



**Board of Commissioners
Agenda Packet**

August 1, 2016

Work Session

5:00 PM Substantial Damage and Disaster Assessment

6:00 Call to Order

- A) Invocation & Pledge of Allegiance-Reverend Jerry Cribb, Pilmoor United Methodist Church
- B) Approval of Agenda

Administrative Reports

- A) **Animal Services and Control Departmental Report-Gina Maurer, Director**

Public Hearings

- A) **Public Hearing and Action: PB 16-14 Currituck County Large Residential Structures:** Request to amend the Unified Development Ordinance Chapter 4 Use Standards, Chapter 5 Development Standards, and Chapter 10 Definitions and Measurements for single-family detached dwellings that exceed 5,000 square feet.
- B) **Public Hearing and Action: PB 16-10 Currituck County UDO Housekeeping 2016:** Request to amend the Unified Development Ordinance Chapter 2 Administration, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 6 Subdivision and Infrastructure Standards, Chapter 7 Environmental Protection, and Chapter 10 Definitions and Measurement.

Old Business

- A) **Historic Preservation-Report from the County Attorney Regarding the process to remove designated landmark status of property under the Historic Preservation Ordinance.**

New Business

- A) **Consideration of An Ordinance of the Currituck County Board of Commissioners Amending Section 9-1 of the Currituck County Code of Ordinances Regarding the Discharge of Firearms and Section 1-8 of the Currituck County Code of Ordinances Providing That a Violator May Be Issued a Civil Citation**
- B) **Board Appointments**
 - 1. Historic Boat and Building Advisory
- C) **Consent Agenda**
 - 1. Approval Of Minutes
 - 2. Budget Amendments
 - 3. 2nd Amendment to Verizon Tower Lease
 - 4. Economic Improvement Council, Inc. Lease Agreement

5. Corolla Greenway, Phase III-Change Order #1
6. Termination of Program-Voluntary Removal of Dilapidated Structures
7. Consideration and Approval of Application for Alcohol Use-Soundside Park

D) Commissioner's Report

E) 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.

Special Meeting

Travel & Tourism Departmental Report and Update-Tameron Kugler, Director

TDA-Budget Amendments

Motion to Adjourn Special Meeting of the Tourism Development Authority

Closed Session

Amended Agenda: Add Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the attorney-client privilege and to receive advice from the County Attorney regarding a claim against the county and for the following pending lawsuit: Price Solar, LLC v. Currituck County

Adjourn



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1619)

Agenda Item Title

5:00 PM Substantial Damage and Disaster Assessment

Brief Description of Agenda Item:

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Bill News



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1620)

Agenda Item Title

Animal Services and Control Departmental Report-Gina Maurer, Director

Brief Description of Agenda Item:

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Gina Maurer



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1602)

Agenda Item Title

Public Hearing and Action: PB 16-14 Currituck County Large Residential Structures:

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance Chapter 4 Use Standards, Chapter 5 Development Standards, and Chapter 10 Definitions and Measurements for single-family detached dwellings that exceed 5,000 square feet.

Planning Board Recommendation:

Mr. Cooper moved to approve PB 16-14 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development with the following conditions:

- Mainland will be exempt from text amendment.
- Corolla the text amendment will apply as written.
- Carova (Off-Road Area) the text amendment will apply as written with the condition a use permit is required of any home built over 10,000 sq. ft.

Mr. Whiteman seconded the motion and motion carried.

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: July 18, 2016

Subject: PB 16-14 Currituck County Large Residential Structures Text Amendment

At the 2016 BOC Retreat in January, the board directed planning staff to develop recommendations to address the impact of large residential structures in the Currituck Outer Banks.

The following timeline of events relates to large residential structures in Currituck County occurred previous to this text amendment application:

- The 2006 Land Use Plan was adopted with two policies that support limiting the size and impacts of large residential structures.
- In 2010 the staff proposed addressing the impacts of large houses by creating a new use classification and standards for homes larger than 5,000 square feet. The request was not supported by the Board of Commissioners at that time.
- In 2013 the Board of Adjustment upheld a staff determination that a large residential structure in the off-road area met the current Unified Development Ordinance (UDO) definition of a single-family dwelling. The decision was appealed and upheld by the Superior Court, and is now awaiting a hearing at the Court of Appeals.
- In 2015 the Board of Adjustment upheld a staff determination that the use of a large residential structure was consistent with the residential permit issued in 2014. Appellant claimed the property is used as a commercial business (event home). This decision was not appealed to the Superior Court.
- In 2015 the North Carolina Building Code Council issued an order that concludes that the size and square footage, number of bedrooms, and use of a home as a vacation rental does not change the occupancy classification of a large residential structure.
- On October 19, 2015 the Board of Commissioners denied a citizen initiated text amendment to rezone single family houses that exceed 5000 square feet, are in a rental program, and have more than 2 events a year as Commercial. Commissioners directed

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Attachment: 16-14 Large Residential Structures (BOC 8.1.16) (1602 : PB 16-14 Currituck County Large Residential Structures)

- staff to conduct a review of large residential structure to assess possible compatibility and public safety impacts
- Public meeting was held in Corolla on November 20, 2015 with ~25 attendees to gather public input. Ideas that came out of public meeting:
 - Houses were considered large if were more than 5,000 square feet or more than 12 bedrooms; use as “event facility” was also a concern;
 - Top Impacts of large houses people were concerned:
 - Bulk of the house
 - Compatibility with neighbors
 - Lack of on-site parking which leads to parking in streets
 - Public Safety
 - Water/Sewer/Septic
 - Traffic
 - Noise
 - Initiated an on-line survey to reach those that could not attend meeting; similar results as in person meeting.
 - A second public meeting was held January 8, 2016 in Corolla to review survey results, housing stock information, and to discuss possible strategies.

| Corolla Paved Road Residential Structures | Quantity |
|--|-----------------|
| Total Residential Structures | 3905 |
| Mean # of bedrooms | 5.02 |
| Maximum # bedrooms | 28 (1 house) |
| Mean sq. ft. all houses in paved road area | 2951.72 sq. ft. |
| # Houses with 8 or more bedrooms | 323 (8.3%) |
| Mean sq. ft. of 8+ bedroom houses | 5252.16 sq. ft. |
| # Houses > 4999 sq. ft. | 261 (6.7%) |
| # Houses > 9999 sq. ft. | 6 (0.15%) |
| Largest Lot taxed with residential structure present | 14.55 ac |
| Mean Lot Size taxed with residential structure present | 0.34 ac |
| Total # Subdivided Residential Purpose Lots | 4,658 |
| Vacant Subdivided Residential Purpose Lots | 923 |

| Corolla Off- Road Residential Structures | Quantity |
|---|-----------------|
| Total Residential Structures | 741 |
| Mean # of bedrooms | 3.95 |
| Maximum # bedrooms | 23 (1 house) |
| Mean sq. ft. all houses in off-road area | 2239.01 sq. ft. |
| # Houses with 8 or more bedrooms | 47 |
| Mean sq. ft. of 8+ bedroom houses | 5598.77 sq. ft. |
| # Houses > 4999 sq. ft. | 27 (3.64%) |
| # Houses > 9999 sq. ft. | 2 (0.27%) |

| | |
|--|----------|
| Largest Lot taxed with residential structure present | 12.65 ac |
| Mean Lot Size taxed with residential structure present | 0.63 ac |
| Total # Subdivided Residential Purpose Lots | 3155 |
| Vacant Subdivided Residential Purpose Lots | 2481 |

- At their January Retreat, the Board directed staff to move forward with recommendations to address impacts and investigate special legislation.
- Staff held a work session with Commissioners on April 18th to discuss the work completed to date. Outcomes of the work session include:
 - County attorney to submit special legislation to address life safety issues on residential structures greater than 5,000 sq. ft.
 - Commercial floor load and deck load standards
 - 13D sprinkler system (residential system)
 - Exit lighting
 - Increased minimum off-street parking for all residential dwellings on the OBX
 - Better signage prohibiting on-street parking
 - Compatibility standards – a general consensus for **continuing this discussion**
 - Establish a “trigger size” to apply higher standards
 - Increased side setbacks
 - Larger lot size required in off-road beaches
 - Screening for outdoor use and refuse areas
 - Proportionality – new houses similar in scale or bulk of existing neighboring houses

The 2006 Land Use Plan Policy statements that are relevant to the request are as follows:

LUP POLICY OB3: Currituck County recognizes that, on the Outer Banks in particular, “single family” homes are being built that accommodate 15, 20, 25 or more people. Thus, these LARGE RESIDENTIAL STRUCTURES are circumventing existing zoning laws that could not anticipate the advent of these building forms. Development regulations and project approvals shall therefore be based upon the actual nature of the structure rather than the label (e.g. single family) that may be attached to it.

LUP POLICY OB4: Currituck County supports policies and actions that require the square footage, number of bedrooms, and/or occupancy levels of RESIDENTIAL STRUCTURES to be determined in proportion to lot size, as well as public health and safety issues concerning water supply and sewage disposal, fire safety, emergency services, parking, traffic loads during evacuations, etc.

Recommendation:

Planning staff recommends **approval** of the text amendment because it is consistent with the goals, objectives, and policies of the Land Use Plan by addressing the nature of large residential structures and the public health and safety issues concerns of large residential structures that impact the SFO and SFR residential districts.

Planning Board Recommendation:

Mr. Cooper moved to approve PB 16-14 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development with the following conditions:

- Mainland will be exempt from text amendment.
- Corolla the text amendment will apply as written.
- Carova (Off-Road Area) the text amendment will apply as written with the condition a use permit is required of any home built over 10,000 sq. ft.

Mr. Whiteman seconded the motion and motion carried.

Planning Board Discussion (7/12/16)

David Knoch and Marie Long appeared before the board.
Mr. Woody and Ms. LoCicero presented the staff report.

Ms. LoCicero provided an overview of the text amendment and a PowerPoint presentation. Ms. LoCicero presented items for discussion on large residential structures. These items included:

- Images of house size comparison
- Text amendment - revisions to:
 - Use Standards - single family homes exceeding 5,000 sq. ft.
 - Setbacks (Side setbacks shall be a minimum of 25 ft.)
 - Proportionality (Only applies if you build a house over 5,000 sq. ft.)
 - SFR district
 - Development standards - off street parking

Mr. Woody talked about increase side setbacks and screening for refuse containers. He showed a site plan for a house recently built on a corner lot in the Whalehead subdivision. In this example an eleven bedroom home on a 20,000 sq. ft. lot meets the 25 ft. side setbacks. If you have outdoor activity areas you would have buffering from adjoining property owners. Mr. Woody said you can get credit for using different types of impervious material for parking.

Ms. Overstreet said in the remote, off-road area you don't have a designated area for parking because vehicles park in the sand, whereas in the paved area in Corolla you have a designated area for parking which is paved. This makes a difference between the paved and off-road area.

The board discussed impervious material/coverage, setbacks, proportionality, design and parking standards, off-street parking, education efforts to educate visitors, enforcement of off-street parking by homeowners associations, better signage, and the definition of living area of the main structure.

Mr. Craddock asked what is the CAMA regulations on an oceanfront lot, either in Corolla or the off-road area; and what is the distance for the setback.

Mr. Woody said you have structure setbacks based on the square footage. Mr. Woody said under the Federal Fair Housing Law a local government can limit the maximum size of residential houses, but cannot create a minimum size for residential houses. Mr. Woody showed Ed Cornet's model incorporating the proposed changes, which indicates if you were the first to build on a 20,000 sq. ft. lot, you could build a 9,000 sq. ft. house with 14 bedrooms. You could fit all the wastewater and parking under this model. When the Unified Development Ordinance (UDO) was adopted in 2013 it states 2 parking spaces for 1-4 bedrooms, 1 space per bedroom for 5-10 bedrooms, and when you get to bedroom 11 it goes back to 1 space for every 2 bedrooms.

Ms. Overstreet asked what is the parking requirement for the large home in the Currituck Club.

Mr. Woody said 22 spaces.

Ms. Overstreet said in the off-road area you have weddings set-up on the beach and then people attending the wedding park on the beach, which blocks the public access from time to time. Ms. Overstreet said you need to have a difference between the mainland, Corolla, and the off-road area.

Mr. Cooper opened the public hearing.

Mr. Knoch provided a handout of his amended text amendment which includes added language, "and facility up to commercial standards inside and out." Mr. Knoch said he supports staff text amendment; he supports weddings in Corolla, and large residential homes. Mr. Knoch is concerned with the safety and utilization of these facilities. Mr. Knoch is not calling these homes an event home, but rather a facility. These facilities are taking business away from the Whalehead Club. This facility is 24 bedrooms and not residential.

Ms. Long said she supports the proposed text amendment.

Mr. Cooper closed the public hearing.

Mr. Cooper recapped the text amendment, future homes that are larger than 5,000 sq. ft. the side setbacks will increase to 25 feet from 10 feet; the proportionality once you exceed 5,000 sq. ft. is 150% of all properties that touch it; in the SFR district, may only be located on lots that exceed 120,000 sq. ft. of lot area; and off-street parking. Mr. Cooper said this request does apply to the entire county and his concern is this is not a mainland issue.

The board discussed safety issues; text amendment applies to three separate areas, limiting the number of events, and enforcing off-road parking.

Ms. Overstreet said in the off road area safety is an issue, i.e. fire trucks being able to reach a home in a timely manner for a fire. Residents are concerned with the impact of septic and well water to take care of the large properties.

Mr. Cooper moved to approve PB 16-14 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development with the following conditions:

- Mainland will be exempt from text amendment.
- Corolla the text amendment will apply as written.
- Carova (Off-Road Area) the text amendment will apply as written with the condition a use permit is required of any home built over 10,000 sq. ft.

Mr. Whiteman seconded the motion and motion carried.

**PB 16-14
CURRITUCK COUNTY**

Amendment to the Unified Development Ordinance Chapter 4. Use Standards, Chapter 5. Development Standards, and Chapter 10 definitions and Measurements for single-family detached dwellings that exceed 5,000 square feet.

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

Item 1: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language:

4.1.1 Use Table

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

| USE CATEGORY | USE TYPE | ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES] | | | | | | | | | | | | | | | |
|--|-------------------------|--|----|-----|-----|-----|-----|-----|----|----|----|----|----|----|--------|--------|--------|
| | | RC | AG | SFM | SFO | SFR | SFI | MXR | GB | LB | CC | VC | LI | HI | PD-R | PD-M | PD-O |
| AGRICULTURAL USE CLASSIFICATION | | | | | | | | | | | | | | | | | |
| Agriculture / Horticul- ture | All | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | M P | M P | M P |
| Animal Husbandry | All | | Z | | | | Z | | | | | | Z | Z | | M P | |
| Agriculture Support and Services (Directly Related) | Agri-education | Z | Z | | | | Z | | Z | Z | Z | | | | | M P | |
| | Agri-entertainment | Z | Z | | | | Z | | Z | Z | Z | | | | | M P | |
| | Agricultural processing | | Z | | | | | U | | | | | Z | Z | | M P | |
| | Agribusiness | | Z | | | | Z | | Z | Z | Z | | | Z | | M P | |
| | Equestrian facility | | Z | Z | | | Z | | Z | | Z | Z | Z | | M P | M P | M P |
| | Farmers market | | Z | | | | Z | | Z | Z | Z | Z | Z | | M | M | M |

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Attachment: 16-14 Large Residential Structures (BOC 8.1.16) (1602 : PB 16-14 Currituck County Large Residential Structures)

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

| Use Category | Use Type | Zoning District (Current District in Parenthesis) [Note: Overlay or Sub-District Requirements May Further Limit Uses] | | | | | | | | | | | | | | | | Assessment District |
|---|--|--|----|-----|-----|-----|-----|-----|----|----|----|----|----|----|------|------|------|---------------------|
| | | RC | AG | SFM | SFO | SFR | SFI | MXR | GB | LB | CC | VC | LI | HI | PD-R | PD-M | PD-O | |
| Agriculture Support and Services (Not Directly Related) | | | | | | | | | | | | | | | P | P | P | |
| | Nursery, production | | Z | | | | Z | | Z | Z | | | Z | Z | M P | M P | | 1 |
| | Roadside market | | Z | | | | | | Z | | | | | | | | | 1 |
| | Agricultural research facility | | Z | | | | | | Z | Z | Z | | Z | Z | | M P | | 1 |
| | Distribution hub for agricultural products | | Z | | | | | | Z | Z | | | Z | Z | | M P | | 1 |
| | Farm machinery sales, rental, and service | | Z | | | | | | Z | Z | Z | | Z | Z | | M P | | 1 |
| | Stockyard / Slaughterhouse | | U | | | | | | | | | | | U | | | | 1 |
| Silviculture | All | Z | Z | Z | | | Z | Z | Z | Z | | | Z | Z | M P | M P | | 1 |
| Residential Use Classification | | | | | | | | | | | | | | | | | | |
| Household Living | Dwelling, duplex | | | Z/U | | | | Z | | | Z | Z | | | M P | M P | M P | 2 |
| | Dwelling, live/work | | | | | | | Z | Z | Z | Z | Z | | | M P | M P | M P | 2 |
| | Dwelling, mansion apartment | | | | | | | CZ | | | Z | Z | | | M P | M P | M P | 2 |
| | Dwelling, manufactured home (class A) | | Z | Z | | | Z | Z | Z | | | | | | | | | 2 |
| | Dwelling, manufactured home (class B) | | Z | Z | | | Z | Z | Z | | | | | | | | | 2 |
| | Dwelling, multi-family | | | | | | | CZ | | | Z | Z | | | M P | M P | M P | 2 |
| | Dwelling, single-family detached | | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | | | M P | M P | M P | 2 |
| | Dwelling, townhouse | | | | | | | CZ | | | Z | Z | | | M P | M P | M P | 2 |
| | Dwelling, upper story | | | | | | | Z | Z | Z | Z | Z | | | M P | M P | M P | 2 |
| Group Living | Dormitory | | | | | | | Z | Z | U | Z | Z | | | | M P | | 2 |

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
 CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

| USE CATEGORY | USE TYPE | ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES] | | | | | | | | | | | | | | | Assessment District | |
|-----------------|---------------------------|--|----|-----|-----|-----|-----|-----|----|----|----|----|----|----|--------|--------|---------------------|------|
| | | RC | AG | SFM | SFO | SFR | SFI | MXR | GB | LB | CC | VC | LI | HI | PD-R | PD-M | | PD-O |
| | | | | | | | | | | | | | | | | | | |
| | Family care home | | | Z | Z | Z | Z | Z | Z | Z | Z | Z | | | M P | M P | M P | Z |
| | Rooming or boarding house | | | | | | | Z | Z | | Z | Z | | | M P | M P | M P | Z |

4.2.2 Residential Uses

A. Household Living

....

(5) Dwellings, Multi-Family and Townhouse

Multi-family and townhouse dwellings shall comply with the multi-family design standards in Section 5.7, the community compatibility standards in Section 5.10 (as appropriate), and the following standards:

- (a) No accessory structure shall be less than ten feet from another structure.
- (b) No improved recreation area shall be located within required exterior setbacks or within 20 feet of any dwelling unit.
- (c) No individual building shall exceed a length of 250 feet.
- (d) A townhouse building shall contain at least three but no more than six side-by-side dwelling units.

(6) Dwelling, Single Family Detached

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Single family detached dwellings that exceed 5,000 square feet of living area shall comply with the following standards:

- (a) Side setbacks shall be a minimum of 25 feet
- (b) Storage areas for refuse containers in the SFO and SFR districts shall be screened in accordance with Section 5.2.7, Screening.
- (c) Ground-level outdoor gathering areas that exceed 1,000 square feet, including but not limited to decks, pool areas, fire pits, outdoor kitchens, and gazebos, shall be screened from abutting properties by a Type B buffer.
- (d) Total living area shall not exceed 150% of the average living area square footage of single family detached dwellings on abutting lots. **Staff note: this caveat can be altered to consider a block of homes, such as "single family detached dwellings located within 600 linear feet along a block face."
- (e) In the SFR district, may only be located on lots that exceed 120,000 square feet of lot area which excludes the following:
 - (i) Required CAMA Ocean Hazard setback and Coastal Shoreline setback;
 - (ii) CAMA designated wetlands;
 - (iii) U.S. army Corps of Engineers designated 404 wetlands.

