISO uses the following needed fire flows for a duration of 1 hour:

DISTANCE BETWEEN BUILDINGS More	NEEDED FIRE FLOW
than 30 feet	500 gpm
21 – 30 feet	750 gpm
11 – 20 feet	1,000 gpm
0 – 10 feet	1,500 gpm

Inspection Comments

- Cluster mail box units must be accessible (accessible route, reach ranges)
- 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.
- Curb cuts at vehicular traffic areas and pedestrian crossings must be ADA compliant and have detectable warning devices installed.
- 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.
- 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.

No Parking signage examples




Kim Mason, NC Area Director
kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

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

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

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

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

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

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

About Mediacom Communications

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

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

Best regards,

Kim Mason

Kim Mason

Operations Director, North Carolina

February 26, 2021

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

Reference: ***PB 20-24 Shingle Landing Villas - Preliminary Plat/Use Permit Approval – TRC Response***

Dear Tammy,

On behalf of Shingle Landing Villas, LLC, Bissell Professional Group is submitting this initial response to address TRC comments received regarding an Application for Preliminary Plat Approval for the Shingle Landing Villas Townhome development located in Moyock. It is our understanding that the County is formulating a Text Amendment to modify the stormwater requirements for Townhouse developments and, thereby, support this project as proposed. In the interim, the following responses are provided in the order in which comments were received.

Planning

1. Comment acknowledged. A detached accessory dwelling is being requested.
2. A total of 16 lots are being requested. Lot 17 has been revised to be a part of Lot 8 for a detached accessory dwelling unit.
3. Comment acknowledged.
4. Comment acknowledged. We understand the county is making a Text Amendment to address this particular situation.
5. Development Note 3.E. on the Cover Sheet has been added to outline proposed easements and includes an easement for future sidewalk connection at western property boundary.
6. Development Note 3.E. on the Cover Sheet has been added to outline proposed easements and includes an easement over all utilities and reference to utility easements shown. Also see Sheets 3 & 4 for utility easements added at the two water meter and hydrant locations.
7. Development Note 3.D. on the Cover Sheet has been added to tabulate required and provided open space. Sheet 4 has also been updated to illustrate OPEN SPACE A space as labeled behind lots 13 & 14 and cross hatched per legend added on the same sheet.
8. Comment acknowledged. A payment in-leu will be provided prior to final plat approval.
9. The Conditional Zoning Conditions listed on plat page 1 are identical to those listed under "Conceptual Development Note 5. Additional Conditions" on the Conceptual Development Plan approved by the Board of Commissioners on February 19, 2018. These conditions are, therefore, made a part of the Zoning Map Amendment and are not considered an addition with this application. It shall be noted that "UNITS ARE INTENDED TO BE SOLD AS INDIVIDUAL TOWNHOMES" is one of these conditions. It is acknowledged that further conditions were adopted at the February 19, 2018 Zoning Map Amendment and required for the development.
10. Sight Triangles have been added as shown on Sheets 3 & 4.
11. The Winslow Ditch has been labeled as shown on Sheet 2.
12. Zoning of Adjacent properties have been labeled as shown on Sheet 2.

Building and Fire Inspections

1. Comment and prior TRC comments acknowledged.

Parks and Recreation

1. The development has been designed and approved in accordance with state and local stormwater requirements.

Soil and Stormwater

1. Comment acknowledged. We understand the county is making a Text Amendment to address this particular situation.
2. The primary swale is graded to drain from the driveway culvert to BMP-2 during normal rainfall events. Flow will reverse during larger rainfall events and act as a connection to BMP-1 that contains the overflow spillway.
3. Stormwater outflow is directed east to the existing Winslow ditch as it runs between the site and adjoining assisted living development. The Winslow ditch generally flows south under Moyock Landing Drive.
4. Comment acknowledged. General maintenance of the Winslow ditch is already specified on the grading, drainage (Sheet 5) and erosion control (Sheet 6) plans.

Utilities

1. Thank you.
2. The applicant will be contacting the Utilities Dept. for further correspondence regarding responsibilities of operation and maintenance of the project's wastewater lift-station.
3. The applicant will be contacting the Utilities Dept. for further correspondence regarding provisions and responsibilities of water service to the development.
4. Development Note 3.E. on the Cover Sheet has been added to outline proposed easements and includes an easement over all utilities and reference to utility easements shown. Also see Sheets 3 & 4 for utility easement added at water meter and hydrant locations.
5. The proposed waterline extension is a hydrant leg only (this is for clarity only). The proposed water service layout is consistent with the Major Site Plan previously reviewed and TRC comments provided on 3-11-20 did not request a loop. The applicant will be contacting the Utilities Department for further correspondence regarding the provision of a backflow preventors (prior TRC), a loop (this TRC) and isolation valves (this TRC).

ARHS

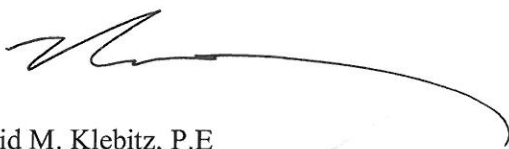
1. Comment acknowledged. NCDEQ Permit has been obtained.

NCDOT

1. Comment acknowledged. Acceptance of the parking lot by NCDOT will not be requested. A driveway permit has been obtained.

We believe these responses address the comments received, except those where the need for additional correspondence is noted. We thank you for the review and consideration and look forward to finalizing the preliminary plat approval for this project. If you have any questions or need any additional information please do not hesitate to call.

Sincerely yours,
Bissell Professional Group



David M. Klebitz, P.E.
Cc: Shingle Landing Villas, c/o Sam Miller

Community Meeting Summary

Shingle Landing Villas – Major Subdivision

Tuesday, November 24, 2020

Scheduled Time/Place: 4:00 pm, Eagle Creek Golf Pavilion, Moyock, NC

Meeting Began at approximately 4:00 pm and Ended at approximately 5:00 pm

Attendees: Community Residents (See attached sign-in sheet)

Trish & Chuck Thomas, Landowner
 Jeanne & Bob Mullaney, Landowner
 Debbie Marable, Landowner
 Ryan Cavanaugh, Landowner
 Laurie LoCicero, Currituck County

Valerie Bowling, Landowner
 Brad Cameron, Landowner
 Susan Davis, Landowner
 David Klebitz, Engineer
 Owen Etheridge, Currituck County

Overview:

An overview of the requested application and County review and approval process was offered. The overview included an explanation of the developer's desire to construct townhomes instead of condominiums or apartments and that the resulting creation of lots requires an application for a major subdivision. It was also explained that no changes are being made in the layout as compared to the layout previously approved with the conditional zoning and that all state permits and county site plan review have been performed.

Building Renderings and site plan drawings were provided for review.

Comments from the Community	How Addressed
When will the development start?	Construction is anticipated to start in February - March, after BOC approval is obtained.
What is estimated sale price of the units?	This information was not provided to us by the developer so a price was not given. It was explained that Townhomes are generally more valuable than condominiums and apartments already approved.
What are the floor plans and square footages?	It was explained that final detailed floor plans have not be provided to us by the developer and may not be prepared yet. Each unit will typically have a heated square footage of approximately 1,580 sf + a garage.
What kind of buffering is provided?	The landscaping and buffering plan was reviewed.
How much Parking will there be?	Each unit will have 1 garage space + 2 outside spaces, plus additional remote parking. UDO requires 30 spaces and 60 are provided.

Summary:

The attendees appeared to understand that this is simply an application to create townhome lots instead of condominiums or apartments and that nothing is otherwise being changed from what has been previously reviewed and approved. A number of people stayed around after the meeting was adjourned to view maps and renderings.

Dave Klebitz

From: Sam Miller [smiller@laurelwoodsestates.com]
Sent: Wednesday, February 27, 2019 9:58 PM
To: Dave Klebitz
Subject: Fwd: sewer
Attachments: image001.jpg

----- Forwarded message -----

From: Dan Scanlon <Dan.Scanlon@currituckcountync.gov>
Date: Wed, Jul 27, 2016, 7:52 AM
Subject: RE: sewer
To: Eddie Hyman <eddie@ethymansurveying.com>
Cc: Sam Miller <smiller@laurelwoodsestates.com>, Pat Irwin <Pat.Irwin@currituckcountync.gov>, Eric Weatherly <Eric.Weatherly@currituckcountync.gov>, Ben Woody <Ben.Woody@currituckcountync.gov>

Currituck County will provide 4,800 gpd in wastewater service to the 4 Acre Site on the North side of Moyock Landing Drive west of the Assisted Living Site predicated upon the project obtaining all required County and State project approvals.

From: Eddie Hyman [mailto:eddie@ethymansurveying.com]
Sent: Tuesday, July 26, 2016 2:58 PM
To: Dan Scanlon
Cc: 'Sam Miller'
Subject: RE: sewer

The 17 units will be a combination of 2 and 3 bed rooms with an approximate total of 40 bed rooms.

At 120 GPD we will need 4,800 GPD to serve the development.

Thanks Eddie

From: Dan Scanlon [mailto:Dan.Scanlon@CurrituckCountyNC.gov]
Sent: Tuesday, July 26, 2016 2:27 PM
To: Eddie Hyman
Cc: 'Sam Miller'; Ben Woody
Subject: RE: sewer

Attachment: 6 County Sewer Commitment 7-27-16 (PB 20-24 Shingle Landing Villas)

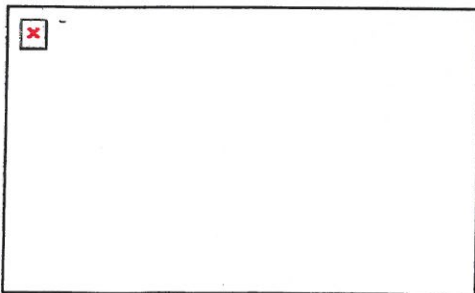
From: Eddie Hyman [<mailto:eddie@ethymansurveying.com>]
Sent: Monday, July 25, 2016 12:41 PM
To: Dan Scanlon
Cc: 'Sam Miller'; Ben Woody
Subject: sewer

Dan,

I will be submitting a rezoning application Thursday for Currituck County PIN # 0009000029T0000, it's the 4 Acre Site on the North side of Moyock Landing Drive west of the Assisted Living Site. The request will be to rezone from GB to MXR and we plan to build 16 condo style units.

From what I understand You are the County Official who approves sewer allocations, will sewer be available for this project? If so, when do I need to make the formal application?

Thanks Eddie



Edward T. Hyman, Jr. – PLS

E. T. Hyman Surveying, PC C-4161

133 US Hwy 158 West Suite E

Camden NC, 27921

Attachment: 6 County Sewer Commitment 7-27-16 (PB 20-24 Shingle Landing Villas)



Major Subdivision Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT: SHINGLE LANDING VILLAS, LLC
Name: Miller Homes and Building, LLC
Address: 111 Currituck Comm. Dr., Ste. B
Moyock, NC 27958
Telephone: 252-435-6402
E-Mail Address: smiller@millerhomesandbuilding.com
PROPERTY OWNER:
Name: Shingle Landing Villas, LLC
Address: 111 Currituck Comm. Dr., Ste. B
Moyock, NC 27958
Telephone: 252-435-6402
E-Mail Address: smiller@millerhomesandbuilding.com
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser SAME
Request
Physical Street Address: Moyock Landing Drive
Parcel Identification Number(s): 0009-000-029T-0000
Subdivision Name: Shingle Landing Villas
Number of Lots or Units: 17
Phase: _____

TYPE OF SUBMITTAL

- ☐ Conservation and Development Plan
☐ Amended Sketch Plan/Use Permit
☒ Preliminary Plat (or amended)
 ☒ Type I OR ☐ Type II
☐ Construction Drawings (or amended)
☐ Final Plat (or amended)

TYPE OF SUBDIVISION

- ☐ Traditional Development
☐ Conservation Subdivision
☐ Planned Unit Development
☐ Planned Development
☒ Townhome Development

I hereby authorize county officials to enter my property for purposes of determining compliance with all applicable standards. All information submitted and required as part of this process shall become public record.

SHINGLE LANDING VILLAS, LLC BY SAM MILLER
Property Owner(s)/Applicant*
11/24/2020
Date

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

Community Meeting, if applicable
Date Meeting Held: _____ **Meeting Location:** _____

Use Permit Review Standards, if applicable

PUD Amended Sketch Plan/Use Permit, Type II Preliminary Plat

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

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

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

See attachment A

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

See attachment A

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

See attachment A

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

See attachment A

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

SHINGLE LANDING VILLAS, LLC BY SAM MILLER

Property Owner(s)/Applicant*

Date

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

Major Subdivision Application

Page 6 of 12

Revised 7/1/2019

Attachment: 7 Application (PB 20-24 Shingle Landing Villas)

ATTACHMENT "A"

Purpose of the Use Permit and Project Narrative

The subject property had conditional zoning approved in 2017 and amended in 2018 for the development of 16 two-story townhomes with attached garages and one attached accessory dwelling unit. The purpose of this application is to allow the creation of lot lines which are necessary for the construction and sale of townhomes units as envisioned in the original and amended conditional zoning approval. No changes are being proposed to the approved development plan, including the architectural renderings of the proposed buildings, as approved in February, 2018, but a Use Permit is necessary for the establishment of lot lines around the proposed building units.

A. The Use will not endanger the public health or safety, due to the following:

1. Stormwater management has been designed in accordance with the Conditional Zoning Approval and has been approved by the NC Dept. of Environmental Quality. Stormwater retention ponds will be constructed to manage and retain stormwater and slow release into adjacent stormwater outlets.
2. A wastewater collection system and lift station have been designed and approved by the NCDEQ, which will be pumped to the Moyock Regional Wastewater Treatment System.
3. The project has been designed and approved by the Division of Energy, Mineral and Land Resources for sedimentation and erosion control, and will minimize erosion and contain siltation on site.
4. NCDOT has reviewed and approved the connection to Moyock Landing Drive.

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

1. Land to the north is single family residential but as a significant tree buffer to the site, land to the east is the Currituck House Assisted Living Facility, land to the west is commercial and land to the south is residential. The County Commissioners determined that the use is appropriate for the land by virtue of conditional zoning approval that was granted and amended in 2018. It was determined that this development creates a new residential use type at an appropriate density for this area where county water and sewer are available, and provides a moderate cost housing opportunity for county residents within a well designed neighborhood.

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

1. It was determined in 2018 that the proposed development is consistent with 2006 Land Use Plan because:
 - a) County water and sewer are available to the site and this use will help grow these systems. (Policy ES1)
 - b) It is at a density appropriate for the location. (Policy HN1)
 - c) It is located in the fastest growing area of the county that continues to evolve as a Full Service Community. (Moyock Policy Emphasis)
2. The amended conditional rezoning request is consistent with the Moyock Small Area Plan because:
 - a) There will be a sidewalk connection to the assisted living facility, park, and subdivision to the east. (TR2)
 - b) Infrastructure and service needs of the community are met (IS2)
 - c) Impervious lot coverage is reduces and stormwater is properly managed. (IS4)
 - d) It is compatible with a rural atmosphere, transitional areas, and a small town, main street feel. (CC1)

D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities.

Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

1. The Board of Commissioners determined in 2018 that the development is reasonable and in the public interest and that adequate public facilities are available to service the project. Construction of the project has been delayed due to Currituck County's inability to provide a wastewater connection, but now that sewer capacity has been made available, the project is now moving forward in accordance with the original conditions of approval.

**PB 16-17
SB&K INVESTMENTS, LLC
Amendment 1**

Amendment to the Official Zoning Map

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina:

Item 1: The Official Zoning Map is hereby amended for 4.01 acres zoned Conditional-Mixed Residential (C-MXR) located on Moyock Landing Drive, adjoining Currituck House assisted living facility to the east, Tax Map 9, Parcel 29T, Moyock Township to change the conceptual development plan to a sixteen unit two-story townhome development with attached garages, one detached garage/storage unit, and one detached accessory dwelling unit; the architectural rendering of the townhomes to be incorporated into the approval and units constructed according to the expanded description given to the Board of Commissioners at the February 19, 2018 meeting including the additional buffer.

Item 2: The zoning map amendment for this property is consistent with the 2006 Land Use Plan because:

- County water and sewer are available to the site and this use will help grow these systems. (Policy ES1)
- It is at a density appropriate for the location. (Policy HN1)
- Adequate public facilities are available to service the project. (PP2)
- It is located in the fastest growing area of the county that continues to evolve as a Full Service community. (Moyock Policy Emphasis)

The amended conditional rezoning request is consistent with the Moyock Small Area Plan because:

- There will be a sidewalk connection to the assisted living facility, park, and subdivision to the east. (TR2)
- Infrastructure and service needs of the community are met. (IS2)
- Impervious lot coverage is reduced and stormwater is properly managed. (IS4)
- It is compatible with a rural atmosphere, transitional areas, and a small town, main street feel. (CC1)

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

- It creates a new residential use type, multi-family, at an appropriate density for the area where county water and sewer are available.
- It provides a moderate cost housing opportunity for county residents within a well-design neighborhood.

Item 3: This property shall be subject to the standards applicable to the general use zoning district, as modified by the conditions of approval. These standards and the following modifying conditions are binding on the land as an amendment to the Unified Development Ordinance and the Official Zoning Map:

1. The development shall be completed strictly in accordance with the conceptual development plan submitted to and approved by the Board of Commissioners.
2. The development will consist of a 16 unit townhome development (with attached garages), one detached garage/storage unit, and one detached accessory dwelling unit.

3. The architectural rendering of the townhomes to be incorporated into the approval and units constructed according to the *expanded description* given at the Board of Commissioners meeting on February 19, 2018, *including the additional buffer*.

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This zoning map amendment shall be in effect from and after the 19th day of February, 2018.

IN WITNESS WHEREOF, the County has caused this zoning map amendment to be approved in its name.

ATTEST:


Clerk to the Board

3.14.18

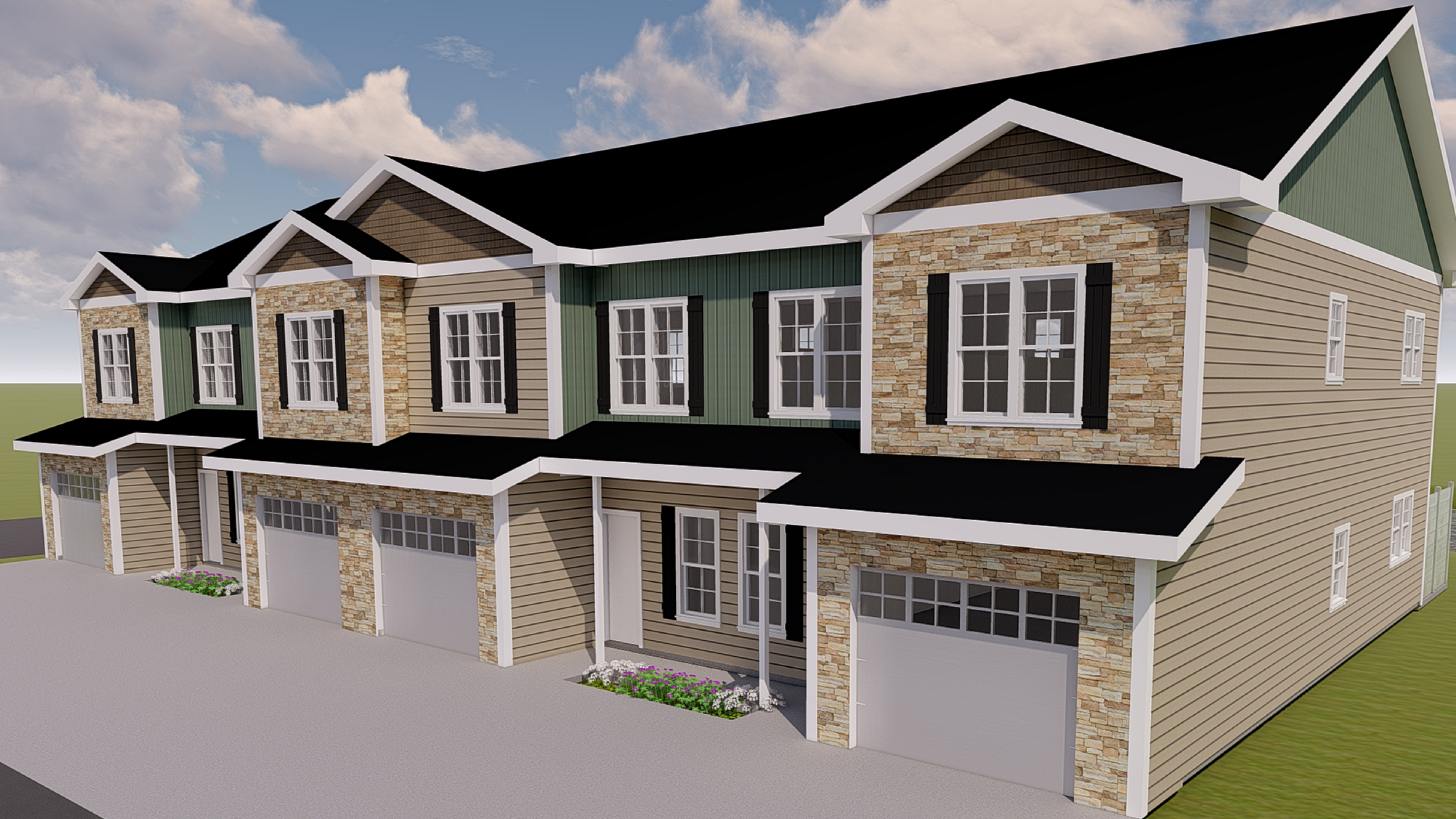
Date


Chairman
Board of Commissioners

(NOT VALID UNTIL FULLY EXECUTED)

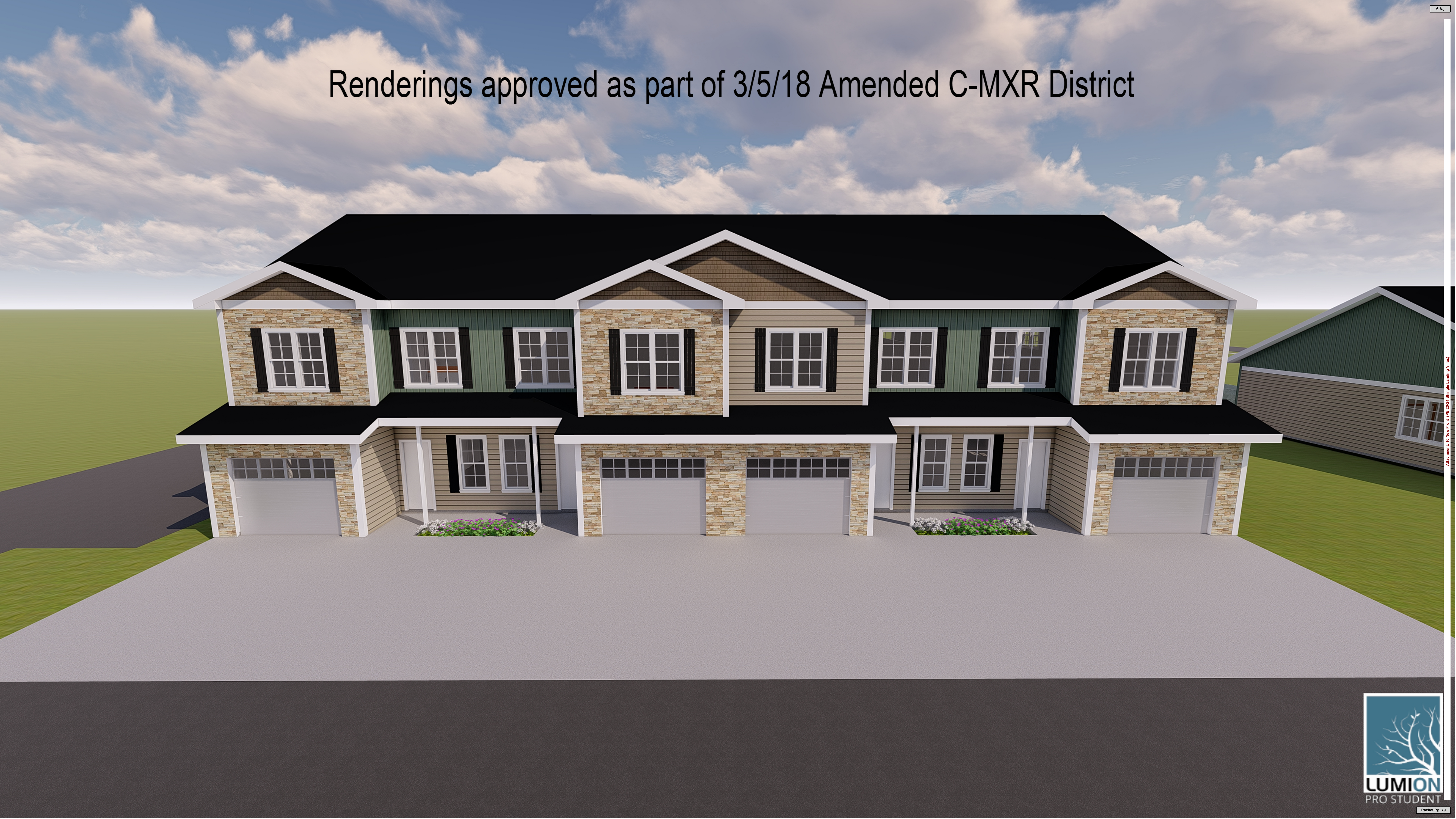
(Seal)

Renderings approved as part of 3/5/18 Amended C-MXR District



6.A.J

Renderings approved as part of 3/5/18 Amended C-MXR District



From: [Laurie LoCicero](#)
To: [Donna Voliva](#); [Tammy Glave](#); [Jennie Turner](#); [Jason Litteral](#)
Subject: FW: Moyock School Expansion and APF
Date: Wednesday, January 20, 2021 4:23:27 PM

All,

Please see the email below from Ben regarding school capacity. After speaking with him, we will need to add a note after our APF chart in our staff reports that summarizes his statement below and to note that direction came from the Manager.

Tammy – when compiling the staff report for Flora, let us talk through the actual language that we will use.

