



**Board of Commissioners
Agenda Packet**

March 7, 2016

5:00 Call to Order

- A) Invocation & Pledge of Allegiance-Reverend Bill Masciangelo, Moyock United Methodist Church
- B) Approval of Agenda

Public Hearings

- A) **Public Hearing and Action:** **PB 15-27 Eighty Four Lumber Company:** 84 Lumber Company is requesting conditional rezoning of a 10.48 acre parcel from HI/GB to Conditional Heavy Industrial (C-HI) in order to accommodate a warehousing/distribution and retail use to be located partially in the area currently zoned General Business (GB). The property is located at Tax Map 23 Parcel 68J in Moyock Township near the intersection of Caratoke Hwy and Windchaser Way.

New Business

- A) **Consideration and Action:** **Moyock Commons, Phase 2, Subsequent Similar Request: Request for the Board to consider a subsequent rezoning request for Moyock Commons, Phase 2**
- B) **Board Appointments**
 - 1. Senior Citizens Advisory
 - 2. Board of Adjustment
- C) **Consent Agenda**
 - 1. Approval Of Minutes for February 15, 2016
 - 2. Field Lighting for the Softball Fields at Currituck Community Park
 - 3. Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics at the Whalehead Club in Corolla, North Carolina.
- 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.

Adjourn



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1452)

Agenda Item Title

Public Hearing and Action: PB 15-27 Eighty Four Lumber Company:

Brief Description of Agenda Item:

84 Lumber Company is requesting conditional rezoning of a 10.48 acre parcel from HI/GB to Conditional Heavy Industrial (C-HI) in order to accommodate a warehousing/distribution and retail use to be located partially in the area currently zoned General Business (GB). The property is located at Tax Map 23 Parcel 68J in Moyock Township near the intersection of Caratoke Hwy and Windchaser Way.

Planning Board Recommendation:

Planning Board Recommendation:

Mr. Cartwright moved to approve PB 15-27 as presented due to its consistency with the goals, objectives, and policies of the Land Use Plan and technical review committee recommendations 1-4. Mr. Craddock seconded the motion and motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Jason Litteral,

Presenter of Agenda Item

Ben Woody



**STAFF REPORT
PB 15-27
BOARD OF COMMISSIONERS
MARCH 7, 2016**

APPLICATION SUMMARY

Property Owner: Pierce Hardy LTD Partnership 1019 Route 519 Eighty Four, PA 15330	Applicant: 84 Lumber Company 1019 Route 519 Eighty Four, PA 15330
Case Number: PB 15-27	Application Type: Conditional Rezoning
Parcel Identification Number: 0023000068J0000	Existing Use: Vacant/Farmland
Land Use Plan Classification: Rural	Parcel Size (Acres): 10.48
Moyock Small Area Plan Classification: Limited Service Area Industrial Activity Center	Zoning History: (1970-Light Industrial), (1974-Manufacturing), (1989-Heavy Industrial)
Current Zoning: General Business(250 feet from Hwy 168 ROW) & Heavy Industrial	Proposed Zoning: Conditional Heavy Industrial (C-HI)
Plan Request: 84 Lumber Company is requesting conditional rezoning of a 10.48 acre parcel from HI/GB to Conditional Heavy Industrial (C-HI) in order to accommodate a warehousing/distribution and retail use to be located partially in the area currently zoned General Business (GB).	

STAFF ANALYSIS

84 Lumber Company is proposing a lumber warehouse and distribution business with a retail component. The applicant is proposing 3 buildings; two will be large warehouse facilities. The third building, located closest to Caratoke Highway will house the 7,500 square feet of retail and office space along with 12,500 square feet of warehouse space.

According to historical zoning maps, the subject property has been zoned for industrial use since at least 1970. There are currently several nearby industrial uses including, a concrete plant, a precast concrete facility, and a recycling business. The majority of the property is currently zoned Heavy Industrial (HI) with only the first 250 feet being zoned General Business (GB). The Moyock Small Area Plan has identified the site as part of a limited service industrial activity center.

The site is appropriate for the proposed use in that it is surrounded by industrial uses and industrially zoned property, is conveniently located near the railroad making bulk shipments more economical, and, has frontage along Caratoke Highway. The business will provide a much needed service in the Moyock area given the recent rise in homebuilding. The applicant is proposing the following conditions of approval to mitigate the impact of an industrial use adjacent to the highway:

- Increased landscaping at 140% of requirements

- Wooden fencing along the highway to screen the chain link security fence
- Front façade material to meet non-residential design standards
- Windows along 30% of the front building façade.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends approval of the conditional rezoning subject to the following conditions:

1. Glazing (windows) on the front façade shall be equal to or greater than 30 percent of the total width of the front façade.
2. A wooden fence shall be erected in front of the chain link security fence along Highway 168.
3. The finishing material for the front façade of any proposed building shall not be typical corrugated metal.
4. The major arterial streetscape landscaping shall be increased to 140 percent of the required plantings in order to further screen the buildings from Highway 168 and to soften the view of the parking lot.

PLANNING BOARD

Mr. Cartwright moved to approve PB 15-27 as presented due to its consistency with the goals, objectives, and policies of the Land Use Plan and technical review committee recommendations 1-4. Mr. Craddock seconded the motion and motion carried unanimously.

SURROUNDING PARCELS

	Land Use	Zoning
North	Vacant	Agriculture (Across Highway)
South	Concrete Plant	Heavy Industrial
East	Vacant	Heavy Industrial/GB
West	Vacant	Heavy Industrial/GB

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Limited Service within the Moyock subarea. The policy emphasis for the Moyock subarea is properly managed. The proposed plan is in keeping with the policies of the plan, some of which are:

Policy ID 5	WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity, and shall be appropriately designed and/or visually buffered according to the visibility of their location.
Policy ID 2	Industrial uses should not be located in areas that would diminish the desirability of existing and planned NON-INDUSTRIAL DEVELOPMENTS, nor shall incompatible nonindustrial uses be allowed to encroach upon existing or planned industrial sites.

Policy CA 3	LANDSCAPE IMPROVEMENTS at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and absorbing storm water runoff, shall be required.
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SMALL AREA PLAN

The Moyock Small Area Plan classifies this site as limited service industrial activity center. The proposed plan is in keeping with the policies of the plan, some of which are

Policy BI 3	Actively Market Moyock as an emerging growth area (virtual micropolitan) to encourage targeted retail and service development.
Action 3A	

CONSISTENCY STATEMENT

The conditional rezoning request is consistent with the goals, objectives, and policies of the Land Use Plan. It is also consistent with the Moyock Small Area Plan which identifies the site as part of a limited service industrial activity center. The site is adjoined by property zoned Heavy Industrial, some of which contains industrial uses.

CONDITIONS OF APPROVAL

Only conditions mutually agreed to by the owner(s) may be approved as part of a conditional zoning district. Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use. No condition shall be less restrictive than the standards of the parallel general use zoning district.

Agreed upon conditions of approval:

1. Glazing (windows) on the front façade shall be equal to or greater than 30 percent of the total width of the front façade.
2. A wooden fence shall be erected in front of the chain link security fence along Highway 168.
3. The finishing material for the front façade of any proposed building shall not be typical corrugated metal.
4. The major arterial streetscape landscaping shall be increased to 140 percent of the required plantings in order to further screen the buildings from Highway 168 and to soften the view of the parking lot.

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

PLANNING BOARD DISCUSSION (2/9/16)

Jim Zaunick, 84 Lumber Company appeared before the board.
Ms. LoCicero presented the staff report.

Mr. Cooper said it looks like the majority of the property is zoned properly with the exception of the front 250 feet. Previously this property was zoned Heavy Industrial.

Ms. LoCicero said that is correct. Ms. LoCicero said 84 Lumber had an approved use permit in 2008 for a similar project, but it was never executed.

Mr. Zaunick provided a brief overview of the project. Mr. Zaunick talked about the appearance, drainage, stormwater, and septic system. They will employ approximately 10-15 employees, open from 7:00 to 7:00 on Monday thru Friday and 8:00 to 5:00 on Saturday. Lighting will meet the county's standards. 84 Lumber is a wholesale lumber yard with some retail.

Mr. Cooper asked if the septic has already been designed. Mr. Zaunick said yes. Mr. Cooper asked Mr. Zaunick if he is agreeable with staff recommendations. Mr. Zaunick said yes.

Mr. Cooper opened and closed the public hearing.

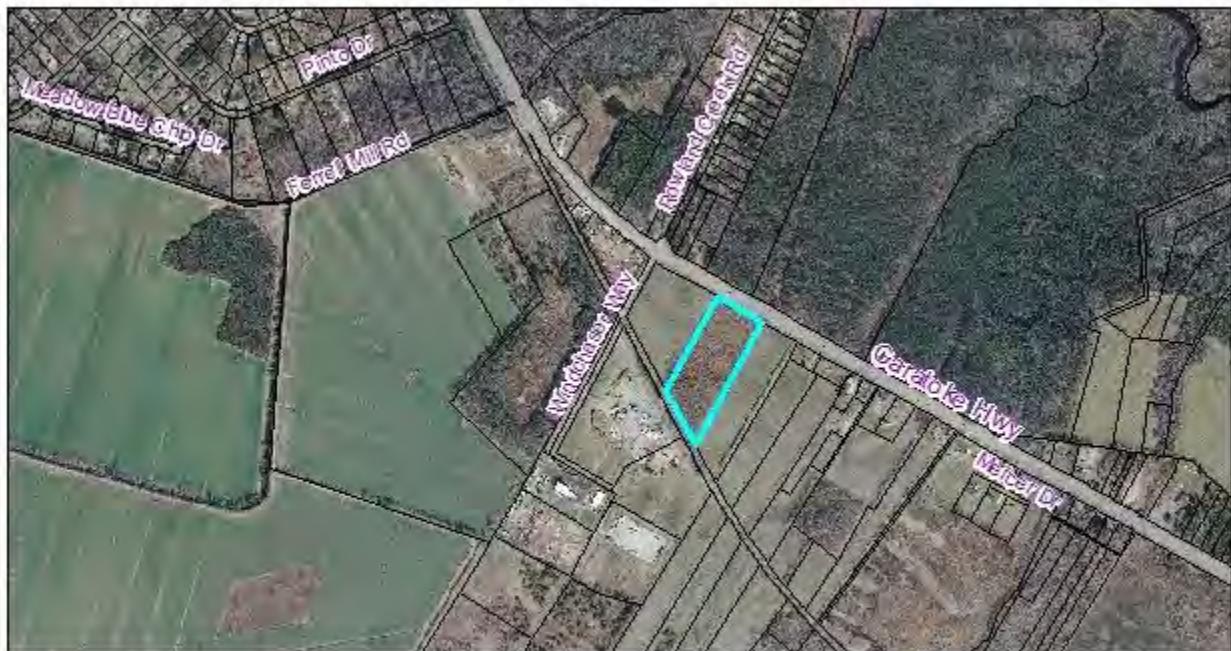
Mr. Craddock said this is an ideal location and it is in harmony with surrounding area.

Mr. Cartwright moved to approve PB 15-27 as presented and with technical review committee recommendations. Ms. Bell seconded the motion. Motion was withdrawn by Mr. Cartwright.

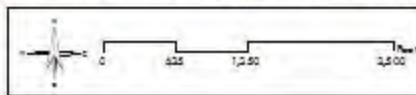
Mr. Craddock recommended amending the motion to include that it conforms to the Land Use Plan; the request does not harm the public interest or property values.

Mr. Cartwright moved to approve PB 15-27 as presented due to its consistency with the goals, objectives, and policies of the Land Use Plan and technical review committee recommendations 1-4. Mr. Craddock seconded the motion and motion carried unanimously.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 3/7/2016 5:00 PM
MOVER:	Clay Cartwright, Board Member	
SECONDER:	Steven Craddock, Board Member	
AYES:	John Cooper, Chairman, Carol Bell, Vice Chairman, Bobby Bell, Board Member, Clay Cartwright, Board Member, Mike Cason, Board Member, Steven Craddock, Board Member, Fred Whiteman, Board Member	
ABSENT:	Jane Overstreet, Board Member	



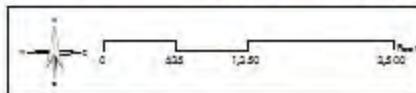
PB 15-27 84 Lumber
Aerial



Currituck
County
Planning & Community
Development



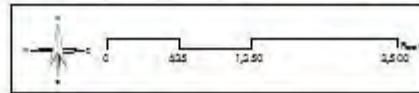
PB 15-27 84 Lumber
Current Zoning



Currituck
County
Planning & Community
Development



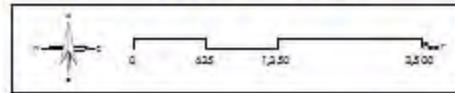
PB 15-27 84 Lumber
2006 Land Use Plan
Future Land Use



Currituck County
Planning & Community
Development



PB 15-27 84 Lumber
Moyock Small Area Plan
Future Land Use



Currituck County
Planning & Community
Development





Conditional Rezoning Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

 Name: Amber Frye
 Address: 1019 Rt 519
Eighty Four, PA 15330
 Telephone: 724-228-3636
 E-Mail Address: Amber.Frye@84Lumber.biz

PROPERTY OWNER:

 Name: PHLP
 Address: 1019 Rt 519
Eighty Four, PA 15330
 Telephone: 724-228-3636
 E-Mail Address: _____
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Employee

Property Information

Physical Street Address: 14102 Caratoke Hwy, Moyock, NC 27958Location: Crawford Twp / Currituck CountyParcel Identification Number(s): 00230000680000Total Parcel(s) Acreage: 10.48Existing Land Use of Property: Vacant Land

Request

 Current Zoning of Property: General Business Heavy Industrial Proposed Zoning District: Conditional, HT

Community Meeting

 Date Meeting Held: November 17, 2015 Meeting Location: Currituck Library

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

Proposed Use(s):

Lumber Company

Proposed Zoning Condition(s):

To be able to have conditions on the existing General Business zoning regulations in order for 84 Lumber to be operational as a Lumber yard, yet still meet facade requirements

An application has been duly filed requesting that the property involved with this application be rezoned from:

Heavy Industrial/General Business to: Conditional Heavy Industrial

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

Property Owner(s)

1-21-16

Date

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

Conditional Rezoning Design Standards Checklist

The table below depicts the design standards of the conceptual development plan for a conditional rezoning application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

Conditional Rezoning

Conceptual Development Plan Design Standards Checklist

Date Received: _____

TRC Date: Jan 20, 2010Project Name: 84 Lumber MoyockApplicant/Property Owner: PHLP | 84 Lumber

Conditional Rezoning Design Standards Checklist	
1	Property owner name, address, phone number, and e-mail address. <input checked="" type="checkbox"/>
2	Site address and parcel identification number. <input checked="" type="checkbox"/>
3	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements. <input checked="" type="checkbox"/>
4	North arrow and scale to be 1" = 100' or larger. <input checked="" type="checkbox"/>
5	Vicinity map showing property's general location in relation to streets, railroads, and waterways. <input checked="" type="checkbox"/>
6	Existing zoning classification of the property and surrounding properties. <input checked="" type="checkbox"/>
7	Approximate location of the following existing items within the property to be rezoned and within 50' of the existing property lines: Pathways, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries. <input checked="" type="checkbox"/>
8	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County." <input checked="" type="checkbox"/>
9	Approximate location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency. <input checked="" type="checkbox"/>
10	Proposed zoning classification and intended use of all land and structures, including the number of residential units and the total square footage of any non-residential development. <input checked="" type="checkbox"/>
11	Proposed building footprints and usages. <input checked="" type="checkbox"/>
12	Proposed traffic, parking, and circulation plans including streets, drives, loading and service areas, parking layout, and pedestrian circulation features. <input checked="" type="checkbox"/>
13	Approximate location of storm drainage patterns and facilities intended to serve the development. <input checked="" type="checkbox"/>
14	Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed). <input checked="" type="checkbox"/>
15	Architectural drawings and/or sketches illustrating the design and character of the proposed uses. <input checked="" type="checkbox"/>
16	Proposed development schedule. <input checked="" type="checkbox"/>

Conditional Rezoning Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Conditional Rezoning

Submittal Checklist

Date Received: _____

TRC Date: Jan 20, 2010Project Name: 84 Lumber MoncksApplicant/Property Owner: PHLP | 84Lumber

Conditional Rezoning Submittal Checklist	
1	Complete Conditional Rezoning application
2	Application fee (\$150 plus \$5 for each acre or part thereof)
3	Community meeting written summary
4	Conceptual development plan
5	Architectural drawings and/or sketches of the proposed structures.
6	5 copies of plans
7	5 hard copies of ALL documents
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)

For Staff Only

Pre-application Conference

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

Comments



Currituck County

Department of Planning
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

To: Amber Fry

From: Planning Staff

Date: January

Re: 84 Lumber Company – Major Site Plan/Conditional Rezoning

The following comments have been received for the January 20, 2016 TRC meeting. In order to be scheduled for the February 9, 2016 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on January 25, 2016. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jason Litteral

Approved with comments:

1. Staff recommends submitting a conditional rezoning application to replace the existing application for a zoning map amendment.
2. Change the zoning District on the site plan to Conditional District – Heavy Industrial
3. The proposed parking exceeds the maximum allowed by ordinance. The maximum allowed is 18.75 spaces and the site plan proposes 21 spaces. An alternative parking plan, in accordance with UDO section 5.1.6.A, may be submitted if 21 spaces are desired.
4. Areas designated for future parking shall be landscaped according to the ordinance and shall be graded, have ground cover established, and cannot be used for storage or placement of buildings.
5. A canopy tree is required to have a minimum height of 30 feet at maturity. Some of the trees shown on the site plan, where canopy trees are required, appear to be understory trees. Please review the administrative manual and select canopy trees to replace.
6. Please provide proposed building elevations. Metal facades are prohibited along major arterial streets.
7. Please provide a lighting plan demonstrating compliance with the ordinance with regard to height, foot candles, and fixture type.
8. Parking beside building
9. Building facades/designs as conditions of approval for zoning amendment.
10. During the conditional rezoning process, the applicant and the board of commissioners must agree upon conditions of approval. Staff will be recommending some upgrades to the front of the site. Staff may request that the building meet some or all of the no-residential design standards that would be required in the general business district, that a wooden fence be placed instead of, or in addition to, the chain link fence along the

highway, and that additional landscaping be placed along the highway and or side property lines to soften the appearance.

11. Will you be providing a sidewalk and plantings in front of the building?

Currituck Soil and Water, Will Creef

See Engineering Comments

Currituck County Engineer, Eric Weatherly

Approved,

1. Provide copies of State Stormwater and E&SC permits.

Currituck County Utilities, Pat Irwin

Approved, No Comment

Currituck County Emergency Management, James Mims

Reviewed,

1. Need documentation that no structure will have a needed fire flow greater than the available flow.
2. While it appears to meet all the minimum measurement requirements I believe we should maybe reexamine the hydrant and fire department connection location it appears as though it is in the middle of most of the site work traffic.
3. The local volunteer chief has expressed on past projects the wish to have the hydrant closer to the approach of the protected structures.
4. All structures whether or not having walls will follow the guidelines for high-piled storage in regards to detection, alarm, and automatic fire suppression.

Currituck County GIS, Harry Lee

Reviewed, No Comment

Currituck County Building Inspections, Bill Newns

Approved, No Comment

Currituck County Parks and Recreation, Jason Weeks

Approved, No Comment

NCDOT, Jim Hoadley

Reviewed,

Driveway application and encroachment required from NCDOT

NC State Archaeology, Lawrence Abbot

No Comment,

An archaeological survey is not recommended. No Comment.

Albemarle Regional Health Services, Joe Hobbs

Reviewed,

Note: Owner/consulting engineer need to consult with Kevin Carver RS at 252-232-6603 concerning engineered site plan/septic system design review and approval.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

GENERAL INFORMATION

CURRENT OWNER: PIERCE HARDY LIMITED PARTNERSHIP(PHLP)
1019 ROUTE 519
EIGHTY FOUR, PA 15330

DEVELOPER: (PHLP)
1019 RTE 519, EIGHTY FOUR, PA 15330
P 724-228-3636 F 724-228-2630
CONTACT: JIM ZAUNICK ext. 1360

PROJECT TENANT: 84 LUMBER COMPANY
1019 RTE 519, EIGHTY FOUR, PA 15330
P 724-228-3636 F 724-228-2630
CONTACT: JIM ZAUNICK ext. 1360

PROJECT ADDRESS: 84 LUMBER COMPANY
1462 CARATOKE HIGHWAY
MOYOCK, NORTH CAROLINA 27958
P (N/A) F (N/A)
CONTACT:

SURVEYOR: BISSELL PROFESSIONAL GROUP
3512 NORTH CROATAN HIGHWAY
KITTY HAWK, NORTH CAROLINA 27949
P 252-261-3266 F 252-261-1760
CONTACT: JAMES HUGGINS, PLS

DESIGN PROFESSIONALS: AVBEL ENGINEERING
1019 ROUTE 519
EIGHTY FOUR, PA 15330
P 724-705-1400
CONTACT: VERNON SMITH, PE
DEEL ENGINEERING
318 GRIGGS ACRES DR
POINT HARBOR, NC 27964
252-202-3803
DAVID A. DEEL, P.E.

SITE INFORMATION

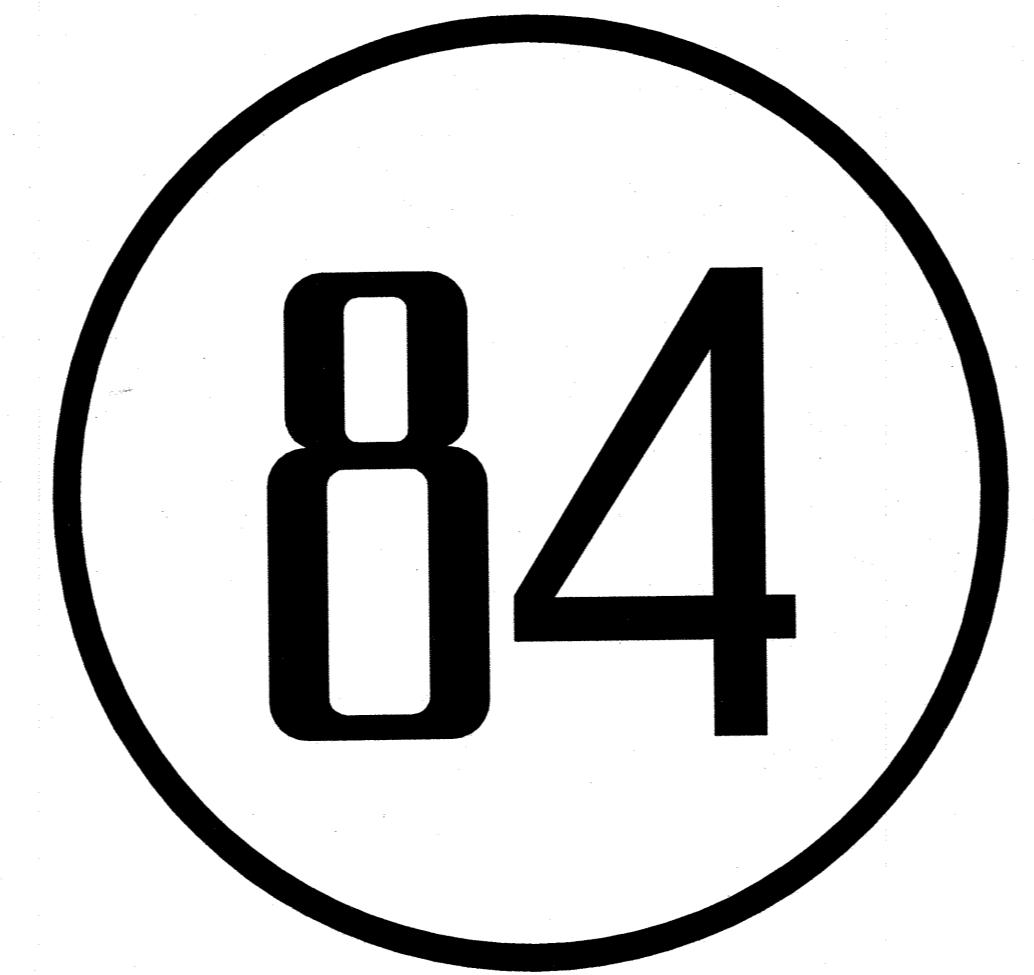
CURRENT ZONING: GB-GENERAL BUSINESS & HI
PROPOSED ZONING: HI
DEED: DEEDBOOK 9418 PAGE 818
PARCEL ID: #0023000068J0000
PIN#: TRACT 2 #8040448253
LOT SIZE: 456,601 S.F. (10.480 ACRE)

PROPERTY DESCRIPTION:

ALL THAT CERTAIN TRACT OR PARCEL OF PROPERTY
LOCATED NEAR THE VILLAGE OF MOYOCK, COUNTY OF
CURRITUCK, STATE OF NORTH CAROLINA, AND MORE
PARTICULARLY DESIGNATED AS "TRACT 2" BEING 456,601
SQ. FT., 10.48 ACRES, AS SHOWN ON THAT CERTAIN MAP
OR PLAT ENTITLED "WINDCHASER, LLC, 10 ACRE EXEMPT
SUBDIVISION", PREPARED BY BISSELL PROFESSIONAL
GROUP, DATED AUGUST 22, 2007 AND RECORDED IN PLAT
CABINET K, SLIDE 48, CURRITUCK COUNTY REGISTRY.