(7) Dwelling, Upper Story Residential

Upper story residential dwelling units shall occupy the second or higher floor of a building with a nonresidential use on the ground floor.

Item 2: That Chapter 5. Development Standards is amended by adding the following underlined language and deleting the struck-through language:

5.1.3 Off-Street Parking Standards

B. Parking Plan Required

The parking plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development the facilities are designed to serve.

C. Minimum Number of Spaces Required

Unless otherwise expressly stated in this section or approved through an alternative parking plan, the minimum number of off-street parking spaces shall be provided in accordance with Table 5.1.3.C, Minimum Off-Street Parking Standards.

D. Maximum Number of Spaces Permitted

(1) Provision up to 175 Percent of Minimum

- (a)** Commercial and Industrial uses of 5,000 square feet in area or larger listed in Table 5.1.3.C, Minimum Off-Street Parking Standards, shall not exceed 125 percent of the minimum number of parking spaces required in the table.
- (b)** Through approval of an alternative parking plan in accordance with Section 5.1.6.A, Provision Over the Maximum Allowed, commercial and industrial uses may provide up to a maximum of 175 percent of the

minimum number of parking spaces required in the table.

- (c) Provision of more than 175 percent of the minimum number of parking spaces for uses subject to the standards of this section shall require approval of a use permit in accordance with Section 2.4.6, Use Permit.

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

| USE CATEGORY | USE TYPE | MINIMUM NUMBER OF PARKING SPACES |
|---|--|--|
| AGRICULTURAL USE CLASSIFICATION | | |
| Agriculture / Horticulture | All | 1 per every 1,500 sf |
| Animal Husbandry | All | |
| Agriculture Support and Services (Directly Related) | Agri-education | 1 per every 1,000 sf |
| | Agri-entertainment | |
| | Agricultural processing | 1 per every 1,500 sf |
| | Agribusiness | 3 |
| | Equestrian facility | 1 per stall + 2 |
| | Farmers market | 1 per every 300 sf |
| | Nursery, production | 1 per every 300 sf (excluding greenhouses) |
| | Roadside market | 1 per every 300 sf |
| Agriculture Support and Services (Not Directly Related) | Agricultural research facility | 1 per every 800 sf |
| | Distribution hub for agricultural products | 1 per every 6,000 sf |
| | Farm machinery sales, rental, and service | 1 per every 300 sf |
| | Stockyard / Slaughterhouse | 1 per every 200 sf |
| Silviculture | All | None |
| RESIDENTIAL USE CLASSIFICATION | | |
| Household Living | Dwelling, duplex | 1.5 per DU |
| | Dwelling, live/work | 1 per DU |

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

| USE CATEGORY | USE TYPE | MINIMUM NUMBER OF PARKING SPACES |
|--------------|---------------------------------------|---|
| | Dwelling, mansion apartment | 1 per DU |
| | Dwelling, manufactured home (class A) | 2 per DU |
| | Dwelling, manufactured home (class B) | 2 per DU |
| | Dwelling, multi-family | 1.8 per DU |
| | Dwelling, single-family detached | 0.5 per bedroom for 1-4 bedrooms |
| | | 1.0 per bedroom for 5-10 bedrooms |
| | | 0.5 per bedroom for 11+ bedrooms |
| | | <i>Example: an 8 bedroom single family detached dwelling requires 6 parking spaces (2 for the first 4 bedrooms; 4 for bedrooms 5-8). A 15 bedroom single family detached dwelling requires 10-13 parking spaces (2 for the first 4 bedrooms; 6 11 for bedrooms 5-10; and 2 for bedrooms 11-15).</i> |
| | Dwelling, townhouse | 1.8 per DU |
| | Dwelling, upper story | 0.5 per DU |
| Group Living | Dormitory | 1 per every 2 resident beds |
| | Family care home | 1 per every 3 resident beds |
| | Rooming or boarding house | 1 + 1 per guest bedroom |

5.1.4 Configuration of Vehicular Use Areas

E. General Standards for Off-Street Parking, Stacking, and Loading Areas

(1) Use of Parking Area, Stacking Area, or Loading Space

All vehicular parking areas, stacking areas, internal aisles, and loading spaces required by this section may be referred to as “vehicular use area” and shall be used only for their

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intended purposes. Any other use, including, but not limited to, vehicular storage, vehicle sales, vehicular repair work, vehicle service, or display of any kind, shall constitute a separate business use of the space.

(2) Identified as to Purpose and Location

Except for single-family detached and two-to-four family dwellings, off-street parking areas of three or more spaces and off-street loading spaces shall include painted lines, wheel stops, or other methods of identifying individual parking and loading spaces and loading areas and distinguishing such spaces from aisles or other vehicular use areas.

(3) Location

Off-street surface parking shall be located in accordance with any applicable design standards in Section 5.7, Multi-Family Design Standards, Section 5.8, Nonresidential Design Standards, Section 5.9, Shopping Center Design Standards, or Section 5.10, Community Compatibility Standards, as appropriate.

(4) Surfacing

- (a)** Except for development within the SFR district, single-family dwellings on lots of three acres in area or larger, and as provided for in Section 5.1.6.F, Alternative Materials, all off-street parking, loading, and circulation areas shall be surfaced with asphalt, concrete, brick, crushed stone, pavers, aligned concrete strips, or an equivalent material. These materials shall be maintained in a smooth, well-graded condition.
- (b)** Religious institutions, overflow parking, and parking for special events may take place on grass surfaces.

(5) Arrangement

(a) Convenient Access

- (i) All off-street parking, loading, and circulation areas shall be arranged for the access and safety of pedestrians and vehicles.
- (ii) Except for single family detached and two to four family dwellings uses requiring less than six parking spaces, off-street parking areas with three or more spaces shall be arranged so that no parking or maneuvering incidental to parking shall occur on a public street or sidewalk, and so that an automobile may be parked and un-parked without moving another automobile (except as provided in Section 5.1.6.E, Valet and Tandem Parking).

| TABLE 5.1.5: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES | | | | |
|--|----------------------|----------------------|--------------------------------|---------|
| PARKING SPACE TYPE | MINIMUM WIDTH (FEET) | MINIMUM DEPTH (FEET) | MINIMUM AISLE WIDTH (FEET) [1] | |
| | | | ONE-WAY | TWO-WAY |
| NON-RESIDENTIAL PARKING | | | | |
| Parallel (0°) | 10 | 22 | 12 | 20 |
| Angled (45°) | | 18 | 14 | 20 |
| Angled (60°) | | | 16 | 24 |
| Perpendicular (90°) | | | 24 | 24 |
| RESIDENTIAL PARKING | | | | |
| Parallel (0°) | 8 | 20 | 15 [2] | |
| Angled | | 15 | | |
| /Perpendicular | | | | |

[1] Parking lot aisles not adjoining parking spaces shall have a minimum width of 10 feet for one-way traffic and 20 feet for two-way traffic

[2] Drive aisles are only required for single family dwellings when 6 or more parking spaces are required

Item 3: That Chapter 10. Definitions and Measurements is amended by adding the following underlined language:

10.3.5 Bulk

F. Definitions/Measurement

(1) Building Size

Building size is the total floor area located inside exterior walls and covered by a roof.

(2) Density, Residential

The maximum number of residential dwelling units permitted per acre of land area. Density is determined by dividing the number of dwelling units by the total amount of land area within a particular lot or tract. For the purpose of determining maximum gross density, CAMA-designated wetlands shall not be included in calculating the total amount of land area.

(3) District Size

The minimum size, in acres, of a base or overlay zoning district, including streets, rights-of-way, and open space areas, but excluding unbuildable lands.

(4) Floor Area

The sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.\

(5) Floor Area Ratio

The total floor area of all buildings or structures on a lot divided by the lot area.

(6) Living Area

The total square footage of all floor areas which includes finished space that is heated (conditioned), excluding any heated garages or accessory structures, as calculated by the Currituck County Tax Office.

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

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2016.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____
.....
PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____

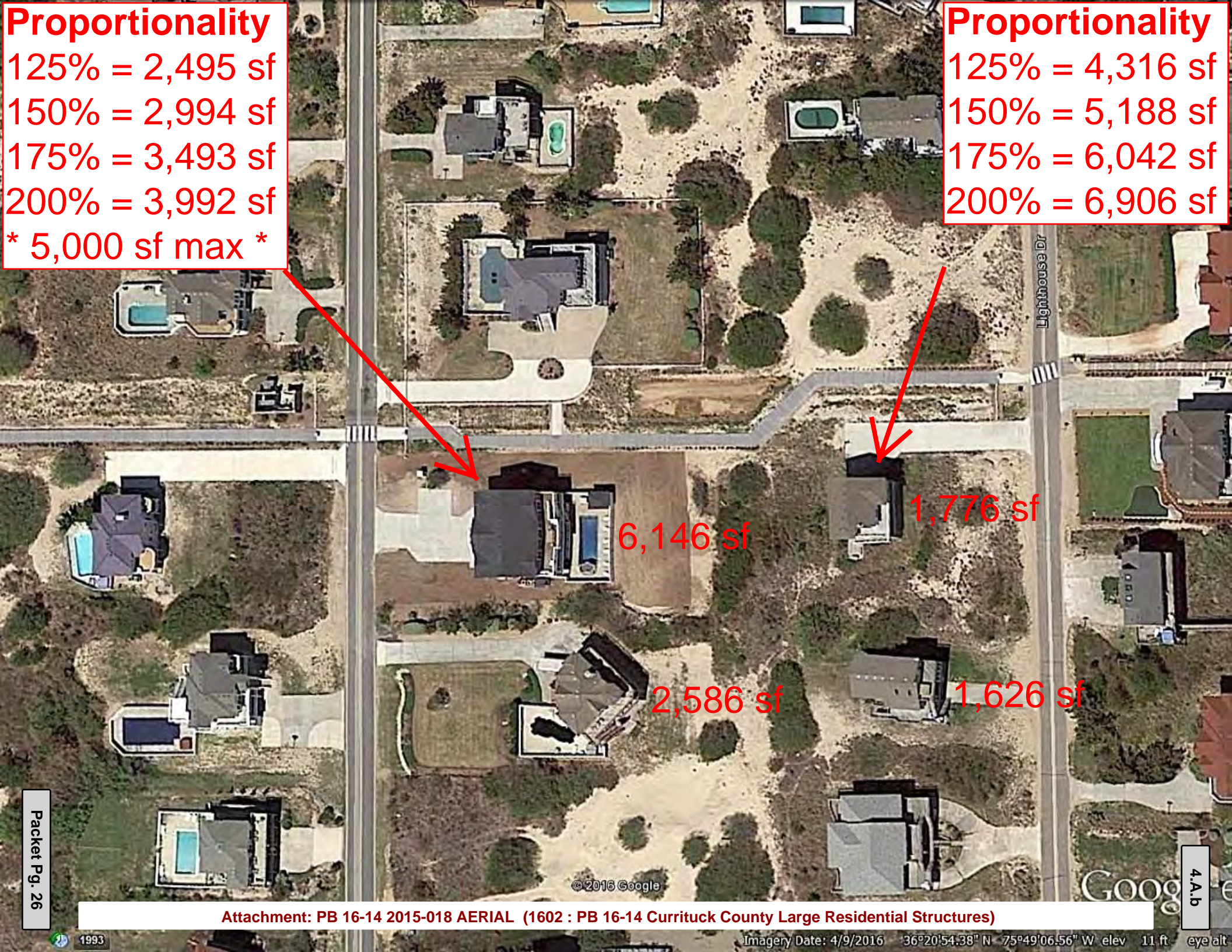
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Proportionality

125% = 2,495 sf
150% = 2,994 sf
175% = 3,493 sf
200% = 3,992 sf
* 5,000 sf max *

Proportionality

125% = 4,316 sf
150% = 5,188 sf
175% = 6,042 sf
200% = 6,906 sf



6,146 sf

1,776 sf

2,586 sf

1,626 sf

X:\2015\2015-018 Miller Lot 26 sec 9 Whalehead.dwg, 11x17, 3/29/2016 10:50:56 AM, KONICA MINOLTA C280, pc3, 11x17, 1:1

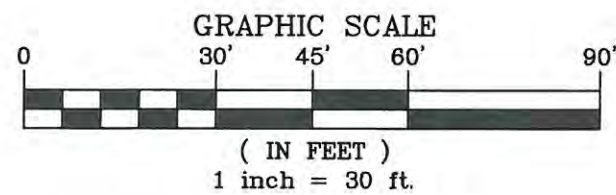


| SURVEY LEGEND | |
|---------------|----------------------------|
| ECM | EXISTING CONCRETE MONUMENT |
| SIR | SET IRON ROD |
| EIR | EXISTING IRON ROD |
| EIP | EXISTING IRON PIPE |
| CP | CALCULATED POINT |
| M.B.L. | MAXIMUM BUILDING LIMIT |
| N.T.S. | NOT TO SCALE |
| P.C. | PLAT CABINET |
| D.B.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

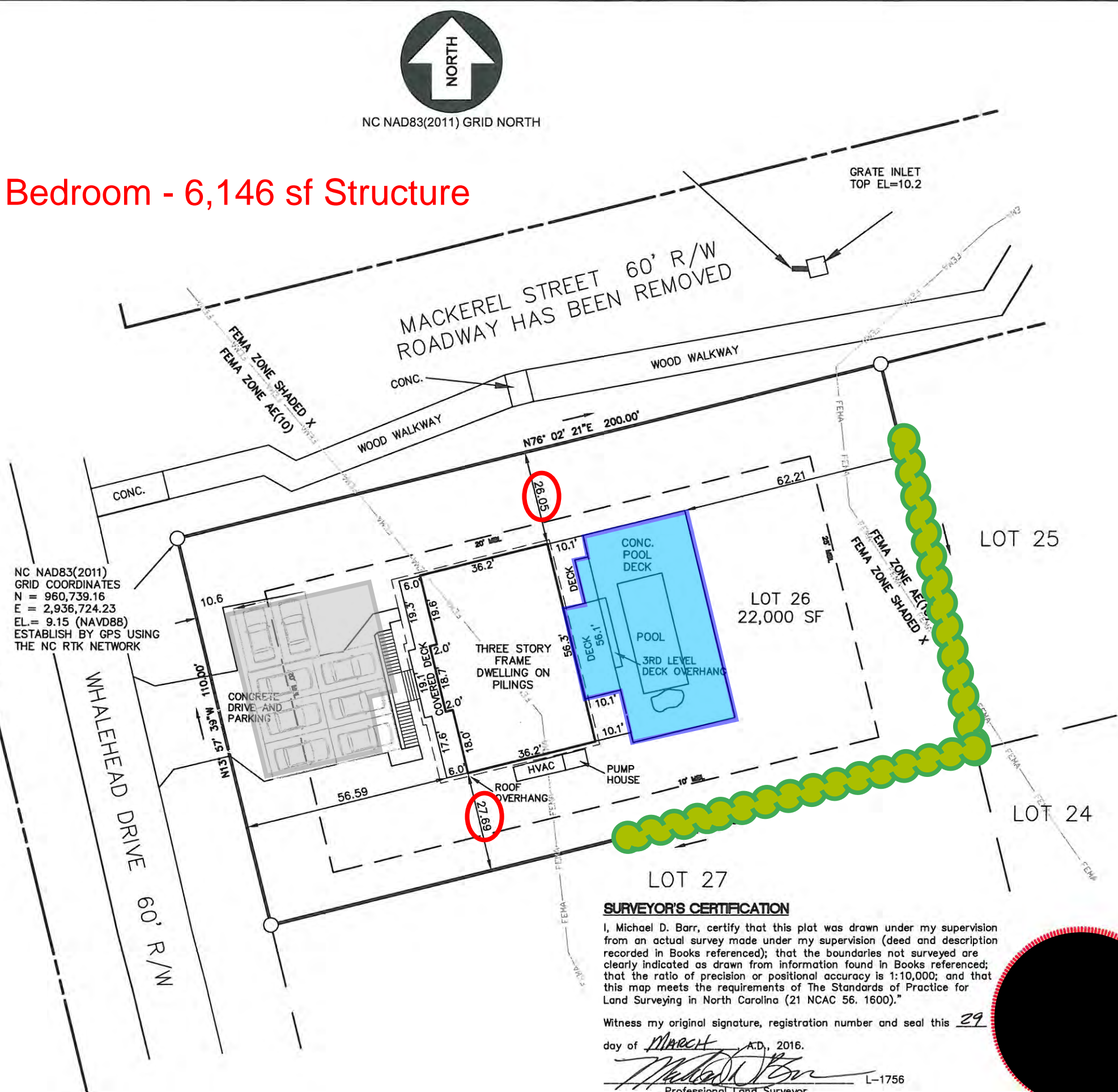
NOTES:

1. AREA DETERMINED BY COORDINATE METHOD.
2. IRON PINS AT ALL LOT CORNERS UNLESS OTHERWISE NOTED HEREON.
3. ELEVATIONS ARE NAVD88 DATUM.
4. UNDERGROUND UTILITIES, IF ANY, WERE NOT LOCATED BY THIS SURVEY, FURTHER EVALUATION MAY BE REQUIRED.
5. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
6. SUBJECT PROPERTY IS LOCATED IN F.I.R.M. ZONE AS SHOWN. REFERENCE F.I.R.M. PANEL # 3720993600 J, EFFECTIVE DATE: SEPTEMBER 20, 2006. (SUBJECT TO CHANGE BY F.E.M.A.)
7. PARCEL ID NO. 115A-000-0026-0009
8. RECORDED REFERENCE: P.C.3, SL.72
9. PROPERTY OWNER(S): GLM INVESTMENTS NC LLC
10. PROPERTY ADDRESS: 947 WHALEHEAD DRIVE
11. 8 10X18 PARKING SPACES PROVIDED.
12. LOT COVERAGE:

STRUCTURE INCLUDING ROOF OH: 2,667 SF.
CONCRETE DRIVE & PARKING: 1,910 SF.
POOL & CONC. DECK: 1,868 SF.
TOTAL COVERAGE: 6,445 SF.
PERCENT COVERAGE: 29.30%



11 Bedroom - 6,146 sf Structure



SURVEYOR'S CERTIFICATION

I, Michael D. Barr, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed and description recorded in Books referenced); that the boundaries not surveyed are clearly indicated as drawn from information found in Books referenced; that the ratio of precision or positional accuracy is 1:10,000; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600)."

Witness my original signature, registration number and seal this 29

day of MARCH A.D., 2016.

Michael D. Barr
Professional Land Surveyor L-1756

BISSELL
Professional Group
Firm License # C-856
3512 North Croatan Highway
P.O. Box 1068 North Carolina 28586
(252) 261-2066
(252) 261-1760
FAX (252) 261-1760

GLM INVESTMENTS NC LLC
LOT 26 SECTION 9 WHALEHEAD CLUB
POPLAR BRANCH TWP. CURRITUCK COUNTY NORTH CAROLINA
AS-BUILT SURVEY

PROJECT: 2015-018
DATE: 03-29-16
SCALE: 1"=30'
DESIGNED: BPG
CHECKED: DMK
DRAWN: MDB
APPROVED: BPG
SHEET: 1 of 1
CAD FILE: 2015-018ASB
PROJECT NO: 2015-018

Attachment: PB 16-14 2015-018 ASBUILT SURVEY (1602 : PB 16-14 Currituck County Large Residential Structures)

Residential Development - Corolla

| Corolla Paved Road Residential Structures | Quantity |
|--|-----------------|
| Total Residential Structures | 3905 |
| Mean # of bedrooms | 5.02 |
| Maximum # bedrooms | 28 (1 house) |
| Mean sq. ft. all houses in paved road area | 2951.72 sq. ft. |
| # Houses with 8 or more bedrooms | 323 (8.3%) |
| Mean sq. ft. of 8+ bedroom houses | 5252.16 sq. ft. |
| Avg. sq. footage of houses built 2005-2015 | 3810.27sq. ft. |
| # Houses > 4999 sq. ft. | 261 (6.7%) |
| # Houses > 9999 sq. ft. | 6 (0.15%) |
| Largest Lot taxed with residential structure present | 14.55 ac |
| Mean Lot Size taxed with residential structure present | 0.34 ac |
| Total # Subdivided Residential Purpose Lots | 4,658 |
| Vacant Subdivided Residential Purpose Lots | 923 |

Residential Development - Off-Road Area

| Off- Road Residential Structures | Quantity |
|--|-----------------|
| Total Residential Structures | 741 |
| Mean # of bedrooms | 3.95 |
| Maximum # bedrooms | 23 (1 house) |
| Mean sq. ft. all houses in off-road area | 2239.01 sq. ft. |
| # Houses with 8 or more bedrooms | 47 (6.3%) |
| Mean sq. ft. of 8+ bedroom houses | 5598.77 sq. ft. |
| Avg. Sq. footage of houses built 2005-2015 | 2690.15 sq. ft. |
| # Houses > 4999 sq. ft. | 27 (3.6%) |
| # Houses > 9999 sq. ft. | 2 (0.27%) |
| Largest Lot taxed with residential structure present | 12.65 ac |
| Mean Lot Size taxed with residential structure present | 0.63 ac |
| Total # Subdivided Residential Purpose Lots | 3155 |
| Vacant Subdivided Residential Purpose Lots | 2481 |



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1603)

Agenda Item Title

Public Hearing and Action: PB 16-10 Currituck County UDO Housekeeping 2016:

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance Chapter 2 Administration, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 6 Subdivision and Infrastructure Standards, Chapter 7 Environmental Protection, and Chapter 10 Definitions and Measurement.