Thanks,
 Laurie

Laurie B. LoCicero, AICP
 Planning Director
 Planning & Community Development
 County of Currituck
 Phone: 252-232-6028
 Fax: 252-232-3026
www.currituckgovernment.com

From: Ben Stikeleather <Ben.Stikeleather@CurrituckCountyNC.gov>
Sent: Friday, January 15, 2021 4:33 PM
To: Laurie LoCicero <Laurie.LoCicero@CurrituckCountyNC.gov>
Cc: Matthew Lutz <mlutz@currituck.k12.nc.us>
Subject: Moyock School Expansion and APF

Laurie,

I expect to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years. I am happy to explain the construction process and assumptions at the Planning Board if needed. Please let me know if this addresses the issues that you had questions about earlier.

Thanks,
 Ben

Attachment: 11 Ben - School Capacity Email 1-15-2021 (PB 20-24 Shingle Landing Villas)

From: davek@bissellprofessionalgroup.com
To: [Tammy Glave](#)
Cc: [Cheri Elliott](#); [Donna Voliva](#); [Laurie LoCicero](#); [Mark Bissell](#); [Marcie Respass](#)
Subject: [EXTERNAL] RE: [EXTERNAL] 4498 - RE: Shingle Landing Villas PP UP TRC Comments
Date: Monday, December 21, 2020 5:26:39 PM

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

Thank you, Tammy. We went ahead and submitted paper copies and a CD just in case. You can ignore those and we will resubmit per the schedule. If I don't correspond with you again before hand, have a Merry Christmas and Happy New Year!

Best Regards,

David Klebitz

From: Tammy Glave <Tammy.Glave@CurrituckCountyNC.gov>
Sent: Monday, December 21, 2020 3:27 PM
To: davek@bissellprofessionalgroup.com
Cc: Cheri Elliott <Cheri.Elliott@CurrituckCountyNC.gov>; Donna Voliva <Donna.Voliva@CurrituckCountyNC.gov>; Laurie LoCicero <Laurie.LoCicero@CurrituckCountyNC.gov>
Subject: RE: [EXTERNAL] 4498 - RE: Shingle Landing Villas PP UP TRC Comments

Thank you for your response. I've passed along the request to table the application. Please follow the TRC Revision Deadline on the [Submittal Schedule](#) for full resubmittal prior to the BOC meeting on which you wish your case to be heard.

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

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

From: davek@bissellprofessionalgroup.com <davek@bissellprofessionalgroup.com>
Sent: Monday, December 21, 2020 1:21 PM
To: Tammy Glave <Tammy.Glave@CurrituckCountyNC.gov>; Laurie LoCicero <Laurie.LoCicero@CurrituckCountyNC.gov>
Cc: 'Sam Miller' <smiller@millerhomesandbuilding.com>; Mark Bissell <mark@bissellprofessionalgroup.com>; Marcie Respass <admin@bissellprofessionalgroup.com>

Subject: [EXTERNAL] 4498 - RE: Shingle Landing Villas PP UP TRC Comments

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

Hope you are doing well! Attached is a copy of our TRC response letter for Shingle Landing Villas. I'm sending this email as a heads up that, because of the related stormwater text amendment we understand is being prepared, the response includes a request to table the application until the Amendment is heard by the BOC. In consideration of the tabling, we are simply submitting the attached response letter, without revised plans. If you would still like (3) paper copies and a CD of this letter, please let me know and we will deliver them with the other submittals being dropped off this afternoon. Thank you for time and consideration and if you have any questions, please let me know .

Best Regards,

David M. Klebitz, PE



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From: Tammy Glave <Tammy.Glave@CurrituckCountyNC.gov>

Sent: Thursday, December 10, 2020 3:00 PM

To: davek@bissellprofessionalgroup.com

Cc: Sam Miller (smiller@millerhomesandbuilding.com) <smiller@millerhomesandbuilding.com>

Subject: Shingle Landing Villas PP UP TRC Comments

The TRC comments received to date for Shingle Landing Villas, Preliminary Plat/Use Permit, are attached to this message. If you have questions, please contact the commenter directly.

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

Tammy D. Glave, CZO
Senior Planner
County of Currituck

Attachment: 12 Shingle Landing Villas PP UP TRC Comments ENGINEER REQUEST TO POSTPONE Email (PB 20-24 Shingle Landing Villas)

Planning & Community Development

Phone: 252-232-6025

Fax: 252-232-3026

Email: tammy.glave@currituckcountync.gov

Website: www.currituckgovernment.com



Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: March 22, 2021

Subject: PB 21-05 Currituck County – Text Amendment
 PUD Open Space

Request

The enclosed text amendment submitted by Currituck County revises the Unified Development Ordinance (UDO) to allow construction of a police, fire or EMS facility on county-owned land designated as open space in a Planned Unit Development (PUD). This amendment modifies the definition of police, fire or EMS facility to include training facilities.

Background

Corolla Fire and Rescue desires to improve firefighting and response services by constructing a fire training facility in Corolla. The proposed facility will be located on property adjacent to the existing Pine Island Fire Station at 470 Ocean Trail. The county owns the property adjacent to the fire department located within Pine Island PUD. The county-owned property is designated as open space on the Pine Island PUD Amended Sketch Plan. Currently, the UDO does not allow use of a police, fire and EMS facility on property designated as open space.

The proposed fire training facility will be composed of 6 recycled storage containers attached to a concrete slab. The storage containers will allow for simulation of building access with artificial smoke and darkness, no utilities are proposed.

The Board of Commissioners has directed staff to prepare this text amendment. Staff suggests narrowly tailoring this amendment to limit its use. Land available for public service improvements is limited in Corolla.

PUDs are the predominate type of development in the paved road portion of Corolla and all existing PUDs within the county are located in Corolla. A PUD is a type of development permitted under prior zoning ordinances. PUD developments were intended to foster development expected to promote a more efficient use of land, a higher level of amenities and more creative design. PUDs have detailed sketch plans that lay out residential areas, specific residential densities, commercial areas and open space areas.

This text amendment will give the county flexibility to site needed public safety facilities on county-owned land designated as open space in existing PUDs in Corolla and will therefore allow the county to provide an increased level of training for fire response service in the Corolla area.

Text Amendment Review Standards

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

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

Staff Recommendation

Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

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

1. POLICY PS1: As the area grows, the County may establish strategically located SUBSTATIONS FOR PUBLIC SAFETY SERVICES (i.e. law enforcement, fire fighting and rescue), provided that sufficient resources can be made available to properly staff and equip them.
2. POLICY PS2: Currituck County shall support and encourage the development and improvement of FIRE FIGHTING SERVICES that enhance the security and safety of life and property, while resulting in the added benefit of lower property insurance rates. The need for additional fire stations or improvements to existing fire stations shall be examined annually to keep pace with the growth of the area.
3. POLICY OB1: Currituck County supports the provision of INFRASTRUCTURE (e.g. potable water) AND SERVICES (e.g. law enforcement officers) adequate to meet basic quality of life and public health and safety requirements of residents on the Outer Banks, while at the same not stimulating inappropriate intensive development in environmentally fragile, hazardous barrier island areas.

The request is reasonable and in the public interest because:

1. It addresses a demonstrated community need by allowing for training facilities that will improve fire fighter training opportunities in Corolla.

Planning Board Recommendation

On March 9, 2021, the Planning Board recommended approval of the request as submitted 5-0.

PB 21-05 Currituck County - Text Amendment

PUD Open Space

Page 2 of 6



**PB21-05 CURRITUCK COUNTY
PUD OPEN SPACE
TEXT AMENDMENT
BOARD OF COMMISSIONERS
APRIL 5, 2021**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 1 Transitional Provisions to allow construction of a police, fire and EMS facility on county-owned land designated as open space in a PUD. This amendment also modifies the definition of police, fire or EMS facility to include training facilities.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 1 is amended by adding the following underlined language:

1.8.6 Approved Planned Unit Development District Overlay and Sketch Plan

- A. Lands subject to approval of a planned unit development district overlay classification and sketch plan approval before January 1, 2013 shall retain the Planned Unit Development Overlay district classification and sketch plan approval, and may be developed consistent with the sketch plan approval and any relevant conditions of approval, until the sketch plan approval or any portion of thereof expires. If the sketch plan approval (or any portion thereof) expires or is revoked (e.g., for failure to comply with a term or condition of approval) any subsequent development of the site (or portion thereof) shall be applied for in accordance with the procedures and standards of this Ordinance.
- B. An owner of a parcel proposed for redevelopment, vacant parcel, or phase of a planned unit development subject to an approved sketch plan may submit a development application or application to amend the approved sketch plan or special use permit consistent with the applicable conditions of approval and compliance with the following:
 - (1) **Bulk and Dimensional Requirements**
Development applications or modifications to an approved sketch plan shall comply with the standards in Table 1.8.6.A, Bulk and Dimensional Standards.

TABLE 1.8.6.A: BULK AND DIMENSIONAL STANDARDS

SITE CHARACTERISTIC	STANDARD
Minimum Lot Area (square feet)	10,000 with central sewer [1]; 20,000 without central sewer
Minimum Lot Width (feet)	65
Maximum Lot Coverage (%)	Nonresidential: 65 Residential: 30 for lots larger than 19,000 sf 35 for lots 10,000 sf – 19,000 sf 45 for lots less than 10,000 sf
Minimum Front Setback (feet)	20
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	25; 10 when abutting open space
Maximum Building Height (feet)	35
Maximum Density (du/ac)	3
Maximum Nonresidential FAR (%)	0.40
Minimum Open Space Set-Aside (%)	35 [2]
Maximum Land Area Occupied by Commercial Development (%)	10

NOTES:

[1] May be reduced in accordance with Section 3.2.2, Zero Lot Line Development or if lot size reduction is added to the minimum open space set-aside.

[2] No modification to an approved sketch plan shall result in a planned development with less than 35 percent of its land area occupied by open space.

(2) **Allowable Uses**

The range of principal uses allowed on a site subject to a modified sketch plan shall be limited to the following:

- (a) Land designated for residential development shall be limited to the allowable uses for the SFO district listed in Table 4.1.1.A, Summary Use Table.
- (b) Land designated for commercial or multi-family development shall be limited to the allowable uses for the PD-O district listed in Table 4.1.1.B, Summary Use Table.
- (c) Airports, major utilities, wind energy facilities, outdoor recreation/entertainment uses, and vehicle sales and services require approval of a use permit.
- (d) County-owned land designated as open space may be used as a police, fire or EMS facility.

(3) Development Standards

Development associated with a development application or modified sketch plan shall comply with the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure, and Chapter 7: Environmental Protection provided compliance with the standards does not have the effect of decreasing the type, density, or intensity of land designation contained in the approved master plan establishing the planned unit development.

- C. Sketch plan amendment applications that comply with the land designations contained in the approved master plan establishing the planned unit development and development applications that comply with Subsection (B) above may be approved by the Planning Director.
- D. To the extent a landowner proposes development that is different than that allowed in the sketch plan or Subsection (B) above, the land requires approval of an amended sketch plan and use permit (see Section 2.4.6, Use Permit).

Item 2: That Chapter 10 is amended by adding the following underlined language:

POLICE, FIRE, OR EMS FACILITY

A facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty. Such facilities also include training facilities.

Item 3: The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

The request is reasonable and in the public interest because:

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

 Board of Commissioners' Chairman
 Attest:

 Leeann Walton
 Clerk to the Board

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

PLANNING BOARD DATE: 3/9/2021
 PLANNING BOARD RECOMMENDATION: Approval
 VOTE: 5 AYES 0 NAYS
 ADVERTISEMENT DATE OF PUBLIC HEARING: 3/17/2021 & 3/24/2021
 BOARD OF COMMISSIONERS PUBLIC HEARING: 4/5/2021
 BOARD OF COMMISSIONERS ACTION: _____
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
 AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

Name: County of Currituck
 Address: 153 Courthouse Road Suite 204
Currituck, NC 27929
 Telephone: 252-232-2075
 E-Mail Address: ben.stikeleather@currituckcountync.gov

Request

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

Amend Chapter(s) 1 Section(s) 1.8. Transitional Provisions as follows:

Allow county-owned land designated as open space in a PUD to be developed as a police, fire
and EMS facility

*Request may be attached on separate paper if needed.

Petitioner

1-28-21
 Date



REALTOR® North Carolina Association
of REALTORS®

AGREEMENT FOR PURCHASE AND SALE OF LAND

THIS AGREEMENT, including any and all addenda attached hereto ("Agreement"), is by and between

County of Currituck, NC,

a(n) NC County ("Buyer"), and
(individual or State of formation and type of entity)

Susan Kay Coleman,

a(n) Individual ("Seller").
(individual or State of formation and type of entity)

(NOTE: If the Buyer or Seller is an entity, in order to form a binding agreement and complete a transaction, the entities listed as Buyer or Seller in this Agreement should be validly formed and in good standing with the Secretary of State in the State of formation of the entity.)

FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES SET FORTH HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES HERETO AGREE AS FOLLOWS:

Section 1. Terms and Definitions: The terms listed below shall have the respective meaning given them as set forth adjacent to each term.

(a) **"Property":** (Address) Tulls Creek Road, Moyock, NC

Plat Reference: Lot(s) _____, Block or Section _____, as shown on Plat Book or Slide
at Page(s) _____, _____ County, consisting of _____ acres.

☒ If this box is checked, "Property" shall mean that property described on **Exhibit A** attached hereto and incorporated herewith by reference,

(For information purposes: (i) the tax parcel number of the Property is: 002200000210000;
and, (ii) some or all of the Property, consisting of approximately 36.21 acres, is described in Deed Book
164, Page No. 159, Currituck County.)

together with all buildings and improvements thereon and all fixtures and appurtenances thereto.

\$ 890,000.00

(b) **"Purchase Price"** shall mean the sum of Eight Hundred Ninety Thousand

_____, Dollars,
or, if this box is checked ☐, Purchase Price shall mean the sum of \$ _____ per gross
acre ("Price Per Acre") as determined by a survey obtained by Buyer prior to the expiration of the
Examination Period ("Survey"). Buyer shall provide a copy of the Survey to Seller not later than the
expiration of the Examination Period. The purchase price shall be determined by multiplying the Price
Per Acre by the number of gross acres as determined by the Survey. Adjustments to the amounts due
under Sections 1(b)(ii) - 1(b)(iii) shall be made, as applicable, to reflect any adjustment in the
Purchase Price in accordance with this provision. The Purchase Price shall be payable on the
following terms:

\$ 10,000.00

(i) **"Earnest Money"** shall mean Ten Thousand Dollars
or terms as follows: Delivered within 10 days of contract date

The Earnest Money shall be deposited in escrow with

Page 1 of 9



This form jointly approved by:
North Carolina Bar Association
North Carolina Association of REALTORS®, Inc.

Buyer Initials _____ Seller Initials SKC

Creative Properties, Inc., 15894 Hwy 17 North, PO Box 56 Hampstead NC 28443
Michael Nadeau

Phone: (910)270-5100

Fax: (910) 270-5110

Sue Kay --

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

STANDARD FORM 580L-T
Adopted 7/2020
© 7/2020

Creative Commercial Properties, Inc. (name of person/entity with whom deposited- "Escrow Agent") within five (5) calendar days of the Contract Date, to be applied as part payment of the Purchase Price of the Property at Closing, or disbursed as agreed upon under the provisions of Section 10 herein. Should Buyer fail to deliver the Earnest Money by the date required hereunder, or should any check or other funds paid by Buyer be dishonored, for any reason, by the institution upon which the payment is drawn, Buyer shall have one (1) banking day after written notice of such dishonor to deliver cash, official bank check, wire transfer or electronic transfer to the Escrow Agent. If Buyer fails to deliver the required funds within one (1) banking day after written notice, then Seller may terminate this Agreement by written notice to Buyer at any time thereafter, provided Seller has not then received acknowledgement by Escrow Agent of its receipt of funds from Buyer. If the Escrow Agent has not delivered to the Seller the acknowledgement of Earnest Money on the last page of this Agreement by the calendar day following the date the Earnest Money is required to be delivered hereunder, it shall be presumed that the Earnest Money was not delivered by the required time (unless, upon the written request of Seller, Escrow Agent can provide proof of its receipt of the Earnest Money by the required time). Buyer and Seller consent to the disclosure by the Escrow Agent, to the parties to this Agreement, the Broker(s) and any Buyer lender, of any material facts pertaining to the Earnest Money.

☒ **ANY EARNEST MONEY DEPOSITED BY BUYER IN A TRUST ACCOUNT MAY BE PLACED IN AN INTEREST BEARING TRUST ACCOUNT, AND: (check only ONE box)**

☐ **ANY INTEREST EARNED THEREON SHALL BE APPLIED AS PART PAYMENT OF THE PURCHASE PRICE OF THE PROPERTY AT CLOSING, OR DISBURSED AS AGREED UPON UNDER THE PROVISIONS OF SECTION 10 HEREIN. (Buyer's Taxpayer Identification Number is: _____)**

☒ **ANY INTEREST EARNED THEREON SHALL BELONG TO THE ACCOUNT HOLDER IN CONSIDERATION OF THE EXPENSES INCURRED BY MAINTAINING SUCH ACCOUNT AND RECORDS ASSOCIATED THEREWITH.**

\$ _____ N/A

(ii) **Delivery of a promissory note** secured by a deed of trust, said promissory note in the amount of _____ Dollars being payable over a term of _____ years, with an amortization period of _____ years, payable in monthly installments of principal, together with accrued interest on the outstanding principal balance at the rate of _____ percent (_____ %) per annum in the amount of \$ _____, with the first principal payment beginning on the first day of the month next succeeding the date of Closing, or such other terms as may be set forth on **Exhibit B**. At any time, the promissory note may be prepaid in whole or in part without penalty and without further interest on the amounts prepaid from the date of such prepayment. **(NOTE: In the event of Buyer's subsequent default upon a promissory note and deed of trust given hereunder, Seller's remedies may be limited to foreclosure of the Property. If the deed of trust given hereunder is subordinated to senior financing, the material terms of such financing must be set forth on Exhibit B. If such senior financing is subsequently foreclosed, the Seller may have no remedy to recover under the note.)**

\$ 880,000.00

(iii) **Cash, balance of Purchase Price**, at Closing in the amount of Eight Hundred Eighty Thousand Dollars.

Buyer, at Buyer's expense, shall be entitled to pursue qualification for and approval of any loan Buyer intends to obtain in connection with the transaction contemplated by this Agreement. **(Note: Buyer's obligations under this Agreement are not conditioned upon obtaining or closing any loan. Therefore, Buyer is advised to consult with Buyer's lender prior to signing this offer to assure that the Examination Period allows sufficient time for Buyer's lender to provide Buyer sufficient information to decide whether to proceed with or terminate the transaction.)**

(c) **"Closing"** shall mean the date of completion of the process detailed in Section 11 of this Agreement. Closing shall occur on or before _____ or **30 days from Examination Period Expiration**

Buyer Initials _____ Seller Initials ACK

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- (d) **"Contract Date"** means the date this Agreement has been fully executed by both Buyer and Seller.
- (e) **"Examination Period"** shall mean the period beginning on the first day after the Contract Date and extending through 5:00pm (based upon time at the locale of the Property) on

90 days from Contract Date

TIME IS OF THE ESSENCE AS TO THE EXAMINATION PERIOD.

- (f) **"Broker(s)"** shall mean:

Creative Commercial Properties, Inc. ("Listing Agency"),
Henry Nadeau ("Listing Agent" - License # 267682)
 Acting as: ☒ Seller's Agent; ☐ Dual Agent
 and _____ ("Selling Agency"),
 Acting as: ☐ Buyer's Agent; ☐ Seller's (Sub) Agent; ☐ Dual Agent

- (g) **"Seller's Notice Address"** shall be as follows:

P.O. Box 22

Hampstead, NC 28443

e-mail address: _____ fax number: _____

except as same may be changed pursuant to Section 12.

- (h) **"Buyer's Notice Address"** shall be as follows:

Attn: County Manager

153 Courthouse Road, Suite 204, Currituck, NC 27929

e-mail address: _____ fax number: _____

except as same may be changed pursuant to Section 12.

- ☒ (i) If this block is marked, additional terms of this Agreement are set forth on Exhibit B attached hereto and incorporated herein by reference. (Note: Under North Carolina law, real estate agents are not permitted to draft conditions or contingencies to this Agreement.)
- ☐ (j) If this block is marked, additional terms of this Agreement are set forth on the Additional Provisions Addendum (Form 581-T) attached hereto and incorporated herein by reference.
- ☐ (k) If this block is marked, additional terms of this Agreement are set forth on the Back Up Agreement Addendum (Form 581A-T) attached hereto and incorporated herein by reference.

Section 2. Sale of Property and Payment of Purchase Price: Seller agrees to sell and Buyer agrees to buy the Property for the Purchase Price.

Section 3. Proration of Expenses and Payment of Costs: Seller and Buyer agree that all property taxes (on a calendar year basis), leases, rents, mortgage payments and utilities or any other assumed liabilities as detailed on attached **Exhibit B**, if any, shall be prorated as of the date of Closing. Seller shall pay for preparation of a deed and all other documents necessary to perform Seller's obligations under this Agreement, excise tax (revenue stamps), and other conveyance fees or taxes required by law, any fees required for confirming Seller's account payment information on owners' association dues or assessments for payment or proration; any fees imposed by an owners' association and/or a management company as agent of the owners' association in connection with the transaction contemplated by this Agreement other than those fees required to be paid by Buyer in this Section 3 below, and the following:

None

Buyer shall pay recording costs, costs of any title search, title insurance, survey, the cost of any inspections or investigations undertaken by Buyer under this Agreement, charges required by an owners' association declaration to be paid by Buyer for Buyer's future use and enjoyment of the Property, including, without limitation, working capital contributions, membership fees, or charges for Buyer's use of the common elements and/or services provided to Buyer, any costs or charges for determining restrictive covenant compliance, and the following:

None

Each party shall pay its own attorney's fees.

Buyer Initials _____

Seller Initials SNK

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Deferred/Rollback Taxes: Buyer ☐ intends to continue ☒ does not intend to continue the existing present use valuation property tax deferral(s) relating to the Property. In the event the Buyer intends to continue the existing present use valuation property tax deferral(s) relating to the Property, Buyer shall be responsible for making all necessary applications for continuation of the existing present use valuation property tax deferral(s) relating to the Property and shall be responsible for payment of any deferred/rollback taxes applicable to the Property.

If Buyer does not intend to continue the existing present use valuation property tax deferral(s) relating to the Property, ☒ Seller ☐ Buyer shall be responsible for payment of any deferred/rollback taxes applicable to the Property

Section 4. Deliveries: Seller agrees to use best efforts to deliver to Buyer, as soon as reasonably possible after the Contract Date, copies of all material information relevant to the Property in the possession of Seller, including but not limited to: information regarding matters detailed on Form 502- Land Information Worksheet, title insurance policies (and copies of any documents referenced therein), surveys, soil test reports, environmental surveys or reports, site plans, civil drawings, building plans, maintenance records and copies of all presently effective warranties or service contracts related to the Property. Seller authorizes (1) any attorney presently or previously representing Seller to release and disclose any title insurance policy in such attorney's file to Buyer and both Buyer's and Seller's agents and attorneys; and (2) the Property's title insurer or its agent to release and disclose all materials in the Property's title insurer's (or title insurer's agent's) file to Buyer and both Buyer's and Seller's agents and attorneys. If Buyer does not consummate the Closing for any reason other than Seller default, then Buyer shall return to Seller all hard copy materials delivered by Seller to Buyer pursuant to this Section 4 (or Section 7, if applicable), if any, and shall, upon Seller's request, following release of the Earnest Money, provide to Seller copies of (subject to the ownership and copyright interests of the preparer thereof) any and all studies, reports, surveys and other information relating directly to the Property prepared by or at the request of Buyer, its employees and agents, without any warranty or representation by Buyer as to the contents, accuracy or correctness thereof. Notwithstanding the above provisions regarding delivery and return of information and documentation, should there exist a separate non-disclosure, confidentiality, or similar agreement between Buyer and Seller, the terms of which conflict with this provision insofar as delivery and return of information and documentation, then the terms of such non-disclosure, confidentiality, or similar agreement shall control as to the delivery and return of information and documentation.

Section 5. Evidence of Title: Seller agrees to convey fee simple insurable title to the Property without exception for mechanics' liens, free and clear of all liens, encumbrances and defects of title other than: (a) zoning ordinances affecting the Property, (b) Leases (as defined in Section 7, if applicable) and (c) specific instruments on the public record at the Contract Date agreed to by Buyer (not objected to by Buyer prior to the end of the Examination Period), which specific instruments shall be enumerated in the deed referenced in Section 11 (items 5(a), 5(b) and 5(c) being collectively "Permitted Exceptions"); provided that Seller shall be required to satisfy, at or prior to Closing, any encumbrances that may be satisfied by the payment of a fixed sum of money, such as deeds of trust, mortgages or statutory liens. Seller shall not enter into or record any instrument that affects the Property after the Contract Date without the prior written consent of Buyer, which consent shall not be unreasonably withheld, conditioned or delayed.

Section 6. Conditions: This Agreement and the rights and obligations of the parties under this Agreement are hereby made expressly conditioned upon fulfillment (or waiver by Buyer, whether explicit or implied) of the following conditions:

(a) **Title Examination:** After the Contract Date, Buyer shall, at Buyer's expense, cause a title examination to be made of the Property before the end of the Examination Period. In the event that such title examination shall show that Seller's title is not fee simple insurable, subject only to Permitted Exceptions, then Buyer shall promptly notify Seller in writing of all such title defects and exceptions, in no case later than the end of the Examination Period, and Seller shall have thirty (30) days to cure said noticed defects. If Seller does not cure the defects or objections within thirty (30) days of notice thereof, then Buyer may terminate this Agreement and receive a return of Earnest Money (notwithstanding that the Examination Period may have expired). If Buyer is to purchase title insurance, the insuring company must be licensed to do business in the state in which the Property is located. Title to the Property must be insurable at regular rates, subject only to standard exceptions and Permitted Exceptions.

(b) **Same Condition:** If the Property is not in substantially the same condition at Closing as of the date of the offer, reasonable wear and tear excepted, then the Buyer may (i) terminate this Agreement and receive a return of the Earnest Money or (ii) proceed to Closing whereupon Buyer shall be entitled to receive, in addition to the Property, any of the Seller's insurance proceeds payable on account of the damage or destruction applicable to the Property.