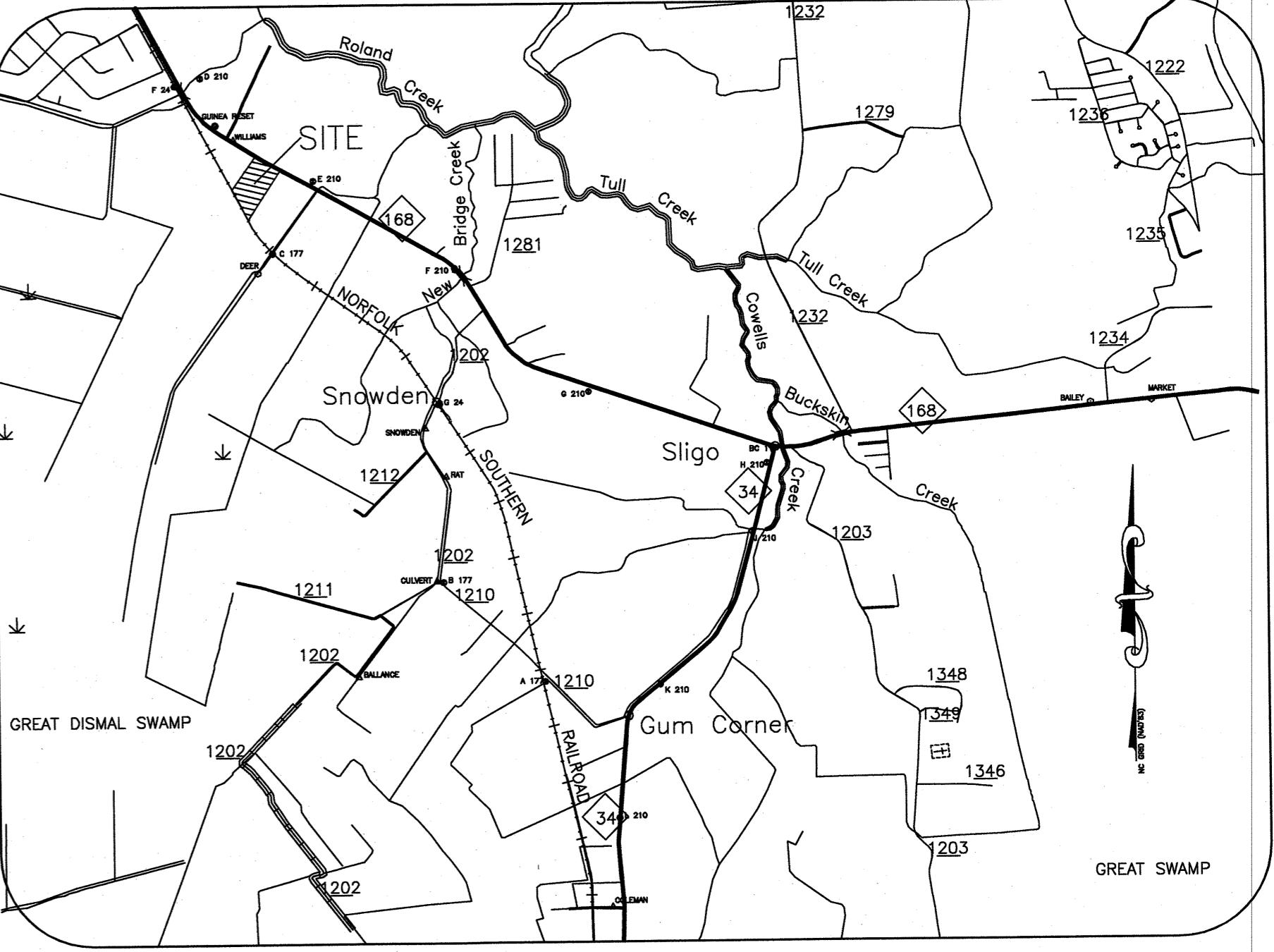
REFERENCES:

P.C. H. SL. 71
P.C. G. SL. 62
P.C. F. SL. 154
P.C. D. SL. 79
D.B. 130, PG. 588
D.B. 971, PG. 944
D.B. 404, PG. 810
D.B. 476, PG. 903
D.B. 978, PG. 673
D.B. 966, PG. 941
D.B. 153, PG. 865
D.B. 459, PG. 162
D.B. 237, PG. 329



LUMBER

*PLANNED COMPLIANCE PERMIT SITE PLAN
PARCEL ID# 0023000068J0000
TRACT 2 PIN#8040448253
US HIGHWAY 168 SOUTH
CRAWFORD TOWNSHIP
CURRITUCK COUNTY, NORTH CAROLINA*



VICINITY MAP
N.T.S.

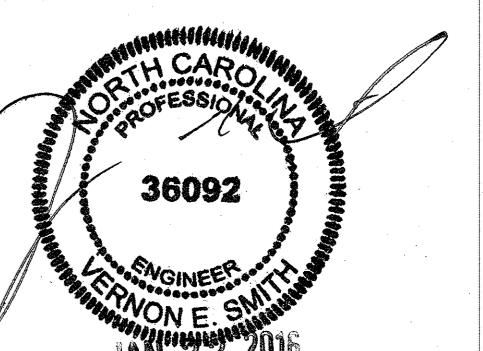
I, Jim Zaunick, OWNER/AGENT DO HEREBY CERTIFY THAT
I WILL DEVELOP THE PROPERTY IN ACCORDANCE WITH THE
APPROVED PLANS WHICH WILL BE CONSTRUCTED OR MAINTAINED
SO THAT SURFACE WATERS FROM SUCH DEVELOPMENT ARE NOT
UNREASONABLY COLLECTED AND CHANNELLED ONTO LOWER
ADJACENT PROPERTIES AT SUCH LOCATIONS OR AT SUCH VOLUMES
AS TO CAUSE SUBSTANTIAL DAMAGE TO SUCH LOWER ADJACENT
PROPERTIES. IN ADDITION, THE DEVELOPMENT WILL BE
CONSTRUCTED OR MAINTAINED SO THAT IT WILL NOT
UNREASONABLY IMPEDE THE NATURAL FLOW OF WATER FROM
HIGHER ADJACENT PROPERTIES ACROSS SUCH DEVELOPMENT,
THEREBY UNREASONABLY CAUSING SUBSTANTIAL DAMAGE TO
SUCH HIGHER ADJACENT PROPERTIES.

DATE: 1/22/2011
OWNER/AGENT: Vernon E. Smith

84 LUMBER COMPANY
1019 ROUTE 519
EIGHTY FOUR, PA 15330
(724) 228-3636

CIVIL ENGINEERING PLANS - AVBEL ENGINEERING
SHEET C01 COVER SHEET
SHEET C02 EXISTING CONDITIONS/DEMO PLAN
SHEET C03 PROPOSED SITE PLAN
SHEET C04 PROPOSED LIGHTING/UTILITY PLAN
SHEET C05 GRADING PLAN
SHEET C06 LANDSCAPE PLAN
SHEET C07 PRE-DEVELOPED EROSION & SEDIMENT CONTROL PLAN (PHASE I)
SHEET C08 POST-DEVELOPED EROSION & SEDIMENT CONTROL PLAN (PHASE II)
SHEET C09 ROAD IMPROVEMENT PLAN
SHEET C10 EROSION AND SEDIMENTATION NOTES & DETAILS
SHEET C11 SEDIMENT/DETENTION BASIN NOTES & DETAILS
SHEET C12 MISC. NOTES & DETAILS
SHEET C13 WATERLINE NOTES & DETAILS
SHEET C14 INDUSTRIAL SIDETRACK PLAN
SHEET E001 LIGHTING PLAN

STORMWATER PLANS - SEE PLANS BY DEEL ENGINEERING
ELECTRICAL PLAN - CORBETT LEGGE & ASSOCIATES
SHEET E001



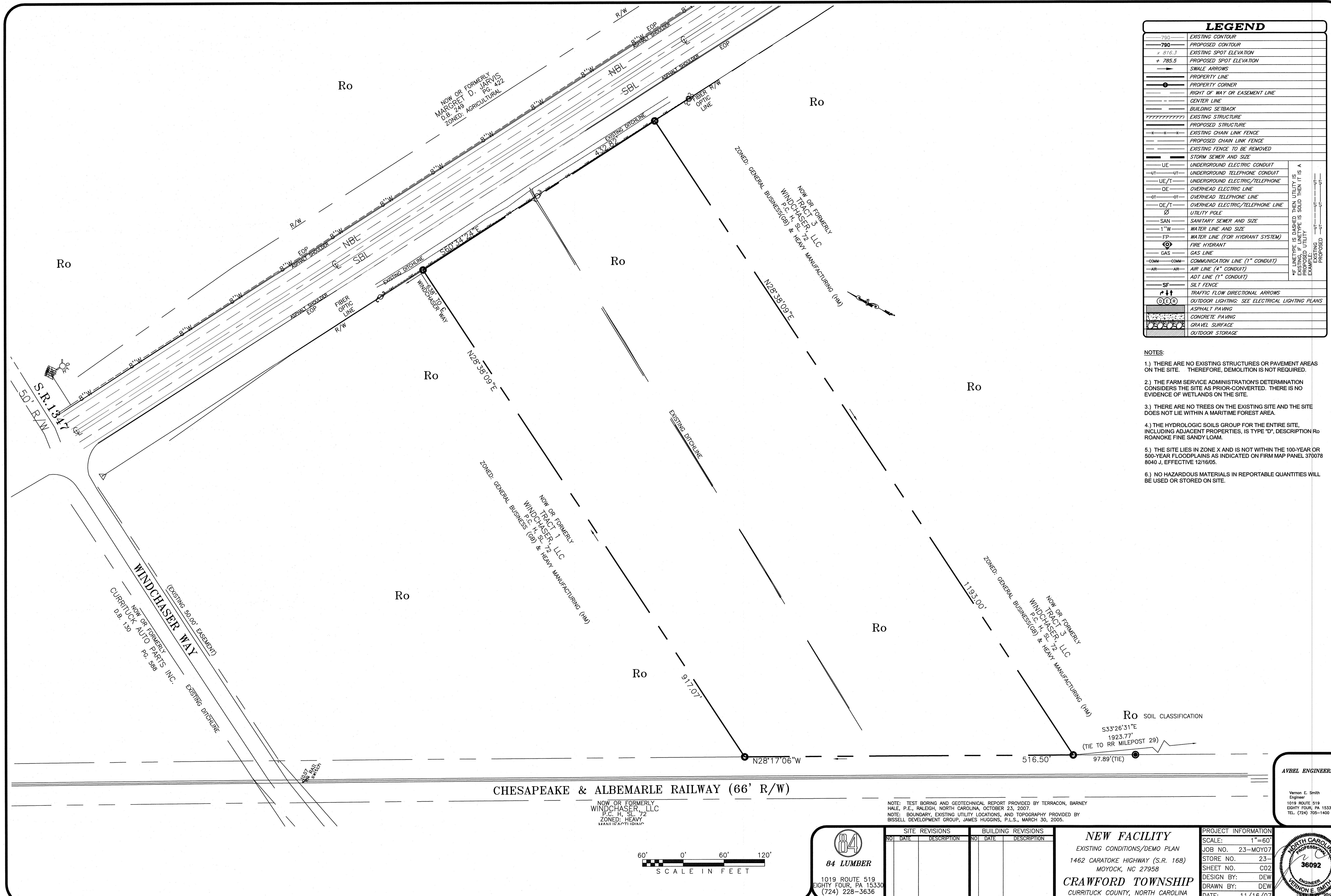
SHEET NO: C01

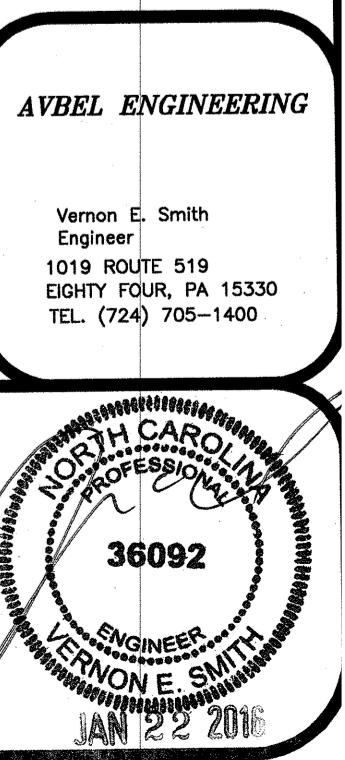
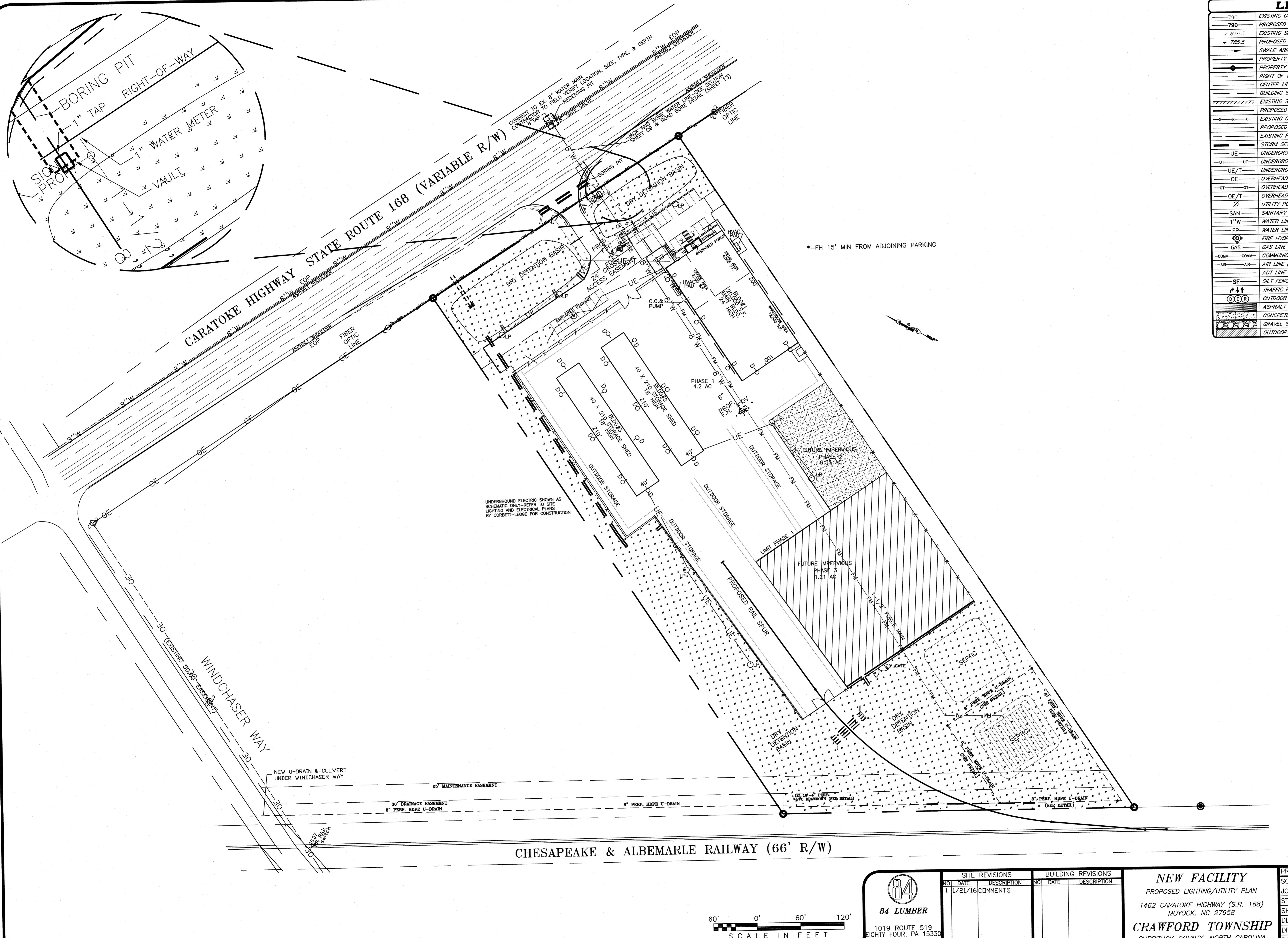
LEGEND	
790	EXISTING CONTOUR
790	PROPOSED CONTOUR
816.3	EXISTING SPOT ELEVATION
+ 785.5	PROPOSED SPOT ELEVATION
→	SWALE ARROWS
—	PROPERTY LINE
●	PROPERTY CORNER
—	RIGHT OF WAY OR EASEMENT LINE
—	CENTER LINE
—	BUILDING SETBACK
	EXISTING STRUCTURE
	PROPOSED STRUCTURE
—	EXISTING CHAIN LINK FENCE
—	PROPOSED CHAIN LINK FENCE
—	EXISTING FENCE TO BE REMOVED
—	STORM SEWER AND SIZE
—	UE
—	UNDERGROUND ELECTRIC CONDUIT
—	UT
—	UNDERGROUND TELEPHONE CONDUIT
—	UE/T
—	UNDERGROUND ELECTRIC/TELEPHONE
—	OE
—	OVERHEAD ELECTRIC LINE
—	OT
—	OVERHEAD TELEPHONE LINE
—	OE/T
—	OVERHEAD ELECTRIC/TELEPHONE LINE
Ø	UTILITY POLE
—	SAN
—	SANITARY SEWER AND SIZE
—	1" W
—	WATER LINE AND SIZE
—	FP
—	WATER LINE (FOR HYDRANT SYSTEM)
—	GAS
—	GAS LINE
—	COMM
—	COMMUNICATION LINE (1" CONDUIT)
—	AIR
—	AIR LINE (4" CONDUIT)
—	ADT LINE (1" CONDUIT)
—	SF
↑↓	TRAFFIC FLOW DIRECTIONAL ARROWS
(D) E (R)	OUTDOOR LIGHTING: SEE ELECTRICAL LIGHTING PLANS
—	ASPHALT PAVING
—	CONCRETE PAVING
—	GRAVEL SURFACE
—	OUTDOOR STORAGE

NOTES:

- 1.) THERE ARE NO EXISTING STRUCTURES OR PAVEMENT AREAS ON THE SITE. THEREFORE, DEMOLITION IS NOT REQUIRED.
- 2.) THE FARM SERVICE ADMINISTRATION'S DETERMINATION CONSIDERS THE SITE AS PRIOR-CONVERTED. THERE IS NO EVIDENCE OF WETLANDS ON THE SITE.
- 3.) THERE ARE NO TREES ON THE EXISTING SITE AND THE SITE DOES NOT LIE WITHIN A MARITIME FOREST AREA.
- 4.) THE HYDROLOGIC SOILS GROUP FOR THE ENTIRE SITE, INCLUDING ADJACENT PROPERTIES, IS TYPE "D", DESCRIPTION Ro ROANOKE FINE SANDY LOAM.
- 5.) THE SITE LIES IN ZONE X AND IS NOT WITHIN THE 100-YEAR OR 500-YEAR FLOODPLAINS AS INDICATED ON FIRM MAP PANEL 370078 8040 J, EFFECTIVE 12/16/05.
- 6.) NO HAZARDOUS MATERIALS IN REPORTABLE QUANTITIES WILL BE USED OR STORED ON SITE.

Attachment: Site Plan (84 Lumber) (452 : PB 15-27 Eighty Four Lumber Company)



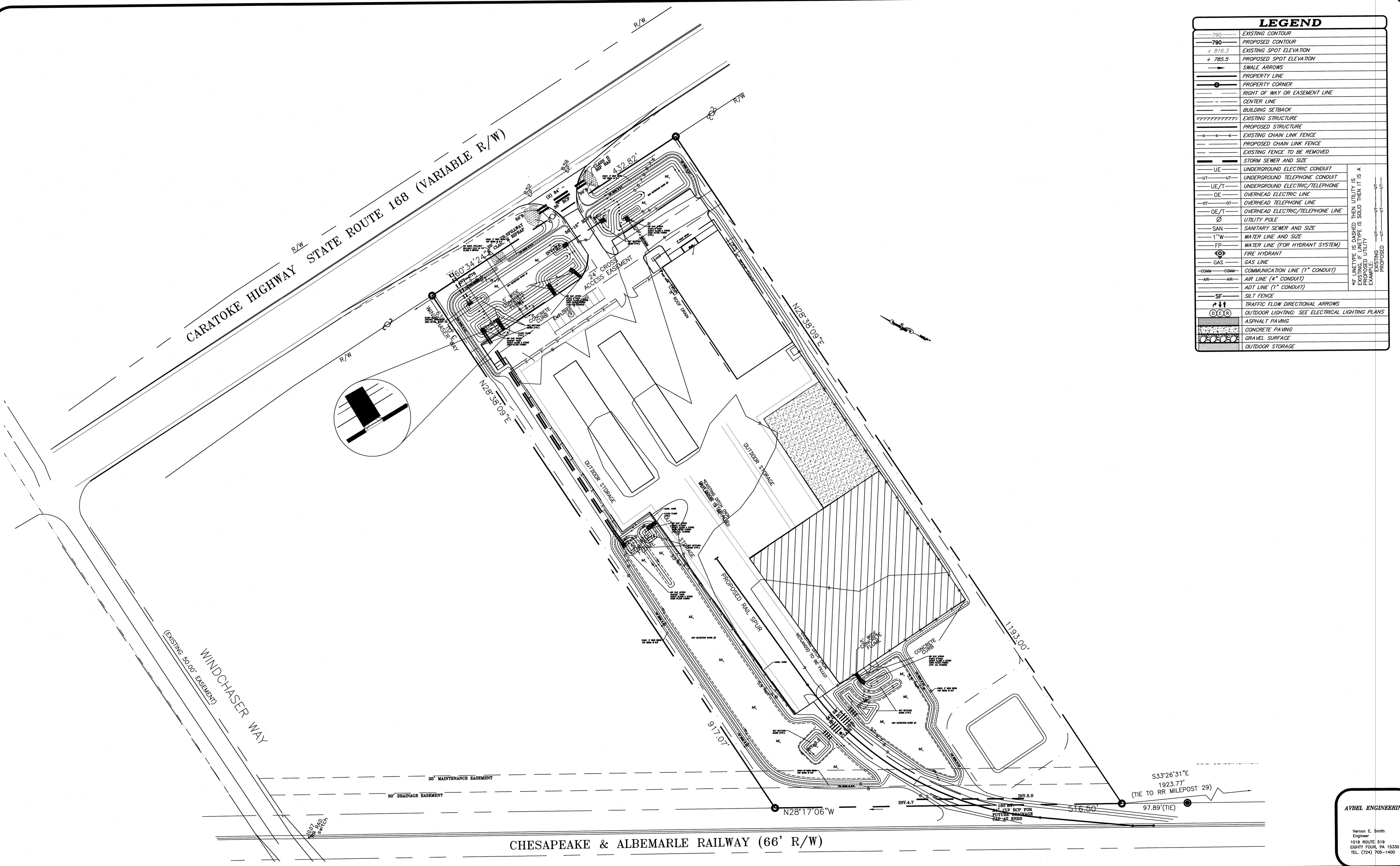


Smith
STE 519
BUR, PA 15330
(705-1400

PROJECT INFORMATION	
SCALE:	1"=60'
JOB NO.	23-MOY07
STORE NO.	2322
SHEET NO.	C04
DESIGN BY:	JAZ
DRAWN BY:	JAZ
DATE:	10/19/15

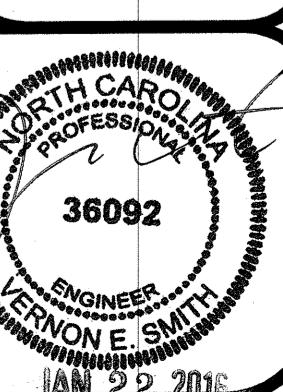
**NEW FACILITY
PROPOSED LIGHTING/UTILITY PLAN
RATOKE HIGHWAY (S.R. 168)
MOYOCK, NC 27958
FORD TOWNSHIP
K COUNTY, NORTH CAROLINA**

