



**Board of Commissioners  
Agenda Packet**

**April 18, 2016**

**Work Session**

4 PM Large Residential Structures

**5:00 Call to Order**

- A) Invocation & Pledge of Allegiance-Reverend Dawne Hollis-Custer, Currituck Charge, United Methodist Church
- B) Approval of Agenda

**Administrative Reports**

- A) **Report to the People-NC Cooperative Extension**
- B) **Moyock Middle School Technology & Design Students-Food Desert Presentation**

**Public Hearings**

- A) **Public Hearing and Action: PB 11-01 Monteray Greens:** Request for a special use permit amendment to increase the height of miniature golf course features as measured from natural grade, located at 810 Ocean Trail in Monteray Shores and Buck Island, Tax Map 116, Parcel 3W and Tax Map 116D, Parcel 3D, Poplar Branch Township.
- B) **Consideration and Action: PB 13-17 Moyock Crossing:** Request for a preliminary plat extension for a 76 lot conservation subdivision located on the north side of Shingle Landing Road, approximately 260 feet east of Fox Lane, and along Shingle Landing Creek, Tax Map 9, Parcel 41, Moyock Township.
- C) **Public Hearing and Action: PB 16-07 Currituck County:** Request to amend Chapter 2 of the Unified Development Ordinance to modify the use permit review procedures.

**New Business**

- A) **Board Appointments**
  - 1. Reappointment of Commissioner Hall to College of the Albemarle Board of Trustees
  - 2. Moyock Watershed Advisory
  - 3. Planning Board
  - 4. Economic Development Advisory
- B) **Consent Agenda**
  - 1. Approval Of Minutes for April 4, 2016
  - 2. Budget Amendments
  - 3. Application to transfer Lottery Funds from Central Elementary Gym Roof and CCMS Auditorium HVAC projects to the MMS Energy Management Upgrades
  - 4. Surplus Resolution-Communications Equipment
  - 5. A Memorandum of Understanding between Currituck County 911 and Pasquotank County 911

6. Adoption of and Authorization for County Manager to Execute License Agreement With Saga Construction and Land Development for Construction of Pedestrian Access in Former Perch Street Right-of-Way
7. Consideration & Approval of Lease Agreement-Probation and Parole Offices
8. Proclamation Declaring General Federation of Women's Club Day

**C) Commissioner's Report**

**D) County Manager's Report**

**Public Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.*

**Adjourn**

**Special Meeting of the Tourism Development Authority**

Budget Amendments

Project Ordinance-Moyock Park

**Adjourn Special Meeting**

Motion to Adjourn



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1514)**

**Agenda Item Title**

4 PM Large Residential Structures

**Brief Description of Agenda Item:**

**Board Action Requested**

Discussion

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Ben Woody



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1513)**

### **Agenda Item Title**

Report to the People-NC Cooperative Extension

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

Cameron Lowe, Director, NC Cooperative Extension, will present the annual Report to the People. The report will include information on programs and services provided through the extension offices and the Currituck County Rural Center.

### **Board Action Requested**

Information

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1517)**

**Agenda Item Title**

Moyock Middle School Technology & Design Students-Food Desert Presentation

**Brief Description of Agenda Item:**

**Board Action Requested**

Information

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1510)**

### **Agenda Item Title**

Public Hearing and Action: PB 11-01 Monteray Greens:

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

Request for a special use permit amendment to increase the height of miniature golf course features as measured from natural grade, located at 810 Ocean Trail in Monteray Shores and Buck Island, Tax Map 116, Parcel 3W and Tax Map 116D, Parcel 3D, Poplar Branch Township.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Susan Tanner, Administrative Assistant

### **Presenter of Agenda Item**

Ben Woody



## Currituck County

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

To: Board of Commissioners  
 From: Planning Staff  
 Date: April 8, 2016  
 Subject: Monteray Greens Special Use Permit – Request for Amendment

### Request

G Holdings is requesting an amendment to PB 11-01 Monteray Greens special use permit to increase the maximum height of site features to 18 feet from natural grade as it existed prior to construction activities.

### Summary

The Board of Commissioners approved the special use permit on March 7, 2011 and included a condition to restrict the maximum height of golf course features.

The site features were built and exceeded the maximum height requirement.

The applicant requested an amendment to the special use permit on February 27, 2012. The table below shows the elevation of the features at that time.

Feature	Existing (Natural) Grade Elevation	Proposed Grade Elevation	Feature Height	Proposed Feature Height Above Natural Grade	As-Built Height Above Natural Grade
Lighthouse	10'	9'	13'	12'	16.1
Rock Cave	5.35'	11'	9'	14.65'	17.25'

The amendment to the special use permit was denied by the Board of Commissioners on March 19, 2012.

The permit condition currently states:

12. Maximum height limit, excluding buildings, shall be 15' from natural grade as it currently exists.

The applicant is requesting that the condition be modified to the following:

12. Maximum height limit, excluding buildings, shall be 18' from natural grade as it currently exists existed prior to construction.



March 24, 2016

Mr. Ben Woody, Planning Director  
Currituck Historic Courthouse  
153 Courthouse Road  
Suite 110  
Currituck, NC 27929

**RE: Corolla Adventure Golf – SUP Amendment Request to Increase Feature Height**

Dear Ben:

Find attached five copies of all Applications, forms, fees, Meeting Minutes and other supporting data required for this SUP amendment request. We held the Community meeting on March 14 and had two public attendees, both of whom were opposed to the original SUP and continue to hold some type of grudge against this use and development. This miniature golf course is the finest outdoor recreational facility in Corolla and probably in all of Currituck County. The facility is very popular with residents and visitors and is a family friendly, alcohol free site.

The SUP feature height limitation of 15' above existing site grades was an arbitrary height that Paul O'Neal asked if we could achieve. It was very tight but we calculated that we could build the course and have the proposed features below this limitation. This condition did not limit the height of the spin zone and ticketing building, nor did it apply to the light posts, only the features such as the cave and lighthouse.

When the facility was constructed, the golf course contractor wasted the materials that were excavated from the water features and ponds and just spread it out over the rest of the site. Unfortunately this caused the cave and lighthouse to exceed the 15' height restriction by less than 3'. We were not successful at that time in receiving a favorable amendment from the BOC. It was so near the season, that the Owners decided to remove the lighthouse roof and cave roof as this was really the only option.

Corolla Adventure Golf – SUP Amendment Request to Increase Feature Height  
March 24, 2016  
Page 2 of 2

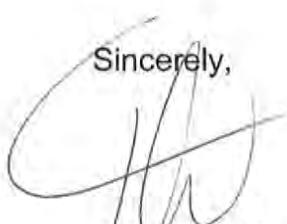
To lower the cave will result in having to pretty much rebuild the entire miniature golf course. The course meets ADA requirements, so lowering one tier of holes requires lowering the next. The owners do not wish to rebuild this entire course and respectfully request a height increase of 5' so that they can restore the course features to their original state. In retrospect, I believe that if I had informed the Commissioner's that we needed 20', I think they would have set our feature height at 20'. I wish now, that I had made that request.

The lighthouse is a replica of the Currituck Light and need to have a roof. The cave area now looks like a canyon and is difficult to light and has blowing water issues from the adjacent waterfall. The original cave roof had internal lighting and protected this area from water spray. By granting this request, we can make the course safer and bring the course features back to their original conditions. This will make this outdoor recreational facility a truly stellar recreational experience for our residents and guests. In light of the fact that a 60' high ropes course was recently approved, I cannot see why this request should not be favorably received.

Please place this on the April 14, 2016 BOC Agenda if possible. I will have a brief Power Point for my presentation that I will forward to you when the time is right. Just let me know.

Happy Easter

Sincerely,



John M. DeLucia, PE  
Principal Engineer

Enc

cc: File



## Use Permit Application

OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Gate Keeper: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

### Contact Information

## APPLICANT:

Name: G Holdings  
 Address: PO Box 120  
 Kitty Hawk, NC 27949  
 Telephone: 252 480-0009  
 E-Mail Address: Beach Mart, Inc. <beachmartinc@gmail.com>

## PROPERTY OWNER:

Name: G Holdings  
 Address: PO Box 120  
 Kitty Hawk, NC 27949  
 Telephone: 252 480-0009  
 E-Mail Address: Beach Mart, Inc. <beachmartinc@gmail.com>

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: \_\_\_\_\_

### Property Information

Physical Street Address: Corolla, 810 Ocean Trail (NC12) and Malia Drive, Poplar Branch Township

Location: Corolla, Ocean Trail (NC12) and Malia Drive, Poplar Branch Township

Parcel Identification Number(s): 0116000003W0000

Total Parcel(s) Acreage: 2.06 Acres

Existing Land Use of Property: Outdoor Recreation Mini Golf &amp; Bumper cars

### Request

Project Name: Monterey Greens (AKA Corolla Adventure Park)

Proposed Use of the Property: Outdoor Recreation

Deed Book/Page Number and/or Plat Cabinet/Slide Number: 1128/923

Total square footage of land disturbance activity: 0

Total lot coverage: 56.5%

Total vehicular use area: 23,753 sf

Existing gross floor area: 7,249 sf

Proposed gross floor area: 7,249 sf

### Community Meeting

Date Meeting Held: Winter 2010  
MARCH 14, 2016Meeting Location: Corolla Sat Offices  
On-Site

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

The applicant requests that the Board of Commissioners amend their existing Conditional Use Permit to allow for features to be increased from 15 feet to 18 feet. (Condition #12). The reason for the request is to allow the lighthouse to have a roof and for the cave structure to be reconstructed to its original condition. The light house with the roof is 1.1 feet above the 15' limit and the cave as originally constructed was 2.25 feet above the 15' limit.

\_\_\_\_\_

\_\_\_\_\_

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.

This is an existing use that has become a very popular attraction for citizens and visitors alike. The existing facility is family friendly and has been in operation since 2012. Granting this amendment will not endanger the public health and safety

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

The use does not injure the values of adjacent properties and is in harmony with the other commercial uses in this area. This use attracts families to the facility and likely to other retail and commercial uses in the vicinity.

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

The use is in conformity with the Land Use Plan

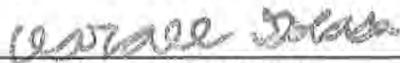
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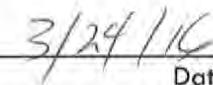
\_\_\_\_\_

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.

This request will not exceed the county's ability to provide adequate public facilities. There are no planned changes in the current use only the request to allow the lighthouse and cave be reconstructed to their original conditions.

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

  
Property Owner(s)/Applicant\*

  
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.



## Meeting Minutes from Public Meeting for Corolla Fun Park SUP Amendment

March 14, 2016 2:00 PM at the Project Site

### Attendees:

Barbara Marzetti	Public Citizen
Dennis Umberger,	Public Citizen
Jennie Turner	Currituck County
Margaux Kerr	Currituck County
Israel Golasa	Owner
Yaniv Dresden	Owner's Representative
John M. DeLucia	Project Engineer

The meeting began at 2:10 pm on the golf course site. John DeLucia explained that the Owner intended to ask the Commissioners to amend their Special Use Permit to allow feature heights to be increased from 15' to 20'. He explained that late in the original construction it was determined that the caves and the lighthouse exceed the 15' limit by 1.1 and 2.3 feet respectively and that the additional height was a contractor's error. He also explained that the removal of the lighthouse roof and the tops of the cave was the only alternative as the season was approaching and rebuilding the entire course was not an option at that time. The original limit of 15' was an arbitrary height established by the BOC and the owner agreed to this height since no features were planned to be above this limit. He pointed out that the building, light poles and landscaping around the site all exceeded the fifteen foot limit. He also indicated that this request was only to allow the roof to be reinstalled on the light house and to reconstruct the cave to its original design. He also indicated that the cave area was experiencing unfavorable conditions with blowing water from the waterfalls and lack of adequate lighting at night. The original cave roof had the necessary lighting and also blocked any blowing water from the waterfalls.

Mr. Umberger stated that he was opposed to this request since the conditions were caused by the owner and he felt that allowing this would set a precedent. He also stated that he might support the lighthouse roof being allowed but not the cave roof.

Meeting Minutes from Public Meeting  
for Corolla Fun Park SUP Amendment  
March 14, 2016, 2:00 PM at the Project Site  
Page 2 of 2

Ms. Marzetti stated that she felt that the contractor who constructed the facility should be held responsible and correct the problem. She too did not seem to support the request due to the president it might set.

Yaniv Dresden discussed that the Owners worked closely with the Community and spent considerable monies to theme the park with Currituck elements to include a replica of the lighthouse, Whalehead Club, fishing village themes and wild horses. He indicated that the facility attracts many locals and visitors and that the park is intended for family members of all ages. The desire to add the roof back to the light house and cave are for both aesthetic and functional purposes. They will also provide a better golf experience if they can be restored to their original design. He also indicated that this height request is well below the 60' that was recently permitted for a Ropes Course slated for northern Corolla. This Park is family friendly and does not allow any alcoholic beverages of any kind on the premise.

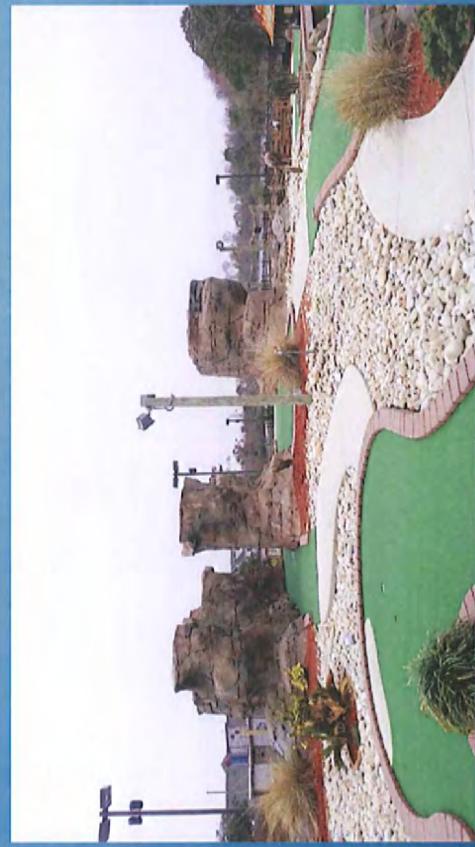
Jennie Turner indicate that she would contact the attendees once we submitted the actual request.

The meeting concluded at approximately 2:45 pm.

Submitted by  
John M. DeLucia, PE



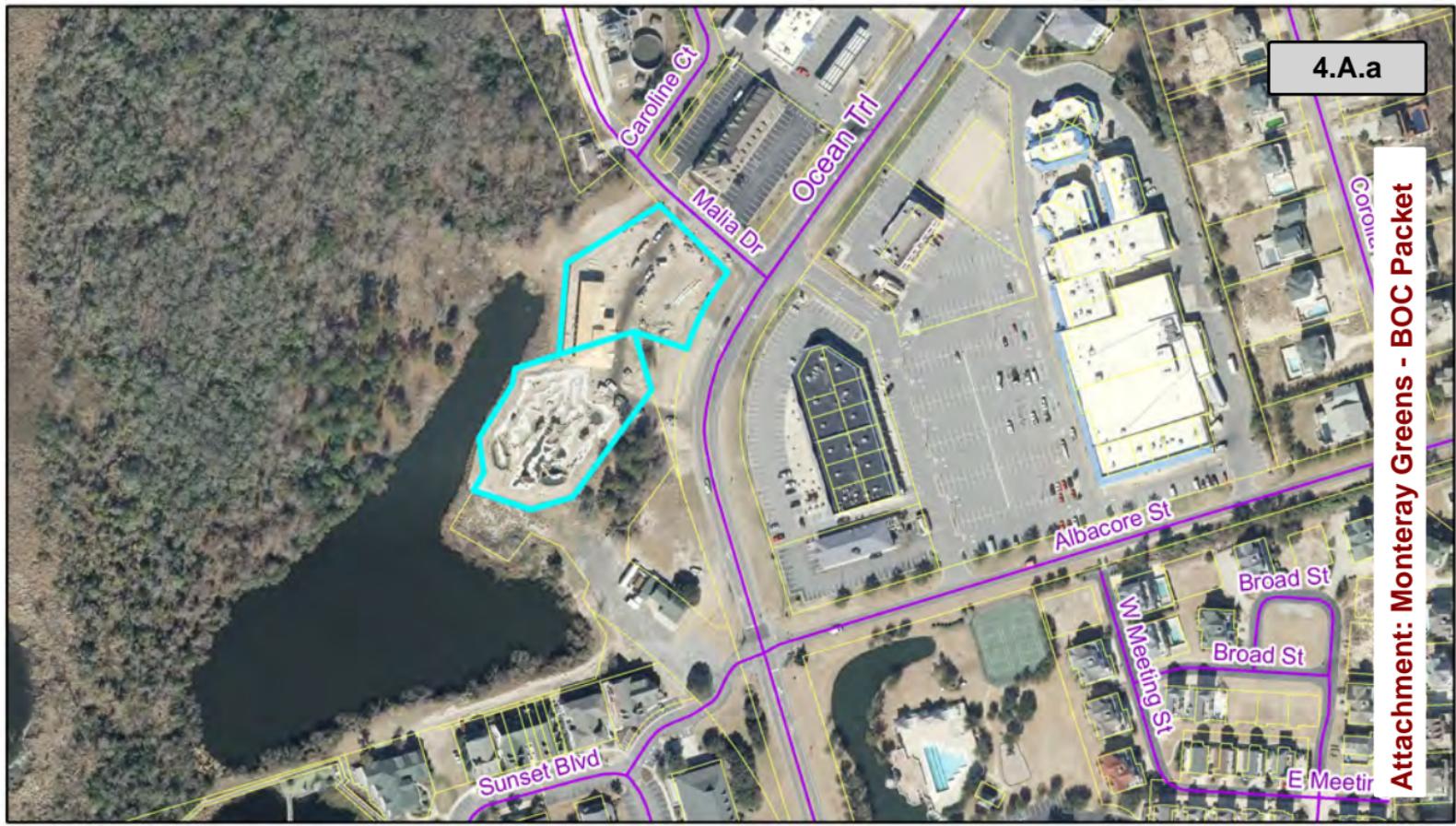




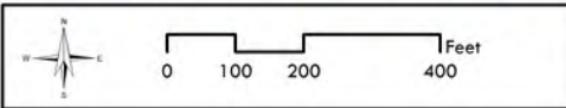


4.A.a

Attachment: Monterey Greens - BOC Packet



PB 11-01 Monterey Greens  
Amended Special Use Permit  
Aerial Photography



Packet Pg. 19

Community Development

Department of Planning  
Post Office Box 70  
Currituck, North Carolina 27929-0070  
Telephone (252) 232-3055 / Fax (252) 232-3026

### **AMENDED SPECIAL USE PERMIT GRANTED**

On the date(s) listed below, the Board of Commissioners for the County of Currituck met and held a public hearing to consider the following application:

Owner/Applicant: G. Holdings  
PO Box 120  
Kitty Hawk, NC 27949

Property Location: Corolla, Ocean Trail (NC12) and Malia Drive, Poplar Branch Township

Project: PB 11-01 Monterey Greens

Proposed Use: Miniature Golf Course and 8-Car Spin Zone

Meeting Dates: February 8, 2011 - Planning Board Recommendation  
March 7, 2011 – Board of Commissioners' Public Hearing/Action  
April 18, 2016 – Board of Commissioners' Public Hearing/Action

Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Currituck County Unified Development Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved subject to all applicable provisions of the Unified Development Ordinance and the following conditions:

- (A) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which is filed in the office of the Planning Department.
- (B) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- (C) This permit shall remain valid so long as the conditions under which it was granted are met.
- (D) Other conditions:

1. The issuance of the special use permit does not constitute site plan approval. The site plan, lighting plan, and landscape plan shall be approved by the technical review committee.
2. The landscape planting shall consist of native, natural vegetation and salt tolerant plants.
3. Low Impact Development techniques such as cisterns that capture the rainwater from the roof, bio-retention areas/rain gardens, and constructed wetlands shall be considered on this site. Water captured in cisterns shall be reused within the development through building design, for maintenance of the building and grounds, in LID techniques such as rain gardens or constructed wetlands, or other uses approved by the county.
4. The county initiated the Corolla Greenway multi-use path along the west side of Ocean Trail. It is anticipated that over time the path will extend the length of Ocean Trail. The dedication of a 20 foot pedestrian easement for the future multi-use path. Should the developer install a portion of the path that is located along Ocean Trail, all state permits and encroachment agreements shall be obtained prior to site plan approval. The design shall be consistent with the Corolla Greenway multi-use path and construction of the path shall be of concrete.
5. The proposed development is located approximately 400 feet from Monterey Pines, a condominium development. The board shall give consideration to establishing hours of operation and/or limiting amplified sound.
6. The development plans shall include preservation of the existing features of the site including topography along NC 12 as well as vegetation.
7. The architectural style and materials of all proposed buildings shall preserve the existing coastal community character of the Currituck Outer Banks. The proposed development shall be established to protect and preserve the existing community in scale, architectural style, materials, landscaping, and site design (emphasis on uniformity and outer banks style architecture, fencing, native, salt tolerant plants. (Full Service LUC)
8. Fencing visible from NC 12, including but not limited to areas located along the NCDOT Controlled Access Right-of-Way, NC DOT property, NC 12, and Malia Drive should be designed in an architectural style and of materials emphasizing the coastal community character of the Currituck Outer Banks. Use of chainlink fencing along these areas shall be prohibited.
9. A soil scientist verify the Seasonal High Water Table since the stormwater design uses infiltration as a means of storage on this site.
10. Carolina Water Service submitted letters of commitment to supply water and wastewater to two of the proposed properties with the following allocation:
  - a. Buck Island parcel – 800 gpd to serve a retail establishment

At this time the county has not received a letter of commitment from Carolina Water transferring the wastewater allocation to Monterey Greens.
11. The use shall close no later than 11:00 p.m.
12. Maximum height limit, excluding buildings, shall be 15' 18' from natural grade as it currently exists existed prior to construction.
13. Existing vegetation shall be preserved adjacent to NC12.

IN WITNESS WHEREOF, the County has caused this permit to be issued in its name, and the property owners/applicants of the property above described, do hereby accept this Amended Special Use Permit together with all its conditions, as binding on them and their successors in interest.

ATTEST:

(Seal)

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Clerk to the Board

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Chairman  
Board of Commissioners

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Date

(NOT VALID UNTIL FULLY EXECUTED)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1509)**

### **Agenda Item Title**

Consideration and Action: PB 13-17 Moyock Crossing:

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

Request for a preliminary plat extension for a 76 lot conservation subdivision located on the north side of Shingle Landing Road, approximately 260 feet east of Fox Lane, and along Shingle Landing Creek, Tax Map 9, Parcel 41, Moyock Township.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Susan Tanner, Administrative Assistant

### **Presenter of Agenda Item**

Ben Woody



## Currituck County

Planning and Community Development Department  
*Planning and Zoning 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: April 6, 2016  
Subject: Moyock Crossing, Preliminary Plat Extension

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On April 21, 2014, the Board of Commissioners voted to approve the preliminary plat/use permit for Moyock Crossing. This is a conservation subdivision consisting of 76 residential lots located on Shingle Landing Road; east of Fox Lane and south of Shingle Landing subdivision. The construction drawings were approved on January 21, 2016 and remain valid and in effect as long as the preliminary plat remains valid. The preliminary plat approval is due to expire on April 21, 2016.