Buyer Initials _____

Seller Initials SK

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(c) **Inspections:** Buyer, its agents or representatives, at Buyer's expense and at reasonable times during normal business hours, shall have the right to enter upon the Property for the purpose of investigating matters such as those detailed on Form 502-Land Information Worksheet, conducting timber cruises, and examining and surveying the Property; provided, however, that Buyer shall not conduct any invasive testing of any nature without the prior express written approval of Seller as to each specific invasive test intended to be conducted by Buyer. Buyer shall conduct all such on-site inspections, examinations, testing, timber cruises and surveying of the Property in a good and workmanlike manner, at Buyer's expense, shall repair any damage to the Property caused by Buyer's entry and on-site inspections and shall conduct same in a manner that does not unreasonably interfere with Seller's or any tenant's use and enjoyment of the Property. In that respect, Buyer shall make reasonable efforts to undertake on-site inspections outside of the hours Seller's or any tenant's business is open to the public. Buyer shall provide Seller or any tenant (as applicable) reasonable advance notice of and Buyer shall cause its agents or representatives and third party service providers (e.g. inspectors, surveyors, etc.) to give reasonable advance notice of any entry onto the Property. Buyer shall be obligated to observe and comply with any terms of any tenant lease which conditions access to such tenant's space at the Property. Upon Seller's request, Buyer shall provide to Seller evidence of general liability insurance. Buyer shall also have a right to review and inspect all contracts or other agreements affecting or related directly to the Property and shall be entitled to review such books and records of Seller that relate directly to the operation and maintenance of the Property, provided, however, that Buyer shall not disclose any information regarding this Property (or any tenant therein) unless required by law, and the same shall be regarded as confidential, to any person, except to its attorneys, accountants, lenders and other professional advisors, in which case Buyer shall obtain their agreement to maintain such confidentiality. Buyer assumes all responsibility for the acts of itself and its agents or representatives in exercising its rights under this Section 6(c) and agrees to indemnify and hold Seller harmless from any damages resulting therefrom. This indemnification obligation of Buyer shall survive the Closing or earlier termination of this Agreement. Except as provided in Section 6(a) above, Buyer shall have from the Contract Date through the end of the Examination Period to perform the above inspections, examinations and testing. **IF BUYER CHOOSES NOT TO PURCHASE THE PROPERTY, FOR ANY REASON OR NO REASON, AND PROVIDES WRITTEN NOTICE TO SELLER THEREOF PRIOR TO THE EXPIRATION OF THE EXAMINATION PERIOD, THEN THIS AGREEMENT SHALL TERMINATE, AND BUYER SHALL RECEIVE A RETURN OF THE EARNEST MONEY.**

Section 7. Leases (Check one of the following, as applicable):

☐ If this box is checked, Seller affirmatively represents and warrants that there are no Leases (as hereinafter defined) affecting the Property.

☒ If this box is checked, Seller discloses that there are one or more leases affecting the Property ("Leases") and the following provisions are hereby made a part of this Agreement.

(a) A list of all Leases shall be set forth on **Exhibit B**. Seller represents and warrants that as of the Contract Date, there are no other Leases, oral or written, recorded or not, nor any subleases affecting the Property, except as set forth on **Exhibit B**;

(b) Seller shall deliver copies of any Leases to Buyer pursuant to Section 3 as if the Leases were listed therein;

(c) Seller represents and warrants that, as of the Contract Date, there are no current defaults (or any existing situation which, with the passage of time, or the giving of notice, or both, or at the election of either landlord or tenant could constitute a default) either by Seller, as landlord, or by any tenant under any Lease ("Lease Default"). In the event there is any Lease Default as of the Contract Date, Seller agrees to provide Buyer with a detailed description of the situation in accordance with Section 3. Seller agrees not to commit a Lease Default as Landlord after the Contract Date; and agrees further to notify Buyer immediately in the event a Lease Default arises or is claimed, asserted or threatened to be asserted by either Seller or a tenant under the Lease.

(d) During the Examination Period, Buyer and Seller shall cooperate in good faith to determine if any Lease shall be terminated prior to Closing or shall continue after Closing. As to any Lease determined to continue after Closing, Seller shall deliver an assignment of Seller's interest in such Lease to Buyer in form and content acceptable to Buyer (with tenant's written consent and acknowledgement, if required under the Lease). Seller agrees to deliver such assignment of Lease at or before Closing, with any security deposits held by Seller under any Leases to be transferred or credited to Buyer at or before Closing. The assignment shall provide: (i) that Seller shall defend, indemnify and hold Buyer harmless from claims, losses, damages and liabilities (including, without limitation, court costs and attorneys' fees) asserted against or incurred by Buyer which are caused by or the result of any default by Seller under any Lease prior to the date of Closing, and (ii) that Buyer shall defend, indemnify and hold Seller harmless from claims, losses, damages and liabilities (including, without limitation, court costs and attorneys' fees) asserted against or incurred by Seller which are caused by or the result of any default by Buyer under any Lease after the date of Closing.

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(e) Seller also agrees to work diligently to obtain any tenant signatures on any estoppel certificates in such form as Buyer may reasonably request and to work diligently to obtain any subordination, nondisturbance and attornment agreements in such form as Buyer may reasonably request.

Section 8. Environmental/Physical Aspects of Property: Seller represents and warrants that it has no actual knowledge of the presence or disposal, except as in accordance with applicable law, within any structures on the Property or on the Property of hazardous or toxic waste or substances, which are defined as those substances, materials, and wastes, including, but not limited to: those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR Part 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302.4) and amendments thereto, or such substances, materials and wastes, which are or become regulated under any applicable local, state or federal law, including, without limitation, any material, waste or substance which is (i) petroleum, (ii) asbestos, (iii) polychlorinated biphenyls, (iv) designated as a Hazardous Substance pursuant to Section 311 of the Clean Water Act of 1977 (33 U.S.C. §1321) or listed pursuant to Section 307 of the Clean Water Act of 1977 (33 U.S.C. §1317), (v) defined as a hazardous waste pursuant to Section 1004 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §6903) or (vi) defined as a hazardous substance pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601). Seller has no actual knowledge of any contamination of the Property from such substances as may have been disposed of or stored on neighboring tracts.

Section 9. Risk of Loss/Damage/Repair: Until Closing, the risk of loss or damage to the Property, except as otherwise provided herein, shall be borne by Seller. Except as to maintaining the Property in its same condition, Seller shall have no responsibility for the repair of the Property, including any improvements, unless the parties hereto agree in writing.

Section 10. Earnest Money Disbursement: In the event that any condition hereto is not satisfied, then the Earnest Money shall be refunded to Buyer. In the event of breach of this Agreement by Seller, the Earnest Money shall be refunded to Buyer upon Buyer's request, but such return shall not affect any other remedies available to Buyer for such breach. In the event of breach of this Agreement by Buyer, the Earnest Money shall be paid to Seller as liquidated damages and as Seller's sole and exclusive remedy for such breach, but without limiting Seller's rights under Section 6(c) or Section 22 of this Agreement. It is acknowledged by the parties that payment of the Earnest Money to Seller in the event of a breach of this Agreement by Buyer is compensatory and not punitive, such amount being a reasonable estimation of the actual loss that Seller would incur as a result of such breach. The payment of the Earnest Money to Seller shall not constitute a penalty or forfeiture but actual compensation for Seller's anticipated loss, both parties acknowledging the difficulty determining Seller's actual damages for such breach.

NOTE: In the event of a dispute between Seller and Buyer over the disposition of the Earnest Money held in escrow, a licensed real estate broker is required by state law (and Escrow Agent, if not a broker, hereby agrees) to retain the Earnest Money in the Escrow Agent's trust or escrow account until Escrow Agent has obtained a written release from the parties consenting to its disposition or until disbursement is ordered by a court of competent jurisdiction. Alternatively, if a broker or an attorney licensed to practice law in North Carolina is holding the Earnest Money, the broker or attorney may deposit the disputed monies with the appropriate clerk of court in accordance with the provisions of N.C.G.S. §93A- 12.

Seller and Buyer hereby agree and acknowledge that the Escrow Agent assumes no liability in connection with the holding of the Earnest Money pursuant hereto except for negligence or willful misconduct of Escrow Agent. Escrow Agent shall not be responsible for the validity, correctness or genuineness of any document or notice referred to under this Agreement. Seller and Buyer hereby agree to indemnify, protect, save and hold harmless Escrow Agent and its successors, assigns and agents pursuant to this Agreement, from any and all liabilities, obligations, losses, damages, claims, actions, suits, costs or expenses (including attorney fees) of whatsoever kind or nature imposed on, incurred by or asserted against Escrow Agent which in any way relate to or arise out of the execution and delivery of this Agreement and any action taken hereunder; provided, however, that Seller and Buyer shall have no such obligation to indemnify, save and hold harmless Escrow Agent for any liability incurred by, imposed upon or established against it as a result of Escrow Agent's negligence or willful misconduct.

Section 11. Closing: At or before Closing, Seller shall deliver to Buyer a ^{General} special warranty deed unless otherwise specified on **Exhibit B** and other documents customarily executed or delivered by a seller in similar transactions, including without limitation, an owner's affidavit, lien waiver forms (and such other lien related documentation as shall permit the Property to be conveyed free and clear of any claim for mechanics' liens) and a non-foreign status affidavit (pursuant to the Foreign Investment in Real Property Tax Act), and Buyer shall cause to be delivered the funds necessary to pay to Seller the Purchase Price. The Closing shall be conducted by Buyer's attorney or handled in such other manner as the parties hereto may mutually agree in writing. Possession shall be delivered at Closing, unless otherwise agreed herein. The Purchase Price and other funds to be disbursed pursuant to this Agreement shall not be disbursed until the Buyer's attorney's (or other designated settlement agent's) receipt of authorization to disburse all necessary funds.

Section 12. Notices: Unless otherwise provided herein, all notices and other communications which may be or are required to be given or made by any party to the other in connection herewith shall be in writing (which shall include electronic mail) and shall be deemed to have been properly given and received (i) on the date delivered in person or (ii) the date deposited in the United States mail,

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registered or certified, return receipt requested, to the addresses set out in Section 1(g) as to Seller, and in Section 1(h) as to Buyer, or at such other addresses as specified by written notice delivered in accordance herewith, (iii) at such time as the sender performs the final act to send such transmission, in a form capable of being processed by the receiving party's system, to any electronic mail address or facsimile number, if any, provided in Section 1(g) as to Seller, and in Section 1(h) as to Buyer or (iv) on the date deposited with a recognized overnight delivery service, addressed to the addresses set out in Section 1(g) as to Seller, and in Section 1(h) as to Buyer, or at such other addresses as specified by written notice delivered in accordance herewith. If a notice is sent by more than one method, it will be deemed received upon the earlier of the dates of receipt pursuant to this Section.

Section 13. Counterparts; Entire Agreement: This Agreement may be executed in one or more counterparts, which taken together, shall constitute one and the same original document. Copies of original signature pages of this Agreement may be exchanged via facsimile or e-mail, and any such copies shall constitute originals. This Agreement constitutes the sole and entire agreement among the parties hereto and no modification of this Agreement shall be binding unless in writing and signed by all parties hereto. The invalidity of one or more provisions of this Agreement shall not affect the validity of any other provisions hereof and this Agreement shall be construed and enforced as if such invalid provisions were not included.

Section 14. Enforceability: This Agreement shall become a contract when signed by both Buyer and Seller and such signing is communicated to both parties; it being expressly agreed that notice given in accordance with Section 12 is not required for effective communication for the purposes of this Section 14. The parties acknowledge and agree that: (i) the initials lines at the bottom of each page of this Agreement are merely evidence of their having reviewed the terms of each page, and (ii) the complete execution of such initials lines shall not be a condition of the effectiveness of this Agreement. This Agreement shall be binding upon and inure to the benefit of the parties, their heirs, successors and assigns and their personal representatives.

Section 15. Adverse Information and Compliance with Laws:

(a) **Seller Knowledge/Assessments:** Seller has no actual knowledge of (i) condemnation(s) affecting or contemplated with respect to the Property; (ii) actions, suits or proceedings pending or threatened against the Property; (iii) changes contemplated in any applicable laws, ordinances or restrictions affecting the Property; (iv) governmental special assessments, either pending or confirmed, for sidewalk, paving, water, sewer, or other improvements on or adjoining the Property, and no pending or confirmed owners' association special assessments or (v) any caves, mineshafts, tunnels, fissures, open or abandoned wells, gravesites, pet cemeteries, animal burial pits or landfill operations (past or present) located at the Property, except as follows (Insert "None" or the identification of any matters relating to (i) through (v) above, if any):

A Cemetery is located on the property along the Southeast line bordering Old Jury Road

Note: For purposes of this Agreement: (i) a "special assessment" is defined as a charge against the Property by a governmental authority in addition to ad valorem taxes and recurring governmental service fees levied with such taxes, or by an owners' association in addition to any regular assessment (dues), either of which may be a lien against the Property; a special assessment may be either pending or confirmed; (ii) a "confirmed" special assessment is defined as an assessment that has been approved by a governmental agency or an owners' association for the purpose(s) stated, whether, at the time of Closing, it is payable in a lump sum or future installments; (iii) a "pending" special assessment is defined as an assessment that is under formal consideration by a governmental agency or an owners' association but which has not been approved prior to Closing. Seller shall pay, in full at Closing, all confirmed governmental or association special assessments, provided that the amount thereof can be reasonably determined or estimated. The payment of such determined or estimated amount shall be the final payment between Buyer and Seller as to any confirmed special assessments. If the amount of any special assessment cannot be reasonably determined or estimated, the special assessment shall be deemed a pending special assessment. Buyer shall take title subject to all pending special assessments disclosed by Seller herein, if any.

(b) **Compliance:** To Seller's actual knowledge, (i) Seller has complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions pertaining to or affecting the Property; (ii) performance of the Agreement will not result in the breach of, constitute any default under or result in the imposition of any lien or encumbrance upon the Property under any agreement or other instrument to which Seller is a party or by which Seller or the Property is bound; and (iii) there are no legal actions, suits or other legal or administrative proceedings pending or threatened against the Property, and Seller is not aware of any facts which might result in any such action, suit or other proceeding.

(c) **Owners' Association:** If the Property is subject to regulation by an owners' association, Seller shall deliver the following information to Buyer pursuant to Section 4 as if the same were listed therein (or Seller shall state that Seller does not have same in their possession or that such item is not applicable): (i) the name of the owners' association; (ii) the amount of regular assessments (dues); (iii) the name, address and telephone number of the president of the owners' association or of the association manager or management

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company; (iv) the owners' association website address; (v) the Seller's statement of account; (vi) the master insurance policy showing the coverage provided and the deductible amount; (vii) copies of any Declaration and/or Restrictive Covenants; (viii) the Rules and Regulations, (ix) the Articles of Incorporation and Bylaws of the owners' association; (x) the current financial statement and budget of the owners' association; (xi) the parking restrictions and information; and (xii) the architectural guidelines. Seller authorizes and directs any owners' association, any management company of the owners' association, any insurance company and any attorney who has previously represented the Seller to release to Buyer, Buyer's agents, representative, closing attorney or lender true and accurate copies of the foregoing items affecting the Property, including any amendments thereto.

Section 16. Survival of Representations and Warranties: All representations, warranties, covenants and agreements made by the parties hereto shall survive the Closing and delivery of the deed. Seller shall, at or within six (6) months after the Closing, and without further consideration, execute, acknowledge and deliver to Buyer such other documents and instruments, and take such other action as Buyer may reasonably request or as may be necessary to more effectively transfer to Buyer the Property described herein in accordance with this Agreement.

Section 17. Applicable Law: This Agreement shall be construed under the laws of the state in which the Property is located. This form has only been approved for use in North Carolina.

Section 18. Assignment: This Agreement is freely assignable unless otherwise expressly provided on **Exhibit B**.

Section 19. Tax-Deferred Exchange: In the event Buyer or Seller desires to effect a tax-deferred exchange in connection with the conveyance of the Property, Buyer and Seller agree to cooperate in effecting such exchange; provided, however, that the exchanging party shall be responsible for all additional costs associated with such exchange, and provided further, that a non-exchanging party shall not assume any additional liability with respect to such tax-deferred exchange. Seller and Buyer shall execute such additional documents, at no cost to the non-exchanging party, as shall be required to give effect to this provision.

Section 20. Memorandum of Contract: Upon request by either party, the parties hereto shall execute a memorandum of contract in recordable form setting forth such provisions hereof (other than the Purchase Price and other sums due) as either party may wish to incorporate. Such memorandum of contract shall contain a statement that it automatically terminates and the Property is released from any effect thereby as of a specific date to be stated in the memorandum (which specific date shall be no later than the date of Closing). The cost of recording such memorandum of contract shall be borne by the party requesting execution of same.

Section 21. Authority: Each signatory to this Agreement represents and warrants that he or she has full authority to sign this Agreement and such instruments as may be necessary to effectuate any transaction contemplated by this Agreement on behalf of the party for whom he or she signs and that his or her signature binds such party.

Section 22. Brokers: Except as expressly provided herein, Buyer and Seller agree to indemnify and hold each other harmless from any and all claims of brokers, consultants or real estate agents by, through or under the indemnifying party for fees or commissions arising out of the sale of the Property to Buyer. Buyer and Seller represent and warrant to each other that: (i) except as to the Brokers designated under Section 1(f) of this Agreement, they have not employed nor engaged any brokers, consultants or real estate agents to be involved in this transaction and (ii) that the compensation of the Brokers is established by and shall be governed by separate agreements entered into as amongst the Brokers, the Buyer and/or the Seller.

Section 23. Attorneys Fees: If legal proceedings are instituted to enforce any provision of this Agreement, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorneys fees and court costs incurred in connection with the proceeding.

THE NORTH CAROLINA ASSOCIATION OF REALTORS®, INC. AND THE NORTH CAROLINA BAR ASSOCIATION MAKE NO REPRESENTATION AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION OF THIS FORM IN ANY SPECIFIC TRANSACTION. IF YOU DO NOT UNDERSTAND THIS FORM OR FEEL THAT IT DOES NOT PROVIDE FOR YOUR LEGAL NEEDS, YOU SHOULD CONSULT A NORTH CAROLINA REAL ESTATE ATTORNEY BEFORE YOU SIGN IT.

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BUYER:**Individual**

Date: _____

Date: _____

Business Entity

County of Currituck, NC

(Name of Entity)

By: _____

Name: _____

Title: _____

Date: _____

SELLER:**Individual**

Susan Kay Coleman

Date: 3/11/2021

Date: _____

Business Entity

(Name of Entity)

By: _____

Name: _____

Title: _____

Date: _____

WIRE FRAUD WARNING

To Buyers: Before sending any wire, you should call the closing agent's office to verify the instructions. If you receive wiring instructions for a different bank, branch location, account name or account number, they should be presumed fraudulent. Do not send any funds and contact the closing agent's office immediately.

To Sellers: If your proceeds will be wired, it is recommended that you provide wiring instructions at closing in writing in the presence of the closing agent. If you are unable to attend closing, you may be required to send an original notarized directive to the closing agent's office containing the wiring instructions. This directive may be sent with the deed, lien waiver and tax forms if those documents are being prepared for you by the closing agent. At a minimum, you should call the closing agent's office to provide the wire instructions. The wire instructions should be verified over the telephone via a call to you initiated by the closing agent's office to ensure that they are not from a fraudulent source.

Whether you are a buyer or a seller, you should call the closing agent's office at a number that is independently obtained. To ensure that your contact is legitimate, you should not rely on a phone number in an email from the closing agent's office, your real estate agent or anyone else.

The undersigned hereby acknowledges receipt of the Earnest Money set forth herein and agrees to hold said Earnest Money in accordance with the terms hereof.

Creative Commercial Properties, Inc.

(Name of Escrow Agent)

Date: _____

By: Henry Nadeau

Escrow Agent's contact/notice information is as follows:

15894 Hwy 17

Hampstead, NC 28443

e-mail address: Henry@CreativeCommercial.biz

fax number: (910)270-5110

except as same may be changed pursuant to Section 12.

EXHIBIT "B"**LIST OF LEASES**

- Farming lease to Mr. Jarvis through November, 2021

SELLER SIGNATURES

Seller: Susan Coleman Kay
Susan Kay Coleman
Date: 3/11/2021

BUYER SIGNATURE

Buyer: County of Currituck, NC

By: _____

Date: _____

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF**
2 **COMMISSIONERS AMENDING SECTION 2-65 OF THE CURRITUCK**
3 **COUNTY, NORTH CAROLINA CODE OF ORDINANCES PROVIDING FOR**
4 **COUNTY ATTORNEY REPORTS ON THE BOARD OF COMMISSIONERS'**
5 **AGENDA**

6 WHEREAS, pursuant to N.C. Gen. Stat. §153A-71 a board of commissioners
7 may adopt its own rules of procedure in keeping with the size and nature of the
8 board and in the spirit of generally accepted principles of parliamentary procedure.

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

11 PART I. Sec. 2-65 of the Code of Ordinances, Currituck County, North Carolina is
12 rewritten to read as follows

13 **Sec. 2-65. - Order of business.**

14 Items shall be placed on the agenda according to the order of business. The
15 order of business for each regular meeting shall be as follows:

- 16 (1) Call to order;
- 17 (2) Invocation and pledge of allegiance;
- 18 (3) Approval of agenda;
- 19 (4) Public comment;
- 20 (5) Commissioner reports;
- 21 (6) County manager's report;
- 22 (7) ~~Administrative reports~~ County attorney's report;
- 23 (8) ~~Old business~~ Administrative reports;
- 24 (9) ~~Public hearings~~ Old business;
- 25 (10) ~~New business~~ Public hearings;
- 26 (11) ~~Board appointments~~ New business;
- 27 (12) ~~Consent agenda~~ Board appointments;
- 28 (13) ~~Approval of minutes~~ Consent agenda;
- 29 (14) ~~Adjournment.~~ Approval of minutes;
- 30 (15) Adjournment.

31 Without objection, the chair may call items in any order most convenient for the
32 dispatch of business.

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

PART III. This ordinance is effective immediately upon adoption.

ADOPTED this 5th day of April 2021.

Michael H. Payment, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr.
County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS

S:\Legal\Ordinances\

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF
COMMISSIONERS AMENDING CHAPTER 9, ARTICLE II, SECTION 9-33
AND SECTION 9-36 OF THE CURRITUCK COUNTY CODE OF
ORDINANCES**

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-133 a county may regulate, restrict, or prohibit the production or emission of noises or amplified speech, music or other sounds that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, it is desirable to amend the ordinance by removing the limitation on the frequency of applications for an outdoor amplified sound permit or permit to exceed certain decibel levels which will not limit the Currituck County Sheriff's ability to determine the propriety of permit issuance in a certain vicinity or ability to impose conditions on such permits.

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

PART I. Sec. 9-33. - Maximum permitted sound levels by use occupancy.

(a) The use of sound amplifying equipment is limited to the conditions specified in this section.

(b) Outdoor amplified sound, including a live musical group or individual using sound amplifying equipment, may be produced only if an authorized agent of the sponsoring business, organization or group has been granted an "outdoor amplified sound permit." This permit must be signed by a representative of the business, organization or group holding or sponsoring the event at which the outdoor amplified sound will be produced.

(c) Except as allowed in subsection (d) below, no person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which at its peak exceeds the limits set forth for the use occupancy categories in Table 1 when measured at or beyond the point on the property line closest to the dwelling located on the property from which the sound complaint originates. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges, or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. In all cases the maximum sound level permitted by use occupancy shall be determined ~~on the basis of~~ based on the use occupancy of the property from which the sound originates and not by the use occupancy of any surrounding property. Sound which originates from a dwelling unit in a duplex or other multifamily housing unit shall be measured from any point which

is at least 25 lineal feet, whether inside or outside a building, from the nearest point of the enclosed or habitable space of the dwelling unit from which the sound originates.

TABLE 1
SOUND LEVELS BY USE OCCUPANCY

Use Occupancy Category	Time	Sound Level Limit (dB(A))
Residential	7:00 a.m.—9:00 p.m.	60
	9:00 p.m.—7:00 a.m.	50
Mobile home park	7:00 a.m.—9:00 p.m.	60
	9:00 p.m.—7:00 a.m.	50
Public space, commercial or business	7:00 a.m.—9:00 p.m.	60
	9:00 p.m.—7:00 a.m.	50
Manufacturing or industrial	At all times	70

(d) Sound levels ~~in excess of~~ more than the limits established in Table 1 will be permitted in public space, commercial or business space, manufacturing, industrial space, ~~but not on~~ or residential space, as follows:

TABLE 2

	Without Permit (dB(A))	With Permit to exceed (dB(A))
Friday evening (5:00 p.m.—11:00 p.m.)	65	80
Saturday (10:00 a.m.—11:00 p.m.)	65	80
Holidays (as defined in section 9-31) (Noon—11:00 p.m.)	65	80

(e) No property owner shall allow a noise-related nuisance or health or safety hazard to be created or maintained by or on account of tenants of the property owner. For purposes of this subsection, a noise-related nuisance or health or safety hazard shall be deemed to exist when a tenant or group of tenants at a specific location receives a third citation for a noise ordinance violation pursuant to this article. The property owner shall be liable for the costs of remedying the nuisance or health or safety hazard in accordance with the provisions of section 9-40. A property owner may be held liable for the costs of abating the nuisance or remedying the health or safety hazard only if the property owner has been notified in writing, via actual delivery or certified mail, of the first two ordinance violations.

A property owner shall be liable for the costs of abating the nuisance or remedying the health or safety hazard upon the third and any subsequent action by the same tenant at a specific location, provided the third violation occurs at least 15 days from the date of actual receipt of notice of the second violation. It shall be a complete defense to a citation under the subsection if the owner of the real property involved can prove that he or she is actively pursuing an eviction process according to law, and that the eviction process was begun prior to the date of the third or any subsequent violation by the same tenant at specific location.

(f) Notwithstanding the above, the playing of any musical instrument or electronic sound-amplification equipment in such manner or with such volume, or the keeping of any animal or bird which makes frequent or long, continued sounds,

or the use of any automobile, motorcycle or vehicle so out of repair or in such manner as to create unreasonably loud, disturbing sounds, all of which would unreasonably disturb persons of ordinary and reasonable sensibilities in the vicinity, shall be prohibited.