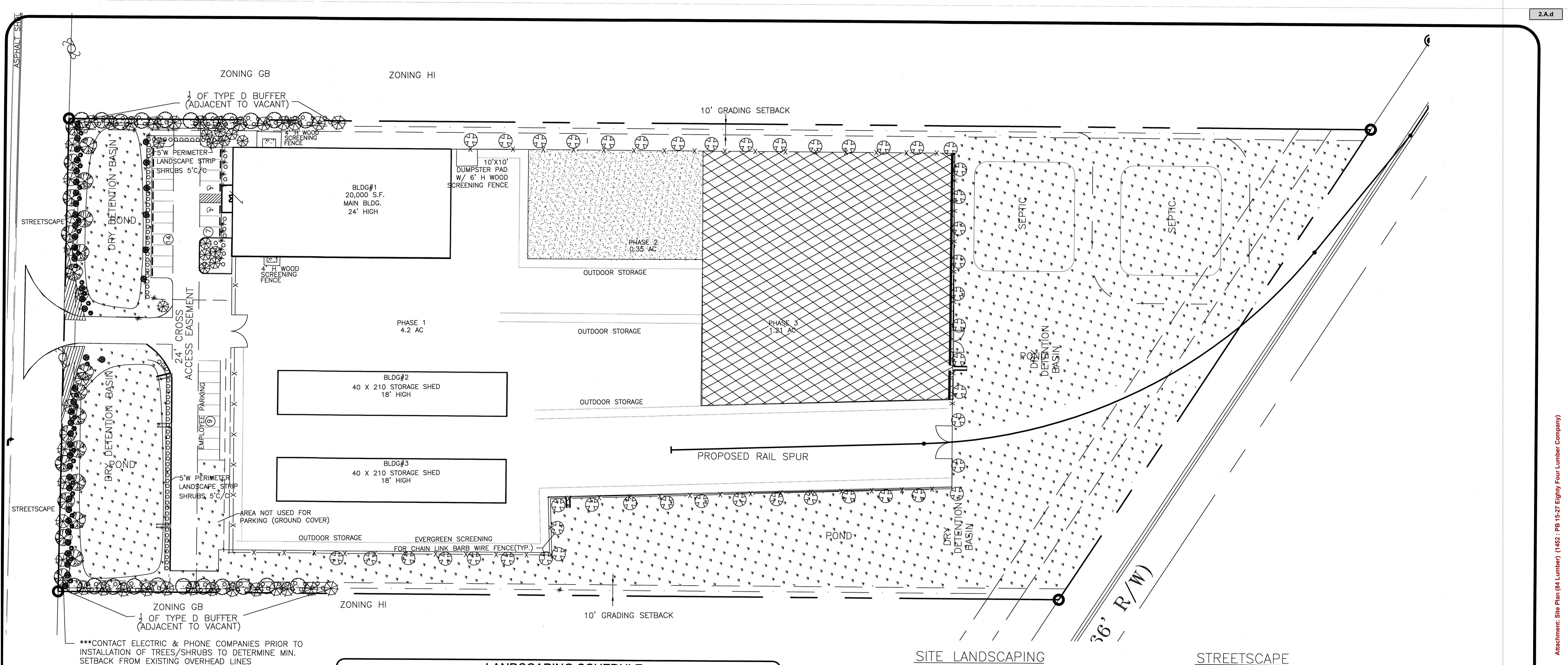
SITE REVISIONS			BUILDING REVISIONS		
NO	DATE	DESCRIPTION	NO	DATE	DESCRIPTION
1	1/21/16	COMMENTS			



AVREI ENGINEERING

Vernon E. Smith
Engineer
1019 ROUTE 519
EIGHTY FOUR, PA 15330
TEL. (724) 705-1400





LANDSCAPING SCHEDULE

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	PLANTING HEIGHT	MATURE HEIGHT	SPACING	SPREAD
	33	JUNIPERUS VIGINIANA	EASTERN RED CEDAR	2" CAL	20'-30'	*	15'-20'
	22	QUERCUS VIGINIANA	LIVE OAK	2" CAL	15'-25'	**	15'-20'
	22	CORNUS FLORIDA	FLOWERING DOGWOOD	2" CAL	15'-30'	***	15'-20'
	22	PINUS STROBUS	WHITE PINE	2" CAL	15'-30'	****	15'-20'
	139	LLEX CORNUTA 'ROTUNDA'	DWARF HORNED HOLLY	3'	3'	*****	3'-4"
	111	BERBERIS JULIANAE	WINTERGREEN BARBERRY	1'	4'-6'	*****	2'-5'
	36	LLEX CRENATA 'MICROPHYLLA'	LITTLELEAF JAPANESE HOLLY	1'	4'-6'	*****	5'-7'
	229	RAPHIOLEPIS INDICA	INDIA HAWTHORN	1'	3'-4'	*****	4'-5'

*(11) AROUND BUILDING FOR SITE LANDSCAPING, (11) ALONG 168 FOR STREETSCAPE,(2) IN PARKNG FOR SHADING
** (22) AS PART OF TYPE D OPTION 1 BUFER PLUS ADDITIONAL LANDSCAPI
*** (22) AS PART OF STREETSCAPE
**** (43) AS PART OF SCREENING FOR CHIAN LINK BARB WIRE FENCE
***** PART OF TYPE D SCREEING, OPT 1, PERIMETER LANDSCAPING, BLDG FAÇADE SITE LANDSCAPING
***** PART OF STREETSCAPE
***** PART OF STREETSCAPE
***** PART OF BLDG FAÇADE SITE LANDSCAPING

SITE LANDSCAPING

2" CAL. CANOPY PER AC X 10.5 AC = 21 CAL."
+ 1 SHRUB/5 FT *BLDG FACADE X 100 = 20 SHRUBS
*MAIN BLDG ONLY - SHEDS ARE SCREENED BY FENCE

MAIN BEDGE ONE - SHEDS A LANDSCAPE BUFFER

LANDSCAPE BUFFERS
PROPOSED DEVELOPMENT ZONING HI
ADJACENT PROPERTIES-NORTH & SOUTH (1ST 250') ZONED GB
BUFFER REQUIRED - TYPE D
BUFFER ADJACENT TO VACANT LAND - 1/2 BUFFER

TIDE D OPTION 1 25 W +18 CANOPY + 20
ADJACENT TO VACANT - USE 1/2 BUFFER =

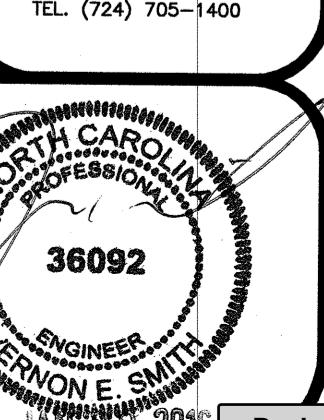
ADJACENT PROPERTY
NO BUFFER REQUIRED

SCREENING

OUTDOOR STORAGE – PER 4.4.3 ADJACENT ADDITIONAL LANDSCAPING

ADDITIONAL LANDSCAPING TO SUPPLEMENT SCREENING TO ALLOW PARKING BETWEEN BUILDING @

Vernon E. Smith
Engineer
1019 ROUTE 519
EIGHTY FOUR, PA 15330



SITE REVISIONS			BUILDING REVISIONS			PROJECT INFORMATION		
NO	DATE	DESCRIPTION	NO	DATE	DESCRIPTION	SCALE:	1"=40'	
1	1/21/16	COMMENTS				JOB NO.	23-MOY07	
						STORE NO.	2322	
						SHEET NO.	C06	
						DESIGN BY:	JAZ	
						DRAWN BY:	JAZ	
						DATE:	10/10/15	

INSPECTION SCHEDULE

ALL TEMPORARY AND PERMANENT EROSION AND SEDIMENTATION CONTROL DEVICES WILL BE INSPECTED WEEKLY AND AFTER EVERY RUN-OFF EVENT BY A FOREMAN-IN-CHARGE REPRESENTING THE CONTRACTOR PERFORMING THE WORK.

MAINTENANCE SCHEDULE

EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL THE SEDIMENT SOURCE.

THE FILTER FABRIC FENCE WILL BE CLEANED AND REPAIRED AS REQUIRED TO KEEP THE FENCE FUNCTIONAL. DEPOSITS WILL BE REMOVED BEHIND THE FENCE WHEN THE ACCUMULATIONS REACH 1/2 THE ABOVE GROUND HEIGHT OF THE FENCE. THE FILTER FABRIC FENCE WILL BE REPAIRED IMMEDIATELY WITH COMPACTED BACKFILL. THE SEDIMENT TRAP WILL BE CLEANED WHEN THE SEDIMENT REACHES 1/3 THE DEPTH OF THE TRAP OR WHEN ENTRAPPED WATER APPEARS TO STOP FILTERING THROUGH THE MEDIA. A CONSTRUCTION STAKE WILL BE PLACED IN THE TRAP TO NOTIFY THE CONTRACTOR THE CLEAN OUT ELEVATION. THE THICKNESS OF THE ROCK CORDON BERM WILL BE A CONSTANT REFERENCE TO THE CONTRACTOR FOR ADDING ROCK OBTAINED FROM A ROCK STOCKPILE MAINTAINED ON THE SITE FOR THIS PURPOSE. AT THE END OF EACH DAY ALL SEDIMENT DEPOSITED ON THE PUBLIC ROADWAY WILL BE REMOVED & RETURNED TO THE CONSTRUCTION SITE. THE PUBLIC ROADWAY WILL BE KEPT CLEAN AND CLEAR FROM ALL SEDIMENT AND DEBRIS. SEDIMENT TRAPS REMAIN IN ALL SEDIMENTATION AND SEDIMENT CONTROL MEASURES STATED AND STATED AT A LEVEL AREA LOCATED WITHIN THE PROJECT LIMITS AS DETERMINED BY THE CONTRACTOR. THE SEDIMENT STOCKPILE WILL BE SURROUNDED WITH FILTER FABRIC FENCE TO PREVENT SPREADING OF THE MATERIAL DURING PRECIPITATION EVENTS.

GENERAL NOTES

THE PUBLIC ROADWAY WILL BE KEPT CLEAN AND CLEAR FROM ALL SEDIMENT AND DEBRIS. THE LIMIT OF EXPOSED AREA WILL BE CONTROLLED BY PERMANENT SEEDING/MULCHING OF ALL NON-IMPERVIOUS AREAS IMMEDIATELY AFTER GRADING OPERATIONS ARE COMPLETED. CLEAR AND GRUO TO THE LIMIT OF THE AREA TO BE DEVELOPED.

ALL TEMPORARY EROSION CONTROLS ARE TO REMAIN IN PLACE AND FUNCTIONAL, UNTIL THE CURRITUCK COUNTY ENGINEER DEEMES THE SITE STABLE.

CURRITUCK COUNTY CONSTRUCTION SCHEDULE

1. SCHEDULE A PRE-CONSTRUCTION CONFERENCE WITH THE ENVIRONMENTAL ENGINEER, AT () —— AN OBTAIN A LAND-DISTURBING PERMIT.

2. INSTALL GRAVEL CONSTRUCTION ENTRANCE, TEMPORARY DIVERSION DITCHES AND DIKES, SILT FENCE, SEDIMENT BASIN & TRAPS, AND PHASE I CULVERTS OR OTHER MEASURES AS SHOWN ON THE APPROVED PLAN. CLEAR ONLY AS NECESSARY TO INSTALL THESE DEVICES. PREPARE A SEEDBED, FERTILIZE, LIME, SEED, MULCH AND ASPHALT TACK TEMPORARY DIVERSIONS, BERMS AND BASINS IMMEDIATELY AFTER CONSTRUCTION.

3. CALL FOR AN ON SITE INSPECTION BY THE ENVIRONMENTAL ENGINEER AT () —— TO OBTAIN A CERTIFICATE OF COMPLIANCE.

4. BEGIN CLEARING AND GRUBBING. MAINTAIN DEVICES AS NEEDED. ALL DEVICES SHALL BE MAINTAINED AT LEAST ONCE A WEEK AND AFTER EVERY RAIN. ROUGH GRADE SITE.

5. INSTALL STORM DRAINAGE AND PROTECT INLETS WITH BLOCK AND GRAVEL INLET CONTROLS, SEDIMENT TRAPS OR OTHER APPROVED MEASURES AS SHOWN ON THE PLAN. BEGIN CONSTRUCTION, BUILDING, ETC.. SEDIMENT BASINS ARE TO REMAIN NUMBER 8 BELOW.

6. STABILIZE SITE AS AREAS ARE BROUGHT UP TO FINISH GRADE WITH VEGETATION, RAYING, DITCH LININGS, ETC.. PIPE DITCHES, FERTILIZER, LIME, SEED, MULCH AND ASPHALT TACK. ALL DENUDED AREAS WITHIN FIFTEEN (15) DAYS OF COMPLETION OF ANY PHASE OF CONSTRUCTION OR STOPPAGE OF WORK ON ANY PHASE OF CONSTRUCTION. SEDIMENT TRAPS MAYBE REMOVED UPON INSPECTION AND APPROVAL BY THE ENVIRONMENTAL ENGINEER.

7. WHEN CONSTRUCTION IS COMPLETE AND ALL AREAS ARE STABILIZED COMPLETELY, CALL FOR AN INSPECTION BY THE ENVIRONMENTAL ENGINEER.

8. UPON STABILIZATION OF THE SITE, CONVERT THE SEDIMENT BASINS TO A DETENTION BASINS - PUMP OUT WATER FROM THE BASINS AND REMOVE SEDIMENT FROM THE BASIN BOTTOMS. REGRADE FOR DETENTION BASINS AND CLEAN OUT ALL ORIFICES AND INSTALL NEW RIPRAP.

9. IF SITE IS APPROVED, REMOVE ALL REMAINING SEDIMENT STRUCTURES (SILT FENCE) AND SEED OUT OR STABILIZE ANY BARE AREAS.

10. WHEN VEGETATION HAS BECOME ESTABLISHED, CALL FOR AN INSPECTION BY THE ENVIRONMENTAL ENGINEER. OBTAIN A CERTIFICATE OF COMPLETION.

SEDIMENT TRAP AND BASIN REMOVAL SEQUENCE

1. SCHEDULE A SITE MEETING WITH THE ENVIRONMENTAL ENGINEER/CONSULTANT TO DETERMINE IF THE BASINS CAN BE CONVERTED TO STORMWATER MANAGEMENT FACILITIES. INSTALL SILT FENCING OR OTHER TEMPORARY EROSION CONTROL MEASURES AS NEEDED PRIOR TO REMOVAL OF TRAPS OR BASIN.

2. REMOVE SEDIMENT DEVICE AND ASSOCIATED TEMPORARY DIVERSION DITCHES, IF CULVERT PIPES NEED TO BE EXTENDED, PERFORM THIS OPERATION AT THE TIME. FINE GRADE AREA IN PREPARATION FOR SEEDING.

3. PERFORM SEEDBED PREPARATION, SEED, MULCH AND ASPHALT TACK ANY RESULTING BARE AREAS.

4. INSTALL VELOCITY DISSIPATORS AND/OR LEVEL SPREADERS AS REQUIRED ON THE EROSION CONTROL PLAN.

5. WHEN SITE IS FULLY STABILIZED, CALL ENVIRONMENTAL ENGINEER/CONSULTANT FOR APPROVAL OF REMOVING TEMPORARY EROSION CONTROL MEASURES AND ADVISE ON WHEN SITE CAN BE ISSUED A CERTIFICATE OF COMPLETION.

TEMPORARY/PERMANENT SEEDING SPECIFICATIONS

PERMANENT VEGETATION

TEMPORARY VEGETATION

SEEDING DATES: APRIL 1 - SEPT 30 SEED MIXTURE: RYE GRASS APPLICATION RATES/ACRE: 175 LBS.

BAHIA 50 LBS. (COMBINED) 50 LBS.

GERMAN MILLET 15 LBS. (UNHULLED) 10-10-0 • 1000 LBS/ACRE

FESCUE 20 LBS. MULCH

APPLY 4,000 LB/ACRE STRAW, ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

MULCH APPLY 4,000 LB/ACRE STRAW, ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

GENERAL: FERTILIZER RATES SHOWN ARE GENERAL RECOMMENDATIONS. FREQUENCY AND AMOUNT OF FERTILIZATION CAN BEST BE DETERMINED THROUGH SITE SPECIFIC SOIL TESTING. - MAINTAIN SEDIMENTATION AND EROSION CONTROL DEVICES UNTIL CONCRETE VEGETATION COVERS AND SMALL DISSEMINES IN VEGETATION COVER ON EXPOSED SURFACE. A SINGLE HEAVY RAIN IS OFTEN SUFFICIENT TO GREATLY ENLARGE BARE SPOTS, AND THE LONGER REPAIRS ARE DELAYED, THE MORE COSTLY THEY BECOME. IF REPAIRS ARE NOT MADE IMMEDIATELY, THEY MUST BE REPAIRED DAILY. RE-SEEDING AND RE-MULCHING AS SOON AS POSSIBLE, DIVERSIONS MAY BE NEEDED UNTIL NEW PLANTS TAKE HOLD.

MAINTENANCE REQUIREMENTS EXTEND BEYOND THE SEEDING PHASE. NEW BARE SPOTS MUST BE RESEED, MULCHED, AND RESEED AS PROMPTLY AS POSSIBLE. REFERTILIZATION MAY BE NEEDED TO MAINTAIN PRODUCTIVE STANDS.

TOPSOIL NOTE:

REPLACE ALL NON-IMPERVIOUS AREAS WITH MIN. 6" TOPSOIL PRIOR TO SEEDING.

SEEDBED PREPARATION

1. CHISEL COMPACTED AREAS AND SPREAD TOPSOIL SIX INCHES DEEP OVER AVERSE SOIL CONDITIONS, IF AVAILABLE.

2. RIP THE ENTIRE AREA TO NINE INCHES DEEP.

3. REMOVE ALL LOOSE ROCK, ROOTS AND OTHER OBSTRUCTIONS LEAVING SURFACE REASONABLY SMOOTH AND UNIFORM.

4. APPLY AGRICULTURAL LIME, FERTILIZER AND SUPERPHOSPHATE UNIFORMLY AND MIX WITH SOIL (SEE MIXTURE BELOW).

5. CONTINUE TILLAGE UNTIL A WELL-PULVERIZED, FIRM REASONABLY UNIFORM SEEDBED IS PREPARED SIX TO NINE INCHES DEEP.

6. SEED ON A FRESHLY PREPARED SEEDBED AND COVER LIGHTLY WITH SEEDING EQUIPMENT OR CULTIPACK AFTER SEEDING.

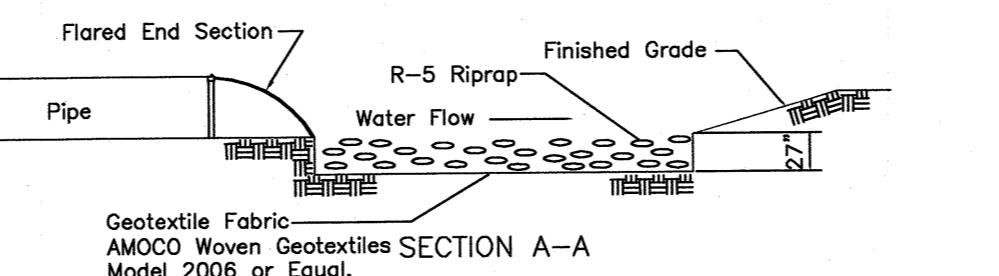
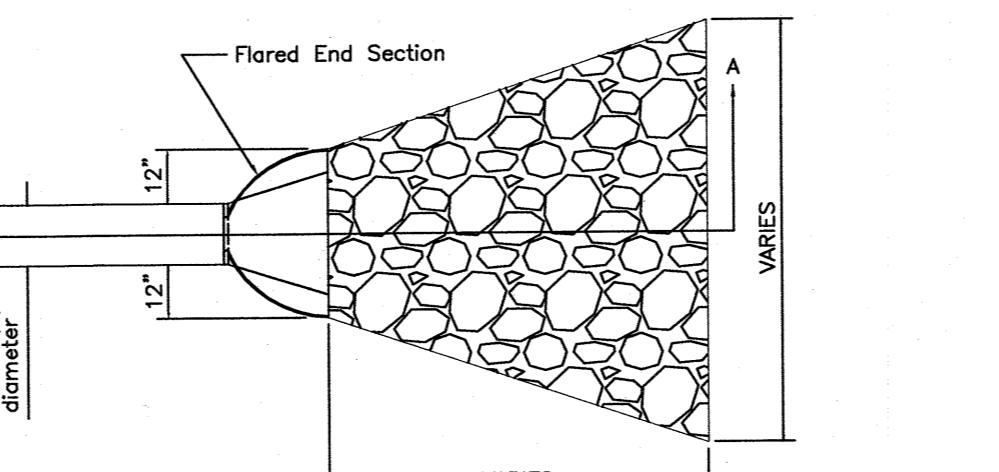
7. MULCH IMMEDIATELY AFTER SEEDING AND ANCHOR MULCH WITH ASPHALT EMULSION.

8. INSPECT ALL SEEDED AREAS AND MAKE NECESSARY REPAIRS OR RESEEDING WITHIN THE PLANTING SEASON. IF POSSIBLE, IF STAND SHOULD BE OVER 60% DAMAGED, RE-ESTABLISH FOLLOWING THE ORIGINAL LIME, FERTILIZER AND SEEDING RATES.

9. CONSULT ENVIRONMENTAL ENGINEERS ON MAINTENANCE TREATMENT AND FERTILIZATION AFTER PERMANENT COVER IS ESTABLISHED.

SOIL EROSION & SEDIMENTATION CONTROL PLAN NOTES:

1. SOIL EROSION & SEDIMENT CONTROL PLAN NOTES:
 - a) AREA TO BE DISTURBED: 4,055.532 sq.ft. ± 10.00 ac.
 - b) PROVIDE A GROUNDCOVER (TEMPORARY OR PERMANENT) ON ALL SLOPES 3:1 OR STEEPER WITHIN 7 CALENDAR DAYS AND ON SLOPES FLATTER THAN 3:1 WITHIN 14 CALENDAR DAYS FOLLOWING CONSTRUCTION. PROVIDED GROUNDCOVER SHALL PROVIDE A PERMANENT GROUNDCOVER FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR 90 CALENDAR DAYS (WHICHEVER IS SHORTER) FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT ACTIVITIES.
 - c) IF LAND DISTURBING ACTIVITIES OCCUR OUTSIDE THE GROUNDCOVERING PERIOD, THE GROUNDCOVERING SPECIFICATIONS SHALL BE FOLLOWED FOR PLANTING UNTIL THE NEXT APPROPRIATE PERMANENT SEEDING PERIOD, AT WHICH TIME PERMANENT VEGETATION SHALL BE ESTABLISHED ACCORDING TO PERMANENT VEGETATION SEEDING SPECIFICATIONS (SEE PERM. & TEMP. SEEDING SPECIFICATIONS ON SHEET).
 - d) IF EXCESSIVE WIND EROSION OR STORMWATER RUNOFF EROSION DEVELOPS DURING TIME OF CONSTRUCTION ANY LOCATION ON THE PROJECT SITE, ADDITIONAL SILT FENCING OR OTHER MEASURES SHALL BE INSTALLED AS DIRECTED SO AS TO PREVENT DAMAGE TO ADJACENT PROPERTY. SEE SILT FENCE DETAIL ON THIS SHEET.
 - e) SOIL EROSION AND SEDIMENTATION CONTROLS ARE TO BE INSPECTED WEEKLY AND AFTER ANY SIGNIFICANT RAINFALL PRODUCING EVENT AND SHALL BE MAINTAINED AND REPAIRED AS NEEDED UNTIL PERMANENT CONTROLS ARE ESTABLISHED.
2. CONSTRUCTION SCHEDULE:
 - a) OBTAIN PLAN APPROVAL AND OTHER APPLICABLE PERMITS.
 - b) FLAG AND/OR ROUGH STAKE WORK LIMITS.
 - c) HOLD RECONSTRUCTION CONFERENCE (OWNER, CONTRACTOR, ENGINEER, APPROVED ENVIRONMENTAL OFFICIALS) AT LEAST ONE WEEK PRIOR TO START OF CONSTRUCTION ACTIVITIES.
 - d) INSTALL SILT FENCING & LOCATIONS SHOWN ON PLAN.
 - e) COMPLETE CLEARING AND GRUBBING PROCEDURES.
 - f) INSTALL SEDIMENT BERM.
 - g) GRADE SITE ACCORDING TO PLAN.
 - h) INSTALL DRAINAGE IMPROVEMENTS AND ASSOCIATED EROSION CONTROLS AS CONSTRUCTION PROGRESS PERMITS.
 - i) EROSION & SEDIMENT CONTROL PRACTICES WILL BE INSPECTED WEEKLY AND AFTER HEAVY RAINFALL EVENTS. NEEDED REPAIRS WILL BE MADE IMMEDIATELY.
 - j) ONCE SITE IS FULLY STABILIZED; CLEAN SILT FROM ALL STORMWATER FEATURES & DRY DEDITION BASINS. INSTALL LANDSCAPING & DRY DEDITION BASIN PLANTINGS.
 - k) RE-SEED, FERTILIZE, AND IRRIGATE LANDSCAPE AREAS AS NECESSARY TO ESTABLISH PERMANENT GROUNDCOVER. ONCE PERMANENT GROUNDCOVER IS ESTABLISHED ON SITE, REMOVE CHECK DAM FROM NC 168 DITCH.



FLARED END SECTION WITH RIPRAPPED APRON
(LEVEL SPREADER)
N.I.S.