On April 5, 2016 the developer, David M. Gianascoli – Gee's Group, submitted a request for preliminary plat extension of the subdivision citing construction delays with the redesign of the sewer line extension (see attached). The developer has proceeded with construction in good faith and anticipates the site work to be complete and ready for home construction by August, 2016.

In accordance with the UDO Section 2.4.8.E., the Board of Commissioners may grant a two year extension of the preliminary plat one time for good cause.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1476)**

### **Agenda Item Title**

Public Hearing and Action: PB 16-07 Currituck County:

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

Request to amend Chapter 2 of the Unified Development Ordinance to modify the use permit review procedures.

### **Planning Board Recommendation:**

Mr. Craddock moved to approve PB 16-07 because it is consistent with the goals, objectives, and policies of the Land Use Plan, specifically it allows the Board to properly (and legally) distribute development forms in accordance with the suitability of land, infrastructure, available and the compatibility of surrounding land uses with the following change:

- Section 2.2.3.B (c) coincide with the language of the Rule of Procedures.

Ms. Bell seconded the motion and motion carried.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Donna Voliva,

### **Presenter of Agenda Item**

Ben Woody



## Currituck County

Planning and Community Development Department  
*Planning and Zoning 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: April 6, 2016  
 Subject: PB 16-07 Currituck County Use Permit Procedures

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On behalf of the Board of Commissioners, Currituck Planning & Community Development submits this request to amend to the Unified Development Ordinance to modify the use permit review procedures.

The current Unified Development Ordinance requires the Planning Board to act as the advisory body to review and make a recommendation on a use permit application. Recently, the UNC School of Government has identified this method of review for a quasi-judicial decision as a potential legal risk. The decision making body for a use permit is the Board of Commissioners. The board making the quasi-judicial decision must conduct an evidentiary hearing and make a decision on the basis of competent, substantial, and material evidence that is presented to the decision making board (Board of Commissioners). The BOC may not consider hearsay testimony, opinions from non-expert witnesses, or evidence not presented at the hearing when making a quasi-judicial decision. Information provided at the Planning Board meeting that cannot be cross-examined, could present legal issues.

In order to address this potential legal concern, the BOC directed planning staff to prepare a text amendment that would remove the advisory body review and recommendation (Planning Board) from the use permit process. The Planning Board will continue to make recommendations on text amendments, zoning map amendments, conditional rezonings, planned developments, and development agreements. In addition, the Planning Board can focus more on planning issues referenced in the UDO and NCGS.

Staff recommends approval of this request as it:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan, specifically it allows the Board to properly (and legally) distribute development forms in accordance with the suitability of land, infrastructure, available and the compatibility of surrounding land uses (Goal 10).
2. Is reasonable and in the public interest because the proposed amendment will allow for constitutional due process whereby the board will make a quasi-judicial decision based

on competent, substantial, and material evidence presented during the evidentiary hearing.

Planning Board Recommendation:

Mr. Craddock moved to approve PB 16-07 because it is consistent with the goals, objectives, and policies of the Land Use Plan, specifically it allows the Board to properly (and legally) distribute development forms in accordance with the suitability of land, infrastructure, available and the compatibility of surrounding land uses with the following change:

1. Section 2.2.3.B (c) coincide with the language of the Rule of Procedures.

Ms. Bell seconded the motion and motion carried.

**Planning Board Discussion (3/8/16)**

Ms. Bell said she is concerned that this takes an opportunity away from the applicant to present their case twice. Ms. Bell said the planning board gives good feedback which helps them to prepare before they go to the Board of Commissioners. Ms. Bell does understand why this text amendment is being proposed.

Mr. Woody said with use permits the county attorney is going to start pressing for more formality. The applicant may have to hire an attorney, appraiser or engineer to come to one meeting vs. two. Mr. Woody said with a use permit the applicant is required to have a community meeting to inform the public.

Ms. Voliva said staff is seeing more effort on the applicant/developer to have more than one community meeting.

Mr. Cooper said he sees the reason for the text amendment, but doesn't like the public getting one less public meeting.

Mr. Woody said it may be to convert some of the use permits, if they need a public hearing, to conditional zoning.

Mr. Cartwright asked staff to look into this. Mr. Cooper opened the public hearing. Mr. Elliott said he opposes this text amendment. He feels the planning board does give the public a chance to present their case and take comments from the board to prepare for the BOC.

Mr. Cooper said if the planning board recommendation is completely useless to the BOC; is it still worth the planning board going through the process for the public and applicant. Maybe their time could be spent to identify topics for discussion.

Mr. Craddock moved to approve PB 16-07 because it is consistent with the goals, objectives, and policies of the Land Use Plan, specifically it allows the Board to properly (and legally) distribute development forms in accordance with the suitability of land, infrastructure, available and the compatibility of surrounding land uses with the following change:

1. Section 2.2.3.B (c) coincide with the language of the Rule of Procedures.  
Ms. Bell seconded the motion and motion carried.

PB 16-07

## CURRITUCK COUNTY

Amendment to the Unified Development Ordinance Chapter 2. Administration, to modify the review process for use permits.

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 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

## 2.1. DEVELOPMENT REVIEW SUMMARY TABLE

Table 2.1, Development Review Procedures, identifies the advisory and decision-making bodies responsible for making recommendations or decisions on development applications reviewed under this Ordinance. The table also identifies the development applications requiring a public hearing.

TABLE 2.1: DEVELOPMENT REVIEW PROCEDURES

D = DECIDE      R = RECOMMENDATION      A = APPEAL      <> = PUBLIC HEARING

PROCEDURE	ADVISORY AND DECISION-MAKING BODIES				
	BOARD OF COMMISSIONERS	PLANNING BOARD	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR
<b>AMENDMENTS</b>					
Text Amendment	<D>	R			R
Zoning Map Amendment	<D>	R			R
Conditional Rezoning	<D>	R		R	
Planned Development	<D>	R		R	
<b>DISCRETIONARY REVIEW</b>					
Use Permit [1]	<D>	R		R	
<b>SITE DEVELOPMENT</b>					
Site Plan					
Major Site Plan				D	
Minor Site Plan					D
Subdivision					
Major Subdivision					

Preliminary Plat, Type 1				D	
Preliminary Plat, Type II	<D>	R		R	
Construction Drawings				D	
Final Plat				D	
Minor Subdivision					D

PERMITS					
Zoning Compliance Permit					D
[2]					
Sign Permit					D
Temporary Use Permit				R	D
Floodplain Development Permit					D
Clear-Cutting Permit					D

TABLE 2.1: DEVELOPMENT REVIEW PROCEDURES

D = DECIDE      R = RECOMMENDATION      A = APPEAL      <> = PUBLIC HEARING

PROCEDURE	ADVISORY AND DECISION-MAKING BODIES				
	BOARD OF COMMISSIONERS	PLANNING BOARD	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR
RELIEF					
Variance			<D>		R
Administrative Adjustment					D
[3]					
Interpretation					D
Appeal [14]			<D>		
DEVELOPMENT AGREEMENT					
Development Agreement	<D>	<R>		R	

## NOTES:

[1] This is the renamed special use permit.

[2] This is the renamed zoning permit procedure.

[3] This procedure is a broadened version of the administrative variance procedure.

[14] Appeals of decisions by the Board of Commissioners or the Board of Adjustment are heard by the Superior Court for Currituck County.

## 2.2. ADVISORY AND DECISION-MAKING BODIES

### 2.2.1. Generally

- A. The following bodies and county staff have powers and responsibilities in administering and reviewing development applications under this Ordinance:
  - (1) Board of Commissioners;
  - (2) Planning Board;
  - (3) Board of Adjustment;
  - (4) Technical Review Committee; and
  - (5) Planning Director.
- B. In addition to the advisory and decision-making bodies identified in this section, there are other county agencies departments, or officials who may review and comment on specific application types during the review process as specified in the Administrative Manual.

### 2.2.2. Board of Commissioners

#### A. Powers and Duties

To exercise the authority granted the Board of Commissioners by state law, the Board shall have the following powers and duties under this Ordinance:

##### (1) Application Review and Decision

To initiate, review, and decide applications for the following:

- (a) Text amendments;
- (b) Zoning map amendments;
- (c) Conditional rezonings;
- (d) Planned developments;
- (e) Use permits;
- (f) Type II preliminary plats (for major subdivisions); and
- (g) Development agreements.

##### (2) Schedule of Fees and Civil Penalties

To approve, by resolution, a schedule of fees governing applications for permits and other development approvals reviewed under this Ordinance and civil penalties for violations of this Ordinance.

**(3) Other Actions**

To take any other action not delegated to the Planning Board, Board of Adjustment, Technical Review Committee, Planning Director, or County Engineering, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

### **2.2.3. Planning Board**

The Planning Board is hereby established in accordance with Section 153A-321 of the North Carolina General Statutes.

#### **A. Powers and Duties**

The Planning Board shall have the following powers and duties:

**(1) Recommendation Authority**

To review and make recommendations to the Board of Commissioners on the following:

- (a) Text amendments;
- (b) Zoning map amendments.
- (c) Conditional rezonings;
- (d) Planned developments; and
- (e) Use permits;
- (f) Type II preliminary plats (for major subdivisions); and
- (g) Development agreements;

**(2) Make Studies and Recommendations**

To make studies and recommendations for the Board of Commissioners regarding growth, development, and redevelopment in the county.

**(3) Other Powers and Duties**

To carry out any other powers and duties delegated to it by the Board of Commissioners, consistent with state law.

**B. Membership, Appointment, and Terms of Office****(1) General**

- (a) The Planning Board shall consist of a total of nine regular members appointed by the Board of Commissioners. Each County Commissioner may appoint one member from any electoral district in the county. The remaining two members shall be designated as at-large appointees by the entire Board of Commissioners. One shall reside on the mainland. The other shall reside on the Outer Banks.
- (b) Planning Board members shall reside within the county. A change in residence to a location outside the county shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed.
- (c) Planning Board members shall be appointed for three-year, staggered terms, and shall continue to serve until their successors are appointed.
- (d) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

**(2) Chair and Vice-Chair**

- (a) At its first meeting in January of each year, the Planning Board shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term.
- (b) The Chair shall preside over all meetings. The Vice-Chair shall preside over meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Planning Board shall vote to determine who shall serve as acting Chair for the meeting.

**C. Staff**

The Planning Director shall serve as the professional staff liaison to the Planning Board and provide it with administrative support.

## D. Meetings

### (1) Schedule

The Planning Board shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

### (2) Official Record

- (a) The Planning Board shall keep a record of its recommendations, transactions, findings, and determinations.
- (b) The record shall be a public record.

### (3) Publication of Notice

Notice of all Planning Board meetings shall be provided in accordance with state law and the public hearing requirements in Section 2.3.6, Public Hearing Scheduling and Public Notification.

### (4) Open to the Public

All meetings shall be open to the public.

## E. Quorum and Necessary Vote

### (1) Quorum

Five members of the Planning Board shall constitute a quorum. No official business of the Planning Board shall be conducted without a quorum present.

### (2) Voting

An affirmative vote of a majority of members present constituting a quorum is required for all decisions of the Planning Board.

## F. Removal from Office

Planning Board members may be removed by the Board of Commissioners at any time for:

- (1) Failure to attend three consecutive meetings;
- (2) Failure to attend 30 percent or more of the meetings within any 12-month period; or

- (3) Any other good cause related to performance of duties.

#### G. Rules of Procedure

The Planning Board shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Planning and Community Development Department.

#### H. Advisory Committees

- (1) The Board of Commissioners may appoint one or more individuals to sit as an advisory committee and assist the Planning Board in carrying out its planning responsibilities with respect to a particular subject area.
- (2) Members of an advisory committee shall sit as non-voting members of the Planning Board when such issues are being considered.

**Item 2:** That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

### **2.4.6. Use Permit**

#### A. Purpose

A use requiring a use permit in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish a mechanism to review these kinds of uses to ensure they are appropriate for a particular zoning district.

#### B. Applicability

The following forms of development shall obtain use permit approval in accordance with the standards in this section:

- (1) Uses identified as requiring use permits in Table 4.1.1, Summary Use Table, or Table 4.3.2.E, Table of Common Accessory Uses;

- (2) Type II preliminary plats;
- (3) Type I preliminary plats when one or more public facilities are at 85 percent or more of maximum capacity; and
- (4) Commercial structures exceeding 5,000 square feet in area proposed outside a Full Service area.

### C. Use Permit Procedure

- (1) **Pre-Application Conference**  
Applicable (see Section 2.3.2).
- (2) **Community Meeting**  
Applicable (see Section 2.3.3).
- (3) **Application Submittal and Acceptance**  
Applicable (see Section 2.3.4).
- (4) **Staff Review and Action**  
Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.6.D, Use Permit Review Standards.
- (5) **Public Hearing Scheduling and Public Notification**  
Applicable (see Section 2.3.6).
- (6) **Public Hearing Procedures**  
Applicable (see section 2.3.7).
- (7) **Advisory Body Review and Recommendation**
  - (a) ~~Not Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.6.D, Use Permit Review Standards.~~
  - (b) ~~During its review of the application, the Planning Board may propose conditions of approval in accordance with Section 2.3.11, Conditions of Approval.~~

## (8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a quasi-judicial public hearing (see Section 2.3.8.C), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.6.D, Use Permit Review Standards. The decision shall be the one of the following:

- (i) Adoption of the use permit;
- (ii) Adoption of the use permit subject to conditions of approval; or
- (iii) Denial of the use permit; or
- (iv) ~~Remand of the use permit application back to the Planning Board for further consideration.~~

(b) The Board of Commissioners may attach additional conditions of approval, including timing limits on residential building lots or units available for occupancy, to assure adequate public facilities remain sufficient to serve the development.

(c) Any conditions of approval shall meet or exceed the minimum requirements of this Ordinance.

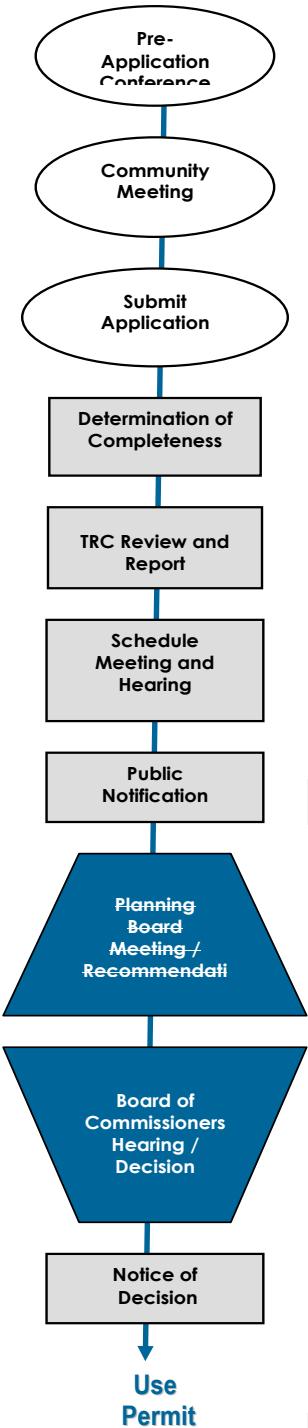
## D. Use Permit Review Standards

A use permit shall be approved on a finding the applicant demonstrates the proposed use will:

- (1) Not endanger the public health or safety;
- (2) Not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located;
- (3) Be in conformity with the Land Use Plan or other officially adopted plan.
- (4) 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.

## E. Effect of Development Approval

Applicable (see Section 2.3.13).



**F. Amendment of Development Approval**

Applicable (see Section 2.3.14).

**G. Expiration of Development Approval**

A use permit shall automatically expire if any of the following is not obtained within two years of the date of use permit approval:

- (1) A building permit;
- (2) If a building permit is not required, establishment of the use; or
- (3) Submittal of a complete application for approval of a final plat, if the use requires approval of a preliminary plat.

**Item 3:** That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

**E. Major Subdivision****(1) Overview****(a) In General**

- (i) Development of a major subdivision requires approval of a preliminary plat (type I or type II), a use permit (if applicable), construction drawings, and then a final plat.
- (ii) The Planning Director may allow concurrent submittal of a preliminary and final plat in cases where no public improvements are required, or concurrent submittal of a preliminary plat and construction drawings where public improvements are required.

- (iii) Minor subdivision lots shall be included when calculating the acreage and total number of lots for a major subdivision when:
  - (A) The minor subdivision lots are created from the same parent parcel or parcels of land proposed for a major subdivision; and
  - (B) The preliminary plat is submitted within five years from the date in which the minor subdivision was approved.

**(b) Preliminary Plat**

- (i) The preliminary plat is a detailed plan that shows the general organization, layout, and phasing (if appropriate) of the subdivision. It does not have to include all design details. It is expected to be modified as more detailed planning and engineering are completed on the site.
- (ii) There are two types of preliminary plats, a type I and a type II. A type I preliminary plat is required for a subdivision creating 20 or fewer lots, and is reviewed and decided upon by the TRC. Approval of a type II preliminary plat (see Section 2.4.8.E.3) by the Board of Commissions is required for subdivisions of 21 or more lots.
- (iii) Type I preliminary plats do not require concurrent approval of a use permit unless one or more of the
- (iv) If phasing is proposed, it should generally be included in the preliminary plat, even though review may be waived until the final plat stage. Proposed land uses and land use mixes shall be identified in the phasing.

**(c) Construction Drawings**

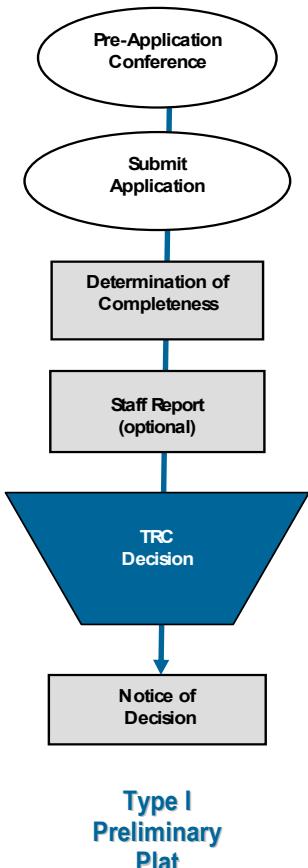
Construction drawings are the detailed, engineered drawings showing individual lots and all the information necessary to install required public improvements. The construction drawings are combined with the preliminary plat to prepare the final plat.

**(d) Final Plat**

- (i) The final plat shall be in substantial conformance with the preliminary plat and construction drawings, and include only minor deviations created by final engineering, surveying, or other minor design enhancements. Major changes (e.g., increase in the number of lots, reduction in the amount of open space, significant change in the location of streets, etc.) at final plat stage may, at the discretion of the Planning Director, require re-review of the preliminary plat.
- (ii) All construction of on-site improvements on the land subject to the final plat shall be in accordance with the final plat and engineering. Final engineering may be modified in the field, provided as-built drawings are submitted. As-built drawings must be reviewed by the Technical Review Committee. If unacceptable, the work must be corrected at the developer's expense, prior to accepting improvements and return of any surety.
- (iii) Lots not meeting the standards of this Ordinance shall be considered in violation of this Ordinance and all development stopped until revised plats meeting the standards of this Ordinance are submitted and approved in accordance with this section. All final plats must be in accordance with applicable state law.

**(2) Type I Preliminary Plat Procedure**

- (a) **Pre-Application Conference**  
Applicable (see Section 2.3.2).
- (b) **Community Meeting**  
Not applicable.
- (c) **Application Submittal and Acceptance**
  - (i) Applicable (see Section 2.3.4). An application for a type I preliminary plat shall also include an application for a use permit where one or more public facilities are within 85 percent of the maximum capacity (see Section 2.4.6, Use Permit).
  - (ii) Construction drawings may be submitted, at the applicant's option, concurrently with a type I preliminary plat application.
- (d) **Staff Review and Action**  
Applicable (see Section 2.3.5). The Technical Review Committee shall decide an application for a type I preliminary plat in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.E.4.a, Preliminary Plat Review Standards.
- (e) **Public Hearing Scheduling and Public Notification**  
Not applicable (unless a use permit is required).
- (f) **Public Hearing Procedures**  
Not applicable (unless a use permit is required).
- (g) **Advisory Body Review and Recommendation**  
Not applicable unless a use permit is required. When a use permit is required, the Planning Board, following a public meeting, shall make a recommendation on the application in accordance with the standards in Section 2.3.9, Advisory Body Review and Recommendation, Section 2.4.8.E.4.a,



Preliminary Plat Review Standards, and Section 2.4.6.D, Use Permit Review Standards.

**(h) Decision-Making Body Review and Decision**

Not applicable unless a use permit is required.

(1) When a use permit is required, the Board of Commissioners, following a quasi-judicial public hearing (Section 2.3.8.C), shall decide the application in accordance with the standards in Section 2.3.10, Decision-Making Body Review and Decision, Section 2.4.8.E.4.a, Preliminary Plat Review Standards and Section 2.4.6.D, Use Permit Review Standards.

(2) The Board of Commissioners may place limitations on the timing and extent of new development in accordance with Section 6.6, Adequate Public Facility Standards.

**(3) Type II Preliminary Plat / Use Permit Procedure**

**(a) Pre-Application Conference**

Applicable (see Section 2.3.2).

**(b) Community Meeting**

Applicable for plats of 50 lots or more (see Section 2.3.3).

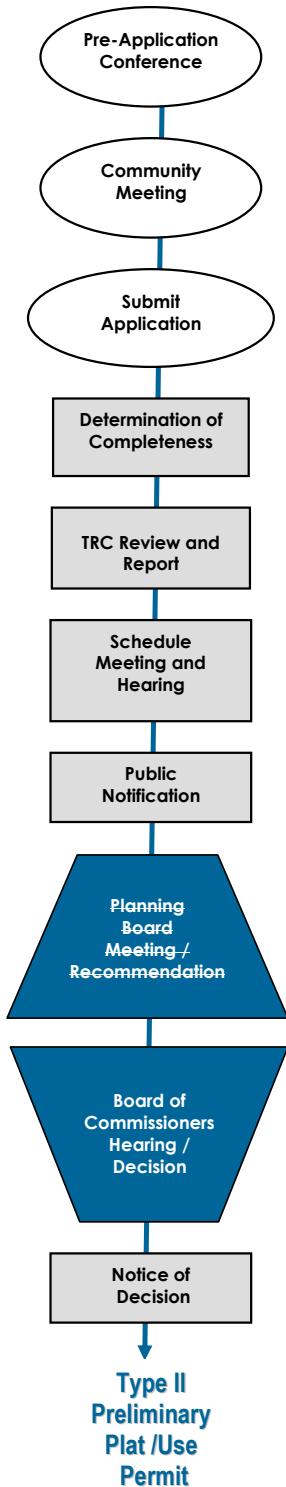
**(c) Application Submittal and Acceptance**

(i) Applicable (see Section 2.3.4). An application for a type II preliminary plat shall also include an application for a use permit (see Section 2.4.6, Use Permit).