PART II. **Sec. 9-36. Permits.** of the Code of Ordinances, Currituck County, North Carolina is amended to read as follows:

(a) *Who may apply:* A person or group of persons may produce or cause to be produced sound in excess of the limits set in Table 1 only if a "Permit to Exceed" has been obtained. With a permit granted pursuant to this section, maximum sound levels shall be as set out in Table 2.

(b) *Application for permit:* Any person or group of persons desiring an "outdoor amplified sound permit" or a "permit to exceed" shall apply as provided in this section; and shall provide all information required. All applications for a "permit to exceed" shall be submitted to the sheriff or ~~his~~ sheriff's designee at least 72 hours prior to the scheduled event; ~~Failure to comply with this requirement shall be grounds for denying the permit.~~

(c) *Action by sheriff:* The sheriff or ~~his or her~~ sheriff's designee shall act upon all requests for permits. In considering and acting on all requests for permits pursuant to this article, the ~~S~~sheriff shall consider, but shall not be limited to the following, in issuing or denying such permit: The timeliness of the application; the nature of the requested activity; previous experience with the applicant; the time of the event; other activities in the vicinity of the location proposed; the frequency of the application; the cultural or social benefits of the proposed activity; the effect of the activity on any residential area of the county and, previous violations, if any, of the applicant. ~~In accessing "other activities in the vicinity" and the frequency of applications in the vicinity, the sheriff shall not issue more than two permits per month within a 1,000 foot radius of each other, or issue permits for events on consecutive weekends (Friday and Saturday) within a 1,000 foot radius of each other. In considering or acting upon a request for a "permit to exceed" requested by a group the Sheriff or appointed designee shall limit permits granted at any specific location to no more than two "permits to exceed" per year.~~

(d) *Fee for permit:* Every application for a permit or permits shall require payment of \$25.00 administrative fee.

(e) *Conditions on permits:* "Permits to exceed" and "outdoor amplified sound permits" shall specify the duration for which noncompliance shall be permitted and shall prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood. The sheriff or ~~his or her~~ sheriff's designee may require, but shall not be limited to, the following:

- (1) No sound speakers may be set up more than ten feet off the ground; and
- (2) That permit holder(s) change the arrangement of amplifying equipment or sound instruments upon the request of any ~~Currituck~~ sheriff's deputy ~~so as~~ to minimize the disturbance to others resulting from the position or orientation of the amplifying equipment or from atmospherically or geographically caused dispersal of sound beyond the property lines.
- (3) That adjoining property owners surrounding the location proposed as the site of the permitted event be notified by the applicant at last 72 hours prior to the scheduled event, and ~~also~~ advised of the time by which cleanup of the area will be accomplished. Notice to the adjoining property owners shall include a statement indicating that comments or concerns regarding the issuance of a permit at the proposed location may be made to the sheriff prior to the event. These conditions are mandatory on all "permit to exceed" applicants.
- (4) That no permitted event may last more than four hours in duration.
- (5) That no event may extend beyond 11:00 p.m.
- (6) That the site of the event, and the area surrounding the site of the event, will be cleaned, by the applicant, of all the trash, litter and debris by 10:00 a.m. the following day, or by sunset of the day of the event if the event ends at least four hours before sunset.

(f) *Cooperation with sheriff's department:* Permit holder(s) shall agree to cooperate with the sheriff's department in enforcing the noise control ordinance by having the signer(s) of the permit available at the site of the event during the entire time for which a permit has been issued and capable of assisting the police in enforcing the noise control ordinance. Failure of such signer(s) of a permit to be present or to assist the police in complying with this article will be cause for revocation of said permit.

(g) *Recognition of equivalent permit processes:* The chief administrative officer of any governmental body, institution or agency located in ~~Currituck County~~ the county is authorized to establish, administer and enforce a permit process which is substantially equivalent to the process contained in subsections (a), (b), (c) and (d) of this section. When a permit process has been certified by the county manager as being substantially equivalent, sponsors of events which take place on:

- (1) Premises owned, utilized or occupied by the governmental body, institution or agency; or

- (2) Premises owned, utilized, or occupied by organizations or agencies affiliated with a governmental entity which is recognized to issue permits, may apply for the substantially equivalent permit in lieu of the permit issued by the county. Any activity conducted under a permit issued by a governmental body, institution or agency other than the county shall be subject to all requirements of this article, and a permit issued under a substantially equivalent process recognized by the county manager shall be, for all purposes, the equivalent of a permit issued under this section, including the requirements of subsection (e). A copy of all permits issued under a substantially equivalent process recognized by the county manager shall be forwarded to the sheriff as quickly as possible, but in no case later than 48 hours before the commencement of the event covered under a permit. No permit issued under a substantially equivalent process recognized by the county manager shall be valid if received by the sheriff less ~~that~~ than 48 hours before the commencement of the activity covered by the permit. All equivalent permits must be signed by the sheriff to be valid.

PART II. If any provision, section, part, paragraph, phrase or sentence of this ordinance is found to be invalid, all other provisions, parts, paragraphs, phrases, and sentences shall remain valid and in full force and effect.

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

PART IV. This ordinance shall be effective immediately upon its adoption.

ADOPTED this 19th day of April, 2021.

Michael H. Payment, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board of Commissioners

(COUNTY SEAL)

APPROVED AS TO FORM:

Donald I. McRee, Jr.
County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS

**RESOLUTION AMENDING POLICY REGULATING ALCOHOL USE AT
KNOTTS ISLAND RURITAN PARK, CURRITUCK COUNTY RURAL
CENTER (CCRC), SOUNDSIDE PARK AND HISTORIC COROLLA PARK
DATED JUNE 1, 2015**

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-169 a county may by ordinance regulate the use of county property; and

WHEREAS, pursuant to Section 10-133 of the Currituck County Code of Ordinances the Board of Commissioners adopted rules regarding the use of alcohol at certain county property requiring that a law enforcement officer must be retained and present during a wedding or other private function serving alcohol at Historic Corolla Park; and

WHEREAS, it is determined by the Board of Commissioners that any concern regarding order at weddings or private functions serving alcohol at Historic Corolla Park is alleviated by the ability on duty law enforcement officers to respond to calls for assistance at such events.

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

Section 1. Rules for the use and service of alcohol at Knotts Island Ruritan Park, Currituck County Rural Center (CCRC), Soundside Park and Historic Corolla Park dated June 1, 2015 are amended as shown on Exhibit A attached to this resolution and incorporated by reference.

Section 2. This resolution shall take effect upon its adoption.


ADOPTED the 5th day of April, 2021.

Michael H. Payment, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

Attachment: Resolution Amending Alcohol Use Policy (Resolution-Amending Alcohol Policy)

	Rules and Regulations		<h1 style="margin: 0;">Exh A</h1>
	<p>SUBJECT: Alcohol Use at Knotts Island Ruritan Park, Currituck County Rural Center (CCRC), Soundside Park and Historic Corolla Park</p>		
	<p>EFFECTIVE DATE:</p> <p>June 1, 2015</p> <p><u>Amended:</u></p> <p><u>April 5, 2021</u></p>	<p>SUPERSEDES:</p> <p>All previously issued rules for use of alcohol on county property.</p>	

PURPOSE

To provide rules for the use and service of alcohol at Knotts Island Ruritan Park, Currituck County Rural Center (CCRC), Soundside Park and Historic Corolla Park.

GENERAL

Pursuant to Section 10-133 of the Currituck County Code of Ordinances the consumption or possession of an unsealed or open container of alcoholic liquor or alcoholic beverage in county parks is prohibited. An exception for consumption or possession of unsealed or open container of alcoholic liquor or alcoholic beverage is provided for Knotts Island Ruritan Park, Currituck County Rural Center (CCRC), Soundside Park and Historic Corolla Park pursuant to rules and regulations adopted by the Board of Commissioners.

PROCEDURE

Except as provided below for Historic Corolla Park, only bonafide, non-profit organizations as defined by N.C. Gen. Stat. §18B-1002(a)(5) may apply to serve alcoholic beverages during special events held by the qualifying non-profit organization at Knotts Island Ruritan Park, Currituck County Rural Center (CCRC), Soundside Park or Historic Corolla Park. A qualifying non-profit organization requesting permission to use County-owned property for a special event at which alcoholic beverages are proposed to be served shall submit a permit request, in writing, to the County Manager's Office no later than fifteen (15) days prior to the event. The permit request shall include the following:

- The proposed County-owned property to be used
- Dates and proposed times for the special event
- Approximate number of participants expected
- Description of the proposed special event and reasons for its occurrence
- Types of alcoholic beverages to be served (i.e., beer, malt beverages, wine, liquor, etc.)
- Name of contact person for the event

The Board of Commissioners approves each application and reserves the right to deny any permit for any reason.

A qualifying non-profit organization receiving a special event permit pursuant to this policy shall also comply with the following:

- Alcohol may be sold and/or served providing all local, state and federal alcohol laws and policies are adhered to, and any permits conspicuously posted;
- The non-profit organization shall secure all proper North Carolina ABC permits for each event;
- An area shall be designated and clearly marked where the possession and consumption of alcohol may occur during the event . The non-profit organization shall post a responsible person at each point of ingress/egress to the designated area to ensure that persons do not leave the designated area with an alcoholic beverage;
- Provide food during the event consisting of heavy hors d'oeuvres or a small meal;
- The nonprofit organization shall verify the age of persons to whom alcoholic beverages are disbursed and provide patrons wristbands or another designating item to identify that they are of legal drinking age. The non-profit organization shall not serve alcohol to patrons that are intoxicated;
- Provide for clean-up of all debris/litter following the special event;
- Provide on-site signage for special event stating alcoholic beverages are prohibited beyond the approved permitted area and that underage drinking is prohibited;
- Furnish liability insurance in the amount of at least one million dollars with the County shown as the additional named insured;
- Non-alcoholic beverages must be available during the event;
- Patrons of the event may not bring alcoholic beverages into the event;
- Beverages may not be served in glass containers;
- The non-profit organization is responsible for the purchase and transportation of all alcoholic beverages;
- All event workers shall be provided with highly visible identification such as a button, badge, apron, uniform or other form of identification;
- A law enforcement officer must be retained by the non-profit organization and at the event from opening to closing of the event; and
- The non-profit organization shall comply with all county ordinances, rules and regulations.

HISTORIC COROLLA PARK

Historic Corolla Park is recognized as a venue for weddings or other private functions. Notwithstanding this policy, private events open only to invited guests may occur at Historic Corolla Park and alcoholic beverages may be served at those events pursuant to the following rules:

- The event planner must make application through the Travel and Tourism Department providing the same information as required for a non-profit organization special event permit;
- The event must be approved by the Travel and Tourism Director and a specific area of the grounds reserved for the private event;
- The event must take place and alcohol may be consumed only in the reserved area on the grounds;
- The private event must be catered and the event planner or caterer shall be responsible for any required North Carolina ABC permits;
- The event planner shall provide for cleanup of all debris/litter following the event;
- The event planner must furnish liability insurance in the amount of at least one million dollars with the County shown as the additional named insured;
- ~~A law enforcement officer must be retained by the event planner and at the event from opening to closing of the event; and~~
- The event shall comply with all other Currituck County ordinances, rules and regulations.

**RESOLUTION AUTHORIZING THE INITIATION OF EMINENT DOMAIN
PROCEEDINGS TO ACQUIRE AN EASEMENT ON CERTAIN REAL
PROPERTY LOCATED IN OCEAN SANDS AND CROWN POINT
SUBDIVISIONS FOR THE PUBLIC PURPOSE OF ESTABLISHING,
ENLARGING OR IMPROVING STORM SEWER AND DRAINAGE SYSTEMS
AND MULTI-USE PATHWAY RECREATIONAL FACILITY**

WHEREAS, a county is authorized under Chapter 153A of the General Statutes of North Carolina to provide structural and natural stormwater and drainage systems of all types, to undertake watershed improvement projects, acquire, construct, reconstruct, extend, renovate, enlarge, maintain, operate, or otherwise build and improve drainage projects; and

WHEREAS, under N.C. Gen. Stat. §40A-3(b)(4) a county may acquire by condemnation any property for establishing, extending, enlarging or improving storm sewer and drainage systems and works; and

WHEREAS, located in the community of Corolla on the Currituck Outer Banks, Ocean Sands and Crown Point Subdivisions attract many tourists annually who rent residential dwellings within the subdivision; and

WHEREAS, when Ocean Sands and Crown Point Subdivisions were constructed, limited storm water management and drainage requirements for development existed; and

WHEREAS, much of the area within Ocean Sands and Crown Point Subdivisions has a high water table and is located within a “bowl” between sand dunes to the east and N. C. Highway 12 to the west causing retention of storm water that frequently results in flooding and high water within the subdivisions that can last for extended periods of time causing property damage, infiltration of storm water into the wastewater treatment facility serving the subdivisions, impassability of streets, and risk to public health from compromised sewer mains; and

WHEREAS, the only storm water and drainage infrastructure currently existing with Ocean Sands and Crown Point Subdivisions consist of a system of ditches and reliance on gravity to move storm water through and away from the subdivisions; and

WHEREAS, to address drainage and flooding issues in Ocean Sands and Crown Point Subdivisions the county created a service district in 2016 to finance the study and initial plans to solve the flooding and drainage problems in the Ocean Sands and Crown Point subdivisions; and

WHEREAS, although the county has for years sought the cooperation from the developers and owners of the property over which easements are necessary to construct a storm water drainage system to resolve drainage and flooding issues within Ocean Sands and Crown Point Subdivisions, the developers and owners of

such property have continuously rejected requests to convey necessary easements to the county even though a storm water management system would enhance the value and developable area of their property; and

WHEREAS, the Board of Commissioners determines that it is necessary and in the interest of the public health, safety and welfare to condemn an easement for the purpose of establishing, extending, enlarging or improving storm sewer and drainage systems and works within areas dedicated as Open Spaces shown on recorded plats for Ocean Sands Subdivision Sections D, E, F, H, I,, J, K, L, M, N, O, P, Q, R; the Open Space area of Section G located on the west side of N. C. Highway 12; and within street and road rights-of-way shown on recorded plats for Ocean Sands Subdivision Sections D, E, F, H, I, J, K, L, M, N, O, P, Q and W (Crown Point); and

WHEREAS, a county is authorized under Chapter 153A of the General Statutes of North Carolina to finance, provide or maintain facilities and functions for recreation; and

WHEREAS, under N.C. Gen. Stat. §40A-3(b)(3) a county may acquire by condemnation any property for establishing, enlarging, or improving recreational facilities; and

WHEREAS, after motor vehicle caused death of pedestrians walking along N.C. Highway 12 in the Corolla area, Currituck County developed the “Connecting Corolla” plan that, among other things, laid out the location for a multi-use pathway recreational facility to allow pedestrians and bicyclists to safely move through the Corolla area and along N.C. Highway 12; and

WHEREAS, a missing link in the Corolla multi-use pathway recreational facility is an area extending the length of Ocean Sands Subdivision Section T adjacent to N.C. Highway 12; and

WHEREAS, although the county has for years sought the cooperation of the developers and owners of Ocean Sands Subdivision Section T for an easement necessary for the construction of a missing link of the Corolla multi-use pathway recreational facility, the developers and owners of the property have continuously rejected requests to convey necessary easements to the county even though linking Ocean Sands Subdivision Section T to the Corolla multi-use pathway recreational facility would benefit owners and visitors of Ocean Sands Subdivision Section T when developed; and

WHEREAS, the Board of Commissioners determines that it is necessary and in the interest of the public health, safety and welfare to condemn an easement for the purpose of establishing, extending, enlarging or improving a multi-use pathway recreational facility a minimum of ten feet in width extending along the western length of Ocean Sands Subdivision Section T as shown on recorded plats or deeds.

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

Section 1. Currituck County shall acquire by condemnation, for the purposes stated in this resolution, a perpetual non-exclusive easement over the following property:

All areas dedicated as open spaces and streets on recorded plats or deeds for Ocean Sands Subdivision Sections D, E, F, H, I, J, K, L, M, N, O, P, Q, and R; that portion of Section G dedicated as open space located on the west side of N.C. Highway 12; all areas dedicated as streets on recorded plat or deed for Ocean Sands Subdivision Section W (Crown Point); and an area a minimum of ten feet in width extending along the western length of Ocean Sands Subdivision Section T as shown on recorded plats or deeds.

Section 2. The County Attorney is directed and authorized to institute the necessary proceedings under Chapter 40A of the General Statutes of North Carolina to acquire the property.

Section 3. The County Manager and County Attorney are authorized to obtain necessary appraisals, title opinions, surveys and to make all deposits of the estimated fair market value required for filing the condemnation action.

Section 4. The County Manager and County Attorney are authorized to execute all documents necessary to effectuate the condemnation.

Section 5. This resolution is effective upon its adoption.

This the 5th day of April, 2021.

Michael H. Payment, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

(COUNTY SEAL)

PLANNING BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Ana Hilgendorf	District 1	Resigned	Bob White	December 3, 2018	1st Term 12/31/2020
Garry Owens	District 2		Selina Jarvis	February 18, 2019	Unexp Term 12/31/2020
Lynn Hicks	District 3		Mike Payment	March 1, 2021	Unexp Term 12/31/2022
Bryan Bass	District 4		Paul Beaumont	February 18, 2019	Unexp Term 12/31/2020
Juanita Krause	District 5		J. Owen Etheridge	Dec. 2, 2019	1st Term 12/31/2021
C. Shay Ballance	At-Large		Kevin McCord	February 18, 2019	2nd Term 12/31/2020
David Doll	At-Large		Kitty Etheridge	Dec. 2, 2019	1st Term 12/31/2021
Can be Reappointed Must be Replaced					

Number

20210103

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10410-502000	Salaries - Regular	\$ 5,100	
10410-505000	FICA	400	
10410-506000	Health Insurance	820	
10410-507000	Retirement	811	
10410-532000	Supplies	3,500	
10540-502000	Salaries - Regular	9,000	
10540-505000	FICA	690	
10540-506000	Health Insurance	820	
10540-507000	Retirement	1,430	
10540-526000	Advertising	1,000	
10540-532000	Supplies	3,500	
10660-502000	Salaries - Regular	9,000	
10660-505000	FICA	690	
10660-506000	Health Insurance	820	
10660-507000	Retirement	1,430	
10660-526000	Advertising	1,000	
10660-532000	Supplies	3,500	
10320-411000	Article 39 Sales Tax		\$ 43,511
		<u>\$ 43,511</u>	<u>\$ 43,511</u>

Explanation: Administration (10410); Inspections (10540); Planning (10660) - Increase appropriations to hire an Assistant to the County Manager that will train during June and July 2021 with current staff that will be retiring at the end of July 2021 and to hire a new Development Services Director as of May 1, 2021.

Net Budget Effect: Operating Fund (10) - Increased by \$43,511.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_April 5_General Meeting (Budget Amendments)

Number 20210104

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10415-561000	Professional Services	\$ 30,000	
10320-411000	Article 39 Sales Tax		\$ 30,000
		<hr/>	<hr/>
		<u>\$ 30,000</u>	<u>\$ 30,000</u>

Explanation: Legal (10415) - Increase Legal Professional Services for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$30,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_April 5_General Meeting (Budget Amendments)

Number 20210105

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
220548-590000	Capital Outlay		\$ 9,000
220548-536115	Personal Protect Equip-KI	\$ 9,000	
		<hr/>	<hr/>
		<u>\$ 9,000</u>	<u>\$ 9,000</u>

Explanation: Knotts Island Fire Services (220548) - Transfer budgeted funds from Capital Outlay to Personal Protective Equipment to replace damaged/missing parts to equipment.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_April 5_General Meeting (Budget Amendments)

Number

20210106

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-532100	Ballot Programs and Imprint		\$ 2,000
10430-532000	Supplies	\$ 2,000	
		<hr/>	<hr/>
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Elections (10430) - Transfer budgeted funds for supplies needed for operations.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_April 5_General Meeting (Budget Amendments)

Number 20210107

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-508510	Sheriff Supplemental Retirement	\$ 1,553	
10510-506000	Health Insurance		\$ 1,553
		<hr/>	<hr/>
		<u>\$ 1,553</u>	<u>\$ 1,553</u>

Explanation: Sheriff (10510) - Transfer budgeted funds for increased cost of Sheriff supplemental retirement.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_April 5_General Meeting (Budget Amendments)

Number 20210108

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10640-532004	FCS Supplies	\$ 2,436	
10330-449900	Miscellaneous Grants		\$ 2,436
		<hr/>	<hr/>
		<u>\$ 2,436</u>	<u>\$ 2,436</u>

Explanation: Cooperative Extension (10640) - To record NC Department of Insurance (MIPPA base funds) grant funds received.

Net Budget Effect: Operating Fund (10) - Increased by \$2,436.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_April 5_General Meeting (Budget Amendments)

Number 20210109

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
43848-590000	Capital Outlay	\$ 890,000	
43390-499900	Appropriated Fund Balance		\$ 890,000
		<hr/>	<hr/>
		<u>\$ 890,000</u>	<u>\$ 890,000</u>

Explanation: Land Banking (43848) - Increase appropriations to purchase property for potential school site.

Net Budget Effect: Land Banking Fund (43) - Increased by \$890,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_April 5_General Meeting (Budget Amendments)

Number 20210110

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50447-590447	Jarvisburg Colored School - Siding Replacement	\$ 50,000	
50390-495015	T F - Occupancy Tax		\$ 50,000
		<hr/>	<hr/>
		<u>\$ 50,000</u>	<u>\$ 50,000</u>

Explanation: County Governmental Construction (50447) - Increase appropriations for the design of repair/replace siding on the Jarvisburg Colored School.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_April 5_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 design of siding replacement for the Historic Jarvisburg Colored School.

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

Historic Jarvisburg Colored School Siding Project	\$ 50,000
	<u>\$ 50,000</u>

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

Occupancy Tax	\$ 50,000
	<u>\$ 50,000</u>

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

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

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 5th day of April 2021.

Michael Payment, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

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
6163	8" PUMP ASSEMBLY W/ 9-STAGES	N/A

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 5th day of April, 2021.

 Michael H. Payment
 County of Currituck, Board of Commissioners

 Leeann Walton
 Clerk to the Board

(Seal)

Attachment: Surplus Resolution-Eng_Pump_Asset 6163 (Surplus Resolution-Pump Equipment-Engineering)

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 disposed of per directions of insurance company. Backhoe was destroyed by fire and insurance company has declared a total loss.

County Asset Tag	Description (Year & Make/Model)	Dept.	Serial Number
6121	4 WD Backhoe Loader	PW	SLP214TC4U0904637

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

ADOPTED, this 5th day of April 2021.

 Michael H. Payment
 County of Currituck, Board of Commissioners

 Leeann Walton
 Clerk to the Board

(Seal)

Attachment: Surplus_Resolution_Apr 5_Backhoe (Surplus Resolution-Backhoe)

CHANGE ORDER NO. CO002

PROJECT:
Currituck Public Safety Center & Support
Building
2660 College Way Barco, NC 27917

CHANGE ORDER
Date:

CO002
Mar 04, 2021

OWNER: ☒
ARCHITECT: ☒
CONTRACTOR: ☒
FIELD: ☐
OTHER: ☐

TO CONTRACTOR:
Sussex Development Corporation
109 S. Lynnhaven Road, Suite 200
Virginia Beach VA 23452

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

CO002	Request for Change 002 - Time Extension	0.00
-------	---	------

The original Contract Sum was	\$22,979,453.16
The net change by previously authorized Change Orders	\$0.00
The Contract Sum prior to this Change Order was	\$22,979,453.16
The Contract Sum will be increased by this Change Order in the amount	\$0.00
The New Contract Sum Including This Change Order	\$22,979,453.16
The Contract Time Will be increased by	90 Days
The date of Substantial Completion as of the date of this Change Order	July 15th, 2021

NOTE:

This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER

Boomerang Design

Sussex Development Corporation

County of Currituck

ARCHITECT (Firm name)**CONTRACTOR** (Firm name)**OWNER** (Firm name)6131 Falls of Neuse Road Suite 204 Raleigh NC 27609
USA109 S. Lynnhaven Road, Suite 200 Virginia Beach VA
23452

153 Courthouse Road Currituck NC 27929 USA

ADDRESS**ADDRESS****ADDRESS**

Angela Crawford Easterday

Mike Spicer

Ben Stikeleather

(Typed Name)

DocuSigned by:

Angela Crawford Easterday

(Typed Name)

DocuSigned by:

Harry Davis

(Typed Name)

BY (Signature)**BY** (Signature)**BY** (Signature)

03/19/21 | 4:34 PM EDT

03/22/21 | 3:46 AM PDT

DATE**DATE****DATE**

SUSSEX

March 4, 2021

County of Currituck
County Manager Ben Stikeleather
153 Courthouse Road, Suite 204
Currituck NC, 27929

Project: **Currituck Public Safety Center**
Subject: **Request for Change #002 – Time Extension Request**

SDC Project No.: 2019-015

Dear Mr. Stikeleather,

We respectfully submit this Request for Change #002 for the County's consideration on the subject project. We are requesting a No-Cost time extension of (18) eighteen work weeks, a total of (90) ninety workdays, on this project. There are a few factors that have affected the project in the last 12 months that have created delays to the critical path schedule, as noted below.

1. The COVID19 pandemic has caused the predominant share of the delay. There have been setbacks over the last year due to delays in labor and materials for the job.

We are experiencing labor interruptions due to the illness or the quarantine of workers who have been exposed or possibly exposed. Entire crews have been quarantined and we continue to experience worker absenteeism due the pandemic.

There have been material delays effecting all most every trade, due to plant shutdowns, shipping, and general material transportation delays. Major mechanical component shipments were directly impacted by this. We are experiencing extended lead times due to raw material shortages on steel, insulation, weatherproofing and drywall products.

The pandemic continues to cause direct delays in labor and material, but also has indirect impacts. We have experienced administrative disruptions due to office closures and work from home orders. In total the COVID 19 pandemic has caused a (14) week or (70) workday delay in the project due labor disruptions and material delays.

2. The rain and threat of rain caused delays to concrete work on the project. The concrete slabs for both the Public Safety Center and Support were delayed late summer and early fall of last year. During August and September concrete operations were cancelled or shut down (10) days due to weather.

Recently the wet weather has impeded work on the roofing and exterior finishes of the building. This January and February heavy rains impeded progress on the metal roofing and exterior finishes on the project. We accumulated another (10) weather delay days in those months.