MIXTURE

AGRICULTURAL LIMESTONE: 2 TONS/ACRE - 3 TONS/ACRE IN CLAY SOILS
FERTILIZER: 1,000 LBS/ACRE (10-10-10)
SUPERPHOSPHATE: 500 LBS/ACRE - 20% ANALYSIS
MULCH: 2 TONS/ACRE - SMALL GRAIN STRAW
ANCHOR: ASPHALT EMULSION AT 300 GALS/ACRE

SEEDING SPECIFICATIONS/SCHEDULE:

FOR SHOULDERS, SIDE DITCHES, SLOPES (MAX. 3:1)

DATE	TYPE	PLANTING RATE
AUG 15 - NOV 1	TALL FESCUE	300 LBS/ACRE
NOV 1 - MAR 1	TALL FESCUE AND ABRUZZI RYE	300 LBS/ACRE
MAR 1 - APR 15	TALL FESCUE	300 LBS/ACRE
APR 15 - JUN 30	HULLED COMMON BERMUDA GRASS	25 LBS/ACRE
JUL 1 - AUG 15	TALL FESCUE AND BROWNTOP MILLET OR SORGHUM-SUDAN HYBRIDS***	125 LBS/ACRE (TALL FESCUE); 35 LBS/ACRE (BROWNTOP MILLET); 30 LBS/ACRE (SORGHUM-SUDAN HYBRIDS)

FOR SHOULDERS, SIDE DITCHES, SLOPES (3:1 TO 2:1)

DATE	TYPE	PLANTING RATE
MAR 1 - JUN 1	SERICEA LESPEDEZA (SCARIFIED) AND USE THE FOLLOWING COMBINATIONS:	50 LBS/ACRE SERICEA LESPEDEZA
MAR 1 - APR 15	ADD TALL FESCUE	120 LBS/ACRE
MAR 1 - JUN 30	OR ADD WEEPING LOVE GRASS	10 LBS/ACRE
MAR 1 - JUN 30	OR ADD HULLED COMMON BERMUDA GRASS	25 LBS/ACRE
JUN 1 - SEPT 1	TALL FESCUE AND BROWNTOP MILLET OR SORGHUM-SUDAN HYBRIDS***	120 LBS/ACRE (TALL FESCUE); 35 LBS/ACRE (BROWNTOP MILLET); 30 LBS/ACRE (SORGHUM-SUDAN HYBRIDS)
SEPT 1 - MAR 1	SERICEA LESPEDEZA (UNHULLED - UNSCARIFIED) AND TALL FESCUE	70 LBS/ACRE (SERICEA LESPEDEZA); 120 LBS/ACRE (TALL FESCUE)
NOV 1 - MAR 1	ABRUZZI RYE	25 LBS/ACRE

*** TEMPORARY: RESEED ACCORDING TO OPTIMUM SEASON FOR DESIRED PERMANENT VEGETATION. DO NOT ALLOW TEMPORARY COVER TO GROW OVER 12" IN HEIGHT BEFORE MOWING, OTHERWISE FESCUE MAY BE SHADDED OUT.

NOTE: The contractor and all subcontractors shall comply with all Federal, State, and Local laws pertaining to Construction Safety and Health. The contractor and all subcontractors shall meet the requirements of the Federal Register XVI, Part 1926 of Title 29, the Federal Construction Safety Act, the OSHA Regulations, and all publications that update these publications. The owner is not responsible or liable for payment of any citations received by the contractor or subcontractor for failure to comply with the OSHA standards.

TEMPORARY DIVERSION BERM/DITCH
N.T.S.

- a. MACHINE COMPACTION OF ALL FILL - LAIDEN STORMWATER INTO A SEDIMENT CONTROL DEVICE MUST BE INSTALLED PRIOR TO CLEARING AND GRUBBING OF THE AREA (OR IN CONJUNCTION WITH THIS OPERATION IF SEDIMENT CONTROLS AND DIVERSIONS ARE INSTALLED AS EACH CRITICAL POINT IS REACHED).

- b. DIVERSIONS SHOULD BE LOCATED TO MINIMIZE DAMAGES BY CONSTRUCTION OPERATIONS.

- c. DIVERSIONS SHOULD BE SEADED AND MULCHED IF THEY ARE TO REMAIN IN PLACE OVER 21 DAYS.

- d. CHECK DEVICE AFTER EACH RAIN, BUT ONCE A WEEK REGARDLESS. REPAIR AS NECESSARY.

- e. CONTRACTOR SHALL KEEP ALL SEDIMENT OFF THE ROAD SURFACE

- f. AASHTO No. 1 Rock 8" deep on Geotextile Fabric

- g. 20' Min. radius

- h. 20' Min. radius

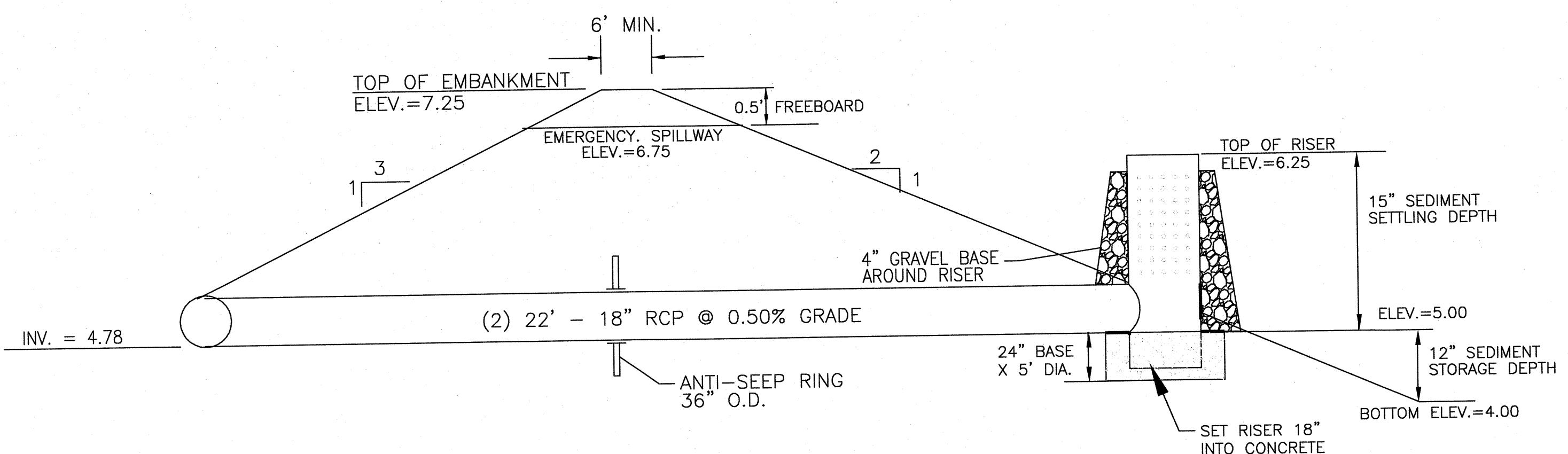
- i. 50' Min.

- j. NATURAL GROUND OR FILL OR CUT SLOPES

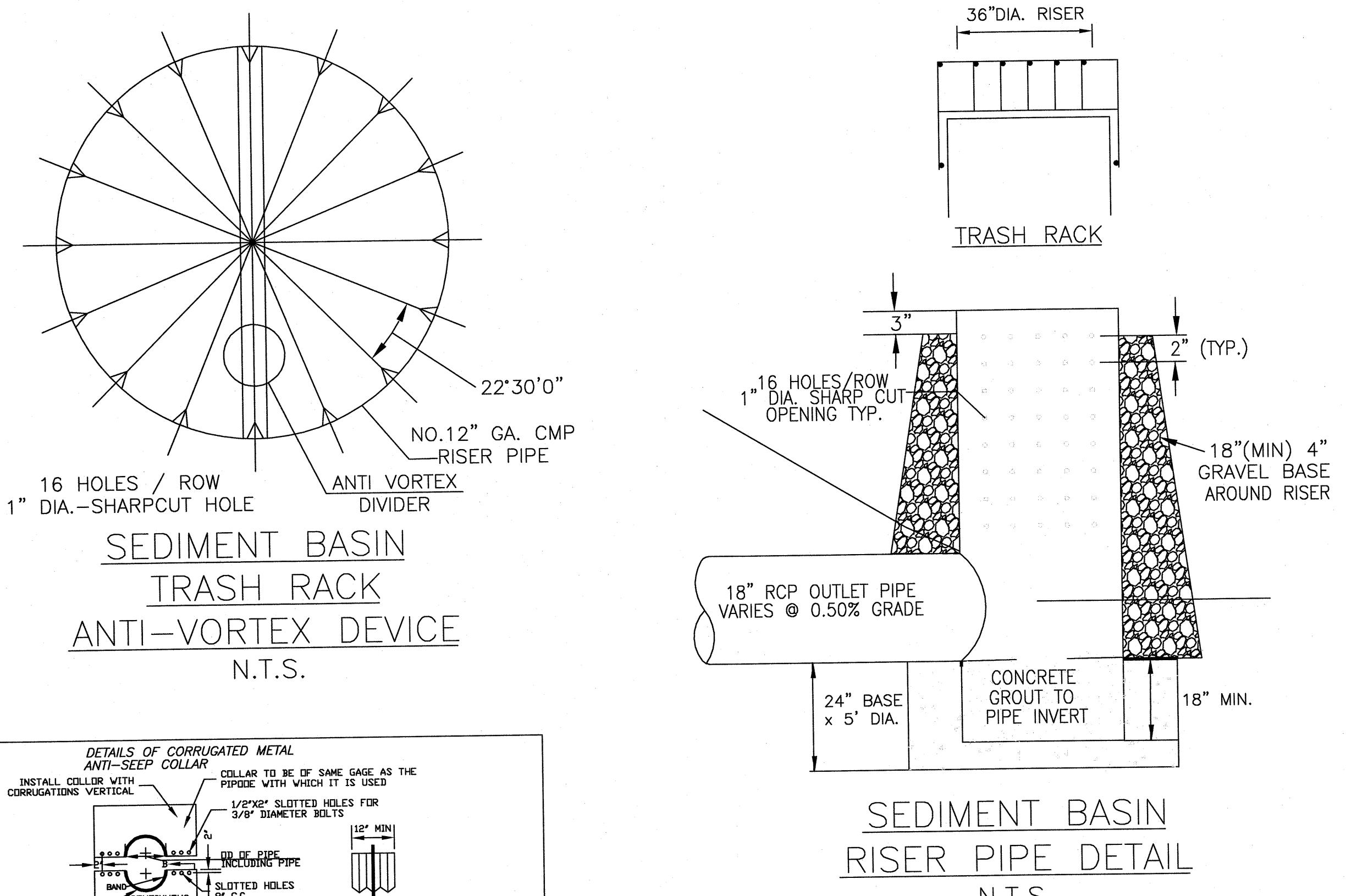
- k. 12° MAX

- l. 18° MIN

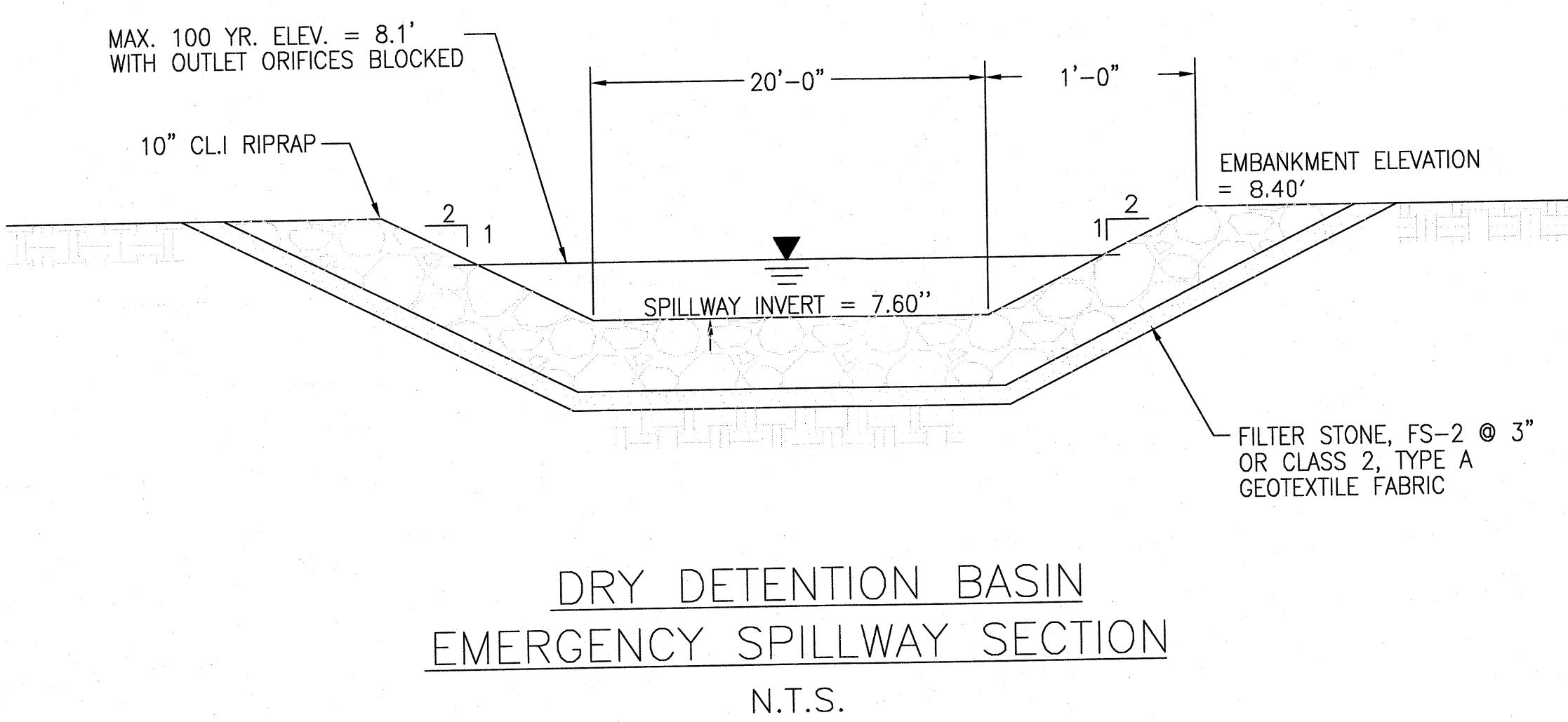
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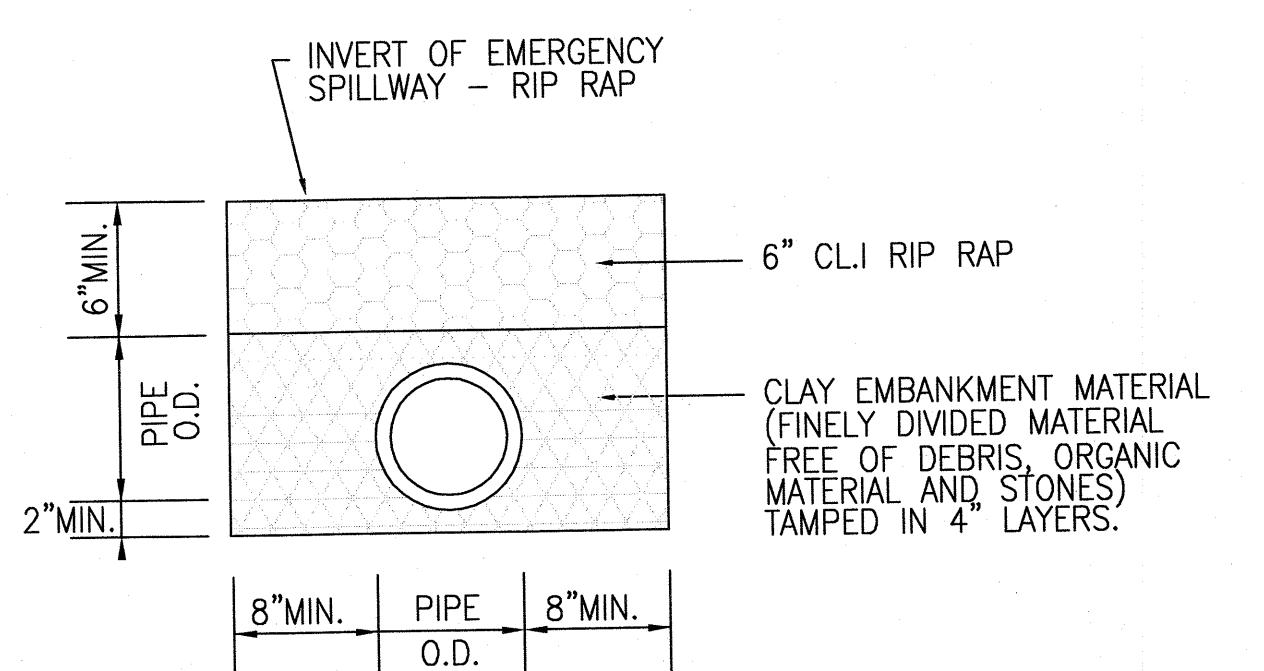
SEDIMENT BASIN
TYPICAL EMBANKMENT SECTION
N.T.S.



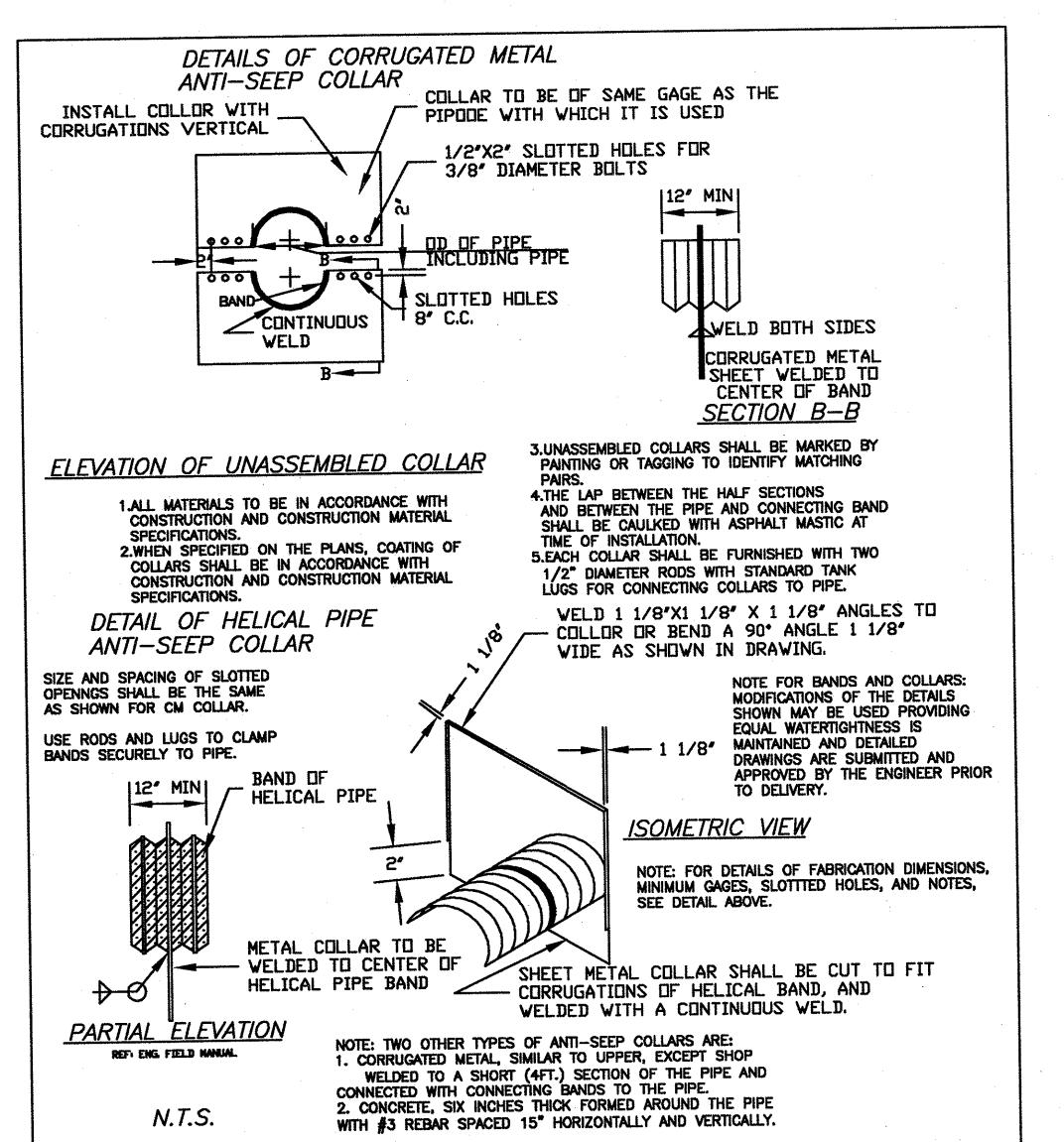
SEDIMENT BASIN
TRASH RACK
ANTI-VORTEX DEVICE
N.T.S.



DRY DETENTION BASIN
EMERGENCY SPILLWAY SECTION
N.T.S.



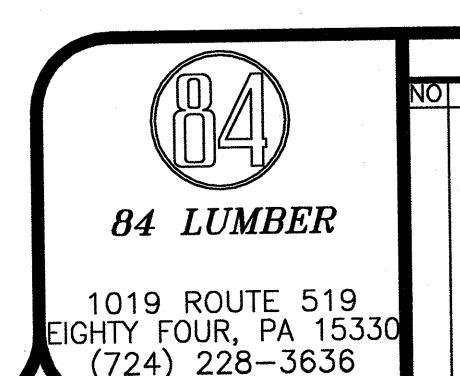
TYPICAL TRENCH DETAIL
OUTLET PIPE THRU EMBANKMENT
N.T.S.



Attachment: Site Plan (84 Lumber) (1452 : PB 15-27 Eighty Four Lumber Company)

AVBEL ENGINEERING
Vernon E. Smith
Designer
1019 ROUTE 519
EIGHTY FOUR, PA 15330
TEL (724) 705-1400