(ii) Construction drawings may be submitted concurrently with a type II preliminary plat application, at the applicant's option.

**(d) Staff Review and Action**

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation on the



application in accordance with Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Use Permit Review Standards.

- (e) **Public Hearing Scheduling and Public Notification**  
Applicable (see Section 2.3.6).
- (f) **Public Hearing Procedures**  
Applicable (see Section 2.3.8).
- (g) **Advisory Body Review and Recommendation**  
~~Not Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with the standards in Section 2.3.9, Advisory Body Review and Recommendation, Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Use Permit Review Standards.~~
- (h) **Decision-Making Body Review and Decision**
  - (i) Applicable (see Section 2.3.10). The Board of Commissioners, following a quasi-judicial public hearing (Section 2.3.8.C), shall decide the application in accordance with the standards in Section 2.3.10, Decision-Making Body Review and Decision, Section 2.4.8.E.4.a, Preliminary Plat Review Standards and Section 2.4.6.D, Use Permit Review Standards.
  - (ii) The Board of Commissioners may place limitations on the timing and extent of new development in accordance with Section 6.6, Adequate Public Facility Standards.

(4) **Preliminary Plat Standards, Effect, Amendment, and Expiration**

(a) **Preliminary Plat Review Standards**

An application for a type I or type II preliminary plat shall be approved only upon a finding the applicant demonstrates the preliminary plat complies with:

- (i) All applicable standards in Chapter 6: Subdivision and Infrastructure Standards, and other applicable standards in this Ordinance;
- (ii) The standards in 2.4.6.D, Use Permit Standards, if applicable;
- (iii) The Currituck County Stormwater Manual;
- (iv) All standards or conditions of any prior applicable development permits and approvals; and
- (v) All other applicable requirements in the County Code of Ordinances.

**(b) Effect of Development Approval**

Approval of a type I or type II preliminary plat authorizes:

- (i) The submittal of construction drawings for the subdivision or an approved phase of the subdivision, in accordance with this section; or
- (ii) Review and decision on construction drawings by the Technical Review Committee, if submitted concurrently with the preliminary plat application.

**(c) Amendment of Development Approval**

Applicable (see Section 2.3.14).

**(d) Expiration of Development Approval**

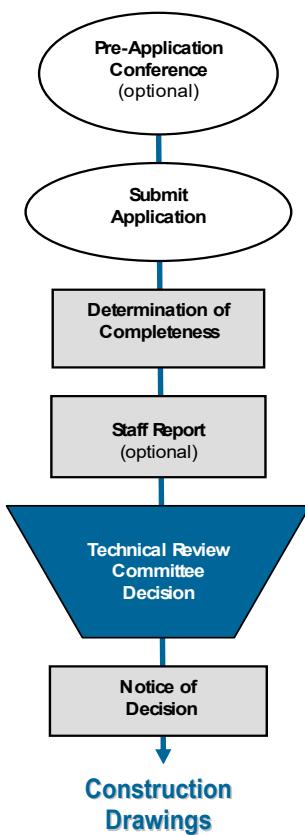
- (i) Approval of a type I or type II preliminary plat shall automatically expire if a complete application for approval of a final plat is not submitted within two years after the date of approval of the type I or type II preliminary plat.
- (ii) A subdivider may submit no more than one request for a two-year extension for consideration by the Board of Commissioners prior to the initial expiration. The Board of Commissioners may grant a request for extension for good cause.

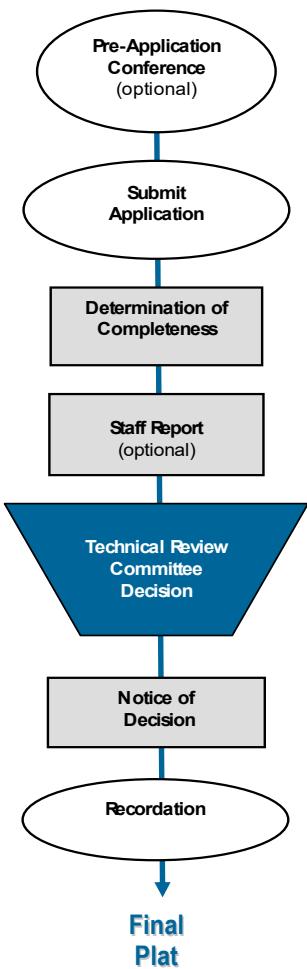
(5) **Construction Drawings Procedure**

- (a) **Pre-Application Conference**  
Optional (see Section 2.3.2).
- (b) **Community Meeting**  
Not applicable.
- (c) **Application Submittal and Acceptance**  
Applicable (see Section 2.3.4).
- (d) **Staff Review and Action**  
Applicable (see Section 2.3.5). The Technical Review Committee shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.E.5.b, Construction Drawing Review Standards.
- (e) **Public Hearing Scheduling and Public Notification**  
Not applicable.
- (f) **Public Hearing Procedures**  
Not applicable.
- (g) **Advisory Body Review and Recommendation**  
Not applicable.
- (h) **Decision-Making Body Review and Decision**  
Not applicable.

(6) **Construction Drawing Standards, Effect, Amendment, and Expiration**

- (a) **Construction Drawing Review Standards**  
Construction drawings shall be approved only on a finding the applicant demonstrates the drawings comply with:
  - (i) The applicable standards in Chapter 6: Subdivision and Infrastructure Standards and





all other applicable standards in this Ordinance;

- (ii) All standards or conditions of any prior applicable development permits and approvals;
- (iii) Sound engineering and construction practices;
- (iv) The Currituck County Stormwater Manual; and
- (v) All other applicable requirements in the County Code of Ordinances.

**(b) Effect of Development Approval**

- (i) Approval of construction drawings authorizes the submittal of an application for approval of a final plat for the subdivision in accordance with this section.
- (ii) Failure to obtain approval of construction drawings prior to the start of the construction of public improvements shall be a violation of this Ordinance and automatically renders the preliminary plat null and void.

**(c) Amendment of Development Approval**

Applicable (see Section 2.3.14)

**(d) Expiration of Development Approval**

Construction drawings shall remain valid and in effect as long as the preliminary plat with which they are associated remains valid.

**(7) Final Plat Procedure**

**(a) Pre-Application Conference**

Optional (see Section 2.3.2).

**(b) Community Meeting**

Not applicable.

**(c) Application Submittal and Acceptance**

Applicable (see Section 2.3.4).

(d) **Staff Review and Action**  
Applicable (see Section 2.3.5). The Technical Review Committee shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.E.6.b, Final Plat Review Standards.

(e) **Public Hearing Scheduling and Public Notification**  
Not applicable.

(f) **Public Hearing Procedures**  
Not applicable.

(g) **Advisory Body Review and Recommendation**  
Not applicable.

(h) **Decision-Making Body Review and Decision**  
Not applicable.

(8) **Final Plat Standards, Infrastructure, Effect, Amendment, and Expiration**

(a) **Final Plat Review Standards**  
A final plat shall be approved only on a finding the applicant demonstrates the following:

- (i) The final plat is in substantial conformance with the preliminary plat and construction drawings, Chapter 6: Subdivision and Infrastructure Standards, and all other applicable standards in this Ordinance;
- (ii) The final plat includes the entire area approved for construction on preliminary plat (by phase); and
- (iii) All required improvements depicted on the preliminary plat and final plat are installed or subject to a performance guarantee (see Section 6.3).

(b) **Acceptance of Public Infrastructure**

- (i) The subdivider shall retain responsibility for public infrastructure until maintenance responsibility is accepted by NCDOT, a homeowner or property owners association, or the county, as appropriate.
- (ii) Approval of a final plat shall not constitute acceptance by the county or other public agency of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the county or other public agency may, to the extent of its statutory authority, accept such offer of dedication by resolution of the governing body or by actually exercising control over and maintaining such facilities.

(c) **Effect of Development Approval**

Approval of a final plat allows the sale or conveyance of lots within the subdivision.

(d) **Amendment of Development Approval**

Lot sizes may be varied on an approved final plat after recording, provided that:

- (i) No lot or tract shall be created or sold that is smaller than the size shown on the approved plat;
- (ii) Drainage easements shall not be changed;
- (iii) Right-of-ways shall not be changed;
- (iv) Street alignment and block sizes shall not be changed;
- (v) The rear portion of lots shall not be subdivided from the front portion; and
- (vi) The character of the preliminary plat shall be maintained.

(e) **Expiration of Development Approval**

A final plat shall be recorded with the Currituck County Register of Deeds within 90 days of approval, or it shall be null and void.

**Item 4:** That Chapter 2: Administration is amended by adding the following underlined language and deleting the struck-through language:

TABLE 2.3.6.A: REQUIRED PUBLIC HEARINGS		
L =Legislative Public Hearing	Q = Quasi-Judicial Public Hearing	
APPLICATION TYPE	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Text Amendment [1]	L	
Zoning Map Amendment [1]	L	
Conditional Rezoning [1]	L	
Planned Development [1]	L	
Type II Preliminary Plat for Major Subdivision [1]	Q	
Use Permit [1]	Q	
Variance		Q
Appeal		Q
Development Agreement [1]	L	

**NOTES:**

[1] The Planning Board conducts a public meeting prior to consideration by the Board of Commissioners, but the public meeting with the Planning Board is not a public hearing.

**Item 5:** 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 6:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Board of Commissioners' Chairman

Attest:

\_\_\_\_\_  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_  
\*\*\*\*\*  
PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1524)**

### **Agenda Item Title**

Reappointment of Commissioner Hall to College of the Albemarle Board of Trustees

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

### **Planning Board Recommendation:**

Commissioner Hall's term on the COA Board of Trustees is to expire in June, 2016, after fulfilling the unexpired term of former Commissioner Martin. Please see the letter in the agenda packet submitted by Dr. Kandi Deitemeyer, COA President.

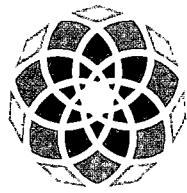
### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**



COLLEGE OF  
THE  
ALBEMARLE

Transform Your Tomorrow

Office of the President  
Kandi W. Deitemeyer, Ed.D.

March 29, 2016

David Griggs, Chairman  
Currituck County Board of Commissioners  
153 Courthouse Road, Suite 204  
Currituck, NC 27929

Dear Mr. Griggs:

Mike Hall's term on College of The Albemarle's Board of Trustees will expire on June 30, 2016, as he was filling the unexpired term of Paul Martin. Since being appointed, Mike has served on the Buildings and Grounds Committee.

The college's Board of Trustees meets every other month and since his official appointment in October of 2015, Mike has attended every meeting. The Buildings and Grounds Committee follows a similar schedule of meeting every other month and Mike has been a consistent attendee of those meetings, as well.

Mike Hall has been an engaged member of our board serving on behalf of Currituck County. As the Currituck County Board of Commissioners determines the appointment, we look forward to hearing of your decision.

Thank you for your time and consideration.

Sincerely,

Kandi W. Deitemeyer, Ed.D.  
President  
College of The Albemarle

CAMDEN • CHOWAN • CURRITUCK • DARE • GATES • PASQUOTANK • PERQUIMANS

**Dare County Campus**  
132 Russell Twiford Road  
205 S. Business Highway 64/264  
Manteo, NC 27954  
252-473-2264

**Edenton-Chowan Campus**  
800 North Oakum Street  
Edenton, NC 27932  
252-482-7900

**Elizabeth City Campus**  
1208 North Road Street  
Elizabeth City, NC 27909  
252-335-0821

**Regional Aviation and  
Technical Training Center**  
107 College Way  
Barco, NC 27917  
252-473-2264

**Packet Pg. 52**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1525)**

### **Agenda Item Title**

Moyock Watershed Advisory

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

There is one vacancy remaining on the Moyock Watershed Advisory Board. Mr. Steven Vick, Sr., a resident of Creekside Estates, Moyock, has been recommended for nomination to fill the remaining seat on the board.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**

MOYOCK WATERSHED ADVISORY BOARD  
2-YEAR TERMS

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
W. Charles Eley	Consensus			October 19, 2015	1st Term October 2017
Cindy Arthur	Consensus			October 19, 2015	1st Term October 2017
David M. Plageman	Consensus			October 19, 2015	1st Term October 2017
Wende Shannon	Consensus			October 19, 2015	1st Term October 2017
Ryan Hudgins	Consensus			October 19, 2015	1st Term October 2017
Peggy Lusk	Consensus			November 2, 2015	1st Term October 2017
<b>VACANT</b>	Consensus				

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



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1520)**

### **Agenda Item Title**

Planning Board

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

Commissioner O'Neal has a nomination for a vacancy on the Planning Board. Commissioner O'Neal's initial appointee was unable to accept the nomination. The new member will serve a full term ending December 2017.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**

PLANNING BOARD  
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Mike Cason	District 1		Vance Aydlett	January 5, 2014	1st Term 12/31/2016
Steven Craddock	District 2		David Griggs	January 2013	1st Term 12/31/2016
John Cooper	District 3		Mike Payment	January 2012	2nd Term 12/31/2016
Daniel Cartwright	District 4		Paul Beaumont	January 2012	2nd Term 12/31/2016
Carol Bell	District 5		Marion Gilbert	January 4, 2016	2nd Term 12/31/2017
Fred Whiteman	At-Large		Mike Hall	January 2012	1st Term 12/31/2016
<b>VACANT</b>	At-Large		Paul O'Neal	February 2016	1st Term 12/31/2017
Jane Overstreet	Outer Banks		Consensus	December 2013	1st Term 12/31/2016
Robert Bell	Mainland		Consensus	January 5, 2015 January 2012	2nd Term 12/31/2016

**Resignation-Needs replacement member**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1521)**

**Agenda Item Title**

Economic Development Advisory

**Brief Description of Agenda Item:**

Consensus appointment needed for vacancy. Member will serve a full term ending March 2018.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

**ECONOMIC DEVELOPMENT ADVISORY BOARD**  
2 Year Terms

<b>Incumbent</b>	<b>R or NR</b>	<b>Nominated by</b>	<b>New Appointee</b>	<b>Nominated by</b>	<b>Date of Appointment</b>	<b>End of Term</b>
Martha Burns		District 1		Vance Aydlett	3/21/2016 3/17/14	2nd March 2018
Ray Griggs		District 2		David Griggs	3/21/2016 3/17/14	2nd March 2018
Al Marzetti		District 3		Mike Payment	4/7/14 4/6/2016	1st March 2016 2nd March 2018
Greg Laput		District 4		Paul Beaumont	4/7/2014 3/21/2016	1st March 2016 2nd March 2018
Eldon Miller, III		District 5		Marion Gilbert	8/17/15	1st March 2017
Barbara Courtney		At-Large		Mike Hall	8/17/15	2nd March 2017
Sam Miller		At-Large		Paul O'Neal	10/5/15	2nd March 2017
<b>VACANT</b>		Consensus		Consensus	1/5/15	Unexpired Term March 2016
John Harris		Consensus		Consensus	10/20/14 3/21/16	1st March 2016 2nd March 2018
Roger Lambertson		Consensus		Consensus	1/6/16	2nd March 2017
Keith Hall		Consensus		Consensus	10/5/15	2nd March 2017

**Vacancy-Needs appointment for full term, expiring March 2018.**

R=Resident NR=Non-resident



**CURRITUCK COUNTY  
NORTH CAROLINA**

April 4, 2016  
Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

**1. 4 PM Outdoor Tour Operators**

The Currituck County Board of Commissioners held a work session at 4 PM in the Conference Room of the Historic Courthouse to discuss possible changes to the ordinance regulating Outdoor Tour Operators. Chairman David Griggs and Commissioners Paul O'Neal, Marion Gilbert, Paul Beaumont, Mike Hall and Mike Payment were present. Commissioner Aydlett did not attend. Planning and Community Development Director Ben Woody used a powerpoint to review feedback gathered from citizen and tour operator meetings and recommendations proposed by Commissioners during their January 2016 retreat. Mr. Woody reviewed the current ordinance as it pertains to horse tour operator licensing, permitting and fee requirements. Recommendations the Board agreed to move forward with included instituting a county provided driver training program, modification and clarification of language in the ordinance relating to stopping in roadways and impeding traffic, and requiring better markings for identification of vehicles. The Board chose not to increase fees, currently set at \$1,000 per vehicle, or set tour routes at this time. Commissioner O'Neal suggested that tour operators lessen their footprint, as they are victims of their own success and property owners in the four-wheel drive area are being watchful. The Board suggested designating a specific contact and providing that information to citizens for reporting violations or filing complaints.

**5:00 CALL TO ORDER**

The Currituck County Board of Commissioners met at 5 PM in the Historic Courthouse for its regular meeting. Chairman Griggs called the meeting to order.

Attendee Name	Title	Status	Arrived
David L. Griggs	Board Chairman	Present	
O. Vance Aydlett	Vice Chairman	Absent	
S. Paul O'Neal	Commissioner	Present	
Paul M. Beaumont	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Mike H. Payment	Commissioner	Present	

Chairman Griggs announced the earlier work session to discuss horse tour ordinance amendments.

**A) Invocation & Pledge of Allegiance-Bishop Emma Jones, Living Word Ministries**

Bishop Emma Jones, Living Word Ministries, led the Pledge of Allegiance and gave the Invocation.

**B) Approval of Agenda**

Chairman Griggs amended the agenda removing item 5, Third Amendment to the Tower Lease Agreement, under Consent Agenda. Commissioner O'Neal moved to approve as amended. Commissioner Gilbert seconded and the motion carried unanimously.

Approved agenda:

**Work Session**

4 PM Outdoor Tour Operators

**5:00 Call to Order**

- A) Invocation & Pledge of Allegiance-Bishop Emma Jones, Living Word Ministries
- B) Approval of Agenda

**Administrative Reports**

- A) Monitor National Marine Sanctuary Boundary Expansion-Will Sassorossi, Maritime Archaeologist, NOAA

**Public Hearings**

- A) **Public Hearing and Action: PB 16-03 Countryside Estates:** Request for preliminary plat/use permit for a 62 lot residential subdivision in Moyock off Caratoke Highway, Tax Map 9, Parcel 79B, Moyock Township.
- B) **Public Hearing and Action: PB 16-04 Ecoplexus (Goose Creek):** Request a conditional rezoning from General Business (GB) to Conditional District-Agricultural (C- AG) for the purpose of a solar array, located at the eastern portion of the former Goose Creek Golf Course, Tax Map 108, Parcel 95F, Poplar Branch Township.
- C) **Public Hearing and Action: PB 15-25 Grandy Solar Farm:** Request for a use permit for a solar array located along the north side of Uncle Graham Road (former Goose Creek Golf Course), Tax Map 108 Parcel 95E, Poplar Branch Township.
- D) **Public Hearing and Action: PB 16-01 Guinea Mine:** Request for a use permit to operate a 9.5 acre sand mine at Tax Map 15, Parcels 34 and 35 in the Moyock Township.
- E) **Public Hearing and Action: PB 16-02 Jimmy Lewis Automobile Sales:** Request for a use permit for automobile sales at Tax Map 108, Parcel 94F, Poplar Branch Mainland Township.

**Old Business**

- A) **Consideration and Action: PB 14-16 Lake View at Currituck Development Agreement Amendment:** Request to amend the development agreement between Currituck County and Survey Road, LLC for property located in Moyock on Survey Road west of the intersection with Caratoke Highway, Tax Map 15, Parcels 83A, 83B, 83C, 83D, and 83E, Moyock Township.
- B) **Consideration and Action: PB 07-10 Lake View at Currituck:** Request to

amend the sketch (master) plan, preliminary plat, and use permit to allow 13 additional residential lots in the planned unit development located off Survey Road in Moyock, Tax Map 15, Parcels 83A, 83B, 83C, 83D, and 83E, Moyock Township.

**New Business**

**A) Board Appointments**

1. Planning Board
2. Economic Development Advisory Board

**B) Consent Agenda**

1. Approval Of Minutes from March 21, 2016
2. Moyock Volunteer Fire Department Purchase-Approval Request
3. Budget Amendments
4. A Resolution Condemning the Action of the North Carolina Marine Fisheries Commission to Use the Supplement Process to Restrict Southern Flounder
5. ~~Third Amendment to Tower Lease Agreement 734 Ocean Trail~~ ***Agenda was amended and this item was removed from Consent Agenda.***

**C) Commissioner's Report**

**D)**

County

Manager's Report

**Public**

**Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.*

**Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	S. Paul O'Neal, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman

**ADMINISTRATIVE REPORTS**

**A. Monitor National Marine Sanctuary Boundary Expansion-Will Sassarossi, Maritime Archaeologist, NOAA**

Will Sassarossi was unable to attend. David Alberg, Superintendent of the Monitor National Marine Sanctuary appeared instead to provide an update from a previous visit in the fall where he discussed the possible expansion of the Monitor National Marine Sanctuary. Mr. Alberg said the notice of intent and public comment period had been completed and National Oceanic and Atmospheric Administration (NOAA) will begin review and make recommendations regarding expansion. His primary goal tonight was to extend an invitation to visit their Newport News facility so they might explain the program in more detail. Mr. Alberg stated their area of concern is the protection of artifacts, with no imposed regulations on diving or fishing. He explained the proposed expansions and possible addition of other shipwrecks from World War II that could be included. He said Dare County opposed expansion due to their experience with the park service and creeping jurisdiction possibly opening the door for further restrictions and impacts on fishing. Mr. Alberg said he hopes

both Dare and Currituck would take time to review the proposition. Commissioner O'Neal expressed his skepticism, referencing the fight we are in with Marine Fisheries and their regulations. Mr. Alberg said he hopes to have the opportunity to address the Board's skepticism in a positive way. Mr. Alberg said consideration is only in federal waters now, and Chairman Griggs, although also skeptical, said the county may benefit by providing input now.

The Board and Mr. Alberg discussed the possibility of a work session to gather more information and Mr. Alberg welcomed the opportunity.

## PUBLIC HEARINGS

### A. Public Hearing and Action: PB 16-03 Countryside Estates:

Parties were sworn in and Chairman Griggs opened the Public Hearing. Ben Woody, Planning and Community Development Director, presented the case using a powerpoint.

## APPLICATION SUMMARY

### Property Owner:

Countryside Estates, LLC  
1492 South Independence Blvd.  
Virginia Beach, VA 23462

### Applicant:

Countryside Estates, LLC  
1492 South Independence Blvd.  
Virginia Beach, VA 23462

### Case Number:

PB 16-03

**Application Type:** Major Subdivision, Preliminary Plat/Use Permit (Type II)

### Parcel Identification Number:

0009-000-079B-0000

### Existing Use:

Undeveloped

**Land Use Plan Classification:** Full Service

**Moyock Small Area Plan:** Full Service

**Parcel Size (Acres):** 55.67 acres

**Number of Units:** 62 residential lots

**Project Density:** 1.1 units/acre

**Required Open Space:** 16.7 acres (30%)

**Provided Open Space:** 19.91 acres (35%)

## SURROUNDING PARCELS

	Land Use	Zoning
North	Residential	AG and GB
South	Farmland	GB and MXR
East	Undeveloped	GB
West	Farmland	AG

## STAFF ANALYSIS

- After the initial submittal, the applicant requested the preliminary plat be reviewed under the UDO text amendment approved by the BOC on January 19, 2016. Staff commentary is

provided in italics below to address the recent text amendment.