In summary, all the events described above have resulted in a concurrent delay on this project, not attributable to the Owner's or Contractor's sole fault. Sussex requests this (90) day time extension at no-cost to reset the critical path of the project schedule to carry a Substantial Completion Date of July 15th, 2021.

Sincerely,



Mike Spicer
Senior Project Manager

Juvenile Crime Prevention Council Certification

Fiscal Year: 2021-2022 _____

County: Currituck	Date: 3/11/2021
<p>G.S. 143B-853 allows for a 2-year funding cycle for programs that meet the requirements of the statute and have been awarded funds in a prior funding cycle. Indicate below if the JCPC plans to allow for a 1-year or 2-year funding cycle.</p> <p style="text-align: center;">(Check 2-year if the JCPC has a mixture of 1-year and 2-year funding.)</p>	
1-Year Funding: FY _____	2-Year Funding: FY 21-22 and FY 22-23

CERTIFICATION STANDARDS

STANDARD #1 - Membership

- | | |
|---|-----|
| A. Have the members of the Juvenile Crime Prevention Council been appointed by county commissioners? | yes |
| B. Is the membership list attached? | yes |
| C. Are members appointed for two-year terms and are those terms staggered? | yes |
| D. Is membership reflective of social-economic and racial diversity of the community? | yes |
| E. Does the membership of the Juvenile Crime Prevention Council reflect the required positions as provided by N.C.G.S. §143B-846? | yes |
- If not, which positions are vacant and why?

STANDARD #2 - Organization

- | | |
|---|-----|
| A. Does the JCPC have written Bylaws? | yes |
| B. Bylaws are <input type="checkbox"/> attached or <input type="checkbox"/> on file (Select one.) | |
| C. Bylaws contain Conflict of Interest section per JCPC policy and procedure. | yes |
| D. Does the JCPC have written policies and procedures for funding and review? | yes |
| E. These policies and procedures <input type="checkbox"/> attached or <input type="checkbox"/> on file. (Select one.) | |
| F. Does the JCPC have officers and are they elected annually? | yes |
- JCPC has: ☐ Chair; ☐ Vice-Chair; ☐ Secretary; ☐ Treasurer.

STANDARD #3 - Meetings

- | | |
|--|-----|
| A. JCPC meetings are considered open and public notice of meetings is provided. | yes |
| B. Is a quorum defined as the majority of membership and required to be present in order to conduct business at JCPC meetings? | yes |
| C. Does the JCPC meet six (6) times a year at a minimum? | yes |
| D. Are minutes taken at all official meetings? | |
| E. Are minutes distributed prior to or during subsequent meetings? | yes |

STANDARD #4 - Planning

- | | |
|---|-----|
| A. Does the JCPC conduct a minimum of biennial planning process which includes a needs assessment, monitoring of programs and funding allocation process? | yes |
| B. Is this Annual or Biennial Plan presented to the Board of County Commissioners and to DPS? | yes |
| C. Is the Funding Plan approved by the full council and submitted to Commissioners for their approval? | yes |

Currituck

County

FY 2021-2022

Instructions: N.C.G.S. § 143B-846 specifies suggested members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. Please indicate the person appointed to serve in each category and his/her title. Indicate appointed members who are designees for named positions. Indicate race and gender for all appointments.

Specified Members	Name	Title	Designee	Race	Gender
1) School Superintendent or designee	Virginia Arrington	Dir. Sec. Ed & Support Staff	X	W	F
2) Chief of Police or designee					
3) Local Sheriff or designee	Matthew Beickert	Sheriff		W	M
4) District Attorney or designee	Zack Beasley	Asst. DA	X	W	M
5) Chief Court Counselor or designee	Edward Hall	Chief		B	M
6) Director, Local Management Entity/Managed Care Organization (LME/MCO), or designee	Tracey Webster	System Care Coordinator	X	B	F
7) Director DSS or designee	Samantha Hurd	Director	X	W	F
8) County Manager or designee	Sandra Hill	Finance Officer	X	W	F
9) Substance Abuse Professional					
10) Member of Faith Community	Dan Bergey	New Life Pastor		W	M
11) County Commissioner	Selina Jarvis	Commissioner		W	F
12) Two persons under the age of 21, or one person under the age of 21 and one member of the public representing the interests of families of at-risk juveniles					
13) Juvenile Defense Attorney	Bill Brumsey	Juv. Defense Attorney		W	M
14) Chief District Judge or designee	Hon. Edgar Barnes	District Court Judge	□	W	M
15) Member of Business Community	Tonya Johnson	Uplift		B	F
16) Local Health Director or designee			□		
17) Rep. United Way/other non-profit	Heather Scott	YMCA Rep.		W	F
18) Representative/Parks and Rec.	Jason Weeks	Director		W	M
19) County Commissioner appointee	Paul Pollock	Court Counselor		W	M
20) County Commissioner appointee	Pete Aitken	Court Counselor		W	M
21) County Commissioner appointee	Billy Caudle	Coop. Extension		W	M
22) County Commissioner appointee	Allison Sholar	PASS Pro. Coordinator		W	F
23) County Commissioner appointee	Ray Matusko	Clerk of Court		W	M
24) County Commissioner appointee					
25) County Commissioner appointee					

Attachment: JCPC Certification-FY 2021-2022 (JCPC Certification-FY 2021-22)

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

ROADWAY INFORMATION: (Please Print/Type)

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

Subdivision Name: Tucker's Cove Length (miles): 0.24

Number of occupied homes having street frontage: 11 Located (miles): 0.08

miles N ☐ S ☐ E ☐ W ☒ of the intersection of Route SR 1222 and Route SR 1524.
(Check one) (SR, NC, US) (SR, NC, US)

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

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

Name: Ben Stikeleather, County Manager Phone Number: (252) 435-2718

Street Address: 153 Courthouse Road, Currituck, NC 27929

Mailing Address: P.O. Box 39, Currituck, NC 27929

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Karl W. & Susan S. Barnes, Jr.	111 Olmsted Lane, Moyock, NC 27958	
Douglas & Linda A. Johnson	113 Olmsted Lane, Moyock, NC 27958	
William A. & Heather G. Bluestein	116 Olmsted Lane, Moyock, NC 27958	
Randall D. & Tara L. Hile	114 Olmsted Lane, Moyock, NC 27958	
Bryan T. & Lora M. Kreitzman	112 Olmsted Lane, Moyock, NC 27958	
Benjamin John & Alessandra Hope Hamon	110 Olmsted Lane, Moyock, NC 27958	
Robert L. Robinett & Eileen D. Milloy	108 Olmsted Lane, Moyock, NC 27958	
David John & Kristen Waddelove	106 Olmsted Lane, Moyock, NC 27958	

David Allan Newsom 100 Olmsted Lane, Moyock, NC 27958

Sasha Maria Jungling 104 Olmsted Lane, Moyock, NC 27958

Michael Roger Wadkins & Mackenzie M. Gunter 102 Olmsted Lane, Moyock, NC 27958

INSTRUCTIONS FOR COMPLETING PETITION:

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

FOR NCDOT USE ONLY: Please check the appropriate block

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

REQUIREMENTS FOR ADDITION

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

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

<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>	<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>
Tilden Court	4	0.07			
Chapman Lane	15	0.16			

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Tilden Court		
Aaron M. & Lyda P. Perkins	103 Tilden Court, Moyock, NC 27958	
Holly Teneyck Roberson	106 Tilden Court, Moyock, NC 27958	
Sandra L. Schreiber	100 Tilden Court, Moyock, NC 27958	
Meaghan Barnes & Corey Lee Whetsel	101 Tilden Court, Moyock, NC 27958	
Chapman Lane		
Marie Nanette Marcia-Garner & Dustin Garner	101 Chapman Lane, Moyock, NC 27958	
Benjamin Jacob & Sarah Louise Roberson	103 Chapman Lane, Moyock, NC 27958	
Richard J. Maurer & Joann Sulin	105 Chapman Lane, Moyock, NC 27958	
Mandy Lyn & Ryan Palmer Masciola	107 Chapman Lane, Moyock, NC 27958	
Christopher Daniel & Jennifer Murdock Hilliard	109 Chapman Lane, Moyock, NC 27958	
Richard D. & Rebecca L. Pinkleton	111 Chapman Lane, Moyock, NC 27958	
Kirk Douglas Saunders	115 Chapman Lane, Moyock, NC 27958	
David S. & Kathleen K. Temple	P.O. Box 16922, Chesapeake, VA 23328	
Paul & Teresa A. McElroy	112 Chapman Lane, Moyock, NC 27958	
Lynn M. Thomas & Catherine N. Medlin	140 Springdale Way Hampton, VA 23666	
Todd A. Mitchell & Cheryl A. Peycke	108 Chapman Lane, Moyock, NC 27958	
Nathan C. & Beverly Chappell	106 Chapman Lane, Moyock, NC 27958	
Allen M. & Krista C. Law	104 Chapman Lane, Moyock, NC 27958	
Betty Kuehn & David Brian Kucenski	102 Chapman Lane, Moyock, NC 27958	

Kevin G & Candelaria Sharkey

113 Chapman Lane, Moyock, NC 27958

Attachment: Road Addition Petition-Tuckers Cove-Olmsted, Tilden, Chapman (Road Addition-Olmstead Lane, Tilden Court, Chapman Lane-



Ms. Leeann Walton
Clerk to the Board of Commissioners
Currituck County
153 Courthouse Road, Suite 204
Currituck, NC 27929

**RE: Petition to NCDOT to Accept Olmstead Lane, Tilden Court and Chapman Lane
into the State Roadway System**

Dear Leeann:

We are requesting that Currituck County consider submitting an NCDOT Petition for Road Addition for Olmstead Lane, Tilden Court and Chapman Lane located at Tuckers Cove subdivision in Moyock. There are sufficient occupied homes on these roads to meet the requirements for addition into the State's roadway system.

We are therefore asking the County Commissioners to adopt a resolution to make this petition to NCDOT at the Board's next opportunity.

Along with the petitions, we are including two copies of the recorded Subdivision Plat along with an Encroachment Agreement that covers utilities located within the right-of-way for inclusion with the request.

It is my understanding that if the County Commissioners act favorably on adopting the resolution, the petition can then be sent to the District Engineer's office in Elizabeth City.

Thank you for assisting us with this request.

Sincerely,
Bissell Professional Group


Mark S. Bissell, P.E.



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

ROADWAY INFORMATION: (Please Print/Type)

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

Subdivision Name: Lake View at Currituck Ph. 3 Length (miles): 0.18

Number of occupied homes having street frontage: 32 Located (miles): 0.31

miles N ☐ S ☒ E ☒ W ☐ of the intersection of Route 1215 and Route 168.
(Check one) (SR, NC, US) (SR, NC, US)

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

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

Name: Ben Stikeleather Phone Number: 252-232-2075

Street Address: 153 Courthouse Road, Suite 204, Currituck, NC 27927

Mailing Address: Same

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
George C. & Denita Latress Jackson Jr.	200 Green Lake Rd., Moyock, NC	
Jesse Lee Slaman	202 Green Lake Rd., Moyock, NC	
Michael Charles & Laurie Michelle Gris, II	204 Green Lake Rd., Moyock, NC	
Jared & Kaitlyn Carpenter	206 Green Lake Rd., Moyock, NC	
Crystal & Duane Ware	208 Green Lake Rd., Moyock, NC	
John K. Ratliff	210 Green Lake Rd., Moyock, NC	
Andrew & Randall Henciak	212 Green Lake Rd., Moyock, NC	
Gavin Horne	214 Green Lake Rd., Moyock, NC	

INSTRUCTIONS FOR COMPLETING PETITION:

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

FOR NCDOT USE ONLY: Please check the appropriate block

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

REQUIREMENTS FOR ADDITION

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

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

<u>Name</u>	<u>Mailing Address</u>
Lyndon & Maryanne Fancis, Sr.	216 Green Lake Rd., Moyock, NC
Frederick & Terry Wiley McKenna	218 Green Lake Rd., Moyock, NC
Kevin & Julie Wagner	220 Green Lake Rd., Moyock, NC
Seth David Turbitt	222 Green Lake Rd., Moyock, NC
Kelly Lou & Nadezda S. Krepcik	224 Green Lake Rd., Moyock, NC
Johnny Smalls & Dayzsha Cosme	226 Green Lake Rd. Moyock, NC
Joshua & Claire Heiserman	228 Green Lake Rd. Moyock, NC
Jonathan Nelson Osuna	230 Green Lake Rd., Moyock, NC
Katie Turner & Dennis Key	231 Green Lake Rd., Moyock, NC
Amy M. Jones	229 Green Lake Rd., Moyock, NC
Michelle Gaston	227 Green Lake Rd., Moyock, NC
Clay Mark & Stephanie Purvis	225 Green Lake Rd., Moyock, NC
Daniel J. & Abbyrae Stringfellow Wisniewski	223 Green Lake Rd., Moyock, NC
Marshall Connor Hurd & Elena Salvatore	221 Green Lake Rd., Moyock, NC
David Lee Keesee	219 Green Lake Rd., Moyock, NC
Tiffany Marie & Joshua David Bigbee	217 Green Lake Rd., Moyock, NC
Dustin & Carmen E. Withrow	215 Green Lake Rd., Moyock, NC
James Lee & Lori English Bennett	213 Green Lake Rd., Moyock, NC
Howard & Arielle Elise Taylor Hawkins, III	211 Green Lake Rd., Moyock, NC
Elizabeth Jeanne & Craig W. Bodner	209 Green Lake Rd., Moyock, NC
Darwin G. & Linda L. Walker	207 Green Lake Rd., Moyock, NC
David D. & Amanda Dumont	205 Green Lake Rd., Moyock, NC
Paul J & Heather Marcinko, III	203 Green Lake Rd., Moyock, NC
Jonathan Keith & April Christina Savage	201 Green Lake Rd., Moyock, NC

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

ROADWAY INFORMATION: (Please Print/Type)

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

Subdivision Name: Lake View at Currituck Ph. 2 Length (miles): 0.16

Number of occupied homes having street frontage: 20 Located (miles): 0.29

miles N ☐ S ☒ E ☒ W ☐ of the intersection of Route 1215 and Route 168.
(Check one) (SR, NC, US) (SR, NC, US)

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

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

Name: Ben Stikeleather Phone Number: 252-232-2075

Street Address: 153 Courthouse Road, Suite 204, Currituck, NC 27927

Mailing Address: Same

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Jonathan Antonio Bullock	201 Sunny Lake Rd., Moyock, NC	
David Glen & Amie Marie Walgrave	203 Sunny Lake Rd., Moyock, NC	
Henry A Hunter	205 Sunny Lake Rd., Moyock, NC	
Eugene & Susan K. Tonkinson	207 Sunny Lake Rd., Moyock, NC	
John Christian & Alicia Anne Dale	209 Sunny Lake Rd., Moyock, NC	
Kenneth Washington & Carmen Curry	211 Sunny Lake Rd., Moyock, NC	
Charlene M. & Jeremy W. Day	215 Sunny Lake Rd., Moyock, NC	
Justin Ryan & Jennifer Rollins Davenport	213 Sunny Lake Rd., Moyock, NC	

INSTRUCTIONS FOR COMPLETING PETITION:

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

FOR NCDOT USE ONLY: Please check the appropriate block

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

REQUIREMENTS FOR ADDITION

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

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

[illegible]



March 10, 2021

Ms. Leeann Walton
Clerk to the Board of Commissioners
Currituck County
153 Courthouse Road, Suite 204
Currituck, NC 27929

RE: Petition to NCDOT to Accept Sunny Lake Road and Green Lake Road into the State Roadway System

Dear Leeann:

We are requesting that Currituck County consider submitting an NCDOT Petition for Road Addition for Sunny Lake Road and Green Lake Road located at Lake View at Currituck off of Survey Road in Moyock. There are sufficient occupied homes on these roads to meet the requirements for addition into the State's roadway system.

We are therefore asking the County Commissioners to adopt a resolution to make this petition to NCDOT at the Board's next opportunity.

Along with the petitions, we are including two copies of the recorded Subdivision Plat along with an Encroachment Agreement that covers utilities located within the right-of-way for inclusion with the request.

It is my understanding that if the County Commissioners act favorably on adopting the resolution, the petition can then be sent to the District Engineer's office in Elizabeth City.

Thank you for assisting us with this request.

Sincerely,
Bissell Professional Group



Mark S. Bissell, P.E.

cc: Mr. Perry Arnette

NOW OR FORMERLY
LINDSAY FARM HOLDINGS LLC
D.B. 368, PC. 205



NC GRID NAD83 (2007)

N41° 10' 06" E 1045.70'

N53° 42' 23" W
24.00'

PARCEL 5
78.92 AC
P.C. N. SL. 18-182

SURVEY ROAD (S.R. 1215) V

LAKE POINT WAY 50' R/W

PARCEL 4
78.92 AC
P.C. N. SL. 18-182

N3° 22' 53" W
57.60'

SURVEY ROAD (S.R. 1215)
60' R/W

EAGLE CREEK DRIVE
45' R/W

FOUNTAIN LAKE WAY 50' R/W

PARCEL 3
78.92 AC
P.C. N. SL. 18-182

PARCEL 2
78.92 AC
P.C. N. SL. 18-182

PARCEL 1
78.92 AC
P.C. N. SL. 18-182

PARCEL 143

PARCEL 142

PARCEL 79

PARCEL 78

PARCEL 77

PARCEL 76

PARCEL 75

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PARCEL 319



Carr, Riggs & Ingram, LLC

3105 Trent Road
New Bern, NC 28562

Mailing Address:

PO Box 1547
New Bern, NC 28563

252.633.5821
252.633.0199 (fax)
CRIcpa.com

March 22, 2021

To the Board of County Commissioners
and Sandra Hill, Finance Officer
Currituck County, North Carolina

We are pleased to confirm our understanding of the services we are to provide Currituck County for the year ended June 30, 2021. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of Currituck County as of and for the year ended June 30, 2021. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Currituck County's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Currituck County's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Law Enforcement Officer's Special Separation Allowance
3. Other Post-Employment Benefits – Retiree Health Care
4. Local Governmental Employees' Retirement System
5. Register of Deeds' Retirement System
6. Firefighters' and Rescue Squad Workers' Pension Fund

We have also been engaged to report on supplementary information other than RSI that accompanies Currituck County's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditor's report on the financial statements:

1. Schedule of Expenditures of Federal and State Awards
2. Individual Fund Statements and Schedules – Budget and Actual

To the Board of County Commissioners
Currituck County
March 22, 2021
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3. Other Financial Information

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information:

1. Statistical Schedules/Tables for Comprehensive Annual Financial Report (CAFR).
2. Non-Required Supplementary Information from Internal Purposes (Introductory Info).

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on –

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal and state statutes, regulations, and the terms and conditions of federal and state awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), and the State Single Audit Implementation Act.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; the provisions of Uniform Guidance and State Single Audit Implementation Act, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to management and the governing board of Currituck County. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable

To the Board of County Commissioners
Currituck County
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to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

Audit Procedures – General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal and state awards; federal and state award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures – Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and,

To the Board of County Commissioners
Currituck County
March 22, 2021
Page 4

accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal and state award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance and the State Single Audit Implementation Act.

An audit is not designed to provide assurance on internal control or to identify significance deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, the Uniform Guidance and the State Single Audit Implementation Act.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Currituck County's compliance with the provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal and state statutes, regulations and the terms and conditions of federal and state awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of Currituck County's major programs. The purpose of these procedures will be to express an opinion on Currituck County's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance, and the State Single Audit Implementation Act.

Other Services

We will also assist in preparing the financial statements, schedule of expenditures of federal and state awards, and related notes of Currituck County in conformity with U.S. generally accepted accounting principles and the Uniform Guidance and the State Single Audit Implementation Act, and any other nonattest services based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal and state awards and related notes, and services previously defined. We, in our sole professional judgement, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for (1) designing, implementing establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material

To the Board of County Commissioners
Currituck County
March 22, 2021
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misstatement, whether due to fraud or error, including internal controls over federal and state awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements, schedule of expenditures of federal and state awards, and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations (including federal and state statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance and the State Single Audit Implementation Act, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal and state statutes, regulations, and the terms and conditions of federal and state awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

You are responsible for identifying all federal and state awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal and state awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and state awards. You also agree to

To the Board of County Commissioners
Currituck County
March 22, 2021
Page 6

include the audited financial statements with any presentation of the schedule of expenditures of federal and state awards that includes our report thereon.

Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal and state awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal and state awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and state awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal and state awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal and state awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal and state awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

To the Board of County Commissioners
Currituck County
March 22, 2021
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Engagement Administration, Fees, and Other

Electronic Data Communication and Storage and Use of Third Party Service Provider

In the interest of facilitating our services to your company, we may send data over the Internet, securely store electronic data via computer software applications hosted remotely on the Internet, or allow access to data through third-party vendors' secured portals or clouds. Electronic data that is confidential to your company may be transmitted or stored using these methods. We may use third-party service providers to store or transmit this data, such as, but not limited to, providers of tax return preparation software. In using these data communication and storage methods, our firm employs measures designed to maintain data security. We use reasonable efforts to keep such communications and data access secure in accordance with our obligations under applicable laws and professional standards. We also require our third-party vendors to do the same.

You recognize and accept that we have no control over, and shall not be responsible for, the unauthorized interception or breach of any communications or data once it has been sent or has been subject to unauthorized access, notwithstanding all reasonable security measures employed by us or our third-party vendors. You consent to our use of these electronic devices and applications and submission of confidential client information to third-party service providers during this engagement.

To enhance our services to you, we will use a combination of remote access, secure file transfer, virtual private network or other collaborative, virtual workspace or other online tools or environments. Access through any combination of these tools allows for on-demand and/or real-time collaboration across geographic boundaries and time zones and allows CRI and you to share data, engagement information, knowledge, and deliverables in a protected environment. In order to use certain of these tools and in addition to execution of this acknowledgement and engagement letter, you may be required to execute a separate client acknowledgement or agreement and agree to be bound by the terms, conditions and limitations of such agreement. You agree that CRI has no responsibility for the activities of its third-party vendors supplying these tools and agree to indemnify and hold CRI harmless with respect to any and all claims arising from or related to the operation of these tools. While we may back up your files to facilitate our services, you are solely responsible for the backup of your files and records; therefore, we recommend that you also maintain your own backup files of these records. In the event you suffer a loss of any files or records due to accident, inadvertent mistake, or Act of God, copies of which you have provided to us pursuant to this agreement, we shall not be responsible or obligated to provide you a copy of any such file or record which we may retain in our possession.

Dispute Resolution

In the event of a dispute between the parties which arises out of or relates to this contract or engagement letter, the breach thereof or the services provided or to be provided hereunder, if the dispute cannot be settled through negotiation, the parties agree that before initiating arbitration, litigation or other dispute resolution procedure, they will first try, in good faith, to resolve the dispute through non-binding mediation. All parties agree that an alternative form of dispute resolution shall not be undertaken by either party until the expiration of fifteen (15) calendar days following notice being provided to the other party indicating that the dispute cannot be settled through mediation. The mediation will be administered by the American Arbitration Association under its *Dispute Resolution Rules for Professional Accounting and Related Services Disputes*. The costs of any mediation proceedings shall be shared equally by all parties.

Attachment: 2021 Engagement Letter-Audit-Carr Riggs Ingram (Audit Contract for FY 2021-2022)

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Limitation of Liability

Except as provided in this agreement, CRI shall not be liable for incidental, consequential, exemplary, special, punitive or ancillary damages of any kind alleged as a result of any cause of action from this agreement, whether arising out of breach of contract, tort or otherwise. Unless otherwise stated in this agreement, both CRI and you agree that the total cumulative liability of CRI (including its employees, directors, officers or agents), shall not exceed the amount of fees earned by CRI related to this engagement during the twelve months preceding the event giving rise to the claim, as such amount shall serve as a reasonable prospective estimate of any damages which you may suffer through any breach by CRI of the terms of this agreement, as such damages may be speculative or impossible to calculate. If there are unpaid fees owed to CRI, this cumulative liability will be reduced by the value of the unpaid fees with no additional interest or charges, as CRI retains the right to offset any sums claimed as due and owed by you, by any sums to which it is legally entitled. This limitation shall apply whether or not further damages are foreseeable, or whether either party (or its employees, agents, officers or directors) have been advised of the possibility of such damages.

Governing Law; Venue

This agreement and performance hereunder shall be governed by the laws of the State of Alabama, without reference to any conflict of laws rules or principles. Any action or proceeding arising from or relating to this agreement must be brought in a state or federal court having jurisdiction in Coffee County, Alabama, and each party irrevocably submits to the jurisdiction and venue of any such court in any such action or proceeding and agrees to waive any defenses to venue and jurisdiction including *forum non conveniens*.

Statute of Limitations

The parties agree that there shall be a one-year statute of limitation (from the delivery of the service or termination of the contract) for the filing of any requests for arbitration, lawsuit, or proceeding related to this agreement. If such a claim is filed more than one year, or the minimum durational period having been determined as permissible by applicable statutory law or by a court of competent jurisdiction, subsequent to the delivery of the service or termination of the contract, whichever occurs first in time, then it shall be precluded by this provision, regardless of whether or not the claim has accrued at that time.

We understand that your employees will prepare all cash, accounts receivable or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal and state awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports to Currituck County; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

To the Board of County Commissioners
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The audit documentation for this engagement is the property of Carr, Riggs, & Ingram, LLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to a grantor agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Carr, Riggs, & Ingram, LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by a grantor agency. If we are aware that a federal or state awarding agency, pass-through entity or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit in early May 2021 and to issue our reports no later than October 31, 2021. Madonna Stafford, CPA, is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be as defined in our Local Government Commission contract with the Currituck County for the year July 1, 2020 through June 30, 2021. Our fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to Currituck County and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Carr, Riggs & Ingram, LLC

Carr, Riggs & Ingram, LLC

RESPONSE:

This letter correctly sets forth the understanding of Currituck County.

Management Signature: _____

Title: _____

Date: _____

Attachment: 2021 Engagement Letter-Audit-Carr Riggs Ingram (Audit Contract for FY 2021-2022)

To the Board of County Commissioners
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Governance signature: _____

Title: _____

Date: _____

The	Governing Board Board of Commissioners
of	Primary Government Unit (or charter holder) Currituck County
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Carr, Riggs & Ingram LLC
	Auditor Address P.O. Box 1547 New Bern, NC 28563

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/21	Audit Report Due Date 10/31/21
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Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.)(G.S. 159-34 and 115C-447) All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern.

30. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

31. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

32. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

33. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

34. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: ☒ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	Title and Unit / Company:	Email Address:
Sandra Hill	Finance Officer	sandra.hill@currituckcountync.gov

OR Not Applicable ☐ (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the billings for the last annual audit of the unit submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Currituck County
Audit Fee	\$ 52,200
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ N/A
Writing Financial Statements	\$ 2,700
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 41,175.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$ N/A
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ N/A
Writing Financial Statements	\$ N/A
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Carr, Riggs & Ingram LLC	
Authorized Firm Representative (typed or printed)*	Signature*
Madonna Stafford, CPA	
Date*	Email Address*
	mstafford@cricpa.com

GOVERNMENTAL UNIT

Governmental Unit*	
Currituck County	
Date Primary Government Unit Governing Board Approved Audit Contract*	
(G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)*	Signature*
Date	Email Address

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

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

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

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

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
N/A	
Date*	Email Address*
	N/A

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

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
 Not applicable to hospital contracts.

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

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

Remember to print this form, and obtain all
 required signatures prior to submission.

PRINT



**CURRITUCK COUNTY
NORTH CAROLINA**

March 15, 2021

Minutes – Regular Meeting of the Board of Commissioners

4:00 PM CALL TO ORDER

The Currituck County Board of Commissioners held a regular meeting at 4:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Michael H. Payment	Chairman	Present	4:00 PM
Paul M. Beaumont	Vice-Chairman	Present	4:08 PM
J. Owen Etheridge	Commissioner	Present	4:00 PM
Mary "Kitty" Etheridge	Commissioner	Present	4:00 PM
Selina S. Jarvis	Commissioner	Present	4:00 PM
Kevin E. McCord	Commissioner	Present	4:05 PM
Bob White	Commissioner	Present	4:00 PM

Chairman Payment called the meeting to order.

A) Invocation & Pledge of Allegiance

Chairman Payment asked if anyone in attendance would like to give the Invocation. Mr. Sam Miller offered the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner White moved for approval of the agenda. The motion was seconded by Commissioner J. Owen Etheridge. The motion carried and the agenda was approved.

Approved agenda:

4:00 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 PublicHearing. Public comments are limited to 3 minutes.

Commissioner's

Communication: Minutes for March 15, 2021 (Approval Of Minutes-March 15, 2021)

Report**County Manager's****Report****Administrative Reports**

A) **Currituck County Auditor's Report-Carr, Riggs and Ingram**

Public Hearings

A) **PB 20-24 Shingle Landing Villas:** Request for a Preliminary Plat/Use Permit for multi- family subdivision (townhouse development) located on Moyock Landing Drive, Tax Map 9, Parcel 29T, Moyock Township.

B) **PB 18-23 Fost Tract Planned Development, Phases 1 through 5:** Request for an amended Preliminary Plat/Use Permit (#2) for a Planned Development-Residential located off Caratoke Highway, Tax Map 15, Parcel 86, Moyock Township.

New Business**A) Board Appointments**

1. Fire and EMS Advisory Knotts Island Representative

B) Consent Agenda

1. Budget Amendments
2. Project Ordinance-Beach Walkovers, Design
3. Sole Source Purchase Resolution-OmniBeacon Remote Monitoring Equipment, Mainland Sewer
4. Report of Unpaid Real Estate Taxes & Order to Advertise Tax Liens
5. Job Descriptions and Classification Chart-Assistant to the County Manager,
Development Services Director, Planning Director
6. Dominion ROW Agreement-Public Safety Center
7. T-Mobile Cell Tower Upgrades
8. Consideration of Standardized Specs for Fire Apparatus-Engine and Tanker
9. Approval Of Minutes-March 1, 2021

Work Session

Family Subdivisions and Septic in Utility Easements

Adjourn

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

PUBLIC COMMENT

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

Chairman Payment opened the Public Comment period. Luann Melton, Moyock, wanted to speak to the Shingle Landing Villas item on the agenda. In lieu of Public Comment, Ms. Melton would address the issue during the quasi-judicial hearing. No others wished to speak and the Public Comment period was closed.

COMMISSIONER'S REPORT

Commissioner J. Owen Etheridge expressed his appreciation for both County and Albemarle Regional Health Services (ARHS) staff for the successful operation of the Covid-19 vaccine clinics.

Commissioner McCord apologized for his late arrival. He announced upcoming Covid-19 vaccine clinics, acknowledged the positive trend in Covid-19 case numbers and the well-run clinics in the County. He recognized firefighters and first responders for their efforts in fighting a recent structure fire in Grandy, North Carolina.

Chairman Payment reported on recent structure fires in the County, some with loss of life, and asked citizens to support their local fire departments. He announced upcoming Easter events in the County.

Commissioner White shared his experience volunteering for the Meals on Wheels program, delivering meals to Currituck seniors. He noted the amazing response from the Seniors receiving meals and encouraged citizens to volunteer. He reported on the County's decision to continue the Corolla recycling program and asked that the community signage supporting recycling be removed.

Commissioner Mary Etheridge participated in the North Carolina Association of County Commissioners joint risk management meeting and reported on plans to support several risk-control programs, including an initiative to enhance law enforcement safety by encouraging officers to buckle up. She announced March is Multiple Sclerosis month.

Commissioner Jarvis also offered her thanks to first responders who answered the Grandy fire call. She shared the story of Sheriff's Deputy Nathan Capps, who sat with a neighboring property owner who was frightened the cinders would ignite her home.

Commissioner Beaumont apologized arriving late and said the new 4:00 PM meeting time will be challenging for him. He discussed Corolla recycling and also requested citizens remove the yard signs supporting the recycling program.

COUNTY MANAGER'S REPORT

Ben Stikeleather, County Manager, announced times and locations for the upcoming Household Hazardous Waste collection and Currituck County Senior Center reopenings. He reminded citizens to call the Senior Center to register for activities. Mr. Stikeleather stressed the importance of checking smoke detector batteries following the tragic loss of a resident in a structure fire.

ADMINISTRATIVE REPORTS

A. Currituck County Auditor's Report-Carr, Riggs and Ingram

Madonna Stafford of Carr, Riggs and Ingram presented results of the 2020 financial audit performed by the firm for Currituck County. She reviewed the audits of special funds and programs, presented findings and results for key operating funds, and reported gains and losses for revenue funds and tax collections. No internal control deficiencies or concerns were noted. She thanked Sandra Hill, Finance Director, for her assistance which enabled the audit to be submitted in a timely manner. Following presentation, Ms. Stafford responded to questions and clarified information as requested by Board members.

PUBLIC HEARINGS

A. PB 20-24 Shingle Landing Villas:

APPLICATION SUMMARY

Property Owner: Shingle Landing Villas LLC 111 Currituck Commercial Drive Suite B Moyock NC 27958	Applicant: Shingle Landing Villas LLC c/o Sam Miller 111 Currituck Commercial Drive Suite B Moyock NC 27958
Case Number: PB 20-24	Application Type: Preliminary Plat/Use Permit
Parcel Identification Number: 0009-000-029T-0000	Existing Use: Vacant
Land Use Plan Classification: Full Service	Parcel Size (Acres): 4.01
Moyock Small Area Plan Classification: Full Service	Zoning: RA20 (1975); A (1989); GB (2005); C-MXR (2017)
Number of Units: 16 + 1 ADU	Project Density: 4 units/acre
Required Open Space: 1.2 ac (30%)	Provided Open Space: 2.91 ac

SURROUNDING PARCELS

	LAND USE	ZONING
NORTH	SINGLE-FAMILY DWELLINGS (HIDDEN OAKS SUBDIVISION)	C-SFM
SOUTH	SINGLE-FAMILY DWELLINGS (SHINGLE LANDING SUBDIVISION)	GB
EAST	INSTITUTIONAL (CURRITUCK HOUSE ASSISTED LIVING FACILITY)	GB
WEST	VACANT	GB

This 4.01 acre parcel is located on Moyock Landing Drive, adjacent to the Currituck House assisted living facility to the east and the Rail Road right-of-way to the west. The BOC rezoned the parcel to Conditional-MXR on February 6, 2017 (See Attached Order) and amended the Conditional-MXR zoning district on February 19, 2018. The BOC approved 16 units (4 buildings with 4 units each) with attached garages and one detached accessory dwelling unit. Because the prior rezoning approval did not include subdividing the property/obtaining a use permit, UDO Section 6.6 Adequate Public Facilities Standards did not apply to this project. This request to subdivide the property requires a use permit, so the Adequate Public Facilities ordinance applies.

This multi-family subdivision is subject to appropriate community forms, compatibility, and design standards to ensure a well-designed neighborhood. This multi-family development serves as a transition between General Business (GB) development along Caratoke Highway and the assisted living facility and the neighborhood (Shingle Landing) to the east. It is located in the fastest growing area of the county that continues to evolve as a Full Service community.

Schools

TO APPROVE A PRELIMINARY PLAT/USE PERMIT, ADEQUATE PUBLIC FACILITIES SHALL BE IN PLACE OR PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS AFTER THE INITIAL APPROVAL OF THE USE PERMIT. THIS DEVELOPMENT WILL BE SERVICED BY MOYOCK ELEMENTARY SCHOOL THAT IS CURRENTLY OVER ACTUAL CAPACITY. THERE IS NO GUARANTEE THAT THE RECENTLY DISCUSSED EXPANSION PROJECT WILL BE COMPLETE WITHIN TWO YEARS OF APPROVAL *. FOR THE THREE ELEMENTARY SCHOOLS IN THE NORTHERN MAINLAND, THERE IS CONCERN THAT COMMITTED CAPACITY IS AT 126%. THERE IS ALSO CONCERN THAT THE HIGH SCHOOLS ARE AT 106% OF COMMITTED CAPACITY. **APPROVING THE PRELIMINARY PLAT/USE PERMIT WITHOUT ADEQUATE PUBLIC FACILITIES IN PLACE WOULD BE IN DIRECT CONFLICT WITH THE ADEQUATE PUBLIC FACILITIES ORDINANCE OF THE UDO AND MULTIPLE POLICIES IN THE LAND USE PLAN AND THE MOYOCK SMALL AREA PLAN.** PLEASE NOTE, THE BELOW CHART DOES NOT INCLUDE THE ADDITIONAL STUDENTS GENERATED BY THE FLORA C-MXR ZONING APPROVED BY THE BOC ON MARCH 2, 2021. THOSE STUDENTS WILL BE ACCOUNTED FOR AT PRELIMINARY PLAT/USE PERMIT APPROVAL.

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019- 2020	2021- 2022	Committed Capacity ³	Proposed Capacity Changes

	2020-2021 Actual Capacity ²	Actual Capacity ³		Number of Students
Moyock Elementary	109%	115%	126%	+4
Shawboro Elementary	94%	97%		
Central Elementary	80%	89%		
Griggs Elementary	56%	59%	101%	n/a
Jarvisburg Elementary	82%	88%		
Knotts Island Elementary	35%	36%	36%	n/a
Moyock Middle	95%	79%	93%	+1
Currituck Middle	61%			
Currituck High	84%	86%	106%	+2
JP Knapp Early College	93%			

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

²Capacity percentages are based on 2019-2020 and 2020-2021 school year classroom standards and August 2020 ADM

³Capacity percentages are based on the 2021-2022 school year classroom standards and August 2020 ADM

**According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).” See attached email.*

Community Meeting

A community meeting was held on November 24, 2020 for the project. Nine neighboring property owners attended the meeting. Primary questions were regarding construction start time, sale price of the units, floor plan/square footages, buffering, and parking.

INFRASTRUCTURE	
WATER	PUBLIC
SEWER	PUBLIC (MOYOCK REGIONAL WASTEWATER TREATMENT PLANT)
TRANSPORTATION	PEDESTRIAN: A 5' SIDEWALK WILL CONNECT INTO THE EXISTING SIDEWALK AT THE ASSISTED LIVING FACILITY VIA A TIMER PEDESTRIAN WALKWAY. THE SIDEWALK WILL RUN ACROSS THE FRONT OF THE ENTIRE PROPERTY AND CONNECT TO THE WESTER PROPERTY LINE VIA A PEDESTRIAN EASEMENT.
	CONNECTIVITY SCORE: N/A (NO STREETS)

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STORMWATER/DRAINAGE	THE PROJECT WILL BE MANAGED UNDER A LOW DENSITY STATE STORMWATER PERMIT AND CONSIST OF RETENTION PONDS CONSTRUCTED TO RETAIN STORMWATER AND SLOW RELEASE INTO ADJACENT STORMWATER OUTLETS. A RECENT TEXT AMENDMENT WAS APPROVED FOR THE PROJECT TO ALLOW THE DEVELOPMENT TO FALL UNDER THE NON-RESIDENTIAL STORMWATER DESIGN STANDARDS INSTEAD OF THE MORE RESTRICTIVE SUBDIVISION STORMWATER DESIGN STANDARDS.
DESIGN STANDARDS	THE MULTI-FAMILY PROJECT IS SUBJECT TO APPROPRIATE COMMUNITY FORMS, COMMUNITY COMPATIBILITY, AND DESIGN STANDARDS TO ENSURE A WELL-DESIGNED NEIGHBORHOOD
LIGHTING	FULL CUTOFF STREETLIGHTS ARE PROPOSED AND MUST BE COMPLIANT WITH LIGHTING STANDARDS.
LANDSCAPING	A TYPE B BUFFER IS PROPOSED ALONG THE NORTHERN PROPERTY LINE, A MAJOR ARTERIAL SCREEN BUFFER ALONG THE WEST PROPERTY LINE, SITE LANDSCAPING AT THE EASTERN AND SOUTHERN PROPERTY LINES, AND VEHICULAR USE LANDSCAPING THE PARKING AREAS.
PARKING	44 EXTERIOR PARKING SPACES ARE PROPOSED IN ADDITION TO THE 16 GARAGE PARKING SPACES.
COMPATIBILITY	THE DEVELOPMENT CREATES A NEW RESIDENTIAL USE TYPE AT AN APPROPRIATE DENSITY FOR THIS AREA WHERE COUNTY WATER AND SEWER ARE AVAILABLE.
RECREATION AND PARK AREA DEDICATION	A FEE-IN-LIEU OF RECREATION AND PARK AREA DEDICATION WILL BE REQUIRED PRIOR TO FINAL PLAT APPROVAL. BASED ON THE VALUE OF THE LAND AND THE APPROVAL OF 16 UNITS THE FEE WILL BE APPROXIMATELY \$25,487.
RIPARIAN BUFFERS	N/A

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS **DENIAL** OF THE USE PERMIT AND THE PRELIMINARY PLAT BASED TO THE FOLLOWING CONDITIONS:

1. The application does not comply with all applicable review standards of the UDO including:
 - a. Adequate public facilities (schools) are not in place or programmed to be in place within two years. Moyock Elementary is over Actual and Committed Capacities and the high schools are over Committed Capacity.
2. The applicant does not demonstrate that the proposed use will meet the use permit review standards of the UDO.

Should the BOC decide to approve this request, the Technical Review Committee recommends the following conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:

- a. Not submitting for preliminary plat/use permit approval until adequate public facilities are in place or programmed to be in place within two years. (Planning)
- b. Developing strictly in accordance with the approved C-MXR conditions set by the BOC on February 18, 2010 and that *these conditions be placed on the plat* (See attached order). The conditional zoning conditions listed on the plat are different than those directed by the BOC through the attached order. (Planning)
 - i. The development shall be completed strictly in accordance with the conceptual development plan submitted to and approved by the Board of Commissioners.
 - ii. The development will consist of a 16 unit townhome development (with attached garages), one detached garage/storage unit, and one detached accessory dwelling unit.
 - iii. The architectural renderings of the townhomes to be incorporated into the approval and units constructed according to the expanded description given at the Board of Commissioners meeting on February 19, 2018, including the additional buffer.
- c. The county will take over the maintenance and operation of the lift station upon completion and certification. (Public Utilities)

STAFF'S CONCERNS REGARDING PROJECT CONSIDERATION AT THIS TIME:

- Inconsistent with the Land Use plan (see below).
- Inconsistent with the Moyock Small Area Plan (see below).
- Inadequate public facilities (schools).

USE PERMIT REVIEW STANDARDS

A USE PERMIT SHALL BE APPROVED ON A FINDING THAT THE APPLICANT DEMONSTRATES THE PROPOSED USE WILL MEET THE BELOW REQUIREMENTS. IT IS STAFF'S OPINION THAT THE EVIDENCE IN THE RECORD, PREPARED IN ABSENCE OF TESTIMONY PRESENTED AT A PUBLIC HEARING, SUPPORTS THE PRELIMINARY STAFF FINDINGS

The use will not endanger the public health or safety.

PRELIMINARY APPLICANT FINDINGS:

1. STORMWATER MANAGEMENT HAS BEEN DESIGNED IN ACCORDANCE WITH THE CONDITIONAL ZONING APPROVAL AND HAS BEEN APPROVED BY THE NC DEPT. OF ENVIRONMENTAL QUALITY. STORMWATER RETENTION PONDS WILL BE CONSTRUCTED TO MANAGE AND RETAIN STORMWATER AND SLOW RELEASE INTO ADJACENT STORMWATER OUTLETS.
2. A WASTEWATER COLLECTION SYSTEM AND LIFT STATION HAVE BEEN DESIGNED AND APPROVED BY THE NCDEQ, WHICH WILL BE PUMPED TO THE MOYOCK REGIONAL WASTEWATER TREATMENT SYSTEM.
3. THE PROJECT HAS BEEN DESIGNED AND APPROVED BY THE DIVISION OF ENERGY, MINERAL AND LAND RESOURCES FOR SEDIMENTATION AND EROSION CONTROL, AND WILL MINIMIZE EROSION AND CONTAIN SILTATION ON SITE.
4. NCDOT HAS REVIEWED AND APPROVED THE CONNECTION TO MOYOCK LANDING DRIVE.

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

PRELIMINARY APPLICANT FINDINGS:

1. LAND TO THE NORTH IS SINGLE FAMILY RESIDENTIAL BUT HAS A SIGNIFICANT TREE BUFFER TO THE SITE, LAND TO THE EAST IS THE CURRITUCK HOUSE ASSISTED LIVING FACILITY, LAND TO THE WEST IS COMMERCIAL AND LAND TO THE SOUTH IS RESIDENTIAL. THE

COUNTY COMMISSIONERS DETERMINED THAT THE USE IS APPROPRIATE FOR THE LAND BY VIRTUE OF CONDITIONAL ZONING APPROVAL THAT WAS GRANTED AND AMENDED IN 2018. IT WAS DETERMINED THAT THIS DEVELOPMENT CREATES A NEW RESIDENTIAL USE TYPE AT AN APPROPRIATE DENSITY FOR THIS AREA WHERE COUNTY WATER AND SEWER ARE AVAILABLE AND PROVIDES A MODERATE COST HOUSING OPPORTUNITY FOR COUNTY RESIDENTS WITHIN A WELL-DESIGNED NEIGHBORHOOD.

The use will not be in conformity with the Land Use Plan or other officially adopted plans.

PRELIMINARY STAFF FINDINGS:

WHILE THE USE IS IN CONFORMITY WITH SOME POLICIES OF THE LAND USE PLAN (SEE ATTACHED APPLICATION FOR DEVELOPERS COMPLETE LIST), IT IS NOT IN CONFORMITY WITH THE FOLLOWING:

POLICY SF4	<p>CURRITUCK COUNTY SHALL CONTINUE TO SUPPORT A SERVICE LEVEL POLICY FOR SCHOOLS THAT CALLS FOR THE CONSTRUCTION AND MAINTENANCE OF CLASSROOM SPACE SUFFICIENT TO AVOID THE USE OF MOBILE CLASSROOM UNITS.</p> <p><u>COMMENTS:</u></p> <ul style="list-style-type: none"> DWELLING UNITS ARE PROPOSED IN THE MOYOCK ELEMENTARY SCHOOL DISTRICT WHERE NO SCHOOL CAPACITY CURRENTLY EXISTS AND IS NOT YET PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS. APPROVING THE USE _PERMIT/PRELIMINARY PLAT WITHOUT ADEQUATE PUBLIC FACILITIES IN PLACE OR PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS OF THE APPROVAL WOULD BE IN CONFLICT WITH THE ADEQUATE PUBLIC FACILITIES ORDINANCE OF THE UDO.* <p><i>*According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).”</i></p>
POLICY PP2	<p>CURRITUCK COUNTY SHALL CONTINUE TO IMPLEMENT A POLICY OF ADEQUATE PUBLIC FACILITIES, SUFFICIENT TO SUPPORT ASSOCIATED GROWTH AND DEVELOPMENT. SUCH FACILITIES MAY INCLUDE BUT NOT LIMITED TO WATER SUPPLY, SCHOOL CAPACITY, PARK AND OPEN SPACE NEEDS, FIREFIGHTING CAPABILITY, AND LAW ENFORCEMENT.</p> <p><u>COMMENTS:</u></p> <ul style="list-style-type: none"> DWELLING UNITS ARE PROPOSED IN THE MOYOCK ELEMENTARY SCHOOL DISTRICT WHERE NO SCHOOL CAPACITY CURRENTLY EXISTS AND IS NOT YET PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS. APPROVING THE USE _PERMIT/PRELIMINARY PLAT WITHOUT ADEQUATE PUBLIC FACILITIES IN PLACE OR PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS OF THE APPROVAL WOULD BE IN CONFLICT WITH THE ADEQUATE PUBLIC FACILITIES ORDINANCE OF THE UDO.* <p><i>*ACCORDING TO A JANUARY 15, 2021 EMAIL, THE COUNTY MANAGER “EXPECTS TO GIVE THE NOTICE TO PROCEED WITH THE SCHOOL EXPANSION PROJECT BY JUNE 1ST. THE EXPANSION SHOULD INCREASE THE CAPACITY OF MOYOCK ELEMENTARY SCHOOL TO 750 STUDENTS. THE PROJECT SHOULD BE COMPLETED BY THE START OF THE 2023-2024 SCHOOL SESSION. BECAUSE OF THE EXPANSION PROJECT THIS SUMMER, WE WILL HAVE A SOLUTION TO OUR ADEQUATE PUBLIC FACILITY ISSUE REGARDING MOYOCK ELEMENTARY WITHIN TWO YEARS (FROM JUNE 1ST – STAFF ADDITION).”</i></p>

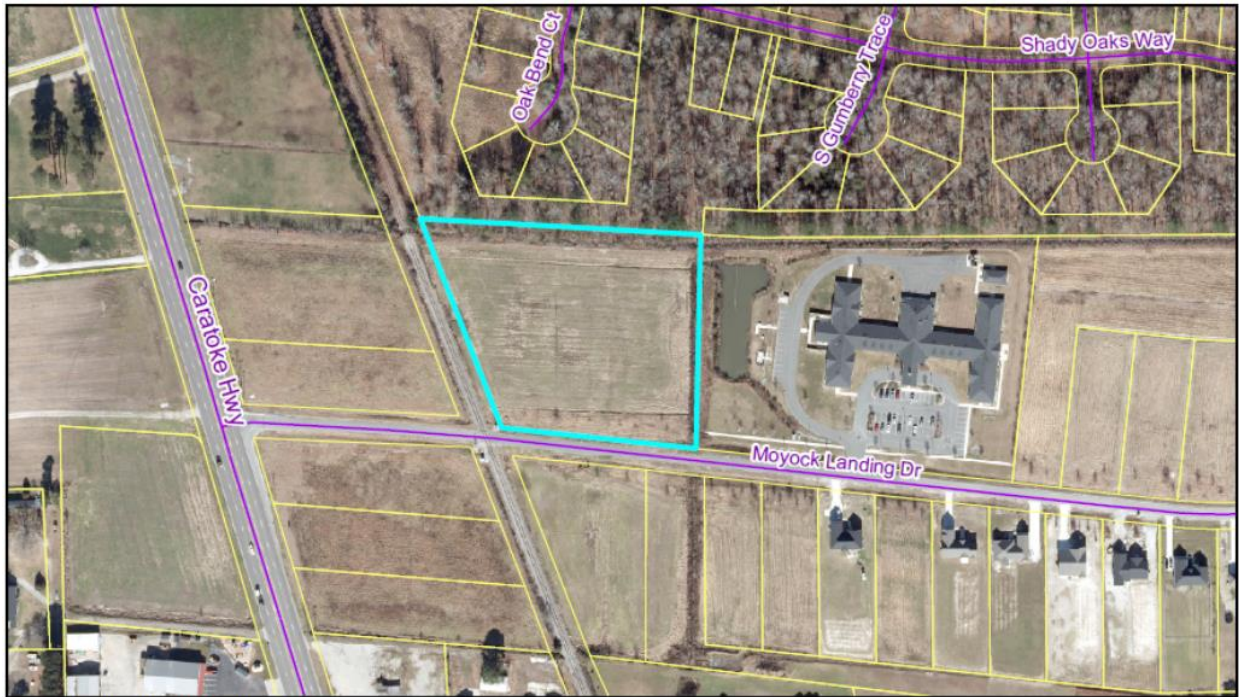
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<p>COMMUNITY VALUES</p>	<ul style="list-style-type: none"> • RURAL ATMOSPHERE – SIGHTS, SOUNDS, SMELLS, AND OVERALL FEEL OF A RURAL COMMUNITY. • LOW TAXES, FISCAL RESPONSIBILITY, <i>AND AVAILABILITY OF ADEQUATE COUNTY SERVICES</i>; AND, • HUMAN SCALE DEVELOPMENT THAT SUPPORTS WALKABILITY. <p><u>COMMENTS:</u> CURRENTLY ADEQUATE COUNTY SERVICES DO NOT EXIST TO SERVE THIS PROJECT. MOYOCK ELEMENTARY SCHOOL IS OVER ACTUAL AND COMMITTED CAPACITIES AND THE HIGH SCHOOLS ARE OVER COMMITTED CAPACITIES.</p>
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PRELIMINARY STAFF FINDINGS:

1. MOYOCK ELEMENTARY IS OVER ACTUAL AND COMMITTED CAPACITIES. (SEE ADEQUATE PUBLIC FACILITIES – SCHOOLS TABLE ABOVE.)
2. THE HIGH SCHOOLS ARE OVER COMMITTED CAPACITIES. (SEE ADEQUATE PUBLIC FACILITIES – SCHOOLS TABLE ABOVE.)