Planning Board Recommendation:

Ms. Overstreet moved to approve PB 16-10 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Mr. Cartwright 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: Planning Board

From: Planning Staff

Date: July 6, 2016

Subject: PB 16-10 Currituck County Development – Housekeeping Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO). The revisions correct and clarify the identified sections in the new UDO as it relates to:

Item 1

Corrects Planning Board appointment terms.

Item 2

Corrects zoning district reference.

Item 3

Modifies the affected area of an accessory mining operation to be consistent with the state requirements.

Item 4

Corrects the requirement for HOA transfer of common features in subdivisions to be consistent with the remaining sections of the UDO.

Item 5

Modifies the installation of utilities within trenches specific to that utility.

Item 6

Corrects the street connectivity requirements for conservation subdivisions.

Item 7

Corrects the parking standard for flea markets (indoor and outdoor).

Item 8

Corrects the definition of heavy manufacturing.

Item 9

Updates the lighting references from wattage to lumens.

Item 10

Modifies the stormwater regulations.

**PB 16-10
CURRITUCK COUNTY**

Amendment to the Unified Development Ordinance Chapter 2 Administration, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 6 Subdivision and Infrastructure Standards, Chapter 7 Environmental Protection, and Chapter 10 Definitions and Measurement.

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:

2.2.3. Planning Board

B. Membership, Appointment, and Terms of Office

(I) 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~~two-year staggered terms, and ~~shall~~ may 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.

Item 2: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language:

4.2.5. Industrial Uses

B. Industrial Services

(I) Crabshedding

- (a)** Additional standards in the AG and ~~RMX~~ MXR Districts

Item 3: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language:

4.3.3. Specific Standards for Certain Accessory Uses

I. Excavation

Minor excavations for the purpose of establishing a pond or acquiring fill may be permitted as an accessory use, provided:

- (1)** One acre or less is ~~disturbed~~ affected (~~in~~~~cluding~~ haul roads);
- (2)** Excavation is setback at least 100 feet from all lot lines;
- (3)** Slopes are maintained at no greater than 3:1 above the water, 2:1 below the water and an average depth of four feet is maintained; and
- (4)** A performance guarantee of at least \$1,000 is posted with the Planning and Community Development Department to ensure adequate reclamation following excavation.

Item 4: That Chapter 6. Subdivision and Infrastructure Standards is amended by adding the following underlined language and deleting the struck-through language:

6.1.4. Homeowners or Property Owners Association Requirements

C. Establishment of Association

- (1)** Documents for the creation of the association shall be submitted to the county for review and approval prior to approval of the final plat (see Section 2.4.8. Subdivisions). Documentation shall include, but not be limited to the information in Section 6.1.4.D. Documentation Requirements.
- (2)** The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.
- (3)** The structure and operating provisions of the association shall be in accordance with the county-approved documentation (See Section 6.1.4.C) recorded prior to approval of the final plat.
- (4)** The association documents shall establish that the subdivider shall maintain the common area, common facilities, and infrastructure until 54.75 percent of the lots are sold; and
- (5)** Responsibility for maintaining the subdivision's common areas, common facilities, and private infrastructure shall be transferred in accordance with the standards in Section 6.1.4.F, Transfer of Maintenance Responsibility.

Item 5: That Chapter 6. Subdivision and Infrastructure Standards is amended by adding the following underlined language and deleting the struck-through language:

6.2.3. Utility Standards

All utilities shall be installed in accordance with the following standards:

A. General Standards

- (1) All utilities (including but not limited to: electric power, telephone, gas distribution, cable television, potable water, sewer, etc.) located outside an existing street right-of-way and intended to serve new development shall be underground.
- (2) The requirement for underground electricity, telephone, or cable television utilities shall not be applied to lateral service lines intended to serve an individual single-family dwelling that must extend over 200 feet from an overhead source.
- (3) Unless attached to a bridge, no utilities may be installed over the waters of the Currituck Sound or over areas of environmental concern, and no utility poles shall be erected within the waters of Currituck Sound or areas of environmental concern.
- (4) All utility providers installing service lines for their respective utilities in the public right-of-way are required to separate utility lines in trenches specific to that utility. ~~maximize the potential for co-location in trenches and to standardize the design of utilities.~~
- (5) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Item 6: That Chapter 5. Development Standards is amended by adding the following underlined language and deleting the struck-through language:

5.6 COMMUNITY FORM STANDARDS

5.6.2. Applicability

B. Exemptions

- (1) Lots in the RC and SFR districts are exempted from the standards in this section.
- (2) ~~Conservation subdivisions and~~ Subdivisions of five or fewer lots shall be exempted from the following standards in this section:

- (a) Section 5.6.4, Internal Street Connectivity;
 - (b) Section 5.6.5, External Street Connectivity; and
 - (c) Section 5.6.6, Development Entry Points.
- (3) Conservation subdivisions shall be exempted from the following standards in this section:
- (a) Section 5.6.4, Internal Street Connectivity; and
 - (b) Section 5.6.6, Development Entry Points.

Item 7: That Chapter 4. Use Specific Standards is amended by adding the following underlined language and deleting the struck-through language:

4.2. USE-SPECIFIC STANDARDS

4.2.4. Commercial Uses

G. Retail Sales and Services

(2) Flea Market

Flea markets shall comply with the following standards:

(a) Hours of Operation

- (i) Flea markets shall be open at least three days within any 90-day period.
- (ii) Hours of operation shall be limited to 7:00 AM to 7:00 PM.

(b) Building Features

- (i) ~~Off street parking shall be provided with a minimum of three spaces per stand or rented space.~~
- (ii) Sanitary facilities shall be provided for both men and women.
- (iii) Provisions shall be made for garbage or trash removal for each day the flea market is open to the public.

(c) Location

All rental spaces and buildings shall maintain a 50-foot setback from all residential development or residentially-zoned land.

5.1.3. Off-Street Parking Standards

| TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS | | |
|---|-------------|--|
| USE CATEGORY | USE TYPE | MINIMUM NUMBER OF PARKING SPACES |
| Retail Sales & Service | Flea market | 1 per every 200 sf of <u>building use area + 3 per outdoor stand or rented space</u> |

Item 8: That Chapter 10. Definitions and Measurement is amended by deleting the following struck-through language:

10.5 DEFINITIONS

MANUFACTURING, HEAVY

Manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, ~~asphalt/concrete~~ plants, and manufacture of chemicals, fertilizers, paint, and turpentine.

Item 9: That Chapter 5. Development Standards is amended by adding the following underlined language and deleting the struck-through language:

5.4. EXTERIOR LIGHTING

5.4.2. Applicability

A. General

The provisions of this section shall apply to all development in the county unless exempted in accordance with Section 5.4.2.D, Exemptions.

B. Time of Review

Review for compliance with the standards of this section shall occur as part of the review of an application for a site plan (Section 2.4.7), planned development master plan (Section 2.4.5), or zoning compliance permit (Section 2.4.9), as appropriate.

C. Existing Development

Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50 percent.

D. Exemptions

The following is exempted from the exterior lighting standards of this section:

- (1) FAA-mandated lighting associated with a utility tower or airport;
- (2) Lighting associated with navigational beacons, the United States flag, North Carolina flag, or Currituck County flag;
- (3) Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
- (4) battery-powered emergency lighting; and
- (5) Architectural lighting of ~~40-watts~~ 450 lumens or less.

5.4.7. Design Standards for Specific Uses and Site Features

A. Awnings

Awnings or canopies used for building accents over doors, windows, etc., shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.

B. Beachfront Lots

For purposes of protecting wildlife habitat, the following standards shall apply to all development on lots adjacent to the beachfront:

- (1) The source of illumination (i.e., the bulb, or element) shall not be directly visible from the beach.
- (2) Lights may be mounted on poles with a maximum overall height of 12 feet. All lighting fixtures atop poles shall be fully shielded fixtures that are configured to minimize glare on off-site areas.

C. Sports and Performance Venues

Lighting of outdoor sports areas, athletic fields, and performance areas shall comply with the following standards:

(1) Glare Control Package

All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

(2) Hours of Operation

The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

D. Wall Pack Lights

(1) Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low ~~wattage~~ lumens (~~100 watts~~ 1,600 lumens or lower).

(2) Wall pack light sources visible from any location off the site are prohibited.

E. Canopies

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods include one or both of the following:

(1) A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution.

(2) A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

Item 10: That Chapter 7. Environmental Protection Standards is amended by adding the following underlined language and deleting the struck-through language:

7.3 STORMWATER MANAGEMENT

7.3.2. Applicability

E. Exemptions

The standards in Section 7.3.4.B shall not apply to the following:

(3) Mainland Stormwater Management Zone

(a) Minor site plans;

(b) Minor subdivisions;

- (c) The division of five or fewer additional lots with an average lot size greater than three acres located within a single-family residential subdivision platted prior to January 1, 2013; or
 - (d) Development or expansion on a nonresidential, multi-family, or mixed-use lot by less than 5,000 square feet of impervious surface or resulting in less than 10 percent total lot coverage. This exemption does not include multiple, incremental expansions that result in a reduction of stormwater management standards or;
 - (e) Major site plans on lots in subdivisions that have a state permitted and functional stormwater management system that specifies allowable lot coverage.
- (4) Outer Banks Stormwater Management Zone**
- (a) Minor site plans, excluding single-family detached dwellings on lots resulting in more than 10,000 square feet of total impervious surface; or
 - (b) Development or expansion on a nonresidential, multi-family, or mixed-use lot by less than 5,000 square feet of impervious surface or resulting in less than 10 percent total lot coverage. This exemption does not include multiple, incremental expansions that result in a reduction of stormwater management standards.

7.3.4 Stormwater Management Standards

A. Drainage Requirements

- (1) To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- (2) To the maximum extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.
- (3) No surface water may be channeled or directed into a sanitary sewer.
- (4) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- (5) All developments shall be constructed and maintained so that adjacent lands are not unreasonably burdened with surface waters as a result of such developments. More specifically:
 - (a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and,

- (b) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.
- (6) Existing ditches located totally or partially within a development and utilized for drainage or stormwater management shall be cleaned to remove drainage impediments.
- (7) All subdivisions shall provide side lot line swales with a minimum average depth of 12 inches and side slopes not to exceed 3:1 (three feet horizontal run for every one foot vertical rise), unless the County Engineer approves an equivalent drainage alternative.
- (8) Major subdivisions and major site plans shall provide minimum building pad elevations required to prevent flooding from the 24-hour storm event with a 10-year recurrence interval. The finished floor elevation for all principal structures shall be 18 inches above the ~~minimum building pad elevation~~ 24-hour storm event with a 10-year recurrence interval or above the 100-year regulatory flood protection elevation, whichever is greater, and shall be depicted on construction drawings and final plats.
- (9) Finished floor elevations shall be at least six inches above septic system fill.
- (10) Development subject to these standards shall provide maintenance access drainage easements in accordance with Section 6.2.3.B, Utility Easements and the following standards:
 - (a) ~~Twenty-five foot wide easements measured from top of embankment~~ Easements shall be provided along both at least one sides of waterway conveyance systems that drain more than five acres. The easement shall include the conveyance and an additional twenty-five feet measured from the top of embankment.
 - (b) ~~Fifty-foot wide easements measured from top of embankment~~ Easements shall be provided along both sides of the following waterway conveyance systems:
 - (i) Hog Bridge Ditch;
 - (ii) Guinea Mill;
 - (iii) Upper Guinea Mill;
 - (iv) Lateral "A";
 - (v) Lateral "B";
 - (vi) Lateral "C";
 - (vii) Haywood Ditch;
 - (viii) Rowland Creek Canal;

(ix) Eagle Creek Canal (also known as Western Canal); and

(x) Shingle Landing Creek Canal.

The easement shall include the conveyance and an additional fifty feet measured from the top of each embankment.

B. Stormwater Detention Requirements

- (1) In the Outer Banks Stormwater Management Zone, minor subdivisions or single-family detached dwellings on lots resulting in more than 10,000 square feet of total impervious surface shall implement adequate stormwater practices to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.
- (2) Major subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 10-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site.
- (3) All other development subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 5-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site.

7.3.5. Alternative Stormwater Plans

B. General

The County Engineer is authorized to approve an alternative stormwater plan for development that proposes to deviate from the standards of this section. The alternative plan shall certify that the proposed development provides equal or better performance as required by these standards and will not create flooding or nuisance conditions on adjacent lots. The Currituck County Stormwater Manual includes additional information and plan requirements for persons submitting alternative stormwater plans for review under the standards of this section.

B. Allowable Deviations

(I) Increased Lot Coverage

A maximum 15 percent increase in lot coverage may be allowed for single-family detached and duplex dwellings on lots in subdivisions that have a state permitted and functional stormwater management system that specifies allowable lot coverage, or for a single-family detached or duplex dwelling on an individual lot that implements adequate stormwater practices to capture and infiltrate stormwater runoff from

all impervious surfaces from the first four inches of rain from any rainfall event.

(2) Reduced Stormwater Detention Requirements

Development subject to the standards in Section 7.3.34.B may reduce the design capacity of required stormwater management devices provided:

- (a)** An Alternative Stormwater Runoff Storage Analysis demonstrates the on-site soils have adequate storage capacity to capture and infiltrate stormwater runoff from all impervious surfaces; or
- (b)** An Alternative Downstream Drainage Capacity Analysis demonstrates the downstream drainage capacity exceeds the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site.

(3) Additional Fill or Land Disturbance Activities

A lot may be filled or graded higher than the average adjacent grade of the first 30 feet of adjoining property or to improve drainage for performance of stormwater management devices, provided adequate stormwater practices are implemented to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.

(4) Low Impact Development

The use of low impact development techniques, including but not limited to pervious pavements, cisterns, green roofs, and bio-retention islands may be used to reduce stormwater detention requirements or lower impervious surface percentages.

Item 11: 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 12: This ordinance amendment shall be in effect from and after the _____ day of _____, 2016.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

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

PLANNING BOARD DATE: _____
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 # 1624)

Agenda Item Title

Historic Preservation-Report from the County Attorney Regarding the process to remove designated landmark status of property under the Historic Preservation Ordinance.

Brief Description of Agenda Item:

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING CHAPTER 2, ARTICLE III OF THE CURRITUCK COUNTY CODE OF
ORDINANCES BY ADDING A NEW DIVISION 9. HISTORIC PRESERVATION**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-76 a Board of Commissioners may change the composition and manner of selection of boards, commissions, and agencies, and may generally organize and reorganize the county government in order to promote orderly and efficient administration of county affairs; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-77 a Board of Commissioners may appoint advisory boards, committees, councils and agencies composed of qualified and interested county residents to study, interpret and develop community support and cooperation in activities conducted by or under the authority of the Board of Commissioners; and

WHEREAS, pursuant to Part 3C of Chapter 160A of the General Statutes of North Carolina a county may create a historic commission to safeguard a county's heritage by preserving districts of landmarks that embody important elements of the county's culture, history, architectural history or prehistory and promote the use and conservation of such district or landmark for the education, pleasure, enrichment of the county's residents.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding a new division to Chapter 2, Article III to read as follows:

DIVISION 9. HISTORIC PRESERVATION COMMISSION

Sec. 2- 240. Title.

This division is known and may be cited as the Currituck County Historic Preservation Ordinance.

Sec. 2-241. Purpose.

Whereas the historical heritage of Currituck County is a valued and important part of the general welfare; and whereas the conservation and preservation of the County's heritage, through the documentation and regulation of local historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values, and pursuant to G.S. 160A-400.1 to 400.14 this ordinance is enacted in order to:

- a. Safeguard the heritage of Currituck County by preserving local landmarks within the County that embody important elements county culture, history, architectural history, or prehistory; and
- b. Promote the use and conservation of local landmarks for the education, pleasure and enrichment of the residents of Currituck County and the State of North Carolina.

Sec. 2-242. Created.

There is hereby established a historic preservation commission, (the "Commission"). The Commission will consist of five (5) members appointed by the Board of Commissioners. Members of the Commission must have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field. One member will be appointed to serve for a term of two years, two members will be appointed to serve for a term of three years, and two members will be appointed to serve for a term of four years. Thereafter members shall be appointed for terms of four years. Commissioners shall serve until their successors are appointed and qualified. All commissioners must be residents of the county.

Sec. 2-243. Officers.

The Commission will appoint from its membership a chair and any other officers as it may deem necessary for the orderly conduct of its business.

Sec. 2-244. Meetings.

The Commission will meet at least quarterly. A copy of the minutes of all meetings must be sent to the county manager. All meetings must be conducted in accordance with the Open Meetings Law of the State of North Carolina. The Commission will annually present to the Board of Commissioners a report of its activities, budget, findings, recommendations, and actions, which will be made available to the public.

Sec. 2-245. Powers and Duties.

The Commission is empowered to undertake such actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and in the North Carolina General Statutes, including, but not limited to:

- a. Organizing and conducting its business;
- b. Receiving and spending funds, if any, appropriated by the Board of Commissioners for operating and performing its duties;
- c. Conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;
- d. Recommending to the Board of Commissioners that individual buildings, structures, sites, area, or object within its zoning jurisdiction be designated as "local historic landmarks;"
- e. Recommending to the Board of Commissioners that designation of any building, structure, site area or object as a local historic landmark be revoked or removed for cause;
- f. Reviewing and making recommendations on proposals for exterior alteration, relocation or demolition of designated local historic landmarks;

1 g. Negotiating with property owners who propose to demolish or relocate a designated local
 2 historic landmark, in an effort to find a means of preserving such properties, including consulting
 3 with private civic groups, interested private citizens, and other public boards or agencies;

4 h. Instituting action through the county planning and community development department
 5 to prevent, restrain, correct or otherwise abate violation of this ordinance or of an ordinance
 6 designating local historic landmarks;

7 i. Entering, at reasonable times and with the consent of the owner or occupant, upon private
 8 lands to make examinations, conduct surveys and inventories or other purposes in performance
 9 of its official duties. However, no member, employee or agent of the Commission shall enter
 10 any private building or structure without express consent of the owner or occupant thereof;

11 j. Reviewing and making recommendations on proposals for alterations of interior features
 12 of designated local historic landmarks, as specified, and for which owner consent was given, in
 13 the ordinance establishing designation;

14 k. Appointing advisory bodies or committees as appropriate;

15 l. Recommending to the Board of Commissioners negotiation with property owners for the
 16 acquisition or protection of significant historic properties;

17 m. Recommending to the Board of Commissioners acquisition by any lawful means, the
 18 purchase fee, or any lesser included interest, including options to purchase, properties designated
 19 as local landmarks, or land to which historic buildings or structures may be moved;
 20 recommending to the Board of Commissioners to hold, manage, preserve, and restore such a
 21 property and improving the interest; and to exchange or dispose of the interest through public or
 22 private sale, lease, or other lawful means, provided the property shall be subject to covenants or
 23 other legally binding restrictions which shall secure appropriate rights of public access and the
 24 preservation of the property. All lands, buildings, structures, sites, areas, or objects acquired by
 25 funds appropriated by the Board of Commissioners shall be acquired in the name of the county
 26 unless otherwise provided by the Board of Commissioners;

27 n. Accepting grants of funds from private individuals or organizations for preservation
 28 purposes;

29 o. Conducting educational programs pertaining to local historic landmarks and historic areas
 30 within its jurisdiction;

31 p. Publishing or otherwise informing the public about any matter related to its purview,
 32 duties, responsibilities, organization, procedures, functions or requirements;

33 q. Advising property owners about appropriate treatment for characteristics of local historic
 34 properties;

35 r. Cooperating with the State of North Carolina, the United States of America, local
 36 governments, public or private organizations, or their agencies, in pursuing the purposes of this
 37 ordinance;

38 s. Preparing and recommending adoption of a preservation element or elements as part of a
 39 county's comprehensive plan; and

t. Proposing to the Board of Commissioners amendment to this or to any other ordinance, and proposing new ordinance or laws relating to local historic landmarks or to the protection of the historic resources of the county and its environs.