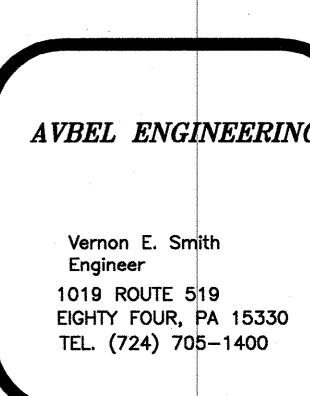
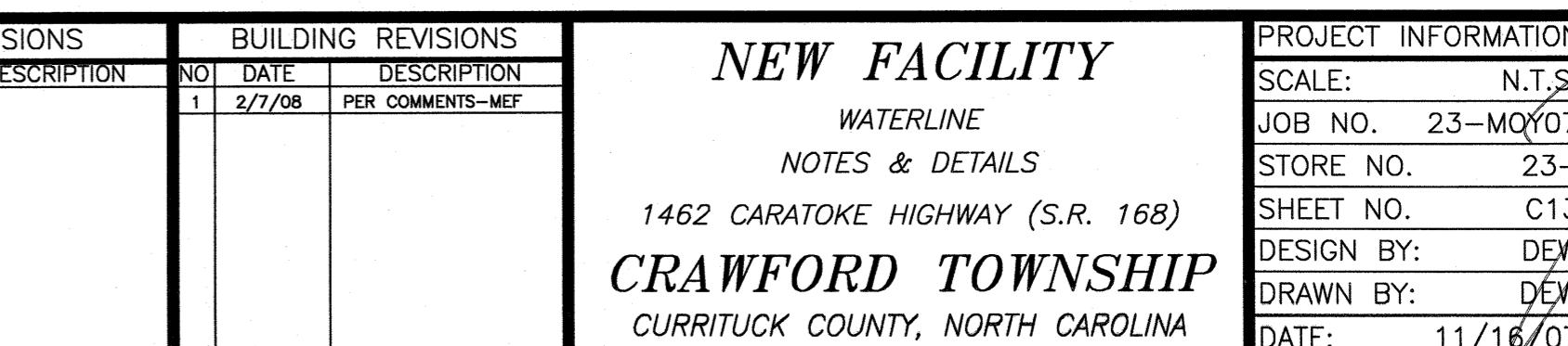
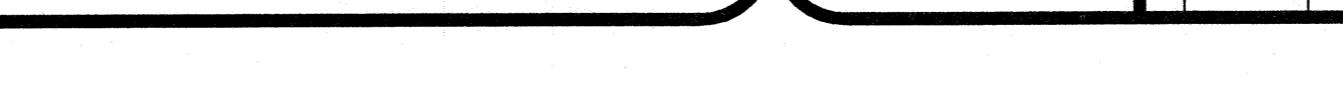
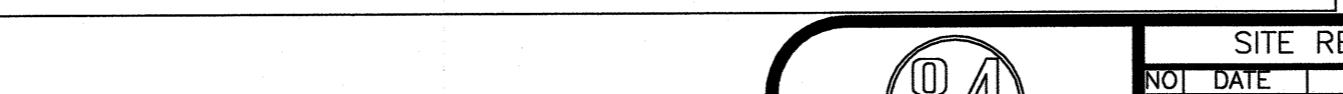
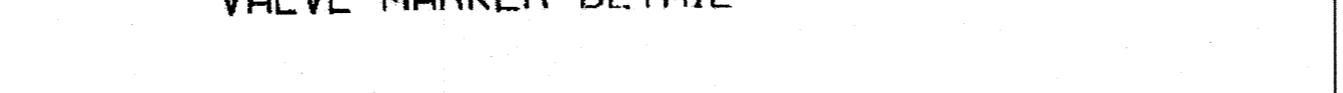
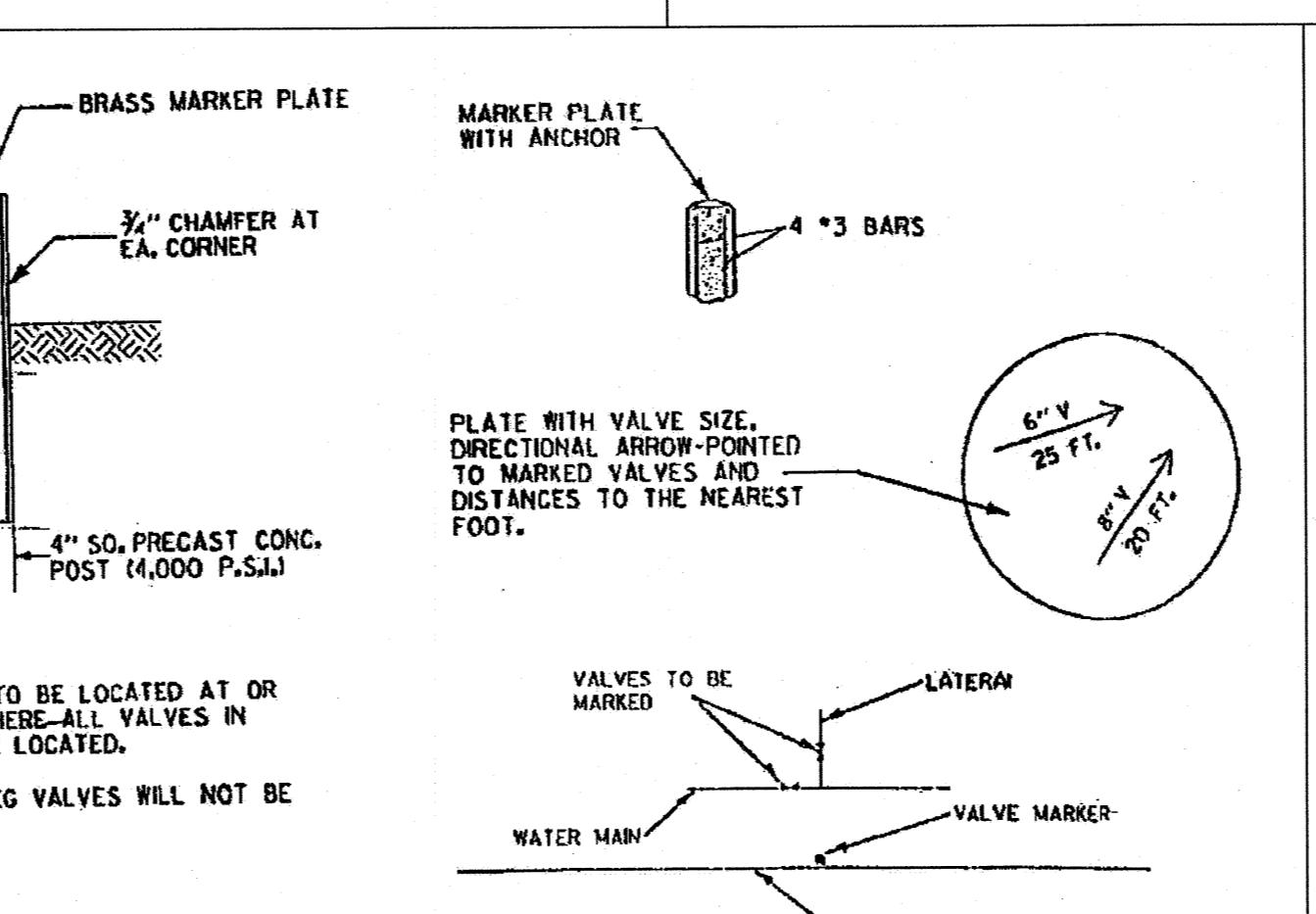
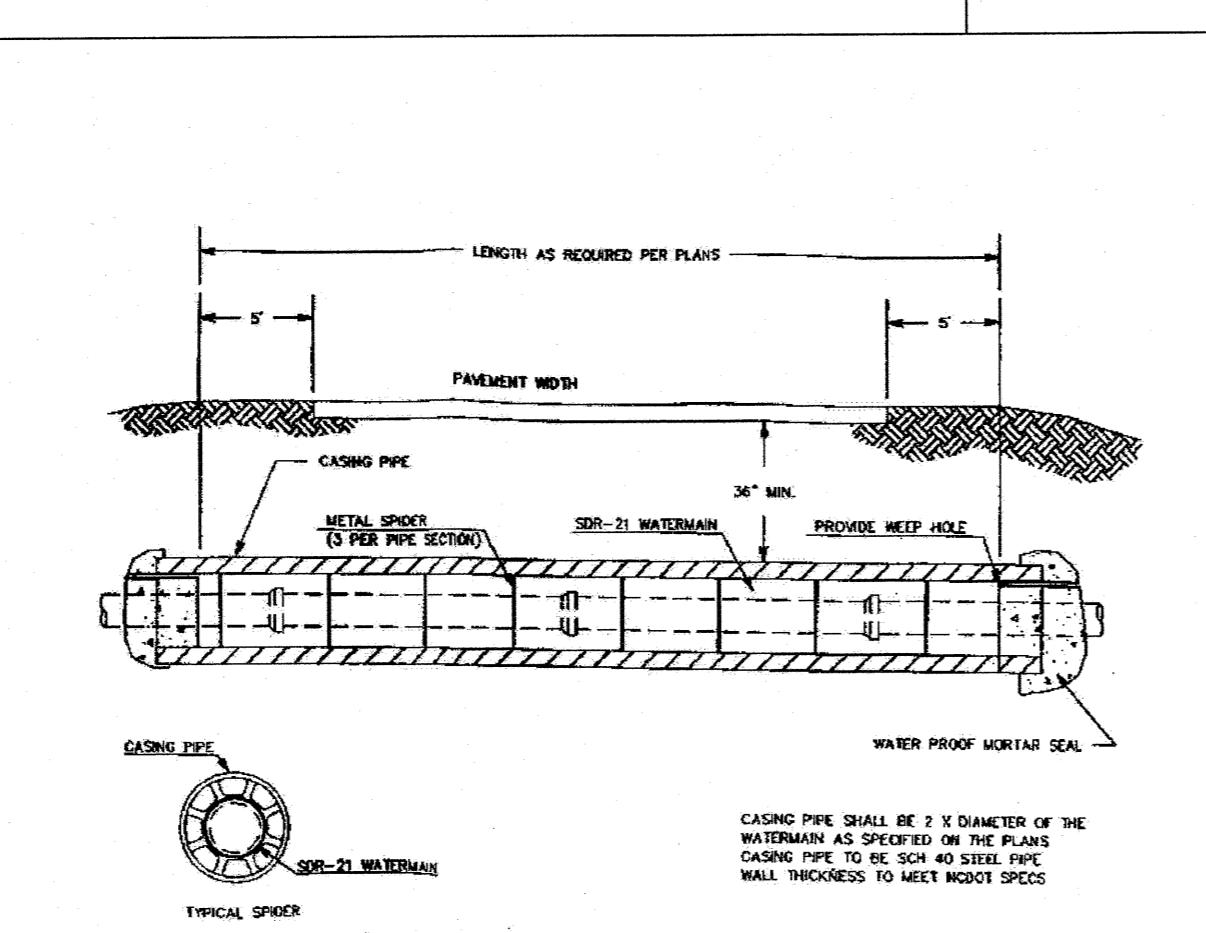
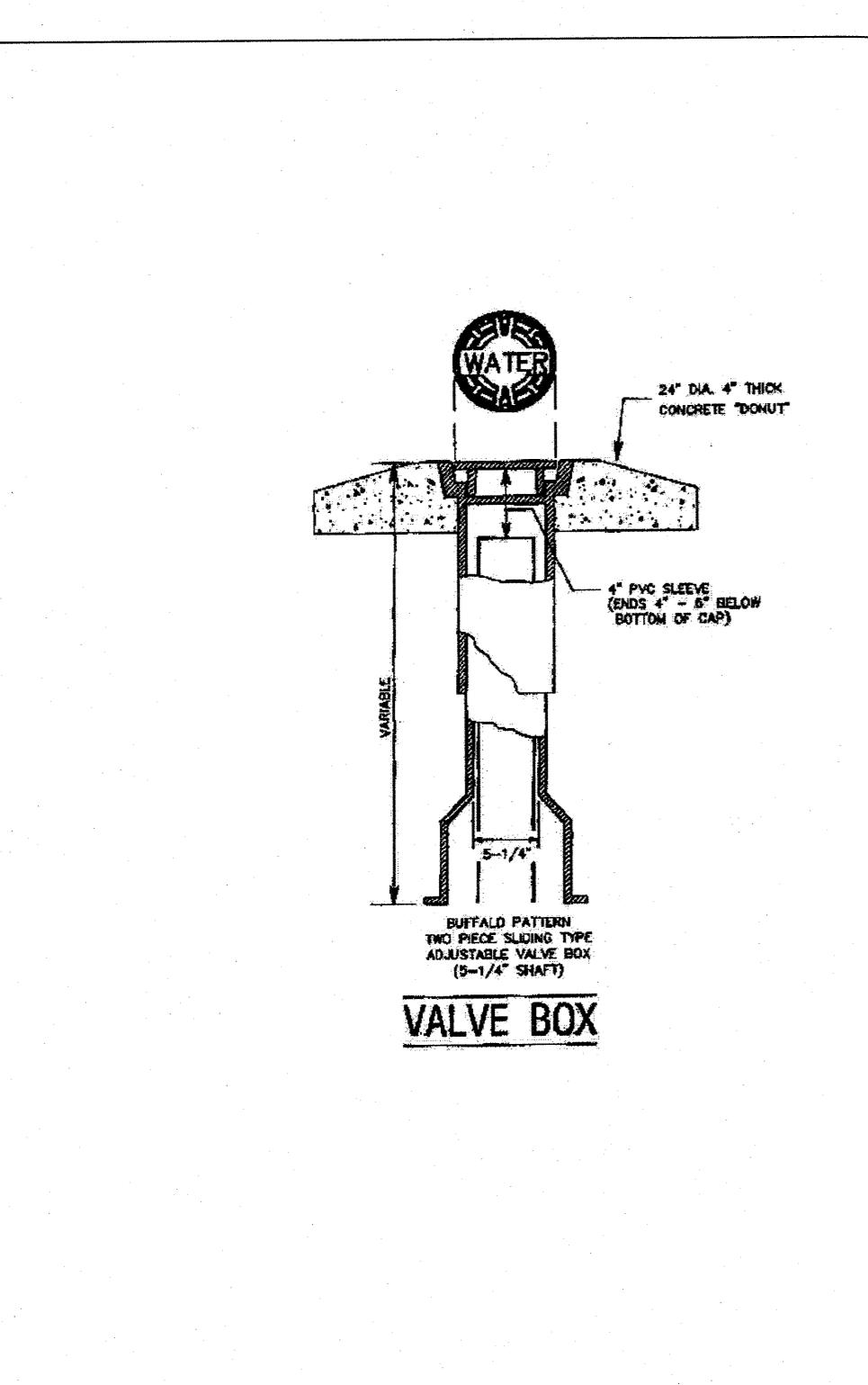
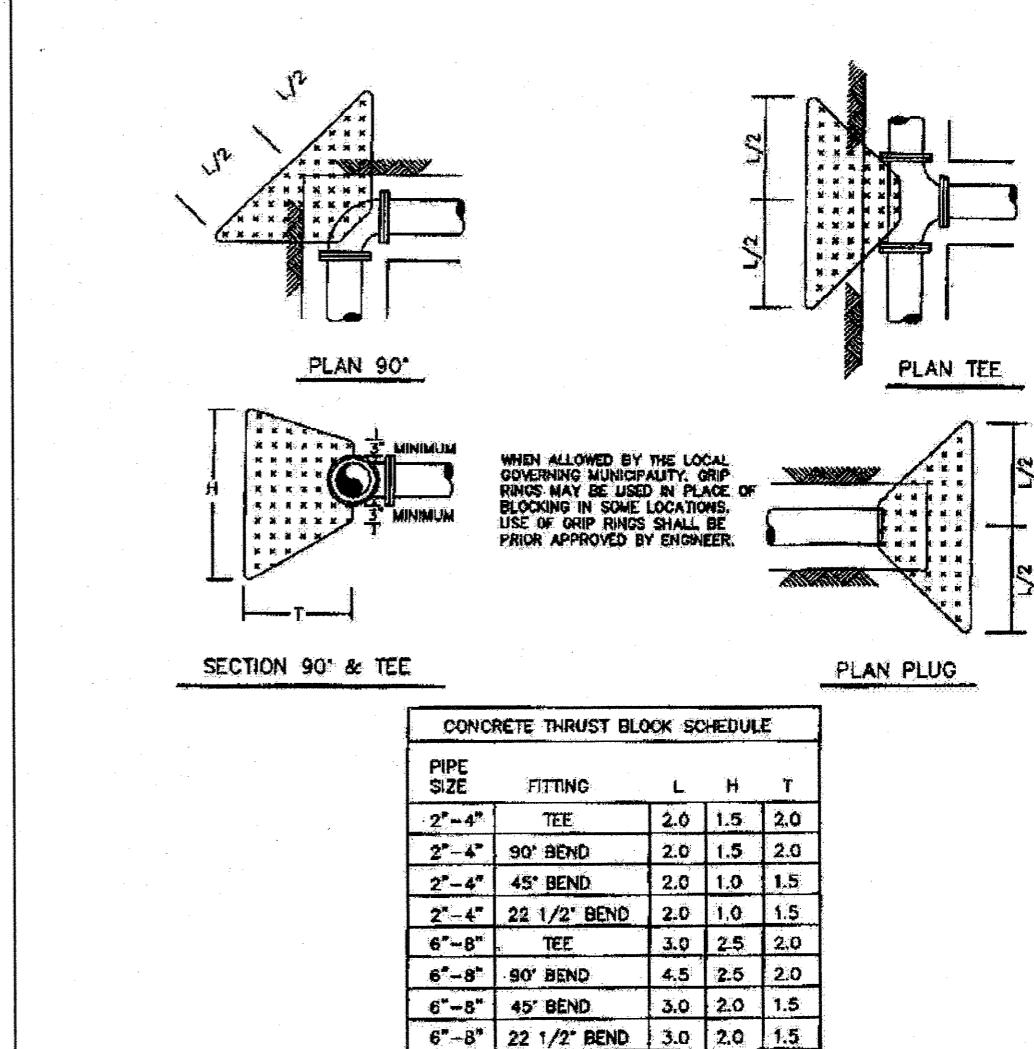
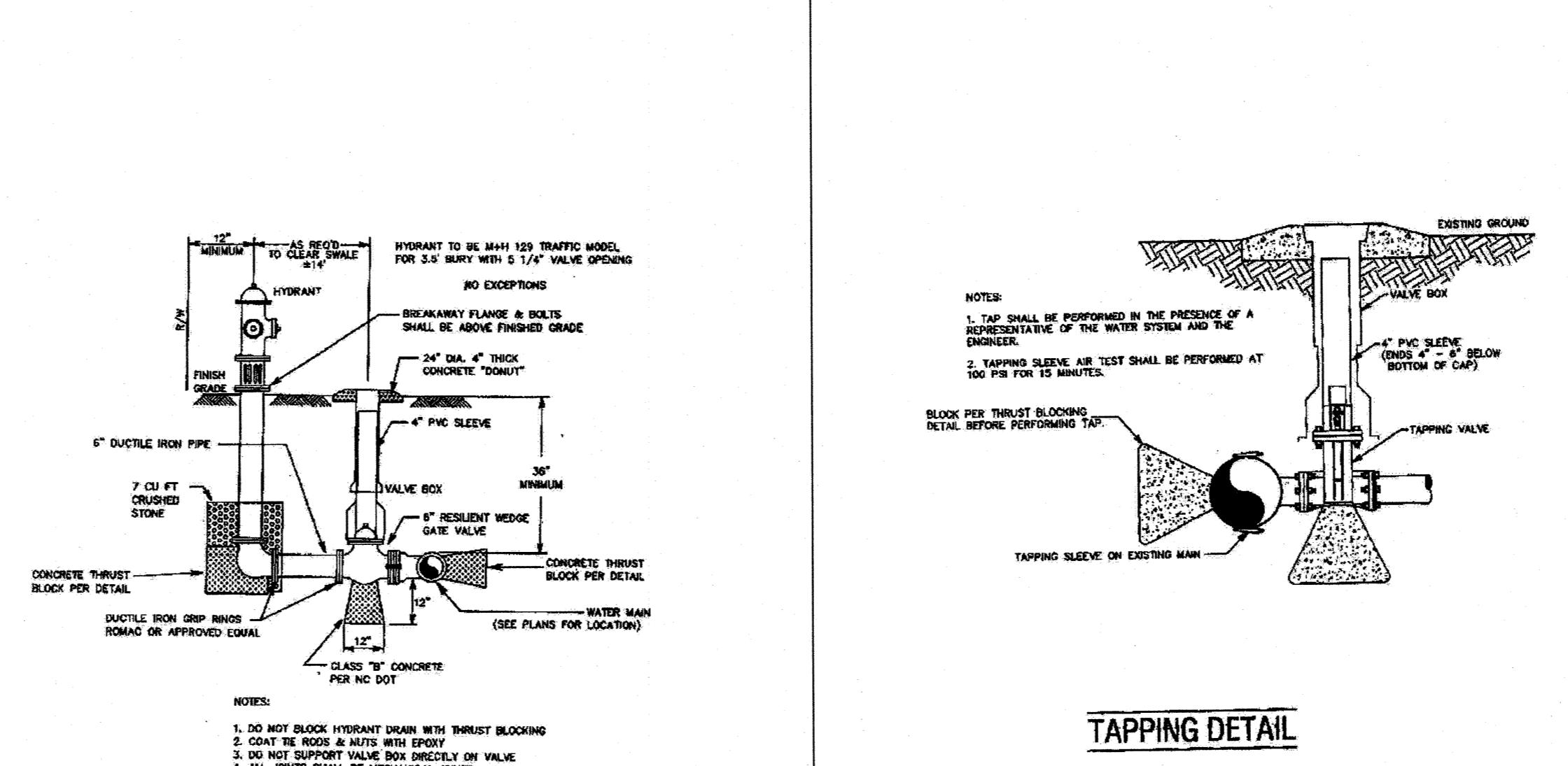
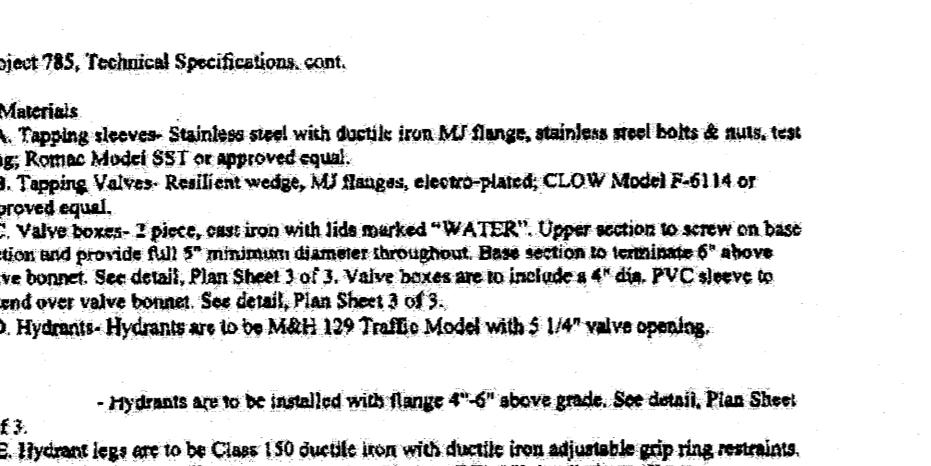
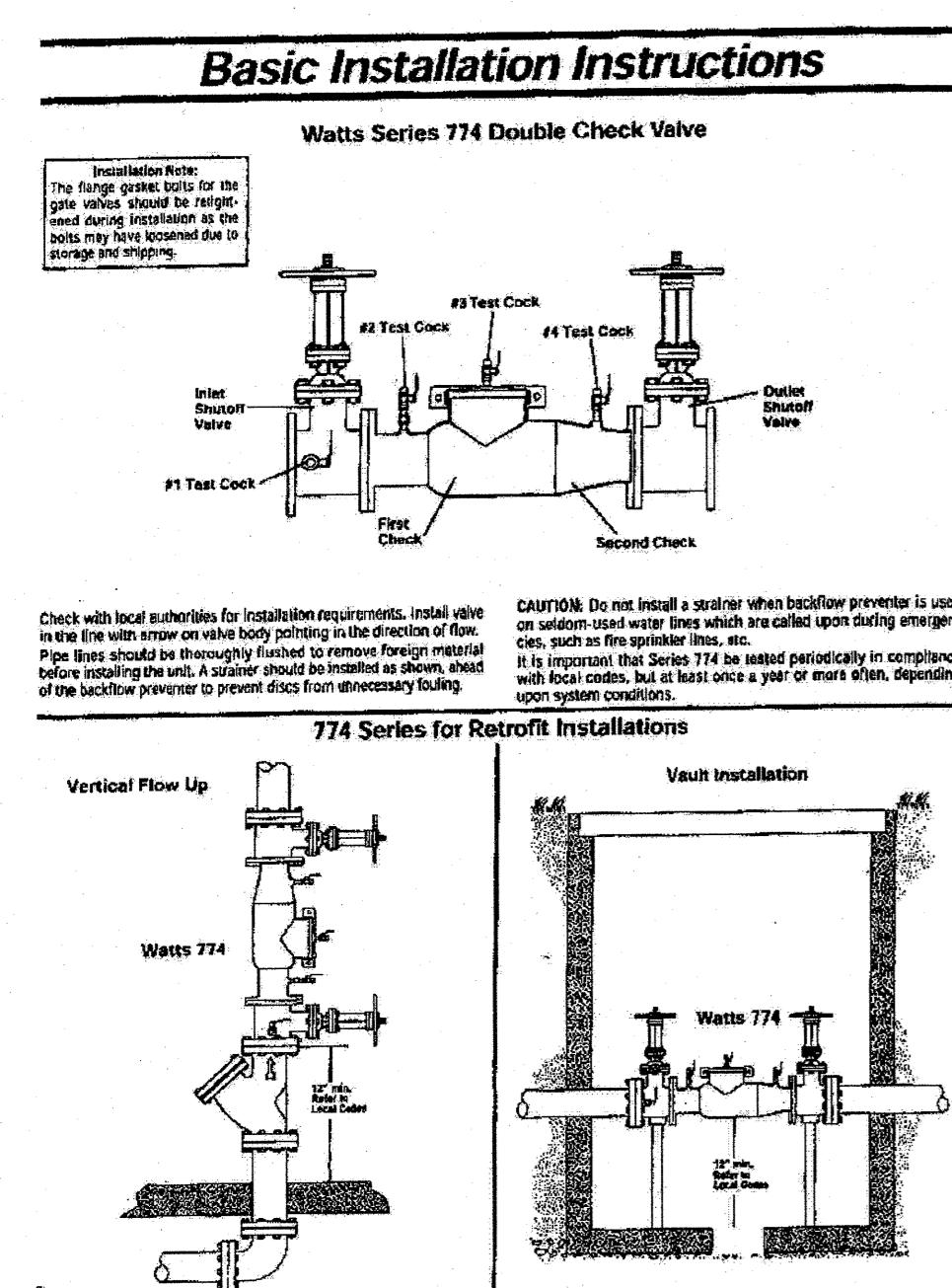
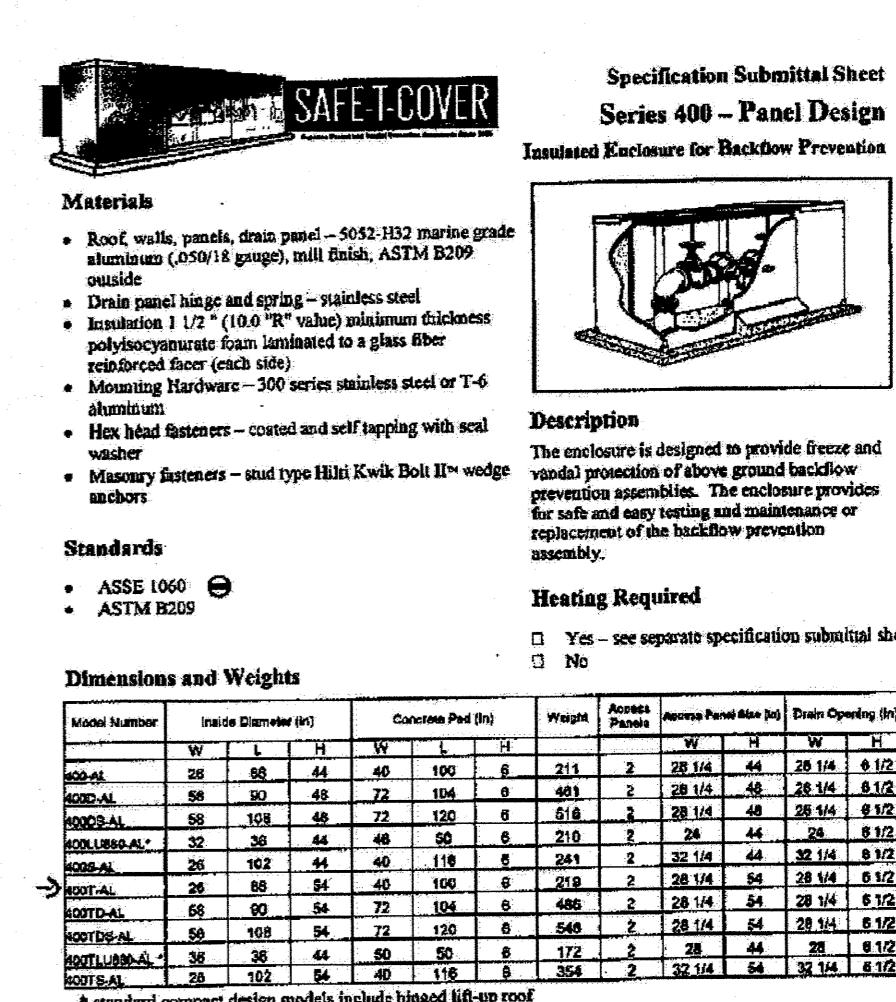
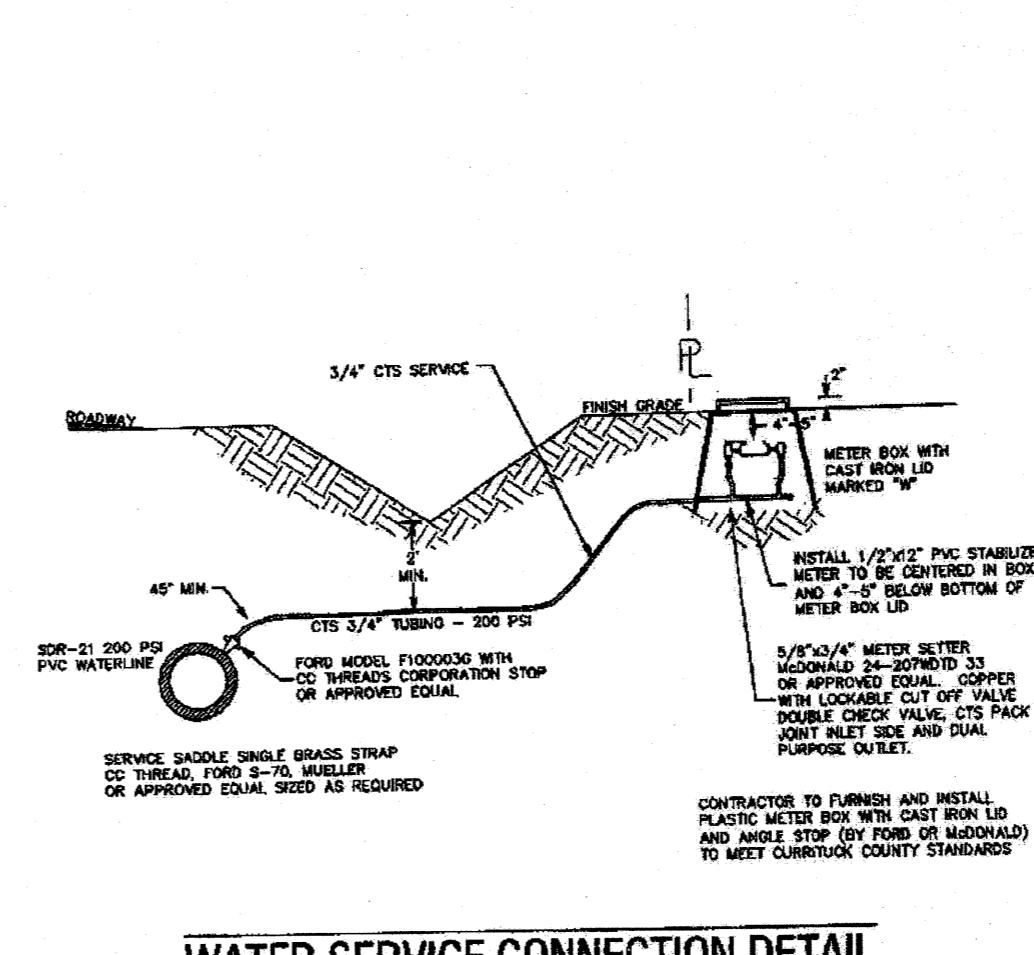
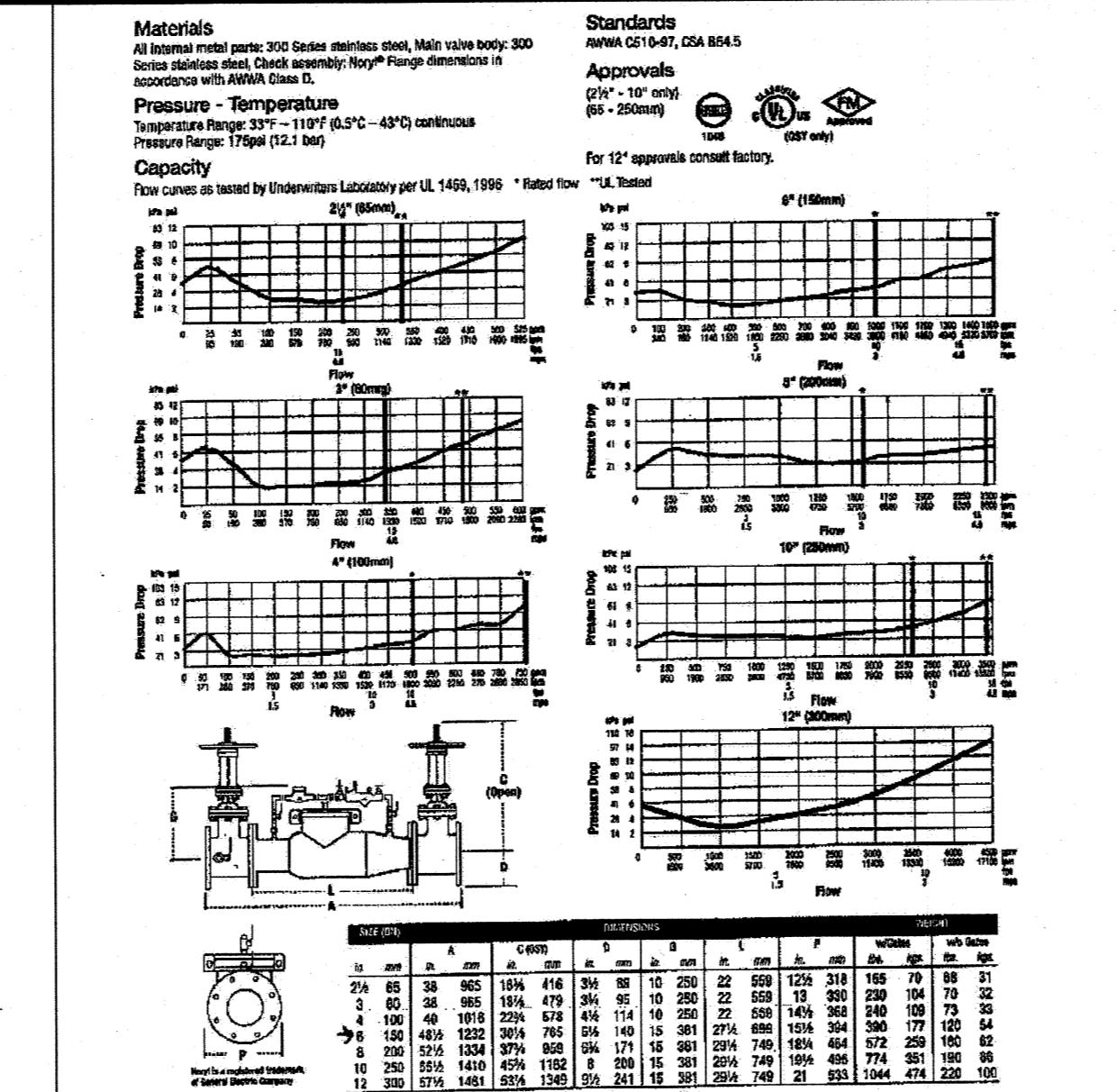
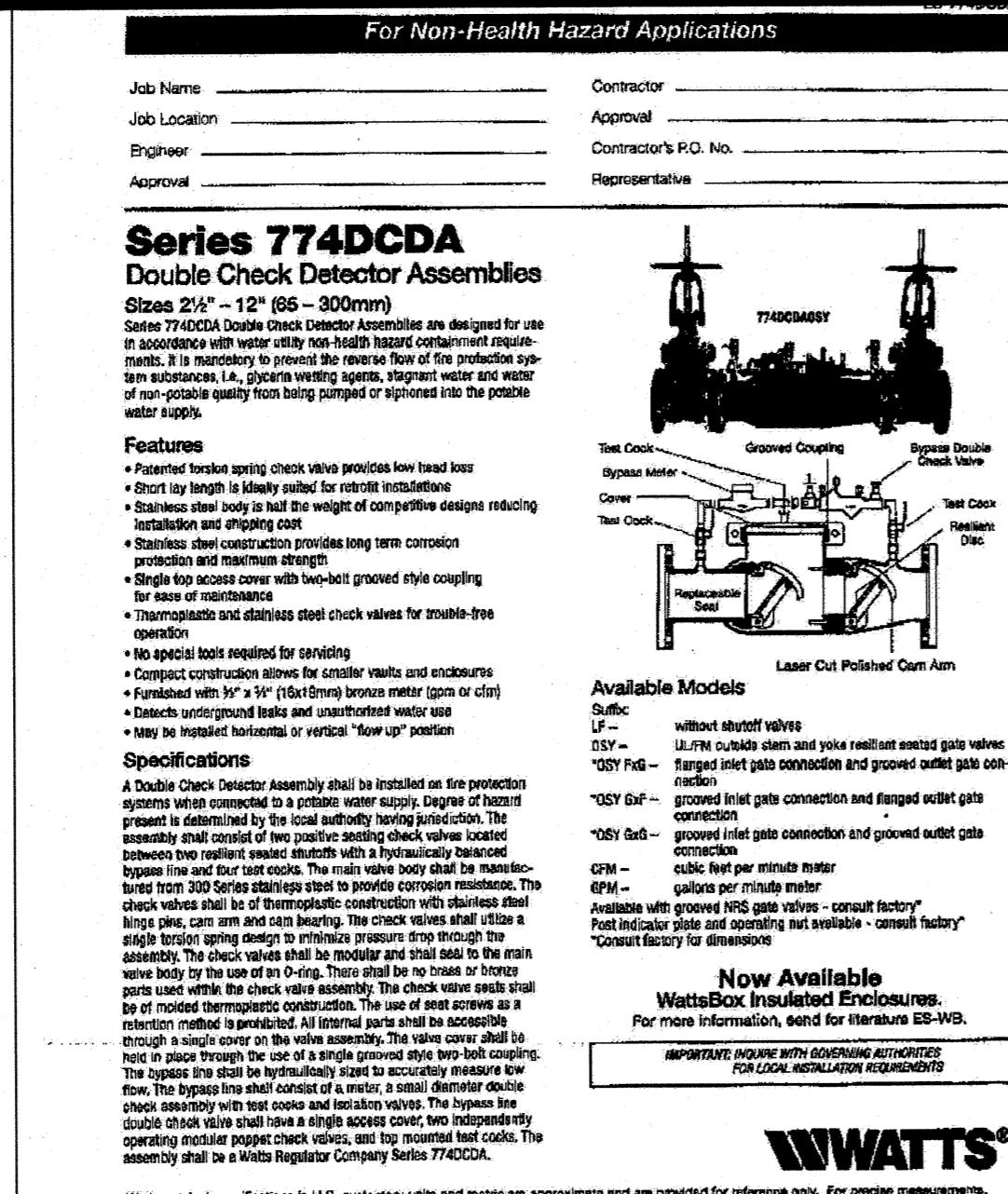
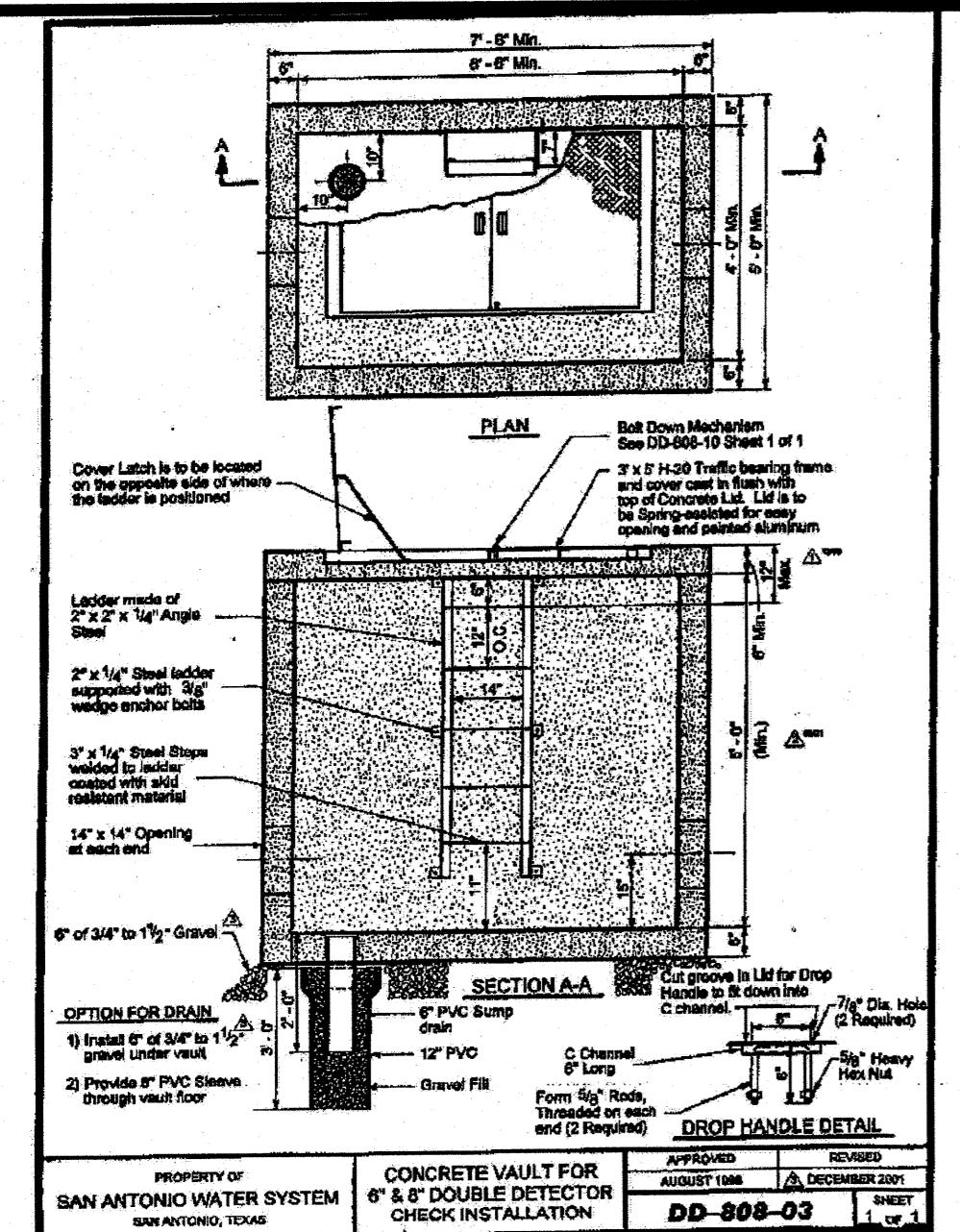
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CRAWFORD TOWNSHIP
CURRITUCK COUNTY, NORTH CAROLINA
JAN 22 2016
VERNON E. SMITH
ENGINEER
1019 ROUTE 519
EIGHTY FOUR, PA 15330
TEL (724) 705-1400