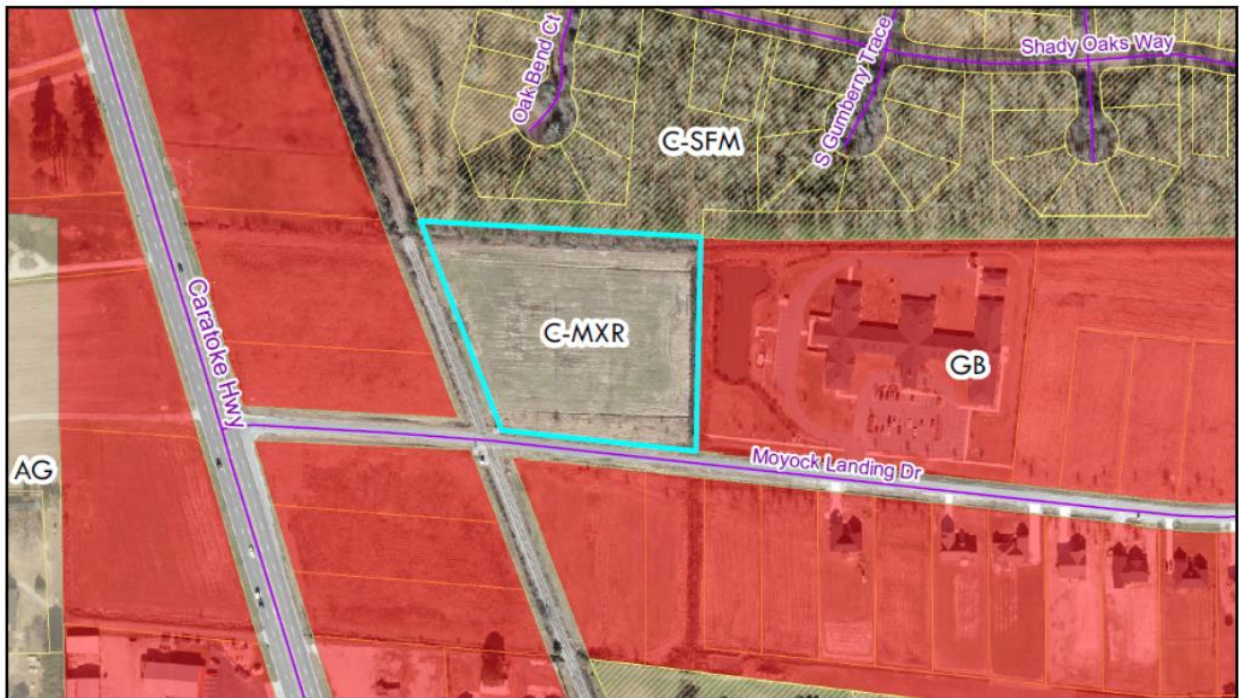




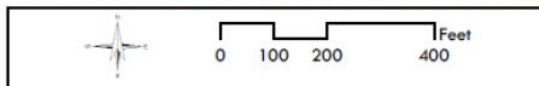
PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
2016 Aerial Photography



Currituck County
Planning and
Community Development

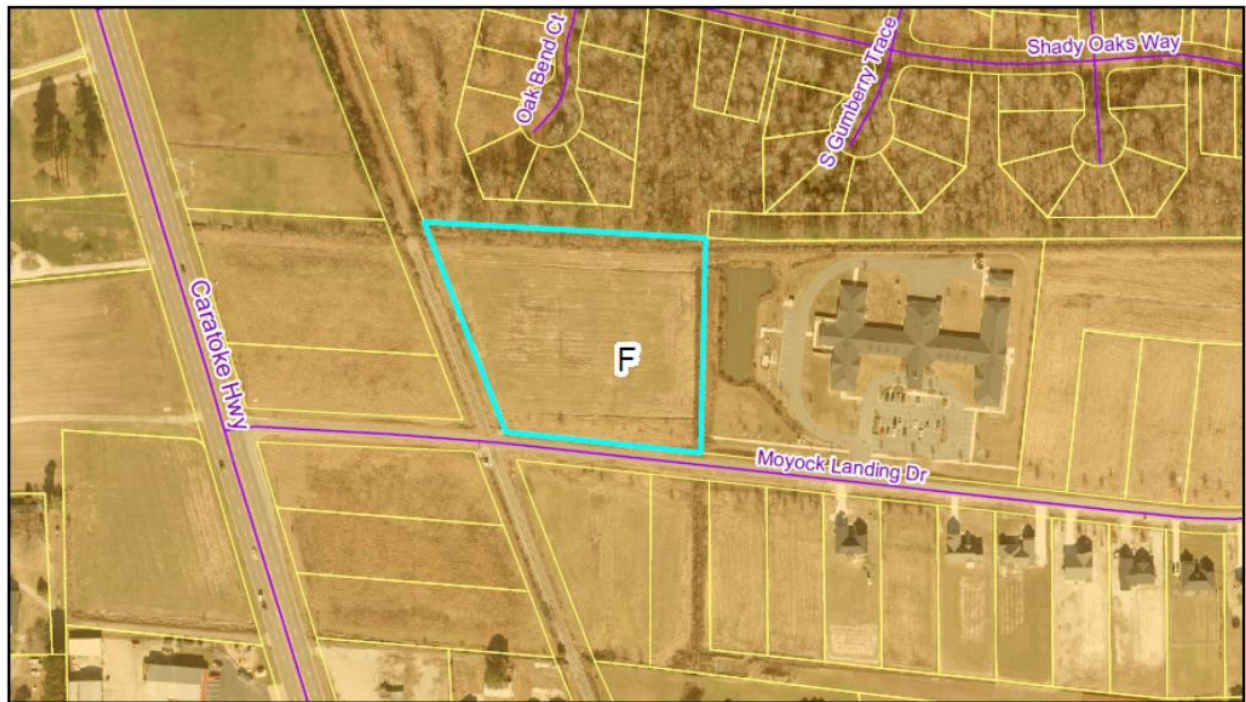


PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
Zoning



Currituck County
Planning and
Community Development

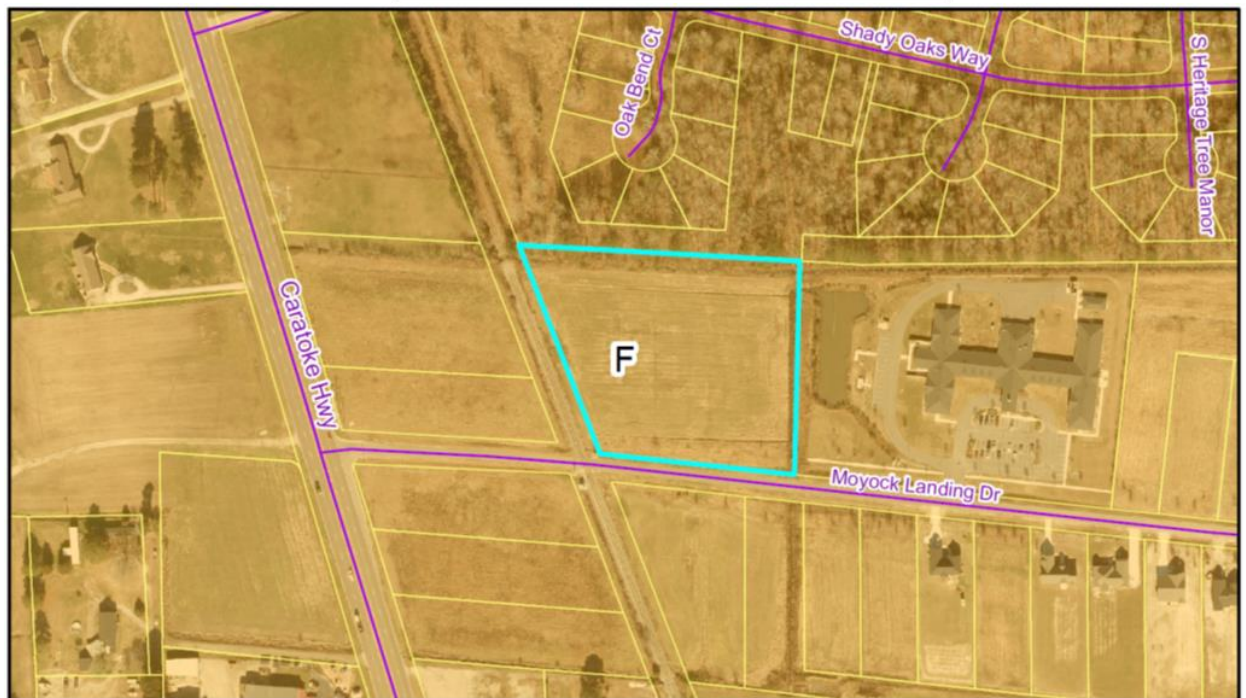
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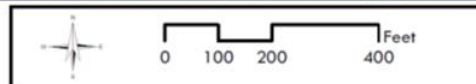
PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
Land Use Plan - FLUM



Currituck County
Planning and
Community Development



PB 20-24 Shingle Landing Villas
Preliminary Plat/Use Permit
Moyock SAP FLUM



Currituck County
Planning and
Community Development

Parties to testify were sworn in and Laurie LoCicero, Planning and Community Development Director, provided an overview of the Use Permit application for Commissioners. Using the

Communication: Minutes for March 15, 2021 (Approval Of Minutes-March 15, 2021)

overhead, Ms. LoCicero displayed location maps and reviewed the site zoning and surrounding parcels. She reviewed the zoning history on the parcel which began with the original rezoning on February 6, 2017, and subsequent amendment on February 19, 2018. Requirements and use permit review standards, and adequate public facilities related to schools were reviewed. Ms. LoCicero said the Technical Review Committee (TRC) recommends denial of the Use Permit due to school capacities. Conditions for approval were presented, as the townhomes had previously been approved.

Ms. LoCicero responded to questions pertaining to the earlier approvals. She said school capacities were included with the original approval and Ms. LoCicero and County Manager, Ben Stikeleather, discussed student generation and the planned school expansion slated for completion by August, 2023. The Adequate Public Facilities ordinance was discussed, and Ms. LoCicero responded to questions related to the student generation and committed capacity for the subdivision.

Commissioners discussed the intent of the adequate public facilities ordinance.

No attorney was present to represent the applicant corporation for the quasi-judicial proceeding and County Attorney, Ike McRee, read a statement to notify the applicant and Commissioners that the North Carolina State Bar has determined that land use professionals may testify to factual matters and provide expert opinions for which they are qualified, but presentation of other evidence, including examination and cross-examination of witnesses, making legal arguments, and advocacy for results on behalf of others is the practice of law that may be performed only by licensed attorneys. The hearing proceeded and applicant, Sam Miller, addressed the Board. He summarized the project and reviewed the purpose and reasoning behind the request to establish lot lines for the townhomes. He said a Homeowner's Association would be responsible for maintenance of common areas.

Engineer, Mark Bissell, reviewed zoning conditions established with the original conditional rezoning approval. Use Permit criteria were presented. Mr. Bissell responded to questions posed by Commissioners regarding the original approval by the Board of Commissioners and what effects lot lines will have on management of the property. Mr. Miller returned to clarify differences in ownership responsibilities with established lot lines as opposed to a condo-type development.

Commissioners discussed concerns with maintenance and upkeep of properties, and Mr. Miller discussed the ability for homeowner's associations to hold individual owners accountable.

Chairman Payment asked the applicant about providing an expert to testify to findings of fact related to effects the project has on the value of adjoining property. Mr. McRee reiterated the importance of having an attorney and expert witnesses to represent the applicant. Following discussion, Commissioner White made a motion to continue the item to the April 5, 2021 Board of Commissioners meeting to allow time for the applicant to provide expert witnesses. Commissioner McCord seconded the motion. The motion carried, 7-0.

Chairman Payment recessed the meeting at 5:28 PM. The meeting reconvened at 5:38 PM.

RESULT:	CONTINUED [UNANIMOUS]	Next: 4/5/2021 6:00 PM
MOVER:	Bob White, Commissioner	
SECONDER:	Kevin E. McCord, Commissioner	
AYES:	Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner	

B. PB 18-23 Fost Tract Planned Development, Phases 1 through 5:**APPLICATION SUMMARY**

Property Owner: Moyock Development LLC 417-D Caratoke Hwy Moyock NC 27958	Applicant: Moyock Development LLC 417-D Caratoke Hwy Moyock NC 27958
Case Number: PB 18-23	Application Type: Amended Preliminary Plat/Use Permit
Parcel Identification Number: 0015-000-0086-0000	Existing Use: Planned Development under construction
Land Use Plan Classification: Full Service	Parcel Size (Acres): 137.18 (Phases 1-5) 228.28 (Total)
Moyock Small Area Plan Classification: Limited Service	Zoning: PD-R
Number of Units: 301	Overall Project Density (units/acre): 2.19
Required Open Space (Acres): 41.15	Provided Open Space (Acres): 44.95

SURROUNDING PARCELS

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

On January 21, 2020, the Board of Commissioners approved the Preliminary Plat/Use Permit for Phases 1-5 of Fost Planned Development (see attached). The developer is requesting an amended approval to:

- Addition of Leif Street connection to Flora property.
- Minor shift of side lot lots between lots 42-44.

The Board of Commissioners approved the below phasing plan as part of the project approval and a previous amendment approval. The phasing plan remains valid.

Phase Numbers	Number of Dwelling	Projected Recording
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	Units	Date
1	71	October 2020
2	65	April 2021
3	51	October 2021
4	77	April 2022
5	37	October 2022

Providing adequate public facilities for this development remains a concern since the elementary schools and high schools are near or over 100% committed capacity. (See Adequate Public Facilities – Schools Table below). However, it should be noted that the students generated from Fost, Phases 1-5, are vested since the Board of Commissioners approved the Preliminary Plat/Use Permit previously.

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019-2020 2020-2021 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	109%	115%	126%	
Shawboro Elementary	94%	97%		
Central Elementary	80%	89%		
Griggs Elementary	56%	59%	101%	
Jarvisburg Elementary	82%	88%		
Knotts Island Elementary	35%	36%	36%	
Moyock Middle	95%	79%	93%	
Currituck Middle	61%			
Currituck High	84%	86%	106%	
JP Knapp Early College	93%			

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

²Capacity percentages are based on 2019-2020 and 2020-2021 school year classroom standards and August 2020 ADM

³Capacity percentages are based on the 2021-2022 school year classroom standards and August 2020 ADM

The developer held a community meeting on September 23, 2020 at the Eagle Creek Pavilion. Three residents attending the meeting. All were from Ranchland and asked questions about how the sewer would work, entrance locations, drainage ditch improvements to help Ranchland, and berm location.

INFRASTRUCTURE	
Water	Public
Sewer	Private Centralized System (on-site at Eagle Creek)
Transportation	Pedestrian: A series of sidewalks and pedestrian trails; The developer must install an 8' multi-use path along the Caratoke Highway property line as required by the Connect Currituck Plan.

	Connectivity Score: Minimum = 1.6 Proposed = 1.67 <ul style="list-style-type: none"> • One Connection to Caratoke Highway • One Connection to Moyock Farms • Four connections to Flora Farm
Stormwater/Drainage	See attached map for required stormwater/drainage improvements (PB 18-23 Fost PD-R Rezoning Stormwater Conditions dated 7/2019 prepared by engineering staff)
Design Standards	Multi-family design standards apply to the townhomes.
Lighting	Street lights are proposed and must be full cut-off fixtures
Landscaping	Farmland buffers, WWTP/utility buffers, street trees, major arterial screening, and site landscaping are required
Compatibility	The BOC determined that this development was compatible with the Land Use Plan, Moyock Small Area Plan, and the surrounding neighborhoods at its May 6, 2019 meeting.
Recreation and Park Area Dedication	The applicant will be paying approximately \$27,021 as a fee-in lieu of recreation and park area dedication for these phases.
Riparian Buffers	There are no wetlands in these phases.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

TRC RECOMMENDS APPROVAL OF THIS REQUEST PROVIDED:

1. The application complies with all applicable review standards, so long as the following items are adequately addressed:
 - July 2019 required stormwater improvements remain unchanged (attached).
 - The amended preliminary plat/use permit is effective only upon receipt of written consent by the property owner(s) and applicant(s).
2. The applicant has demonstrated that the proposed use will meet the use permit review standards of the UDO.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include all items in Number 1 above.

USE PERMIT REVIEW STANDARDS

A USE PERMIT SHALL BE APPROVED ON A FINDING THAT THE APPLICANT DEMONSTRATES THE PROPOSED USE WILL MEET THE BELOW REQUIREMENTS. ON JANUARY 21, 2020 THE BOARD OF COMMISSIONERS ADOPTED THE FOLLOWING FINDINGS OF FACT THAT REMAIN RELEVANT WITH THE AMENDED PLAN REQUEST.

The use will not endanger the public health or safety.

PRELIMINARY APPLICANT FINDINGS:

Transportation, portable water, wastewater and stormwater management will be addressed in accordance with the following paragraphs:

1. Transportation: The main subdivision entrance will be connected directly to NC 168 (Caratoke Highway). Deceleration and acceleration lanes will be provided in accordance with NCDOT Standards and will be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast (Auction Site) and to the west.
Roadways will be laid out generally as shown on the Master Plan and will be in accordance with the approved right-of-way and pavement width characteristics, using the NCDOT complete streets planning manual as a guide.
Appropriate access has been made for emergency service vehicles in accordance with applicable standards including the N.C. Fire Code.
2. Potable Water: Water will be supplied by Currituck County via an existing 12" main located on Caratoke Highway, which will be tapped and looped through the site. 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.
3. Wastewater: *Centralized wastewater treatment and disposal facility will be provided in accordance with North Carolina Standards and approved by NCDEQ and/or NCDHHS. The development will connect to an off-site private wastewater treatment plant located in Eagle Creek and operated by Currituck Water and Sewer, LLC. The major utility will be regulated by the North Carolina Utilities Commission. A letter of intent to service this development from Currituck Water and Sewer, LLC. is attached. **(This section has been updated by staff since the application references a previously approved wastewater collection system to be constructed by the developer).***
4. Stormwater Management: A major drainage way known as Rowland Creek Canal runs through the development property. Due to the importance of this drainage feature not only to the development but to other properties located both upstream and downstream of this property, the Developer has committed to cleaning and laying back the slopes and stabilizing the portion of Rowland Creek that runs from Eagle Creek Subdivision to the railroad next to NC 168. The Developer has also committed to improving the common property line ditch along Ranchland and the Auction property, and to excavate a new ditch that would be available to Ranchland along the common property line from the Auction site to south of the power easement. The Developer will also improve the sections of Rowland Creek downstream of the Fost property that require maintenance.
On-site stormwater will be managed by constructing a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater to existing outlets. In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard of the difference between runoff from the 10-year developed condition and runoff from a 2- year wooded condition site, stormwater will be modeled for the 100-year storm without adversely impacting neighboring properties. Implementation of this plan should improve drainage for neighboring properties compared to existing conditions.
Stormwater will be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes, and open vegetated swales.

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

PRELIMINARY APPLICANT FINDINGS:

Land use to the west is agricultural, with one dwelling unit located approximately 435 feet from the nearest property line and approximately 565 feet from the nearest

structure. Land use to the north, across the railroad and Caratoke Highway is commercial, land to the east is farmland and residential lots, and land to the south is residential lots. Perimeter compatibility is being addressed as follows:

1. To the west: A 50 foot farm buffer is being provided, followed by a 60 foot roadway corridor, so the nearest dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer is also being provided along that property line.
2. To the north (Caratoke Highway): A berm is being provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 175 feet from the highway right-of-way at the closest point. The visual impact of the development will be minimized by setbacks, berms and landscaping.
3. To the east: A 50 foot vegetative farm buffer is being provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. Even though the dwelling types are believed to be compatible, a minimum 50 foot buffer is being provided between the developments.
4. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line.
5. Limited commercial development is proposed to be located interior to the development and will front along the landscaped entrance boulevard.
6. Lot size ratios and density ratios are comparable to other developments that have been approved in the immediate area and in other parts of Moyock.

The applicant is not aware of any adverse impacts on land value in the surrounding area. The applicant anticipates that its proposed stormwater improvements may benefit the property values of the nearby Ranchland community. The Development is anticipated to increase the values of nearby properties by improving existing drainage problems.

The site is adjacent to non-agricultural activities including the Ranchland neighborhood to the south and southeast, and commercial and residential uses to the east. The site is also in close proximity to the Eagle Creek neighborhood. The proposed use is compatible with these adjacent uses and furthers the County's goal of concentrating new residential development in the vicinity of existing residential development. Nearby communities include existing planned communities of 588 lots to the west, a 275 lot subdivision to the east and 426 lots under development to the north of Caratoke Highway, all in the vicinity of the Fost tract. The development is appropriate for the location as it continues existing development patterns in this part of Moyock. Lot area ratios and density ratios are consistent with other developments that have been approved recently nearby and in other parts of Moyock.

[The use will be in conformity with the Land Use Plan or other officially adopted plans.](#)

PRELIMINARY STAFF FINDINGS:

1. AT ITS MAY 6, 2019 MEETING, THE BOC DETERMINED THAT THIS DEVELOPMENT WAS COMPATIBLE WITH THE LAND USE PLAN, MOYOCK SMALL AREA PLAN, AND THE SURROUNDING NEIGHBORHOODS BECAUSE:

- a. THE PROPOSED CONDITIONS FOR THE PROPERTY WILL IMPROVE DRAINAGE PROBLEMS ON THE PROPERTY AND WITH NEARBY RANCLAND SUBDIVISIONS IF IMPROVEMENTS CAN BE MADE TO DRAINAGE SYSTEM ON OFF-SITE PROPERTIES, AND;
- b. THE PDR IS COMPATIBLE WITH EXISTING MOYOCK TOWNSHIP SUBDIVISIONS.

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

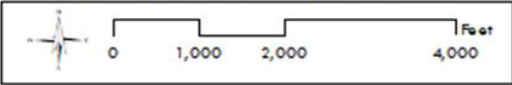
PRELIMINARY STAFF FINDINGS:

1. On December 11, 2019 the Board of Education revised its statement about the school district and determined that this development is entirely within the Shawboro school district. The Superintendent also advised that Shawboro Elementary School has capacity for the 119 elementary students this development is projected to generate, with Phases 1-5 expected to generate 75 of those students, based on the July 9, 2004 Tischler Study Student Generation Rates.
2. The county can provide adequate facilities, including but not limited to fire, emergency services, and law enforcement to serve the development.
3. The following phasing schedule shall be adhered to:

Phase Numbers	Number of Dwelling Units	Projected Recording Date
1	71	October 2020
2	65	April 2021
3	51	October 2021
4	77	April 2022
5	37	October 2022



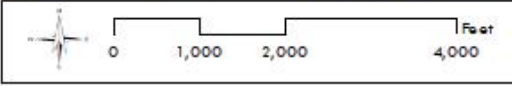
PB 18-23 Fost, Phases 1-5
Preliminary Plat/Use Permit
2016 Aerial Photography



Currituck County
Planning and
Community Development

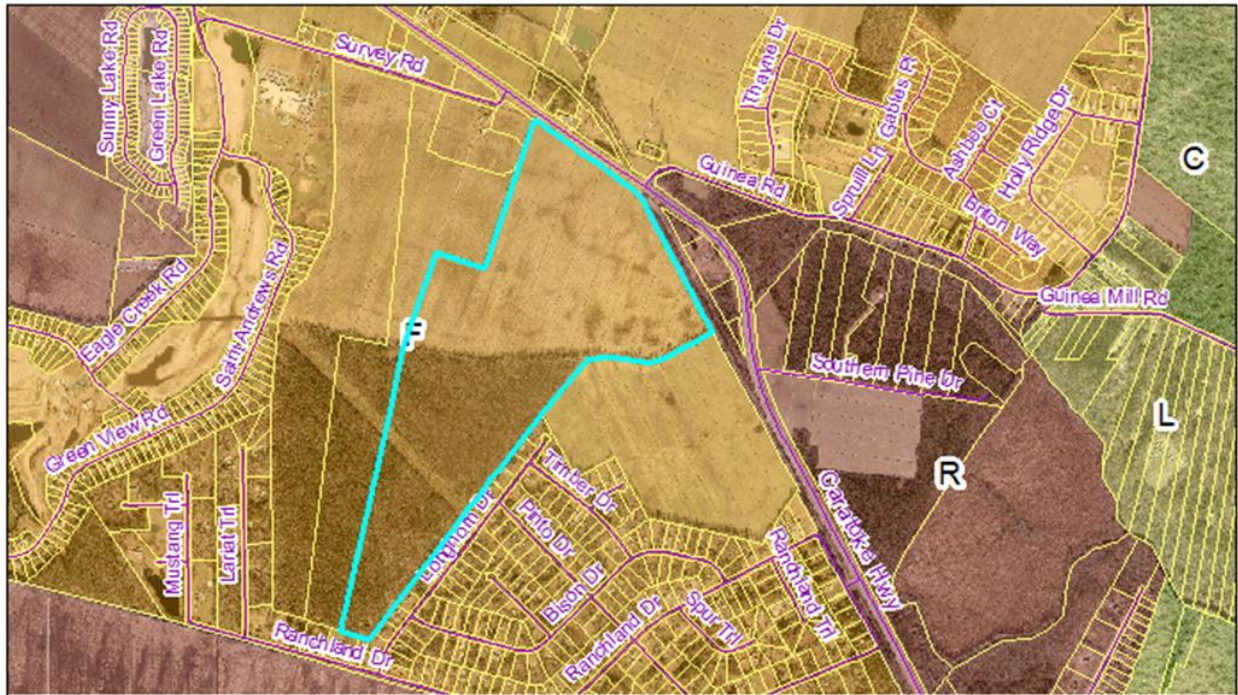


PB 18-23 Fost, Phases 1-5
Preliminary Plat/Use Permit
Zoning

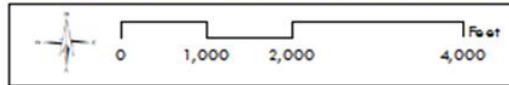


Currituck County
Planning and
Community Development

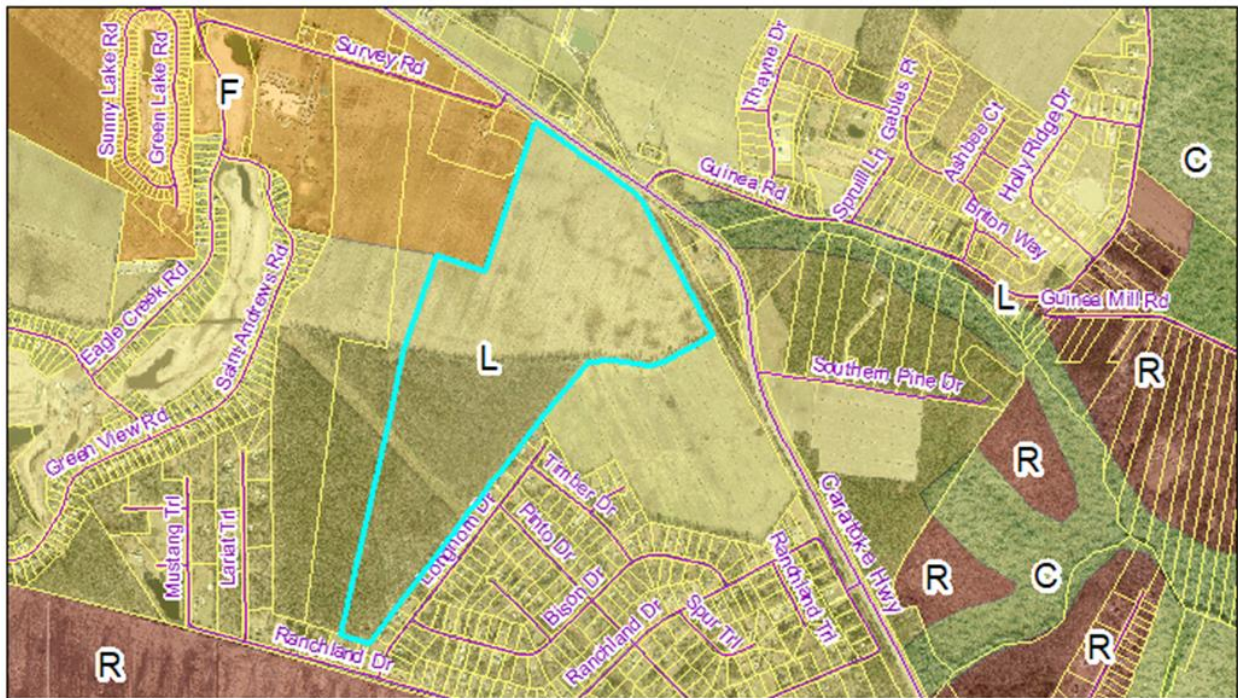
Communication: Minutes for March 15, 2021 (Approval Of Minutes-March 15, 2021)