- The applicant is requesting preliminary plat/use permit approval of a 62 lot residential subdivision. The property is conditionally zoned C-MXR and contains the following conditions:
  - Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that will front on 50' public streets. All lots will be served by public water and sanitary sewage.
  - The development will be in conformance with the attached land plan for Countryside Estates.
  - The 50' vegetated farmland buffer shall be dedicated on the adjacent property to the south owned by Currituck F & W Land Company, LLC as an easement (recorded document).
  - In the event the property to the south (N/F Currituck F & W Land Co., Inc.) remains in active cultivation at the time of final plat approval for Countryside Estates, the farmland buffer and 50' easement on the Currituck F & W Land Co., Inc. property shall be recorded.
- The applicant does propose deviations from the approved conceptual development plan. The UDO allows minor deviations provided they are limited to changes addressing technical considerations that could not reasonably be anticipated during the conditional zoning classification process, or any other change that has no material effect on the character of the approved development. The changes are as follows:
  - Slight shift in proposed lots, trail, and stormwater infrastructure (lots 53, 54, and 55).
  - Removal of the trail around the wetlands located on the western side of the property. A continuous sidewalk and trail system is proposed within the development. The applicant is recommending this change in order to reduce the potential environmental impacts adjacent to the wetlands.
- A payment in lieu of recreation and park area dedication will be accepted for this proposed development since the offer of dedication (1.58 acres) does not provide adequate opportunities for on-site recreation and park areas. The recreation and park needs of the subdivision can be better met by site development outside of the subdivision but within the immediate area of the subdivision. Based on the current tax value of the property, the required payment in lieu of recreation and park area dedication for 62 lots is \$45,178.
- The application was reviewed under the current UDO, as amended.

## INFRASTRUCTURE

WATER	PUBLIC
SEWER	PUBLIC
TRANSPORTATION DEVELOPMENT.	PEDESTRIAN: A COMBINATION OF SIDEWALKS AND TRAILS THROUGHOUT THE

CONNECTIVITY SCORE: 1.1 CONSIDERATION GIVEN FOR PROVIDING 3 INTERNAL ACCESS POINTS TO ADJACENT PROPERTIES. DUE TO THE WETLANDS AND DEVELOPED PROPERTIES THE DEVELOPMENT IS MEETING THE UDO AS REASONABLY PRACTICAL.

STORMWATER/DRAINAGE	CURB AND GUTTER WITH STORMWATER PONDS
SCHOOLS	ELEMENTARY STUDENTS GENERATED: 15 STUDENTS (159)
	MIDDLE SCHOOL STUDENTS GENERATED: 4 STUDENTS (251)
	HIGH SCHOOL STUDENTS GENERATED: 8 STUDENTS (89)

RECREATION AND PARK AREA DEDICATION 1.58 ACRES - PAYMENT IN LIEU OF DEDICATION WILL BE ACCEPTED IN THE AMOUNT OF \$45,178.

RIPARIAN BUFFERS 30' RIPARIAN BUFFER IS REQUIRED ADJACENT TO ALL 404 JURISDICTIONAL WETLANDS

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends adoption of the use permit and approval of the preliminary plat subject to the following conditions of approval:

1. The application complies with all applicable review standards of the UDO provided the following items are addressed:

- a. Walkways located within Zone 1 of the riparian buffer shall be of wood construction.
- b. ~~The northern ditch located along the North Point lot boundary is considered US Army Corps of Engineers 404 jurisdictional wetlands. The preliminary plat shall delineate the riparian buffer zones (zones 1 and 2) located on this tract and proposed lots. Staff commentary: The northern ditch is considered man made and is not subject to the riparian buffer.~~
- c. ~~The proposed 25' Type A bufferyard along the northern property boundary appears to be located within Zone 1 (undisturbed) of the riparian buffer (northern ditch). In order to meet the requirements of the UDO for both the perimeter buffer requirements and the riparian buffer requirements it is suggested that the 25' Type A bufferyard be shifted south to meet the 30' undisturbed requirement of the UDO. Staff commentary: The northern ditch is considered man made and is not subject to the riparian buffer. A Type B bufferyard is now required along the adjacent property line.~~
- d. Site triangles shall be identified at property lines.
- e. A deceleration lane is required on Caratoke Highway for the proposed subdivision. The lane will be located along the road frontage of N/F John W. Whitehurst, Jr. (PIN 000800000070000) and is currently undeveloped with existing access points on Caratoke Highway. NCDOT has identified two options for the developer.
  - i. Option 1 (NCDOT preferred) install the deceleration lane on Caratoke Highway and a new entrance for the lot on the internal subdivision street. A recorded agreement between Countryside Estates, LLC and John W. Whitehurst, Jr. securing the access on the internal Countryside Estates road.
  - ii. Option 2: Leave the existing access points on Caratoke Highway and when the Whitehurst property is developed in the future a new driveway permit would be required for a change in use.
- f. The community meeting notes indicate that the community had concerns about drainage and the developer mentions de-mucking the property line ditch as a possible solution if necessary. The plans and narrative do not indicate any work being done to this property line ditch. We do recognize that details of the drainage design are not required to be shown on the plans until construction drawing submittal. The following are proposed conditions of approval:
  - i. It appears that North Point subdivision has three drainage outlets through this parcel. Design of the subdivision shall accommodate the drainage for North Point.
  - ii. North Point's drainage shall not be routed through this subdivision's stormwater system.
  - iii. The property line ditch shall be graded to accommodate any revised/re-routed outlets through Countryside.
  - iv. If any portion of this subdivision is proposed to drain to this property line ditch, it will be considered part of the stormwater system and will fall subject to the UDO section 7.3.4.6.: the existing ditch "shall be cleaned to remove drainage impediments."
  - v. The design and proposed maintenance plan of this North Point outlet drainage shall be to the satisfaction of the County Engineer.
- g. The plat shall contain a note that indicates the designated needed fire flow for the subdivision. No construction may occur where the needed fire flow is greater than the available flow at the site.
- h. *The riparian buffer Zone 1 shall be illustrated as 30' (undisturbed) in all areas adjacent of wetlands, excluding the man made ditches.*
- i. *Sidewalks shall be a minimum of 5' in width and trails and pathways shall be a minimum of 8' in width.*

2. The applicant demonstrates 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:
  - a. Plan corrections shall be submitted prior to issuance of the use permit.
  - b. The construction plans shall indicate a vehicle turning radius for the entrance road to ensure adequate area is provided for large trucks, including emergency vehicles.
  - c. Prior to construction drawing approval, the written agreement between Countryside Estates, LLC and John W. Whitehurst, Jr. shall be provided to the county. Prior to final plat approval, the agreement or deed of easement shall be recorded providing access to the John W. Whitehurst, Jr. and N/F Calvary Temple Church property through Homestead Lane.
  - d. The proposed construction drawing shall provide the following:

- i. Design of the subdivision shall accommodate the drainage for North Point.
- ii. North Point's drainage shall not be routed through this subdivisions stormwater system.
- iii. The property line ditch shall be graded to accommodate any revised/re-routed outlets through Countryside.
- iv. If any portion of this subdivision is proposed to drain to this property line ditch, it will be considered part of the stormwater system and will fall subject to the UDO section 7.3.4.6.: the existing ditch "shall be cleaned to remove drainage impediments."
- v. The design and proposed maintenance plan of this North Point outlet drainage shall be to the satisfaction of the County Engineer.
- e. A sidewalk connection to Caratoke Highway shall be provided. (MSAP Policy TR1 and TR2).

#### 4. Planning Board

Mr. Craddock moved to approve PB 16-03 as presented due to the use will not endanger the public health or safety; the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located; the use will be in conformity with the Land Use Plan; the use will not exceed the county's ability to provide adequate public facilities; and Technical Review Committee conditions of approval A-E. Mr. Bell seconded the motion and motion carried unanimously.

#### 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. To ensure public health and safety this subdivision will be designed to meet NCDOT standards for roadways.
- 2. Stormwater management and erosion and sediment control will meet all applicable NCDEQ standards.
- 3. State and county design standards will be followed with regards to utilities, fire protection, etc.

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

##### Preliminary Applicant Findings:

- 1. The project, a 62 lot subdivision under MXR zoning will be the same character as the adjacent properties.
- 2. To the North is the North Point subdivision consisting of 74 residential lots.
- 3. To the south, the property is zoned MXR and GB indicating plans for future residential use.
- 4. This subdivision will accommodate major drainage conveyance from the existing North Point subdivision.

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

##### Preliminary Applicant Findings:

- 1. The use is in conformity with the land use plan or other officially adopted plans as it has not changed in character, use, or size form the approved rezoning plan.
- 2. The proposed subdivision will meet the required MXR design standards regarding lot coverage, open space, etc. set forth in the Currituck County UDO.

#### Relevant MSAP and 2006 LUP Policies:

- 1. 2006 LUP POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

2. 2006 LUP POLICY WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the northern beaches of the Outer Banks.
3. MSAP Policy FLU 1: Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.
4. MSAP Policy TR 1: Design future transportation improvements that are consistent with Complete Streets Policy. Complete Streets Policy encourages design of transportation networks and facilities that safely accommodate pedestrians, bicyclists, rail, and vehicles.
5. MSAP Policy TR 2: Ensure that all development is designed with an interconnected, multi-modal transportation network between neighborhoods, activity centers, and other destinations to improve mobility and emergency access. Development of an interconnected road network east and west of Highway 168 that allows north-south movement for local residential traffic is strongly encouraged.

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 Applicant Findings:

1. The plan/use has not changed from the approved rezoning plan.
2. All applicable county guidelines regarding schools, fire and rescue, law enforcement, etc. will be followed.
3. A public pump station will be provided to accommodate the proposed subdivision and will be sized to accommodate a future subdivision to the south.

Concluding his presentation, Mr. Woody summarized that the Planning Board recommended approval as did the Technical Review Committee, with conditions.

Bill Brumsey, on behalf of the applicant, stated their agreement and willingness to comply with the conditions as presented. John Napolitano, the applicant, addressed questions about the fire hydrants, confirming they would be corrected, and said they are providing access to two commercial properties owned by others.

With no others wishing to speak and no additional questions from the Board, Chairman Griggs closed the Public Hearing.

Commissioner Beaumont moved to approve PB 16-03 with staff recommendations due to the use will not endanger public health or safety, the use will not injure adjoining property, the use will be in conformity with the land use plan and the use will not exceed the county's ability to provide adequate public facilities.

Commissioner Gilbert seconded and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVED:</b>	Paul M. Beaumont, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman

### B. Public Hearing and Action: PB 16-04 Ecoplexus (Goose Creek):

Chairman Griggs opened the Public Hearing. Ben Woody reviewed the request with the Board, beginning by explaining the conditional zoning, and the second quasi-judicial procedure to follow related to the same project.

#### APPLICATION SUMMARY

Property Owner:

Currituck Sunshine Farms  
5504 N Prospect Rd  
Peoria Heights IL 61616

Applicant:

Ecoplexus Inc  
650 Townsend St #310  
San Francisco CA 94103

Case Number: PB 16-04

Application Type: Conditional Rezoning

Parcel Identification Number:

0108-000-095F-0000

Existing Use: Vacant Golf Course

Land Use Plan Classification: Full Service

Parcel Size (Acres): 16.49

Zoning History: A-40 (1975); A (1989);

Plan Request: Solar Array

Current Zoning: GB

Proposed Zoning: C-AG

#### SURROUNDING PARCELS

NORTH	SINGLE FAMILY DWELLINGS & RETAIL	AG AND GB
SOUTH	SINGLE FAMILY DWELLINGS & RETAIL	AG AND GB
EAST	SINGLE FAMILY DWELLINGS & RETAIL	GB
WEST	SINGLE FAMILY DWELLINGS	AG

#### STAFF ANALYSIS

The applicant originally applied for a solar array use permit for the entire project and it was determined that the property was split zoned with a portion zoned Agricultural (AG) and a portion zoned General Business (GB). A solar array is not an allowable use in the GB zoning district. A solar array requires a Conditional-AG (C-AG) zoning district, thus the reason for this rezoning request.

This conditional rezoning request for C-AG is reasonable because the property adjoins AG zoned property on three sides and this is an extension of the AG zoning district. The request allows for the use of a vacant piece of property as the property currently sits as a closed golf course. If the conditional rezoning is approved, the applicant plans to install a solar array on the property. Should the owner wish to redevelop the project as a residential use in the future, the solar array can be removed with minimal disturbance to allow the construction of dwelling units or other more traditional land uses. A portion of the GB zoned property will remain along Caratoke Highway to continue allowing commercial uses.

Water quality is a frequent concern of neighboring property owners. It is important to note that water quality testing is a UDO requirement for a solar array; however, was not a requirement when the property was used as a golf course (which typically requires routine application of chemicals). According to the Brookhaven National Lab and the Electric Power Research Institute, "Installed silicon-based cells pose minimal risks to human health or the environment. Because solar panels are encased in heavy-duty glass or plastic, there is little risk that the small amounts of semiconductor material present can be released into the environment." The applicant will provide additional evidence to this fact.

Fire hazard is also a frequent concern of neighboring property owners. According Electric Power Research Institute, "It is theoretically possible for hazardous fumes to be released and inhalation of these fumes could pose a risk to human health." However, the Union of Concerned Scientists state that "Researchers do not generally believe these risks to be substantial given the short-duration of fires and the relatively high melting point of the materials present in the solar modules. Moreover, the risk of fire at ground-mounted solar installations is remote because of the precautions taken during site preparation including the removal of fuels and the lack of burnable materials - mostly glass and aluminum - contained in a solar panel." The applicant must provide adequate firefighting strategies for the use.

## RECOMMENDATIONS

### Technical Review Committee

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS APPROVAL OF THE CONDITIONAL REZONING SUBJECT TO THE FOLLOWING CONDITIONS:

1. PRIOR TO SITE PLAN SUBMITTAL, THE DRAINAGE QUESTIONS FROM THE COUNTY ENGINEER AND SOIL AND WATER MUST BE ADDRESSED:
  - a. We can only assume from the site plan provided that there will be ponds filled in as a result of this development. Are there any state/federal permits required?
  - b. If the ponds are filled in, what will be done to deal with stormwater traversing the site?
  - c. If the ponds are filled in, what will be done to for stormwater storage onsite?
2. Prior to site plan submittal, the fire marshal concerns must be addressed:
  - a. I have concerns in regards to fire access and fire hydrant location.
3. The following use standards apply for a Solar Array (UDO Section 4.2.3.H):
  - a. Solar arrays shall be configured to avoid glare and heat transference to adjacent lands.
  - b. Appropriate ground cover/grass is required and shall be maintained as not to create a fire hazard.
  - c. The solar panels, equipment, and associated security fencing shall be located at least 300 feet from any perimeter property line abutting a residential dwelling, residential zoning district, religious institution, public school, state licensed day care center, public playground, public swimming pool, or public park . The solar panels, equipment, and associated security fence shall be screened from those uses/zoning districts by a Type D buffer. The buffer may be reduced to a Type C when abutting a right-of-way, use, or zoning district not listed above and the setback may be reduced to 100' in these instances.
  - d. The total height of the solar energy system, including any mounts, shall not exceed 15 feet above the ground when orientated at maximum tilt.
  - e. The solar energy system owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
  - f. Operations, maintenance, and decommissioning plans are required.
  - g. Ground water monitoring wells shall be installed prior to construction of the solar energy system and testing data shall be submitted annually to the Planning and Community Development Department until decommissioning occurs. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point of each property line. Testing data shall be provided to the county indicating compliance with EPA National Primary Drinking Water Standards prior to construction and annually until decommissioning occurs.
    - i. Should the initial ground water testing indicate that the site is not in compliance with the EPA National Primary Drinking Water Standards, subsequent annual reports shall indicate no increase in noncompliance with those standards.
  - h. Prior to the issuance of a building permit, the developer shall post a performance guarantee in the form of cash deposit with the county to ensure decommissioning funds are available in an amount equal to 115 percent of the estimated decommissioning costs minus salvageable value. Estimates for decommissioning the site and salvageable value shall be prepared and certified by a registered engineer or North Carolina licensed general contractor and submitted prior to building permit approval and verified by a registered engineer or North Carolina

licensed general contractor and resubmitted every two years thereafter until decommissioning occurs.

#### Planning Board

THE PLANNING BOARD RECOMMENDS APPROVAL OF THE CONDITIONAL REZONING REQUEST SUBJECT TO THE SAME CONDITIONS OUTLINED IN THE TRC COMMENTS.

#### CONSISTENCY STATEMENT

THE CONDITIONAL ZONING REQUEST IS CONSISTENT WITH THE 2006 LAND USE PLAN BECAUSE:

- IT PROMOTES A NEW AND EXPANDING INDUSTRY THAT DIVERSIFIES THE LOCAL ECONOMY, TRAINS AND UTILIZES A MORE HIGHLY SKILLED LABOR FORCE, AND IS COMPATIBLE WITH THE ENVIRONMENTAL QUALITY OF THE COUNTY. (POLICY ED1)
- IT PROVIDES INDUSTRIAL DEVELOPMENT OPPORTUNITIES IDENTIFIED BY CURRITUCK ECONOMIC DEVELOPMENT. (POLICY ID1)
- DUE TO THE WATER QUALITY TESTING, IT HELPS PROTECT WATER QUALITY. (POLICY WQ3)

AND THE REQUEST IS REASONABLE AND IN THE PUBLIC INTEREST BECAUSE:

- IT PROMOTES ECONOMIC GROWTH.
- IT ALLOWS FOR THE RE-USE OF A VACANT GOLF COURSE.
- IT PRESERVES OR PERHAPS IMPROVES WATER QUALITY.

#### CONDITIONS OF APPROVAL

Suggested conditions of approval:

1. A preliminary drainage analysis be approved by the TRC prior to submittal of a site plan.
2. A narrative addressing fire prevention strategies be approved by the TRC prior to submittal of a site plan.

After Mr. Woody's review, Commissioner Payment noted an economic study still in progress for Lower Currituck. Commissioner O'Neal questioned how the rezoning would diversify the economy. Mr. Woody said the property would be given a use, stating it is being underutilized presently. Commissioner O'Neal also questioned the hiring of local contractors, believing the developer will bring their own contractors in and not use local labor. Taxes were discussed and Mr. Woody explained the personal property can only be taxed at 20% by the county and noted the state rescinded their tax incentives. Commissioner Hall asked about stormwater ponds and Mr. Woody said property wouldn't fall under the county stormwater ordinance due to the lack of impervious surfaces. Commissioner Beaumont raised questions on the impact the mid-Currituck bridge might have on Grandy businesses.

Michael Fox of Greensboro, the Attorney representing the applicant, introduced Nathan Rogers of Ecoplexus and others presenting for the applicant. Mr. Fox distributed hardcopy backup for the presentation and Board review.

Nathan Rogers, Ecoplexus, used a powerpoint to provide a background and overview of the project. He described the equipment to be installed and showed a map noting the area to be rezoned. He said there would be 2.5 acres at the road that is not part of the request, but would be used as a staging area during construction.

Kim Hamby, Eastern Carolina Engineering, Camden, discussed the existing stormwater ponds within the site boundary totaling 6.5 acres. She noted drainage ditching, showed the proposed drainage design noting the additional 20 acres available to them to manage runoff. She said the applicant is not opposed to a drainage study. Miss Hamby said the goal is to leave the property as natural as possible and answered questions

posed by Commissioners regarding the plan.

Tommy Cleveland, NC Clean Energy Technology Center at NC State University and licensed engineer in North Carolina, said the solar panels being installed would not be detrimental to the health or safety of residents and would help to reduce emissions from other types of plants located in North Carolina.

When Commissioner O'Neal asked about the benefit to residents, Nathan Rogers reviewed the health, community and economic benefits, providing statistical data on the economic impact for North Carolina and the local tax base. He said the project's goal would be to improve flooding conditions on Uncle Graham Road. He stated solar arrays are quiet, unobtrusive, do not strain infrastructure, and provide a stable predictable land use. Maintenance of the property was discussed and the Board asked questions about the leveling of hills on the golf course and how that will effect drainage. Commissioner Beaumont said he was still not convinced that drainage had been adequately addressed.

Commissioner O'Neal discussed the lack of jobs for Currituck residents, as applicants turn the projects over after approval.

Attorney Fox said the direct benefit is taking land that is not being used and getting the highest and best use of the property, believing the tax value would increase. He said the tax collected would be 20% of \$26.25 million and no services need be provided. He said there is no way to tell if there would be any decrease in utility costs for residents, stressing also that the return would not be immediately seen as with many infrastructure projects.

Mr. Rogers addressed the costs involved in development and compared the cost of solar with fossil fuels, highlighting fossil fuels' volatility. He said forward thinking policies are what draws alternative energy to North Carolina. Mr. Fox again noted that infrastructure projects do not show an immediate return.

Commissioner Payment asked that the conversation remain relative to the use permit, noting that he has seen and heard recent concerns from residents regarding flooding on the property.

Fidel Escobar, Grandy, an adjacent landowner to the proposed facility, spoke against the project, believing the value of the property will go down. He expressed concerns with visual buffering and health, as how the solar farm will effect things over many years is still unknown.

Charles Lollar, Norfolk, VA, attorney on behalf of residents in opposition to the rezoning. He noted concerns with both the applicant's plan to fill the ponds on the property and the downzoning of the property from General Business to Agriculture within a full-service community. He said the Land Use Plan is a plan for the future which did not include a 30 year commitment to a static industrial use. Mr. Lollar said the project is not compatible with the surrounding residential use, nor the plan as stated in the land use plan and will hinder Grandy's ability to grow, particularly with the potential business growth with development of the Mid-Currituck bridge. Residents bought lots in

anticipation of the expectation of the planning that was proposed, he said, and referred to several county policies contrary to the request. He noted that Ecplexus leaves at the design phase, stating the Shawboro solar farm looks completely different than what was proposed.

Gary Woodson, a local builder, said residential growth in Grandy is getting better, and believes development of business along the corridor is revenue that will come back to Currituck. Mr. Woodson provided a document denoting alternative locations for solar arrays in Currituck County. He believes it would not be fitting to go backward with zoning to accommodate a solar farm.

With no one else wishing to speak, Chairman Griggs closed the Public Hearing.

Commissioner Payment moved to deny PB 16-04 because the request is not consistent with the land use plan because the current Economic Development study for Lower Currituck has not been completed yet, the rezoning is not in the best interest for our business growth in the Grandy area, and the request is not reasonable and not in the public interest due to some insecurity of current drainage issues he is still hearing, and for any long term potential employment growth for the Grandy area.

Commissioner Hall seconded the motion and the motion carried unanimously.