Sec. 2-246. Inventory.

The Commission will use as a guide to identification, assessment, and designation of local historic landmarks an inventory of buildings, structures, sites, areas, or objects which are of historic, prehistoric, architectural, archaeological, and/or cultural significance. The Commission will take steps as necessary to ensure that the inventory reflects information current to within twenty years.

Sec. 2-247. Adoption of Local Historic Landmark Ordinance of Designation

a. The Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating one or more local historic landmarks. The ordinance will include the following:

1. the name or names of the owner or owners of the property;
2. description of each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
3. description of those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;
4. provide for each designated local historic landmark a suitable sign or plaque indicating that the local landmark has been designated a local historic landmark; and
5. Any other information deemed necessary by the Board of Commissioners.

b. The local landmark designation process may be initiated by either the Commission or at the request of a property owner. No ordinance to designate a building, structure, site, area, or object will be adopted or amended until all of the requirements of this ordinance and its subsections are satisfied.

Section 2-248. Criteria for Designation as a Historic Local Landmark.

To be designated as a historic local landmark, a property, building, site, area, or object must be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

Sec. 2-249. Procedure for Designating a Local Historic Landmark.

a. The Commission will make, or cause to be made, an investigation and designation report which includes the following:

1. the name of the property to be designated, including both common and historic names if they can be determined;
2. the name and address of the current owner or owners;
3. the location of the property proposed for designation, including the street address and county tax map parcel number or parcel identification;
4. the dates of original construction and of all later additions or alterations, if applicable and as can be determined;
5. an assessment of the significance of the building or site as prescribed by this ordinance;
6. an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, proposed for designation;
7. a historical discussion of the site or structure within its type, period, and locality;
8. a photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and
9. a map showing the location of the property, including all outbuildings and appurtenant features.

b. Pursuant to G. S. 160A-400.6, as amended, the designation report must be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, (the "Department"), or its successor agency, which, acting through the State Historic Preservation Officer, will review the designation report and provide written comment and recommendations to the Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty days following its receipt of the report will constitute approval of the report by the Department and relieve the board of commissioners of all responsibility to consider the Department's comments of recommendations concerning the report.

c. At the expiration of the thirty day review period, the Commission will consider the report and any comments or recommendations from the State Historic Preservation Officer, and will accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission will forward to the Board of Commissioners a copy of the report, copies of written comments received from the Department, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A

recommendation for approval must be accompanied by a proposed ordinance of designation. A recommendation for disapproval will not necessarily prevent any future consideration of a property for designation as a local historic landmark.

d. The Board of Commissioners will hold a public hearing, either jointly with the Commission, or separately, to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

e. Following the public hearing, the Board of Commissioners will consider the Commission's designation report, its recommendation, the Department's recommendation, and comments made at the public hearing, and may adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

f. Upon adoption of the ordinance, the Commission staff will:

1. within thirty days of adoption, send the owner(s) of the landmark(s) notice of the designation, explaining the substance of the Commission's decision;

2. file one copy of the ordinance, and any subsequent amendments, in the office of the county's Register of Deeds, which will index local historic landmarks according to the name of the owner in the grantee and grantor indexes;

3. notify the county tax assessor's office of the landmark designation.

g. Upon notification of landmark designation from the Commission, the county tax assessor shall indicate the designation on all appropriate tax maps for as long as the designation remains in effect.

h. Upon disapproval of a designation report, a copy of the minutes of the meeting at which the decision to deny was made must be provided to the owner of the property proposed for designation, together with correspondence explaining the substance of the Commission's decision.

Sec. 2-250. Certificate of Appropriateness Required

a. From and after the designation of a local historic landmark, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or object will be performed upon such landmark until a Certificate of Appropriateness, (the "Certificate"), is granted by the Commission. A Certificate will be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of advertising sign.

b. A Certificate is required in order to obtain a building permit, or any other permit granted for the purposes of constructing, altering, moving, or demolishing structures, and is required whether a building permit or other permit is required. Any building permit or other permit not issued in conformity with this Section is invalid.

c. For the purposes of this ordinance, "exterior features" includes architectural style, general design, general arrangement, kind and texture of material, size and scale, and type and style of all windows, doors, light fixtures, signs, any other appurtenant features, historic signs, historic advertising, landscape, and archaeological or natural features.

d. A Certificate is required to specific interior features of architectural, artistic, or historical significance in publicly owned local landmarks and in privately owned local landmarks for which consent to review has been given in writing by the owner. Such consent shall be filed with the county's Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and binds future owners and/or successors in title. The ordinance establishing historic designation of the property will specify the interior features subject to review and the specific nature of the Commission's jurisdiction over those features .

e. When approving a Certificate, the Commission may attach reasonable conditions necessary to the proper execution of this ordinance.

f. Commission staff may issue a Certificate for "minor works" as defined by the Commission. "Minor works" include the ordinary maintenance or repair of any exterior feature of a local historic landmark, provided such maintenance or repair does not involve a change in design, material, or appearance thereof.

g. No application for a "minor works" Certificate will be denied without deliberation by the Commission.

h. Under this section, the Commission will institute action, through the county planning and community development department, to prevent, restrain, correct or otherwise abate the construction, reconstruction, alteration, restoration relocation or demolition of buildings structures, appurtenant features, or any other features which would be incongruous with the special character of the local landmark.

Sec. 2-251. Review Guidelines.

Prior to the designation of a historic local landmark, the Commission will prepare and adopt guidelines not inconsistent with G.S. 160A-400.1 – 400.14 for constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic, which guidelines will ensure, insofar as possible, that changes in designated local historic landmarks are in harmony with the reasons for designation.

Sec. 2-252. Certain Changes not Prohibited.

Nothing in this ordinance is to be construed to prevent:

a. the ordinary maintenance or repair of any exterior feature of a historic local landmark, provided such maintenance or repair does not involve a change in design, material, or appearance of the historic local landmark;

b. the construction, alteration, relocation, or demolition of any feature, building, or structure when the chief building inspector certifies to the Commission that action is necessary to the public health or safety because of an unsafe or dangerous conditions;

c. a property owner from making use of property not otherwise prohibited by statute, ordinance, or regulation; or

d. the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the Commission.

Sec. 2-253. Delay of Demolition.

a. Except as provided below, a Certificate authorizing the demolition of a designated local historic landmark may not be denied. However, the Commission may delay the effective date of a Certificate for a period of up to 365 calendar days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of such property as a result of the delay. During the delay period, the Commission will negotiate with the property owner and with any other party in an effort to find a means of preserving the property as provided in Section 2-245 of this ordinance.

b. The Commission may deny an application for a Certificate authorizing the demolition or destruction of any locally designated landmark, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.

c. In the event that the Commission has voted to recommend designation of a property as a local landmark and local landmark designation has not been made by the board of commissioners, the demolition of any building, site, object, area or structure located on the property of the proposed local landmark may be delayed by the Commission for a period of up to 180 calendar days or until the Board of Commissioners takes final action on the proposed designation, whichever occurs first. If the Board of Commissioners approves the local landmark designation prior to the expiration of the 180-day delay period, an application for a Certificate of Appropriateness authorizing demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the number of days elapsed during the 180-day delay while designation was pending.

Sec. 2-254. Demolition by Neglect.

Failure of an owner to regularly, consistently, and fully maintain a designated local landmark constitutes demolition, through neglect, without a valid Certificate of Appropriateness and a violation of this ordinance. The Commission will institute action, through the county planning and community development department, to prevent, restrain, correct or otherwise abate such demolition, provided the action includes appropriate safeguards to protect property owners from undue economic hardship.

Sec. 2-255. Application and Required Procedures.

a. An application for a Certificate shall be obtained from the Commission staff. An application for a Certificate will be completed and submitted to the county planning director in the form established by the county planning director and will be reviewed by Commission staff to determine if the application is complete in accordance with the procedures and standards included in the Administrative Manual and Unified Development Ordinance.

1 b. The Commission has, as detailed in the Administrative Manual, power to require the
 2 submittal, with the application, of pertinent information sufficient to determine an application's
 3 completeness.

4 c. Incomplete applications are not accepted.

5 d. Before considering an application for a Certificate, the Commission will notify by mail
 6 the owners of any adjacent property. Such notices are for the convenience of property owners
 7 and occupants and no defect or omission therein impairs the validity of the issuing a Certificate
 8 or of any subsequent action.

9 e. When considering an application for a Certificate, the Commission will give the applicant
 10 and owners of any property likely to be materially affected by the application an opportunity to
 11 be heard.

12 f. When considering an application for a Certificate, the Commission will apply the review
 13 guidelines required by Section 2-251 of this ordinance and will, in approving with conditions,
 14 disapproving or deferring an application, make findings of fact to be entered into the minutes of
 15 its meetings. The minutes shall also contain a summary of any citation to evidence, testimony,
 16 studies, or other authority upon which the Commission based its decision.

17 g. The Commission has sixty calendar days following submittal of a complete application
 18 within which to act. Failure by the Commission to take final action within such period shall
 19 constitute approval of the application as submitted. This period may be extended by mutual
 20 agreement between the Commission and the applicant.

21 h. A Certificate is valid for 180 calendar days from the date of issuance, or, in the case of a
 22 Certificate for demolition, from the effective date. If the authorized work is not commenced
 23 within that period, or has been discontinued for more than 365 calendar days from the date of
 24 issuance, the Certificate will immediately expire and the applicant required to reapply.

25 i. If the Commission denies a Certificate, a new application affecting the same property
 26 may be submitted, provided a substantial change is proposed in the plans.

27 j. An appeal of a final action by the Commission may be made to the county board of
 28 adjustment. Written notice of intent to appeal must be sent to the Commission, postmarked
 29 within twenty (20) calendar days following the Commission's decision. Appeals must be filed
 30 with the county board of adjustment within thirty calendar days following the Commission's
 31 decision and is in the nature of certiorari. A decision by county board of adjustment may be
 32 appealed to the Superior Court of Currituck County.

33 k. A Certificate is required for locally designated landmarks or buildings, structures, sites,
 34 areas, which are owned by the State of North Carolina or any of its agencies, political
 35 subdivisions, or instrumentalities, subject to the regulations of this ordinance and in accordance
 36 with G.S. 160A-400.9(f).

37 l. In the case of a building, structure, site, area, or object designated as a local historic
 38 landmark threatened with demolition, as the result of willful neglect or otherwise, material
 39 alteration, rehabilitations or removal, except in compliance with this ordinance, the Commission,
 40 the Board of Commissioners or any other party aggrieved by such action may institute any
 41 appropriate action or proceeding to prevent, retrain, correct or otherwise abate such violation, or
 42 to prevent any illegal act or conduct with respect to such property.

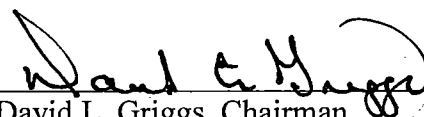
Sec. 2-256. Conflict with Other Laws

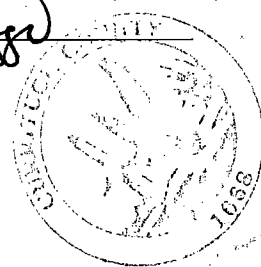
Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the Currituck County Board of Commissioners, the more restrictive ordinance or regulation shall govern.

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

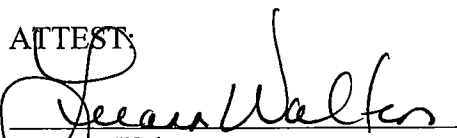
PART III. This ordinance is effective immediately upon adoption.

ADOPTED this 18TH day of July, 2016.



David L. Griggs, Chairman



ATTEST:


Leeann Walton
Clerk to the Board

APPROVED AS TO FORM:


Donald I. McRee, Jr.
County Attorney

Date adopted: July 18, 2016

Motion to adopt by Commissioner Aydlett

Second by Commissioner O'Neal

Vote: 7-0 AYES 7 NAYS

S:\Legal\Ordinances\



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1623)

Agenda Item Title

Consideration of An Ordinance of the Currituck County Board of Commissioners Amending Section 9-1 of the Currituck County Code of Ordinances Regarding the Discharge of Firearms and Section 1-8 of the Currituck County Code of Ordinances Providing That a Violator May Be Issued a Civil Citation

Brief Description of Agenda Item:

Amendments to the Currituck County ordinance regulating the discharge of firearms.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

AN ORDINANCE AMENDING SECTION 9-1 OF THE CURRITUCK COUNTY CODE OF ORDINANCES REGARDING THE DISCHARGE OF FIREARMS AND SECTION 1-8 OF THE CURRITUCK COUNTY CODE OF ORDINANCES PROVIDING THAT A VIOLATOR MAY BE ISSUED A CIVIL CITATION

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-129 a county may regulate the discharge of firearms at any time or place except when used to take birds or animals, when used in the defense of persons or property, or when used pursuant to the lawful directions of law enforcement officers.

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

Part I. Section 9-1. Discharge of firearms prohibited. of the Currituck County Code of Ordinances is amended to read as follows:

Sec. 9-1. - Discharge of firearms prohibited.

(a) Near residences. It is unlawful for any person to discharge a rifle, shotgun, handgun or any firearm within 100 yards of any regularly occupied residence not owned by them without written ~~permission~~ consent of the regular occupant and owner of such residence which the person shall carry at all times relevant to this section.

(b) On or across roadways. It is unlawful for any person to discharge a rifle, handgun, shotgun or any firearm on or across any public road, highway, or public vehicular area.

(c) Firing near school. It ~~shall be~~ is unlawful to discharge a center fire rifle within one-half mile of any school unless such discharge occurs with at least 200 yards of woodlands or forest intervening between such discharge and the school.

(d) Firing at targets. It ~~shall be~~ is unlawful for any person to discharge ~~any a~~ rifle, handgun, shotgun or other firearm into any a target ~~which has a substantial backdrop within 100 yards of any subdivision~~ unless (i) the point of discharging the rifle, handgun, shotgun or other firearm and the target are located 300 yards or more from a regularly occupied residence; (ii) a backstop is located behind the target sufficient to stop all projectiles shot from the firing line to the target; and (iii) the person discharging the rifle, handgun, shotgun or other firearm into the target has on their person written consent for the activity from all persons who are the regular occupant of the residence and from the owner of the residence if a different person or persons from the regular occupant of the residence located within 300 yards of a firing line and target. that with or without permission. However, it shall be lawful to discharge any rifle, handgun, shotgun or other firearm into any target which has a substantial backdrop, so long as said discharge is 300 yards away from any regularly occupied residence, except by permission of the regular occupant and owner of such residence.

A person that was discharging firearms into targets on their property before April 16, 2007 is permitted to continue to discharge a firearm into targets on their property even if doing so at a later date does not conform to this section or amendment to this section, provided that there has been no substantial change in use of the person's property and the person documents the discharge of firearms into targets on their property before April 16, 2007.

(e) Firing when not in woodlands. When firing a center fire rifle into any area of Currituck County not forested or woodlands or without a backstop that keeps projectiles from leaving the property on which the center fire rifle is fired, it shall be unlawful for any person to discharge or fire said rifle unless the level of the rifle be at least ten feet off the ground, or in a stand which is at least eight feet high, or when standing on the top of a dog box situate in the bed of a truck when said dog box is at least two feet in height.

(f) Forest or woodlands. For purposes of this section forest or woodlands is defined as a large and thick collection of growing trees, preserving some or all of its primitive wildness and usually having game or wild animals in it.

(g) Impairing substances. ~~It shall be~~ is unlawful to discharge any rifle, handgun, shotgun or any other firearm while under the influence of any impairing substance.

(h) Exception. This section shall not apply to the following: ~~the use of firearms in defense of persons or property or the use of firearms by law enforcement officers in the performance of their duties, or in an indoor firing range.~~

(1) the use of firearms in the defense of persons or property;

(2) the use of firearms by law enforcement officers in the performance of their duties;

(3) the use of firearms in an indoor firing range;

(4) the use of a firearm for the purpose of shooting or killing any dangerous animal or reptile;

(5) the use of a firearm to take birds or animals pursuant to Chapter 113, Subchapter IV, of the General Statutes of North Carolina;

(6) the use of a firearm not involving the release of projectiles at a historical or ceremonial function: or

(7) the use of a firearm at school sanctioned instructional or recreational activities intended to further the use safe firearms practices.

~~(i) Penalty. Any violation of this section shall be a misdemeanor and upon conviction shall be punishable by fine of not more than \$500.00 or by imprisonment for not more than 30 days.~~

PART II. Section 1-8(i)(3) is amended to read as follows:

(3) Chapter 9, section 9-1, section 9-4, section 9-7, section 9-33;

PART II. Severability. Should any section or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be invalid or unconstitutional.

PART III. Effective date. This ordinance shall be effective immediately upon its adoption.

ADOPTED the ____ day of August, 2016.

David L. Griggs, Chairman

ATTEST:

Leeann Walton
Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr.
County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: ____ AYES ____ NAYS



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1629)

Agenda Item Title

Historic Boat and Building Advisory

Brief Description of Agenda Item:

Two citizen appointee seats remain vacant on the Historic Boat and Building Advisory.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

HISTORIC BOAT AND BUILDING ADVISORY BOARD
2 Year Terms

| Incumbent | Nominated by | New Appointee | Nominated by | Date of Appointment | End of Term |
|-------------------|--------------|---------------|--------------|---------------------|-------------|
| | | | | | |
| Mike Doxey | | | (Consensus) | 6/20/2016 | TBD |
| Travis Morris | | | (Consensus) | 6/20/2016 | TBD |
| Penny Leary-Smith | | | (Consensus) | 6/20/2016 | TBD |
| Carl Ross | | | (Consensus) | 6/20/2016 | TBD |
| Jerry Wright | | | (Consensus) | 7/18/2016 | TBD |
| <i>Vacant</i> | | | (Consensus) | | |
| <i>Vacant</i> | | | (Consensus) | | |
| Tameron Kugler | | | (Consensus) | 6/20/2016 | TBD |
| David Griggs | | | BOC Member | | |
| | | | | | |
| | | | | | |

Two additional consensus appointments are needed



**CURRITUCK COUNTY
NORTH CAROLINA**

July 18, 2016

Minutes – Regular Meeting of the Board of Commissioners

5:00 CALL TO ORDER

The Currituck County Board of Commissioners held its regular meeting at 5 PM in the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

| Attendee Name | Title | Status | Arrived |
|-------------------|----------------|---------|---------|
| David L. Griggs | Board Chairman | Present | |
| O. Vance Aydtlett | Vice Chairman | Present | |
| S. Paul O'Neal | Commissioner | Present | |
| Paul M. Beaumont | Commissioner | Present | |
| Marion Gilbert | Commissioner | Present | |
| Mike D. Hall | Commissioner | Present | |
| Mike H. Payment | Commissioner | Late | 5:25 PM |

Chairman Griggs called the meeting to order at 5:00 PM.

A) Invocation & Pledge of Allegiance-Reverend Susan Fitch-Slater, Sharon United Methodist Church

Reverend Susan Fitch-Slater was not in attendance. Commissioner Beaumont gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Chairman Griggs asked the Board to amend the order of items to allow Old Business to be heard after Consent Agenda so Commissioner Payment, who was running late, could be present during consideration of the ordinance to modify the time of the Board of Commissioner meetings.

Commissioner Gilbert moved to approve as amended and the motion was seconded by Commissioner Aydtlett. The motion carried unanimously.