SITE REVISIONS		BUILDING REVISIONS			
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION

NEW FACILITY
SEDIMENT/DETENTION BASIN
NOTES & DETAILS
1462 CARATOKE HIGHWAY (S.R. 168)
CRAWFORD TOWNSHIP
CURRITUCK COUNTY, NORTH CAROLINA

PROJECT INFORMATION
SCALE: N.T.S.
JOB NO. 23-MOY07
STORE NO. 23-
SHEET NO. C11
DESIGN BY: DEW
DRAWN BY: DEW
DATE: 11/16/07





Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1467)

Agenda Item Title

Consideration and Action: Moyock Commons, Phase 2, Subsequent Similar Request: Request for the Board to consider a subsequent rezoning request for Moyock Commons, Phase 2

Brief Description of Agenda Item:

Mr. Friedman is asking the board to consider a subsequent rezoning request for Moyock Commons, Phase 2.

Board Action Requested

Action

Person Submitting Agenda Item

Susan Tanner, Administrative Assistant

Presenter of Agenda Item

Ben Woody



COUNTY OF CURRITUCK

Planning and Community Development Department
Planning and Zoning Division
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 Telephone (252) 232-3055 / Fax (252) 232-3026

TO: Board of Commissioners

FROM: Planning Staff

DATE: February 19, 2016

SUBJECT: Moyock Commons, Phase 2, Subsequent Similar Request

Chip Friedman is asking the board to consider a subsequent rezoning request for Moyock Commons, Phase 2. As you may recall the board denied the rezoning request (AG to C-SFM) for this property on December 7, 2015. Section 2.3.16 of the UDO requires a one year waiting period after an application is denied before an application proposing the same or similar development may be submitted for the same land. This same section of the UDO allows the board to waive this time limit only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:

- There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or
- New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect
- the decision-making body's application of the relevant review standards to the development proposed in the new application; or
- The new application proposed to be submitted is materially different from the prior application; or
- The final decision on the prior application was based on a material mistake of fact.

Mr. Friedman bases the subsequent hearing request upon the following (original request attached):

- This application for different zoning district
- The 2016 newly enacted unified development ordinance changes to this zoning district and changes to other zoning districts by board of commissioners.
- The new information learned from county manager at the December 7, 2015 public hearing that Dan Scanlon county manager requesting required direction

from the board of commissioners for the Moyock watershed drainage district needed improvements to the districts 869 acres per North Carolina statute on districts.

- New information from engineer Andy Deel stating improvements to this properties ditches will benefit the drainage district.

The purpose for the UDO one year required waiting period is noted by the North Carolina Supreme Court in George v. Town of Edenton, 294 N.C. 679, 242 S.E.2d 877 (1978), "A waiting period required by the ordinance is designed to prevent an applicant from subjecting the residents of an area to the burden of having to protest and defend against a series of repetitious applications."

Should the board find that the one year waiting period is justified; the subsequent rezoning request will proceed as a new application.

Thank you.

Ben Woody

From: Charles Friedman <csfriedman1@gmail.com>
Sent: Monday, February 15, 2016 9:36 AM
To: Ben Woody
Cc: Mitch Armbruster; Dan Scanlon; Tammy Glave; Ike McRee; Ron Rose
Subject: Re: Application Denial - Subsequent Applications

Ben, yes I am available at 9:00 am this Thursday morning, I am applying for your MXR as a residential base zoning district instead of CDSFM, I can bring in to submit Thursday your application with the following : 1) vicinity map/plat, 2) list of adjoining property owners for the notification requirement and 3) a check for the \$403 (\$150 plus \$5 per acre for the 50.9 acres) the way I read your udo (please correct me if I am wrong) chapter 3, 3.4.6, 3.5 and 3.6, it doesn't require a conceptual plan for residential base zoning district MXR zoning based on a conceptual plan, a conceptual plan would appear to be a requirement of conditional based zoning district in 3.6, My application is a request of the Currituck County Board of Commissioners to consider this zoning map change based on the following: 1) application for different zoning district, 2) 2016 newly enacted unified development ordinance changes to this zoning district and changes to other zoning districts by board of commissioners, and new information learned from county manager at the December 7, 2015 public hearing that Dan Scanlon county manager requesting required direction from the board of commissioners for the Moyock watershed drainage district needed improvements to the districts 869 acres per North Carolina statute on districts, new information from engineer Andy Deel stating improvements to this properties ditches will benefit the drainage district, can you ask Dan and the board of commissioners if this new application can proceed so I can decide what direction I can consider ?

Sent from my iPhone

On Feb 15, 2016, at 8:27 AM, Ben Woody <Ben.Woody@CurrituckCountyNC.gov> wrote:

Chip,

We already have a pre-application scheduled that morning at 10:00. Are you available to meet at 9:00am, or sometime in the afternoon? Do you have a conceptual plan you can go ahead and forward? I can share this with the staff prior to the meeting.

As we previously discussed, the UDO includes a limitation on subsequent similar applications for a period of one year. You'll need to request that the Board waive this time limit.

Thanks,

Ben E. Woody, AICP
 Planning Director
 County of Currituck
 Planning & Community Development
 Phone: 252-232-6029
 Fax: 252-232-3026
 Email: ben.woody@currituckcountync.gov
 Website: www.currituckgovernment.com



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1469)

Agenda Item Title

Senior Citizens Advisory

Brief Description of Agenda Item:

Expired term for District 2 appointee, Edith Meekins-must be replaced, as member has resigned from the Advisory Board.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

SENIOR CITIZEN ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Heidi Montalbine	District 1		Vance Aydlett	3/2/2015	2nd 2/1/2017
Edith Meekins	District 2		David Griggs	7/15/2013	1st 2/1/2016
Janet Lovell	District 3		Mike Payment	6/1/15	Unexpired Term 2/1/2017
Doris Ballance	District 4		Paul Beaumont	10/7/2013	2nd 2/1/2017
George Rhine	District 5		Marion Gilbert	1/4/2016	1st 2/1/2018
Marcia Steele	At-Large		Mike Hall	1/19/16	1st 2/1/2018
Joanne DiBello*	At-Large		Paul O'Neal	1/4/2016	2nd 2/1/2018

Can Be Reappointed or Replaced

Commissioner Hall Serves on this Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1470)

Agenda Item Title

Board of Adjustment

Brief Description of Agenda Item:

Theresa Dozier has resigned from the Board of Adjustment. The replacement will serve as an alternate on the Board.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

BOARD OF ADJUSTMENT
3-Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Donna McCloud-Alternate	District 1		Vance Aydlett	01/05/2015	1st Term 12/31/2017
Shay Balance	District 2		David Griggs	2/18/2013 1st 02/01/2016 2nd	2nd Term 12/31/2018
Member Resigned-Need Nominee for Alternate	District 3	(Theresa Dozier-resign-need to fill the unexpired term as alt.)	Mike Payment	1/24/2014	2nd Term 12/31/2016
David Palmer	District 4		Paul Beaumont	1/24/2014	1st Term 12/31/2016
Cameron Tabor	District 5		Marion Gilbert	1/24/2014	1st Term 12/31/2016
Mike Painter	At Large		Mike Hall	8/20/2012	2nd Term 12/31/2017
Vivian Simpson	At-Large		Paul O'Neal	1/17/2012	2nd Term 12/31/2017



**CURRITUCK COUNTY
NORTH CAROLINA**

February 15, 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 Board Meeting Room of the Historic Courthouse.

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

Chairman Griggs called the meeting to order.

A) Invocation & Pledge of Allegiance-Reverend Kimberly Ferebee, St. Mark Church of Christ

Reverend Kimberly Ferebee gave the Invocation and led the Pledge of Allegiance. After the Pledge, Chairman Griggs noted the absence of Commissioner Beaumont, as he was traveling and unable to attend the meeting.

B) Approval of Agenda

Commissioner Gilbert moved to approve the agenda. The motion was seconded by Commissioner Payment and carried unanimously.

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

ADMINISTRATIVE REPORTS

A. YMCA-Report from Mr. Billy George, President/CEO, YMCA of South Hampton Roads

Billy George, President of the YMCA of South Hampton Roads provided last year's membership and visitor statistics for the YMCA, with just under 100,000 visits and 5000 members. Mr. George clarified the educational and wellness goals of the YMCA and discussed the upcoming construction of the Climbing Tower, noting the facility and programs continue to grow.

Dean Mattix, YMCA of South Hampton Roads Vice-president, reviewed member statistics, scholarships and talked about the YMCA's partnerships with Cooperative Extension, Parks and Recreation, Currituck County Schools and the Senior Center, and expressed appreciation for willing partners. He talked about the free swimming lessons offered to children.

Commissioner Payment thanked Mr. Mattix for allowing the fire department to come and use the facility for water training. Commissioner Aydlett said comments made reinforce what the Board had hoped would happen when originally choosing to partner with the YMCA to build the facility. Chairman Griggs said he has only heard good things about the YMCA and to keep up the good work.

B. College of the Albemarle-Report from COA President, Dr. Kandi Dietemeyer

Dr. Kandi Dietemeyer, President of College of the Albemarle (COA), began by recognizing College of the Albemarle Board Chairman Harris, who was in attendance, and thanked Commissioners Hall and O'Neal for their service on the COA Board, highlighting Commissioner O'Neal as the longest serving member. She introduced Academic Deans Michelle Waters and Dean Roughton.

Michelle Waters, Dean of Business, Industry and Applied Technologies, presented information on new diploma options and dual enrollment programs available for High School students at the Regional Aviation and Technical Training Center in Currituck. She explained the new computer aided drafting program that began in Fall 2015, and touted the excellent employment statistics for students completing the Computer Integrated machining courses. Ms. Waters reviewed grant monies that were awarded for programs and displayed a graph showing the increase in enrollment and its correlation with expanded curriculum. She discussed the new continuing education classes, programs and camps planned for the next year.

Dean Roughton, Dean of Arts and Sciences, talked of the general education courses available at the campus to support the Associate in Applied Science degree. He showed the steady growth pattern of attendance for the core classes offered at the Aviation Center. Mr. Roughton discussed COA's partnerships with J.P. Knapp Early College High School and Currituck County High School relayed their plan to build a Science lab at the Aviation Center, which would facilitate the ability to earn an associates degree without students having to travel to the main campus.

Commissioner Payment commented on the Aviation facility and the positive feedback he has heard from students. Commissioner O'Neal talked of an article in the Outer Banks Voice about J.P. Knapp Early College and the awards they won.

Dr. Dietemeyer talked about the Biology Lab that was being developed at the Aviation Center. She reviewed the Connect NC Bond proposal and how it will benefit North Carolina's Community Colleges, with College of the Albemarle slated to receive \$6,590,687. She discussed investments in farming and agriculture, state parks, and public safety included in the Bond, and reviewed the total investment for Northeastern North Carolina.

Chairman Griggs noted the void that had been filled with the building of the campus. Dr. Dietemeyer praised the County Manager for his support of the college.

OLD BUSINESS

A. Consideration and Action: PB 15-14 Currituck Homes, Inc.: Request to amend the Currituck County Unified Development Ordinance, Chapter 6, to modify the water supply standards that would exempt certain developments from connecting to the county water system.

Ben Woody, Planning and Community Development Director, began by recounting the Public Hearing and continuance of the text amendment request on November 16, 2016. He reviewed the staff direction from the Board, and provided an overview of the five alternatives to address utility extension that were presented to the Board at the Commissioner's retreat in January, and noted the Board's favored option, that no guarantee would be required outside the formula distance with a correlation of lot size and density to utility service, allowing higher densities for water connection.

To: Board of Commissioners
 From: Planning Staff
 Date: February 2, 2016
 Subject: PB 15-14 Currituck Homes, Inc. Text Amendment

The enclosed text amendment submitted by Mr. Jerry Old, Currituck Homes Inc., is intended to amend the county's water supply standards to exempt subdivisions located more than the formulated distance required to connect to the county water system from the performance guarantee standards for future water improvements. In addition, the amendment also proposes any monies deposited with the county for water tap or water tap fees for the subdivisions located more than the formulated distance required for connection to be refunded with interest. Under the current ordinance all subdivisions, except family subdivisions, are required to connect to the county water system (or provide a cash deposit for future connection) based on a formula included in the ordinance.

The connection requirement has generally been successful in managing growth of the county water system; however, low density subdivisions that are located a long distance from an existing county water main are required to provide a cash deposit at a rate of cost plus 15 percent for future water system improvements. To date, subdivisions that have provided cash deposits have not connected to the county water system due to the lack of waterline extensions. The existing ordinance does provide a reasonable connection distance for existing developed areas and tracts of land already zoned for higher densities.

The Board of Commissioners reviewed several text amendments related to water supply in the past couple of years.

PB 11-04 Three of a Kind, Inc.: On April 18, 2011, the BOC approved an amendment to the UDO that allowed the developer to replace the cash performance guarantee for uninstalled water infrastructure with a surety bond or letter of credit after three years if the lines have not been installed.

PB 13-15 Water Supply Standards: On February 3, 2014, the BOC denied an amendment to the UDO that included an exemption for subdivisions located more than one mile from an existing water main from connecting to the county water system and the performance guarantee requirements.

PB 14-08 Currituck County Waterline Extension and Connection: On August 4, 2014, the BOC approved an amendment to the UDO that required all lots, except family subdivision lots, to connect to the county water system or post the required performance guarantee if located beyond the formulated distance for the required connection. In addition, the amendment included a requirement for all water mains serving a fire hydrant to be a minimum of eight inches in diameter, modeling and sizing requirements, clarification of fire hydrant spacing, and reimbursement contracts.

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

POLICY WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development, and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the northern beaches of the Outer Banks.

POLICY PP3: The costs of infrastructure, facilities, and services (e.g. schools, parks, water supply, etc.) related to the DEMAND CREATED BY NEW GROWTH BY NEW GROWTH AND DEVELOPMENT shall be borne, in equitable proportion, by those creating the additional demand. So as to lessen the burden on the general property tax payer, this approach may include a land transfer tax, impact fees on new development, upzoning fees, and user fees for new facilities.

The proposed text amendment does have the indirect effect of making areas outside of Full Service more desirable for new subdivisions by reducing development infrastructure costs. This type of "leapfrog" growth increases the demand on county services. Planning staff recommends **denial** of the request submitted by Currituck Homes because the proposed text amendment is not consistent with the goals, objectives, and policies of the Land Use Plan because it does not focus water service in existing developed areas and in nearby targeted growth areas (POLICY WS3), does not place the costs of infrastructure related to the demand created by the new development on the developer, and does not result in a logical and orderly development pattern.

PLANNING BOARD RECOMMENDATION:

Mr. Whiteman moved to approve PB 15-14 due to its consistency with the goals, objectives, and policies of the Land Use Plan with the following conditions:

- Performance guarantee shall be fully refunded at 10 years if the county waterline is not extended to the subdivision.
- Keep the formulated distance equation which is presently used in the Unified Development Ordinance.
- Any monies now on deposit as well as any other performance guarantees shall be fully refunded at 10 years if the county waterline is not extended to the subdivision.

Ms. Overstreet seconded the motion and motion carried.

PB 15-14 UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure to revise the water supply standards to exempt certain development from connecting to the county water supply system.

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 Section 6.2.3 Utility Standards is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

D. Water Supply Standards

All development shall incorporate a water supply system in accordance with these standards.

(1) Water Supply System Required

- (a) Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.
- (b) All buildable lots within a planned unit development, planned development, or multi-family development shall be connected and serviced by the county water supply system.
- (c) Except for family subdivisions and lots in the Fruitville and Moyock-Gibbs Woods Townships, all new subdivisions and nonresidential development shall be connected and serviced by the county water supply system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each of the first ten units plus 20 feet for each additional unit.

Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect (10 units x 100) + (20 units x 20).
- (d) In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.
- (e) Where the distance to the closest existing county water main exceeds the formula in (c) above, the developer shall not have to submit a performance guarantee ~~in the form of a cash deposit for future water improvements in an amount equal to 115 percent of the estimated full cost of completing the required improvements, including the costs of materials and labor. Improvements include, but are not limited to, the water main (required extension distance), laterals, service lines, meter boxes, yokes, and fire hydrants.~~ Any monies now on deposit as well as any other performance guarantees, such as those set forth in Section 6.3.1. pertaining to subdivisions which are situated such that the distance to the closest existing county water main exceeds the formula in (c) above at the time of said subdivisions plat recording, shall be returned to the developer with interest and otherwise released. Where the distance to the closest existing county water main exceeds the formula in (c) above, the developer shall not have to deposit with the county or pay a water tap or tap fees associated with said subdivision. Any monies now on deposit or otherwise paid for water tap or water tap fees pertaining to subdivisions which are situated such that the distance to the closest existing county water main exceeds the formula in (c) above, shall be returned/refunded to the developer with interest and otherwise released. The foregoing provisions shall be retroactive and supersede any contrary provision elsewhere in the development ordinance.
- (f) The maximum connection distance for nonresidential uses shall be determined by converting projected water demand from the development into an equivalent number of residential units and applying the formula in (c) above. For the purposes of this section, an individual residential dwelling unit uses 250 gallons of water per day.

Example: a proposed nonresidential use is anticipated to use 7,500 gallons of water per day. This is equivalent to 30 residential units (7,500/250 = 30), and the use shall connect if it is located 1,400 feet or less from an existing water main (10 units x 100) + (20 units x 20).

(g) Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section.

Item 2: 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 3: This ordinance amendment shall be in effect from and after the _____ day of _____, 201__.

Commissioner O'Neal asked how we would address those who have already provided performance guarantees. Mr. Woody said there were currently two cash deposits which could be converted to a bond or letter of credit. When questioned by Commissioners, Mr. Woody confirmed staff would be moving a text amendment through the planning board based on the feedback he had received from Commissioners at the retreat. Chairman Griggs expressed concern that the applicant's request would be contradictory to the direction the Board wanted to go. When asked, County Attorney Ike McRee noted that if the item was continued to not let too much time pass so that another public hearing would be required.

Chairman Griggs moved to deny PB 15-14 due to its inconsistency with the Land Use Plan because the request does not focus water services in existing developed areas and in nearby targeted growth areas (Policy WS3), the request encourages "leap frog" development of locations identified as Rural, and thereby eroding the agricultural resource base of the county (Policy AG3 and Policy HN4), and the request does not place the costs of infrastructure related to the demand created by the new development on the developer (Policy PP3). The request is not reasonable and not in the public interest because it does not result in a logical and orderly development pattern, and it has the indirect effect of making areas outside of Full Service more desirable for new subdivisions by reducing development infrastructure costs.

Commissioner Gilbert seconded and the motion carried unanimously.

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

B. Consideration and Action: PB 15-18 Mashuda Multi-Family: Request for conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District - Mixed Residential (C-MXR). The property is located in Barco at the terminus of Patriot Way east of Central Elementary School and on the north side of Shortcut Road (US 158), Tax Map 60, Parcel 99E, Crawford Township.

Chairman Griggs recalled the Board continued this item so members could have time to clarify questions related to the possibility of approval being denoted spot zoning, as well as to consider the applicant's request to hook up to the county's wastewater system. County Attorney, Ike McRee, reviewed the findings for the Board to determine whether spot zoning is evident. Chairman Griggs said the applicant has asked that the item be continued.

**STAFF REPORT FOR THE
BOARD OF COMMISSIONERS**

DATE: February 1, 2016

PB 15-18 MASHUDA MULTI-FAMILY SITE

ITEM: PB 15-18 Mashuda Multi-Family Site: a conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District- Mixed Residential (C-MXR).

LOCATION: Barco - Patriot Way east of Central Elementary School on north side of Shortcut Road (US 158).

TAX ID: 0060000099E0000

OWNER: Frank C. and Maria A. Mashuda
1304 South 19th Road
Arlington, VA 22202
703-909-6935, 703-920-0712

APPLICANT: ABLX, LLC
c/o Brian Innes
378 Caratoke Highway
Moyock, NC 27958
252-453-2531

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Wastewater treatment plant/ Undeveloped lands/ Farmland	HI/AG
SOUTH	Residential	AG
EAST:	Farmland	AG
WEST:	Wastewater treatment plant/Undeveloped lands	GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Barco-Coinjock-Airport subarea.

The policy emphasis of the Barco-Coinjock-Airport sub-area is to emerge as a principal community center serving the central area of the mainland. Residential development densities should be medium to high. In areas where central sewer is proposed or existing, additional services are available, and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. Although the densities are in keeping with the policy emphasis of the sub-area, the proposed application is not in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

POLICY TR11: ACCESS TO HIGHER INTENSITY DEVELOPMENT shall generally not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood.

MAPLE-**BARCO SAP:**

The Maple-Barco Small Area Plan classifies the property as Employment.

The Employment future land use classification is anticipated for land uses that will generate economic activity or job growth. Residential development should be discouraged in areas of the Employment land use category.

Policies not in support of the application include:

POLICY LU1: Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.

CURRENT ZONING:

Agricultural (AG) Base District
Airport Overlay District (AO)

PROPOSED ZONING: Conditional District - Mixed Residential (C-MXR)

CURRENT USE: Undeveloped

SIZE OF SITE: 15.78 acres

ZONING HISTORY: Agricultural (A) - 1989 Zoning Map
Agricultural (A-40) - 1979 Zoning Map
Light Industrial (LI) - 1971 Zoning Map

UTILITIES: County water is available to serve this development. The proposed development is requesting connection to the Maple wastewater treatment plant.

TRANSPORTATION: The parcel accesses Caratoke Highway through Patriot Way, a private gravel road that serves single-family residential dwellings. All roads accessing the development must be designed and constructed to meet NCDOT standards.

FLOOD ZONE: The proposed development is located in the X, Shaded X, and AE flood zones.

WETLANDS: According to the applicant, the site does contain 404 wetlands. No mitigation is proposed within the wetland area. A copy of the wetland delineation shall be submitted during the site plan or subdivision review process.

SOILS: The proposed development predominately contains soils that are considered suitable to marginal for on-site septic.

PLAN REQUEST: Residential Development
Mixed Residential (MXR)
15.74 acres

- Density: 4 units/acre (sustainable incentives)
- Eight two-story buildings
- Open Space
 - Required (30%): 4.72 acres

PROPOSED ZONING CONDITIONS:

1. Use: 63 unit multi-family complex consisting of 8 buildings with 8 residential dwelling units in each building with the exception of one building that will contain only 7 dwelling units and a manager office and/or common space for residents.
2. The site will meet Currituck County sustainability requirements necessary to receive density bonus. The sustainability practices planned to be included in this development:

Schedule A: 1. Use of central air conditioners that are Energy Star qualified.

2. Use of only solar or tankless water heating systems throughout the structure.

Schedule B:

1. Roof eaves or overhangs of three feet or more on southern or western exposures.
2. Inclusion of shade features to shade all windows and doors on the southern building façade.
3. Provision of 150 ft undisturbed buffers adjacent to/surrounding all wetlands or surface waters.
4. Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area.
5. The proposed buildings will not exceed two stories in height.
6. The water main for the site will be constructed such that a connection will be created between the water main adjacent to Patriots Way and the water main that currently terminates at the Maple Commerce Park Wastewater Treatment Plant.
7. The sanitary sewer for the site will be pumped to the Maple Commerce Park Wastewater Treatment Plant.
8. Passive recreational facilities will be provided on-site including:
 - a. A walking trail around the stormwater pond,
 - b. Seating benches adjacent to the walking trail and,
 - c. Accessible picnic platforms adjacent to the pond.
9. Upon development of the county's trail system, the developer will provide a connecting trail from the development to the county's trail system in Maple Commerce Park.

COMMUNITY MEETING:

A community meeting was held on October 7, 2015 at 7:00 pm at the Barco Library. The concerns taken from the meeting were related to the development type, densities, traffic, water and fire flow, impacts on the adjacent properties, inadequate public facilities, and proximity to the airport. A detailed summary of the community meeting is provided by the applicant.

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. The TRC **recommends denial** of the proposed request. The proposed development is located within the Airport Overlay District (AO), compatible use zone 3. Although the proposed development may not be developed as a subdivision, the UDO states subdivision of land for residential purposes shall be subject to the maximum gross density requirements of the base zoning district. The development application includes a request for sustainability incentives to increase the overall density by one unit per acre. The conditional rezoning request is not consistent with the goals, objectives, and policies of the Land Use Plan and Maple-Barco Small Area Plan and, is not reasonable and in the public interest since the request is not compatible with existing and proposed uses surrounding the land subject to the application. In addition the proposed request would not result in a logical and orderly development pattern.

Additional Staff Concerns:

1. The proposed development is located within the Airport Overlay District (AO), compatible use zone 3.
2. The Maple-Barco Small Area Plan identifies the property as Employment future land use classification that discourages residential development within this area.

3. The proposed development shall meet the multi-family design standards of Chapter 5 of the UDO. The building design and site plan shall meet the requirements in effect at the time of site plan or subdivision submittal. The conditional rezoning does not vest the plan.

SAMPLE MOTIONS

Denial

Move to deny PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its inconsistency with:

- The goals, and objectives, and policies of the Land Use Plan (See Policies HN1, and TR11)
- The Maple - Barco Small Area Plan because the proposed density is not appropriate for the location since it adjoins and accesses through a four lot private access subdivision (Employment Future Land Use Classification policy Policy TR11).
- The proposed development exceeds the residential density of the base zoning district.

The request is not reasonable and not in the public interest because:

- The conceptual plan does not result in a logical and orderly development pattern, and;
- The conceptual plan exceeds the density allocations for the base zoning district and is in conflict with the Unified Development Ordinance.

Approval

Move to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan.
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;

The request is reasonable and in the public interest because it will address a demonstrated community need.

PLANNING BOARD RECOMMENDATION:

Mr. Whiteman moved to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;
- The request is reasonable and in the public interest because it will

address a demonstrated community need.
Ms. Bell seconded the motion and motion carried.

Dan Scanlon reviewed the current usage of the wastewater treatment plant, stating current flows are 5,800 gallons per day (gpd), with a maximum capacity of 40,000 gpd. He said the use does not include the new animal shelter, concessions at the athletic fields, nor the Maple Industrial park facility, and that allowing the project to connect would put the plant over the 40,000 gpd capacity causing the need for immediate expansion at a cost of \$1.2 to \$3 million. Mr. Scanlon said the impact fee on the applicant would be close to \$800,000. Mr. Scanlon, when asked, explained the effects businesses would have on the wastewater system if they were to locate in Maple Complex. Mr. Scanlon reviewed the Department of Environmental and Natural Resources rules, which would require engineering to begin at 80% capacity and construction at 90%.

Commissioner Aydlett and Commissioner Payment each expressed concerns with the project's close proximity to the airport, and being within the airport overlay district.

When discussion concluded, Mr. Woody confirmed that the applicant wished to request a continuance.

Brian Innes of Remax Alpha Realty, representing the applicants, had expressed concerns over issues that arose at the last meeting prompting the applicants to request the item be postponed. Chairman Griggs asked that the public hearing be reopened when the item was visited again, saying there were attendees at the public hearing who did not sign up but wished to speak and were overlooked. The Board was advised that the hearing could be reopened at their discretion, and Mr. Woody wanted to ensure that the Board schedule far enough out to allow proper advertisement of the public hearing.

Commissioner O'Neal moved to continue the item to the second meeting in March, to include the information requested by Commissioners and reopen the public hearing for the public to make comment. Commissioner Aydlett seconded and the motion carried unanimously.

RESULT:	CONTINUED [UNANIMOUS]	Next: 3/21/2016 5:00 PM
MOVER:	S. Paul O'Neal, Commissioner	
SECONDER:	O. Vance Aydlett, Vice-Chairman	
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner	
ABSENT:	Paul M. Beaumont, Commissioner	

NEW BUSINESS

A. **Consideration and Approval of An Agreement Between Currituck County, United States of America and The Conservation Fund for the County's Acquisition of 95.61 Acres of a Portion of Land Known As The Flyway Tract on Knotts Island From The Conservation Fund and Thereafter An Exchange of the Land Acquired With the United States of America for 719 Acres on the Currituck County Outer Banks**

County Attorney Ike McRee, expressing concern that beach access may be hindered at some point in the future, similar to the closing of areas in Cape Hatteras National Seashore, reviewed the exchange proposed with US Fish and Wildlife (USFW). He explained USFW wishes to acquire land adjacent to the Flyway Tract property in Knotts Island, currently owned by the Conservation Fund, and in turn we would exchange property with USFW, paying \$981,000 for 719 acres on the Currituck Outer Banks beach area. Mr. McRee said the deed of conveyance would prohibit the building of a road by both USFW and the State Estuarine Sanctuary. He reviewed a grant application to clean water management trust fund for approximately \$400,000, and the agreement to delay closing for six months in order to hear whether the grant would be secured. A slide was shown denoting the areas on the Outer Banks that would be included in the transfer.

Commissioner Aydlett clarified the location of the approximately 380 acre property the county would convey and Commissioner Payment confirmed that no other projects would be affected were the purchase to move forward without the grant. Mr. Scanlon said occupancy tax would be used to purchase the land.

Mr. McRee confirmed there would be three acres of unrestricted land which could be used for day use, and to create a safe beach zone where people would not have to be concerned with traffic. The Board discussed options for the facility as well as the effect on the wild horses. Concerns were expressed that USFW would pursue other partners if the county chooses not to move forward.

Commissioner Payment moved to approve the county engaging in the agreement between the United States and the Conservation Fund to see this transaction through and give Mr. Scanlon the authority to execute the documents for the Board. The county would, with the United States and Conservation Fund enter into an agreement for the acquisition of 95.61 acres of the portion of land that is the Flyway Tract on Knotts Island from the Conservation Fund and therefore in exchange of land acquired with the United States of America for 719 acres on the Currituck County Outer Banks, with the other items mentioned in the motion.

Commissioner Gilbert seconded providing authorization for the County Manager to provide signatures. The motion carried unanimously.

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, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
ABSENT:	Paul M. Beaumont, Commissioner

B) Board Appointments

The following Board Appointments were approved unanimously by the Board of Commissioners.

1. Senior Citizens Advisory

Chairman Griggs nominated Edith Meekins for reappointment to the Senior Citizens Advisory.

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

2. Recreation Advisory

Commissioner Gilbert nominated Pete Aitken for the Recreation Advisory Board.

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

3. Planning Board

Commissioner O'Neal nominated William Midgett of Poplar Branch for the Planning Board.

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

4. Board of Adjustment

Commissioner Payment deferred his nomination for the Board of Adjustment.

C) Consent Agenda

RESULT:	APPROVED [UNANIMOUS]
MOVED:	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, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
ABSENT:	Paul M. Beaumont, Commissioner

1) Approval Of Minutes for February 1, 2016

2. Budget Amendments

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10650-545000	Contract Services	\$ 24,800	
10650-502000	Salaries		\$ 9,300
10650-505000	FICA		\$ 750
10650-506000	Health Insurance		\$ 2,400
10650-507000	Retirement		\$ 850
10390-495015	T F - Occupancy Tax		\$ 11,500
		\$ 24,800	\$ 24,800

Explanation: *Economic Development (10650) - Increase appropriations to carry-forward funding for the Chamber of Commerce invoice for services in FY 2015 and for funding of Brent Lane Contract.*

Net Budget Effect: Operating Fund (10) - Increased by \$11,500.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-545000	Contract Services	\$ 9,240	
10320-411000	Article 39 Sales Tax		\$ 9,240
		\$ 9,240	\$ 9,240

Explanation: *Emergency Services (10530) - Increase budget due to increased cost of maintenance on lifepacks.*

Net Budget Effect: Operating Fund (10) - Increased by \$9,240.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-514000	Travel		\$ 1,000
10750-514500	Training & Education	\$ 1,000	
10750-545000	Contracted Services	\$ 3,000	
10750-561000	Professional Services	\$ 5,000	
10330-431000	DSS Administration		\$ 8,000
10752-519700	HCCBG In Home	\$ 127	
10760-561000	Professional Services - Non-Reim	\$ 5,000	
10390-499900	Fund Appropriate Balance		\$ 5,127
		\$ 14,127	\$ 14,127

Explanation: Social Services Administration (10750); Public Assistance (10752); County Assistance (10760) - Currituck County's portion of the 1571 Software Uplift project and increased facilitator costs due to the increased foster care population. PUBLIC ASSISTANCE - Increase HCCBG In Home to reflect the 1/14/16 revision of the County Funding Plan from Albemarle Commission. COUNTY ASSISTANCE - Additional funds for forensic exams, and testimony costs for court. This cost is determined by the need of clients receiving services through Child Protective Services.

Net Budget Effect: Operating Fund (10) - Increased by \$13,127.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-516400	Equipment Maintenance		\$ 275
61818-533800	Chemicals		\$ 1,200
61818-590000	Capital Outlay		\$ 1,000
61818-561000	Professional Services		\$ 12,405
61818-532000	Supplies	\$ 9,860	
61818-516200	Vehicle Maintenance	\$ 2,000	
61818-533200	Lab Test	\$ 20	
61818-514000	Travel	\$ 500	
61818-545000	Contracted Services	\$ 1,500	
61818-553000	Dues & Subscriptions	\$ 1,000	
		\$ 14,880	\$ 14,880

Explanation: Mainland Water (61818) - Transfer funds for operations.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-590000	Capital Outal	\$ 208,749	
10390-495015	T F - Occupancy Tax		\$ 208,749
		<u>\$ 208,749</u>	<u>\$ 208,749</u>

Explanation: CCRC (10796) - Carryforward funding for CCRC Capital Projects from FY 2015.

Net Budget Effect: Operating Fund (10) - Increased by \$208,749.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10390-495015	T F - Occupancy Tax		\$ 30,000
10390-499900	Fund Balance Appropriated	\$ 30,000	
		<u>\$ 30,000</u>	<u>\$ 30,000</u>

Explanation: Other Revenues (10390) - Increase the statutory Occupancy Tax administrative fee due to increase in the budget Occupancy Tax collections and decrease the appropriation from fund balance.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868-590000	Capital Outlay	\$ 35,306	
66360-470000	Utilities		\$ 35,306
		<u>\$ 35,306</u>	<u>\$ 35,306</u>

Explanation: Southern Outer Banks Water System (66868) - Increase appropriations for replacement of well pump at the Whalehead Club.