Chairman Griggs called a five minute recess.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Commissioner
<b>SECONDER:</b>	Mike D. Hall, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman

### C. Public Hearing and Action: PB 15-25 Grandy Solar Farm:

Chairman Griggs reconvened the meeting after the brief recess.

Parties were sworn in and County Attorney, Ike McRee, explained the quasi-judicial nature of the proceeding and the findings the Board is required to make. Chairman Griggs opened the Public Hearing and asked the Board to disclose any ex parte communication. Commissioners Beaumont, Hall, Gilbert and Payment made their disclosures and assured their ability to make impartial decisions would not be impeded. Mr. Woody began his review of the application, summarizing that the Technical Review Committee did recommend approval, as did the Planning Board subject to conditions.

#### APPLICATION SUMMARY

Property Owner:  
Currituck Sunshine Farms  
5504 N Prospect Rd  
Peoria Heights IL 61616

Applicant:  
 Ecoplexus Inc.  
 650 Townsend St #310  
 San Francisco CA 94103  
 Case Number: PB 15-25  
 Application Type: Use Permit  
 Parcel Identification Number: 0108000095E0000  
 Existing Use: Closed Golf Course  
 Land Use Plan Classification: Full Service  
 Parcel Size (Acres): 101.53  
 Request: Solar Array

Note: In 2007 the property owner petitioned the BOC to rezone 67.07 acres from A to R and 11.41 acres from A to GB to reduce the golf course to an "Executive-style" with 9 holes plus housing and to expand the GB consistent with the GB to the north and allow compatible business uses. The BOC denied the 67.07 acre rezoning and approved the 11.41 acre rezoning.

Zoning: AG

<b>SURROUNDING PARCELS</b>		
	<b>Land Use</b>	<b>Zoning</b>
North	Single Family Dwellings & Retail	AG and GB
South	Single Family Dwellings & Retail	AG and GB
East	Single Family Dwellings & Retail	GB
West	Single Family Dwellings	AG

#### STAFF ANALYSIS

- Ecoplexus, Inc. seeks a use permit for a 20 megawatt solar array on the abandoned Goose Creek Golf Course in Grandy. If approved, the applicant states that the facility would produce clean, renewable energy for an average of 1,900 local homes, in addition to providing short-term economic stimulus and job creation along with long-term tax revenue while requiring no provisions of additional services or infrastructure.
- The solar PV Facility will consist of direct current (DC) photovoltaic solar modules (panels) arranged in rows that are affixed to a metal racking structure and attached to the ground with either driven posts or helical ground screws. The whole concept of efficient solar power is to absorb as much light as possible while reflecting as little light as possible, so solar panels are designed to produce less glare and reflectance than standard window glass.
- Based on the limited amount of impervious coverage intended for this site, it will be exempted from the Stormwater Manual. It is anticipated that the amount of coverage created for this site will be below 10 percent of the site. Stormwater runoff will be handled by the existing ditch system on the site. Where necessary for placement of equipment or for access, existing ditches will be filled or rerouted and new grass lined drainage swells will be created as approved by Soil and Water.
- The following use standards shall apply (UDO Section 4.2.3.H).
  - Solar arrays shall be configured to avoid glare and heat transference to adjacent lands.
  - Appropriate ground cover/grass is required and shall be maintained as not to create a fire hazard.
  - The solar panels, equipment, and associated security fencing shall be screened from rights-of-way and developed land by a Type C buffer.
  - The total height of the solar energy system, including any mounts, shall not exceed 15 feet above the ground when orientated at maximum tilt.
  - The solar energy system owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
  - Operations, maintenance, and decommissioning plans are required.
  - All components of the solar array (including security fencing) shall be setback at least 300 feet from all exterior property lines.
  - Ground water monitoring wells shall be installed prior to construction of the solar energy system and testing data shall be submitted annually to the Planning and Community Development Department until decommissioning occurs. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point of each property line. Testing data shall be provided to the county indicating compliance with EPA National Primary Drinking Water Standards prior to construction and annually until decommissioning occurs.
    - Should the initial ground water testing indicate that the site is not in compliance with the EPA National Primary Drinking Water Standards, subsequent annual reports shall

indicate no increase in noncompliance with those standards.

- Prior to the issuance of a building permit, the developer shall post a performance guarantee in the form of cash deposit with the county to ensure decommissioning funds are available in an amount equal to 115 percent of the estimated decommissioning costs minus salvageable value. Estimates for decommissioning the site and salvageable value shall be prepared and certified by a registered engineer or North Carolina licensed general contractor.

## INFRASTRUCTURE

### Stormwater/Drainage

The ponds on the property are to be filled in. They are nonjurisdictional wetlands. An Erosion and Sedimentation Control permit will be required from NCDEQ if more than one acre is disturbed. There will be no increase in stormwater runoff from the property, according to the applicant.

### Lighting

The applicant proposes no exterior lighting to be included as part of the facility.

### Landscaping

The solar panels, equipment, and associated security fence shall be screened from rights-of-way and developed land by a Type C buffer.

### Water/Wastewater

The project will not use water or wastewater.

### Transportation/Access

The property has road frontage/access on Uncle Graham Road (SR 1128).

## Recommendations

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

1. The application complies with all applicable review standards of the UDO provided the following outstanding items are addressed:
  - a. Appropriate ground cover/grass is required. (UDO Section 4.2.3.H) Please note the proposed groundcover.
  - b. Operations, maintenance, and decommissioning plans are required prior to issuance of a building permit.
  - c. Post a performance guarantee to ensure proper decommissioning prior to the issuance of a building permit.
  - d. Street address must be posted on the property.
  - e. Ground water monitoring wells shall be installed and initial testing data provided prior to the issuance of the building permit and then annually thereafter to show compliance with EPA Nation Primary Drinking Water standards. Please show well locations on the plan.

## PLANNING BOARD

The Planning Board recommends adoption of the use permit subject to the same conditions outlined in the TRC comments and the following:

1. Uncle Graham Road shall not be used for construction and heavy equipment traffic, but may be used as the primary access to the site once construction is complete. Caratoke Highway is to be used for the construction and heavy equipment traffic.
2. The system shall be anchored to sustain 120MPH winds as called for in the building code.

## USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. The solar photovoltaic technology is an extremely safe for of electrical generation and has no pollutants, discharges, or emissions of toxic compounds during its use.
2. Security fencing will surround the site.
3. Code compliant wiring practices and materials will be used.
4. Bonding of all metals to prevent fire in the case of a ground fault.
5. The panels are rated to 150 MPH wind speeds.
6. The racking system will be engineered to withstand a minimum of 120 MPH three second wind gust.

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

Preliminary Applicant Findings:

1. The solar facility is a very benign, innocuous land use. The facility will produce no odors, air emissions, or hazardous material. Additionally, it will not produce any noises that are discernible beyond the interior of the facility. Additionally, after construction of the facility is complete, vehicular trips to/from the site will consist of a single pickup truck several times a year for routine maintenance.
2. The solar facilities are generally considered to be less noxious uses than even traditional agriculture, given that farming can create nuisance in the form of dirt kicked up by tractors, odors from fertilizer application, and migration of pesticides and herbicides from the soil into the groundwater.
3. Ecoplexus has commissioned a licensed real estate appraiser that performed a number of "matched pair analyses" for its solar developments in North Carolina. None of the analyses produced any evidence of deleterious impacts on property values due to the presence of the solar facility.
4. The proposed use will be in harmony with the surrounding area, noting that the proposed facility can actually enhance it. For example, while traditional agriculture produces dust and runoff, the proposed solar farm will produce neither. Nor is there any traffic created after the construction period has finished.
5. The proposed facility represents a consistent, predictable land use that will be in harmony with the surrounding area by not contributing to urbanization of the landscape.

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

Preliminary Staff Findings:

1. The Land Use Plan classifies this site as Full Service within the Grandy subarea. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. The proposed use is in keeping with the policies of the plan, some of which are:
  - a. POLICY ED1: New and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
  - b. POLICY ID1: Provide industrial development opportunities for cluster industries identified by Currituck Economic Development such as defense aero-aviation, port and maritime related industries, alternative energy, agriculture and food, and local existing business support.

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

Preliminary Staff Findings:

- a. The use will not create any burden on public facilities and will have no impact on schools.

### Planning Board Discussion (3/8/16)

Mr. Cooper asked if the 300 foot setback is what is required and the 100 foot setback if there are no homes. Water monitoring is required annually and for the decommission plan, the owner has 12 months to complete decommission of the facility if no electricity is generated for a continuous 12 month period.

Mr. Fox said he is an attorney for the applicant and has a presentation for the board. Mr. Fox introduced his witnesses.

Mr. Rogers talked about the project, site plan and setbacks. The construction entrance will be off Caratoke Highway using the two acres zoned general business road frontage. Uncle Graham Road shall not be used for construction and heavy equipment traffic, but will be used as the primary access to the site once construction is complete. The system shall be anchored to sustain 120MPH winds as called for in the building code.

Ms. Hamby talked about the drainage plan and a drainage analysis which will be reviewed later by the Technical Review Committee at site plan submittal. Fire access will be addressed at site plan submittal also.

Mr. Cleveland said he is an independent expert and talked about the technology at the site and safety of the panels.

Mr. Kirkland said he is a state certified appraiser and discussed whether the solar farm would affect property values.

Mr. Rogers said there are trees encircling almost the entire property with the exception of the road frontage of Caratoke Highway and several parcels on the western side of the property. They will do a shading impact analysis and keep as many of these trees as they can. North Carolina has positioned itself as one of the leaders in the solar industry.

Ms. Bell said in the presentation it was mentioned that the facility would produce clean, renewable energy for an average of 1,900 local homes. Where does the electricity goes before it comes to the homes?

Mr. Rogers said Dominion Power electrical grid.

Mr. Cooper opened the public hearing.

Mr. Fentress provided a handout to the board. Mr. Fentress said a staging area is a place to store materials. Mr. Fentress pointed out in an article by Colin Campbell and Benjamin Brown in the State Politics dated January 15, 2016, Mr. Wood Farless, a Bertie County farmer said "if a hurricane comes in and wipes out one of the solar farms, it's categorized as a hazardous waste." Mr. Fentress talked about drainage, amount of fill that will be required to fill ponds, hazardous waste material in solar panels, aluminum frame resulting in galvanized corrosion over a period of time, staging area and access through Uncle Graham Road, number of trips to fill ponds, logging trucks, solar farm vs. Power plant, test wells around site, and zinc poisoning to water. Mr. Fentress says the solar farm will cause public health and safety concerns. Mr. Fentress said the county's 2006 Land Use Plan (LUP) classifies Grandy as a community. The LUP also identifies Grandy as a full service area. This request is not in harmony with the area in which it is located. Mr. Fentress said Grandy is a growth area and the solar farm will stunt the growth.

Mr. McColley said he is concerned that this request will devalue real estate values.

Mr. Proffitt said this project is supposed to be environmentally friendly, but many large trees will be cut down to accommodate the solar farm. Not all properties surrounding the golf course have natural buffers and should have buffering to protect them from the solar farm. Mr. Proffitt said just because you can do something doesn't mean you should. This request is not in harmony with the surrounding area.

Mr. Escobar is concerned with flooding and drainage issues this request may create.

Mr. Wierzbicki is concerned that this request will decrease property values and his property will be adversely impacted by the solar farm. Mr. Wierzbicki said no one in public office should forget that they are voters. Mr. Wierzbicki said when is enough an enough.

Mr. Bodino said the residents have the most at stake. The other two solar farms are not near residential areas and there is a remote chance that a solar panel/s could catch fire.

Mr. Fox reminded the board that their decision is based on competent evidence presented tonight. Mr. Fox said change is always difficult, but he feels this is appropriate use of the property.

Mr. Rogers said they do not want any homes to flood, but hopefully after the drainage study it will make drainage better in the area. Mr. Rogers said they are going to use the road frontage for heavy vehicle deliveries and not Uncle Graham Road.

Mr. Cleveland said they will not be using a toxic heavy metal for the post and it is not to be viewed as a safety issue.

Mr. Fox said the drainage is regulated by federal law, which is then delegated to enforce by DENR of North Carolina. This will all be done at the site plan stage which will be reviewed by the county.

Mr. Cooper closed the public hearing.

Mr. Cartwright asked if the hills on the golf course are a direct result of the ponds dug on the course. Could the material from the hills be used to fill in the ponds?

Ms. Hamby said yes and they will likely use some of the material.

Mr. Cartwright asked if the board should be looking at the drainage plan as part of the request before them tonight.

Ms. Glave said no that will be when the site plan is submitted.

Mr. Cooper asked staff if this would go by the county's new stormwater manual regulations.

Ms. Glave said yes.

Mr. Cooper asked if NCDOT reviewed this project.

Ms. Glave said they had no comments.

Mr. Cooper asked if the heritage trees ordinance would apply.

Ms. Glave said yes.

Mr. Cooper asked if the panels are 150MPH and framework is 110MPH.

Mr. Cleveland said yes, but said the assembly of the panels and rack are related to the local wind speed of 120MPH.

Mr. Cooper asked if this request was reviewed by the Chief Building Inspector and did he have any comments regarding onsite requirements.

Ms. Glave said yes and additional comments would be offered during the site plan review.

Mr. Cooper asked what is the height of the required buffer vs. the height of the proposed equipment.

Ms. Glave said 6 ft. for the buffer and 15 ft. for the equipment.

Mr. Craddock asked if the solar panels are stationary.

Mr. Rogers said yes. Mr. Rogers also stated they will try to keep as many of the exterior and interior trees as possible. Once the solar farm is completed, Uncle Graham Road will be used as the permanent access.

Mr. Cooper asked what is the proposed construction time.

Mr. Rogers said if the project is approved to start in June or July and be completed by the end of the year.

Mr. Craddock asked if the applicant has considered using the ponds for dry hydrants for fire suppression.

Mr. Rogers said they don't have onsite fire suppression.

Mr. Craddock asked Mr. Kirkland if he used any local data from local counties.

Mr. Kirkland said yes. The report will be submitted to the Board of Commissioners.

Mr. Cooper asked if there are inspections or maintenance that addresses the structural aspects of the components.

Mr. Rogers said there are routine visual inspections of the facility.

Mr. Fox said if there was an issue brought to the attention of the Utility Commission, then they do have the ability to make inspections.

Mr. Craddock asked who is the responsible party to have insurance to cover in the event of a hurricane.

Mr. Rogers said the owner of the facility and they carry one million for general liability.

Mr. Cooper thanked the public for their feedback and the board is working through answering those questions and concerns.

Mr. Craddock moved to approve PB 15-25 as presented as it will not negatively affect property values and it is in the public interest with the following conditions:

1. Uncle Graham Road shall not be used for construction and heavy equipment traffic, but will be used as the primary access to the site once construction is complete. Caratoke Highway is to be used for the construction and heavy equipment traffic.
2. The system shall be anchored to sustain 120MPH winds as called for in the building code.

Mr. Cartwright seconded the motion and motion carried unanimously.

Michael Fox of Greensboro, and attorney for the applicant, provided documents to the Board to be submitted into evidence and introduced his experts who would testify on behalf of the applicant.

Nathan Rogers, the applicant, gave the Board an overview of Ecoplexus and the project. He discussed the panels to be installed, agreeing to the crystalline silicon panels as an additional condition, the most benign, which the Board agreed to include as part of the motion for approval. He noted the reduced acreage due to the denial of the rezoning, stating there is now 36 acres to address stormwater and mitigate concerns of adjoining properties. He reviewed the site plan, stating the 300' setback should allow the keeping of trees along the perimeter making the site largely invisible.

Kim Hamby, Licensed North Carolina Engineer specializing in Drainage Resources, reviewed existing ponds, current drainage patterns and preliminary site analysis, noting that the Department of Transportation water that runs through the property had not yet been studied but would be addressed as part of the full site plan design. She believes there are sufficient resources on site to fill ponds, and erosion control was discussed. Ms. Hamby said that new drainage would have to be installed before any discharge or filling of ponds would be allowed and they would be regulated by the state in that regard. She explained how the discharge of water would occur. She said landscaping and fencing would be part of the civil plan.

Tommy Cleveland, Professional Engineer, Independent Solar Expert, provided information on the crystalline-silicon panels, stating they are non-toxic. He described other equipment that would be installed including racking, junction boxes, inverters, and transformers. Mr. Cleveland discussed safety, hurricanes and addressed Electro Magnetic Frequency readings, believing them to not be an issue so long as the transformers are set appropriately well within the site. He addressed environmental concerns and concluded with his opinion that no health or safety concerns are present.

Commissioner Beaumont posed a question about the use of herbicides on the property, and Mr. Rogers said that herbicides may be used but he would prefer not. Mr. Cleveland described the differences between types of solar panels and addressed the reflective properties of the panels. Mr. Rogers explained that understanding concerns raised with cadmium panels, the crystalline-silicon panels were chosen for the site. He believes that even after 30 years they are still 75% viable and could be used elsewhere, perhaps in developing countries.

Rich Kirkland of Raleigh, a state certified appraiser, testified regarding property values and harmony of use, providing his analysis of other solar farms and their adjoining properties. Commissioner O'Neal noted the distances of homes from many on his analysis are much farther than what is being proposed. Mr. Kirkland's opinion is that the use is harmonious, and he presented housing value data from a similarly situated solar array in Goldsboro, NC. He answered questions regarding the matched pair analysis performed, addressing how similar the comparisons actually are.

Mr. Fox interjected, stating their requirement is to address the impact on value for this use. Mr. Kirkland said he has been to the site multiple times and answered questions relating to harmony with the surrounding property and the current market. Mr. Kirkland summarized his opinion that the use is a harmonious with no impact on adjoining property values.

Mr. Rogers thanked commissioners for the discussion, stating the use is a harmonious one, as it will not produce noise or smells and it is not an industrial facility. He restated the significant tax impact for the county.

Mr. Chuck Loller, attorney representing property owners living adjacent to the project, spoke of the uncertainties surrounding the project, noting that although the burden is with the applicant to show otherwise, they will demonstrate that the use will endanger public safety, will injure abutting lands and is not in harmony with the area nor in conformity with the land use plan. He said the state of North Carolina Division of Water Quality is just beginning to address the lack of oversight of solar farms and introduced experts that will testify.

Dr. Herb Eckerlin, professor of Mechanical and Aerospace Engineering at North Carolina State University, began by providing a summary of his qualifications related to solar energy. Dr. Eckerlin said he is a proponent of solar power, named the different types of solar energy, and explained the intermittent nature of a solar farm. He noted their average production of 5 hours a day with no production on rainy days or at night, and that they rely on traditional power. He spoke about subsidies and how they are

what brings solar developers to North Carolina. He said Grandy and Currituck County would get very little benefit out of solar development, and talked of solar energy's impact on power bills by comparing local energy costs at 6.5 cents per kilowatt hour (kwh) with green energy areas such as California at .13 cents and Germany at .29 cents per kwh. He spoke to sustainability and the life of a solar farm, posing the question as to what happens after decommissioning. He referred to state legislation which provides for solar arrays to be treated as special projects, and said there is no state oversight or regulation. He said many panels come from China and no one really knows the composition. Dr. Eckerlin believes a moratorium should be placed on solar arrays until the state has had time to address issues.

Attorney Fox objected to portions of Dr. Eckerlin's testimony as being both irrelevant to the proceeding and hearsay. Chairman Griggs noted the objections for the record.

Dr. Eckerlin responded to questions posed by Mr. Fox pertaining to his previous testimony about the cost of energy in other states. Mr. Fox suggested the information was not based on personal knowledge and asked that the testimony be stricken. Attorney Fox suggested Mr. Eckerlin has a philosophical opposition to solar farms and is not relevant to the application. Attorney Lollar addressed the fact that the applicant's presentation was also based on hearsay, and Dr. Eckerlin's testimony rebuts the testimony given by the applicants experts related to value.

Dr. Ronnie Heiniger, Professor in Crop Soils at NC State University and Edenton resident, discussed the holding ponds on the property and their use in controlling and maintaining nutrients and removing pesticides from runoff, stating that as a central feature for development of the golf course the same feature is needed for the application of solar array due to the use of fertilizer, pesticides. He said the ponds are still necessary and removal would have an egregious impact on the surrounding environment. Dr. Heiniger pointed out that the US Department of Agriculture (USDA) will not approve solar farms on federal land in the southeast because the environmental impact is greater than the benefit of the solar farm. Responding to questions from the applicant, Dr. Heiniger described the types of federal lands located in North Carolina and confirmed that there were solar farms on some USDA lands located in the western US. He said he was not aware of a solar project being constructed at Camp LeJeune, noting his comments referred only to land owned by the USDA, not the Department of Defense or Forest Service.

Bruce Sauter, a state Certified Appraiser from Greenville, introduced himself as a 38 year member of the appraiser institute. He began by noting the many Currituck County properties he has appraised. He discussed determination of the highest and best use of property is the most important part of the appraisal process. He recalled the appraisal he performed on the Goose Creek Golf Course prior to the foreclosure process, concluding at that time the highest and best use would be for single family residences. He reviewed Mr. Kirkland's analysis, stating he did not hear anything about an increase in value of homes and said because the jury is still out in Currituck County no empirical evidence is present. Mr. Sauter noted the potential for 150 homes on the property and with sewer there could be 300 homes. He noted there are plenty of alternative locations for solar in the county. When asked by Mr. Lollar, Mr. Sauter said the solar farm is not in harmony, defining it as a legal non-conforming use. Answering questions posed by

the Board, he described harmony as blending with the neighborhood or that would enhance the public benefit, naming parks, a community club (tennis courts), or water features as examples. He referenced the Land Use Plan, and its allowing for solar arrays only in agricultural zoning. When asked by Attorney Fox, Mr. Sauter said he has not performed any professional appraisals of properties located next to solar farms.

Steve Fentress, a resident of Grandy and 32 years experience as a highway heavy marine construction contractor, asked Mr. Woody if there would be a drainage plan. Mr. Woody clarified that the site wouldn't fall under Currituck County's ordinance because it does not fall within the parameters. Mr. Fentress talked about the ponds which hold 12.5 million gallons of water and discussed drainage outlets and inlets, believing that it will take 79,000 cubic yards to fill the ponds. Mr. Fentress noted solar farms are classified as an industrial use in the UDO. He said no local contractors were used for the Shawboro solar facility and no inspections of connections by the inspections office, other than electrical were performed and asked the Board to address the lack of inspections at facilities and presented related documents to the Board for consideration.

Mr. Lollar closed by summarizing the testimony for the Board. He stated it is not the time to approve another solar power plant and the applicants have not met the burden of the required findings. He asked the board to deny the project.

Chairman Griggs called a brief recess. After reconvening, Attorney Fox raised an additional objection to a hardcopy powerpoint from the NC Department of Environmental Quality, which had been distributed earlier by the opposition, as hearsay. Chairman Griggs noted the objection.

Chairman Griggs asked Mr. Woody to address the inspections for solar property, which included electrical trenches, bondings and connections. Mr. Woody clarified an electrical permit would have been issued for the project, but not a traditional building permit.

Laura Darden, 214 Uncle Graham Road, said her property backs up to the proposed project. She referred to an envelope presented to the Board that contained pictures of flooding at her property. She noted the standing water on the golf course. Ms. Darden aid she is not opposed to solar energy but doesn't believe the location is the appropriate place. She suggested a lack of care or concern on behalf of the developer, as she had contacted the applicant who said they would meet with her but never did.

The applicant had no rebuttal evidence to present. Thanking the Board, Mr. Fox reviewed the questions for which they are required to make their findings, and contended that the evidence presented by the opposition had not been sufficiently rebuked. He recalled the expert testimony presented, specifically expressing confidence that they would be able to improve drainage at the site, and recalled the testimony of Mr. Kirkland regarding appraisals and value. Believing they had met their burden, he asked the Board for approval.

Attorney Loller asked the Board to consider the lack of conformity, reiterating the industrial use that is not compatible or harmonious with the surrounding area.

With no one else wishing to speak Chairman Griggs closed the Public Hearing.

Beaumont moved to deny PB 15-25 as the applicant has not demonstrated the proposed use meets the use permit review standards of the Unified Development Ordinance (UDO), that the use will endanger the public health or safety of the community in that: water drainage has not been adequately addressed to ensure the amount of water that needs to vacate the property will be able to do so safely; there is a significant disparity with the amount of material that is available on the site for backfilling the ponds in the fill plan that was described, believing that evidence indicates an additional water drainage issue will be created; testimony provided by the applicant regarding the use of chemicals on the property, specifically herbicides, that their use and/or amounts are unspecified, and without some limitation as to the quantity of chemicals necessary to maintain the facility will be excessive and a health hazard to those around; use is not in harmony with the neighborhood beside it in that, based on expert testimony by Mr. Sauder, the property is not in harmony with adjacent residential neighborhoods and provides a stark contrast to the adjacent subdivision; finally, the use will not be in conformity with the land use plan it is a large facility that is being reverted to or used in a manner that would not be conducive in a full-service district.

Commissioner Payment seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul M. Beaumont, Commissioner
<b>SECONDER:</b>	Mike H. Payment, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman

#### D. Public Hearing and Action: PB 16-01 Guinea Mine:

Parties were sworn in and Chairman Griggs opened the Public Hearing. Ben Woody reviewed the application with the Board. Both planning Board and the Technical Review Committee recommended approval.

##### APPLICATION SUMMARY

Property Owner: William H. Spruill

Applicant: Wayne Leary

Case Number: PB 16-01

Application Type: Use Permit

Parcel Identification Number: 001500000350000 & 001500000340000 Existing Use: Farmland

Land Use Plan Classification: Full Service

Parcel Size (Acres): 31.68 Total

Request: Use Permit, Extractive Industries

Zoning: Agriculture / General Business

##### SURROUNDING PARCELS

	<b>Land Use</b>	<b>Zoning</b>
North	Farmland	Agriculture (AG)
South	Single Family Dwelling	Agriculture (AG)
East	Farmland	General Business (GB)
West	Farmland	Single Family Mainland (SFM)

##### INFRASTRUCTURE

## Transportation/Access

Access will be achieved through the abandoned 30 foot right of way shown on the plan.

## Landscaping

Type A buffers are required and will be indicated on a revised site plan.

## Stormwater/Drainage

The plan includes a dewatering system

## STAFF ANALYSIS

The applicant is requesting a use permit to operate a 9.5 acre sand mine. Applications for state permits include an additional 5.5 acres (shown as phase two on the site plan) which will not be excavated until the Board of Commissioners, or the planning director has granted approval of an expansion as allowed by the ordinance.

The majority of the site is adjoined by farmland with the some residential uses which are located several hundred feet away. A performance guarantee will be secured for one residential well located within 1500 feet of the proposed mine. The applicant has proposed having two forms of ingress to avoid traffic issues near the intersection of Caratoke Highway and Guinea Rd. when necessary.

The applicant is requesting a reduced setback for the existing excavated areas (ponds) that are within the 100 foot setback but adjacent to farmland. Application has been made for a driveway permit from NCDOT for improvement of the entrance road back to the intersection with Guinea Rd.

## RECOMMENDATIONS

## TECHNICAL REVIEW COMMITTEE

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

1. The application complies with all applicable review standards of the UDO provided the following outstanding items are addressed:
  - a. The ordinance requires type A buffer yards between certain portions of the site and the adjoining zoning districts. The applicant is aware of this requirement and the locations where buffers must be installed. The site plan shall be updated to reflect the required buffers.
2. The applicant demonstrates 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:
  - a. For operations that generate more than five trips per peak hour, at least 200 feet of continuous pavement shall be required onsite starting at the point the access road intersects with a public street or highway unless such public street is not paved. All streets and roads utilized to access the mining site shall be maintained free of dust and sediment and shall be properly graded and drained.
  - b. The application is for a 9.5 acre sand mine on a 31.68 acre parcel. The site plan shows an additional phase 2 consisting of 5.5 acres which was shown for the benefit of state permitting. Approval shall not be granted for any activity in phase two until such time the applicable requirements of UDO section 4.2.5.A.15 (Expansion) are met.
  - c. A performance guarantee in the amount of \$3,000 is required for the well within 1500 feet of the mine.
  - d. The use permit shall be valid for the same permit period as the State of North Carolina mining permit not to exceed ten years from the date of issuance or for a shorter duration as deemed appropriate by the Board of Commissioners. In the event the property owner desires to continue the mining operation thereafter, he shall again petition the Board of Commissioners for a new permit. The Planning Director may, upon receiving a written request for extension, grant an extension not to exceed ten years provided the existing mine has maintained compliance with all applicable state and local regulations. It is the responsibility of the applicant to renew the county permit in the event state permits expire.

## PLANNING BOARD

Mr. Cartwright moved to approve PB 16-01 as presented due to the use will not endanger the public health or safety; the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located; the use will be in conformity with the Land Use Plan; and the use will not exceed the county's ability to provide adequate public facilities. Mr. Bell seconded the motion and motion carried unanimously.

#### INFRASTRUCTURE

Transportation/Access shown on the plan.	Access will be achieved through the abandoned 30 foot right of way
Landscaping	Type A buffers are required and will be indicated on a revised site plan.

#### USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. According to the applicant, "Mr. Spruill has operated sandpits in the immediate area for over 25 years without endangering the public health and safety. He will operate this mine as he has operated in the past.

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. According to the applicant, "There is no reason to believe this mine will injure the value of adjoining or abutting lands and is in harmony with the area.

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

Preliminary Staff Findings:

1. The 2006 Land Use Plan identifies the site as a full service area.

**POLICY ID8: MINING ACTIVITIES**, or secondary impacts of mining activities not subject to permit approval by the State of North Carolina, may be subject to review and management by Currituck County. Activities to be addressed may include, but not be limited to, the adequacy of roads serving the mine site, visual impacts during operation and after closing of the mine site, noise and dust considerations, etc.

2. The Moyock Small Area Plan Identifies the area as limited service.

Policy BI 4 Provide industrial development opportunities for cluster industries identified by Currituck Economic Development such as defense aero-aviation, port and maritime related industries, alternative energy, agriculture and food, and local existing business support.

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

Preliminary Staff Findings:

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

Mr. Woody and Wayne Leary, Consultant speaking for the applicant, answered questions about the ponds, setbacks and easement access. He said they would be operating within regulations regarding hours of operation, and had nothing to add to Mr. Woody's presentation.

With no one wishing to speak, Chairman Griggs closed the public hearing.

Commissioner O'Neal moved for approval with findings of staff and Planning Board.

Commissioner Gilbert seconded and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	S. Paul O'Neal, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman

#### **E. Public Hearing and Action: PB 16-02 Jimmy Lewis Automobile Sales:**

Commissioner O'Neal requested to be excused from the vote on this item due to a possible conflict of interest. After an explanation by Attorney McRee of the process and reasons for recusal, Chairman Griggs moved to recuse Commissioner O'Neal, seconded by Commissioner Beaumont. The motion carried unanimously and Commissioner O'Neal was excused, stepping out of the room for the hearing.

Parties were sworn, Chairman Griggs opened the Public Hearing, and Mr. Woody presented the applicant's request to add used car sales to his current business site in Grandy, stating staff recommended approval.

#### **APPLICATION SUMMARY**

**Property Owner:** Jimmy (Clay) Lewis

**Applicant:** Jimmy (Clay) Lewis

**Case Number:** PB 16-02

**Application Type:** Use Permit

**Parcel Identification Number:** 0108000094F0000

**Existing Use:** Sale of Prefabricated Buildings

**Land Use Plan Classification:** Full Service

**Parcel Size (Acres):** 1.06

**Request:** Vehicle Sales as an additional use

**Zoning:** General Business

#### **SURROUNDING PARCELS**

North	Stateline Prefab Building Sales	General Business (GB)
South	Stateline Prefab Building Sales	General Business (GB)
East	Self-Serve Car Wash	General Business (GB)
West	Vacant Golf Course/Proposed Solar Array	General Business (GB)

#### **STAFF ANALYSIS**

The applicant is requesting a use permit to establish automobile sales as an additional use to the existing prefabricated building sales use. The site is surrounded by commercial uses and no changes to the buildings or site are proposed or required. All Technical Review Committee comments have been addressed.

#### **INFRASTRUCTURE**

Water	Public
Sewer	Septic
Transportation/Access	Access exists from Highway 168
Stormwater/Drainage	No improvements required

#### **RECOMMENDATIONS**

Technical Review Committee

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

1. The applicant demonstrates the proposed use will meet the use permit review standards of the UDO.

#### PLANNING BOARD

Mr. Cooper moved to approve PB 16-02 as presented and the applicant demonstrates the proposed use will meet the use permit review standards of the UDO. Ms. Bell seconded the motion and motion carried unanimously.

#### USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

#### Preliminary Applicant Findings:

1. According to the applicant, "No it will not"
2. The site is located on Caratoke Highway in a Full Service area where similar commercial uses exist. The site has adequate ingress and egress for emergency vehicles and the general public.

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. According to the applicant, "the use will not harm any adjacent property and will only compliment the surrounding area."
2. The surrounding lands are all zoned General Business.
3. Two adjoining properties, north and south, are owned by the applicant and are part of the existing sales use.
4. The property to the east is a car wash
5. The property to the west is proposed to be a solar array.

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

#### Preliminary Staff Findings:

1. The 2006 Land Use Plan Classifies this area as Full Service in the Grandy subarea.

**POLICY CD2:** Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

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

#### Preliminary Staff Findings:

1. The proposed use will not impact the county's ability to provide adequate public facilities.

Jimmy Lewis, applicant, provided a history of the existing business, and said he is looking for a way to keep his doors open and allow his staff to keep his job. He said no service would be done at the facility or junk cars would be stored.

With no one signed up to speak, Chairman Griggs closed the public hearing.

Commissioner Payment moved to approve PB 16-02 with staff recommendations, as the applicant meets all criteria and requirements. Commissioner Gilbert seconded and the motion carried unanimously.

After the vote Commissioner O'Neal rejoined the Board.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman

## OLD BUSINESS

**A. Consideration and Action: PB 14-16 Lake View at Currituck Development Agreement Amendment: Request to amend the development agreement between Currituck County and Survey Road, LLC for property located in Moyock on Survey Road west of the intersection with Caratoke Highway, Tax Map 15, Parcels 83A, 83B, 83C, 83D, and 83E, Moyock Township.**

Chairman Griggs noted a public hearing, now closed, had been heard previously along with PB 07-10. The applicant is requesting the addition of thirteen lots, requiring a revised development agreement. Both items were continued pending the applicant's agreeing to the development transitioning to homeowners at 75% as provided for in the new ordinance. Mr. Woody reviewed the items briefly with the Board.

James O. Myers submitted an application for an amendment to the Development Agreement between Survey Road, LLC (the "Developer") and Currituck County to allow 13 additional residential lots within the proposed Lake View at Currituck subdivision located at 120 Survey Road in the Moyock Township. The use of a development agreement is authorized in North Carolina General Statutes 153A-379.1- 153A-379.13 and Section 2.4.18 of the Currituck County Unified Development Ordinance (UDO); the purpose and intent of a development agreement is to:

1. Encourage comprehensive planning and capital facilities planning;
2. Ensure the provision of adequate public facilities for development;
3. Encourage the efficient use of resources, while providing certainty in the process of obtaining development permits and approvals; and
4. Reduce the economic costs of development by providing greater regulatory certainty.

The Development Agreement between the Developer and Currituck County required the Developer to install a new public sewer force main to connect the Lake View at Currituck subdivision to the Moyock Central Sewer System. The force main is now installed. The sewer mains, pump stations, and appurtenances subject to the development agreement will be dedicated to the county upon completion and acceptance by the Technical Review Committee.

A summary of the proposed amendments included in the request are:

1. An assignment of the agreement from Survey Road, LLC to the new property owner Lake View Land Development, LLC.
2. Adding 13 residential lots identified in the proposed Phase 3A of the planned unit development.
3. An acknowledgement of the completed off-site public sewer infrastructure.
4. Removing the phasing reference from the 104 residential lots currently outlined as Phase 1 and 2 of the agreement. This change references the intermediate sewer payment (final plat).
5. Adding the 13 additional residential lots sewer tap reservation and payment schedule.
6. Adding one additional year to the term of the agreement.
7. Changes to the use permit conditions, amended sketch (master) plan, and preliminary plat (see attached amended sketch plan, and preliminary plat/use permit staff report).

Enclosed please find a draft version of the amendments to the Development Agreement that includes an amended sketch plan, preliminary plat and (special) use permit.

The TRC recommends **approval** because the proposed development agreement is consistent with the Moyock Small Area Plan since the subject property and sewer main extension are located in a Full Service area; is consistent with the Land Use Plan because it focuses sewer service in existing developed areas and in nearby targeted growth areas (POLICY WS3); and the development agreement demonstrates the impact on the future provision of public sewer capital improvements by the county.

**Planning Board Recommendation:**

Mr. Craddock moved to approve PB 14-16 as presented due to its consistency with the Moyock Small Area Plan since the subject property and sewer main extension are located in a Full Service area; is consistent with the Land Use Plan because it focuses sewer services in existing developed areas and in nearby targeted growth areas; and the development agreement demonstrates the impact on the future provision of public sewer capital improvements in the county. Mr. Bell seconded the motion and motion carried unanimously.

John Morrison, Attorney for the applicant, stated the applicant agreed to the transition at 75%.

Commissioner Hall moved to approve PB 14-16, with staff recommendations, because the request is consistent with the land use plan and it is reasonable and in the public interest to do so. Commissioner Gilbert seconded and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike D. Hall, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman

**B. Consideration and Action: PB 07-10 Lake View at Currituck: Request to amend the sketch (master) plan, preliminary plat, and use permit to allow 13 additional residential lots in the planned unit development located off Survey Road in Moyock, Tax Map 15, Parcels 83A, 83B, 83C, 83D, and 83E, Moyock Township.**

The request submitted by Lake View at Currituck, LLC is to amend the development agreement (separate submittal), sketch (master) plan, and the preliminary plat to add 13 residential lots in an area previously labeled as future development (5.81 acres). An amendment to the development agreement is required to increase the density and modify the future development area. Lake View at Currituck is a planned unit development and is subject to the transition standards of the UDO. The proposed changes to the approved plans are as follows:

- Modification of the phasing plan to include Phase 3A (13 lots) and relocation of phasing lines (strikethrough text is to be removed and underlined text is the proposed changes).
  - Phase 1 49 single family lots (year 42)
  - Phase 2 55 single family lots (year 23)
  - Phase 3A 13 single family lots (year 4)
  - Phase 3 42 single family lots (year 35)
  - Phase 4 7.21 acres commercial (years 4-86-9)
- An amendment to the development agreement (see attached memo for details).
- Extend the term of the development agreement for one additional year.
- Assignment of the development agreement between Currituck County and Survey Road, LLC to Lake View Land Development, LLC.
- Amendments to the use permit (see below)
- Relocation of one pocket park from the residential subdivision entrance to an area adjacent to the mail kiosk and associated parking area (Fountain Lake Way).
- Removal of the park equipment layout from the pocket parks which is replaced with a statement to allow design flexibility to meet the recreational needs of the community.
- An adjustment of lots 36-39 in Phase 2 for access to Phase 3A and to accommodate a small recreational vehicle parking area required for Phase 3A.

- Interconnectivity to the Jarvis property (western edge of Phase 3A).

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS ADOPTION OF THE USE PERMIT AND APPROVAL OF THE AMENDED SKETCH (MASTER) PLAN AND AMENDED PRELIMINARY PLAT/USE PERMIT SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

1. The application complies with all applicable review standards of the UDO provided the following items are addressed:
  - a. The BOC entered into a development agreement with Survey Road, LLC on November 25, 2014 (recorded November 26, 2014) to develop the property in question. The proposed 13 residential lot addendum as shown on the amended sketch (master) plan and preliminary plat requires the BOC acceptance and approval of the amended development agreement (copy provided).
  - b. The amended preliminary plat indicates a typical lot that illustrates a pool setback to be five feet from the property lines. The current ordinance does not permit a five foot accessory structure setback.
  - c. Correct the development summary and phasing plan on sheet 7 of 7 of the amended sketch plan to reflect Phase 4 as commercial under development type.
2. 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 for all phases of the Lake View of Currituck (strikethrough text is requested removal and underlined text is requested to be added; renumber as appropriate):
  - a. ~~The pre-construction plans shall meet and address all NCDOT traffic engineer comments and recommended changes.~~ (Commentary: Removal requested by the applicant.)
  - b. ~~The proposed, improved access connection to the adjacent property does not extend to the property line. This access will not be used by a property owner until such time as the interconnection is made; staff recommends the developer posting a bond for installation in lieu of paving the connection to the property line. Fountain Lake Way and Green Lake Road connection stub and associated sidewalks shall terminate no more than five feet from the edge of the existing ditch or drainage easement and the developer shall post a performance guarantee with the county to ensure funds are available to complete the connections.~~ (Commentary: Fountain Lake Way now accesses a park and mail kiosk and shall be improved to terminate no more than five feet from the edge of the existing ditch or drainage easement).
  - c. Wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with NCDOT standards. Please provide a curb cut detail with the submittal pre-construction plans.
  - d. On street parking, if installed, shall be provided in accordance with the variance issued by the Board of Commissioners.
  - e. The pedestrian loop trail system must be located a minimum of 10 feet from all exterior property lines and shall be located such to provide safe movement.
  - f. A Dominion Power encroachment agreement is required to allow roads, pedestrian trails, required landscape buffers, and wastewater treatment infiltration pond within their 150 foot utility easement. The agreement must be provided at the pre-construction submittal.
  - g. Pedestrian easements shall be provided on the final plat where the sidewalk extends beyond the street right-of-way and on private lots. (Development Review Manual)
  - h. Given the relatively small size of the proposed lots, deed restrictions or restrictive covenants shall restrict parking of boats and recreational vehicles on individual lots or a boat/rv parking area shall be provided.
  - i. The development impact statement references the pedestrian related active recreation element. In the interest of providing a complete and safe active recreation system, the applicant shall provide sidewalks along Survey Road frontage, and between the proposed residential and nonresidential uses.
  - j. The required improvements shall be installed and accepted prior to submission of final plat approval for each phase.
  - k. The applicant shall submit a home and building design template that will be incorporated with

the approval. Residential structures shall be designed with:

- a. Variation in exterior architectural materials (siding, roofing);
- b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
- c. Variation in house styles/types;
- d. Inclusion of front porches, projecting bays, vestibules; and,
- e. The units shall have proportional attributes including overall height to width ratios of existing building facades, doors, windows, projecting canopies, and other architectural features within the vernacular of the area.
- i. All open space areas surrounding the lake shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.
- m. All visual relief open space within each phase shall be stabilized and vegetated with grass and proposed landscaping buffer.
- n. Low impact development techniques should be integrated in the project to manage treatment of stormwater. (WQ3, WQ6, WQ7)
- o. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways. (CD8, CD9)
- p. In commercial areas, parking located between a commercial building and street rights-of-way shall be screened with a Type B Bufferyard. (CA3, CD7, CD8)
- q. Dumpsters or similar solid waste receptacles, HVAC equipment, commercial mechanical units, or similar appurtenances shall be screened from view using a combination of solid landscaping or opaque fencing. (LUP CA3)
- r. Landscape islands shall be incorporated into the commercial parking areas. (LUP CD7, CD8, CA3)
- s. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided. (LUP CD7, CD8, CD9)
- t. Neighborhood serving commercial development shall integrate pedestrian scale and design (proportional relationship of buildings and spaces to pedestrians). Retail, office, and entertainment uses shall be appropriately designed, small-scale businesses. (LUP CD1, CD5, CD6, CD7, CD8, CD9).
- u. The maximum amount of pond aeration devices allowed by NC DWQ shall be installed.
- v. ~~A complete downstream analysis shall be included with the pre-construction submittal. (Commentary: Removal requested by the applicant. Stormwater infrastructure was approved without a complete downstream analysis for all phases except Phase 3A which will be subject to the stormwater manual).~~
- w. The driveways shall be two vehicle deep parking (including garage).
- ~~x. The slope of ponds shall be considered. (Commentary: Removal requested by the applicant).~~
- y. Cluster mailboxes shall be used.
- z. The building pad elevations shall be raised a minimum of 18 inches, above existing grade, except in Phase 3A where building pad elevations will meet current UDO and stormwater manual requirements in effect on (enter date of use permit amendment).
- aa. A solid vegetative buffer and fencing between shall be provided to the adjacent agricultural properties except in Phase 3A where the farmland buffer shall meet the UDO requirements in effect on (enter date of use permit amendment).
- bb. Phase 3A shall be subject to the development agreement and use permit, as amended.

#### USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

#### PRELIMINARY APPLICANT FINDINGS:

1. THE USE WILL ADHERE TO COUNTY HEALTH AND SAFETY STANDARDS, ALL LOTS WILL FRONT ON LOW-SPEED INTERIOR STREETS, AND WILL BE SERVED WITH PUBLIC WATER AND SEWER. THE PROJECT SHOULD NOT ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY.

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 SOUTH AND EAST HAS BEEN DEVELOPED INTO SINGLE FAMILY HOMES; THE HOMES THAT WILL BE CONSTRUCTED IN THIS SUBDIVISION WILL BE OF SIMILAR VALUE TO EXISTING HOMES IN THE AREA; OVER 35% OF THE LAND WILL BE PRESERVED AS OPEN SPACE AND LANDSCAPING BUFFERS ARE PROVIDED. THE USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING LANDS, AND WILL BE IN HARMONY WITH THE SURROUNDING AREA.

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

**PRELIMINARY APPLICANT FINDINGS:**

1. THE LAND USE PLAN CLASSIFIES THIS AREA AS RURAL BUT ADJACENT TO FULL SERVICE WITHIN THE MOYOCK SUBAREA.
2. THE MOYOCK SMALL AREA PLAN CLASSIFIES THE AREA AS FULL SERVICE. THE PROPOSED DEVELOPMENT DENSITY IS 2.37 UNITS PER ACRE, WHICH IS WITHIN THE RANGE OF DENSITIES ENVISIONED IN THE MOYOCK SMALL AREA PLAN.
3. THE FOLLOWING LAND USE PLAN POLICIES ARE RELEVANT TO AND SUPPORT THIS REQUEST:

**POLICY HN1:** CURRITUCK COUNTY SHALL ENCOURAGE DEVELOPMENT TO OCCUR AT DENSITIES APPROPRIATE FOR THE LOCATION.

**POLICY HN2:** THE COUNTY SHALL... ENCOURAGE ALTERNATIVES TO LARGE LOT DEVELOPMENTS THROUGH INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING TECHNIQUES.

**POLICY CD1:** NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS SHOULD BE ENCOURAGED TO LOCATE WHERE A COLLECTOR OR SECONDARY STREET INTERSECTS WITH A STREET OF EQUAL OR GREATER SIZE. APPROPRIATELY DESIGNED, SMALL-SCALE BUSINESSES MAY ALSO BE NEAR OTHER NEIGHBORHOOD SERVING FACILITIES SUCH AS SCHOOLS AND PARKS.

**POLICY CD8:** MIXED-USE DEVELOPMENTS, PROPERLY PLANNED FROM THE OUTSET, WHICH ALLOW FOR A COMPATIBLE MIXTURE OF RESIDENTIAL AND NON-RESIDENTIAL USES WITH A PEDESTRIAN SCALE AND DESIGN, ARE ENCOURAGED. SIMILARLY, BUSINESSES MAY BE ALLOCATED ADJOINING (AND THEREFORE CONVENIENT TO) AN EXISTING RESIDENTIAL AREA, WHEN SUCH BUSINESSES CAN BE SHOWN TO SATISFY DESIGN CONSIDERATIONS SIMILAR TO A NEWLY PLANNED, PEDESTRIAN-SCALED, MIXED USE DEVELOPMENT.

**POLICY WS3:** CURRITUCK COUNTY ENDORSES UTILITIES EXTENSION POLICIES THAT FOCUS WATER AND SEWER SERVICES (1) WITHIN EXISTING DEVELOPED AREAS AND IN NEARBY TARGETED GROWTH AREAS AND (2) WHERE THE LAND IS PARTICULARLY WELL SUITED FOR DEVELOPMENT AND AWAY FROM ENVIRONMENTALLY SENSITIVE AREAS, SUCH AS AREAS WITH EXTENSIVE WETLANDS.

**POLICY PR6:** ALL NEW RESIDENTIAL DEVELOPMENT SHALL PROVIDE FOR ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS.

**POLICY PP3:** THE COSTS OF INFRASTRUCTURE, FACILITIES, AND SERVICES RELATED TO THE DEMAND CREATED BY NEW GROWTH AND DEVELOPMENT SHALL BE BORNE, IN EQUITABLE PROPORTION, BY THOSE CREATING THE DEMAND.

**POLICY WQ3:** CURRITUCK COUNTY SUPPORTS POLICIES, PLANS, AND ACTIONS THAT HELP PROTECT THE WATER QUALITY OF THE COUNTY'S ESTUARINE SYSTEM BY PREVENTING SOIL EROSION AND SEDIMENTATION, AND BY CONTROLLING THE QUANTITY AND QUALITY OF STORMWATER RUNOFF ENTERING THE ESTUARY.

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 APPLICANT FINDINGS:**

1. CURRITUCK COUNTY HAS ADEQUATE PUBLIC FACILITIES TO SERVE THE PROPOSED SUBDIVISION.

With the applicant agreeing to transition under the new ordinance requirement of 75%, Commissioner Gilbert moved to approve PB 07-10, Lake View at Currituck, to include the transition of 75% and that the roads are at North Carolina Department of Transportation

standards at the time the transition takes place.

Commissioner Hall seconded and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Mike D. Hall, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman

## NEW BUSINESS

### A) Board Appointments

#### 1. Planning Board

Commissioner O'Neal carried his nomination to the next meeting.

#### 2. Economic Development Advisory Board

Commissioner Payment nominated Al Marzetti for reappointment to the Economic Development Board. The nomination was approved unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman

### B) Consent Agenda

Commissioner O'Neal moved to approve as amended, seconded by Commissioner Hall. The motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	S. Paul O'Neal, Commissioner
<b>SECONDER:</b>	Mike D. Hall, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman

#### 1) Approval Of Minutes from March 21, 2016

#### 2. Moyock Volunteer Fire Department Purchase-Approval Request

#### 3. Budget Amendments

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-553000	Dues and Subscriptions		\$ 500
10530-514800	Fees pd to officials		\$ 500
10530-514000	Travel		\$ 1,000
10530-533900	Ambulance Supplies	\$ 2,000	
10530-590000	Capital Outlay		\$ 5,000
10530-561000	Professional Services	\$ 5,000	
		<u>\$ 7,000</u>	<u>\$ 7,000</u>

**Explanation:** Emergency Medical Services (10530) - Transfer funds for operations.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-516200	Vehicle Maintenance	\$ 15,000	
10530-533900	Ambulance Supplies	\$ 2,000	
10530-561000	Professional Services	\$ 5,000	
10530-514000	Travel		\$ 1,000
10530-514800	Fees pd to officials		\$ 500
10530-516000	Repairs and Maintenance		\$ 5,000
10530-531000	Gas		\$ 10,000
10530-553000	Dues and Subscriptions		\$ 500
10530-590000	Capital Outlay		\$ 5,000
		<u>\$ 22,000</u>	<u>\$ 22,000</u>

**Explanation:** Emergency Medical Services (10530) - Transfer funds for operations.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-516000	Repairs & Maintenance	\$ 5,500	
10796-513000	Utilities		\$ 1,000
10796-514500	Training & Education		\$ 500
10796-526000	Advertising		\$ 500
10796-532000	Supplies		\$ 3,500
		<u>\$ 5,500</u>	<u>\$ 5,500</u>

**Explanation:** Currituck County Rural Center (10796) - Transfer funds to cover tractor repairs.

<u>Net Budget Effect:</u>	Operating Fund (10) - No change.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12546-511006	Telephone & Postage		\$ 1,000
12546-513006	Utilities		\$ 300
12546-516106	Building & Grounds	\$ 1,300	
12546-531006	Gas		\$ 1,000
12546-532006	Supplies		\$ 1,500
12546-532106	Fire Supplies		\$ 5,118
12546-536106	Personnel Protective Equipment		\$ 1,500
12546-553006	Dues & Subscriptions	\$ 500	
12546-554006	Insurance		\$ 800
12546-590000	Capital Outlay	\$ 9,418	
		<b>\$ 11,218</b>	<b>\$ 11,218</b>

**Explanation:** Corolla Volunteer Fire Department (12546) - Operating transfers per request of Volunteer Fire Department.

**Net Budget Effect:** Fire Services Fund (12) - No change.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10440-526000	Advertising	\$ 250	
10440-532000	Supplies	\$ 2,000	
10440-545000	Contract Services	\$ 2,000	
10440-514500	Training & Education		\$ 500
10440-535000	Safekeeping		\$ 250
10440-561000	Professional Services		\$ 1,500
10350-468000	Sale of Fixed Assets		\$ 2,000
		<b>\$ 4,250</b>	<b>\$ 4,250</b>

**Explanation:** Finance (10440) - Transfer budgeted funds for additional check stock needed for operations, to advertise unanticipated position vacancy and for increased Gov Deals auction sales.

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

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12543-590003	Capital Outlay	\$ 3,166	
12543-531003	Gas		\$ 3,166
		<b>\$ 3,166</b>	<b>\$ 3,166</b>

**Explanation:** Moyock Volunteer Fire Department (12543) - Transfer budgeted funds to rework the pump and mount on the water tender for the fire department.

**Net Budget Effect:** Fire Services Fund (12) - No change.

**4. A Resolution Condemning the Action of the North Carolina Marine Fisheries Commission to Use the Supplement Process to Restrict Southern Flounder**

**5. Third Amendment to Tower Lease Agreement-734 Ocean Trail**

This item was removed from the agenda.

**C) Commissioner's Report**

Commissioner Hall announced the job fair at Currituck County High School will be held April 7 from 1:30 PM till 6:30 PM.

Commissioner Gilbert reported on her attendance at the Albemarle Commission's Regional Legislative Meeting, sitting on the panel with local representatives. She noted concern that support for the mid-county bridge was slipping among our region's representatives and asked everyone to continue to show their support for the bridge to local legislators.

**D) County Manager's Report**

No report.

**PUBLIC COMMENT**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.*

No one was signed up nor wished to speak.

**ADJOURN**

**Motion to Adjourn Meeting**

With no further business, Commissioner Gilbert moved to adjourn. The motion was seconded by Commissioner Beaumont and carried unanimously. The meeting of the Currituck County Board of Commissioners was adjourned.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
<b>ABSENT:</b>	O. Vance Aydlett, Vice Chairman



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1522)**

**Agenda Item Title**

Budget Amendments

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

iber

2016072

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense			Increase Revenue or Decrease Expense
10660-561000	Professional Services	\$	18,000		
10340-454000	Building Permits			\$	18,000
		<u>\$</u>	<u>18,000</u>	<u>\$</u>	<u>18,000</u>

**Explanation:** Community Development (10660) - To appropriate County match for NC Department of Transportation Pedestrian Planning Grant for the Currituck Outer Banks, Grandy and Moyock. This grant has a 30% County match of \$18,000. NC DOT will provide the additional \$53,000 funding and will administer the program.

**Net Budget Effect:** Operating Fund (10) - Increased by \$18,000.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board \_\_\_\_\_

per

2016073

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10512-516200	Vehicle Maintenance	\$ 2,000	
10512-531000	Gas		\$ 2,000
		<u><b>\$ 2,000</b></u>	<u><b>\$ 2,000</b></u>

**Explanation:** Animal Services and Control (10512) - Transfer funds for emergency vehicle repair.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board \_\_\_\_\_

per

2016074

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10531-532000	Supplies	\$	4,000		
10531-590000	Capital Outlay			\$	4,000
		<u>\$</u>	<u>4,000</u>	<u>\$</u>	<u>4,000</u>

**Explanation:** Emergency Management (10531) - Transfer funds for operations.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board \_\_\_\_\_

ber 2016075

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10540-532000	Supplies	\$	750		
10540-531000	Gas, Oil			\$	750
10660-516200	Vehicle Maintenance	\$	1,000		
10660-590000	Capital Outlay	\$	150		
10660-531000	Gas, Oil			\$	500
10660-532000	Supplies			\$	650
		<hr/> <u>\$</u>	<hr/> <u>1,900</u>	<hr/> <u>\$</u>	<hr/> <u>1,900</u>

**Explanation:** Inspections (10540); Planning (10660) - Transfer funds for operations.

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

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Journal # \_\_\_\_\_ Clerk to the Board \_\_\_\_\_



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1512)**

### **Agenda Item Title**

Application to transfer Lottery Funds from Central Elementary Gym Roof and CCMS Auditorium HVAC projects to the MMS Energy Management Upgrades

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

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Sandra Hill, Director

### **Presenter of Agenda Item**

**APPLICATION**  
**PUBLIC SCHOOL BUILDING CAPITAL FUND**  
**NORTH CAROLINA EDUCATION LOTTERY**

County: Currituck  
 LEA: Currituck County Schools  
 Address: 2958 Caratoke Highway

Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Contact Person: Laurie Trussell  
 Title: Finance Officer  
 Phone: 252-232-2223

Project Title: MMS Energy Management Upgrade  
 Location: Moyock Middle School  
 Type of Facility: Middle School (Grades 6-8)

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: Transfer of residual funds from Central Elementary Gym Roof project and Currituck Middle School Auditorium HVAC project to MMS Energy Management Upgrade.

Estimated Costs:

Purchase of Land	\$	
Planning and Design Services	\$	
New Construction	\$	
Additions / Renovations	\$	23,149.00
Repair	\$	
Debt Payment / Bond Payment	\$	
<b>TOTAL</b>	<b>\$</b>	<b>23,149.00</b>

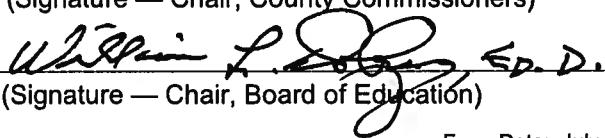
Estimated Project Beginning Date: May 2016      Est. Project Completion Date: August 2016

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 23,149.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners)

(Date)

  
 (Signature — Chair, Board of Education)

3/16/16

(Date)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1518)**

**Agenda Item Title**

Surplus Resolution-Communications Equipment

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

## RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 18th, 2016 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sold at auction or given to another governmental entity:

<u>Description</u>	<u>Service Tag/Serial No.</u>	<u>Asset Tag</u>
DELL MONITOR FOR ANI/ALI		2572
FIRE/RESCUE QUANTAR BASE/REPEATER STATION	448CWF0017	BARCO 3820
ANI/ALI CONTROLLER	LL9409-10016	4188
MOTOROLA BASE STA W/POWER SUPPLY/CABINET	780TEC0980	5872
MOTOROLA UHF BASE RADIO	103TJW7015	7050
MOTOROLA UHF BASE RADIO	103TJW7016	7051
MONITOR TABLE STANDS- BLACK		7120-D
MONITOR TABLE STANDS- BLACK		7120-E
POSITRON POWER 911 PHONE SYSTEM	I15419	7190
POSITRON POWER 911 PHONE SYSTEM	C09319	7191
POSITRON POWER 911 PHONE SYSTEM	125990	7192
POSITRON POWER 911 PHONE		7276
POSITRON POWER 911 PHONE		7277

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David L. Griggs, Chairman  
Currituck County Board of Commissioners

ATTEST:

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Leeann Walton  
Clerk to the Board



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1504)**

### **Agenda Item Title**

A Memorandum of Understanding between Currituck County 911 and Pasquotank County 911

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

**Memorandum of Understanding between  
Currituck County 911 and Pasquotank County 911**

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Sandee Salimbene, Assistant

### **Presenter of Agenda Item**

Donald (Ike) I. McRee Jr

**Memorandum of Understanding between  
Currituck County 911 and Pasquotank County 911**

This Memorandum of Understanding (MOU) made and entered into by and between the County of Currituck, on behalf of its Communications Department, also known as Currituck County 911, and Pasquotank County, on behalf of its Communications Department, also known as Pasquotank County 911.

**WITNESSETH:**

WHEREAS, both Currituck County 911 and Pasquotank 911 operate 911 emergency communications systems; and

WHEREAS, during times of natural disaster and other unpredictable events, a 911 Center's system may be temporarily disabled; and

WHEREAS, Currituck County 911 has developed a 911 backup plan that reroutes 911 operations to the backup site at 130 Community Way, Barco, NC 27917, however, this cannot be utilized immediately. It may take up to one hour to staff the backup site after the primary site has been disabled; and

WHEREAS, Pasquotank County 911 agrees to allow Currituck County 911 calls to be forwarded to the Pasquotank County 911 where they will be answered and processed until the Currituck County 911 backup site is operational.

WHEREAS the parties pursuant to the authority of Chapter 160A, Article 20, Section 461 *et seq.* of the North Carolina General Statutes are authorized to enter into this Agreement in order to pursue the above stated goals;

Now, therefore, in consideration of the terms, conditions, and covenants expressed herein, the parties agree as follows:

**1. Purpose of Agreement**

**1.1.** The purpose of this MOU is to establish a formal arrangement whereby Pasquotank County 911 makes available to Currituck County 911 its Telecommunicators at the Communications center located at 200 East Colonial Avenue, Elizabeth City, North Carolina, during such times Pasquotank County 911 will answer and process Currituck County 911 calls should Currituck County 911 experience failure to its primary 911 site subject to the terms of this MOU. There may be events within the Currituck County area that also necessitate relocation to the backup site for routine practice of back up procedures. If these scheduled events are to occur, the Currituck County 911 staff will notify Pasquotank County 911 with as much notice as possible.

**2. Responsibilities**

**2.1.** Currituck County 911 will provide a communications plan and two portable radios in order for Pasquotank County 911 to answer and process 911 calls for Currituck County. It will also be Currituck County 911's sole responsibility to insure and maintain such equipment.

**2.2.** Pasquotank County 911 agrees to make its 911 Telecommunicators available to answer and process Currituck County 911 calls, in the event that Currituck County 911 has to move operations to the Currituck County 911 backup site.

**2.3.** Pasquotank County agrees to process all Currituck County medical calls utilizing Priority Dispatch protocols.

**2.4.** Currituck County 911 shall give to the Pasquotank County 911 Supervisor as much advance notice as practical under the then existing circumstances of its need to utilize Pasquotank County 911 for call taking and processing purposes.

**2.5.** The parties acknowledge and agree that in the event that Currituck County 911 has to utilize the services of Pasquotank County 911 that Currituck will hold Pasquotank harmless and indemnify Pasquotank from any and all claims which may arise out of or relate to the use of Pasquotank as a backup center.

### **3. Priority**

**3.1.** Pasquotank agrees to process and dispatch Currituck County calls with the same sense of urgency as their own and within acceptable industry standard time frames.

### **4. Amendment**

**4.1.** This MOU may not be modified or amended except by subsequent written modification approved and authorized by the governing boards of each party and signed by an authorized representative of each party.

### **5. Entire Agreement**

**5.1.** This MOU contains the entire agreement between the parties, and no statement, oral or written, made by either party or agent of either party that is not contained in this written MOU shall be valid or binding.

### **6. Duplicate Originals**

**6.1.** This agreement shall be executed by the parties in duplicate originals, each of which when executed shall constitute the same MOU.

### **7. Term of Services:**

**7.1.** The term of this MOU shall commence upon execution by both parties and will continue until one of the parties delivers a notice of intent to terminate; or a request to modify the terms and conditions of this agreement.

**7.2.** Any Party may terminate this MOU for any reason and without penalty, upon 60 days written notice to the other Parties.

### **8. Indemnity:**

**8.1.** Each Party agrees to be solely responsible for its own negligent acts or omissions and willful misconduct, and those of its employees, agents, and subcontractors, in the performance of services provided hereunder.

### **9. Amendment:**

**9.1.** The terms of this MOU may only be amended with a written Amendment executed by the Parties.

### **10. NOTICES:**

**10.1.** All notices pursuant to this MOU shall be in writing and delivered personally or mailed by certified mail, registered mail, postage prepaid, with return receipt requested, at the addresses appearing below, but each Party may change such address by written notice in accordance with this paragraph. Notices

delivered personally will be deemed communicated as of actual receipt. Mailed notices will be deemed communicated as of three (3) days after mailing.

Mary Beth Newns, Director of Emergency Management/Communications  
 CURRITUCK COUNTY 911  
 153 Courthouse Rd, Suite 122  
 Currituck, NC 27929

Lt. Tobie McPherson, Communications Center Supervisor  
 PASQUOTANK COUNTY 911  
 200 East Colonial Avenue  
 Elizabeth City, NC 27906

**11. SEVERABILITY:**

**11.1.** If any provision of this MOU is held unenforceable, then such provision will be modified in writing to reflect the Parties' intention. All remaining provisions of this MOU shall remain in full force and effect.

**12. ENTIRE AGREEMENT:**

**12.1.** This MOU sets forth the entire Agreement between the Parties. Facsimile or electronic (e.g., pdf) versions of this Agreement shall have the same legal effect as originals, and all of which when fully executed, shall constitute one and the same instrument. All prior conversation or writings between the Parties hereto or their representatives are merged within and extinguished.

The undersigned have read the entire Agreement and accept the terms and conditions as shown by their signatures.

COUNTY OF PASQUOTANK ATTEST:

---

Pasquotank County Manager

County Clerk to Board

(COUNTY SEAL)

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

---

, Finance Officer

COUNTY OF CURRITUCK ATTEST:

---

Dan Scanlon  
 Currituck County Manager

Leeann Walton  
 County Clerk to Board

(COUNTY SEAL)

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

---

Sandra Hill, Finance Officer



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1526)**

### **Agenda Item Title**

Adoption of and Authorization for County Manager to Execute License Agreement With Saga Construction and Land Development for Construction of Pedestrian Access in Former Perch Street Right-of-Way

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

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**

NORTH CAROLINA

CURRITUCK COUNTY

## LICENSE AGREEMENT

**THIS LICENSE AGREEMENT**, to be effective as of the \_\_\_\_ day of \_\_\_\_\_, 2016, by and between **COUNTY OF CURRITUCK, NORTH CAROLINA**, a body corporate and politic existing pursuant to the laws of the State of North Carolina hereinafter “Licensor”, and **SAGA CONSTRUCTION AND DEVELOPMENT, LLC**, a limited liability corporation existing pursuant to the laws of the State of North Carolina, hereinafter “Licensee”;

## WITNESSETH:

WHEREAS, Licensor is the owner of a certain tract of land located in Poplar Branch Township, Currituck County, North Carolina, the same being the land conveyed to Licensor by deed recorded in Book 1083, Page 915 of the Currituck County Registry and more particularly located west of Corolla Drive and previously known as the westernmost right-of-way of Perch Street, (the “Property”); and

WHEREAS, Licensee desires permission to construct a pedestrian walkway through the Property, and thereafter convey the pedestrian walkway to Licensor for public use, extending from Licensee’s property abutting on the west of the Property and extending in an easterly direction to Corolla Drive.

NOW, THEREFORE, the parties do mutually undertake, promise and agree as follows:

ARTICLE IPREMISES, PRIVILEGES, USES, RIGHTS, ACTIVITIES, EXCLUSIONS,  
AND CONDITIONS OF LICENSE

For and in consideration of the terms, conditions and covenants of this License to be performed by Licensee, all of which Licensee accepts, Licensor hereby grants to Licensee the right to use the premises hereinafter set out and assumes the responsibilities herein described for the construction and installation of a pedestrian walkway ten feet in width.

**A. DESCRIPTION OF PREMISES.** The premises (“Premises”) subject to this License Agreement are described as follows:

Being a portion of that certain lot or parcel of land situated in Poplar Branch Township, Currituck County, North Carolina described in that deed recorded in Book 1083, Page 915 of the Public Registry of Currituck County and more particularly shown on that plat recorded in Map Book 3, Slide 70 of the Currituck County Registry as the western most right-of-way of Perch Street.

**B. CONDITION OF GRANTING LICENSE.** The granting of this License, its acceptance by Licensee, the obligations of the Licensor hereunder and the rights of Licensee are conditioned upon the following:

- (1) Use of the Premises by Licensee, its agents, employees, contractors or assigns, shall be limited to the construction and installation of a pedestrian walkway ten feet in width located and constructed in accordance with plans and specifications entitled in part “Proposed Pedestrian Access, Corolla Shores, Preliminary Plan & Profile A” prepared by Bissell Professional Group and attached to this License and incorporated by reference as Exhibit A and which shall be approved in advance of construction by Licensor.
- (2) Licensee shall require in any contract awarded for construction and installation of the pedestrian walkway that the contractor include Licensor as an additional named insured on any insurance policies

required of the contractor by Licensee or if its own contractor then Licensee shall include Lessor as an additional named insured on Licensee's general liability insurance policy during the term of this License.

## ARTICLE II

### OBLIGATIONS OF LICENSOR

- A. AUTHORITY TO LICENSE. Lessor covenants that at the time of granting and delivery of this License, the Lessor has full right and authority to license the use of the Premises in accordance herewith.