5:00 Call to Order

A) Invocation & Pledge of Allegiance-Reverend Susan Fitch-Slater,
Sharon United Methodist Church

B) Approval of Agenda

Communication: July 18, 2016 Board of Commissioner Regular Meeting Minutes (Approval Of Minutes)

Public Hearings

- A) **Public Hearing and Action: PB 14-34 Currituck Reserve:**
Request for a preliminary plat/use permit for a 103 lot conservation subdivision located at the terminus of Campus Drive, Tax Map 22, Parcel 78B, Moyock Township.

New Business

- A) **An Ordinance of the Currituck County Board of Commissioners amending Chapter 2, Article III of the Currituck County Code of Ordinances by adding a new Division 9. Historic Preservation**
- B) **Consideration of an Ordinance Consideration of the Currituck County Board of Commissioners Amending Chapter 9 of the Code of Ordinances By Adding Article V Prohibiting Abandonment of Vessels Within Navigable Waters of the County**
- C) **Board Appointments**
1. Appointment to the Fire and EMS Advisory Board
 2. Historic Boat & Building Advisory
 3. Library Board
- D) **Consent Agenda**
1. Approval Of Minutes for June 20, 2016
 2. Budget Amendments
 3. Resolution to Surplus Jail equipment
 4. Report of Insolvents and Resolution Approving the Settlement with the Tax Collector for Insolvents
 5. Settlement for Delinquent Taxes-FY 2015-16
 6. Resolution appropriating funding for Airport Grant 36237.8.13.1 Corporate Area Apron Phase I (Design and Bidding)
 7. Project Ordinance - Airport Grant 36237.8.13.1 Corporate Area Apron Phase 1 (Design and Bidding)
 8. Lottery Applications
 9. Project Ordinance for Lottery Funds
 10. William Bradley - Grandy Convenience Center Lease renewal
 11. Crawford VFD Purchasing Request-Chemguard Foam
 12. Approval of Revised Salary Classification for Director of Elections

13. Approval of Job Descriptions-IT Support Tech (Sheriff's Dept) and Administrative Assistant (Planning Dept)

Old Business *The agenda was amended moving the Old Business section to follow Consent Agenda*

- A) ***Ordinance of the Currituck County Board of Commissioners Amending Section 2- 56 of the Currituck County Code of Ordinances Modifying the Time for the Regular Meetings of the Currituck County Board of Commissioners***

New Business

- E) **Commissioner's Report**
F) **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.

Closed Session

Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and to receive advice from the county attorney regarding a claim against the county and for the following pending matters: Price Solar, LLC v. Currituck County and Swan Beach Corolla, LLC v. Currituck County.

Adjourn

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

1. Resolution of support for law enforcement and emergency responders.

Commissioner O'Neal asked that the Board display their thanks and gratitude to the Currituck Sheriff's Department and Highway Patrol for the work they do by going on record with a letter or Resolution of support.

The motion was seconded by Commissioner Hall, and Commissioner Beaumont asked that Fire and Emergency Medical Services be included as well, as they are also victims of violence.

The motion carried unanimously.

PUBLIC HEARINGS**A. Public Hearing and Action: PB 14-34 Currituck Reserve:**

Parties were sworn and Chairman Griggs opened the Public Hearing. Ben Woody, Planning and Community Development Director, reviewed the application with the Board.

Staff Report

PB 14-34 Currituck Reserve

Board of Commissioners

July 18, 2016

APPLICATION SUMMARY

| | |
|--|---|
| Property Owner: AH Currituck Reserve LLC 222 Central Park Ave Ste 2100 Va Beach VA 23462 Case Number: PB 14-34 | Applicant: Land Planning Solutions 5857 Harbor View Blvd Ste 202 Suffolk VA 23435 Application Type: Preliminary Plat/Use Permit |
| Parcel Identification Number: 0022-000-078B-0000 Moyock Small Area Plan Land Use Classification: Limited Service | Existing Use: Vacant Parcel Size (Acres): 112.08 |
| Number of Units: 103 Required Open Space: 45.12 acres | Project Density: .9 units/acre Provided Open Space: 52 acres |

SURROUNDING PARCELS

| | Land Use | Zoning |
|-------|----------------------------|---------------|
| North | Residential | AG & SFM |
| South | Active Farmland | AG & SFM |
| East | Residential | AG & SFM |
| West | Active Farmland; Sand Mine | AG, SFM, HI |

STAFF ANALYSIS

In 2008, the Board of Commissioners approved a 688 lot planned unit development (PUD) on 471 acres at a density of 1.47 units per acre that included this parcel. That development never came to fruition and this request is to subdivide one of those lots to stand on its own. This request is for a 103 lot conservation subdivision. The allowed density of one unit per acre for the proposed development is lower than that of the previously approved PUD.

There is a concern regarding the shared drainage infrastructure and easements between this subdivision and the proposed subdivisions on each side of this one. The applicant has submitted an outline of an agreement between the three subdivisions that addresses all shared drainage infrastructure, easements/right-of-way locations/relocations, etc. It is staff's opinion that collaboration between landowners to develop one drainage plan for the three subdivisions is an adequate solution and it will be made a condition of approval.

INFRASTRUCTURE

| | |
|--|---|
| Water Sewer | Public Septic |
| Transportation | A turn lane is required at Tulls Creek Road. Sidewalks are proposed throughout the development. |
| Stormwater/Drainage | The conceptual drainage plan has been reviewed by Engineering. The shared off-site drainage pond will be addressed by the property owners as the developments go through the construction drawing approval process. |
| Schools | Elementary Students Generated: 25 (159) Middle School Students Generate: 8 (251) High School Students Generated: 14 (89) |
| Compatability | The use is compatible with the Moyock Small Area Plan. |
| Recreation and Park Area Dedication | The applicant has agreed to relocate the parkland dedication area to the rear of the Moyock Library. This will allow a future park to adjoin the library. The applicant will also provide an 8' wide multi-use path from the library to the eastern edge of their property. |

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. That fire marshal comments be adequately addressed.
 - b. That NCDOT comments be adequately addressed.
2. 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.
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. That the agreed upon outline (attached) between AH Currituck Reserve and Allied Properties concerning the shared drainage infrastructure and easements/rights-of-way locations/relocations be followed to develop the three adjoining subdivisions under a single drainage plan. (Planning)

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

Preliminary Applicant Finding:

1. The subdivision will comply with all applicable standards of ARHS, NCDENR, and Currituck County for water distribution, sewage disposal, and stormwater management.

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 proposed subdivision will have a density of .9 units per acre and preserve 51.65 acres of open space.
2. Reforestation of conservation areas and farm land buffers will be incorporated into the construction plans.

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

Preliminary Staff Findings:

1. The 2014 Moyock Small Area Plan classifies this site as Limited Service. The policy emphasis of this designation is more on residential development and densities. Limited service designations provide for limited availability to infrastructure and services and low to moderate residential densities. Residential densities in this designation range between 1-1.5 units per acre. Cluster residential is to provide for low density, scattered residential, institutional, agricultural, or other traditional rural uses such as small scale farm operations. The proposed use is in keeping with the policies of the Moyock Small Area Plan, some of which are:

POLICY TR 1: Design future transportation improvements that are consistent with Complete Streets Policy. Complete Streets Policy encourage design of transportation networks and facilities that safely accommodate pedestrians, bicyclists, rail, and vehicles.

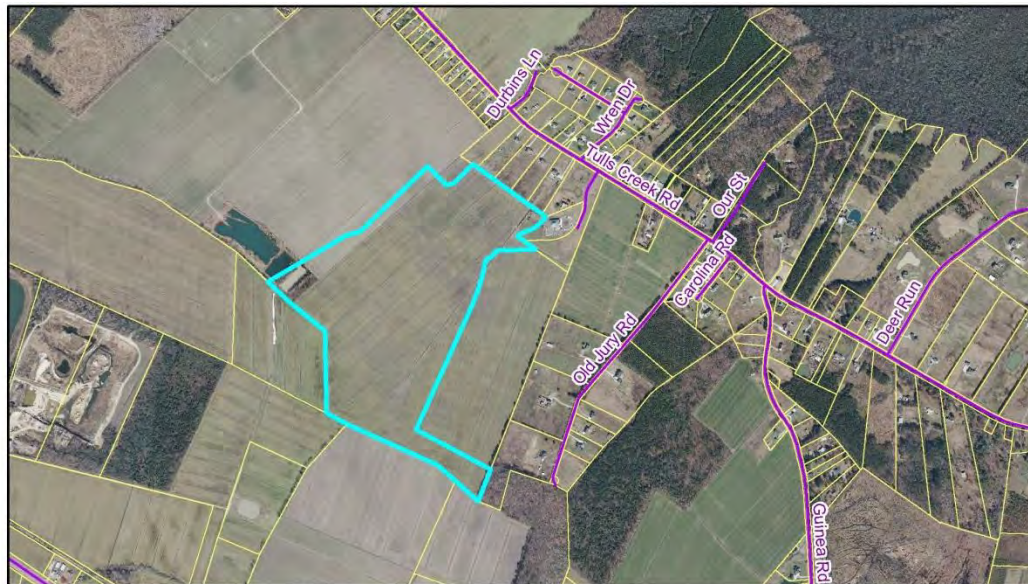
POLICY CC 1: Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.

POLICY IS 4: Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas.

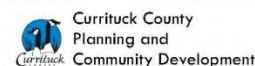
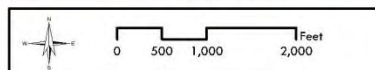
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

1. The county has adequate public facilities to service this development including schools, fire and rescue, law enforcement, etc.



PB 14-34 Currituck Reserve
Preliminary Plat/Use Permit
Aerial Photography



After review, Mr. Woody answered Commissioner inquiries regarding stormwater and drainage and Commissioner Aydlett expressed concern with providing sufficient outlets, noting flooding issues in the past at the library.

Andy Deel, Deel Engineering, testified for the applicant stating he was on the project specifically to address stormwater. Mr. Deel said he had met with the developers for the other two tracts and subsequently was authorized to begin development of the stormwater plan for the three parcels.

Commissioner Hall noted the proximity of his home to parcel one on the overhead map. He stated he could be fair in his decision and the rest of the Board had no issues. Mr. Deel reviewed the engineering requirements and responded to Board questions. Commissioner O'Neal expressed his concern with the prospect of the drainage agreement with the other developers falling apart. Mr. Woody said the application would have to be resubmitted if that happened, and he confirmed the stormwater agreement should be included in any motion as a condition of approval.

Mr. Scott Stamm, Land Planning Solutions of Chesapeake, VA, testified to address the development's harmony with adjoining land and affect on adjacent property values. He said the current proposal of 103 lots, as opposed to the original proposal of 680 lots, greatly reduces the density. The plan offers several reforestation areas, farmland buffers, sidewalks, a multi-use path and trails, with homes similar in size to nearby homes on 20,000 square foot lots. Stormwater would be improved and 1.84 acres of park land would be dedicated for public use.

Chris Harvey, the developer, was sworn in and addressed concerns raised by Commissioner O'Neal regarding an historic house located at the site. It was determined the home was indeed owned by Mr. Harvey. He said Commissioner O'Neal's concerns would be immediately addressed. In response to the Board, he said home prices would range from \$225-\$350,000, subject to change and road widths would be at Department of Transportation standards. Mr. Stamm discussed ingress and egress, right of ways, and connectivity.

Kenneth Terle, a 32 year resident of Moyock, was concerned that 1.84 acres of dedicated park area would not be large enough to accommodate the number of homes proposed. He said the library needs room to expand and Tulls Creek Road will need to be widened to four lanes eventually.

Mr. Woody clarified for the Board the departmental processes and requirements for the proposed three party stormwater agreement, after which, Chairman Griggs closed the public hearing and asked for a motion.

Commissioner Beaumont moved to approve PB 14-34, The Currituck Reserve, in that its use will not endanger public health or safety, it will not injure the value of adjoining or abutting lands, and will be in harmony with the area in which it is located, it will be in conformity with the Land Use Plan, specifically policies TR1, CC1, and IS4, and the use will not exceed the county's ability to provide adequate public facilities, including but not

limited to schools, fire rescue, law enforcement and other county facilities. In addition, the project would proceed contingent upon mutual stormwater management plan as presented to this Board to include Parcels A, B and C.

Commissioner Gilbert seconded and the motion carried unanimously.

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

NEW BUSINESS

A. An Ordinance of the Currituck County Board of Commissioners amending Chapter 2, Article III of the Currituck County Code of Ordinances by adding a new Division 9. Historic Preservation

County Attorney, Ike McRee, reviewed the ordinance with the Board, which establishes the Historic Preservation Commission for Currituck County.

During discussion, the Board agreed residents should have the ability to remove an historic designation if they chose to do so. Mr. McRee said he did not see a provision for residents to remove themselves as the ordinance is written but he would review and provide a report at the next Board of Commissioners meeting. The Board clarified Currituck County would not bear a financial burden for restoration of property, although homeowners may be financially bound to an entities providing restoration funding.

Commissioners allowed members of the Historical Society to provide comment. Mr. Rodney Sawyer said he began this process in 2005 as a way for the County to receive federal funding for historic preservation by achieving the goal of becoming a Certified Local Government for Historic Preservation.

Barbara Snowden, Vice President of the Currituck County Historical Society, thanked Mr. Sawyer for his efforts. She assured the Board no property owner would be forced to participate. She stressed the structures should be referred to as County Landmarks, and only those who ask would be considered. Since the program is voluntary, property owners would only need ask to be removed.

Commissioner Aydlett moved to approve as written with instruction to the County Attorney to research and look into the other issues that were brought up and report back to the Board at the next meeting. Commissioner O'Neal seconded and the motion carried unanimously.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING CHAPTER 2, ARTICLE III OF THE CURRITUCK COUNTY CODE OF ORDINANCES BY ADDING A NEW DIVISION 9. HISTORIC PRESERVATION

WHEREAS, pursuant to N.C. Gen. Stat. §153A-76 a Board of Commissioners may change the composition and manner of selection of boards, commissions, and agencies, and may generally

organize and reorganize the county government in order to promote orderly and efficient administration of county affairs; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-77 a Board of Commissioners may appoint advisory boards, committees, councils and agencies composed of qualified and interested county residents to study, interpret and develop community support and cooperation in activities conducted by or under the authority of the Board of Commissioners; and

WHEREAS, pursuant to Part 3C of Chapter 160A of the General Statutes of North Carolina a county may create a historic commission to safeguard a county's heritage by preserving districts of landmarks that embody important elements of the county's culture, history, architectural history or prehistory and promote the use and conservation of such district or landmark for the education, pleasure, enrichment of the county's residents.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding a new division to Chapter 2, Article III to read as follows:

DIVISION 9. HISTORIC PRESERVATION COMMISSION

Sec. 2- 240. Title.

This division is known and may be cited as the Currituck County Historic Preservation Ordinance.

Sec. 2-241. Purpose.

Whereas the historical heritage of Currituck County is a valued and important part of the general welfare; and whereas the conservation and preservation of the County's heritage, through the documentation and regulation of local historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values, and pursuant to G.S. 160A-400.1 to 400.14 this ordinance is enacted in order to:

- a. Safeguard the heritage of Currituck County by preserving local landmarks within the County that embody important elements county culture, history, architectural history, or prehistory; and
- b. Promote the use and conservation of local landmarks for the education, pleasure and enrichment of the residents of Currituck County and the State of North Carolina.

Sec. 2-242. Created.

There is hereby established a historic preservation commission, (the "Commission"). The Commission will consist of five (5) members appointed by the Board of Commissioners. Members of the Commission must have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field. One member will be appointed to serve for a term of two years, two members will be appointed to serve for a term of three years, and two members will be appointed to serve for a term of four years. Thereafter members shall be appointed for terms of four years. Commissioners shall serve until their successors are appointed and qualified. All commissioners must be residents of the county.

Sec. 2-243. Officers.

The Commission will appoint from its membership a chair and any other officers as it may deem necessary for the orderly conduct of its business.

Sec. 2-244. Meetings.

The Commission will meet at least quarterly. A copy of the minutes of all meetings must be sent to the county manager. All meetings must be conducted in accordance with the Open Meetings Law of the State of North Carolina. The Commission will annually present to the Board of Commissioners

a report of its activities, budget, findings, recommendations, and actions, which will be made available to the public.

Sec. 2-245. Powers and Duties.

The Commission is empowered to undertake such actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and in the North Carolina General Statutes, including, but not limited to:

- a. Organizing and conducting its business;
- b. Receiving and spending funds, if any, appropriated by the Board of Commissioners for operating and performing its duties;
- c. Conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;
- d. Recommending to the Board of Commissioners that individual buildings, structures, sites, area, or object within its zoning jurisdiction be designated as "local historic landmarks;"
- e. Recommending to the Board of Commissioners that designation of any building, structure, site area or object as a local historic landmark be revoked or removed for cause;
- f. Reviewing and making recommendations on proposals for exterior alteration, relocation or demolition of designated local historic landmarks;
- g. Negotiating with property owners who propose to demolish or relocate a designated local historic landmark, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies;
- h. Instituting action through the county planning and community development department to prevent, restrain, correct or otherwise abate violation of this ordinance or of an ordinance designating local historic landmarks;
- i. Entering, at reasonable times and with the consent of the owner or occupant, upon private lands to make examinations, conduct surveys and inventories or other purposes in performance of its official duties. However, no member, employee or agent of the Commission shall enter any private building or structure without express consent of the owner or occupant thereof;
- j. Reviewing and making recommendations on proposals for alterations of interior features of designated local historic landmarks, as specified, and for which owner consent was given, in the ordinance establishing designation;
- k. Appointing advisory bodies or committees as appropriate;
- l. Recommending to the Board of Commissioners negotiation with property owners for the acquisition or protection of significant historic properties;
- m. Recommending to the Board of Commissioners acquisition by any lawful means, the purchase fee, or any lesser included interest, including options to purchase, properties designated as local landmarks, or land to which historic buildings or structures may be moved; recommending to the Board of Commissioners to hold, manage, preserve, and restore such a property and improving the interest; and to exchange or dispose of the interest through public or private sale, lease, or other lawful means, provided the property shall be subject to covenants or other legally binding restrictions which shall secure appropriate rights of public access and the preservation of the property. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the Board of Commissioners shall be acquired in the name of the county unless otherwise provided by the Board of Commissioners;
- n. Accepting grants of funds from private individuals or organizations for preservation purposes;
- o. Conducting educational programs pertaining to local historic landmarks and historic areas within its jurisdiction;
- p. Publishing or otherwise informing the public about any matter related to its purview, duties, responsibilities, organization, procedures, functions or requirements;
- q. Advising property owners about appropriate treatment for characteristics of local historic properties;
- r. Cooperating with the State of North Carolina, the United States of America, local governments, public or private organizations, or their agencies, in pursuing the purposes of this ordinance;

s. Preparing and recommending adoption of a preservation element or elements as part of a county's comprehensive plan; and

t. Proposing to the Board of Commissioners amendment to this or to any other ordinance, and proposing new ordinance or laws relating to local historic landmarks or to the protection of the historic resources of the county and its environs.

Sec. 2-246. Inventory.

The Commission will use as a guide to identification, assessment, and designation of local historic landmarks an inventory of buildings, structures, sites, areas, or objects which are of historic, prehistoric, architectural, archaeological, and/or cultural significance. The Commission will take steps as necessary to ensure that the inventory reflects information current to within twenty years.

Sec. 2-247. Adoption of Local Historic Landmark Ordinance of Designation

a. The Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating one or more local historic landmarks. The ordinance will include the following:

1. the name or names of the owner or owners of the property;
2. description of each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
3. description of those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;
4. provide for each designated local historic landmark a suitable sign or plaque indicating that the local landmark has been designated a local historic landmark; and
5. Any other information deemed necessary by the Board of Commissioners.

b. The local landmark designation process may be initiated by either the Commission or at the request of a property owner. No ordinance to designate a building, structure, site, area, or object will be adopted or amended until all of the requirements of this ordinance and its subsections are satisfied.

Section 2-248. Criteria for Designation as a Historic Local Landmark.