Net Budget Effect: Southern Outer Banks Water (66) - Increased by \$35,306.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10775-502000	Salary - Regular	\$ 3,919	
10775-505000	FICA	\$ 12	
10775-506000	Health Insurance		\$ 721
10775-507000	Retirement	\$ 472	
10775-514000	Travel		\$ 500
10775-531000	Gas		\$ 1,000
10775-553000	Dues & Subscriptions		\$ 400
10775-590000	Capital Outlay		\$ 581
10380-488400	ABC Profits		\$ 1,201
		\$ 4,403	\$ 4,403

Explanation: Senior Centers (10775) - Increase appropriations to pay out vacation for a March 31 retirement and to allow for training of replacement beginning March 21 2016

Net Budget Effect: Operating Fund (10) - Increased by \$1,201.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795-590000	Capital Outlay	\$ 198,500	
10330-449900	Miscellaneous Grants		\$ 198,500
		\$ 198,500	\$ 198,500

Explanation: Parks and Recreation (10795) - Increase appropriations for a 100% funded recreation grant from Trillium to provide handicapped playground equipment.

Net Budget Effect: Operating Fund (10) - Increased by \$198,500.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10545-561000	Medical Examiner	\$ 12,000	
10380-488400	ABC Profits		\$ 12,000
		\$ 12,000	\$ 12,000

Explanation: *Medical Examiner (10545) - Increase appropriations for medical examiner services for the remainder of this fiscal year.*

Net Budget Effect: Operating Fund (10) - Increased by \$12,000.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-511000	Telephone & Postage	\$ 971	
10430-532000	Supplies	\$ 2,629	
10430-514000	Travel		\$ 2,000
10430-521000	Rent		\$ 500
10430-526000	Advertising		\$ 900
10430-553000	Dues & Subscriptions		\$ 200
		\$ 3,600	\$ 3,600

Explanation: *Elections (10430) - Transfer budgeted funds for elections mailing notifying citizens of changes in primary dates requested by the Board of Commissioners.*

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

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

Explanation: *Emergency Management (10531) - Transfer budgeted funds for replacement batteries for the mobile sign board, which will last approximately five years.*

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

3. Approval of Master Fee Schedule-Whalehead Fees
4. Report of Unpaid 2015 Real Estate Taxes & Order of Tax Lien Advertisement

Report of Unpaid 2015 Real Estate Taxes and Order of Advertisement of Tax Liens

To: Board of County Commissioners

From: Tracy Sample, Tax Administrator

Date: February 5, 2016

Report of Unpaid 2015 Real Estate Taxes:

As of February 5, 2016, there is \$1,426,177.54 in unpaid taxes that are a lien on real estate for fiscal year 2015-2016.

North Carolina General Statute 105-369 requires that unpaid real estate tax liens be advertised in one or more newspapers having a general circulation in the county and by posting a notice of the tax liens at the county courthouse. This statute

requires that the Board of Commissioners order the tax collector to advertise the tax liens.

Order to Tax Collector to Advertise Tax Liens

WHEREAS, N.C.G.S. 105-369 requires the County Tax Collector report to the Board of County Commissioner, the total amount of unpaid taxes for the current fiscal year that are a lien on real property; and

WHEREAS, N.C.G.S. 105-369 also requires that upon receipt of the report, the Board of Commissioners must order the Tax Collector to advertise the tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit; and

WHEREAS, the time and content the tax lien advertisement are dictated by N.C.G.S 105-369(c); and

WHEREAS, the report of unpaid taxes for unpaid taxes for the current fiscal year that are a lien on real property has been received;

NOW, THEREFORE BE IT RESOLVED by the Currituck County Board of County Commissioners that the Currituck County Tax Collector is hereby ordered to advertise the tax liens for unpaid taxes for the current fiscal year that are a lien on real property, in accordance with N.C.G.S. 105-369(c).

THIS, the _____ day of _____, 20_____.

THE CURRITUCK COUNTY BOARD OF COMMISSIONERS

5. Dominion Power Right of Way Agreement

D) Commissioner's Report

Commissioner O'Neal praised Dr. Dietemeyer and Currituck County's COA facility. He also praised the YMCA stating they have far exceeded what was expected. He encouraged, for President's Day, that people read the book 1776.

Commissioner Payment encouraged volunteering for local fire departments. He reminded everyone to register to vote by Friday's deadline.

Commissioner Hall reported on his visit to the property where the proposed Moyock park may be located, saying it was a beautiful piece of property.

Commissioner Aydlett reported on the hiring of a Volunteer Coordinator to help with recruitment and retention of volunteer fire fighters, as well as training.

Chairman Griggs remembered Supreme Court Justice Antonin Scalia, who owned a home in Whalehead subdivision in Corolla, noting he will be missed.

E) County Manager's Report

Mr. Scanlon talked of Supreme Court Justice Scalia, saying he could not be distinguished from anyone else when he visited the beach. He also reported on his and other local officials attendance at a meeting, sponsored by Senator Cook, in an effort to begin a discussion on ways to address mental health and the challenges to local law enforcement due to the lack of services or beds at state facilities.

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.

Frank Flora Sr. Of Caratoke Highway, Moyock, talked about the need for line painting on the highway and asked that we notify the Department of Transportation. Mr. Scanlon reported that contractor, RPC, has contracted to resurface, install reflectors and repaint. The contractor has until May to complete the work.

With no others wishing to speak the Public Comment was closed.

ADJOURN

Motion to Adjourn Meeting

Commissioner Aydlett moved to adjourn with a second from Commissioner O'Neal. The motion carried unanimously and the regular meeting of the Board of Commissioners was concluded.

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, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
ABSENT:	Paul M. Beaumont, Commissioner

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

Chairman Griggs convened the Special Meeting of the Tourism Development Authority to consider budget amendments. County Manager, Dan Scanlon reviewed each of the amendments with Commissioners. Commissioner O'Neal moved to approve, seconded by Commissioner Gilbert. The motion carried unanimously.

1. Budget Amendments

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 11,500	
15320-415000	Occupancy Tax		\$ 11,500
		<u>\$ 11,500</u>	<u>\$ 11,500</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Transfer funds to carryforward cost of Chamber of Commerce funding from FY 2015.

Net Budget Effect: Occupancy Tax (15) - Increased by \$11,500.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 208,749	
15320-415000	Occupancy Tax		\$ 208,749
		<u>\$ 208,749</u>	<u>\$ 208,749</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Transfer funds to carryforward cost of CCRC Capital Outlay from FY 2015.

Net Budget Effect: Occupancy Tax (15) - Increased by \$208,749.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 30,000	
15320-415000	Occupancy Tac		\$ 30,000
		<u>\$ 30,000</u>	<u>\$ 30,000</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Increase the statutory administration fee due to increase in Occupancy Tax collections.

Net Budget Effect: Occupancy Tax (15) - Increased by \$30,000.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-561000	Professional Services	\$ 164,019	
15320-415000	Occupancy Tax		\$ 164,019
		<u>\$ 164,019</u>	<u>\$ 164,019</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations for cost share with the Wildlife Resource Commission for renovations to the Waterlilly boat ramp and parking area.

Net Budget Effect: Occupancy Tax (15) - Increased by \$164,019.

ADJOURN SPECIAL MEETING

With no further business, Commissioner O'Neal moved to adjourn the meeting of the Tourism Development Authority. Commissioner Gilbert seconded and the motion carried unanimously.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1473)

Agenda Item Title

Field Lighting for the Softball Fields at Currituck Community Park

Brief Description of Agenda Item:

Planning Board Recommendation:

This item is for the Board's consideration and approval of a Softball Field Lighting contract with MUSCO Sports Lighting, LLC (MUSCO). The contract for construction of the remainder of the Softball Fields Project has previously been awarded and executed with A.R. Chesson Construction Company, Inc. The lighting is being contracted separately from the general contractor and directly with MUSCO for the purposes of a considerable cost savings. Staff recommends the approval and authorization for the County Manager to execute a contract with MUSCO in the amount of \$483,402. The funds were appropriated at the December 7th, 2015 Board meeting within a budget amendment for the entire Softball Project. This contract is exempt from formal bid requirements for the acquisition of materials and equipment because the material and equipment is being acquired through a cooperative purchase program.

Board Action Requested

Action

Person Submitting Agenda Item

Michelle Perry, Engineer Technician

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

Purchase Agreement

Date: January 28, 2016

Project Name: Maple Park Phase 2

Project #: 171729

1. SELLER NAME AND ADDRESS: Musco Sports Lighting, LLC ("Musco") 100 1 st Avenue West \ PO Box 808 Oskaloosa, IA 52577 Attn: Rachel Madlock Email: rachel.madlock@musco.com Telephone: 800-754-6025 ext. 4780 Fax: 800-374-6402	2. BUYER NAME AND ADDRESS: Currituck County (The "Buyer") 153 Courthouse Road Currituck, NC 27929 Telephone: 252-232-3007
3. OWNER NAME AND ADDRESS: Currituck County 153 Courthouse Road Currituck, NC 27929 Telephone: 252-232-3007	4. SHIPPING LOCATION AND ADDRESS: Currituck Community Park Softball Fields 151 Maple Parkway Barco, NC 27917 Attn: Dewayne Holmes Walter Holmes Electric Inc. Email: deholmes4@yahoo.com Telephone: 910-892-7706
5. WARRANTY CONTACT: Currituck County Parks & Recreation 153 Courthouse Road / PO Box 39 Currituck, NC 27929 Telephone: 252-232-3007	6. FACILITY NAME AND ADDRESS: Currituck Community Park Softball Fields 151 Maple Parkway Barco, NC 27917

7. EQUIPMENT DESCRIPTION – Musco shall sell, transfer and deliver to Buyer, and Buyer will purchase, accept and pay for the following goods (The "Equipment") in accordance with the "Total Price" paragraph of this Agreement. Musco's lighting system consisting of: (Reference the "Musco Lighting Proposal Prepared For: Maple Park Phase 2" to be included in this contract) -

- 14 pre-cast concrete bases
- 14 galvanized steel poles
- 96 – 1500 watt metal halide factory-aimed and assembled luminaires
- Control-Link® Control & Monitoring System
- Lighting contactors
- Electrical component enclosures
- Pole length wire harnesses

Built to the following specifications:

- Ballast Input Voltage: 480V
- Phase to Pole: 3 Phase
- Structural Integrity: Based upon IBC 2009, 120 mph, exposure C

8. RESPONSIBILITIES OF THE OWNER / CONTRACTOR:

- Complete access to the site for construction utilizing 2 wheel drive rubber tired equipment.
- Locate existing underground utilities and irrigation systems and mark all pole locations, home plates and field boundary lines.
- Provide soil boring report or have geotechnical engineer or representative on site to verify soil design parameters if required.
- Extra costs associated with foundation excavation in non-standard soils (rock, caliche, high water table, collapsing holes, etc.). Standard soils are defined as soils that can be excavated using standard earth auguring equipment.
- Electrical design & installation.
- Provide equipment and materials to install the new Lighting Contactor Cabinet and terminate all necessary wiring. Provide 2KVA 480/120 V transformer for control circuit if 120V is not available. Contactor cabinets will be delivered with poles and fixtures.
- Contractor will commission Control Link by contacting Control Link Central at (877-347-3319) and going through the following steps:
- Check all Zones to make sure they work in both auto and manual mode.



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- 1 hour comprehensive burn of all lights on each zone.
- Set base line for the DAS (Diagnostic Acquisition System)

9. MUSCO SERVICES – Musco agrees to provide design and layout for the lighting system. In addition to the purchase and sale of the Equipment, Musco agrees to provide, itself or through its subcontractors, the following (The "Services"):

Musco Responsibilities:

- Provide required poles, fixtures, and foundations.
- Provide Certified foundation designs
- Provide layout of pole locations and aiming diagram.
- Provide Project Management assistance as needed.

Musco Subcontractor Responsibilities:

- Provide equipment and materials to off load equipment at jobsite per scheduled delivery. Lighting Contactor Cabinets will need to be given to on-site electrical contractor.
- Provide storage containers for equipment as needed and disposal of all packing cardboard and debris.
- Provide adequate security to protect Musco delivered products from theft, vandalism or damage during the installation.
- Provide required permitting.
- Confirm the existing underground utilities and irrigation systems have been located and are clearly marked so as to avoid damage from construction equipment. Repair any such damage during construction.
- Provide materials and equipment to install (14) LSS foundations as specified on Layout and Certified foundation drawing
- Remove spoils to owner designated location at jobsite.
- Provide materials and equipment to assemble (96) LSG fixtures.
- Provide equipment and materials to assemble and erect (14) LSS poles.
- Keep all heavy equipment off of playing fields when possible. Repair damage to grounds which exceeds that which would be expected. Indentations caused by heavy equipment traveling over dry ground would be an example of expected damage. Ruts and sod damage caused by equipment traveling over wet grounds would be an example of damage requiring repair.
- Provide startup and aiming as required to provide complete and operating sports lighting system.

10. CONSTANT 25™ WARRANTY & MAINTENANCE PROGRAM (The "Warranty") – Musco shall provide parts, labor and services as outlined in the Musco Constant 25 Warranty Agreement to maintain operation of lighting equipment included in the Equipment for a period of up to 25 years on the following terms:

- Warranty service begins on the date of product shipment
- Expiration date is 25 years from date of shipment, or once lamp usage is exceeded, whichever occurs first
- Group relamps will take place at the end of the useful lamp life. If total usage hours are exceeded, owner will need to purchase additional relamps to continue the warranty through 25 years.
- Monitoring, Maintenance & Control Services
- Light levels shall be guaranteed for 25 years
- Spill light control
- Energy consumption: System average 141.22 kW; System maximum 163.20 kW

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Area of Lighting	Number of Luminaires	Constant Light Levels	Number of Group Relamps	Estimated Annual / 25 Year Estimated Usage Hours	Maximum Hours of Coverage for 25 Years
Softball 1	32	50 FC Infield 30 FC Outfield	1	100 / 2,500	10,000
Softball 2	32	50 FC Infield 30 FC Outfield	1	100 / 2,500	10,000
Softball 3	32	50 FC Infield 30 FC Outfield	1	100 / 2,500	10,000

11. TOTAL PRICE – Buyer will pay for the above-described Equipment and, if applicable, Services the Total Price of \$483,402.00 (includes all applicable taxes), payable as follows:

- \$4,402.00 within 30 days from invoice date for Payment & Performance Bond
- \$479,000.00 within 30 days from invoice date for Equipment & Services

Monthly progress invoicing and payments will apply.

Final payment shall not be withheld by Buyer on account of delays beyond the control of Musco.

Price includes delivery, unloading, and installation to the address indicated in item #4 of this Agreement. Price does not include sales tax.

Payments not paid when due are subject to a carrying charge for each month past due or will be prorated for the portion of the month there is an unpaid balance. Carrying charges shall accrue in the amount of one and one half percent (1½%) per month of any overdue unpaid balance, or the maximum rate permitted by law, whichever is less.

Source of Funds: Buyer agrees that Buyer's payment to Musco is not contingent upon Buyer getting paid by the Owner/End User.

Buyer may not hold back or set off any amounts owed to Musco in satisfaction of any claims asserted by Buyer against Musco. No partial payment by Buyer shall constitute satisfaction of the entire outstanding balance of any invoice of Musco, notwithstanding any notation or statement accompanying that payment.

The Total Price was calculated utilizing parameters outlined in the project specifications. In the event soil conditions vary from those relied upon, or if the soil cannot be readily excavated, Buyer shall be responsible for Musco's additional associated costs, including but not limited to the cost of design, alternate foundations, additional materials, and labor.

12. TAXES – Buyer shall pay all applicable state and local sales taxes invoiced appropriately by Musco.

Taxable Non-Taxable (Copy of resale or exemption certificate must be attached.
Note: Just holding a sales tax permit does not, in and of itself, qualify for a non-taxable sale.)

13. PAYMENT/PERFORMANCE BONDING – Is a bond required for this project? Yes No

14. DELIVERY – Normal delivery to the shipping address indicated above is 4 to 6 weeks after submittal approval or release of order, if later. If the Equipment is shipped in multiple lots, Musco shall prepare a separate invoice for the price of the Equipment shipped at the time of each shipment. Buyer shall pay the amount of each such invoice upon the same terms as set out in the "Total Price" paragraph of this Agreement.

All deliveries shall be made by means of a common carrier or some other reasonable means chosen by Musco. All risk of loss to Equipment sold shall pass to Buyer upon Musco's substantial completion of the Services.

Delivery is subject to Buyer maintaining credit satisfactory to Musco. Musco may suspend or delay performance or delivery at any time pending receipt of assurances, including full or partial prepayment or payment of any outstanding amounts owed adequate to Musco in its discretion, of Buyer's ability to pay. Failure to provide such assurances shall entitle Musco to cancel this contract without further liability or obligation to Buyer.

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15. NO RETAINAGE/WARRANTY – Buyer acknowledges payment in full is required within the agreed terms. Warranty claims and back charges shall not be deducted from contract payments without prior approval of Musco's Warranty Department (800-825-6020). Musco's Equipment and its performance are sold subject to Musco's written warranty. The Warranty provided by Musco shall be in lieu of all other representations, warranties and conditions of any kind, in respect of the Equipment or the Services and Musco disclaims any other representation, warranty or condition whatsoever, whether written or oral, express or implied, statutory or otherwise, including, but not limited to, the implied warranties and conditions of merchantability and fitness for a particular purpose.

Buyer acknowledges that any warranty and/or maintenance guarantee contained within payment/performance bonds issued on Musco's behalf pursuant to this Agreement and the corresponding liability on behalf of the issuing surety shall apply only to the first 12 months of any warranty and/or maintenance obligation of Musco specified in the written Warranty to be delivered to Buyer. The balance of any warranty and/or maintenance obligation greater than 12 months shall be the sole responsibility of Musco and shall not be guaranteed by a third party.

16. EXCLUSION OF SPECIAL DAMAGES – In no event shall Musco be liable for incidental, special or consequential damages, including without limitation lost revenues and profits, in respect of this Agreement or the Equipment and, if applicable, Services provided hereunder.

17. LIMITATIONS PERIOD – Unless otherwise specified in the Warranty to be delivered to Buyer, any action or proceeding against Musco arising out of or relating to the Equipment or Services will be forever barred unless commenced within the earlier of: (a) one (1) year after delivery of the Equipment or if applicable, completion of the Services; or (b) the period prescribed by the applicable statute of limitation or repose.

18. SECURITY AGREEMENT – In consideration of the promises contained herein, Buyer hereby grants and conveys to Musco, to secure payment and performance of all obligations in full, a purchase money security interest in the Equipment, including all repairs, replacements and accessions thereto and proceeds thereof (collectively referred to as the "Secured Property"). Buyer hereby irrevocably authorizes Musco at any time to register in any registration office in any province (including personal property registries and if applicable, land titles or real property registries) any initial financing statements, financing change statements, notices of security interest or other documents relating to this security interest or this transaction. Buyer further agrees to promptly furnish any information requested by Musco to effectuate the terms of this Agreement. Buyer further agrees to execute any document reasonably required by Musco to perfect the security interest granted herein and to assure the preservation, priority and enforcement of such security interest. Buyer agrees that value has been given for this security interest and that the parties have not agreed to postpone the time for attachment of the security interest.

19. INSURANCE – From and after delivery, regardless of the pending performance of the Services, until such time as Buyer has performed in full all obligations contained herein, Buyer shall maintain adequate insurance covering the Equipment in accordance with generally accepted business practices. Buyer shall name Musco as loss payee until such time as Buyer has performed in full all obligations contained herein.

20. DEFAULT – Each of the following shall constitute a default ("Default") under this Agreement: a) failure to pay, in full, any payment when due hereunder; b) Buyer becomes the subject of a bankruptcy, receivership or insolvency proceeding; c) any warranty, representation or statement made or furnished to Musco by or on behalf of the Buyer proved to have been false in any material respect when made or furnished; d) loss, theft, damage, destruction or encumbrance to, or of, the Secured Property or the making of any levee, seizure or attachment thereof or thereon prior to payment in full; or e) the occurrence or non-occurrence of any event or events which causes Musco, in good faith, to deem itself insecure for any reason whatsoever.



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21. REMEDIES UPON DEFAULT – In the event of Default, Musco may, at its option, and without notice or demand: a) declare the entire unpaid balance owing hereunder due and payable at once; b) proceed to recover judgment for the entire unpaid balance due; c) exercise all rights provided to Musco under this Agreement, any applicable personal property security act (or similar legislation), at law or in equity including but not limited to entering the Buyer's premises and taking possession of the Secured Property. All the remedies described herein are cumulative, and may be exercised in any order by Musco. Buyer agrees to pay all costs (including reasonable attorney's fees and court costs) incurred by Musco in disposing of the Secured Property and collecting any amounts owing hereunder, and such costs shall be part of the obligations secured hereunder.

22. FORCE MAJEURE – Musco shall not be liable for delays or failure to perform in respect of the Equipment or the Services due, directly or indirectly, to (i) causes beyond Musco's reasonable control, or (ii) acts of God or nature, acts (including failure to act) of any governmental authority, wars (declared or undeclared), strikes or other labor disputes, fires, and natural calamities (such as floods, earthquakes, storms, epidemics).

23. EEO COMPLIANCE – When applicable, Musco and Subcontractor shall comply with the EEO Clause in Section 202 of Executive Order 11246, as amended, which is incorporated herein by specific reference.

When applicable, Musco and Subcontractor shall abide by the requirements of 41 CFR 60-741.5(a) and 41 CFR 60-300.5(a). These regulations prohibit discrimination against qualified individuals on the basis of disability and against qualified protected veterans, and require affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities and qualified protected veterans.

24. CONDITIONS OF AGREEMENT

a. **APPLICABLE LAW** – This Agreement shall be governed by the laws, including the Uniform Commercial Code, adopted in the State of Iowa as effective and in force on the date of this Agreement.

b. **EXPENSES/REMEDIES** – Buyer shall pay to Musco the reasonable expenses, including court costs, legal and administrative expenses and reasonable legal fees (on a solicitor and client basis), paid or incurred by Musco in endeavoring to collect amounts due from Buyer to Musco. It is further understood that if Buyer does not make a payment as due, Musco has the right to forward appropriate notices or claims on jobs with owners, bonding companies, general contractors, or the like, as deemed appropriate by Musco.

c. **ENTIRE AGREEMENT** – This Agreement, the written Warranty to be delivered to Buyer, and any invoice issued by Musco pursuant to this Agreement constitute the entire agreement between the parties and supersede all prior statements of any kind made by the parties or their representatives. No representative or employee of Musco has any authority to bind Musco to any term, representation or warranty other than those specifically included in this written Agreement or the written Warranty to be delivered to Buyer in connection with this Agreement. This Agreement may not be amended or supplemented except by written agreement executed by Musco and Buyer.

Buyer's acceptance of this Agreement is limited to acceptance of the express terms of this Agreement and does not include any additional or different terms proposed by Buyer or any attempt by Buyer to vary the terms hereof. Any terms or conditions by Buyer that are inconsistent with or in addition to the terms and conditions herein contained are expressly rejected and shall be void and of no effect.

d. **ACCEPTANCE** – This Agreement is subject to the approval of Musco's Credit Department and the written acceptance of this Order by Musco.

Purchase Agreement

Date: January 28, 2016

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Project #: 171729

CURRITUCK COUNTY		MUSCO SPORTS LIGHTING, LLC	
Acceptance this _____ day of _____, 20____		Acceptance this <u>28</u> day of <u>January</u> , 20 <u>16</u>	
<i>Bob Drost</i> Signature		<i>Bob Drost, Finance Manager</i> Signature	
<i>Bob Drost</i> Name and Title		<i>Bob Drost, Finance Manager</i> Name and Title	

Please remember to initial and return all pages of this agreement.

Email, fax or mail a copy of the Purchase Agreement to Musco Sports Lighting & to KPN:

Musco Sports Lighting, LLC
Attn: Amber Schulte
PO Box 260
Muscatine, IA 52761
Fax: 800-374-6402
E-mail: musco.contracts@musco.com

Keystone Purchasing Network
90 Lawton Lane
Milton, PA 17847
Fax: 570-524-5600
E-mail: info@theKPN.org

All purchase orders should note:
This is a Keystone Purchasing Network Purchase - Contract Number: KPN-201301-01



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Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1468)

Agenda Item Title

Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics at the Whalehead Club in Corolla, North Carolina.

Brief Description of Agenda Item:

Resolution for approval by the Board of Commissioners to hold a fireworks display at Whalehead in Historic Corolla at the Annual Independence Day Celebration, to be held Monday, July 4, 2016.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

RESOLUTION APPROVING THE EXHIBITION, USE AND DISCHARGE OF PYROTECHNICS AT THE WHALEHEAD CLUB IN COROLLA, NORTH CAROLINA

WHEREAS, pursuant to N.C. Gen. Stat. §§14-410 and 14-413 a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the Board of Commissioners for a county; and

WHEREAS, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

WHEREAS, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as Whalehead, Corolla, North Carolina, on July 4, 2016, which will be a public exhibition and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc. is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as Whalehead in Corolla, North Carolina on July 4, 2016.

Section 2. This resolution shall be effective upon adoption.

ADOPTED this 7th day of March, 2016.

ATTEST:

David L. Griggs, Chairman

Leeann Walton, Clerk to the Board

(SEAL)