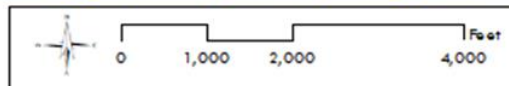
PB 18-23 Fost, Phases 1-5
Preliminary Plat/Use Permit
LUP Classification



Currituck County
Planning and
Community Development



PB 18-23 Fost, Phases 1-5
Preliminary Plat/Use Permit
Moyock SAP Classification



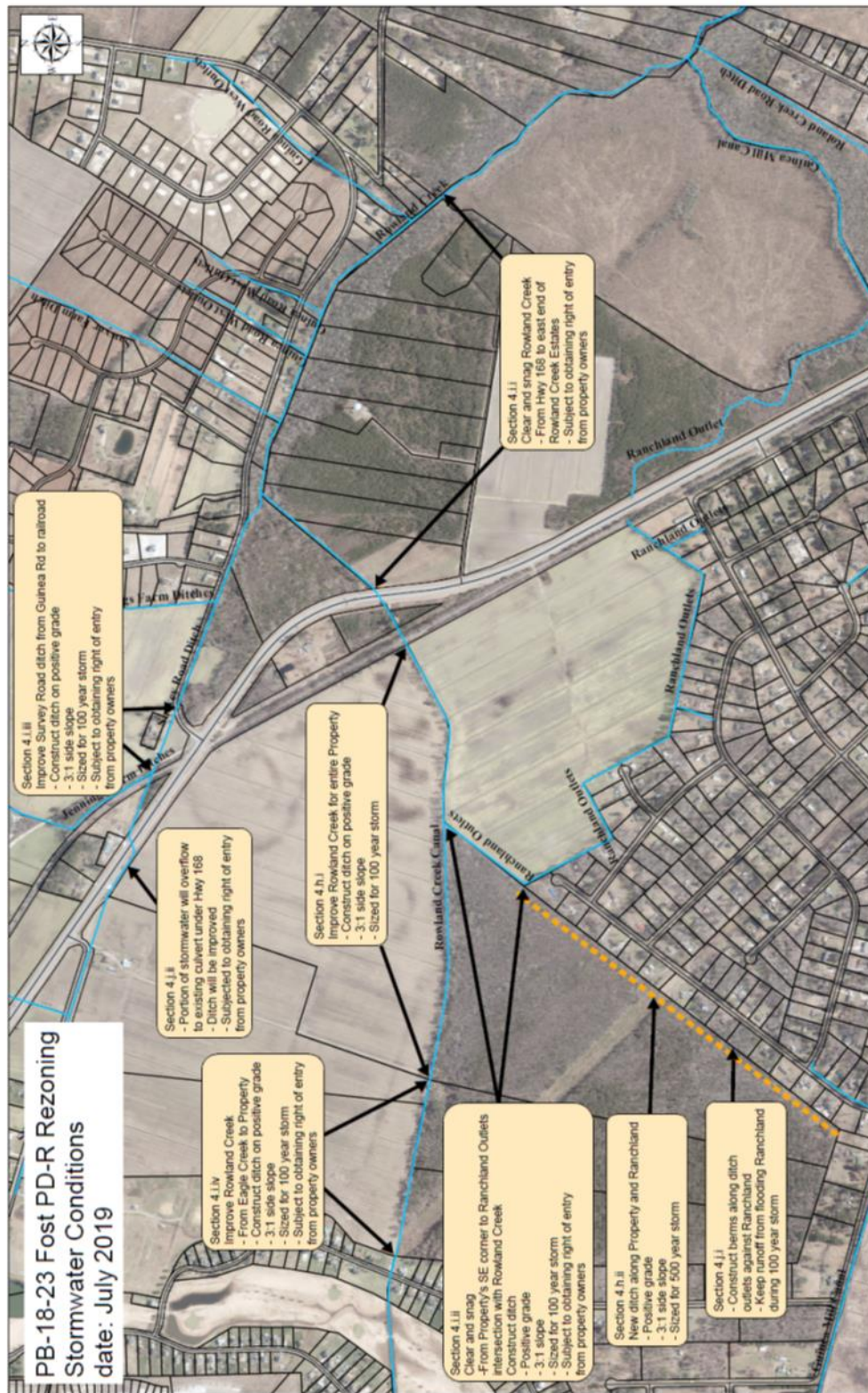
Currituck County
Planning and
Community Development

Communication: Minutes for March 15, 2021 (Approval Of Minutes-March 15, 2021)

Approved Development Standards and Setbacks

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

Communication: Minutes for March 15, 2021 (Approval Of Minutes-March 15, 2021)



Parties to testify were sworn in for the quasi-judicial proceeding and Laurie LoCicero,

Planning and Community Development Director, reviewed the application with the Board. The request follows an earlier zoning amendment to allow connectivity to the neighboring tract and some minor lot-line shifts. Land Use Plan and Moyock Small Area Plan policies were presented to support approval of the request, as recommended by the Technical Review Committee (TRC). TRC conditions and revisions were reviewed.

County Attorney, Ike McRee, provided a statement to acknowledge that an attorney was not in attendance to represent the applicant for the proceeding.

Mark Bissell, Engineer, addressed the Board of Commissioners. Using the overhead, a plat of the subdivision was displayed during a review of the request. Findings of fact were still in place and not affected by the requested revisions. Supporting policies in the Land Use Plan and Moyock Small Area Plan were presented.

Mr. McRee presented information regarding prior sworn testimony and the ability for the Board to consider previous testimony during a quasi-judicial proceeding on the same matter.

When asked, Mr. Bissell described the status of repairs to the Eagle Creek Wastewater Treatment system.

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

Commissioner J. Owen Etheridge moved to approve PB 18-23: Fost, Phases 1-5, Amended Preliminary Plat/Use Permit #2, with staff recommendations because the applicant has demonstrated the proposed use meets the use permit review standards of the Unified Development Ordinance (UDO).

The use will not endanger the public health or safety.

Transportation, potable water, wastewater and stormwater management will be addressed in accordance with the following paragraphs:

1. Transportation: The main subdivision entrance will be connected directly to NC 168. Deceleration and acceleration lanes will be provided in accordance with NCDOT Standards and will be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast (Auction Site) and to the west. Roadways will be laid out generally as shown on the Master Plan and will be in accordance with the approved right-of-way and pavement width characteristics, using the NCDOT complete streets planning manual as a guide. Appropriate access has been made for emergency service vehicles in accordance with applicable standards including the N.C. Fire Code.
2. Potable Water: Water will be supplied by Currituck County via an existing 12" main located on Caratoke Highway, which will be tapped and looped through the site. 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.

3. Wastewater: Centralized wastewater treatment and disposal facility will be provided in accordance with North Carolina Standards and approved by NCDEQ and/or NCDHHS. A private utility, Currituck Water and Sewer Inc., will provide wastewater disposal services via the WWTP in Eagle Creek.
4. Stormwater Management: A major drainage way known as Rowland Creek Canal runs through the development property. Due to the importance of this drainage feature not only to the development but to other properties located both upstream and downstream of this property, the Developer has committed to cleaning and laying back the slopes and stabilizing the portion of Rowland Creek that runs from Eagle Creek Subdivision to the railroad next to NC 168. The Developer has also committed to improving the common property line ditch along Ranchland and the Auction property, and to excavate a new ditch that would be available to Ranchland along the common property line from the Auction site (Pin 002300000070000) to south of the power easement. Subject to obtaining right of entry to other properties, the Developer will also improve the sections of Rowland Creek downstream of the Fost property that require maintenance.

On-site stormwater will be managed by constructing a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater to existing outlets. In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard of the difference between runoff from the 10-year developed condition and runoff from a 2- year wooded condition site, stormwater will be modeled for the 100-year storm without adversely impacting neighboring properties. Implementation of this plan should improve drainage for neighboring properties compared to existing conditions.

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

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

Land use to the west is agricultural, with one dwelling unit located approximately 435 feet from the nearest property line and approximately 565 feet from the nearest structure. Land use to the north, across the railroad and Caratoke Highway is commercial, land to the east is farmland and residential lots, and land to the south is residential lots. Perimeter compatibility is being addressed as follows:

1. To the west: A 50 foot farm buffer is being provided, followed by a 60 foot roadway corridor, so the nearest dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer is also being provided along that property line.
2. To the north (Caratoke Highway): A berm is being provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development will be minimized by setbacks, berms and landscaping.
3. To the east: A 50 foot vegetative farm buffer is being provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland

subdivision. Even though the dwelling types are believed to be compatible, a minimum 50-foot buffer is being provided between the developments.

4. To the south: Compatible residential development is being proposed and a minimum 90-foot open space buffer is shown to the property line.
5. Limited commercial development is proposed to be located interior to the development and will front along the landscaped entrance boulevard.
6. Lot size ratios and density ratios are comparable to other developments that have been approved in the immediate area and in other parts of Moyock.

The applicant is not aware of any adverse impacts on land value in the surrounding area. The applicant anticipates that its proposed stormwater improvements may benefit the property values of the nearby Ranchland community. The Development is anticipated to increase the values of nearby properties by improving existing drainage problems.

The site is adjacent to non-agricultural activities including the Ranchland neighborhood to the south and southeast, and commercial and residential uses to the east. The site is also in close proximity to the Eagle Creek neighborhood. The proposed use is compatible with these adjacent uses and furthers the County's goal of concentrating new residential development in the vicinity of existing residential development. Nearby communities include existing planned communities of 588 lots to the west, a 275-lot subdivision to the east and 426 lots under development to the north of Caratoke Highway, all in the vicinity of the Fost tract. The development is appropriate for the location as it continues existing development patterns in this part of Moyock. Lot area ratios and density ratios are consistent with other developments that have been approved recently nearby and in other parts of Moyock.

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

At its May 6, 2019 meeting, the Board of Commissioners determined that this development was compatible with the Land Use Plan, Moyock Small Area Plan, and the surrounding neighborhoods because:

1. The proposed conditions for the property will improve drainage problems on the property and with nearby Ranchland subdivisions if improvements can be made to drainage system on off-site properties, and;
2. The PDR is compatible with existing Moyock Township subdivisions.

The use will not exceed the county's ability to provide adequate public facilities.

1. On December 11, 2019 the Board of Education revised its statement about the school district and determined that this development is entirely within the Shawboro school district. The Superintendent also advised that Shawboro Elementary School has capacity for the 119 elementary students this development is projected to generate, with Phases 1-5 expected to generate 75 of those students, based on the July 9, 2004 Tischler Study Student Generation Rates.
2. The county can provide adequate facilities, including but not limited to fire, emergency services, and law enforcement to serve the development.

Commissioner J. Owen Etheridge noted the motion shall reference the County Attorney's statement made during the quasi-judicial proceeding pertaining to the judicial

notice that the Board may rely on prior sworn testimony, orders and findings on the same matter.

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

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

NEW BUSINESS

A) Board Appointments

1. Fire and EMS Advisory Knotts Island Representative

Commissioner Beaumont nominated Ed Yamiolkowski to serve as Knotts Island representative on the Fire and Emergency Medical Services Advisory Board. Commissioner White seconded the motion and the nominee was unanimously approved.

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

B) Consent Agenda

Commissioner J. Owen Etheridge moved for approval of the Consent Agenda. Commissioner Mary Etheridge seconded the motion. The motion carried, 7-0.

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

1. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
18609-545000	Contract Services	\$ 2,229	
18390-499900	Appropriated Fund Balance		\$ 2,229
		\$ 2,229	\$ 2,229
Explanation: Hog Bridge Ditch Watershed Service District (18609) - Increase appropriation to clear beaver dams along Hog Bridge Ditch Watershed.			
Net Budget Effect: Hog Bridge Ditch Watershed Service District (18) - Increased by \$2,229.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10800-585009	COA - Capital Funds	\$ 40,914	
10390-499900	Appropriated Fund Balance		\$ 40,914
		\$ 40,914	\$ 40,914
Explanation: College of the Albemarle (10800) - To appropriated fund balance for the College of the Albemarle capital funds for partial payment of cabling for the COA side of the Public Safety Facility.			
Net Budget Effect: Operating Fund (10) - Increased by \$40,914.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10541-545000	Contracted Services	\$ 12,000	
10541-590000	Capital Outlay		\$ 12,000
		\$ 12,000	\$ 12,000
Explanation: Fire Services (10541) - Transfer budgeted funds for in-house technical training. All other training has been cancelled this fiscal year due to COVID.			
Net Budget Effect: Operating Fund (10) - No change.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
220548-516015	Repairs & Maint-KI	\$ 3,500	
220548-536115	Personal Protect Equip-KI		\$ 3,500
		\$ 3,500	\$ 3,500
Explanation: Knotts Island Fire Services (220548) - Transfer budgeted funds for unforeseen repairs to Knotts Island fire apparatus.			
Net Budget Effect: Knotts Island Fire Service District (220) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
50447-590012	Coral Street Walkover 2021	\$ 14,250	
50447-590013	Dolphin Street Walkover 2021	14,250	
50447-590014	Mackeral Street Walkover 2021	14,250	
50390-495015	T F - Occupancy Tax		\$ 42,750
		\$ 42,750	\$ 42,750
Explanation: County Governmental Construction Fund (50) - Increase appropriations for design of Coral, Dolphin and Mackeral Street Walkover replacements.			
Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$42,750.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
50550-592023	Terminal Fencing 36237.8.16.1	\$ 166,537	
50330-448000	State Aide to Airports		\$ 149,871
50390-495010	T F - Operating Fund		16,666
		\$ 166,537	\$ 166,537
Explanation: County Governmental Construction - Airport Projects (50550) - Increase appropriations to record Airport Terminal Fencing project funded by 2018 Airfield Improvements Grant 36237.NPE.18 and 10% local match funded from General fund revenues that are available in the construction fund from prior closed projects.			
Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$166,537.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
220548-516015	Repairs & Maint	\$ 2,000	
220548-516115	Buildings & Grounds	1,000	
220548-514515	Training & Education		\$ 2,000
220548-514000	Travel		1,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>
Explanation:	Knotts Island Fire Services (220548) - Transfer budgeted funds for maintenance on the Knotts Island Fire Station.		
Net Budget Effect: Knotts Island Fire Service District (220) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
12541-554003	Insurance-Moyock	\$ 1,500	
12543-544003	Volunteer Assistance-Moyock		\$ 1,500
		<u>\$ 1,500</u>	<u>\$ 1,500</u>
Explanation:	Moyock Volunteer Fire Services (12543); Volunteer Central Fire Services (12541) - Transfer budgeted funds due to increased insurance premiums.		
Net Budget Effect: Fire Services Fund (12) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10510-503000	Salaries - Part time		\$ 9,000
10510-503500	Salaries - Temporary Services	\$ 9,000	
10510-516200	Vehicle Maintenance & Repair	10,000	
10510-545000	Contract Services	8,000	
10510-506000	Health Insurance Expense		18,000
		<u>\$ 27,000</u>	<u>\$ 27,000</u>
Explanation:	Sheriff (10510) - Transfer budgeted funds for additional temp services, a reduction of part-time salaries and increases in vehicle maintenance for the remainder of this fiscal year.		
Net Budget Effect: Operating Fund (10) - No change.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10420-532000	Supplies	\$ 1,000	
10420-514000	Travel		\$ 1,000
		\$ 1,000	\$ 1,000
Explanation: Governing Body (10420) - Transfer budgeted funds for operating supplies.			
Net Budget Effect: Operating Fund (10) - No change.			

2. Project Ordinance-Beach Walkovers, Design

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

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

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

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

Coral Street - Public Access Walkover	\$ 14,250
Dolphin Street - Public Access Walkover	\$ 14,250
Mackeral Street - Public Access Walkover	\$ 14,250
	<u>\$ 42,750</u>

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

Occupancy Tax	\$ 42,750
	<u>\$ 42,750</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

Communication: Minutes for March 15, 2021 (Approval Of Minutes-March 15, 2021)

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 15th day of March 2021.

3. Sole Source Purchase Resolution-OmniBeacon Remote Monitoring Equipment, Mainland Sewer

COUNTY OF CURRITUCK

RESOLUTION AUTHORIZING THE PURCHASE OF OMNISITE REMOTE MONITORING SOLUTIONS FROM PETE DUTY & ASSOCIATES, INC. THROUGH SOLE SOURCE PURCHASE PURSUANT TO N.C. GEN. STAT. §143-129(e)(6)

WHEREAS, N.C. Gen. Stat. §143-129(e)(6) authorizes a unit of local government to purchase apparatus, supplies, materials or equipment when standardization or compatibility is an overriding consideration; and

WHEREAS, proper functioning of the County's mainland sewer system lift stations requires replacement of OmniBeacon visual alarm monitors and cellular transmitters compatible with existing systems equipment; and

WHEREAS, as the sole and exclusive distributor of OmniSite equipment in the State of North Carolina, Pete Duty & Associates, Inc. is the only entity capable of providing the county with OmniBeacons compatible with current mainland sewer equipment and operational systems, and

WHEREAS, the County's mainland sewer system has been using Pete Duty & Associates, Inc. to construct, develop and upgrade its system; and

WHEREAS, the mainland sewer system needs twelve replacement and two new OmniBeacons and Pete Duty & Associates is supplier of compatible monitors and cellular transmitters; and

WHEREAS, Pete Duty & Associates, Inc. is supplying the County's mainland sewer system with twelve replacement OmniBeacons at a cost of \$515/beacon and two new OmniBeacons at a cost of \$925/beacon; and

WHEREAS, the total cost for the purchase is \$8,030.00.

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

Section 1. The County of Currituck is authorized to enter into a contract in the amount of \$8,030.00 with Pete Duty & Associates, Inc. for the sole source purchase of OmniSite OmniBeacons in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the County Manager is authorized to execute the agreement with Pete Duty & Associates, Inc. for the acquisition apparatus, materials, and equipment acquisition described in this resolution and the proposed contract.

Section 2. This resolution shall be effective upon its adoption.

This the 15th day of March 2021.

4. Report of Unpaid Real Estate Taxes & Order to Advertise Tax Liens

Order to Tax Collector to Advertise Tax Liens

WHEREAS, N.C.G.S. 105-369 requires the County Tax Collector report to the Board of County Commissioner, the total amount of unpaid taxes for the current fiscal year that are a lien on real property; and

WHEREAS, N.C.G.S. 105-369 also requires that upon receipt of the report, the Board of Commissioners must order the Tax Collector to advertise the tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit; and

WHEREAS, the time and content the tax lien advertisement are dictated by N.C.G.S 105-369(c); and

WHEREAS, the report of unpaid taxes for unpaid taxes for the current fiscal year that are a lien on real property has been received;

NOW, THEREFORE BE IT RESOLVED by the Currituck County Board of County Commissioners that the Currituck County Tax Collector is hereby ordered to advertise the tax liens for unpaid taxes for the current fiscal year that are a lien on real property, in accordance with N.C.G.S. 105-369(c).

5. **Job Descriptions and Classification Chart-Assistant to the County Manager, Development Services Director, Planning Director**
6. **Dominion ROW Agreement-Public Safety Center**
7. **T-Mobile Cell Tower Upgrades**
8. **Consideration of Standardized Specs for Fire Apparatus-Engine and Tanker**
- 9) **Approval Of Minutes-March 1, 2021**
 1. **Minutes for March 1, 2021**

WORK SESSION

6:08 PM recess regular meeting to enter work session.

Recess 6:10 PM

Family Subdivisions and Septic in Utility Easements

The Board of Commissioners entered into a Work Session to discuss Utility Easements and Family Subdivisions.

Ben Stikeleather, County Manager, reported a text amendment currently in process has raised concerns for Planning and Community Development staff. The text amendment consists of two parts, one requiring developers to provide the County with access easements to ditching for new subdivisions, and the second prohibits utility infrastructure, such as septic systems, within the easement area. Planning and Community Development Director, Laurie LoCicero, confirmed there have been instances of septic systems being located within the proposed easements, potentially inhibiting the county's ability to perform necessary work. This is more likely to happen in small lot subdivisions. Commissioners discussed options for developing on smaller lots and the text amendment language was reviewed, with major drainageways requiring a 25' setback and smaller drainageways requiring a 10' setback. Current language requires a 50' setback for major

drainageways, and a power point was used to display a map and list of major drainageways as established by Soil and Water Conservation. Subdivision plats were displayed to demonstrate effects of easements on new subdivisions.

Following discussion, Commissioners requested an additional work session to allow County Engineer, Eric Weatherly, to provide an opinion on what setbacks would be appropriate to access ditching. Commissioners asked that maps be utilized for demonstration purposes.

Family Subdivisions, a topic originally addressed at the Commissioners Annual Board Retreat, were discussed. To continue development restrictions while providing an alternative for development of family subdivisions, Commissioner Beaumont suggested establishing a minimum lot size and minimum tract size. Commissioners and staff recognized abuse of the Family Subdivision development, and Ms. LoCicero pointed out road requirements and other changes to the Unified Development Ordinance (UDO) that over time had affected family subdivision development.

Mr. Stikeleather displayed a property on the overhead to demonstrate what development would look like as suggested by Commissioner Beaumont using a 3 acre minimum lot size on an 11 acre parent parcel. Following discussion, Ms. LoCicero recommended the Board consider adding the new language as an option if current requirements cannot be met. Commissioners agreed to leaving the existing language and to add an alternative option to require a minimum 12 acre parent parcel, a 3-acre minimum lot size, and a 10-year sunset on prior subdividing. North Carolina Department of Transportation (NCDOT) road standards would not be required. A maximum of five units, as in current rule, would remain as would family requirements. Staff was directed to bring draft language back to the Board for future consideration.

There was no further discussion and the work session concluded at 7:14 PM.

ADJOURN

Motion to Adjourn Meeting

There was no further business and Commissioner Beaumont moved for adjournment. Commissioner White seconded the motion. The motion carried, 7-0, and the Board of Commissioners regular meeting adjourned at 7:15 PM.

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

Number

TDA2021018

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15448-516000	Repairs & Maintenance	\$ 5,000	
15448-590460	Capital Facility Projects	\$ 95,000	
15320-415000	Occupancy Tax		\$ 100,000
		<u>\$ 100,000</u>	<u>\$ 100,000</u>

Explanation: Occupancy Tax - Whalehead (15448) - Increase appropriations to replace roof on the Historic Boat House, replace a backflow valve and to remove finger piers in the basin.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$95,000

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA_BAs_Apr 5-2021 (TDA Budget Amendments)

Number

TDA2021019

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
15448-503500	Temporary Services			\$	4,870
15448-531000	Gas			\$	1,600
15448-532500	Concessions			\$	9,380
15448-516200	Vehicle Maintenance			\$	1,000
15448-532000	Supplies			\$	3,000
15448-545000	Contracted Services	\$	12,850		
15448-511000	Telephone & Postage	\$	1,000		
15448-516000	Repairs & Maintenance	\$	6,000		
		<u>\$ 19,850</u>		<u>\$ 19,850</u>	

Explanation: Occupancy Tax - Whalehead (15448) - Transfer budgeted funds for operations.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

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Clerk to the Board

Attachment: TDA_BAs_Apr 5-2021 (TDA Budget Amendments)

Number

TDA2021020

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 5th day of April 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-587050	T T - Co Govt Construction	\$ 50,000	
15447-545002	Historic Preservation		\$ 25,000
15447-561000	Professional Services		\$ 25,000
		<u>\$ 50,000</u>	<u>\$ 50,000</u>

Explanation: Occupancy Tax - Tourism Related (15447)- Transfer funds to County Governmental Construction Fund for design to repair/replace siding on the Historic Jarvisburg Colored

Net Budget Effect: Occupancy Tax Fund (15) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA_BAs_Apr 5-2021 (TDA Budget Amendments)