To be designated as a historic local landmark, a property, building, site, area, or object must be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

Sec. 2-249. Procedure for Designating a Local Historic Landmark.

a. The Commission will make, or cause to be made, an investigation and designation report which includes the following:

1. the name of the property to be designated, including both common and historic names if they can be determined;
2. the name and address of the current owner or owners;
3. the location of the property proposed for designation, including the street address and county tax map parcel number or parcel identification;
4. the dates of original construction and of all later additions or alterations, if applicable and as can be determined;
5. an assessment of the significance of the building or site as prescribed by this ordinance;
6. an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, proposed for designation;
7. a historical discussion of the site or structure within its type, period, and locality;
8. a photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting,

scale, proportion, and relationship of features or buildings, structures, or objects to each other; and

9. a map showing the location of the property, including all outbuildings and appurtenant features.

b. Pursuant to G. S. 160A-400.6, as amended, the designation report must be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, (the "Department"), or its successor agency, which, acting through the State Historic Preservation Officer, will review the designation report and provide written comment and recommendations to the Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty days following its receipt of the report will constitute approval of the report by the Department and relieve the board of commissioners of all responsibility to consider the Department's comments of recommendations concerning the report.

c. At the expiration of the thirty day review period, the Commission will consider the report and any comments or recommendations from the State Historic Preservation Officer, and will accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission will forward to the Board of Commissioners a copy of the report, copies of written comments received from the Department, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval must be accompanied by a proposed ordinance of designation. A recommendation for disapproval will not necessarily prevent any future consideration of a property for designation as a local historic landmark.

d. The Board of Commissioners will hold a public hearing, either jointly with the Commission, or separately, to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

e. Following the public hearing, the Board of Commissioners will consider the Commission's designation report, its recommendation, the Department's recommendation, and comments made at the public hearing, and may adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

f. Upon adoption of the ordinance, the Commission staff will:

1. within thirty days of adoption, send the owner(s) of the landmark(s) notice of the designation, explaining the substance of the Commission's decision;
2. file one copy of the ordinance, and any subsequent amendments, in the office of the county's Register of Deeds, which will index local historic landmarks according to the name of the owner in the grantee and grantor indexes;
3. notify the county tax assessor's office of the landmark designation.

g. Upon notification of landmark designation from the Commission, the county tax assessor shall indicate the designation on all appropriate tax maps for as long as the designation remains in effect.

h. Upon disapproval of a designation report, a copy of the minutes of the meeting at which the decision to deny was made must be provided to the owner of the property proposed for designation, together with correspondence explaining the substance of the Commission's decision.

Sec. 2-250. Certificate of Appropriateness Required

a. From and after the designation of a local historic landmark, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or object will be performed upon such landmark until a Certificate of Appropriateness, (the "Certificate"), is granted by the Commission. A Certificate will be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of advertising sign.

b. A Certificate is required in order to obtain a building permit, or any other permit granted for the purposes of constructing, altering, moving, or demolishing structures, and is required whether a building permit or other permit is required. Any building permit or other permit not issued in conformity with this Section is invalid.

c. For the purposes of this ordinance, "exterior features" includes architectural style, general design, general arrangement, kind and texture of material, size and scale, and type and style of all windows, doors, light fixtures, signs, any other appurtenant features, historic signs, historic advertising, landscape, and archaeological or natural features.

d. A Certificate is required to specific interior features of architectural, artistic, or historical significance in publicly owned local landmarks and in privately owned local landmarks for which consent to review has been given in writing by the owner. Such consent shall be filed with the county's Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and binds future owners and/or successors in title. The ordinance establishing historic designation of the property will specify the interior features subject to review and the specific nature of the Commission's jurisdiction over those features.

e. When approving a Certificate, the Commission may attach reasonable conditions necessary to the proper execution of this ordinance.

f. Commission staff may issue a Certificate for "minor works" as defined by the Commission. "Minor works" include the ordinary maintenance or repair of any exterior feature of a local historic landmark, provided such maintenance or repair does not involve a change in design, material, or appearance thereof.

g. No application for a "minor works" Certificate will be denied without deliberation by the Commission.

h. Under this section, the Commission will institute action, through the county planning and community development department, to prevent, restrain, correct or otherwise abate the construction, reconstruction, alteration, restoration relocation or demolition of buildings structures, appurtenant features, or any other features which would be incongruous with the special character of the local landmark.

Sec. 2-251. Review Guidelines.

Prior to the designation of a historic local landmark, the Commission will prepare and adopt guidelines not inconsistent with G.S. 160A-400.1 - 400.14 for constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic, which guidelines will ensure, insofar as possible, that changes in designated local historic landmarks are in harmony with the reasons for designation.

Sec. 2-252. Certain Changes not Prohibited.

Nothing in this ordinance is to be construed to prevent:

a. the ordinary maintenance or repair of any exterior feature of a historic local landmark, provided such maintenance or repair does not involve a change in design, material, or appearance of the historic local landmark;

b. the construction, alteration, relocation, or demolition of any feature, building, or structure when the chief building inspector certifies to the Commission that action is necessary to the public health or safety because of an unsafe or dangerous conditions;

c. a property owner from making use of property not otherwise prohibited by statute, ordinance, or regulation; or

d. the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the Commission.

Sec. 2-253. Delay of Demolition.

a. Except as provided below, a Certificate authorizing the demolition of a designated local historic landmark may not be denied. However, the Commission may delay the effective date of a Certificate for a period of up to 365 calendar days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of such property as a result of the delay. During the delay period, the Commission will negotiate with the property owner and with any other party in an effort to find a means of preserving the property as provided in Section 2-245 of this ordinance.

b. The Commission may deny an application for a Certificate authorizing the demolition or destruction of any locally designated landmark, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of

Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.

c. In the event that the Commission has voted to recommend designation of a property as a local landmark and local landmark designation has not been made by the board of commissioners, the demolition of any building, site, object, area or structure located on the property of the proposed local landmark may be delayed by the Commission for a period of up to 180 calendar days or until the Board of Commissioners takes final action on the proposed designation, whichever occurs first. If the Board of Commissioners approves the local landmark designation prior to the expiration of the 180-day delay period, an application for a Certificate of Appropriateness authorizing demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the number of days elapsed during the 180-day delay while designation was pending.

Sec. 2-254. Demolition by Neglect.

Failure of an owner to regularly, consistently, and fully maintain a designated local landmark constitutes demolition, through neglect, without a valid Certificate of Appropriateness and a violation of this ordinance. The Commission will institute action, through the county planning and community development department, to prevent, restrain, correct or otherwise abate such demolition, provided the action includes appropriate safeguards to protect property owners from undue economic hardship.

Sec. 2-255. Application and Required Procedures.

a. An application for a Certificate shall be obtained from the Commission staff. An application for a Certificate will be completed and submitted to the county planning director in the form established by the county planning director and will be reviewed by Commission staff to determine if the application is complete in accordance with the procedures and standards included in the Administrative Manual and Unified Development Ordinance.

b. The Commission has, as detailed in the Administrative Manual, power to require the submittal, with the application, of pertinent information sufficient to determine an application's completeness.

c. Incomplete applications are not accepted.

d. Before considering an application for a Certificate, the Commission will notify by mail the owners of any adjacent property. Such notices are for the convenience of property owners and occupants and no defect or omission therein impairs the validity of the issuing a Certificate or of any subsequent action.

e. When considering an application for a Certificate, the Commission will give the applicant and owners of any property likely to be materially affected by the application an opportunity to be heard.

f. When considering an application for a Certificate, the Commission will apply the review guidelines required by Section 2-251 of this ordinance and will, in approving with conditions, disapproving or deferring an application, make findings of fact to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.

g. The Commission has sixty calendar days following submittal of a complete application within which to act. Failure by the Commission to take final action within such period shall constitute approval of the application as submitted. This period may be extended by mutual agreement between the Commission and the applicant.

h. A Certificate is valid for 180 calendar days from the date of issuance, or, in the case of a Certificate for demolition, from the effective date. If the authorized work is not commenced within that period, or has been discontinued for more than 365 calendar days from the date of issuance, the Certificate will immediately expire and the applicant required to reapply.

i. If the Commission denies a Certificate, a new application affecting the same property may be submitted, provided a substantial change is proposed in the plans.

j. An appeal of a final action by the Commission may be made to the county board of adjustment. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) calendar days following the Commission's decision. Appeals must be filed with the county board of adjustment within thirty calendar days following the Commission's decision and is in

the nature of certiorari. A decision by county board of adjustment may be appealed to the Superior Court of Currituck County.

k. A Certificate is required for locally designated landmarks or buildings, structures, sites, areas, which are owned by the State of North Carolina or any of its agencies, political subdivisions, or instrumentalities, subject to the regulations of this ordinance and in accordance with G.S. 160A-400.9(f).

l. In the case of a building, structure, site, area, or object designated as a local historic landmark threatened with demolition, as the result of willful neglect or otherwise, material alteration, rehabilitations or removal, except in compliance with this ordinance, the Commission, the Board of Commissioners or any other party aggrieved by such action may institute any appropriate action or proceeding to prevent, retrain, correct or otherwise abate such violation, or to prevent any illegal act or conduct with respect to such property.

Sec. 2-256. Conflict with Other Laws

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the Currituck County Board of Commissioners, the more restrictive ordinance or regulation shall govern.

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

PART III. This ordinance is effective immediately upon adoption.

ADOPTED this ____ day of July, 2016.

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

B. Consideration of an Ordinance of the Currituck County Board of Commissioners Amending Chapter 9 of the Code of Ordinances By Adding Article V Prohibiting Abandonment of Vessels Within Navigable Waters of the County

Mr. McRee reviewed the ordinance with the Board which authorizes the County to remove abandoned vessels from County waterways.

After review, Commissioners discussed costs to the county, mechanisms for recovering expenses from vessel owners, and safety aspects related to the ordinance.

Allowing a resident to speak, Jim Wheeler, Beechwood Shores, said he has a sunken boat at his property. He was instructed to call County Code Enforcement.

Commissioner Aydlett moved to approve the ordinance prohibiting abandonment of vessels within navigable waters of Currituck County as written. Commissioner Beaumont seconded and the motion carried unanimously.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING CHAPTER 9 OF THE CURRITUCK COUNTY CODE OF ORDINANCES BY ADDING ARTICLE V. ABANDONED VESSELS

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-132 a county may by ordinance prohibit the abandonment of vessels in navigable waters within the county's ordinance-making jurisdiction.

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

PART I. Chapter 9 of The Code of Ordinances, Currituck County, North Carolina is amended by adding ARTICLE V. ABANDONED VESSELS to read as follows:

ARTICLE V. ABANDONED VESSELS

Sec. 9-94. Application of provisions.

The regulations set out in this article shall apply to navigable waters within the county.

Sec. 9-95. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *Abandoned vessel:* A vessel that is moored, anchored, or otherwise located for more than 30 consecutive days in any 180 consecutive-day period without permission of the dock owner, marina owner, boat slip owner, or property owner whereby the vessel is located or a vessel that is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is in immediate danger to other vessels.
- (2) *Responsible party.* A person, organization, or legal entity that is identified by county officials as the party responsible for an abandoned vessel.

Sec. 9-96. Prohibition.

The abandonment of vessels in navigable waters within the jurisdiction of the county is prohibited.

Sec. 9-97. Exceptions.

Shipwrecks, vessels, cargoes, tackle and other underwater archeological remains that have been in place for more than 10 years shall not be considered abandoned vessels and shall not be removed under the provisions of this section without the approval of the North Carolina Department of Cultural Resources, which is the legal custodian of these properties pursuant to G.S. §§ 121-22 and 121-23.

Sec. 9-98. Removal of abandoned vessels.

The county may remove and dispose of any abandoned vessel found to be in violation of this article according to the procedures set forth in G.S. § 153A-132 and Article IV of this code.

Sec. 9-99. Notice of removal.

The county shall give notice to the responsible party as required by G.S. § 20-219.11(a) and (b).

PART II. Severability. Should any section or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be invalid or unconstitutional.

PART III. Effective date. This ordinance shall be effective immediately upon its adoption.

ADOPTED the 18th day of July, 2016.

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

C) Board Appointments

1. Appointment to the Fire and EMS Advisory Board

Commissioner Beaumont nominated William Bailey, of Maple, to serve on the Fire and EMS Advisory Board. Commissioner Aydlett seconded and the nominee was unanimously approved.

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

2. Historic Boat & Building Advisory

Commissioner O'Neal nominated Jerry Wright to fill one of the three vacancies on the Historic Boat and Building Advisory. Commissioner Aydlett moved to approve Jerry Wright for the Historic Boat and Building Advisory, while tabling the other two appointments until the next meeting. Commissioner Gilbert seconded and the motion carried unanimously.

Commissioner Hall said he had been speaking with an interested party and would submit the recommendation for Board consideration.

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

3. Library Board

Commissioner Beaumont said his nominee should be eligible for reappointment and did not need to be replaced as stated in the agenda packet. Making the correction, he recommended Keith Dix be reappointed. Commissioner O'Neal moved to reappoint Keith Dix and Tom Oakes to the Library Board. The motion was seconded by Commissioner Gilbert and the appointments were unanimously approved.

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

D) Consent Agenda

Commissioner Gilbert moved to accept the Consent Agenda. The motion was seconded by Commissioner Beaumont and carried unanimously.

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

1) Approval Of Minutes for June 20, 2016

1. Minutes Approval-BOC 6-20-2016

Motion to revise minutes of June 20, 2016.

Commissioner Hall moved that the June 20, 2016, minutes be revised to include language as to the reason for his dissenting vote regarding the Historic Boat and Building Advisory Board appointments. Commissioner Payment seconded and the motion carried unanimously for a revision of the minutes to insert the explanation portion of the discussion.

The Board discussed other County advisory boards and state Boards and which allow voting by county staff and Commissioners who serve.

2. Budget Amendments

| | | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| <u>Account Number</u> | <u>Account Description</u> | | |
| 10530-545000 | Contract Services | \$ 43,200 | |
| 10530-590000 | Capital Outlay | \$ 94,255 | |
| 10330-449900 | Miscellaneous Grants | | \$ 137,455 |
| | | <u>\$ 137,455</u> | <u>\$ 137,455</u> |

Explanation: Emergency Medical Services (10530) - Increase appropriations to record approval of FEMA Homeland Security Grant EMW-2015-FO-05643. This will purchase LUCAS CPR devices for the County ambulances and 5 year maintenance agreements.

Net Budget Effect: Operating Fund - Increased by \$137,455.

| | | Debit | Credit |
|-----------------------|-----------------------------|---|---|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| <u>Account Number</u> | <u>Account Description</u> | | |
| 10795-590000 | Capital Outlay | \$ 7,535 | \$ - |
| 10795-516001 | Repairs & Maint- Maple Park | | \$ 7,535 |
| | | <u>\$ 7,535</u> | <u>\$ 7,535</u> |

Explanation: Parks & Recreation (10795) - Transfer funds for roof replacement of two picnic shelters at Sound Park.

Net Budget Effect: Operating Fund - No change.

| | | Debit | Credit |
|-----------------------|---------------------------------|---|---|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| <u>Account Number</u> | <u>Account Description</u> | | |
| 50795-590005 | Veteran's Park Dock Improvement | \$ 137,000 | |
| 50390-495015 | T F - Occupancy Tax | | \$ 137,000 |
| | | <u>\$ 137,000</u> | <u>\$ 137,000</u> |

Explanation: County Governmental Construction (50795) - Increase multi-year construction fund for repairs to the dock at Veteran's Park in Coinjock. Funding was appropriated in the current budget Occupancy Tax budget.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$137,000.

Communication: July 18, 2016 Board of Commissioner Regular Meeting Minutes (Approval Of Minutes)

| | | Debit | Credit |
|---------------------------|--|---|---|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| <u>Account Number</u> | <u>Account Description</u> | | |
| 10541-532000 | Supplies | \$ 5,460 | |
| 10380-488400 | ABC Profits Distribution | | \$ 5,460 |
| | | \$ 5,460 | \$ 5,460 |
| Explanation: | Fire Services (10541) - Increase appropriations for 220 gallons of foam for airport crash truck requested by Crawford Volunteer Fire Department. | | |
| | | | |
| | | | |
| | | | |
| Net Budget Effect: | Operating Fund (10) - No change. | | |

3. Resolution to Surplus Jail equipment

RESOLUTION

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

| County | | |
|-----------|--|----------------|
| Asset Tag | Description | Serial Number |
| N/A | Cleveland Industrial Food Steamer Model 42CKGN200 | WC99412-06L-01 |
| 6176 | Touch Print Fingerprint Machine/Cabinet | AV248000310 |

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

ADOPTED, this _____ day of _____, 2016.

David L. Griggs, Chairman
County of Currituck, Board of Commissioners

Leeann Walton
Clerk to the Board

(Seal)

4. **Report of Insolvents and Resolution Approving the Settlement with the Tax Collector for Insolvents**
5. **Settlement for Delinquent Taxes-FY 2015-16**

Communication: July 18, 2016 Board of Commissioner Regular Meeting Minutes (Approval Of Minutes)

FY 15-16 SETTLEMENT FOR DELINQUENT TAXES FOR TAX YEARS 2006-2015 (G.S. 105-373)

COLLECTION TOTALS FOR THE YEARS 2006 -2015*

| YEARS | Levy All Charge Codes | Adjustments Releases/Writeoffs | Net Levy | Interest Collected | Tax Payments* | Unpaid Balance* | % COLL |
|---------------|--------------------------|-----------------------------------|-----------------------|-----------------------|-----------------------|-------------------|--------|
| 2015 | 31,145,963.52 | 30,121.11 | 31,115,842.41 | 69,478.89 | 30,731,975.41 | 383,867.00 | 98.77% |
| 2014 | 30,605,976.75 | 13,313.07 | 30,592,663.68 | 79,599.28 | 30,454,554.90 | 138,108.78 | 99.55% |
| 2013 | 30,944,481.92 | 73,253.17 | 30,871,228.75 | 106,527.07 | 30,813,703.72 | 57,525.03 | 99.81% |
| 2012 | 30,147,370.90 | 85,390.89 | 30,061,980.01 | 110,843.01 | 30,035,015.80 | 26,964.21 | 99.91% |
| 2011 | 29,924,866.17 | 39,803.44 | 29,885,062.73 | 131,606.62 | 29,863,321.85 | 21,740.88 | 99.93% |
| 2010 | 28,910,455.72 | 64,907.56 | 28,845,548.16 | 142,051.70 | 28,827,990.68 | 17,557.48 | 99.94% |
| 2009 | 28,841,143.22 | 91,742.68 | 28,749,400.54 | 167,755.12 | 28,740,354.10 | 9,046.44 | 99.97% |
| 2008 | 28,689,650.38 | 81,446.13 | 28,608,204.25 | 191,941.97 | 28,600,052.00 | 8,152.25 | 99.97% |
| 2007 | 28,106,610.32 | 226,315.34 | 27,880,294.98 | 132,731.08 | 27,873,493.10 | 6,801.88 | 99.98% |
| 2006 | 27,466,765.65 | 129,748.94 | 27,337,016.71 | 111,445.83 | 27,331,865.15 | 5,151.56 | 99.98% |
| TOTALS | 294,783,284.55 | 836,042.33 | 293,947,242.22 | 1,243,980.57 | 293,272,326.71 | 674,915.51 | |

*Collections through June 30, 2016

6. Resolution appropriating funding for Airport Grant 36237.8.13.1 Corporate Area Apron Phase I (Design and Bidding)

7. Project Ordinance - Airport Grant 36237.8.13.1 Corporate Area Apron Phase 1 (Design and Bidding)

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 Corporate Area Apron (Phase I Design & Bidding)

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

| | |
|--|-------------------|
| Griggs Elementary - Upgrade Energy Mgmt System | \$ 90,000 |
| CCHS -Upgrade Energy Management System | \$ 65,000 |
| Moyock Middle - Upgrade Energy Mgmt System | \$ 65,000 |
| | <u>\$ 220,000</u> |

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

| | |
|---------------|-------------------|
| Lottery Funds | \$ 220,000 |
| | <u>\$ 220,000</u> |

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 18th day of July 2016.

8. Lottery Applications

9. Project Ordinance for Lottery Funds

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 renovate HVAC/Energy Management systems at various schools.

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

| | |
|--|-------------------|
| Griggs Elementary - Upgrade Energy Mgmt System | \$ 90,000 |
| CCHS -Upgrade Energy Management System | \$ 65,000 |
| Moyock Middle - Upgrade Energy Mgmt System | \$ 65,000 |
| | <u>\$ 220,000</u> |

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

| | |
|---------------|-------------------|
| Lottery Funds | \$ 220,000 |
| | <u>\$ 220,000</u> |

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 18th day of July 2016.