Lessor warrants to Licensee peaceful possession and quiet enjoyment of the Premises during the term hereof, upon Licensee's performance of its covenants herein.

- B. CONDITION OF PREMISES. Lessor provides the Premises, and the same are accepted by Licensee in its "as is" condition. Lessor warrants that Lessor, nor, to the best knowledge of the Lessor any other person or entity, has not placed on or under the Premises any waste constituents deemed hazardous waste under federal or state law or has received any notice of the happening of any event involving the misuse, spill, discharge or cleanup of any waste constituents on the Premises deemed hazardous waste under federal or state law.

## ARTICLE III

### OBLIGATIONS OF LICENSEE

- A. MAINTENANCE. Licensee accepts the Premises in their existing ("as is") condition.
- B. AUTHORITY TO LICENSE PREMISES. Licensee covenants that it has authority to enter into this agreement and to fulfill the terms and conditions contained in this agreement.
- C. PERMITS. Licensee covenants that it shall have received all regulatory permits required for construction and installation of the pedestrian walkway.
- D. TRANSFER OF PEDESTRIAN WALKWAY. Upon completion and Lessor's acceptance of the pedestrian walkway the Licensee shall convey any interest in the pedestrian walkway to Licensee by a Bill of Sale other document evidencing such conveyance acceptable to Lessor.

## ARTICLE IV

### TERM OF LICENSE

The term of this License shall be from the date first above written to and including June 30, 2016 or the date upon which Lessor accepts the pedestrian walkway from Licensee whichever first occurs.

## ARTICLE V

### INDEMNIFICATION

Licensee shall, in the exercise or enjoyment of the privileges herein granted, indemnify and save harmless the Lessor from any and all losses that may proximately result to the Lessor because of any negligence on the part of the Licensee, and shall indemnify Lessor, its officers, directors and agents against any and all mechanic's and materialmen's liens or any other types of liens sought to be imposed upon the Premises. Licensee has no right or authority to do anything on the Premises which could result in a lien being filed.

## ARTICLE VI

### TERMINATION, CANCELLATION, AND ASSIGNMENT

- A. TERMINATION. This License shall expire at the end of the full term hereof, and Licensee shall have no further right or interest in any of the Premises subsequent thereto.
- B. CANCELLATION BY LICENSEE. This License shall be subject to cancellation by Licensee upon the occurrence of one or more of the following events:
  - (1) The lawful assumption by the United States Government, or any authorized agency thereof, of the Premises or any substantial part or parts thereof, in such a manner as substantially to restrict Licensee for a period of at least ninety (90) days from operating thereon.
  - (2) Issuance by any court of competent jurisdiction of any injunction in any way preventing or restraining the use of the Premises, and the remaining in force of such injunction for a period of at least ninety (90) days.
  - (3) The default by Lessor in the performance of any covenant or agreement herein required to be performed by Lessor and the failure of Lessor to remedy such default for a period of sixty (60) days after receipt from Licensee of written notice by registered mail to remedy the same, unless such remedy requires in excess of said period to complete, in which event, the remedy must commence within sixty days and must reasonably continue thereafter.

Licensee may exercise such right of termination by written notice delivered by registered mail to Lessor at any time after the lapse of the applicable periods of time, and this lease shall terminate as of that date.

- C. CANCELLATION BY LESSOR. This License shall be subject to cancellation by Lessor in the event that Licensee shall:
  - (1) File a voluntary petition in bankruptcy; or
  - (2) Make a general assignment for the benefit of creditors; or
  - (3) Have a Receiver appointed for it by a court of competent jurisdiction; or
  - (4) Abandon or vacate the Premises; or
  - (5) Fail to perform any of the other covenants and/or conditions required herein to be kept and performed by Licensee and the lack of cure thereof for a period of thirty (30) days after receipt of written notice from Lessor of said failure.

In any of aforesaid events, Lessor may take immediate possession of the Premises and remove Licensee's effects, or the effects of Licensee's agents, employees, contractors or assigns without being deemed guilty of trespass. Upon written notice of termination provided by Lessor in accordance herewith or upon vacation by Licensee and re-entry by Lessor, this License shall terminate. Any fees due Lessor hereunder shall be payable to said date of termination or to said date of vacation of the Premises and re-entry by Lessor, whichever event occurs later in time.

Failure of Licensor to declare this License terminated upon the breach by Licensee for any of the reasons set out shall not operate as a waiver of Licensor's right to declare this License terminated by reason of such breach or any subsequent violation of the terms of this License.

D. **ASSIGNMENT AND TRANSFER.** Licensee shall not at any time during the term of this License, directly or indirectly, assign, hypothecate or transfer its interest in this agreement or any interest therein, nor shall Licensee sublease all or any part of the Premises without the consent of the Licensor.

## ARTICLE VII

### GENERAL PROVISIONS

A. **ATTORNEY'S FEES.** In any action brought by either party hereto for the enforcement of the obligation(s) of the other, the nonprevailing party shall bear the cost of its attorney's fees for itself and the prevailing party.

B. **BINDING EFFECT AND COMPLETE TERMS.** The terms, covenants, conditions and agreements herein contained shall be binding upon and enure to the benefit of and shall be enforceable by Licensor and Licensee and by their respective successors and assigns. All negotiations and agreements of Licensor and Licensee are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the Licensor and Licensee.

C. **CONSTRUCTION OF LICENSE.** This License shall not be construed more strictly against either party regardless of which party is responsible for the preparation of the same.

D. **EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY.** The Premises are licensed subject to all easements, restrictions and rights of way legally affecting the Premises.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the date first above written.

COUNTY OF CURRITUCK:

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

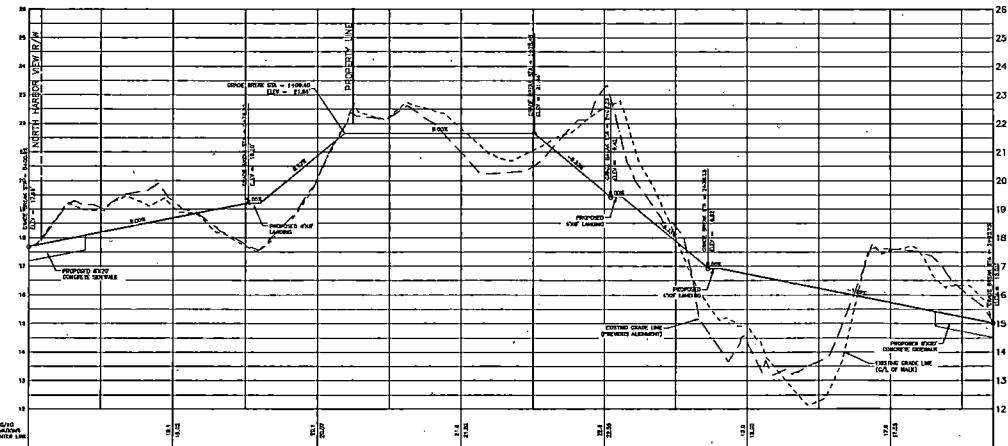
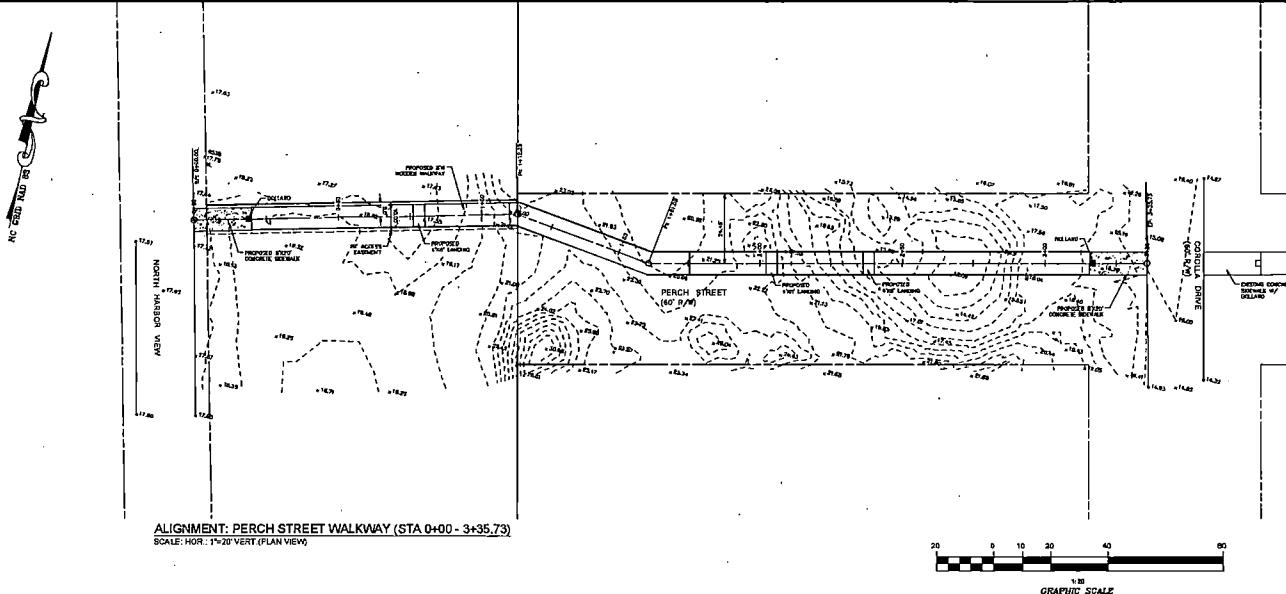
\_\_\_\_\_ (SEAL)

Daniel F. Scanlon, II  
County Manager

SAGA LAND AND DEVELOPMENT, LLC:

By: \_\_\_\_\_ (SEAL)

Its: \_\_\_\_\_



**ALIGNMENT: PERCH STREET WALKWAY (STA 0+00 - 3+35.73)**  
**SCALE: HOR. 1'=20' VERT. 1'=2' (PROFILE VIEW)**

**Attachment: April 18 2016-Agreement-Saga Construction-Map Exhibit A (1526 : Agreement with Saga**

Packet Pg. 114



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1516)**

### **Agenda Item Title**

Consideration & Approval of Lease Agreement-Probation and Parole Offices

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

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**



# North Carolina Department of Public Safety

## Purchasing and Logistics

Pat McCrory, Governor  
Frank L. Perry, Secretary

William Crews, Commissioner  
Joanne B. Rowland, Director

March 30, 2016

Dan Scanlon II  
Currituck County Manager  
153 Courthouse Road, Suite 204  
Currituck, NC 27929

**RE: County Provided Space in Currituck County, NC (Attached Lease)**

Dear Mr. Scanlon:

Hope all is well. Per your request, the address on the lease has been corrected. The attached lease is for the Probation and Parole staff that occupies office space in Currituck County. Upon your review and approval, please sign lease and have notarized. Once complete, please mail back to my attention at the address below. Please do not fill in the date on page one, as this will be completed by the State Property Office.

Should you have any questions or concerns, please feel free to contact me at (919) 324-6467. Thank you in advance for your assistance in this matter.

Sincerely,

Ronald R. Moore, Real Property Manager

**MAILING ADDRESS:**  
3030 Hammond Business Place  
4227 Mail Service Center  
Raleigh, NC 27699-4227  
[www.ncdps.gov](http://www.ncdps.gov)



[www.ncdps.gov](http://www.ncdps.gov)  
An Equal Opportunity Employer

**OFFICE LOCATION:**  
3030 Hammond Business Place  
Raleigh, NC 27603-3666  
Telephone (919) 743-8141  
Fax (919) 715-3731

**THIS LEASE DOES NOT BECOME EFFECTIVE UNTIL EXECUTED  
BY THE NORTH CAROLINA DEPARTMENT OF CORRECTION**

STATE OF NORTH CAROLINA

**LEASE AGREEMENT**

THIS LEASE AGREEMENT, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between **COUNTY of CURRITUCK**, hereinafter designated as Lessor, and the **STATE OF NORTH CAROLINA**, hereinafter designated as Lessee;

**W I T N E S S E T H:**

WHEREAS, authority to approve and execute this lease agreement was delegated to the Department of Administration by resolution adopted by the Governor and Council of State on the 1<sup>st</sup> day of September, 1981; and

WHEREAS, the Department of Administration has delegated to this State agency the authority to execute this lease agreement by a memorandum dated the 17<sup>th</sup> day of April, 1985; and

NOW THEREFORE, in consideration of the rental hereinafter agreed to be paid and the terms and conditions hereinafter set forth, Lessor does hereby let and lease unto Lessee and Lessee hereby takes and leases from Lessor for and during the period of time and subject to the terms and conditions hereinafter set out certain space in **Town of Currituck, County of Currituck, North Carolina**, more particularly described as follows:

Being +/- 1,292 net square feet of office space located at 2801 Caratokey Highway, Currituck, Currituck County, North Carolina.

**(DEPARTMENT OF CORRECTION)**

THE TERMS AND CONDITIONS OF THIS LEASE AGREEMENT ARE AS FOLLOWS:

1. The term of this lease shall be for a period of three (3) Years commencing on the 1<sup>st</sup>. day of May, 2016 or as soon thereafter as the leased premises are ceded to the Lessee and terminating on the 30<sup>th</sup>. day of April 2019.
2. The Lessee shall pay to the Lessor as rental for said premises the sum of \$1.00 Dollars per term to be payable within fifteen (15) days from receipt of invoice in triplicate.

The Lessee agrees to pay the aforesaid rental to Lessor at the address specified, or, to such other address as the Lessor may designate by a notice in writing at least fifteen (15) days prior to the due date.

3. Lessor agrees to furnish to the Lessee, as a part of the consideration for this lease, the following services and utilities to the satisfaction of the Lessee.

- A. Heating facilities, air conditioning facilities, adequate electrical facilities, adequate lighting fixtures and sockets, hot and cold water facilities, and adequate toilet facilities.
- B. Janitorial services and supplies including maintenance of lawns, parking areas, common areas and disposal of trash.
- C. All utilities except telephone.
- D. Parking as available.
- E. The lessor covenants that the leased premises are generally accessible to persons with disabilities. This shall include access into the premises from the parking areas (where applicable), into the premises via any common areas of the building and access to an accessible restroom.

4. During the lease term, the Lessor shall keep the leased premises in good repair and tenantable condition, to the end that all facilities are kept in an operative condition. Maintenance shall include, but is not limited to furnishing and replacing electrical light fixture ballasts, air conditioning and ventilating equipment filter pads, if applicable, and broken glass. In case Lessor shall, after notice in writing from the Lessee in regard to a specified condition, fail, refuse, or neglect to correct said condition, or in the event of an emergency constituting a hazard to the health or safety of the Lessee's employees, property, or invitees, it shall then be lawful for the Lessee in addition to any other remedy the Lessee may have to make such repair at its own cost and to invoice the amount thereof to the Lessor. The Lessor reserves the right to enter and inspect the leased premises, at reasonable times, and to make necessary repairs to the premises.

5. It is understood and agreed that Lessor shall, at the beginning of said lease term as hereinabove set forth, have the leased premises in a condition satisfactory to Lessee, including repairs, painting, partitioning, remodeling, plumbing and electrical wiring suitable for the purposes for which the leased premises will be used by Lessee.

6. The Lessee shall have the right during the existence of this lease, with the Lessor's prior consent, to make alterations, attach fixtures and equipment, and erect additions, structures or signs in or upon the leased premises. Such fixtures, additions, structures or signs so placed in or upon or attached to the leased premises under this lease or any prior lease of which this lease is an extension or renewal shall be and remain the property of the Lessee and may be removed therefrom by the Lessee prior to the termination of this lease or any renewal or extension thereof, or within a reasonable time thereafter. The Lessee shall have no duty to remove any improvement or fixture placed by it on the premises or to restore any portion of the premises altered by it. In the event Lessee elects to remove his improvements or fixtures and such removal causes damage or injury to the demised premises, Lessee will repair only to the extent of any such damage or injury.

7. If the said premises be destroyed by fire or other casualty without fault of the Lessee, this lease shall immediately terminate. In case of partial destruction or damage by fire or other casualty without fault of the Lessee, so as to render the premises untenantable in whole or in part, and during such period of repair, and if the Lessor can not provide suitable office space, the Lessee shall have the right to obtain similar office space at the expense of Lessee with reimbursement from the County.

8. Lessor shall be liable to Lessee for any loss or damages suffered by Lessee which are a direct result of the failure of Lessor to perform an act required by this lease, and provided that Lessor could reasonably have complied with said requirement.

9. Upon termination of this lease, the Lessee will peaceably surrender the leased premises in as good order and condition as when received, reasonable use and wear and damage by fire, war, riots, insurrection, public calamity, by the elements, by act of God, or by circumstances over which Lessee had no control or for which Lessor is responsible pursuant to this lease, excepted.

10. The Lessor agrees that the Lessee, upon keeping and performing the covenants and agreements herein contained, shall at all times during the existence of this lease peaceably and quietly have, hold, and enjoy the leased premises free from the adverse claims of any person.

11. The failure of either party to insist in any instance upon strict performance of any of the terms and conditions herein set forth shall not be construed as a waiver of the same in any other instance. No modification of any provision hereof and no cancellation or surrender thereof shall be valid unless in writing and signed and agreed to by both parties.

12. Any hold over after the expiration of the said term or any extension thereof, shall be construed to be a tenancy from month to month, and shall otherwise be on the terms and conditions herein specified, so far as applicable; however, either party shall give not less than sixty (60) days written notice to terminate the tenancy.

13. The parties to this lease agree and understand that the continuation of this lease agreement for the term period set forth herein, or any extension or renewal thereof, is dependent upon and subject to the appropriation, allocation or availability of funds for this purpose to the agency of the Lessee responsible for payment of said rental. The parties to this lease also agree that in the event the agency of the Lessee or that body responsible for the appropriations of said funds, in its sole discretion, determines, in view of its total local office operations that available funding for the payment of rents are insufficient to continue the operation of its local offices on the premise leased herein, it may choose to terminate the lease agreement set forth herein by giving Lessor written notice of said termination, and the lease agreement shall terminate immediately without any further liability to Lessee.

14. All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows: To the Lessor at **153 Courthouse Road, Suite 204, Currituck, North Carolina 27929** and the Lessee at **2020 Yonkers Road, 4227 Mail Service Center, Raleigh, North Carolina 27699-4227**. Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as aforesaid to either party may be changed by written notice.

“N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.”

**[Remainder of page intentionally left blank; signatures on following pages]**

IN TESTIMONY WHEREOF, this lease has been executed by the parties hereto, in duplicate originals, as of the date first above written.

STATE OF NORTH CAROLINA

By: \_\_\_\_\_ (SEAL)  
Joanne Rowland  
Director of Purchasing & Logistics

ATTEST:

Leeann Walton, Clerk to the Currituck  
County Board of Commissioners

LESSOR:

By: \_\_\_\_\_ (SEAL)  
David L. Griggs, Chairman  
Currituck County Board of Commissioners

STATE OF NORTH CAROLINA  
COUNTY OF CURRITUCK

I, \_\_\_\_\_, a Notary Public in and for this County and State aforesaid, do hereby certify that David L. Griggs, personally came before me this day and acknowledged that he is the Chairman of the Currituck County Board of Commissioners, and that by authority and given as an act of Currituck County and acknowledged the due execution of the foregoing instrument in its name.

WITNESS my hand and Notarial Seal, this \_\_\_\_\_ day of April, 2016.

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires:

\_\_\_\_\_



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1519)**

### **Agenda Item Title**

Proclamation Declaring General Federation of Women's Club Day

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

Proclamation recognizing the volunteer services provided by the Moyock Women's Club and declaring April 24, 2016, as the General Federation of Women's Clubs' Day.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**

## A PROCLAMATION DECLARING GENERAL FEDERATION OF WOMEN'S CLUB DAY

**WHEREAS**, the General Federation of Women's Club, GFWC, is an international woman's organization dedicated to community improvement by enhancing the lives of others through volunteer service; and

**WHEREAS**, founded in 1890, the GFWC started with 60 clubs across the United States. This amazing organization has since expanded into an international organization, operating in all 50 states and more than a dozen countries. With more than 4,000 clubs, and over 100,000 individual members it is the largest volunteer organization in the world; and

**WHEREAS**, April 24, 2016 marks the 126<sup>th</sup> anniversary of the GFWC; and

**WHEREAS**, the Moyock Woman's Club is a proud member of the GFWC. The Moyock Woman's Club was organized in 1923 and currently has 41 active members; and

**WHEREAS**, the founding members started a legacy of volunteerism in Currituck County that continues to this day. Some of the club's projects for our community include:

**Tree of Hope**-This project supports the Backpack for Kids Program, Albemarle Hopeline and Currituck Kids.

**Read 5, Take 5**-Providing over 2800 books for elementary students to take home in the summer.

**Currituck County Department of Social Services**-Providing "first night" bags for foster children and adopting children for Christmas.

**Currituck County High School and JP Knapp Early College**-Donated personal hygiene products and food for students. Sponsored a scholarship for a student attending a four-year college in North Carolina and supplying that student with supplies to outfit a dorm room. A scholarship was also awarded to a student planning on attending a two-year college or trade/technical school in North Carolina.

**Marion Fiske Welch Scholarship**-This scholarship is offered to women over 30 returning to school to either finish their degree or just starting.

**WHEREAS**, these are just a few of the community projects the Moyock Woman's Club is invested in and there are many, many more of which our club proudly participates; and

**WHEREAS**, as the GFWC marks 126 years of community service, the Moyock Woman's Club humbly asks our Board of Commissioners to recognize April 24, 2016 as General Federation of Women's Club' Day, honoring 126 years of volunteerism to our county, state, country and the world.

**NOW THEREFORE BE IT RESOLVED**, that the Currituck County Board of Commissioners, in grateful recognition of the important volunteer services performed by the Moyock Woman's Club, hereby proclaim April 24, 2016, as General Federation of Women's Clubs' Day.

**ADOPTED** this, the 18<sup>th</sup> day of April, 2016.

ATTEST:

---

David L. Griggs, Chairman  
Currituck County Board of Commissioners

\_\_\_\_\_  
Clerk to the Board of Commissioners

(SEAL)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1523)**

**Agenda Item Title**

Budget Amendments

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

per TDA2016011

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 18th of April 2016 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<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 - County Govt Construction	\$ 6,500	
15380-481000	Investment earnings		\$ 6,500
		<u><u>\$ 6,500</u></u>	<u><u>\$ 6,500</u></u>

**Explanation:**

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$6,500.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1527)**

**Agenda Item Title**

Project Ordinance-Moyock Park

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

## COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

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

**SECTION 1.** The project authorized is to design a park that will be located in Moyock, NC near Shingle Landing.

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

Moyock Park, Shingle Landing	\$	6,500
	<hr/>	<hr/>
	\$	6,500

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

Transfer from Occupancy Tax	\$	6,500
	<hr/>	<hr/>
	\$	6,500

**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 18th day of April 2016.

---

David Griggs, Chairman  
Board of Commissioners

ATTEST:

---

Leeann Walton  
Clerk to the Board