10. William Bradley - Grandy Convenience Center Lease renewal

11. Crawford VFD Purchasing Request-Chemguard Foam

12. Approval of Revised Salary Classification for Director of Elections

13. Approval of Job Descriptions-IT Support Tech (Sheriff's Dept) and Administrative Assistant (Planning Dept)

) Old Business (Amended-Item moved to be heard after Consent Agenda)

14. Ordinance of the Currituck County Board of Commissioners Amending Section 2-56 of the Currituck County Code of Ordinances Modifying the Time for the Regular Meetings of the Currituck County Board of Commissioners

County Attorney, Ike McRee, said the ordinance was again before the Board for a second reading because the ordinance did not receive unanimous approval at its first reading. Commissioner Payment explained his reasons for wanting the time change to 6 PM, and said the ordinance can always be revised again if necessary.

Commissioner Hall moved to allow those who were signed up for public comment to speak to the ordinance to do so. Commissioner Payment seconded and the motion carried unanimously.

Chairman Griggs opened the public comment period and limited the speaking time to three minutes.

Will Crodick, Knotts Island, said he supports a 7 PM meeting time, but would approve of 6 PM. He wants to see public comment moved back to the beginning of the meeting so people can address items on the agenda before they are heard.

Kenneth Terle, Moyock, supports a revised meeting time and asked the Board to give people time to get to Board meetings.

Jim Wheeler, Beechwood Shores, wants to see the meeting moved back to 7 PM and the public comment returned to the beginning of the agenda.

Doris Flora, a 60 year resident of Moyock, said she has been attending meetings for many years and has rarely missed. She agrees a 6 or 7 PM meeting time would be better. She believes that people won't come no matter the time, that people often ask the Board to do things for them and they don't participate.

Commissioner Beaumont said people who contacted him categorically were more in favor of 5 PM meetings versus 7 PM. Commissioner Aydlett said folks from Knotts

Island, Corolla and Carova do attend when they have business before the Board. Commissioner Hall said he had also spoken with people from those areas who said they can't get to the meetings at 5 PM. He said members should vote how their citizens would like them to vote. Commissioner O'Neal said Commissioner Hall told him the decision was a good one had supported six o'clock. Commissioner Hall said that was how he felt at that time, but revised his opinion after discussing the issue with citizens. Chairman Griggs suggested Saturday morning as an option, and the Board agreed there is no perfect time.

Commissioner Gilbert said 5 PM meetings made the Board more productive and that 6 PM is a compatible time.

Chairman Griggs asked for a motion and Commissioner Payment moved to approve the ordinance. The motion was seconded by Commissioner Gilbert. The motion carried with a vote of 6-1, with Commissioner Hall opposed.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 2-56 OF THE CURRITUCK COUNTY CODE OF ORDINANCES MODIFYING THE TIME FOR REGULAR MEETINGS OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS

WHEREAS, pursuant to N.C. Gen. Stat. §153A-40 a board of commissioners may fix the time for its meetings.

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

PART I. Section 2-56 of the Code of Ordinances, Currituck County, North Carolina is amended to read as follows

Sec. 2-56. - Regular and special meetings.

- (a) *Regular meetings.* The board shall hold a regular meeting on the first and third Mondays of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at the county courthouse and shall begin on the first Monday and third Monday at ~~7:00~~ 6:00 p.m.
- (b) *Special meetings.* The chair or a majority of board members may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person calling the meeting shall cause the notice to be delivered to the chair and all other board members, or left at the usual dwelling place of each member at least 48 hours before the meeting and shall cause a copy of the notice to be posted on the courthouse bulletin board at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed waivers.
 - (1) *Emergency meetings.* If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this section do not apply. However, the person calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations having requested notice of special meetings as provided in subsection (c) of this section shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.
 - (2) *Work sessions and informal meetings.* The board may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the board. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings.

- (c) *Meeting Attendance.* A board member must be physically present at a regular or special meeting to participate or vote in the meeting.
- (d) *Sunshine list.* Any individual and any newspaper, wire service, radio station, and television station may file a written request with the clerk to the board of commissioners for notice of all regular and special meetings of the board. Requests by individuals must be renewed annually by December 31 and are subject to a nonrefundable annual fee for agendas and for agendas and minutes as established in the county's fee schedule. Requests by news organizations must be renewed annually by December 31 and are not subject to any fee.
- PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- PART III. This ordinance is effective August 1, 2016.

ADOPTED this _____ day of July, 2016.

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

E) Commissioner's Report

Commissioner O'Neal talked of traffic issues in Moyock. He said trying to turn onto the highway is becoming unbearable. He asked that a letter be sent to the North Carolina Department of Transportation on behalf of the Board asking them to address the issue. He asked that additional "No Wake" signs be installed along the canal at the Intercoastal Waterway and that a letter be written to the Wildlife Resources Commission to request enforcement of that zone.

Commissioner Gilbert reported on the first meeting of the Animal Shelter Advisory Board, saying it was great meeting and an enthusiastic group. She asked that the Animal Services and Control Director be invited to report to the Board on their first six months of operations. Commissioner Gilbert thanked everyone who works and volunteers at the shelter and encouraged others to participate. She said the shelter is in need of bleach for cleaning.

Commissioner Hall said he attended the Moyock Fire Academy graduation and commended the Fire Department and Emergency Medical Services. He encouraged folks to become volunteers and touted the free training provided.

Commissioner Aydlett concurred with Commissioner Hall's comments, saying the departments do tremendous work and asked the county to support and bridge any gaps if possible. He discussed his drive out of Carova last Saturday morning, with no traffic north of Duck, but the traffic south of Duck was backed up to Powells Point. Commissioner Aydlett reported on the state legislation that was passed which eliminated the tolling of the Kotts Island ferry. He thanked everyone for their support, stating the County has been fighting against tolling for a long time. Commissioner Griggs said Commissioner Aydlett fought relentlessly behind the scenes to keep the toll off of the ferry.

F) 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.

Chairman Griggs opened the Public Comment period.

Barbara Snowden, Currituck, thanked the Board for passing the Historic Preservation ordinance. She announced the availability of Currituck County sportsman's paradise license plates and distributed one to each member of the Board.

Susan Zimmerman, Moyock, participated in the Sheriff's Citizen's Academy, saying it was a wonderful experience. She discussed traffic in Moyock, saying from Friday through Monday they can't turn left out of Puddin' Ridge Road. She said the traffic issue is unacceptable.

CLOSED SESSION

Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and to receive advice from the county attorney regarding a claim against the county and for the following pending matters: Price Solar, LLC v. Currituck County and Swan Beach Corolla, LLC v. Currituck County.

Commissioner Griggs recessed the regular meeting and moved to enter closed session pursuant to G.S. 143-318.11(a)(3) in order to consult with the County Attorney in order to preserve the attorney-client privilege and to receive advice from the County Attorney regarding a claim against the county and for the following pending matters entitled: Swan Beach Corolla, LLC v. Currituck County; Long v. Currituck County; Price Solar, LLC v. Currituck County; and Ecoplexus v. Currituck. Moyock Commercial, LLC v. Currituck County was added for discussion in closed session. Commissioner Beaumont seconded and the motion carried unanimously.

The Board of Commissioners entered Closed Session.

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

ADJOURN**Motion to Adjourn Meeting**

The Board returned from Closed Session. With there being no further business, Commissioner Beaumont moved to adjourn the regular meeting and was seconded by

Commissioner Hall. The motion carried unanimously and the meeting of the Board of Commissioners was concluded.

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



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1627)

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

Number

2017005

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of August 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10650-561000 | Professional Services | \$ 124,500 | |
| 10390-495015 | T F - Occupancy Tax | | \$ 124,500 |
| | | <u>\$ 124,500</u> | <u>\$ 124,500</u> |

Explanation: Economic Development (10650) - Increase appropriations for Moyock Megasite Masterplan.

Net Budget Effect: Operating Fund (10) - Increased by \$124,500.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Reg-Aug 1 (1627 : Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1618)

Agenda Item Title

2nd Amendment to Verizon Tower Lease

Brief Description of Agenda Item:

2nd Amendment to Verizon Tower Lease to upgrade and change out items on tower

Board Action Requested

Action

Person Submitting Agenda Item

Sandee Salimbene, Assistant

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

SECOND AMENDMENT TO WATER TOWER LEASE AGREEMENT

THIS SECOND AMENDMENT TO WATER TOWER LEASE AGREEMENT (the "Second Amendment") is made and entered into this ____ day of _____ 201_, by and between **CURRITUCK COUNTY** ("Lessor") and **CELLCO PARTNERSHIP** d/b/a Verizon Wireless ("Lessee"). Lessor and Lessee are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

WITNESSETH:

WHEREAS, Lessor and Lessee entered into a Water Tower Lease Agreement on June 11, 2007, as amended by that First Amendment to Water Tower Lease Agreement on March 6, 2012 (collectively, the "Agreement"), whereby Lessee leased from Lessor certain space on the Lessor's Tower located at 2519 Tulls Creek Road, Moyock, Currituck County, North Carolina, and as further described in the Agreement (the "Premises");

WHEREAS, the Parties desire to amend the Agreement to modify Lessee's equipment;

NOW THEREFORE, in consideration of the premises and the mutual undertakings herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Exhibit "B-1" of the Agreement is hereby replaced and superseded in its entirety by the attached Exhibit "B-2". In the event of any discrepancies between Exhibit "B-1" and Exhibit "B-2", Exhibit "B-2" shall control.
2. Lessor and Lessee each hereby warrant to the other that the person executing this Second Amendment on behalf of the warranting party has the full right, power and authority to enter into, and execute, this Second Amendment on that party's behalf, and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Second Amendment.
3. The Agreement and Second Amendment contain all agreements, promises or understandings between Lessor and Lessee and no verbal or oral agreements, promises or understandings shall be binding upon either the Lessor or Lessee in any dispute, controversy or proceeding at law, and any addition, variation or modification to the Agreement and Second Amendment shall be void and ineffective unless made in writing and signed by the parties. In the event any provision of the Agreement and Second Amendment is found to be invalid or unenforceable, such a finding shall not affect the validity and enforceability of the remaining provisions of the Agreement and Second Amendment.

4. Except as expressly set forth herein, all other terms, covenants and conditions of the Agreement shall remain unmodified and in full force and effect, and the Parties hereby confirm and ratify such terms and conditions and agree to perform and comply with the same. In the event of a conflict between the terms of the Agreement and the terms of this Second Amendment, the terms of this Second Amendment shall be controlling.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, Lessor and Lessee have executed this Second Amendment effective as of the day and year first above written.

LESSOR:

CURRITUCK COUNTY

WITNESS

By: _____
Name: _____
Title: _____
Date: _____

LESSEE:

CELLCO PARTNERSHIP

d/b/a Verizon Wireless

WITNESS

By: _____
Name: Carrie Spencer
Title: Director–Network Field Engineering
Date: _____

Attachment: Verizon - Amend #2 (1618 : Verizon Tower Lease 2nd Amendment)

EXHIBIT "B-2"

LESSEE is authorized to install and maintain the following equipment on the Tower:

ANTENNAS: (6) LPA-80063/8
(6) LPA-185063/12
(3) BXA-70080/8

RAD CENTER: 143'

REMOTE RADIO HEADS: (3) B13 RRH4x30-4R

TMAS: (6) ADC DD1900

DISTRIBUTION BOXES: (1) RHSDC-3315-PF-48

Diameter of Transmission Lines: Not to exceed 1 5/8"



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1617)

Agenda Item Title

Economic Improvement Council, Inc. Lease Agreement

Brief Description of Agenda Item:

Lease agreement for Room #118, Currituck County Social Services Bldg.

Board Action Requested

Action

Person Submitting Agenda Item

Sandee Salimbene, Assistant

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

**NORTH CAROLINA
CURRITUCK COUNTY**

**OFFICE SPACE LEASE
AGREEMENT**

This lease, made and entered into this ____ day of July, 2015 by and between **Currituck County**, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (Lessor), and **Economic Improvement Council, Inc.**, (Lessee);

WITNESSETH:

The Lessor hereby leases to the Lessee and covenants to keep the Lessee in quiet possession of the following described premises, to wit;

Space located within the Lessor's designated as Room #118 located at the Social Services Building, 2793 Caratoke Highway, Currituck, North Carolina (the Premises) and subject to the terms and conditions set forth herein.

The Premises herein demised shall be used solely as space for the Economic Improvement Council Case Manager for the Community Services Block Grant Program Family Sub-Sufficient Program.

I. TERM:

Term: The term of this Lease shall be for five calendar years **commencing July 1, 2016**, and **expiring June 30, 2021**. This Lease may be terminated by either party upon thirty (30) days prior written notice, or sooner terminated as provided elsewhere herein.

II. PAYMENT:

2.1 In consideration whereof, the Lessee agrees to pay the Lessor as rent for the Premises, the sum of **SEVENTY FIVE DOLLARS AND NO CENTS 00/100 (\$75.00)** payable monthly in advance. Rent payments are due on or before the 1st day of each month and shall be paid in person or by mail to the Currituck County Finance Department, 153 Courthouse Road, Suite 101. Currituck. NC 27929.

2.2 In the event Lessee shall fail to pay the rent set forth hereunder, or shall fail to keep or perform any of the covenants, agreements or conditions of this Lease for a period of thirty (30) days, then Lessor may terminate this agreement and repossess the premises and retain any deposits made with the execution of this agreement. Otherwise, in the event Lessee performs all of the terms of said lease and pays all rents due hereunder, then at the end of the term Lessor shall refund to Lessee any deposit made with the execution of this lease agreement.

2.3 Lessee may be required to provide a damage deposit in an amount equal to two (2) monthly rental payments. Any such deposit will be held by the Lessor until the termination of the lease and shall be used to offset damages that may occur during the tenant's occupancy of the premises. Failure of the Lessor to require such a deposit at the execution of the lease will not limit the right to establish such a requirement during the lease term.

III. LEASE PROVISIONS

3.1 Lessee agrees to take good care of the Premises and to return the same at the expiration of the term in as good condition as received, ordinary wear, tear and natural decay excepted. If destruction of the Premises, or any part thereof, shall occur during the term of this Lease (and the destruction is not the result of actions or fault by the Lessee), so as to make the premises unfit for the uses described in this Lease, the Lessee may surrender and cancel this Lease.

3.2 It is agreed and understood that the Premises are to be used solely as space for the Economic Improvement Council Case Manager for the Community Services Block Grant Program Family Sub-Sufficient Program and for no other purpose, unless approved by the Lessor in writing. Any other provision of this Lease notwithstanding, in the event of any violation of the provisions of this paragraph on the part of the Lessee, the Lessor shall have the right to cancel this Lease forthwith and without notice.

a. The Premises are for the private use of the Lessee and shall not be used for any commercial purpose, including, but not by way of limitation, the sale of products or services of any kind, whether or not such sales are transacted for a profit. However, the Lessor may agree to allow certain commercial uses of the leased premises if the terms and conditions relating to such use are set forth in a Rider to this lease.

b. Lessee agrees that use of the premises shall be in accordance with federal, state and local laws and regulations, including, but not limited to, those pertaining to fire and safety.

IV. GENERAL PROVISIONS:

4.1 It is agreed that the demised site is accepted in its "as is" condition. Except as established in the preceding paragraph. Lessor assumes no responsibility as to the condition of the demised premises nor shall it assume responsibility for the maintenance, upkeep or repairs which might become necessary to keep the Premises in a safe and serviceable condition.

4.2 The Premises shall not be underlet or the term in whole or in part assigned, transferred or set over by the act of the Lessee, by process or operation of law or in any other manner whatsoever without the prior written consent of the Lessor.

4.3 No signs, emblems or advertising shall be placed or erected on or in the Premises herein demised, nor shall Lessee make any alterations, changes or additions to the Premises including, but not limited to, the replacement or change of locks for the Premises without Lessor's prior written approval.

4.4 The Lessor shall not be liable for any damage, either to person or property, sustained by the Lessee or by other persons due to the building or any part thereof or any appurtenances thereof becoming out of repair or due to the happening of any accident in or about the building or due to any act or neglect of any tenant or occupant of the building or of any other person. Without limiting the generality of the foregoing, the Lessor shall not be liable for damage

caused by water, wind or electrical causes or the negligence of contractors, employees, agents or licensees of the Lessor unless provided to be the gross negligence of the Lessor.

4.5 The Lessee agrees to indemnify and save the Lessor, its officers, agents and employees harmless from any liability, including, but not limited to claims, judgments, fines, costs and attorney's fees to persons or property resulting from or arising out of the Lessee's use or occupancy of the Premises.

4.6 This Lease, at the option of the Lessor, shall be void and forfeited in case of any violation of any agreement herein contained. This covenant is not to be considered or construed as a penalty, but shall be punctually enforced and the Lessor's failure to enforce the same with respect to any violation shall not constitute a waiver of the right to enforce the same with respect to any other violation.

4.7 The Lessee agrees that the Lessor shall have the right to enter the demised premises at any time for the purpose of making inspections thereof and to make such repairs or alterations as are, in the opinion of the Lessor, desirable or necessary and to take such materials into the premises for the safe and economical accomplishment of said purposes without in any way being deemed guilty of an actual or constructive eviction of the Lessee.

4.8 Lessee shall maintain an insurance policy for the leased premises in full force and effect for the period covered by the Lease and any renewals filed with the County. The insurance policy (policies) must identify the Lessor as an additional insured. A copy of the insurance policy (policies) or certificate of insurance must be filed with the Currituck County Finance Department within 30 days of the signing of the lease. The insurance will meet the specifications set forth below.

The amounts of such insurance shall not be less than the following:

Bodily Injury \$100,000
Property \$1,000,000
Each Accident \$1,000,000

V. SUBLEASE/ASSIGNMENT:

The space hereby leased will not be subleased by Lessee nor will this Lease be assigned without the express approval of the Lessor.

VI. NOTICES

Notices to the Lessor provided for herein shall be sufficient if sent by registered mail, postage prepaid, or hand delivered, addressed to Currituck County Attorney, 153 Courthouse Road, Suite 210, Currituck, NC 27929 and notices to the Lessee shall be sufficient if sent registered mail, postage prepaid, or hand delivered, addressed to Economic Improvement Council, Inc., Community Services Block Grant Program, P.O. Box 549, Edenton, NC 27932 or to such other respective addresses as the parties may designate to each other in writing from time to time. Lessee shall notify the Currituck County Legal Department of any change of address within thirty (30) days.

VII. TERMINATION

This agreement may be terminated by either party upon thirty (30) days written notice of non-renewal as provided for in paragraph I above. In addition, Lessor may terminate this agreement during the course of monthly term upon the occurrence of any of the following which shall constitute a breach of this Lease by Lessee: Rent is not paid by the 20th of any month; Lessee has failed to comply with the condition of this lease and has not reasonably corrected the deficiency upon notice by Lessor. In the event of such breach, Lessor shall notify Lessee of termination in writing.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CURRITUCK COUNTY

ATTEST: _____
 Leeann Walton
 Clerk to the Board of Commissioners

BY: _____
 David Griggs
 Chairman, Board of Commissioners

(COUNTY SEAL)

ECONOMIC IMPROVEMENT COUNCIL, INC.

ATTEST: _____
 Secretary

BY: _____
 President

(SEAL)

PUBLIC NOTICE
LEASE OF COUNTY PROPERTY

TAKE NOTICE that the County of Currituck, North Carolina intends to enter into a lease of the following county owned property:

Room #118, Currituck County Social Services Building
2793 Caratoke Highway, Currituck, North Carolina

The county intends to lease the property to Economic Improvement Council, Inc., ("EIC"), as space for the Community Services Block Grant Family Subsufficient Program, for a term of five years. EIC will pay the county as lease payment the sum of \$900.00 annually.

All persons interested in this lease are invited to attend the meeting of the Currituck County Board of Commissioners to be held at the Historic Currituck Courthouse in the Commissioners' Meeting Room, 153 Courthouse Road, Currituck, North Carolina at 6:00 p.m. on Monday, August 1, 2016. At that time the Board of Commissioners intends to authorize the lease of the property described above.

Leeann Walton
Clerk to the Board of Commissioners

Publish July 20, 2016

Attachment: Economic Improvement Council Public Notice (1617 : Economic Improvement Council Lease)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1630)

Agenda Item Title

Corolla Greenway, Phase III-Change Order #1

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

CHANGE ORDER

Order No. I Original Agreement Date: 12/22/2015NAME OF PROJECT: Corolla Greenway Phase IIIOWNER: Currituck CountyCONTRACTOR: Hatchell Concrete, Inc.

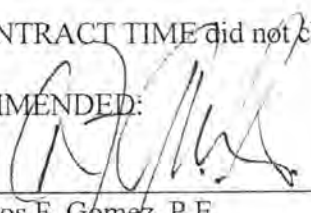
The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Alternates deducted from original contract price identified in attached Schedule of Values total: \$117,440.00.
2. Alternates increased from the original contract price identified in attached Schedule of Values total: \$3,376.94.

Original BASE BID CONTRACT PRICE: \$1,335,061.00ALTERNATES in addition to base bid contract price: \$246,596.00TOTAL BASE BID CONTRACT PRICE WITH ALTERNATES: \$1,581,657.00The CONTRACT PRICE due to this CHANGE ORDER will be decreased by: \$114,063.06The new CONTRACT PRICE including this CHANGE ORDER will be: \$1,467,593.94

The CONTRACT TIME did not change.

RECOMMENDED:

By:  (SEAL) _____ (DATE)
Carlos F. Gomez, P.E.

ATTEST:

COUNTY OF CURRITUCK

By: _____
Clerk to the Board of CommissionersBy: _____ (DATE)
Daniel F. Scanlon, II, County Manager

HATCHELL CONCRETE, INC.

By: _____ (DATE)
Derek Hatchell, President

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

Sandra Hill, Finance Officer

Attachment: Corolla Greenway CO#1 (1630 : Corolla Greenway Change Order #1)

Currituck County Corolla Greenways Phase III
Coastal Engineering and Surveying, Inc.

7-26-16

Additive Alternates

| <u>Bid Item #</u> | <u>Name</u> | <u>Amount</u> |
|-------------------|-----------------------------------|---------------------------|
| 15 | Mile Markers | + \$151.44 |
| 16 | Custom Trail Markers (Medallions) | + \$3,225.50 |
| | | <u>+\$3,376.94</u> |

Deductive Alternates

| <u>Bid Item #</u> | <u>Name</u> | <u>Amount</u> |
|-------------------|---|-----------------------------|
| C | Memorials | -\$5,200.00 |
| F | High Visibility Thermoplastic Crosswalks | -\$41,040.00 |
| K | 2" Conduit | -\$1,100.00 |
| L | Excelsior Matting | -\$12,200.00 |
| O | Wood Platform (Section F at water tower) | -\$24,000.00 |
| P | Crosswalk Eradication | -\$15,000.00 |
| R | Rail Component, (ACQ)Additional UC3B Treatment | -\$1000.00 |
| 17 | Wayfinding thermoplastic Signs | <u>-\$17,900.00</u> |
| | | <u>-\$117,440.00</u> |

Attachment: Corolla Greenway CO#1 (1630 : Corolla Greenway Change Order #1)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1626)

Agenda Item Title

Termination of Program-Voluntary Removal of Dilapidated Structures

Brief Description of Agenda Item:

Expiration of tipping fee assistance program for voluntary removal of dilapidated structures, effective August 1, 2016.


Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

| | | |
|---|---|---|
|  | PLANNING AND COMMUNITY DEVELOPMENT | |
| | SUBJECT: Voluntary Removal of Dilapidated Structures. | |
| | EFFECTIVE DATE: May 19, 2014 | APPROVED BY: Currituck County Board of Commissioners |
| | EXPIRATION DATE: | August 1, 2016 |

PURPOSE

To establish a policy for the waiving of tipping fees for identified dilapidated structures, when the property owners volunteer to remove the structure.

GENERAL

In an effort to rid the county of dilapidated structures and in recognition of the expense to the owners of such buildings, the County of Currituck will assist property owners by relieving a portion of the cost of tipping fees.

PROCEDURES

1. A notice will be sent to those owners whose property has been identified as a possible condemnation.
2. In order to qualify for relief of tipping fees an application must be submitted to the office of the Chief Building Inspector. The structure must have either been identified as a possible condemnation or must qualify as such in the opinion of the Chief Building Inspector.
3. Once the application has been submitted and approved, the building inspector will measure the footprint of the structure(s) and calculate the square footage of the structure(s) (footprint only).
4. Tipping fees will be paid using the following formula: (Square foot of footprint x 50lbs / 2,000lbs x tipping fee = maximum fee amount waived). Example: (2,500 sf. x 50lbs = 125,000lbs) (125,000lbs / 2,000lbs = 62.5 tons) (62.5 tons x \$71 = \$4,437.50).
5. In the above example the county will pay up to \$4,437.50 in tipping fees for a 2,500 sf. house footprint. Tonnage over this amount will be the property owner's responsibility. This formula will be used on one and multi- story structures. All efforts to minimize the amount of debris carried to the landfill should be made. Examples include controlled burns by the local volunteer fire department or the recycling of materials from the demolished structure.
6. A voucher will be provided to the owner to be filled out by the landfill attendant and returned to the office of the Chief Building Inspector. Only debris from the approved site will be allowed to be included in the voucher.
7. The property owner must remove the structure(s) and clean the lot within the allotted time or no fees will be waived.
8. The owner is responsible for the hiring of contractors to demolish and remove the structure(s).
9. Proof of weight delivered to the landfill will be required by the returning of the voucher. If any material is found to have come from another site, tipping fees will not be paid and all fees will be the responsibility of the property owner.
10. Should the property owner fail to respond to this offer and the structure is condemned the property owner will be responsible for all fees.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1628)

Agenda Item Title

Consideration and Approval of Application for Alcohol Use-Soundside Park

Brief Description of Agenda Item:

Planning Board Recommendation:

Application for approval of alcohol sales at Soundside Park event.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



APPLICATION FOR ALCOHOL BEVERAGES AT SPECIAL EVENTS ON COUNTY-OWNED PROPERTY

Please complete form & return to County Manager's Office 153 Courthouse Road, Suite 204 Currituck, NC 27929
Fax 252-232-3551 Email: leeann.walton@currituckcountync.gov

| Contact Information | | | | | |
|--|---|---------------------------------------|--------------------------------------|--------------------------|--|
| Name of Applicant | Danny Taylor | | | | |
| Organization Name | 2Five2, LLC | | | | |
| Address | 612 Staysail Crescent Ct | | | | |
| City, State & Zip | Corolla, NC 27927 | | | | |
| Phone | 252-543-2224 | Cell Number | 410-375-7775 | | |
| Email | dan@2Five2.com | | | | |
| Event Information | | | | | |
| Name of Event | Rock the 252 | | | | |
| Date of Event | Weds 8/31/16 | | | | |
| Assembly Area (Please check one) | <input type="checkbox"/> Knotts Island Ruritan Park | | Time Period: | 4pm | |
| | <input type="checkbox"/> Historic Corolla Park | | Time Period: | 11pm | |
| | <input checked="" type="checkbox"/> Soundside Park | | | | |
| | <input type="checkbox"/> Currituck County Rural Center (CCRC) | | | | |
| Approximate # of persons | 500 | ABC Permit From NC State Liquor Board | <input checked="" type="radio"/> YES | <input type="radio"/> NO | |
| Attachments: | | | | | |
| <input checked="" type="checkbox"/> Types of alcoholic beverages to be served (i.e. beer, malt beverages, wine, liquor, etc.) beer, wine | | | | | |
| <input type="checkbox"/> Copy of ABC Permit Food Bank providing | | | | | |
| <input checked="" type="checkbox"/> Copy of Insurance Certificate showing the County as additional named secured and signed by the County | | | | | |
| <input checked="" type="checkbox"/> Drawing or map of reserved area where the alcohol will be served - will email | | | | | |
| <input checked="" type="checkbox"/> Description of proposed special event and reasons for its occurrence - will email | | | | | |
| Policy: | | | | | |
| <ul style="list-style-type: none"> Alcohol may be sold and/or served providing all local, state and federal alcohol laws and policies are adhered to, and any permits conspicuously posted; The non-profit organization shall secure all proper North Carolina ABC permits for each event; An area shall be designated and clearly marked where the possession and consumption of alcohol may occur during the event. The non-profit organization shall post a responsible person at each point of ingress/egress to the designated area to ensure that persons do not leave the designated area with an alcoholic beverage; Provide food during the event consisting of heavy hors d'oeuvres or a small meal; The nonprofit organization shall verify the age of persons to whom alcoholic beverages are disbursed and provide patrons wristbands or another | | | | | |

Done

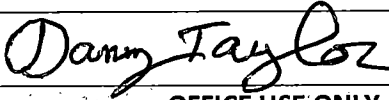
Attachment: 8_1_16 Alcohol Use Application-2Five2, Soundside Park (1628 : Alcohol Use Application-Soundside Park)

designating item to identify that they are of legal drinking age. The non-profit organization shall not serve alcohol to patrons that are intoxicated;

- Provide for clean-up of all debris/litter following the special event;
- Provide on-site signage for special event stating alcoholic beverages are prohibited beyond the approved permitted area and that underage drinking is prohibited;
- Furnish liability insurance in the amount of at least one million dollars with the County shown as the additional named insured;
- Non-alcoholic beverages must be available during the event;
- Patrons of the event may not bring alcoholic beverages into the event;
- Beverages may not be served in glass containers;
- The non-profit organization is responsible for the purchase and transportation of all alcoholic beverages;
- All event workers shall be provided with highly visible identification such as a button, badge, apron, uniform or other form of identification;
- A law enforcement officer must be retained by the non-profit organization and at the event from opening to closing of the event; and
- The non-profit organization shall comply with all county ordinances, rules and regulations.

If the event will be held at Historic Corolla Park the following additional rules will apply:

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

| | | | | | |
|-------------------------|-----------|---|-------------------------------------|-------|---------|
| Signature of Applicant: | |  | | Date: | 7/13/16 |
| OFFICE USE ONLY | | | | | |
| Date: | Approved: | Denied: | Chairman of Board of Commissioners: | | |



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/14/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| PRODUCER Phone: 252-480-4600 Fax: 252-480-3377 J. FLETCHER WILLEY AGENCY, INC. P O BOX 848 103 W. WOOD HILL DRIVE, SUITE C NAGS HEAD NC 27959 | CONTACT NAME: J. Fletcher Willey Agency, Inc. PHONE (A/C, No, Ext): 252-480-4600 FAX (A/C, No): 252-480-3377 E-MAIL ADDRESS: PRODUCER CUSTOMER ID: 4332 | | | | | | | | | | | | | | |
|---|---|-------------------------------|--------|--|--|-------------|--|-------------|--|------------|--|-------------|--|-------------|--|
| INSURED 2FIVE2, LLC C/O DANNY TAYLOR 612 STAYSAIL CRESCENT COROLLA NC 27927 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A : United States Liability Insurance</td> <td></td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table> | INSURER(S) AFFORDING COVERAGE | NAIC # | INSURER A : United States Liability Insurance | | INSURER B : | | INSURER C : | | INSURER D: | | INSURER E : | | INSURER F : | |
| INSURER(S) AFFORDING COVERAGE | NAIC # | | | | | | | | | | | | | | |
| INSURER A : United States Liability Insurance | | | | | | | | | | | | | | | |
| INSURER B : | | | | | | | | | | | | | | | |
| INSURER C : | | | | | | | | | | | | | | | |
| INSURER D: | | | | | | | | | | | | | | | |
| INSURER E : | | | | | | | | | | | | | | | |
| INSURER F : | | | | | | | | | | | | | | | |

COVERAGES **CERTIFICATE NUMBER:** 13492 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|-----------|------------|------------------|-------------------------|-------------------------|---|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | X | | CL1762729 | 08/31/16 | 08/31/16 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED. EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$ |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$ |
| | UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE RETENTION \$ | | | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | | N/A | | | | WC STATUTORY LIMITS <input type="checkbox"/> OTH FR <input type="checkbox"/> \$ E.L. EACH ACCIDENT \$ E.L. DISEASE-EA EMPLOYEE \$ E.L. DISEASE-POLICY LIMIT \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

County of Currituck
 153 Courthouse Road
 Currituck, NC 27929

Attention:

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Adriane Little
 Adriane Little

Beach
FOOD PANTRY


EAST CAROLINA
RADIO, INC.
WCNC WERX WJUX WOBR WOBX WRSF WZBO




CURRITUCK
OUTER BANKS, NC

PIRATE
EVERYTHING
ROCK 95.3
Rocks The Outer Banks, NC

THE 98.1
SCORE
Your #1 Source For Sports

Today's Hottest Country
DIXIE
105.7

Killer Hits
102.5
SHARK
www.1025theshark.com

ROCK THE 252

Sound Park, Point Harbor, Currituck County
Wednesday, August 31, 2016 | Time: 4pm – 10pm
www.rockthe252.com | www.facebook.com/rockthe252
Ticket Price: \$20

The first Rock the 252 event will be held on Wednesday, August 31, 2016 at Sound Park in Point Harbor. The event is hosted by East Carolina Radio and 2FIVE2. It's supported by The Currituck County Department of Travel & Tourism as well as local sponsors. This family oriented outdoor event will welcome thousands of visitors, feature live music, entertainment, skateboard contest and more to benefit the Beach Food Pantry.

Bands

- Fujiwara
- Electric Mayhem
- Family Tree
- Octopus
- Rio

Sponsorships Available

Sponsorship opportunities are available for:

- Food/Drink Vendors
- Entertainment Vendors
- Local Businesses
- Local Artisans

Sponsorship Levels



Investment: \$2,600

Platinum Sponsorship (2 Available)

- Sponsorship mentioned 10x a day M-F 3p to 7p*
- Sponsorship mentioned 2x on Saturday 10a –2p*
- Sponsorship listed on the official event page www.Facebook.com/Rockthe252*)
- 5 Social media posts M-Sat (Facebook.com/@Pirate953WOBR, @2FIVE2, @Rockthe252)*)
- Exclusive Radio Advertising – A minimum of 110 commercials
- Banner displayed on stage**
- Sponsorship mention during John Boy and Billy Show
- Donut Commercial on a rotating cart on all 4 FM stations approx - 130
- Live streaming sponsorship (10 min live videos with 3 mentions)
- Live broadcast interview during the event
- WOBR WOBX WRSF & WERX
- Priority Vendor space if needed**
- 15 tickets (\$300 value)



Investment: \$1,650

Gold Sponsorship (3 Available)

- Sponsorship mentioned 4x a day M-F 3p to 7p*
- Sponsorship mentioned 1x on Saturday 10a –2p*
- Sponsorship listed on the official event page www.Facebook.com/Rockthe252*)
- 1 Social media post M-Sat (Facebook.com/@Pirate953WOBR, @2FIVE2, @Rockthe252)*)
- Exclusive Radio Advertising – A minimum of 80 commercials
- Banner displayed on Stage**
- Sponsorship of OBX Extreme Entertainment (3 rides)
- Sponsorship mention during Sixx Sense and (other stations)
- Donut on a rotating on all 4 FM stations approx - 130
- Priority Vendor space if needed**
- 10 tickets (\$200 value)



Investment: \$825

Silver Sponsorship (5 Available)

- Sponsorship mentioned 1x a day M-F 3p to 7p*
- Sponsorship mentioned 1x on Saturday 10a –2p*
- Sponsorship listed on the official event page www.Facebook.com/Rockthe252)*
- 1 Social media post M-Sat (Facebook.com/@Pirate953WOBR, @2FIVE2, @Rockthe252)*
- Exclusive Radio Advertising – A minimum of 40 commercials
- Donut on a rotating on all 4 FM stations approx - 130
- Banner displayed on Stage**
- Priority Vendor space if needed**
- 5 tickets (\$100 value)



Investment: \$200

Bronze Sponsorship (10+ Available)

- Sponsorship mentioned 1x a day M-F 3p to 7p*
- Sponsorship mentioned 1x on Saturday 10a –2p*
- Sponsorship listed on the official event page www.Facebook.com/Rockthe252)*
- 1 Social media post M-Sat (Facebook.com/@Pirate953WOBR, @2FIVE2, @Rockthe252)*
- Basic Vendor space if needed (Tent NOT provided)**
- 2 tickets (\$40 value)



Investment: \$100

Banner Sponsorship (20+ Available)

- Banner displayed in designated areas (Banner NOT provided)**
- Sponsorship listed on the official event page www.Facebook.com/Rockthe252)*
- 1 ticket (\$20 value)

* Promotions running 8/8/16 – 8/31/16

** See Map/Legend for areas

Sound Waterfront

Dock & Boat Ramp

Bath

Pavilion

Tennis

Parking Lot

Parking Lot

Baseball

Baseball

Music Stage

Skateboard Contest

R

Bath

Pavilion

R

Parking Lot

R
O
A
D

Playground

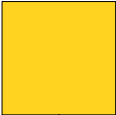
RESERVED
Harley Davidson

RESERVED
Extreme Entertainment
3 rides

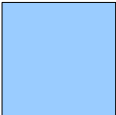
Sponsorship Legend

R

Priority Sponsor Vendor Space



Stage Sponsorship



Banner Sponsorships Areas

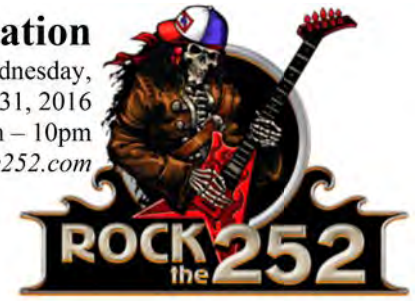


Basic Sponsor Vendor Space Areas

R = Space has been Reserved

2016 Vendor Application

Sound Park, Point Harbor, Currituck Co Wednesday,
August 31, 2016
Time: 4pm – 10pm
www.rockthe252.com



| | |
|-------------------------------|--|
| Your Name | |
| Business Name | |
| Mailing Address | |
| City, State, Zip | |
| Email Address | |
| Phone | |
| Cell | |
| Facebook | |
| Website | |
| Sponsorship Level | <input type="checkbox"/> Platinum - \$2,600 <input type="checkbox"/> Gold - \$1,650 <input type="checkbox"/> Silver - \$825 <input type="checkbox"/> Bronze - \$200 <input type="checkbox"/> Banner Only - \$100 |
| Need Power? | <input type="checkbox"/> I will need power <input type="checkbox"/> I do not need power Special instructions: |
| Need Water? | Water is not available at Sound Park, therefore it will NOT be provided. |
| Exhibit Description | Please describe your exhibit (i.e. trailer, tent, tables, sizes, etc): |
| Rules & Guidelines | <ul style="list-style-type: none"> • Vendor Applications must be received by 8/24/16 • Make checks Payable to East Carolina Radio • There are NO refunds • There is one rain date scheduled for Weds 9/7/16 in case of bad weather. • We do NOT provide display equipment for set up of exhibit tents, tables or chairs, or electrical equipment such as drop cords, light bulbs, fixtures, etc • Vendors are responsible for their own business transactions, collecting NC sales tax, set up and breakdown of tents, trailers and booths • Check-in time is between 10am – 2pm. Please note the event starts at 4pm • Check-out time is between 10-11pm • Booth assignment and other information will be sent to you once your application has been processed and balance due is received |

I have read and understand the following rules and guidelines.

Vendor Signature: _____

Date: _____

Please direct any questions or concerns to: Lori Clark : 252-441-1024 - lori@ecri.net



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1625)

Agenda Item Title

Travel & Tourism Departmental Report and Update-Tameron Kugler, Director

Brief Description of Agenda Item:

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Tameron Kugler



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1621)

Agenda Item Title

TDA-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

Number

TDA2017xxx

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of August 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 15447-587010 | T T - Operating Fund | \$ 124,500 | |
| 15320-415000 | Occupancy Tax | | \$ 124,500 |
| | | <u>\$ 124,500</u> | <u>\$ 124,500</u> |

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - Increase appropriations for Moyock Mega-site masterplan

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$124,500.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmend-TDA_Aug 1 (1621 : TDA Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1633)

Agenda Item Title

Amended Agenda: Add Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the attorney-client privilege and to receive advice from the County Attorney regarding a claim against the county and for the following pending lawsuit:
Price Solar, LLC v. Currituck County

Brief Description of Agenda Item:

Board Action Requested

Discussion

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr