



**Board of Commissioners
Agenda Packet**

August 7, 2017

6:00 PM Call to Order

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

Public Comment

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

Administrative Reports

- A) Land Use Plan Update-Imagine Currituck Survey

Public Hearings

- A) **Public Hearing and Action: PB 94-49 The Currituck Club PUD - Zoning Map Amendment:** Request for a zoning map amendment of .82 acres from Single-Family Residential - Outer Banks (SFO) to Planned Unit Development (PUD) Overlay. The property is located in The Currituck Club Oceans Subdivision, particularly the open space adjacent to highway, Tax Map 127E, Parcel OPEN003.
- B) **Public Hearing and Action: PB 17-03 Wells Custom Jeeps - Request for a use permit for light vehicle sales located at 101 Ballast Rock Road, Powells Point, Tax Map 124, Parcel 68B, Poplar Branch Township.** Request for a use permit for light vehicle sales located at 101 Ballast Rock Road, Powells Point, Tax Map 124, Parcel 68B, Poplar Branch Township.

Old Business

- A) **An Ordinance of the Currituck County Board of Commissioners Amending Chapter 9, Article I of the Currituck County Code of Ordinances by Adding Section 9-9 to Allow the Sale of Malt Beverages, Unfortified Wine, Fortified Wine, and Mixed Beverages on Sundays Beginning at 10:00 A.M.**

New Business

- A) **Consideration and Action: PB 14-32 Tucker's Cove:** A request for a one year extension of the preliminary plat/use permit of a 25 lot residential major subdivision on property in Moyock located along the north side of Tulls Creek Road and across from Lou Sawyer Road, Tax Map 39, Parcel 13, Crawford Township.
- B) **Coastal Resilience Rainfall Flooding Study Grant Approval and Resolution**
- C) **Disaster Debris Collection and Removal Contract Award Recommendations**
- D) **Board Appointments**
 - 1. Amended Item-Library Board Appointment

E) Consent Agenda

1. Approval Of Minutes for July 17, 2017
2. Budget Amendments
3. Project Ordinance-Incinerator
4. 2017 Year End Surplus Resolution
5. Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics at the Whalehead Club in Corolla, North Carolina.
6. Condemnation Order for 198 Shortcut Road
7. Moyock VFD Purchase Request-Radio Equipment
8. Job Description Revision-Telecommunicator I
9. Road Addition Petition to NCDOT for State Maintenance-Laurel Woods

F) Commissioner's Report**G) County Manager's Report****Adjourn****Special Meeting of the Ocean Sands Water and Sewer District Board**

Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement
Authorized by NC G.S. 160A-20

Adjourn



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1959)

Agenda Item Title

Land Use Plan Update-Imagine Currituck Survey

Brief Description of Agenda Item:

Planning Director, Laurie LoCicero, will present information on the next public input phase of the Land Use Plan update and survey.

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Laurie LoCicero



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1916)

Agenda Item Title

Public Hearing and Action: PB 94-49 The Currituck Club PUD - Zoning Map Amendment:

Brief Description of Agenda Item:

Request for a zoning map amendment of .82 acres from Single-Family Residential - Outer Banks (SFO) to Planned Unit Development (PUD) Overlay. The property is located in The Currituck Club Oceans Subdivision, particularly the open space adjacent to highway, Tax Map 127E, Parcel OPEN003.

Planning Board Recommendation:

Mr. Whiteman motioned to recommend denial because it is inconsistent with the goals and objectives of the Land Use Plan, it does not demonstrate a general community need, it adversely impacts surrounding area and conflicts with the public interest and also it is not in harmony with the surrounding properties. Mr. O'Brien seconded the motion and the motion carried with a 6-1 vote.

Post voting comments directed as suggestions to the Board of Commissioners were to have negotiation with The Currituck Club and actually making them enforceable. One suggestion was to create a county ordinance specifically for the "No Parking" area on the beach access, putting up signs that state vehicles would be towed (with the name of the towing company and phone number), and enforcing the ordinance. Also, hiring more code enforcement officers for the mainland side and the outer banks side. As we continue to create rules, they will not work if not enforced. Fines and fees for people breaking the rules and laws would benefit the county and rules and laws must be enforced by code enforcement offices and the sheriff's department.

Chairman Bell said the above suggestions are not meant for a formal motion, but took a vote for the suggestions to be included with the previous motion of denial.

Board Action Requested

Action

Person Submitting Agenda Item

Jennie Turner,

Presenter of Agenda Item

Ben Woody



STAFF REPORT PB 94-49 THE CURRITUCK CLUB PUD BOARD OF COMMISSIONERS AUGUST 7, 2017

APPLICATION SUMMARY

| | |
|--|---|
| Property Owner: The Currituck Club Property Owner's Association, Inc. (TCCPOA) 619 Clubhouse Drive Corolla, NC 27927 | Applicant: Heidi Corsello, General Manager of The Currituck Club Property Owner's Association, Inc. |
| Case Number: PB 94-49 | Application Type: Zoning Map Amendment |
| Parcel Identification Number: 127E-000-OPEN-0003 (475 Yaupon Lane/"Surf Shack") | Existing Use: The Currituck Club Oceans Subdivision Common Open Space |
| 2006 Land Use Plan Classification: Full Service | Parcel Size (Acres): .82 |

SURROUNDING PARCELS

| | Land Use | Zoning |
|-------|--------------------------------------|----------------------------------|
| North | Residential (Spindrift) | SFO |
| South | Currituck County Public Beach Access | SFO-PUD Overlay (Pine Island) |
| East | Residential (Spindrift) | SFO |
| West | Commercial (Currituck Club) | SFO-PUD Overlay (Currituck Club) |

NARRATIVE OF REQUEST

On July 10, 2017, after a similar request was heard at the June 13th Planning Board meeting, TCCPOA amended its application to request a zoning map amendment to include one parcel in The Currituck Club PUD Overlay. The subject parcel was platted as part of The Currituck Club Oceans Subdivision (A Private Access Open Space Subdivision). If the zoning map amendment is approved, an amended sketch plan and use permit application will be scheduled for a quasi-judicial hearing before the Board of Commissioners. The Amended Sketch Plan and Use Permit will establish allowable uses of property located within a PUD overlay and ensure compliance with the bulk and dimensional standards of the UDO with respect to required open space and commercial use areas. The Currituck Club PUD is restricted to a maximum density of 3 dwelling units per acre, a minimum of 35% open space set-aside, and a maximum of 10% land area occupied by commercial development.

The application before the Board of Commissioners is only a zoning map amendment to include the requested parcel in the Currituck Club PUD Overlay.

BACKGROUND

On February 3, 2017, in response to a request for violation investigation, Staff issued a Letter of Determination pertaining to the use of the property at 475 Yaupon Lane, the "Surf Shack" property. Staff determined that the use of the "Surf Shack" is in violation of the UDO because it is inconsistent with uses allowed in Open Space. The UDO allows structures for active or passive recreational

purposes in Open Space areas. The “Surf Shack” was determined to be a commercial facility that rents recreational equipment and sells snacks and drinks; however, it is not a structure used for recreational purposes.

In researching the issue, staff discovered that 475 Yaupon Lane is owned by TCCPOA but it is not a part of The Currituck Club Planned Unit Development (PUD) that was approved in 1994. Since the subject parcel was not part of the PUD, it does not have a use designation within the PUD. TCCPOA has initiated this request in order to pursue a legislative remedy to the letter of determination.

ZONING MAP AMENDMENT REVIEW STANDARDS

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. When determining whether to adopt or deny the proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed amendment:

- (1) Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans and the purposes of the UDO;
 - a. *It is Staff's opinion that the inclusion of the Surf Shack parcel into the PUD Overlay does not conflict with county-adopted plans.*
- (2) Is not in conflict with any provision of the UDO or the County Code of Ordinances;
 - a. *It is Staff's opinion that the inclusion of the Surf Shack parcel into the PUD Overlay does not conflict with the County's ordinances.*
- (3) Is required by changed conditions;
- (4) Addresses a demonstrated community need;
- (5) Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
 - a. *It is Staff's opinion that the inclusion of the Surf Shack parcel into the PUD Overlay is consistent with the purpose and intent of the zoning districts of the County's Unified Development Ordinance.*
- (6) Adversely impacts nearby lands;
- (7) Would result in a logical and orderly development pattern;
- (8) Would result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
- (9) Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
- (10) Would not result in significantly adverse impacts on the land values in the surrounding area; and
- (11) Would not conflict with the public interest, and is in harmony with the purposes and intent of the UDO.

The applicant has submitted suggestions on these factors in the enclosed application.

LAND USE PLAN CONSISTENCY AND REASONABLENESS

The UDO requires the Board of Commissioners to adopt a statement of consistency and reasonableness that describes whether the decision on the zoning map amendment is consistent with county adopted plans that are applicable and why the decision is reasonable and in the public interest. The policy emphasis of the 2006 Land Use Plan (LUP) for the Corolla Sub-Area provides that reasonable development/redevelopment limits should be set which balance the property rights of the individual against legitimate concerns about public health and safety. LUP Policy HN3 states that the County shall especially encourage COMPACT, MIXED USE DEVELOPMENTS or

DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. Also, Full Service Areas are designated areas of the county where a broad range of more intense uses are preferred. Full Service Areas should preserve existing community character.

The requested zoning map amendment for Parcel #127E-000-OPEN-0003 is consistent with the 2006 Land Use Plan because it expands the Currituck Club PUD Overlay to include a contiguous open space parcel owned by The Currituck Club POA. The 2006 Land Use Plan classifies the property as Full Service in the Corolla Sub- area.

The request is reasonable and in the public interest because it is in keeping with the historical use of the property. It is not a substantial modification of the PUD overlay, the property is owned by The Currituck Club POA and the property has operated in combination with the Currituck Club PUD for many years.

STAFF RECOMMENDATION

The Technical Review Committee recommends approval of the Zoning Map Amendment subject to the following conditions of approval:

1. The application complies with all applicable review standards of the UDO.
2. The applicant shall submit an Amended Sketch Plan and Use Permit Application to be reviewed and approved by the Board of Commissioners to establish allowable use(s).

Staff recommends conditional approval of the proposed zoning map amendment because it complies with map amendment review standards of the UDO, it is consistent with the 2006 Land Use Plan, and it is reasonable and in the public interest.

Planning Board Recommendation – 6/13/2017

Mr. Whiteman motioned to recommend denial because it is inconsistent with the goals and objectives of the Land Use Plan, it does not demonstrate a general community need, it adversely impacts surrounding area and conflicts with the public interest and also it is not in harmony with the surrounding properties. Mr. O'Brien seconded the motion and the motion carried with a 6-1 vote to deny the request.

Post voting comments directed as suggestions to the Board of Commissioners were to have negotiation with The Currituck Club and actually making them enforceable. One suggestion was to create a county ordinance specifically for the "No Parking" area on the beach access, putting up signs that state vehicles would be towed (with the name of the towing company and phone number), and enforcing the ordinance. Also, hiring more code enforcement officers for the mainland side and the outer banks side. As we continue to create rules, they will not work if not enforced. Fines and fees for people breaking the rules and laws would benefit the county and rules and laws must be enforced by code enforcement offices and the sheriff's department.

Chairman Bell said the above suggestions are not meant for a formal motion, but took a vote for the suggestions to be included with the previous motion of denial.

Planning Board Discussion 6/13/17

Ben Woody, Planning & Community Development Director, presented the staff report. The Currituck Club Property Owners Association (TCCPOA) has requested the zoning map amendment to include two existing open space parcels in The Currituck Club PUD Overlay after it was determined by Planning Staff that the use of their Surf Shack, although it sells snacks and drinks, was not a structure used for recreational purposes and therefore, not a use that is consistent with uses allowed in the Open Space. The request initially included the ocean front parcel, as well, but since it is not contiguous and the purpose of PUDs is to cluster development, staff determined it would not be included in their request. The TCCPOA has requested this zoning map amendment as a remedy to the letter of determination. If the zoning map amendment is approved, an amended sketch plan and use permit application will be scheduled for a public hearing before the Board of Commissioners. Staff recommends conditional approval of the proposed zoning map amendment because it complies with map amendment review standards of the Unified Development Ordinance (UDO), it is consistent with the 2006 Land Use Plan, and it is reasonable and in the public interest.

Ms. Overstreet asked Mr. Woody about the eastern parcel being separated into two parts. Mr. Woody read the definition of contiguous and said parcels may be separated by a street or utility easements.

Chairman Bell opened the public hearing for the applicant and persons speaking in support.

The attorney for The Currituck Club, Eric Remington with Ward and Smith, P.A., appeared before the board and presented with a PowerPoint presentation. The presentation included a vicinity map, slides explaining the purpose of their application, various pictures of the beach club parcel (The Surf Shack), trolley stop and valet service area, and views of the beach parcel. The presentation also included a copy of the 2011 Inspection/Zoning Compliance Certificate for The Surf Shack signed compliant by county staff, various slides with Land Use Plan policies, Code of Ordinances, references to the UDO and emails in support of The Currituck Club.

Mr. Remington said we believe county access to the beach could be for both The Currituck Club and Pine Island. We disagree with staff that the ocean front parcel is not contiguous with the other parcels. The club is used for recreational purposes and the Surf Shack has picnic tables, shelters and grills which satisfies the definition of recreational use. It's a concession stand used for the same purpose for 17 years. We don't care if it is open space or commercial use; we just want to be able to use it. Mr. Remington also stated Pine Island's PUD is not contiguous.

Bob Godley of Corolla appeared before the board. He said he has sold real estate for 18 years and never had anyone complain about the Surf Shack; taking away the Surf Shack and the trolley would hurt The Currituck Club.

Chairman Bell closed the public hearing for applicant and persons speaking in support.

Board members, Mr. Whiteman and Mr. O'Brien, shared their findings from visiting the beach access and beach area used by The Currituck Club, Spindrift, and Pine Island on Sunday. They stayed for approximately two hours, watching and asking questions. Mr. Whiteman said they witnessed many people utilizing the Currituck Club's gators that were not handicapped and did

not have wristbands. There were lines of families with children waiting for the service. Mr. O'Brien asked an employee of The Currituck Club on the beach if he could rent a chair and umbrella and the employee said yes. Mr. Whiteman also said they witnessed many rented golf carts from The Currituck Club parked in "no parking" areas. When the General Manager was confronted, he said they have no way of knowing who is or is not handicapped and they had no control over the golf carts once they are rented.

Mr. Remington said they cannot verify if someone is handicapped and must go on their word.

Chairman Bell opened the public hearing for the opposition.

The attorney for Pine Island, Jamie Schwedler with Parker Poe Attorneys & Counselors at Law, appeared before the board in opposition of The Currituck Club and presented with a PowerPoint presentation. The presentation included zoning concerns, slides showing inconsistencies with county policies of the Land Use Plan and the UDO, pictures of commercial activity on the beach and golf carts/valet vehicles parking in "no parking" areas. The presentation also had resident testimony and solutions. Ms. Schwedler said The Currituck Club is using county land to market themselves as an ocean front facility. They are already out of compliance with the Surf Shack and the use of the valet is also not in compliance.

Roger Craft appeared before the board to give resident testimony. Mr. Craft purchased their house in 1999 and has seen many changes throughout the years without any problems until now. He said the commercial activity and gators on the beach are out of control.

Richard Hinson appeared before the board to give resident testimony. He built his house in 1994. He said the southern beach access is an accident getting ready to happen. He witnessed two children almost get hit by a lifeguard on an ATV because of the overcrowding on the beach.

Eddie White, the Pine Island Operations Manager, appeared before the board. He said there are numerous problems with the overcrowding of the beach.

Paul Manberg, a resident of Spindrifft, appeared before the board. He said people can no longer walk down the beach safely due to the overcrowding and gators driving through the access and on the beach.

Chairman Bell closed the public hearing to the opposition and gave a 5 minute rebuttal time to the applicant.

Mr. Remington asked the board to continue letting The Currituck Club use their property the same as they have for 20 plus years.

Planning Board discussion was held on the number of lots in The Currituck Club and how many lots are left to build on. It was determined there are just under 200 lots left. Mr. Craddock stated this would possibly increase the number of people utilizing the beach and gators in the future.

Mr. O'Brien asked if the same person that operates the Surf Shack operates the beach umbrellas and the emergency service and Mr. Remington responded yes.

Chairman Bell closed the public hearing and asked for discussion among the board.

Mr. Craddock asked Staff for the definition of contiguous again and to show the county parcel on the map. Ms. Turner read the definition and pointed out the parcel on the map.

Mr. Craddock asked Mr. Woody his opinion on the three contracts previously issued to The Currituck Club. Mr. Woody said he believed the three contracts were issued in error, although they were issued in good faith at the time.

Mr. Craddock asked Mr. Whiteman for some clarification on his findings on Sunday at the beach. Mr. Whiteman said he and Mr. O'Brien were there for two hours. There were approximately eight golf carts parked along the beach access and the Fire Marshall showed up. Mr. Craddock asked Mr. Whiteman if it was a true statement that you can rent anything on the beach from the Surf Shack without a wristband and Mr. Whiteman said absolutely. It is being run as a commercial business on the beach.

Mr. McColley asked how often Mr. Whiteman and Mr. O'Brien saw gators on the beach away from the right of way and they responded every ten to fifteen minutes. Mr. Whiteman said on occasion they would drive people out at least 100 yards or more to where their umbrella was located.

Mr. Craddock asked Mr. Woody what the county could do if the compliance officer witnessed the gators driving illegally on the beach. Mr. Woody said the county could cancel their contract with The Currituck Club with a 30 days' notice or a civil citation could be issued to the person driving the vehicle.

Chairman Bell asked for a motion. Mr. Whiteman motioned to recommend denial because it is inconsistent with the goals and objectives of the Land Use Plan, it does not demonstrate a general community need, it adversely impacts surrounding area and conflicts with the public interest and also it is not in harmony with the surrounding properties. Mr. O'Brien seconded the motion.

Mr. McColley stopped the vote and asked the Chairman for discussion. Mr. McColley asked to add an amendment to Mr. Whiteman's motion and stated if the Board of Commissioners decides to approve the request, we should encourage them to negotiate with the Currituck Club to try to minimize or alleviate some of the concerns.

Mr. Whiteman said he respectfully stands with his motion.

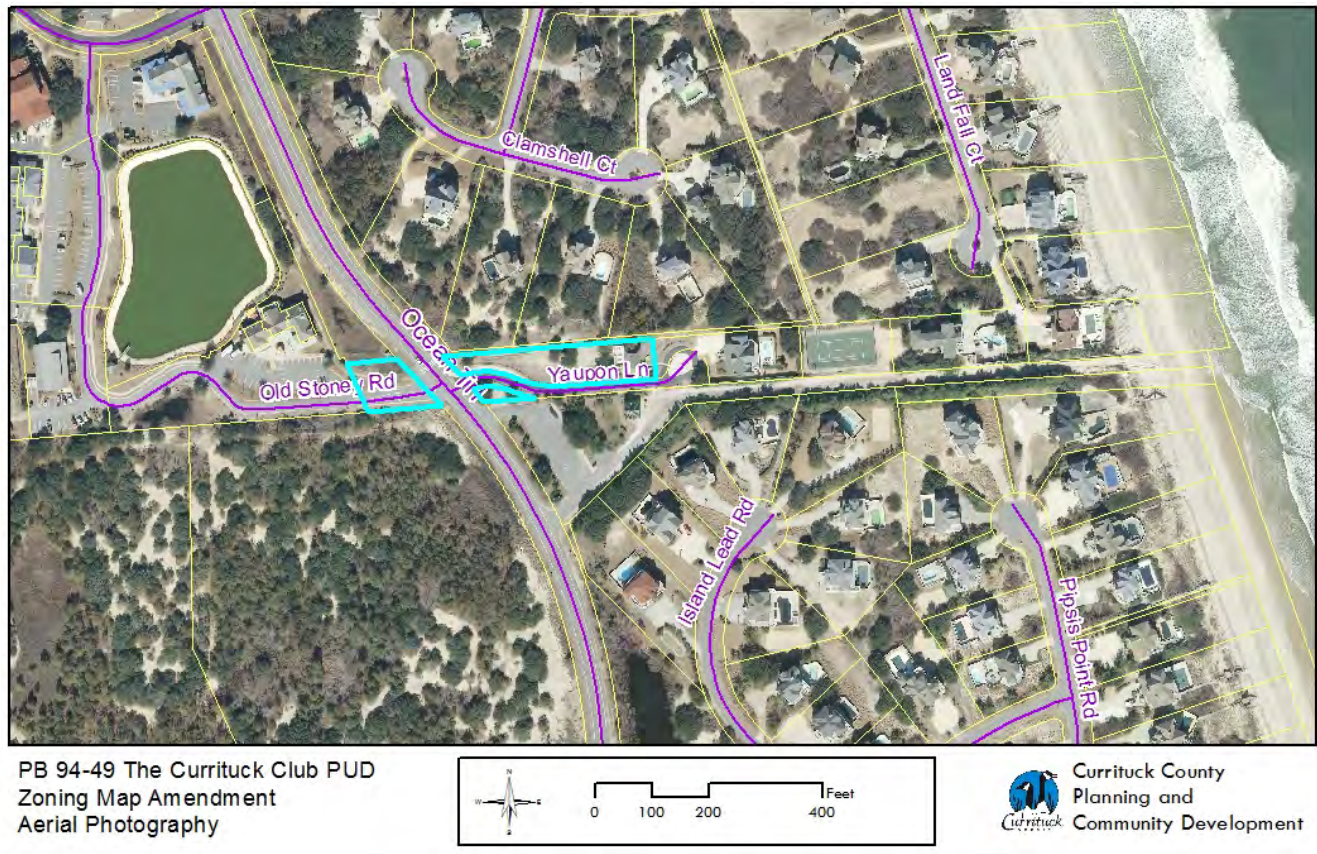
Mr. Craddock asked if it is appropriate to add Mr. McColley's comment and Mr. Woody said it would be appropriate once the motion has been made and vote is complete since the Board of Commissioners wants the input from the Planning Board.

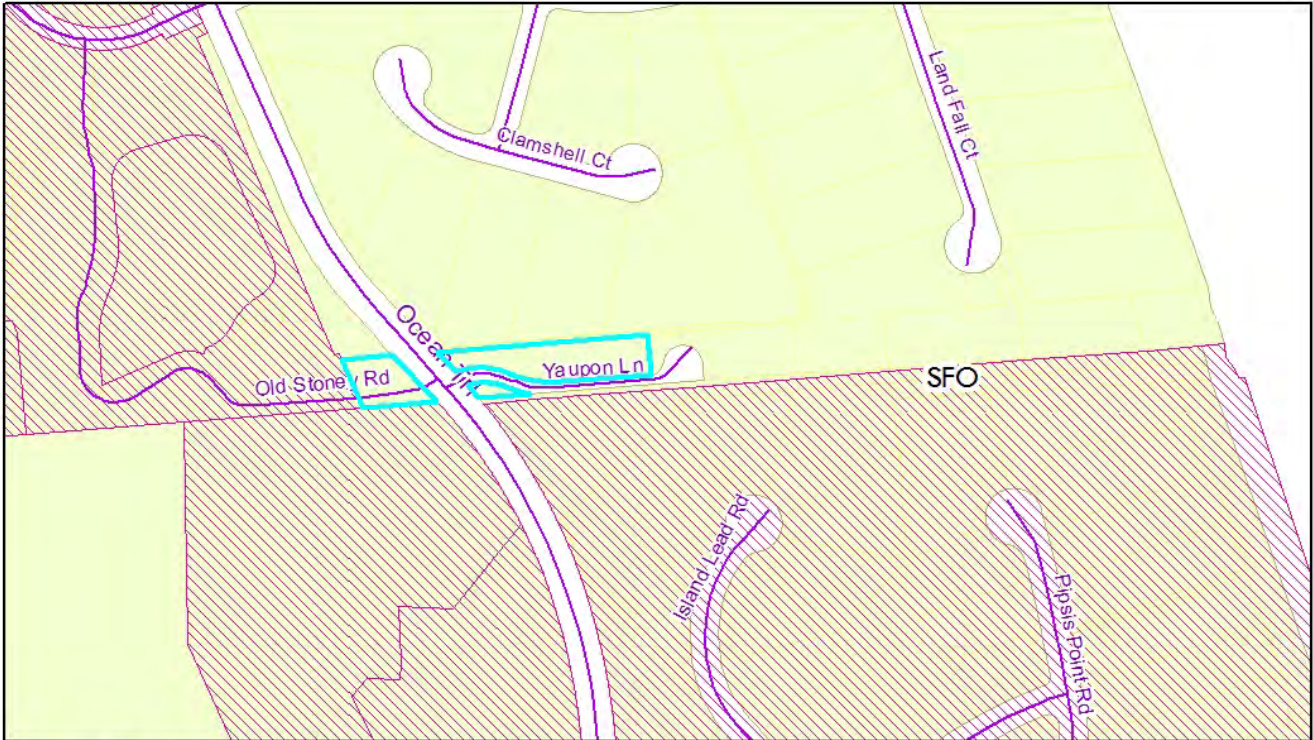
Chairman Bell continued with the vote and the motion carried 6-1 with Shay Ballance voting no.

Post voting comments directed as suggestions to the Board of Commissioners were to have negotiation with The Currituck Club and actually making them enforceable. One suggestion was to create a county ordinance specifically for the "No Parking" area on the beach access, putting up signs that state vehicles will be towed (with the name of the towing company and phone number), and enforcing the ordinance. Another suggestion was to hire more code enforcement officers for the Mainland and the Outer Banks. As we continue to create rules, they will not work

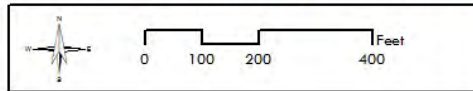
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Chairman Bell said the above suggestions are not meant for a formal motion, but took a vote for the suggestions to be included with the previous motion of denial.





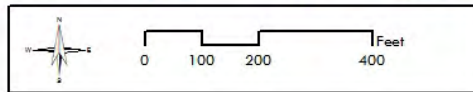
PB 94-49 The Currituck Club PUD
Zoning Map Amendment
Official Zoning Map




 Currituck County
Planning and
Community Development



PB 94-49 The Currituck Club PUD
Zoning Map Amendment
LUP Classification



 Currituck County
Planning and
Community Development

MEMORANDUM

To: Heidi Corsello, General Manager
The Currituck Club Property Owner's Association, Inc.

From: Jennie Turner, Planner II

Date: REVISED – May 17, 2017

Re: The Currituck Club Zoning Map Amendment and Amended Sketch Plan/Use Permit

The following comments have been received for the May 17, 2017 TRC meeting based on the provided plans. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jennie Turner 252-232-6031

Reviewed

1. Revise Amended Sketch Plan Summary Development Table Calculations (overall acreage). Please confirm acreage of the requested parcels – County GIS shows 1.11 acres.²
2. What is the intended use/range of uses of the “beach club” parcel?²
3. What is the intended use of the oceanfront parcel? Why is commercial allocation requested for this parcel?²

County Comment: On July 10, 2017, the applicant removed the oceanfront parcel from the application.

4. The County has historically required parcels included in a PUD to be contiguous. Staff may not recommend inclusion of the oceanfront parcel in the PUD.¹

County Comment: On July 10, 2017, the applicant removed the oceanfront parcel from the application.

5. If the request is approved, staff will include a condition to amend the Currituck Club Oceans Subdivision Plat.²

County Comment: In light of the revised application received on July 10, 2017; Staff retracts this comment provided the designation of the property remains open space.

County Comment on Zoning Map Amendment Application¹

County Comment on Amended Sketch Plan/Use Permit Application²

Currituck County Engineer and Soil & Water, Eric Weatherly, Michelle Perry & Will Creef

No Comment

Currituck County Utilities, William Nash, Benjie Carawan, Yama Jones

No Comment

Currituck County Fire and Emergency Management, James Mims 252-232-6641

Reviewed

Currituck County GIS, Harry Lee

Reviewed

Currituck County Building Inspections, Bill Newns 252-232-6023

Reviewed

Currituck County Code Enforcement, Stacey Smith 252-232-6027

No Comment

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

Reviewed

• Note: The application indicates that the PUD will include the county-owned public beach access site. Per my discussion with Jennie Turner, CZO, CFM Planner II, the county property will be excluded.

County Comment: The county-owned public beach access parcel was removed from the application.

Since site improvements at this location were partially funded through the CAMA Public Beach and Coastal Waterfront Access Grant Program, the Division of Coastal Management has an interest in the continued maintenance of pedestrian improvements, site amenities and parking for use by the general public.

NCDOT, R Midgett 252-331-4737

No Comment

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

Reviewed

PLEASE SUBMIT FOOD ESTABLISHMENT INTERIOR LAYOUT AND SITE PLAN AND SUBMIT APPLICATION TO HEALTH DEPT, FOR REVIEW. CONSULT WITH NC DEPT. OF WATER RESOURCES (WASHINGTON REGIONAL OFFICE) CONCERNING WASTEWATER TREATMENT AND DISPOSAL APPROVAL.

County Comment: This comment applies to Amended Sketch Plan/Use Permit Application and has been resolved with ARHS.

Office of State Archaeology, Mary Beth Fitts 919-807-6554

No Comment

Project area was surveyed for archaeological sites in 1995, and no sites were found. Additional archaeological work is not recommended. No comment.



Zoning Map Amendment Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: Heidi Corsello
 Address: 619 Clubhouse Drive
Corolla, NC 27927
 Telephone: (252) 453-4011 ext. 204
 E-Mail Address: hcorseilotcc@gmail.com

PROPERTY OWNER:

Name: Currituck Club Property Owners Association, Inc.
 Address: 619 Clubhouse Drive
Corolla, NC 27927
 Telephone: (252) 453-4011 ext. 204
 E-Mail Address: hcorseilotcc@gmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: General Manager, The Currituck Club POA

Property Information

Physical Street Address: 475 Yaupon Lane
 Location: The Currituck Club PUD/The Currituck Club Oceans Subdivision
 Parcel Identification Number(s): 127E0000OPEN0003
 Total Parcel(s) Acreage: .82 Acres
 Existing Land Use of Property: Open Space with TCC Beach Concession Stand, Picnic, Beach Equipment Rental and Storage, and Golf Cart Parking Amenities

Request

Current Zoning of Property: SFO Proposed Zoning District: PUD Overlay
 Total Acreage for Rezoning: .82 Acres Are you rezoning the entire parcel(s): Yes/No
 Metes and Bounds Description Provided: Yes/No

Community Meeting, if Applicable

Date Meeting Held: April 18, 2017 Meeting Location: Rees Jones Room, The Currituck Club

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

[Signature]
 Property Owner(s)/Applicant*

7/10/17
 Date

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

EXHIBIT A

The Currituck Club PUD

Zoning Map Amendment Application
Corolla, North Carolina

Revised July 10, 2017

Table of Contents

1. Vicinity Map
2. Surf Shack Photographs
3. Project Data
4. Purpose Statement
5. Zoning Map Amendment Standards

1. Vicinity Map.



2. Surf Shack Photographs



Concession Stand, Picnic/Eating, and Golf Cart Parking Areas



Concession Stand, Picnic/Eating, and Golf Cart Parking Areas



Picnic/Eating and Game Areas



Beach Equipment Rental/Storage and Picnic Areas

3. Planned Unit Development ("PUD") Data

a. Name of PUD:

The Currituck Club PUD

b. Applicant/Owner:

The Currituck Club Property Owners Association, Inc.
c/o Heidi Corsello, General Manager
619 Clubhouse Drive
Corolla, NC 27927
(252) 453-4011 ext. 204
hcorseotcc@gmail.com

Prepared By:

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Project Manager
Quible & Associates, P.C.
P.O. Drawer 870
Kitty Hawk, NC 27949
(252) 491.8147
csaunders@quible.com

c. Current Zoning Designation:

Single-Family Residential-Outer Banks (SFO) District

d. Proposed Zoning Designation:

Planned Unit Development Overlay (PUD) (proposed amendment of existing Currituck Club PUD)

e. Current Land Use Designation:

Institutional and Residential (Land Use Plan Map 4.1)

f. Future Land Use Plan Designation:

Full Service Area (Land Use Plan Map 11.1)

g. Area of Tract and Property Ownership

Total Acreage of Parcel: .82 Acres

Property Ownership (PIN) and Acreage:

Parcel ID No.: 127E0000OPEN0003 – 0.82 acres

- 4. Purpose of Zoning Map Amendment Application** – This Revised Zoning Map Amendment Application is being submitted contemporaneously with a Revised Sketch Plan/Use Permit Application (collectively, "the Application") to update and amend the previously approved Currituck Club PUD. This is an administrative correction to incorporate into the Currituck Club PUD an existing Open Space Area which is owned by The Currituck Club Property Owners Association, Inc. ("TCCPOA") and used for Beach Concession Stand, Picnic, Beach Equipment Rental and Storage, and Golf Cart Parking Amenities (the "Surf Shack"). Based on feedback and input it has received from County officials and members of neighboring communities, TCCPOA is limiting its Zoning Map Amendment Application to only the Surf Shack Parcel.

TCCPOA is the fee simple owner of the Surf Shack parcel. See **Exhibit 1**, Limited Warranty Deed recorded in Book 1314, Pages 246-257 – A&B of the Currituck County Registry. TCCPOA currently leases the Surf Shack Parcel to Lighthouse Resort Services, Inc. ("LRS") pursuant to the terms of a Lease dated December 15, 2010. See **Exhibit 2**, Assignment and Assumption of Lease recorded in Book 1314, Pages 306-310 of the Currituck County Registry. TCCPOA uses the property and the Surf Shack facilities to provide food, beverage, and beach equipment rental services to members of TCCPOA and their guests for recreational purposes. See **Exhibit 3**, Online Rental Information. The Surf Shack parcel also has picnic/eating, game, and golf cart parking areas.

The Surf Shack operates as an ancillary and accessory recreational use to The Currituck Club on an Open Space Area that is owned, controlled and maintained by TCCPOA. It does not serve the general public but is available and accessible to all members TCCPOA and their guests. It has been continuously operated on the property since 2000 when a permit was issued by the County for the construction of the original Surf Shack building. See **Exhibit 4**, Currituck Club Valet Hut Sketch Plan. LRS spent approximately \$45,000 to construct the original Surf Shack building in 2000.

In December 2010, LRS applied for a zoning compliance permit and building permit to erect a second structure on the property. See **Exhibit 5**, County of Currituck Project

Approval Packet. On January 31, 2011, the County determined that the new building and proposed use were in zoning compliance, with the permitted use of "Amenity Guest Services to Currituck Club." On February 23, 2011, County officials also determined that the new building was in compliance with the Building Code. LRS spent approximately \$80,000 to construct the second building in 2011 and has continued to operate the Surf Shack as an amenity for TCCPOA members and their guests since then. See **Exhibit 6**, Site Plan and Aerial Photographs.

With property on both sides of Hwy 12, TCC is a "sound to ocean" community that helps promote tourism and contributes to prosperity of local businesses, both of which increase County tax revenue. The Surf Shack is a private recreational facility that does not sell memberships to members of the public for profit. TCCPOA is respectfully asking the County to update and amend the previously approved Currituck Club PUD to reflect the ownership and historical permitted use of the Surf Shack Parcel.

5. **Zoning Map Amendment Standards** - A zoning map amendment is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. TCCPOA's Revised Zoning Map Amendment Application is consistent with the standards set forth in § 2.4.3.C of the County's Unified Development Ordinance ("UDO") and the Board of Commissioners should approve the request for the following reasons:

- a. **Contiguous Parcels** - The Surf Shack parcel is contiguous with The Currituck Club PUD. Under the current UDO, a PUD is a "master-planned development under unified control ... reviewed and approved by the county under previous versions of UDO." UDO § 10.5. Prior versions of the UDO required "[n]o area of less than ten (10) contiguous acres may be zoned as a PUD district, and then only upon request of owners of all the property intended to be covered by such zone." See, § 123(4) of 1992 UDO; § 115.04 of 1989 UDO. The Surf Shack Parcel is contiguous to and adjoins the boundary of the TCC PUD at its southeastern corner. Historically, the parcel has been treated as if it already was a

part of the TCC PUD. Thus, the request to include the Surf Shack parcel in the TCC PUD is consistent with the UDO's definition of PUDs.

b. The Application is consistent with goals, objectives, and policies of Land Use Plan, other applicable county-adopted plans, and purposes of UDO –

TCCPOA is seeking to add to the TCC PUD an existing Open Space Area which has been historically treated as a part of the TCC PUD. TCCPOA is **NOT** seeking a commercial use designation for the Surf Shack parcel. TCCPOA's Application is consistent with the following goals and policies articulated in the Currituck County UDO, the 2006 Land Use Plan, and Land Use Map:

i. Unified Development Ordinance.

1. **Policy:** Promote desirable living conditions and sustained stability of communities. (§ 1.3.H). The requested Zoning Amendment promotes and enhances desirable living conditions for TCC owners and their guests by formally incorporating existing amenities into the TCC PUD. The Surf Shack has been a vital part of the TCC community for more than 17 years and the formal inclusion of the Surf Shack parcel in the TCC PUD will promote sustained stability within the TCC community by allowing TCC to continue to offer this vital amenity area to its owners and their guests.

2. **Policy:** Foster convenient, compatible, and efficient relationships among land uses. (General Purpose and Intent, § 1.3.A). The proposed Map Amendment will create convenient, compatible, and efficient relationships between land uses within The Currituck Club PUD by connecting the existing TCCPOA Surf Shack amenity areas to the rest of the TCC PUD. The existing use of the Surf Shack parcel by TCC owners and their guests reduces vehicular congestion on the County's public beach access by providing additional parking areas for golf carts owned by TCC residents.

3. **Policy:** Conserve the natural resources, cultural resources, and environmental quality of the county and its environs, particularly in the Outer

Banks. (§ 1.3.N). The proposed Map Amendment will not have any adverse effects on natural resources or the environment, but will protect a vital community resource and amenity. The historical and current use of the Surf Shack parcel reduces congestion at the public beach access by providing additional parking areas for golf carts which reduces the number of motor vehicles attempting to access and use the County's public parking lot.

ii. **2006 Land Use Plan.**

1. **Policy:** Public access to the ocean is essential to the quality of life of residents and visitors, as well as the economy of the area. (PA1, p. 9-3). The Surf Shack amenities are an essential part of the beach experience for TCC owners and guests. The Surf Shack amenities enhance the quality of life for TCC owners and guests by providing a location close to the beach where they can purchase food and beverage items and rent beach equipment without having to travel back to the home in which they are staying, all of which ultimately reduces congestion on the roads and in public parking areas.

2. **Policy:** To provide suitable public access opportunities to the County's public trust waters and shorelines so as to allow for a wide range of activities. (Ten Land Use and Development Goals, p. 8-1). The Surf Shack parcel draws TCC owners and guests to the County's public trust waters and shorelines, and it provides a wide range of amenities for their use once they are there. The Surf Shack offers a convenient place for TCC owners and their guests to purchase food and beverage items, have a picnic, rent beach equipment, park golf carts, and play games before they return to their homes at the end of the day. The availability of these amenities reduces traffic congestion by reducing the number of trips an owner or guest makes to and from the beach during the day.

3. **Policy:** To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses. (Ten Land Use and Development Goals, p. 8-1). The existing use of the Surf Shack parcel is an ancillary and accessory recreational use

to TCC and is fully compatible with the surrounding residential land use. The Surf Shack is a structure used for recreational purposes. Section 7.1.3.D of the current UDO states that open spaces may have club houses, seating areas, tables, shelters, grills and picnicking facilities. The UDO does not define the term "club houses" but does define the term "club." Section 10.5 of the UDO defines a "club" as "a building operated by association established for social or recreational enrichment of members and generally not for profit, where members meet certain prescribed qualifications and pay dues. The Surf Shack meets this definition. Also, Section 10.4.4.G of the UDO states that accessory uses in open areas include *club houses, concessions, and parking*. The Surf Shack parcel has a club, concessions, and parking which constitute accessory uses.

4. **Policy:** The policy emphasis of this plan is to allow for predominantly medium density residential development (2 to 3 units per acre) with minimal commercial development arranged in clusters. (Corolla Sub-area, p. 11-10). The requested Map Amendment will join the Surf Shack amenities with TCC's southern commercial area which is consistent with the policy of clustering non-residential uses within a development.

iii. Land Use Map.

1. **Policy:** With respect to nonresidential uses, it is essential that the existing community character be preserved. (Land Use Map; see also Full Service Area Description, p. 11-3). Approving the Map Amendment will preserve the existing TCC community character by formally joining the Surf Shack parcel to the PUD and recognizing the historical use of the parcel as an ancillary and accessory recreational use to TCC.

iv. Connecting Corolla Plan.

1. **Policy:** Make accesses user friendly and appealing. (p. 9). The Surf Shack parcel enhances the County's public beach access by providing food and beverage services, picnic, and game areas to TCC owners and guests who

utilize the access. It also reduces the parking load on County's public parking area by providing additional drop off and parking areas.

- c. **The Application is not in conflict with any provision of the UDO or County Ordinances** – As described above, TCCPOA seeks to transfer an existing open space area into the TCC PUD to formally join the parcel to the PUD and officially recognize the historical uses of the parcel as an ancillary and accessory recreational use to TCC. TCCPOA's request is consistent with the UDO and County ordinances governing recreational uses typically allowed in PUD open space. First, the Surf Shack parcel is requested to be added to the PUD as open space. Second, the use to which the parcel is being put is recreational. As stated above, open space areas are permitted to have accessory recreational facilities such as, club houses, concessions and parking areas.
- d. **The Application is required by changed conditions** – Although the Surf Shack parcel has historically been treated as part of the TCC PUD, the County's Planning Staff recently discovered that it is not part of the TCC PUD and issued a determination that changed conditions. The historical use of the Surf Shack parcel is recreational and it has been properly permitted by the County. The Planning Staff suggested that TCCPOA file this zoning amendment application. TCCPOA cooperated to correct the situation and formally bring the property into the TCC PUD. The Surf Shack parcel has been treated as part of TCC PUD for more than 17 years. TCCPOA is responsible for the parcel, it is common property, and the Board should vote to bring it into the TCC PUD.
- e. **The Application addresses a demonstrated community need** – Tourism is essential to the County's economy. Tourists demand resort-style amenities. The Connecting Corolla Plan calls for amenities, drop-off areas, and user friendliness. The Surf Shack parcel offers all of this by enhancing the overall beach experience for TCC owners and tourists. Prior to February of this year, the County had approved and permitted the current uses of the Surf Shack parcel. TCCPOA is asking to keep status quo, not asking for change.

- f. The Application is compatible with existing and proposed uses surrounding the land, and is the appropriate zoning district and uses for the land** – The current use of the Surf Shack parcel for concessions, picnic/eating, beach equipment rental, game and golf cart parking areas is entirely consistent with residential zoning, especially when included in a PUD. Neighboring communities offer similar amenities to their owners and guests. Other PUDs are located on both sides of Hwy 12. The TCC PUD should be treated the same and the Surf Shack parcel should be formally added to the TCC PUD. The current use of the Surf Shack parcel also is compatible with the adjoining County beach access and commercial uses clustered in the area. The Surf Shack parcel is used by TCC as recreational amenity devoted to enhancing TCC owners and guests beach and vacation experience.
- g. The Application does not adversely impact nearby lands** – TCC's use of the Surf Shack parcel does not adversely impact nearby lands. It reduces automobile traffic and parking issues at County parking lot and along Hwy 12. It reduces pedestrian traffic that has to cross Hwy 12. The availability of rental equipment and picnic food service increases safety by reducing the number of trips beachgoers make to cross Hwy 12 to obtain such items. It also enhances the experience of tourists and generates interest in owning property in TCC which increases property values.
- h. The Applications results in a logical and orderly development pattern** – The Surf Shack parcel has been treated as being part of the TCC PUD for more than 17 years. Formally adding the parcel to the TCC PUD has and will continue to result in a logical and orderly development pattern. The TCC Master Plan and covenants govern the use of the parcels as TCC common property. The Surf Shack is an integral part of TCC and it is logical to include the parcel in the TCC PUD.
- i. The Application does not result in significant adverse impacts on the natural environment-including, but not limited to, water, air, noise,**

stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment – TCC's use of the Surf Shack parcel does not adversely impact the environment. The Surf Shack parcel has enhanced the beach experience for TCC owners and guests for more than 17 years without negative impact. TCCPOA is very active in keeping parcel and the adjoining County access clean and litter-free. The Surf Shack parcel is used for recreation purposes to enhance the beach experience for TCC owners and their guests. The availability of golf cart parking areas reduces pollution by reducing the number of automobiles using the public access.

- j. **The Application does result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities)** – TCCPOA's proposed Map Amendment creates no additional requirements for public facilities. It adds .82 acres of open space to an existing 587 acre PUD. The availability of additional parking areas for golf carts reduces a severe shortage of parking at the County access. It also reduces illegal parking on Hwy 12 and in other communities.
- k. **The Application does not result in significantly adverse impacts on the land values in the surrounding area** – There are many factors which affect market value and the eventual sale price of a home, such as location, condition, size, amenities, features, improvements and upgrades, local economic conditions, the current real estate market and mortgage interest rates, among others. Real estate values are not static and don't always appreciate in a straight line. The Surf Shack parcel is an existing use and TCCPOA is not aware of any evidence to suggest that the use of the Surf Shack by TCC owners and guests has any adverse effect on real estate values of neighboring properties. In fact, the current use of the property as the Surf Shack has a positive impact on the value of the homes within The Currituck Club. The future Land Use Plan designates this area as a full service area. According to the Land Use Plan, it is essential that existing community character be preserved. The use of the property as a concession stand

and recreational equipment rental facility have been and will continue to be in harmony with the area because adjoining communities offer similar recreational amenities for their members and guests. Also, there are substantial vegetative buffers that separate the Beach Club from adjoining properties. The approval of TCCPOA's proposed Map Amendment will likely enhance property values because the current use of the property provides convenient, compatible and efficient recreational services to TCCPOA and two other adjoining communities, and it will permit the continued historical use of a significant and well established recreational amenity. Also, the Surf Shack parcel has been used by TCC as a beach amenity for more than 17 years. The use of the Surf Shack by TCC is well known to area real estate professionals and clients. People who purchase property near the Surf Shack parcel did so with full knowledge of the use of the parcel as an amenity for TCC owners and guests. Property values already take that fully into account and there is no demonstrable evidence that the Surf Shack parcel has had an adverse impact on neighboring property values. However, failure to add the Surf Shack parcel to the TCC PUD and to allow the existing uses to continue would severely damage rental income and property values in TCC.

- I. **The Application does not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance** – TCCPOA's continued use of the property for recreational purposes will not endanger the public health or safety if TCCPOA's Application is approved. The property has been used as a permitted recreational amenity for more than 17 years. The Application simply asks for an administrative change to the area covered by the Currituck Club PUD to include property which has been historically treated as part of the PUD. It will allow for the continued use of the Surf Shack parcel while recognizing and keeping in place prior county approvals which relate to the property. It also will allow TCC to offer convenient ocean-side amenities such as food and beverage and beach equipment rental services to TCC owners and guests, all of which is consistent with the County's goal of promoting tourism. Moreover, the proposed amendment and existing use of the Surf Shack parcel is consistent with the policies stated in the Land Use Plan, UDO and other

governing documents. An amended sketch plan has been submitted for review and the proposed uses which will be incorporated into the Currituck Club PUD meet the UDO's Bulk and Dimensional standards as specified in the Transitional provisions. The Surf Shack parcel is a recreational amenity which provides facilities that are typically oriented to addressing recreational needs of residents of a neighborhood or community area. It is a private recreational facility which is only open to members and guests of specific communities and it offers food services and rental equipment for their use. It is consistent with the UDO because the UDO provides that accessory uses may include club houses, recreational structures, concessions and parking. The UDO provides that recreational facilities that are reserved for use by residents of particular residential developments and their guests are an accessory use to those residential type uses and are an exception to the standards relating to commercial uses under the UDO. For these reasons, the proposed amendment is consistent with existing policies and preserves the essential character of the community which has existed for more than 17 years.

Unofficial Document

TRANSFER TAX AMOUNT NoneDATE/COLLECTOR 1-21-2015

Doc No: 312847
 Recorded: 01/21/2015 at 01:13:08 PM
 Fee Amt: \$26.00 Page 1 of 12
 Excise Tax: \$0.00
 Currituck County North Carolina
 Denise A. Hall Reg of Deeds

Bk **1314** Pg **246-257-A+B**

Prepared by and return to:

Samuel W. Johnson
 Poyner Spruill LLP
 P. O. Box 353
 Rocky Mount, NC 27802-0353

Tax Parcels: 9943-26-8120; 9943-17-9971; 9943-17-8135; 9943-12-2783; 9944-03-8964;
 9934-94-9542; 9934-79-3467; 9934-79-8499; 9935-80-0296

Revenue Stamps: \$0

☐ If checked, the property includes the primary residence of the party depicted as party of the first part. (N.C. Gen. Stat. § 105-317.2)

NORTH CAROLINA

CURRITUCK COUNTY

LIMITED WARRANTY DEED
 (no title examination performed)

THIS DEED (the "Deed"), made and entered into to be effective as of the 31st day of December, 2014, by and between **THE CURRITUCK ASSOCIATES – RESIDENTIAL PARTNERSHIP**, a North Carolina general partnership comprised of (i) Boddie-Noell Enterprises, Inc., a North Carolina corporation, and (ii) Currituck Residential Investment Limited

Unofficial Document

Attachment: 3 Revised Zoning Map Amendment Exhibits (PB 94-49 The Currituck Club PUD)

EXHIBIT

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Partnership, a North Carolina limited partnership, herein referred to as "Grantor," c/o Boddie-Noell Enterprises, Inc., P. O. Box 1908, Rocky Mount, NC 27802, and **THE CURRITUCK CLUB PROPERTY OWNERS ASSOCIATION, INC.**, a North Carolina non-profit corporation, herein referred to as "Grantee," 619 Currituck Clubhouse Drive, Corolla, NC 27927. The designation of Grantor and Grantee as used herein shall include said parties, their successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

WHEREAS, the Grantor is the developer of a residential community known as The Currituck Club near Corolla in Currituck County, North Carolina ("The Currituck Club"), being the property subject to the Declaration hereinafter described;

WHEREAS, The Currituck Club has been governed by and is subject to the Declaration of Covenants, Conditions and Restrictions dated as of December 14, 1995 recorded in Book 377 at Page 281 of the Public Registry of Currituck County, North Carolina as amended by supplementary filings in Book 381 at Page 468; Book 388 at Page 569; Book 396 at Page 639; Book 412 at Page 378; Book 416 at Page 807; Book 501 at Page 148; Book 542 at Page 23; Book 586 at Page 228; Book 600 at Page 832; Book 620 at Page 923; Book 632 at Page 507; Book 724 at Pages 50-51; Book 724 at Page 821; Book 737 at Page 785; Book 756 at Page 901; Book 809 at Pages 585-592; Book 966 at Page 479; Book 981 at Page 510; Book 1173 at Page 634, and Book 1183, Page 544, the initial declaration and all supplementary amendments being hereinafter referred to as the "Declaration";

WHEREAS, The Currituck Club is also subject to the terms and provisions of that certain Declaration of Covenants and Restrictions dated as of August 31, 1995, executed by Grantor and The Currituck Associates – Golf Course Partnership recorded at Book 369, Page 780, Currituck County Registry, which relates to The Currituck Club and the Spindrift Property described therein (the "Spindrift Declaration");

WHEREAS, Section 2 of Article Seven of the Declaration provides that the Grantor as Declarant under the Declaration shall convey to the Grantee legal title to the Common Properties described in the Declaration and the Grantee shall accept the same; and

WHEREAS, the Grantor is executing and delivering this Deed and Grantee is accepting the same pursuant to the terms of the Declaration,

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto Grantee, its successors and assigns the certain tracts or parcels of land lying and being in Poplar Branch Township, Currituck County, North Carolina, and being more particularly described on Exhibit A attached hereto and incorporated herein by reference, together with all right, title and interest, if any, of Grantor in and to the improvements thereon.

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land and all privileges thereunto belonging to said Grantee, but subject always to the reservations and exceptions set forth on Exhibit B attached hereto and incorporated herein by reference.

Grantor warrants and covenants with Grantee that it has placed no mortgage or deed of trust lien upon the property described herein which has not been satisfied and cancelled, that such property is not subject to any judgment liens and that ad valorem taxes on the property have been paid through the year of conveyance.

(See signature page attached.)

Unofficial Document

Unofficial Document

Unofficial Document

UnOfficial Document

IN WITNESS WHEREOF, Grantor has executed this Limited Warranty Deed in the manner prescribed by law as of the day and year first above written.

THE CURRITUCK ASSOCIATES – RESIDENTIAL
PARTNERSHIP, a North Carolina General Partnership

By: BODDIE-NOELL ENTERPRISES, INC., a North
Carolina corporation, Managing General Partner

By: Doyle E. Anderson
Exec Vice President

STATE OF NORTH CAROLINA
COUNTY OF Greene

I, Donna H. Reynolds, a Notary Public of the County and State aforesaid, certify that Doyle E. Anderson personally came before me this day and acknowledged that he is Exec Vice President of BODDIE-NOELL ENTERPRISES, INC., a North Carolina corporation which is the managing general partner of THE CURRITUCK ASSOCIATES – RESIDENTIAL PARTNERSHIP, and that by authority duly given and as the act of the corporation and of the partnership, the foregoing instrument was signed in its name by him as its Executive Vice Pres. in its capacity as the managing general partner of The Currituck Associates – Residential Partnership.

Witness my hand and official stamp or seal, this the 9 day of October, 2014.

Official Signature of Notary: Donna H. Reynolds

Notary's Printed or Typed Name: Donna H. Reynolds, Notary Public.

My Commission Expires: 2/11/2017
(Official Seal)

DONNA H REYNOLDS
NOTARY PUBLIC
GREENE COUNTY, NC

UnOfficial Document

Attachment: 3 Revised Zoning Map Amendment Exhibits (PB 94-49 The Currituck Club PUD)

EXHIBIT A

To Deed
Of

THE CURRITUCK ASSOCIATES – RESIDENTIAL PARTNERSHIP, Grantor

To

THE CURRITUCK CLUB PROPERTY OWNERS ASSOCIATION, INC., Grantee

Description of Property Conveyed

1. The land underlying (i) the streets designated as Hunt Club Drive, Old Sandy Road, Whooping Crane Court, Brown Pelican Court, Night Heron Court, Sun's Bay Court, Golfview Trail, Live Oak Court, Laughing Gull Court, and Herring Gull Court and (ii) the area denoted as "COMMONS" (bounded on the north by Lot 113, on the east by Hunt Club Drive and on the west and south by the golf course owned by The Currituck Associates – Golf Course Partnership), all as shown on the plat of survey titled, "The Currituck Club, P.U.D., Phase 1, Lots 1-149", prepared by Bill Robbins, Surveyor, recorded March 28, 1996 in Plat Cabinet F, Pages 5-11, Currituck County Registry;
2. The land underlying the streets designated as Hunt Club Drive and Currituck Clubhouse Drive as shown on the plat of survey titled, "The Currituck Club, P.U.D., Phase 2, Lots 150-186", prepared by Bill Robbins, Surveyor, recorded March 28, 1996 in Plat Cabinet F, Pages 12-15, Currituck County Registry;
3. The land underlying the area denoted as "COMMONS" on the plat of survey titled, "The Currituck Club, P.U.D., Phase 2 – Revised, Recombination of Lots 167 through 186", prepared by William T. Robbins, Surveyor, recorded August 22, 1997 in Plat Cabinet F, Pages 194-195, Currituck County Registry, and the undesignated adjoining area on the north, which contains a pond, shown on the plat of survey titled, "The Currituck Club, P.U.D., Phase 3, Lots 187 through 262", prepared by William T. Robbins, Surveyor, recorded July 24, 1997 in Plat Cabinet F, Pages 177-180, Currituck County Registry, said property being located north of the intersection of North Hunt Club Drive and Currituck Clubhouse Drive and surrounding Lot 186 and being bounded on the west by the golf course owned by The Currituck Associates – Golf Course Partnership and lot 236, on the east by Hunt Club Drive and Lot 186, on the north by Lots 187, 188, 189, 190 and 235, and on the south and west by Lot 177;
4. The land underlying the streets designated as Hunt Club Drive and Brown Pelican Court on the plat of survey titled, "Minor Subdivision for The Currituck Associates – Residential Partnership" prepared by William T. Robbins, Surveyor, dated February 9, 1996 and recorded in Plat Cabinet F, Page 26, Currituck County Registry;
5. The land underlying the street designated as Old Sandy Road on the plat of survey titled, "The Currituck Club, P.U.D., Minor Subdivision for The Currituck Associates – Golf Course Partnership, Golf Course Maintenance Parcel", prepared by Bill Robbins,

Surveyor, dated October 8, 1996 and recorded in Plat Cabinet F, Page 87, Currituck County Registry;

6. The land underlying the street designated as North Hunt Club Drive on the plat of survey titled, "The Currituck Club, P.U.D., Minor Subdivision for The Currituck Associates – Residential Partnership, Windswept Ridge Villas", prepared by William T. Robbins, Surveyor, recorded March 14, 1997 in Plat Cabinet F, Page 133, Currituck County Registry;
7. The land underlying the streets designated as Hunt Club Drive and Currituck Clubhouse Drive on the plat of survey titled, "The Currituck Club, P.U.D., Phase 2 – Revised, Recombination of Lots 167 through 186", prepared by William T. Robbins, Surveyor, recorded August 22, 1997 in Plat Cabinet F, Pages 194-195, Currituck County Registry;
8. The land underlying the streets designated as Oyster Catcher Court, High Sand Dune Court, Hunt Club Drive, Wild Cherry Court, Shovler Court, and Loblolly Court on the plat of survey titled, "The Currituck Club, P.U.D., Phase 3, Lots 187 through 262", prepared by William T. Robbins, Surveyor, recorded July 24, 1997 in Plat Cabinet F, Pages 177-180, Currituck County Registry;
9. The land underlying all of that area shown as "A PERPETUAL EASEMENT FOR THE EXCLUSIVE USE OF CURRITUCK ASSOCIATES RESIDENTIAL PARTNERSHIP AND THEIR ASSIGNS", as shown on the plat of survey titled, "Recombination of Parcels, The Currituck Associates – Residential Partnership", prepared by William T. Robbins, Surveyor, recorded July 1, 1998 in Plat Cabinet F, Page 296, Currituck County Registry;
10. The land underlying the streets designated as Hunt Club Drive on the plat of survey titled, "Minor Subdivision, The Currituck Club, P.U.D., South Commercial Lots (Revised)", prepared by William T. Robbins, Surveyor, recorded October 9, 1998 in Plat Cabinet F, Pages 332-333, Currituck County Registry;
11. The land underlying the streets designated as Terrapin Pond Court, Dottie's Walk, Hunt Club Drive, and the western segment of Seafare Drive along Lot 291 as shown on the plat of survey titled, "Final Plat of The Currituck Club, P.U.D., Phase 4 – Lots 263 through 309", prepared by William T. Robbins, Professional Land Surveyor, recorded August 18, 2000 in Plat Cabinet G, Page 162-164, Currituck County Registry;
12. The land underlying the street designated as Hunt Club Drive on the plat of survey titled, "Amended Final Plat of Magnolia Bay, Phase 2, The Currituck Club, Units 45 thru 70", prepared by McKim & Creed, dated July 14, 2000 and recorded in Plat Cabinet G, Page 180, Currituck County Registry;
13. The land underlying the street designated as Hunt Club Drive on the plat of survey titled, "Minor Subdivision for The Currituck Associates – Residential Partnership", prepared by

William T. Robbins, Professional Land Surveyor, recorded April 10, 2002 in Plat Cabinet C2, Page 309, Currituck County Registry;

14. The land underlying the street designated as Hunt Club Drive on the plat of survey titled, "Revised Final Subdivision Plat of The Currituck Club, P.U.D. Phase 6 – Lots 310 through 333", prepared by William T. Robbins, Professional Land Surveyor, recorded December 12, 2002 in Plat Cabinet H, Pages 53-55, Currituck County Registry;
15. The land underlying the three (3) areas denoted as "OPEN SPACE" on the plat of survey titled, "Revised Final Subdivision Plat of The Currituck Club, P.U.D. Phase 6 – Lots 310 through 333", prepared by William T. Robbins, Professional Land Surveyor, recorded December 12, 2002 in Plat Cabinet H, Pages 53-55, Currituck County Registry, (i) the northernmost area being bounded on the north by the property of Currituck County designated "Currituck County Governmental Parcel" (as shown on the plat recorded at Plat Cabinet F, Page 296, Currituck County Registry) and on the east by the said property of Currituck County designated "Currituck County Governmental Parcel" and Lots 332 and 333 and on the south and west by the conservation (preservation) strip property of, now or formerly, The Fidelity Company, (ii) the area bounded on the north by Lot 332, on the west by the conservation (preservation) strip property of, now or formerly, The Fidelity Company, on the east by Lots 323 through 331 and on the south and east by Lot 322, and (iii) the southernmost area bounded on the north and west by the conservation (preservation) strip property of, now or formerly, The Fidelity Company, on the east by Lots 310 through 320 and on the south by the golf course owned by The Currituck Associates – Golf Course Partnership;
16. The land underlying (i) the streets designated as Hunt Club Drive, Whistler Court, and Grouse Court, (ii) the area denoted "AMENITIES AREA", (iii) the area denoted "30' ACCESS EASEMENT", and (iv) the area denoted "POND", on the plat of survey titled, "Revised Final Subdivision Plat of The Currituck Club, P.U.D., Phase 7 – Lots 349 through 402", prepared by William T. Robbins, Professional Land Surveyor, recorded April 11, 2003 in Plat Cabinet I, Pages 140-142, Currituck County Registry;
17. The land underlying the streets designated as Hunt Club Drive and Currituck Clubhouse Drive on the plat of survey titled, "Minor Subdivision – Currituck Club, Phase 11, Currituck Associates Residential Partnership, Tax Map 126, Parcel 3B", prepared by Quible & Associates, P.C., dated November 28, 2005 and recorded in Plat Cabinet I, Pages 287-288, Currituck County Registry;
18. The land underlying the area designated as "TAX MAP 126 PARCEL 1 (AS REVISED)" including, without limitation, the areas depicted as "TENNIS COURTS" and "BASKETBALL COURTS, CLUBHOUSE AND OTHER AMENITIES" as shown on the plat of survey titled, "Recombination Survey, Currituck Associates Residential Partnership, Tax Map 126, Parcels 1 & 3", prepared by Quible & Associates, P.C., dated February 3, 2005 and recorded in Plat Cabinet I, Pages 90-92, Currituck County Registry;

19. The land underlying (i) the streets designated as Hunt Club Drive, Historic Loop, Lodge Road, and Barn Court and (ii) the area denoted as "Open Space" on the plat of survey titled, "Final Plat of The Currituck Club PUD, Phase 14, Historic Shooting Club Lots, Lots 403-429", prepared by Quible & Associates, P.C., dated November 27, 2006 and recorded in Plat Cabinet J, Pages 123-124, Currituck County Registry;
20. The land underlying the area denoted as "Open Space (POND)" on the plat of survey titled, "Amended Final Plat of Lots 427, 428, & 429, The Currituck Club PUD, Phase 14, Historic Shooting Club Lots, Lots 403-429", prepared by Quible & Associates, P.C., dated April 13, 2007 and recorded in Plat Cabinet J, Page 183, Currituck County Registry;
21. The land underlying the street designated as Herring Gull Court on the plat of survey titled, "Final Plat (1 of 2), Lot 430 – Phase 1A, Portion of Tax Map 117, Parcel 1H", prepared by Quible & Associates, P.C., dated July 15, 2011 and recorded in Plat Cabinet M, Pages 18-19, Currituck County Registry;
22. The land underlying (i) the private roadway shown as Yaupon Lane, and (ii) the adjoining area denoted as "10'x100' Easement for Bike and Golf Cart Parking" as shown on the plat of survey titled "A Private Access – Common Open Space Subdivision, The Currituck Club Oceans Subdivision" prepared by William T. Robbins, Surveyor, recorded October 11, 1996 in Plat Cabinet F, Pages 76-77, Currituck County Registry;
23. Grantor's easement rights in that certain twenty-foot-wide roadway leading to North Carolina Highway No. 12 from Old Sandy Road as shown on the plat of survey titled "The Currituck Club, P.U.D. Minor Subdivision For The Currituck Associates – Golf Course Partnership, Golf Course Maintenance Parcel", prepared by Bill Robbins, Surveyor, recorded November 15, 1996 in Plat Cabinet F, Page 87, Currituck County Registry, such rights arising under the Deed from Coastland Corporation to Grantor and The Currituck Associates – Golf Course Partnership dated January 15, 1996, recorded in Book 375, Page 574, Currituck County Registry and covering the property described on Exhibit B to said Deed;
24. Grantor's easement rights in and to the easternmost portion of Hunt Club Drive as it intersects North Carolina Highway 12 arising under an Easement Deed from the Spindrifft Property Owners Association, Inc. to Grantor and The Currituck Associates – Golf Course Partnership dated August 31, 1995, recorded at Book 369, Page 766, Currituck County Registry, such easement rights enabling the extension of Hunt Club Drive to the western boundary of North Carolina Highway 12 over the property of the Spindrifft Property Owners Association, Inc. together with the related access and landscaping rights described in the said Easement Deed; and
25. Two (2) of the three areas designated as "COMMON OPEN SPACE" on the plat of record of the Oceans Subdivision recorded at Plat Cabinet F, Pages 76 and 77, Currituck County Registry, being (i) the area adjoining N.C. Highway 12 and (ii) the area adjoining

the Atlantic Ocean, but expressly excluding the middle area designated as "COMMON OPEN SPACE" located between Lots B and C and containing 14,628 square feet, on which a tennis court is located.

TOGETHER WITH all improvements of every nature located on such properties, and a perpetual easement for any as-built conditions related to actual location of road structures (e.g. pavement and shoulders) or amenities (tennis courts, pool, etc.) that may deviate across boundaries of the property conveyed herein to Grantee, and the non-exclusive, perpetual right in common with Grantor and its successors and assigns to use all easements on such properties which were reserved by Grantor for its use or the use of its successors-in-title. It is the intent of Grantor that the properties conveyed herein are "Common Properties" and shall be treated as such under the Declaration, and that such properties shall be governed and controlled solely by Grantee, subject to all the rights and interests set forth in the exceptions and reservations herein.

EXHIBIT B

**To Deed
Of**

THE CURRITUCK ASSOCIATES – RESIDENTIAL PARTNERSHIP, Grantor

To

CURRITUCK CLUB PROPERTY OWNERS ASSOCIATION, INC., Grantee

Reservations and Exceptions to Title

Reservations

The conveyance is made expressly subject to the reservation by Grantor of the following for the benefit of the Grantor, its successors and assigns:

1. All rights of Grantor as owner of property in The Currituck Club and as Declarant under the Declaration, including without limitation all easement rights reserved by Grantor for itself, its successors and/or assigns under Section 3 of Article One of the Declaration and the rights reserved under Article Thirteen of the Declaration to or for the benefit of Grantor as Declarant, its successors and assigns and the Golf Club (as described in the Declaration), its operators, members and guests.
2. The rights of the Grantor as Declarant under the Oceans Declaration hereinafter described and as owner of the common open space (other than the property described as Parcels 22 and 25 on Exhibit A) in the Oceans Subdivision shown on the plat of survey titled "A Private Access – Common Open Space Subdivision, The Currituck Club Oceans Subdivision" prepared by William T. Robbins, Surveyor, recorded October 11, 1996 in Plat Cabinet F, Pages 76-77, Currituck County Registry (the "Oceans Plat"), including without limitation the non-exclusive right(s) to use (i) the private roadway shown as Yaupon Lane, and (ii) the adjoining area denoted as "10'x100' Easement for Bike and Golf Cart Parking" shown on the Oceans Plat for access, ingress, egress and regress over, upon and across such roadway and adjoining area to and from N. C. Highway 12, the residential lots shown on the Oceans Plat, the common open space and the parcel including the "30' Beach Access" area owned by the County of Currituck as shown on the Oceans Plat and for the installation, operation and maintenance of underground drainage and utility lines thereunder.
3. Grantor agrees that any development rights, related easements, or other declarant rights it may retain in the Oceans Common Open Spaces, Yaupon Lane, and the 10' x 100'

easement for bike and golf cart parking, and any improvements thereon may not be assigned or conveyed by it to any non-governmental third parties. Grantor further agrees any such rights it may retain specifically do not allow it to convey or transfer, in any form or fashion, access or utility rights in the foregoing areas to any non-governmental third parties, provided, however, that nothing herein shall restrict or prohibit Grantor from conveying to the purchaser of a lot in The Currituck Club the same rights and easements in such areas as are held and enjoyed by the owners of other lots in The Currituck Club.

Exceptions to Title

1. All covenants, conditions, restrictions and rights described in or arising under the Declaration and the Spindrift Declaration.
2. All other easements, restrictions, rights and other matters of record in the Currituck County Registry pertaining to the property described herein, including without limitation all matters set forth on the various plats and maps of record depicting the property described herein, but explicitly excluding (i) any and all mortgages and deeds of trust placed on the property by Grantor, (ii) any and all judgment liens and (iii) the liens for ad valorem taxes for years prior to 2014.
3. Grantor's easement rights as described in Parcel 23 on Exhibit A are subject to the terms of the Deed from Coastland Corporation described in Parcel 23, and the limited warranties set forth in this deed shall not apply to those easement rights.
4. Grantor's rights as described in Parcel 24 on Exhibit A are subject to the terms of the Easement Deed from the Spindrift Property Owners Association, Inc. to Grantor and The Currituck Associates – Golf Course Partnership dated August 31, 1995, recorded at Book 369, Page 766, Currituck County Registry, and the limited warranties set forth in this deed shall not apply to those easement rights or the portion of Hunt Club Drive which is subject to the terms of that Easement Deed.
5. With respect to the property described as Parcels 22 and 25 on Exhibit A, and subject to Reservation No. 3 above, the rights and interests therein arising under the Declaration of Covenants, Conditions and Restrictions for the Oceans Subdivision dated as of October 31, 1996 recorded in Book 393 at Page 016 (and re-recorded in Book 402, Page 543) of the Public Registry of Currituck County, North Carolina, as amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions for the Oceans Subdivision recorded in Book 1124 at Page 196 and re-recorded in Book 1126 at Page 28 of the Public Registry of Currituck County, North Carolina (the "Oceans Declaration"), including, without limitation, the rights of the owners of residential lots and their tenants and guests and of the lessees and their invitees and other users of the common open space in the Oceans Subdivision shown on the plat of survey titled "A Private Access – Common Open Space Subdivision, The Currituck Club Oceans Subdivision" prepared by

William T. Robbins, Surveyor, recorded October 11, 1996 in Plat Cabinet F, Pages 76-77, Currituck County Registry (the "Oceans Plat"), to use (i) the private roadway shown as Yaupon Lane, and (ii) the adjoining area denoted as "10'x100' Easement for Bike and Golf Cart Parking" shown on the Oceans Plat for access, ingress, egress and regress over, upon and across such roadway and adjoining area to and from N. C. Highway 12, the said residential lots, the common open space and the parcel including the "30' Beach Access" area owned by the County of Currituck as shown on the Oceans Plat and for the installation, operation and maintenance of underground drainage and utility lines thereunder.

6. Certain of the properties described in Parcels 1, 3, 15, 16, 19 and 20 on Exhibit A are conveyed subject to the terms of, and together with the rights of Grantor arising under, the Deed of Easement from Grantor to The Currituck Associates – Golf Course Partnership and Pine Island-Currituck LLC dated December 28, 2011 and recorded in Book 1183, Page 535, Currituck County Registry, as amended by the Amended Deed of Easement and Release dated December 31, 2014, and recorded in Book 1314, Page 228, Currituck County Registry.
7. The properties comprising Parcel 25 on Exhibit A are conveyed subject to the Memorandum of Lease recorded at Book 1146, Page 590, Currituck County Registry, for the Lease Agreement between Developer and Lighthouse Resort Services, Inc. dated December 15, 2010, and the Amended Memorandum of Lease recorded at Book 1182, Page 602, Currituck County Registry, the same being modified by the First Amendment to Lease Agreement (the "Lease Amendment") recorded at Book 1242, Page 67, Currituck County Registry (as amended, the "LRS Lease").

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land and all privileges thereunto belonging to said Grantee, but subject always to the reservations and exceptions set forth on Exhibit B attached hereto and incorporated herein by reference.

Grantor warrants and covenants with Grantee that it has placed no mortgage or deed of trust lien upon the property described herein which has not been satisfied and cancelled, that such property is not subject to any judgment liens and that ad valorem taxes on the property have been paid through the year of conveyance.

(See signature page attached.)

UnOfficial Document

IN WITNESS WHEREOF, Grantor has executed this Limited Warranty Deed in the manner prescribed by law as of the day and year first above written.

THE CURRITUCK ASSOCIATES – RESIDENTIAL
PARTNERSHIP, a North Carolina General Partnership

By: BODDIE-NOELL ENTERPRISES, INC., a North
Carolina corporation, Managing General Partner

By: Douglas E Anderson
Exec Vice President

STATE OF NORTH CAROLINA
COUNTY OF Greene

I, Donna H. Reynolds, a Notary Public of the County and State aforesaid, certify that Douglas E Anderson personally came before me this day and acknowledged that he is Exec Vice President of BODDIE-NOELL ENTERPRISES, INC., a North Carolina corporation which is the managing general partner of THE CURRITUCK ASSOCIATES – RESIDENTIAL PARTNERSHIP, and that by authority duly given and as the act of the corporation and of the partnership, the foregoing instrument was signed in its name by him as its Executive Vice Pres, in its capacity as the managing general partner of The Currituck Associates – Residential Partnership.

Witness my hand and official stamp or seal, this the 9 day of October, 2014.

Official Signature of Notary: Donna H Reynolds
Notary's Printed or Typed Name: Donna H. Reynolds, Notary Public.

My Commission Expires: 2/11/2017
(Official Seal)

DONNA H REYNOLDS
NOTARY PUBLIC
GREENE COUNTY, NC

UnOfficial Document

Attachment: 3 Revised Zoning Map Amendment Exhibits (PB 94-49 The Currituck Club PUD)



Doc No: 312853
Recorded: 01/21/2015 at 01:13:14 PM
Fee Amt: \$26.00 Page 1 of 5

Currituck County North Carolina
Denise A. Hall Reg of Deeds

Bk 1314 Pg 306-310

TRANSFER TAX AMOUNT None
DATE/COLLECTOR 1-21-2015

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

ASSIGNMENT AND ASSUMPTION OF LEASE

THIS ASSIGNMENT AND ASSUMPTION OF LEASE ("Assignment") is made and entered into as of the 31st day of December, 2014 ("Effective Date") by and between THE CURRITUCK ASSOCIATES RESIDENTIAL PARTNERSHIP, a North Carolina general partnership (hereinafter referred to as "Assignor"), and THE CURRITUCK CLUB PROPERTY OWNERS ASSOCIATION, INC., a North Carolina nonprofit corporation (hereinafter referred to as "Assignee").

WITNESSETH:

WHEREAS, Assignor entered into a Lease with Lighthouse Resort Services, Inc., a North Carolina corporation, dated December 15, 2010 (the "Lease") for real property and improvements that are described and known generally as the "Surf Shack" Property, PIN or Parcel Numbers 127E000-OPEN-0003 and 127E000-OPEN-0001, located at 475 Yaupon Lane within The Currituck Club Oceans Subdivision in Currituck County, North Carolina, including all buildings and improvements thereon (hereinafter called the "Leased Premises");

WHEREAS, the Lease is evidenced by a Memorandum of Lease recorded in Book 1146, at Page 590, and an Amended Memorandum of Lease recorded in Book 1182, at Page 602, both in the office of the Register of Deeds of Currituck County;

Prepared by Ward and Smith, P.A., 1001 College Court (28562), Post Office Box 867, New Bern, NC 28563-0867

Upon recording please return to: *Eric J. Remington*, Ward and Smith, P.A., 1001 College Court (28562), Post Office Box 867, New Bern, NC 28563-0867

EXHIBIT

2

WHEREAS, the Lease was amended by a First Amendment to Lease Agreement recorded in Book 1242, at Page 67, in the Office of the Register of Deeds of Currituck County (as amended, hereinafter referred to as the "Lease");

WHEREAS, Assignor has approved the installation of a "cooker" to be used at the "Surf Shack" located on the Leased Premises;

WHEREAS, Assignor represents and warrants that it has not amended the Lease or approved any modifications or additions to the Leased Premises except as set forth herein;

WHEREAS, on or about the effective date of this Assignment, Assignor conveyed fee simple title to the Leased Premises to Assignee;

WHEREAS, Paragraph 11 of the Lease states the rights and obligations of the Assignor under the Lease shall be assigned to the successor owner of the Leased Premises from and after the transfer of the Leased Premises to such successor owner; and,

WHEREAS, Assignor and Assignee intend that Assignor shall transfer and assign Assignor's interest in the Lease to Assignee as successor owner of the Leased Premises and that Assignee shall assume all of Assignor's benefits and obligations under the Lease arising from and after the Effective Date.

NOW, THEREFORE, for and in consideration of the mutual promises contained herein and for other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. Assignor does hereby, assign, transfer, convey and set over absolutely unto Assignee, and its successors and assigns, all of Assignor's right, title, interest, powers, privileges, obligations, duties and liabilities as Landlord in the Lease (the "Rights and Obligations"), including without limitation all of Assignor's right, title and interest in and to any deposits and in and to any claims for rent or any other claims arising under the Lease from and after the Effective Date against the tenant, and Assignee hereby accepts and assumes said assignment, transfer and conveyance of the Rights and Obligations.

2. Assignor hereby indemnifies, defends and agrees to hold harmless Assignee from and against any and all liabilities, claims, demands, obligations, assessments, losses, costs, damages, and expenses of any nature whatsoever (including, but without limiting

the generality of the foregoing, reasonable attorneys' fees and court costs) which Assignee may incur, sustain or suffer or which may be asserted or charged against Assignee, arising out of, pertaining to or in any way connected with Assignor's obligations, duties or liabilities under the Lease prior to the Effective Date.

3. Assignee hereby indemnifies, defends and agrees to hold harmless Assignor from and against any and all liabilities, claims, demands, obligations, assessments, losses, costs, damages and expenses of any nature whatsoever (including, but without limiting the generality of the foregoing, reasonable attorneys' fees and court costs) which Assignor may incur, sustain or suffer or which may be asserted or charged against Assignor arising out of, pertaining to or in any way connected with Assignee's obligations, duties and liabilities under the Lease from and after the Effective Date.

4. This Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal and personal representatives, successors and assigns.

5. This Assignment may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

[SIGNATURES ON FOLLOWING PAGES]

Unofficial Document

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment to be executed in such form as to be binding, this the day and year first above-written.

ASSIGNOR:

**THE CURRITUCK ASSOCIATES -
RESIDENTIAL PARTNERSHIP**

By: Boddie-Noell Enterprises, Inc., General Partner

By: Douglas E. Anderson
Exec Vice President

STATE OF NORTH CAROLINA
COUNTY OF Nash

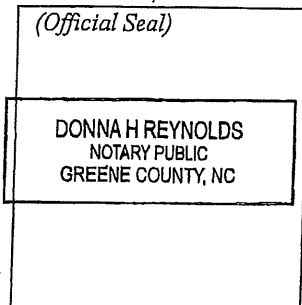
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Douglas E. Anderson, Exec Vice President of
Boddie-Noell Enterprises, Inc., General Partner of
The Currituck Associates-Residential Partnership

Date: 9 day of October, 2014.

Official Signature of Notary: Donna H. Reynolds
Notary's Printed or Typed Name: Donna H. Reynolds, Notary Public

My Commission Expires: 2/11/2017



Notary seal or stamp must appear within this box.

Unofficial Document

Unofficial Document

ASSIGNEE:

**THE CURRITUCK CLUB PROPERTY
OWNERS ASSOCIATION, INC.**

By: Barry C. Dinger
President

STATE OF TENNESSEE
COUNTY OF Williamson

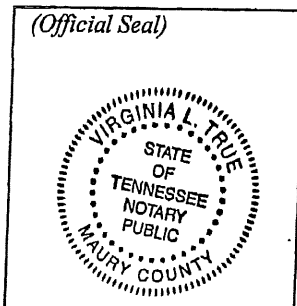
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Barry C. Dinger, President of
The Currituck Club Property Owners Association, Inc.

Date: 29th day of September, 2014.

Official Signature of Notary: Virginia L. True
Notary's Printed or Typed Name: Virginia L. True, Notary Public

My Commission Expires: 10/25/17



Notary seal or stamp must appear within this box.

110792-00002
ND: 4820-6462-3644, v. 1

Unofficial Document



The Currituck Beach Club SURF SHACK ONLINE RESERVATIONS

Managed by Lighthouse Resort Services

Tired of buying cheap beach chairs and umbrellas each year only to have them break when its time to use them?

Tired of dragging your equipment up and down the beach everyday?

Tired of searching for a spot to call yours when your group gets to the beach?

When you rent with us, you can:

- ▶ Leave the bulky items at home. Just Bring your Beach Towel and bags and you are ready to enjoy your day in the sun
- ▶ Easily find your items in your reserved spot on the beach
- ▶ Relax in comfortable, quality chairs that are guaranteed to last
- ▶ Enjoy the shade of our premium umbrellas that measure almost 8' diameter casting plenty of shade.

Items for sale may not be reserved online, and include variety of sandwiches, ice cream, snacks, soda, water, ice, Beer (Bottle and Draft) and Wine (glass and bottle).

5% Discount

On Online Reservations
if made

2 WEEKS IN ADVANCE

Complete the Online Form Below

**Be sure to check out the
New Surf Shack,
Outdoor Patio, and
Upcoming Activities.**



Please fill out the form below to request your reservations for items during your vacation.

We provide services for homeowners and guests in The Currituck Club only. You will receive an email response including a description of our services and prices. If you have not received an email within 48 hrs, please check your spam folder. Any other inquiries regarding beach services please email rentals@lighthouseresortservices.com.

VACATION INFORMATION

YOUR RENTAL INFORMATION:

* Rental Company:

* Rental Property Address (number and street):

EXHIBIT

tabbles

3

Week of Vacation - Choose here if SATURDAY ARRIVAL

Choose ▾

Week of Vacation - Choose here if SUNDAY ARRIVAL

Choose ▾

Check Here if you are staying multiple weeks. ☐If staying multiple weeks how many TOTAL WEEKS
would you like your items reserved:

How Many Total Weeks ▾

EQUIPMENT LIST (Enter Quantity of Each)**Weekly Items****Umbrella - PER WEEK**

Durable Heavy Duty umbrella that measures almost 8ft diameter. Creating 100% UV protection in the shade. Our beach staff installs the umbrella so you don't have to worry about your umbrella falling or blowing away even in higher winds.

Number of Umbrellas
You're Renting:
**Chair - PER WEEK**

High Back premium quality beach chair with multiple positions. Ideal for sun bathing or relaxing in the shade. Canvas is quick drying and sits low to the ground for extra comfort.

Number of Chairs
You're Renting:
**Body Board - PER WEEK**

Ride the waves with our brand name body boards. Featuring soft cushion top for extra comfort and wrist leash to keep it close. Very Limited quantity so reserve today.

Number of Body Boards You're
Renting:
**Surf Board - PER WEEK**

Perfect for the beginner, our boards are soft top and provide the extra buoyancy to help you learn the basics. Ask us about adding private surf lessons while you are here. Very limited quantity so reserve today.

Number of Surfboards
You're Renting:

**Corn Toss - PER WEEK**

The game that's sweeping the nation. Have these regulation boards sitting with your chairs and umbrellas. Full Game rules included. Set includes 2 boards and 2 sets of bags (8 Total). Very limited quantity so reserve today.

Number of Corn Toss Games You're Renting:

Daily Items may only be reserved on the day of use.

☐ *I have read and accept Terms and Conditions.


[Click Here](#) to View Terms and Conditions

PERSONAL INFORMATION:

NOTE: This is NOT a Credit card processing form. This is ONLY for information purposes. We will respond by email or telephone within 48 hours to confirm your order. Once your order is confirmed we will process your credit card.

Reservations are **not guaranteed** until payment has been received.

*Required

*First Name:
 *Last Name:
 *E-Mail:
 *Address:
 *City:
 *State: 
 *Zip:
 *Phone:

Please note any additional preferences or requests to allow our staff to better meet your needs.

CLEAR FORM

Send It!

(Privacy Policy: We will not share, sell or distribute your information to anyone for any reason, PERIOD.)

Lighthouse Resort Services
LighthouseResortServices.com
 Surf Shack: 252-457-0072

EXHIBIT

4

tabbies

CURRITUCK CLUB VALET HUT

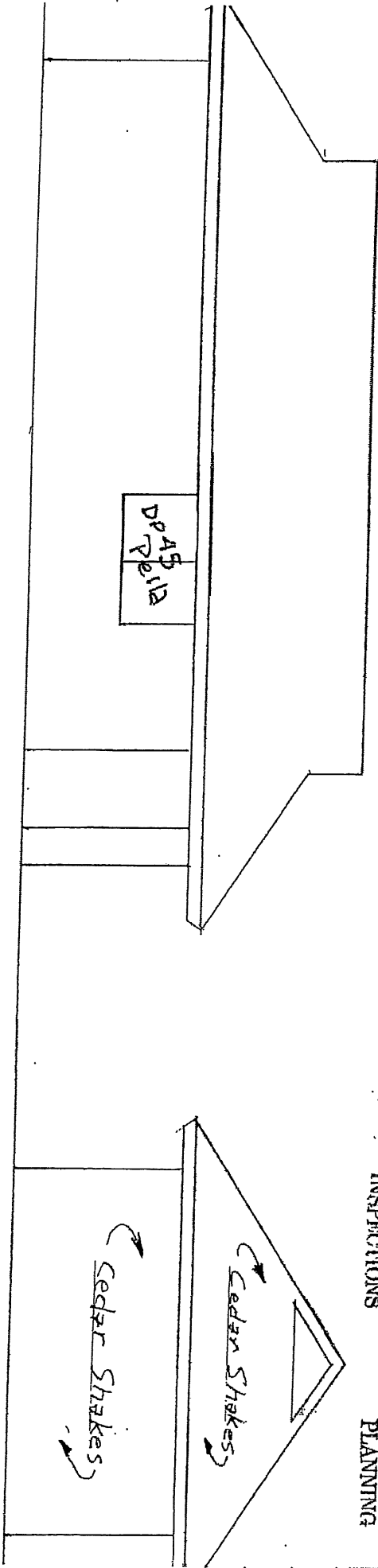
SCALE 3/16" = 1 ft

Currituck Co. Dept. of Planning & Inspections
BLDG PLAN ☒ SITE PLAN ☒
Permit No. B2000088

| | |
|---|---|
| <input type="checkbox"/> Approved As Is | <input type="checkbox"/> Approved As Is |
| <input checked="" type="checkbox"/> Approved As Noted | <input checked="" type="checkbox"/> Approved As Noted |
| <input type="checkbox"/> Re-submit | <input type="checkbox"/> Re-submit |

2-14-00 2-18-2000
DATE DATE

Respect D. Voliva
INSPECTIONS PLANNING



South Elevation

East Elevation



County of Currituck Project Approval

Application #: 201001205
Property Owner: CURRITUCK ASSOC RESI PARTN
Location: BEACH
Parcel ID: 127E0000OPEN0003
Project Description: CUSTOMER SERVICE/STORE
Issued Date: 12/02/10
Expiration Date: 05/31/11

(IF WORK ON THE PROJECT HAS NOT COMMENCED ON OR BEFORE THE EXPIRATION DATE LISTED ABOVE, THIS PROJECT APPROVAL IS NULL AND VOID)

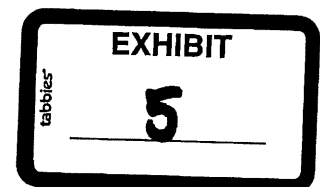
CONDITIONS OF APPROVAL:

FLOOD ZONE AE, BFE 6'. ATTACH UNHEATED COMMERCIAL BUILDING TO REAR OF EXISTING TROLLEY STOP FOR BATHROOM, VENDING, STORAGE, SALES AND VALET SERVICES FOR CURRITUCK CLUB OWNERS AND GUESTS (NOT FOR GENERAL PUBLIC). ALL CONSTRUCTION TO COMPLY WITH ACCESSIBILITY CODE AND ALL OTHER APPLICABLE CODES. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE EQUIPMENT INSTALLED BY YOUR COMPANY IS ABOVE BFE IN REGULATED FLOOD ZONES. MUST POST PERMIT AND SCHEDULE ALL REQUIRED INSPECTIONS INCLUDING FINAL. AN APPROVED ELEVATION CERTIFICATE IS REQUIRED PRIOR TO SCHEDULING THE ROUGH IN AND FINAL INSPECTIONS. AN APPROVED AS BUILT SURVEY IS REQUIRED PRIOR TO SCHEDULING THE FINAL INSPECTION.

| | | |
|--------|--------------------------------|--------|
| B 7571 | BUILDING PERMIT | 221.20 |
| E 6620 | ELECTRICAL, COM NEW | 100.00 |
| I 2044 | INSULATION, COM NEW | 100.00 |
| P 2498 | PLUMBING, COM NEW | 100.00 |
| Z 5149 | ZONING PERMIT, NON-RESIDENTIAL | .00 |
| | TOTAL FEE | 521.20 |

I have read and understand the above conditions of approval.

Applicant: Michael A. Cherry



FOP# 201001457 Currituck County Zoning Permit Worksheet

Application Number:

201001205

Location

475 Yaupon Ln

PIN

127E 000 OPEN 0003

Proposed Use

Commercial (customer service/store)

Zoning District

R01

Use Permit

Z

Permitted Use

Y

Lot of Record

Y

Comments

Trolley Stop Addition in Open Space

Development Standards

| | REQUIRED | PROPOSED | | REQUIRED | PROPOSED |
|-------------------|---------------|----------|------------------------------|----------|------------|
| Lot Size | 10,000 | 21,814 | Right Side Setback | 10 | 52 |
| Lot Width | 65 | 97 | Building Height ¹ | 35 max | 24.5 total |
| Front Setback | 20 | 292 | Total Floor Area | NA | NA |
| Rear Setback | 10 | 12 | Total Lot Coverage | 30% 6844 | 4465 20.1 |
| Left Side Setback | 10 | 16 | AEC Lot Coverage | NA | NA |

Development Standards Comments

Supplementary Use RequirementsParking

| | REQUIRED | PROPOSED | | REQUIRED | PROPOSED |
|--------------------------|----------|----------|---------------------|----------|----------|
| Number of Spaces | | | Surface Type | | |
| Parking Space Dimensions | | | Marked Spaces | | |
| Compact Car Spaces | | | Loading Area | | |
| Parallel Spaces | | | Handicapped Parking | | |
| Minimum Aisle Width | | | Satellite Parking | | |
| Driveway Apron | | | Site Triangle | | |
| Min. Driveway Width | | | Max. Driveway Width | | |
| Min. Driveway Setback | | | Trips Per Hour | | |

Parking Comments

No Change in Parking

Bufferyard Shading

| | REQUIRED | PROPOSED | | REQUIRED | PROPOSED |
|------------|----------|----------|--------------|----------|----------|
| Front | | | Rear | | |
| Right Side | | | Tree Removal | | |
| Left Side | | | Shading | | |

Bufferyard/Shading Comments

Existing

Utilities

| | REQUIRED | PROPOSED | | REQUIRED | PROPOSED |
|--------------------------------|----------|----------|--------------------|----------|----------|
| Water Supply Source | | | Fire Hydrants | | |
| Sewage Disposal Type | | | Dumpster Screening | | |
| Building Lighting ¹ | | | | | |

Utility Comments

Sewer/water tie in see plans for detail

Currituck County

Zoning Permit Worksheet

| Signage | REQUIRED | PROPOSED | | REQUIRED | PROPOSED |
|-----------------|--------------------------|-------------------------------------|-------------------------|--------------------------|-------------------------------------|
| Sign Type | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Sign Tree Removal | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sign Front | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Sign Height | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sign Right Side | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Sign Area | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sign Left Side | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Distance to Other Signs | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sign Rear | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Sign Illumination | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sign Comments | <input type="text"/> | | | | |

Nonconformity ☒ Yes ☐ No Limits Lot Size/Lot Width/ Other:

Erosion/Flood

Community Number 370078 Panel Number 9943 Suffix J
 Floodway Flood Hazard AE 6 Coastal High Hazard Zone NAVD 88
 Value of Improvements Cost of Proposed Improvements 35,000
 Market Value of Existing Structure

Cost of Previous Improvements Since November 1 1984
 Total Costs of Improvements Since November 1 1984 Percentage of Market Value

Flood Comments
☒ Elevation certificate required within 21 days of establishment of the first floor and foundation flood vents may be required. A final elevation certificate is required prior to scheduling a final inspection and before occupancy of the structure. Please review the flood information packet for additional restrictions and requirements. ☐ Elevation certificate not required.

Coastal Comments

Erosion Control Plan

Erosion Control Plan Comments

Drainage Plan

| | REQUIRED | PROPOSED | | REQUIRED | PROPOSED |
|--------------|--------------------------|--------------------------|--------------------|--------------------------|--------------------------|
| Fill Setback | <input type="checkbox"/> | <input type="checkbox"/> | Max. Fill _ Inches | <input type="checkbox"/> | <input type="checkbox"/> |
| Fill Slopes | <input type="checkbox"/> | <input type="checkbox"/> | LDP | <input type="checkbox"/> | <input type="checkbox"/> |
| Sed. Control | <input type="text"/> | | | | |

Drainage Comments

Culvert Certification Required Before Final Inspection ☐ Asbuilt Survey Required Before Final Inspection ☒
 Per Subdivision Drainage Plan Building Pad Elevation Required Before Rough In Inspection * ☐ Flood Development Permit Required ☒
 Per Subdivision Drainage Plan Finished Floor Elevation Required Before Final Inspection * ☐ Structure Height Certification Required ☐
 Lot Recombination Plat Required ☐

Reviewed By

Additional Comments/Conditions:

*Not related to Flood Elevation Certificate

Last Update 7/06



Currituck County

Department of Planning and Inspections

Post Office Box 70

Currituck, NC 27929

252-232-3055 / Fax 252-232-3026

CURRITUCK COUNTY FLOODPLAIN DEVELOPMENT PERMIT**"AE" Flood Zone**Permit Number 201001457Issuance Date 12/2/2010PIN 127E0000OPEN0003

In accordance with the Currituck County Unified Development Ordinance, Section 16 Flood Damage Prevention, a Floodplain Development Permit is hereby granted to: CURRITUCK ASSOCIATES RESIDENTIAL PARTNERSHIP.

to conduct development activities within the area of special flood hazard on property located at: 475 YAUPON LN.

1. Permit issued for the following development only.

| | | |
|---|---|---|
| <input type="checkbox"/> Excavation | <input type="checkbox"/> Residential New Construction | <input type="checkbox"/> Nonresidential Construction |
| <input type="checkbox"/> Fill | <input type="checkbox"/> Residential Addition | <input checked="" type="checkbox"/> Nonresidential Addition |
| <input type="checkbox"/> Grading | <input type="checkbox"/> Residential Alteration | <input type="checkbox"/> Nonresidential Renovation |
| <input type="checkbox"/> Utility Construction | <input type="checkbox"/> Other (specify): _____ | <input type="checkbox"/> Non Residential Alteration |
| <input type="checkbox"/> Road Construction | | |

2. The lowest floor and all attendant utilities shall be at or above 6 feet Mean Sea Level (MSL), NAVD '88
3. Pursuant to Section 1604 of the Currituck County Unified Development Ordinance, it shall be the duty of the permit holder to submit to the Floodplain Administrator the Elevation/Floodproofing Certification within 7 calendar days after establishment of the reference level elevation.
4. All buildings or structures shall be located landward of the first line of stable natural vegetation and comply with all applicable CAMA setback requirements.
5. Fill material shall not encroach into the floodway of N/A.
6. Proper erosion and sediment control measures shall be installed and maintained in accordance with North Carolina State Standards during fill operations.
7. Provide a minimum of two (2) openings in the foundation wall having a total area of not less than 0 sq. inches. The bottom of the openings shall not be greater than one (1) foot above the ground elevation at the perimeter of the foundation wall. The access area to the crawl space may be utilized to meet these criteria provided a mesh or screen door is used. Vent openings are calculated at one square inch per one square foot of structure footprint below BFE.
8. Mobile/Manufactured home shall be installed in accordance with the State of North Carolina Regulations for Manufactured Homes, FEMA set-up requirements and Currituck County Unified Development Ordinance, Section 1605.
9. Upon completion of foundation construction, contact Floodplain Administrator's office for foundation inspection.
10. Below BFE enclosures (if applicable) are to be used for parking vehicles, building access, or storage only.
11. Elevation certificate is required within 21 days of establishment of the first floor and foundation flood vents may be required. A final elevation certificate is required prior to scheduling a final inspection and before occupancy of the structure. Please review the flood information packet for additional restrictions and requirements. It is in the best interest of the owner to establish the ground elevation prior to construction.

Failure to comply with the Currituck County Unified Development Ordinance including any modifications and/or performance reservations could result in assessment of civil penalties or initiation of civil or criminal court actions.

Issued this 2nd day of December, 2010.

Jason Littered, Planner CPM

Owner Signature of Receipt

Attachment: 3 Revised Zoning Map Amendment Exhibits (PB 94-49 The Currituck Club PUD)



County of Currituck

Project Type: CUSTOMER SERVICE/STORE

Application Number:

201001205

Location: BEACH

Parcel ID: 127E000OPEN0003

Property Owner: CURRITUCK ASSOC RESI PARTN

This permit must be displayed where it is plainly visible from the street.
Failure to display permit could result in inspections not being performed.

Date Issued: 12/02/10

Issued By: Spence Castello

Director of Inspections

Currituck County Inspection Report

Building Permit # _____

Inspection Type: _____

Remarks:

SS Addition

☐ APPROVED

☐ DISAPPROVED

☐ APPROVED WITH NOTED CORRECTIONS

☐ CERTIFICATE OF COMPLIANCE

INSPECTOR

DATE

*For code references, please call 252-232-3378.

Attachment: 3 Revised Zoning Map Amendment Exhibits (PB 94-49 The Currituck Club PUD)

**NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION**

4307 MAIL SERVICE CENTER
RALEIGH NC 27699-4307
(919) 779-0700 FAX: (919) 662-3583
www.ncabc.com

INSPECTION/ZONING COMPLIANCE

IMPORTANT: The Applicant will complete SECTION A, below. SECTION B through SECTION E, below, are to be completed by the appropriate Inspection/Zoning Official. To request inspections and zoning certifications, please contact the city or county building and fire inspection and zoning departments for your area. Failure to submit this form in a timely manner to these local authorities may result in delays in processing of an ABC permit application. This form must be completed by the building, fire and zoning officials before a permit will be issued.

SECTION A - APPLICANT TO COMPLETE

Name of Applicant Lighthouse Resort Services, Inc.
Trade Name of Business The Surf Shack
Address of Business 475 Yagoun Lane
City Corolla County Currituck
Phone # (252) 457-0072

SECTION B - BUILDING INSPECTOR TO COMPLETE

Building Code:

Building is in - ☒ Compliance ☐ Non-compliance* ☐ Not Applicable

Building Inspector's Name (printed) and Signature Tod S. Burns Tod S. Burns
Phone # (252) 453-8555 Ext. 233 Date of Inspection 2/25/11

SECTION C - FIRE INSPECTOR TO COMPLETE

Fire Code:

Building is in - ☒ Compliance ☐ Non-compliance* ☐ Not Applicable

Fire Inspector's Name (printed) and Signature James Mink James Mink
Phone # (252) 232-6641 Date of Inspection 2/25/11

SECTION D - ZONING OFFICIAL TO COMPLETE

Zoning:

Business is in - ☒ Compliance ☐ Non-compliance* ☐ Not Applicable

Is business located in an Urban Redevelopment Area (Article 22 of Chapter 160A) ☐ Yes ☒ No

If "Yes", has establishment been given notice that it is in an Urban Redevelopment Area and must comply with the requirements of N.C.G.S. 18B-309 ☐ Yes ☐ No

Zoning Classification R01 - Commercial Accessory (PUD)

Permitted uses in this zone Amenity Guest Services to Currituck Club

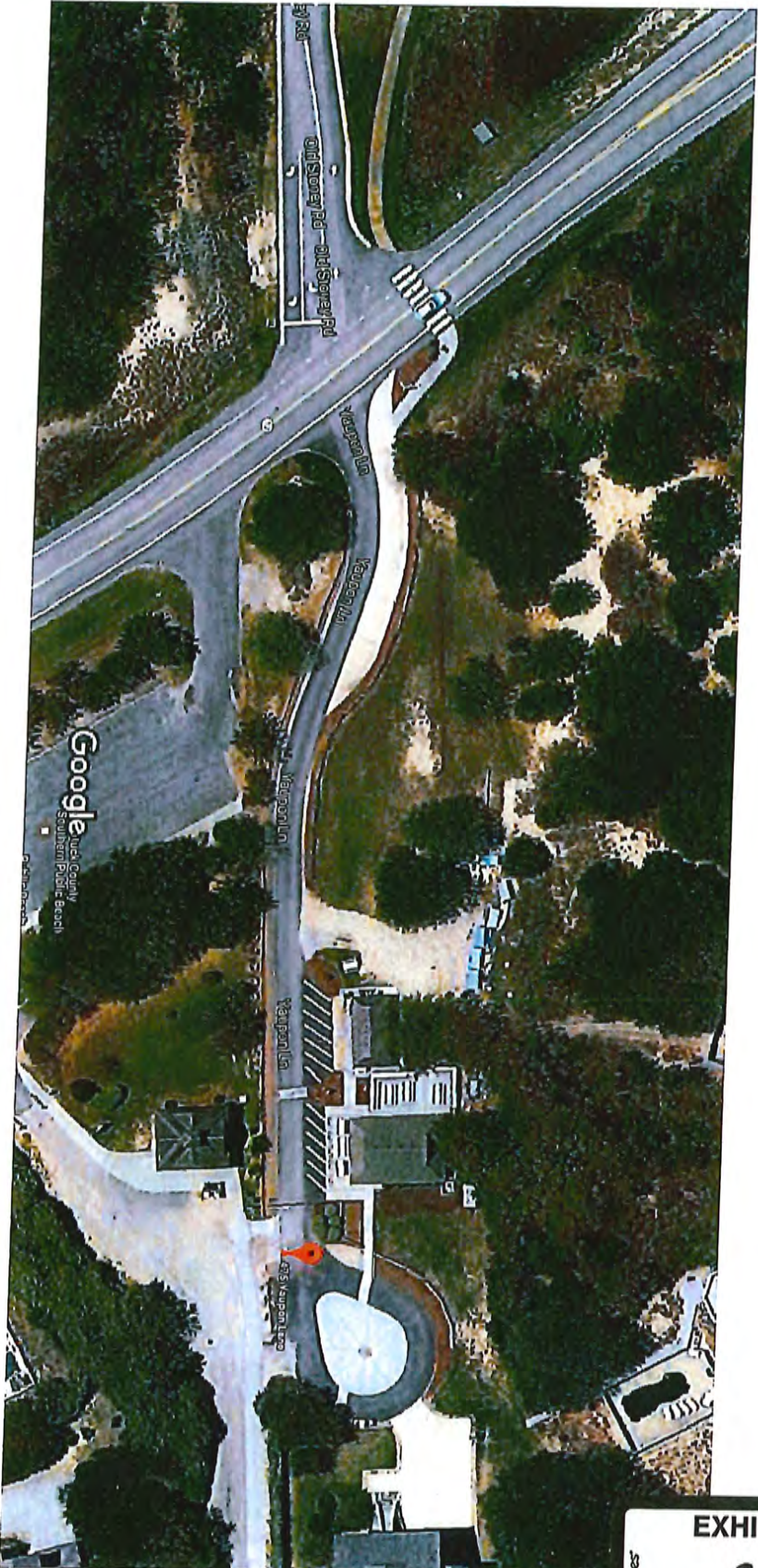
Zoning Official's Name (printed) and Signature JASON L. MITCHELL J. Mitchell

Phone # (252) 453-8555 ext. 233 Date of Inspection 1-31-11

*Please state reasons for "Noncompliance" in SECTION E on back of this page.

Attachment: 3 Revised Zoning Map Amendment Exhibits (PB 94-49 The Currituck Club PUD)

Google Maps 475 Yaupon Ln

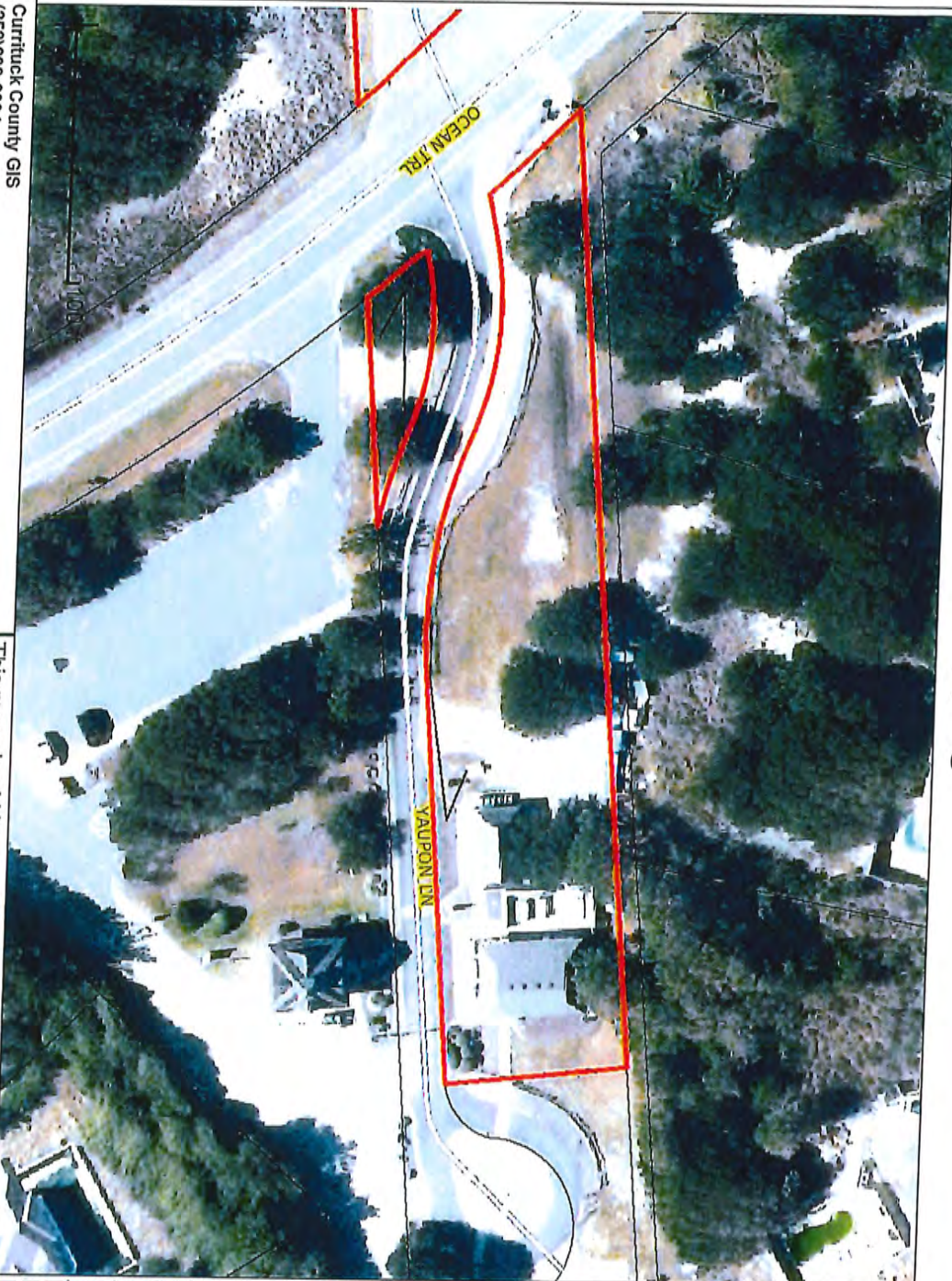


EXHIBIT

6

Imagery ©2017 U.S. Geological Survey, Map data ©2017 Google 20 ft

Currutuck County GIS Online Mapping

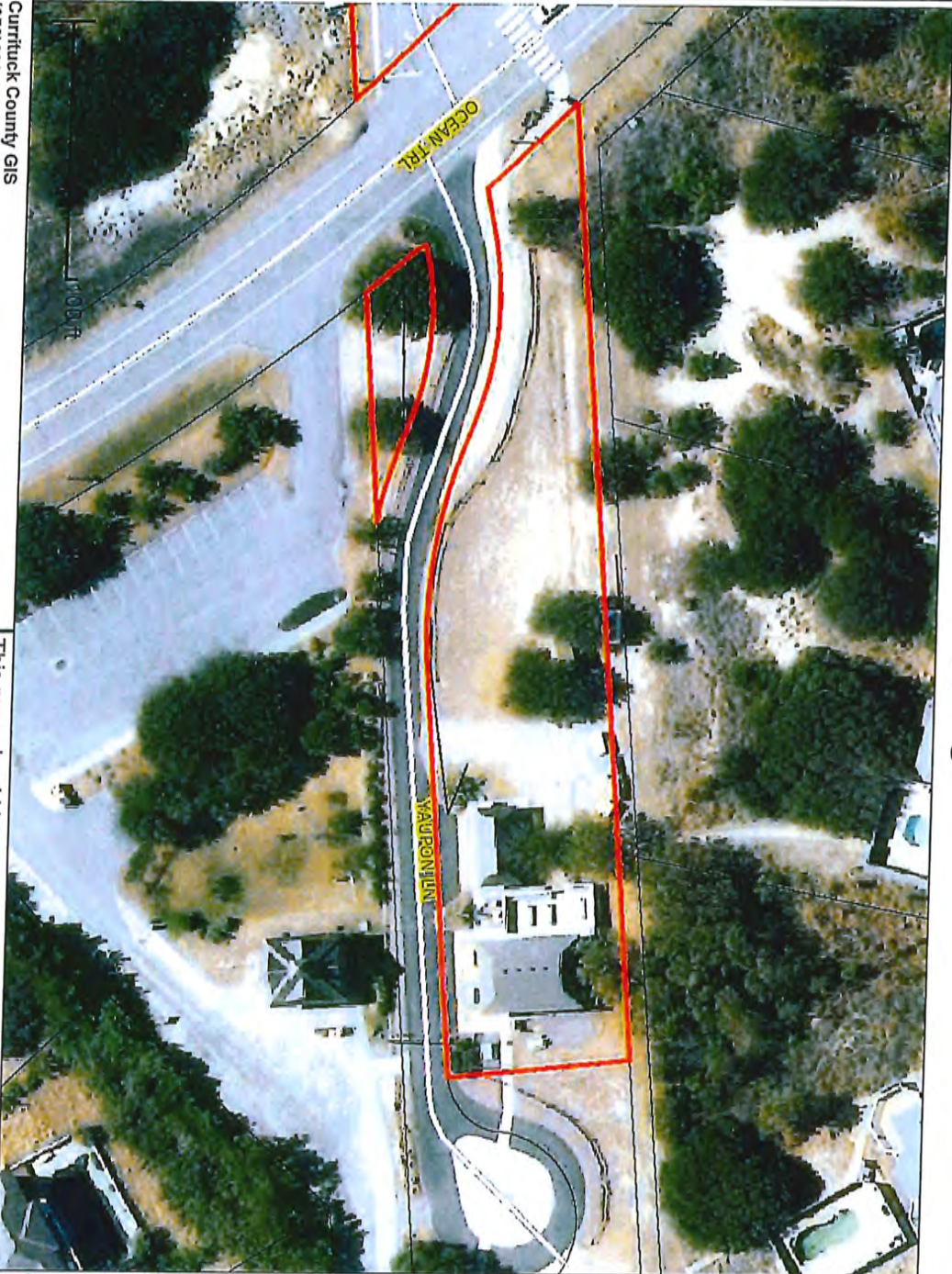


Currutuck County GIS
(252)232-2034
www.co.currutuck.nc.us/Geographic-Information-Services.cfm

This map should be used for general reference purposes only. Currutuck County assumes no legal liability for the information shown on this map.

- Communities
 - Aydlett
 - Barco
 - Carrick
 - Corolla
 - Currutuck
 - Gilbs Woods
 - Grandy
 - Harbinger
 - Jarvisburg
 - Knots Island
 - Maple
 - Moyock
 - Point Harbor
 - Poplar Branch
 - Powell's Point
 - Shawboro
 - Sligo
- Waterlily
- County Boundary
 - State
 - County
- Streets
 - Wright Memorial Bridge
 - Major Streets
 - Arterial_Principal
 - Arterial_Major
 - Collector_Major
 - Ferry Route
- Parcel Land Hooks
- Parcels
- Currutuck County
- Aerial Photography (2016)
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Currituck County GIS Online Mapping



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 - Green: Band_2
 - Blue: Band_3

Currutuck County GIS Online Mapping

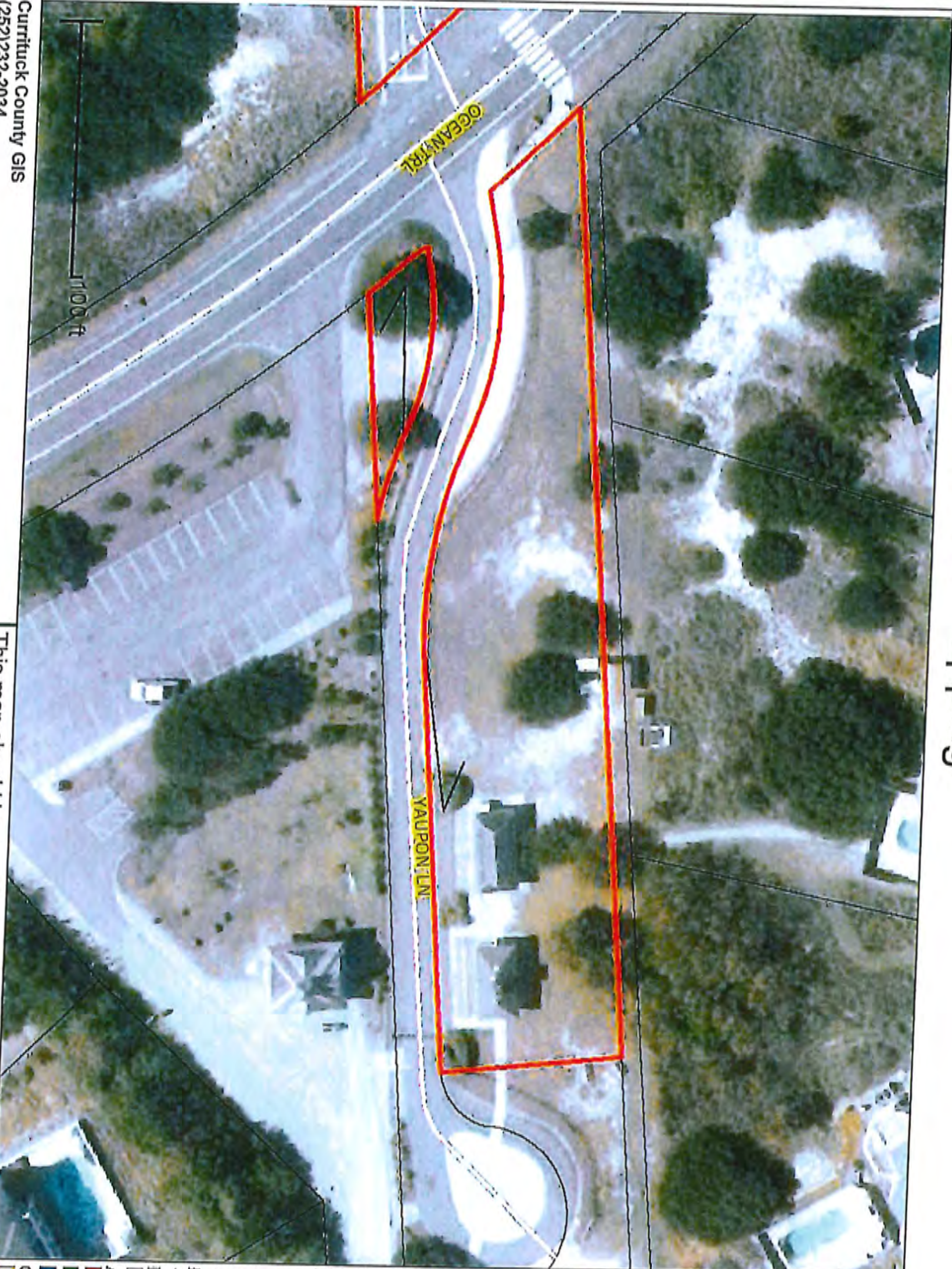


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 - Blue: Band_3
- Currutuck County**

Currituck County GIS Online Mapping



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- Parcels
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 - Blue: Band_3
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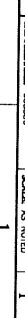
Currutuck County GIS Online Mapping



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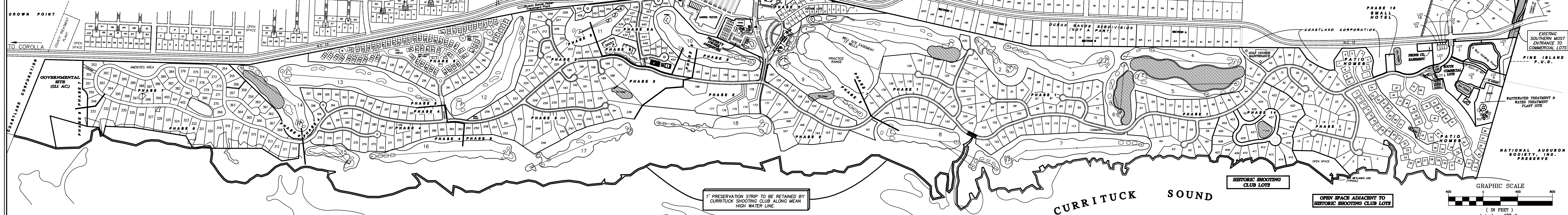
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- Aerial Photography (2003)**
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- Currutuck County**



| SUMMARY DEVELOPMENT DATA | | |
|---|--|---------------------------------|
| EXISTING | PROPOSED | AREA |
| RESIDENTIAL | | |
| 402 Single Family Lots, Phases 1-4, 6 & 7 | | 188.41 Acres |
| 70 Patio Homes Sites (Magnolia Bay) Phase 1 | | 29.83 Acres |
| 71 Patio Homes Sites (Hammocks) Phase 5 | | 11.17 Acres |
| 30 Windswept Ridge Units, Phase 8 | | 3.30 Acres |
| 28 Inn Site Cottages, Phase 11 | | 6.89 Acres (to remain LBI zone) |
| 27 Historic Currituck Shooting Club Lots, Phase 14 | | 13.00 Acres |
| Lot 430, Phase 1, Herring Gull Ct. | | 0.39 Acres |
| 18 Lots, Phase 8A | | 5.80 Acres |
| TOTAL RESIDENTIAL UNITS = 402 + 70 + 71 + 30 + 28 + 27 + 1 + 29 = 658 UNITS | | |
| TOTAL RESIDENTIAL ACREAGE = 188.41 + 29.83 + 11.17 + 3.30 + 13.00 + 0.39 + 5.80 = 251.90 ACRES | | |
| COMMERCIAL | | |
| Small Hotel | | 0.45 Acres |
| 6 South Commercial Lots | | 7.97 Acres |
| Retail Site (Food Store / Shops), Phase 9 & 10 (HARRIS TEETER) | | 8.26 Acres |
| Retail Site (Small Parcel- WINGS) | | 1.0 Acres |
| Hotel & Retail Site (Phase II site of 28 Inn Site Cottages) | | 6.89 Acres |
| TOTAL COMMERCIAL ACREAGE = 0.45 + 7.97 + 8.26 + 1.00 + 6.89 = 24.57 ACRES | | |
| MISCELLANEOUS | | |
| Governmental Site | | 12.11 Acres |
| Phone Company Easement | | 0.34 Acres |
| Wastewater and Water Treatment Site | | 6.27 Acres |
| Street Right-Of-Way | Ex. Street Right-Of-Way + (PHASE 8A R/W) | 33.77 + 2.38 = 36.15 Acres |
| Golf Course Maintenance Area | | 1.16 Acres |
| TOTAL MISCELLANEOUS ACREAGE = 12.11 + 0.34 + 6.27 + 36.15 + 1.16 = 56.03 ACRES | | |
| OPEN SPACE | | |
| Active / Passive (Golf Course + Amenity Sites + Homeowners Assoc. Parcels + HSC Open Space + BEACH CLUB D.S. + PHBA D.S.) | | = 221.60 Acres |
| Visual Relief (404 Wetlands + Coastal Marsh + Historic Shooting Club Open Space) | | 31.30 + 2.39 = 33.69 Acres |
| TOTAL OPEN SPACE ACREAGE = 255.29 ACRES | | |
| TOTAL PROJECT ACREAGE = 251.90(RES) + 24.57(COM) + 56.03(MISC) + 255.29(OPEN) = 587.79 ACRES | | |
| CALCULATIONS | | |
| Density = 658 Units / 251.90 Acres = 2.61 Units / Acre (Less than Allowed 3.0 Units / Acre) | | |
| Percent Commercial = 24.57 Acres / 587.79 Acres = 4.18% (Less Than Allowed 10%) | | |
| Percent Open Space = 255.29 Acres / 587.79 Acres = 43.43% (Greater Than Required 35%) | | |
| Percent Active / Passive Open Space = 221.60 Acres / 255.29 Acres = 86.80% (Greater Than Required 50%) | | |

*** SEE REFERENCE NOTES FOR SURVEY DATA





AMENDED SKETCH PLAN
ANOTHER FINE COMMUNITY

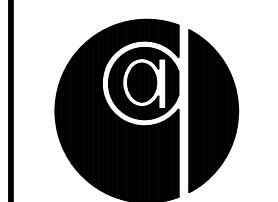
KITTY HAWK LAND COMPANY
P.O. BOX 229
Kitty Hawk, North Carolina 27949
(919) 261-2151

Golf Course Design
Rees Jones, Inc.
Montclair, New Jersey 07042

Site Planning
Charles J. Mickey Hayes, Jr.
Landscape Architect
Kitty Hawk, North Carolina 27949

Sales
800-465-3972
252-463-9445





Quible & Associates, P.C.
ENGINEERING • PLANNING • ENVIRONMENTAL SCIENCES • SURVEYING
P.O. DRAWER 870 KITTY HAWK, NORTH CAROLINA 27949
PHONE (252) 261-3300 FAX (252) 261-1260
E-MAIL: quible@earthlink.net

| NO. | DATE | REVISION |
|-----|----------------|---|
| 33 | JULY 10, 2017 | REVISE PER COUNTY COMMENTS |
| 32 | MAY 10, 2017 | REMOVE COUNTY ACCESS - UPDATE TABLE |
| 31 | APRIL 26, 2017 | ADDED BEACH CLUB & COUNTY ACCESS |
| 30 | APRIL 18, 2017 | REVISED PHASE 8A - ENTRANCE REVISION |
| 29 | JULY 22, 2010 | REVISED PHASE 8A - WINDSWEEP RIDGE LOTS / ADDED LOT 430 AT HERRING GULL CT. |
| 28 | AUG 5, 2009 | ADDED PHASE 8A - WINDSWEEP RIDGE LOTS |
| 27 | MAY 20, 2009 | REVISED AS PER CURRITUCK COUNTY BOARD OF COMMISSIONERS 5/14/09 MEETING |
| 26 | APRIL 13, 2009 | REVISED AS PER CURRITUCK ASSOCIATES / RESIDENTIAL PARTNERSHIP |
| 25 | JAN. 21, 2009 | REVISED AS PER CURRITUCK COUNTY STAFF REVIEW |
| 24 | NOV. 21, 2004 | REVISED AS PER CURRITUCK COUNTY STAFF REVIEW |
| 23 | OCT. 25, 2004 | REVISED AS PER CURRITUCK COUNTY STAFF REVIEW |

***REFERENCE NOTES:
AREAS TAKEN FROM OVERALL MASTER PLAN PREPARED BY WILLIAM T. ROBBINS, SURVEYOR
PLAT PREPARED BY QUIBLE & ASSOCIATES, P.C. ENTITLED "PRELIMINARY SUBDIVISION PLAT OF TAX MAP 126 PARCELS 1 & 3" DATED 3/3/04
PLAT PREPARED BY QUIBLE & ASSOCIATES, P.C. ENTITLED "PRELIMINARY PLAT FOR THE HISTORIC CURRITUCK SHOOTING CLUB SUBDIVISION" DATED 5/19/04.



Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

April 26, 2017

Jennie Turner
Currituck County Planning and Community Development
P.O. Box 73
Currituck, NC 27927

RE: Community Meeting Report
Use Permit Application and Amended Sketch Plan
for Currituck Club Parcel 9943-45-3633,
9943-55-4710, and 9943-45-7555
Corolla, Currituck County, NC

Ms. Turner,

A community meeting for the proposed Use Permit Application and Amended Sketch Plan of the above referenced parcel within Currituck Club PUD was held on Tuesday, April 18th, 2017 at 1:30 p.m. in the Rees Jones Room located at the Currituck Club. The meeting was conducted by Quible & Associates, P.C. ("Quible") on behalf of The Currituck Club Property Owner's Association, Inc., ("TCCPOA") with representatives from TCCPOA and Currituck County in attendance.

Purpose

The purpose of the meeting was to inform the community in the vicinity of the subject parcels of the intent to amend the the Currituck Club PUD sketch plan and use permit to allow for inclusion of the existing Beach Club, Oceanside parcel, and County Southern Beach Access parcel into the Currituck Club PUD. The site includes an existing Beach Club which serves TCCPOA, the Spindrift Property Owners Association and the homeowners of The Currituck Club Oceans Subdivision. The Beach Club is a community recreational amenity where members and their guests can rent beach equipment, such as chairs, umbrellas, body/surf boards, and kayaks, and purchase food and beverages. The Beach Club is normally operated from Memorial Day to Labor Day.

Meeting synopsis

The Currituck Club, Rees Jones room, was opened to the public prior to the meeting and attendees began arriving at approximately 1:15 pm. Prior to beginning the community meeting, an "Open House" viewing of the Amended Sketch Plan, along with a blank Use Permit Application, Amended Sketch Plan Application, a sample of the surrounding property owner notification letter, and an accompanying list of adjacent addresses who were mailed the letter were available to the public. The proposed amended sketch plan was laid on two separate tables for viewing. Other items were provided on a table adjacent to the proposed amended sketch plan next to the sign in sheet.

As attendees arrived, they were asked to provide their contact information on the sign-in sheet at the check in table. Attendees were also advised that comments could be received by Quible & Associates, P.C. either by email or telephone.

At 1:35 pm a presentation of the proposed amendment to the uses and site development was provided by Quible & Associates. A copy of the agenda was distributed to everyone in attendance and the sign-in sheet was routed throughout the room. The presentation followed the Agenda (Exhibit 1) that was provided to the attendees and is summarized in the following sections.

Quible & Associates (Cathleen Saunders) introduced TCCPOA Representative (Heidi Corsello) and County Representative (Jennie Turner) and began with a brief discussion about the County procedures for reviewing and approving the proposed project, the purpose for the community meeting and the proposed development.

The parcels proposed for use permit and sketch plan amendments were described and identified on the exhibits. The proposed amended sketch plan, sketches and use permit application were described as being in compliance with the current Currituck County UDO PUD requirements. The proposed amendment was described as in compliance with the Bulk Dimensional requirements specified with the Transitional Provisions.

At the conclusion of the presentation, the floor was opened for questions from the audience. Comments and questions received during the meeting were as follows:

1. A resident of Spindrifft indicated that she is concerned about the beach sprawl; this was clarified as the spread of the placement of rental chairs within this area. *TCCPOA indicated that they would work with other POAs to determine the best rental chair arrangement.*
2. A member of Pine Island inquired about the requirement for contiguous parcels within a PUD. *A response was provided that this requirement will be reviewed by the County with the Amended Sketch Plan.*
3. A member of Pine Island inquired about the Oceans Subdivision being included in The Currituck Club and asked how many homeowners currently pay dues to The Currituck Club. *A response was provided indicating that currently one homeowner is a dues-paying member of TCCPOA.*
4. A resident asked how many undeveloped lots exist within The Currituck Club. *A response that approximately 200 undeveloped lots still exist in The Currituck Club was provided.*
5. A resident asked how many trolleys currently run, how many people can ride on one trolley, and would additional trolleys be added considering the additional proposed lots. *A response was provided that there are currently 4 trolleys in service daily with seating for 15 people on each trolley. Future capacity is analyzed when appropriate.*
6. A member of Spindrifft asked if the Currituck Club is currently advertised as an "Oceanside" resort and if there are special requirements for an "Oceanside" PUD, would The Currituck Club be required to comply. *It was indicated that The Currituck Club is advertised as a Sound side PUD, but would comply with any required PUD restrictions as appropriate. As a further response and clarification, TCCPOA states that The*

Currituck Club includes property on both sides of Hwy 12 including an Oceanside parcel of land. Because it includes property on the sound and ocean, It is advertised as a "sound to sea" community and not as a "Sound side PUD."

7. *A resident asked how many visitors vacation at The Currituck Club. A response was provided that approximately 4,000 vacationers visit The Currituck Club per week.*
8. *A resident asked if there was representation on site to manage the workers from The Beach Club. A response was provided by Michael Cherry that the onsite general manager is available at the Beach Club to manage the staff.*
9. *A request was made to provide someone adjacent to the Spindrifft property to direct vacationers toward public property in lieu of cutting through Spindrifft property. A response was provided that The Currituck Club does not anticipate posting paid personnel at or near the entrances to the Spindrifft community. However, they will provide notification to their owners and guests to make them aware that they should remain on public paths.*
10. *A resident indicated that vehicles are run up and down the beach path multiple times a day and inquired if the ordinance prohibits this. A response from the County was provided that they are unaware of an existing ordinance about the number of times a golf cart can drive on the beach. However, the allowable hours are listed within the ordinance and The Currituck Club indicated that their morning set-up is regulated by the ordinance.*
11. *A resident indicated that they would prefer The Beach Club provide open space for local residents. The Currituck Club indicated that they would work with other POA's to determine the best rental chair arrangement.*
12. *A comment was brought up about the lack of lifeguard coverage south of access. A response was provided that three lifeguards are on stands south of the access and one is actively patrolling the area.*
13. *A statement was made that it was not acceptable to bring County property within a private PUD. A response was provided that acknowledged that the County parcel is actually already part of the Pine Island PUD and County parcels have traditionally been accepted as part of a PUD.*
14. *A follow up question was asked if a parcel can be within two PUDs. A response was provided that, per a cursory review of the ordinance, there do not appear to be any provisions that preclude a parcel from being in two separate PUD's, but this would need to be researched further. As a further response, TCCPOA states that it has again researched this issue and has found no provision in the ordinance which would prohibit a parcel from being included in two PUDs.*
15. *A question was raised about the number of golf carts available to rent by The Currituck Club, with a follow up question in regards to regulating golf cart parking. A response was provided that 31 golf cars are available for rent. Parking spaces are available and a recent incident was controlled by The Currituck Club management to curb illegal parking of the Golf Carts.*
16. *A question was raised about how many Gators/service vehicles are operated by The Beach Club. A response was provided that The Beach Club operates two Gator vehicles.*

Upon the conclusion of the discussions, attendees were again reminded that any further questions or comments not addressed at the meeting can be forwarded to Quible & Associates and the meeting was adjourned.

*Community Meeting Report
Use Permit Application and Amended Sketch Plan for Currituck Club PUD
Parcel ID No. 9943-45-3633, 9943-55-4710, and 9943-45-7555
April 26, 2017*

Copies of all handouts, exhibits, and other documents available at the meeting are provided in attachments to this document.

Please do not hesitate to contact Michael W. Strader, Jr. or myself at (252) 491-8147 or csaunders@quible.com should you have any questions and/or concerns.

Sincerely,
Quible & Associates, P.C.



Cathleen M. Saunders, P.E.

cc:

Attachment: PB 94-49 The Currituck Club PUD Community Meeting Summary (PB 94-49 The Currituck Club PUD)

P.O. Drawer 870 • Kitty Hawk, NC 27949
Telephone (252) 261-3300 • Fax (252) 261-1260

From: Paul Manberg [<mailto:pmanberg@gmail.com>]
Sent: Tuesday, May 02, 2017 1:09 PM
To: Ben Woody; Jennie Turner
Cc: Mike Colo
Subject: Response to Minutes of Currituck Club Community Meeting

Dear Mr. Woody:

I am writing to provide the attached response to the Community Meeting Report that was included in the recent Use Permit Application and Amended Sketch Plan for the Currituck Club PUD. I am a homeowner in Spindrift, a member of the Spindrift POA Board of Directors, and was a participant at the Community Meeting held at the Currituck Club. As outlined in the attached letter, it is my opinion that the Meeting Report did not provide a full and accurate description of the serious concerns raised by the community participants at the meeting. Therefore, I feel compelled to provide my perspective and am requesting that my letter be included in the proposal review file and be taken into consideration as this proposal is reviewed by the County.

Please feel free to contact me if there are any questions regarding my letter or the proper process to adding this to the administrative review packet.

Thank you!

Paul J Manberg
481Spindrift Tr
Corolla NC 27927

Paul J Manberg
 481 Spindrift Trail
 Corolla, NC, 27927
 (508) 878-0297

Ben Woody
 Director of Planning and Community Development
 Currituck County
 Via e-mail

Dear Mr. Woody;

I am writing in response to the Use Permit Application and Amended Sketch Plan for the Currituck Club PUD, Parcel Identification No 9943-45-3633, 9943-55-4710, and 9943-45-7555 with specific reference to the Community Meeting Report. As a homeowner and member of the Spindrift Property Owners Association Board of Directors, I participated in the Community Meeting on April 18, 2017 and believe strongly that the minutes provided by the applicant are incomplete and do not accurately reflect the degree of community objection to this proposed Use Permit Application that was expressed at the meeting. In particular, I would highlight the following issues and deficiencies:

1) **Existing Use:** The application states that the existing Beach Club serves the TCCPOA, the Spindrift POA and Oceans subdivisions. To my knowledge, nobody from Spindrift has ever utilized the Beach Club, especially since the Beach Club online website expressly states that *"We provide services for homeowners and guests in The Currituck Club only."* (<http://currituckservices.com/> accessed 4/2/17). Spindrift owners and their guests (as well as those in the Oceans and Pine Island Community and County residents and guests utilizing the Public Access facility) have been increasingly adversely impacted by the expanding operation of the Beach Club. My objections to the characterization of current use benefiting Spindrift owners as well as the numerous complaints about Club's operation were presented at the meeting but not included in the minutes.

2) **True purpose of the Permit application.** This is a question that I raised early in the discussion and felt the answers I received were evasive at best. There clearly must be some motive beyond just getting the paperwork up to date. Several attendees asked why this was being done, and what would be the benefits to, not only the TCC, but also to the existing Oceanfront Communities and the County residents wishing to utilize the current Public Access property that would become part of the TTC PUD if the application were approved. No clear answer was given. Representatives also mentioned that the existing Beach Club parcel was currently zoned as single family residential, but the Club had all permits necessary to operate as a commercial business (serving alcohol?). How can this be?

3) **Use of service vehicles on the beach.** As you know, this has become a contentious issue all along the beach in recent years, and concerns were raised at the meeting regarding the Beach Club's expanding "Valet Service", which involves transport of TCC guests up and down the beach using service vehicles throughout the day. The minutes of the meeting only state that "the Currituck Club indicated that their morning set up was regulated by the ordinance", but conspicuously do not mention the strong community objections to their extensive and blatant violation of the ordinance during other times of the day.

4) **Overutilization beyond capacity of the Southern Public Access by TCC guests.** Several community members expressed this concern throughout the meeting. TCC is channeling all of their guests to a single public access site that was not designed to handle this volume, advertising it as a Beach Club similar to some other Oceanside PUD's, as part of their "Sound to Sea" community. This has had a detrimental impact on the guest experience (and thus property values) at the surrounding Beachfront communities being impacted as well as on people using the Southern Corolla Public Access lot. Participants at the meeting specifically asked why Currituck Club did not acquire a more suitable oceanfront location for a Beach Club that would have sufficient beach frontage that could better handle their large capacity needs instead of resorting to this tortuous solution requiring the use of the County owned public access lot in their PUD application. Approval of this plan could establish a dangerous precedent allowing other remote PUD's to acquire slivers of land adjacent to public access lots in order to establish similar "Beach Clubs".

5) **Community feedback provided at the conclusion of the meeting.** Near the conclusion of the meeting, several participants, including myself, summarized our shared serious objections to this plan and implored the presenters to understand how strongly we were united in opposition to this plan and this should be reflected in the minutes. While they said that they understood and would consider our feedback, the minutes of the meeting provided in this application clearly do not adequately express this level of opposition. In a nutshell, we can see no possible benefits to anyone but TCC, and significant detrimental impacts on the Oceanside Communities and users of the Public Access facilities, if this zoning change is allowed.

Thank you for considering my perspective, as well as those of the other community participants of the meeting. If you have any questions, I can be reached at (508)-878-0297.

Sincerely,

Paul J Manberg

481 Spindrift Trail

cc. Jenny Turner, Mike Colo,



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1934)

Agenda Item Title

Public Hearing and Action: PB 17-03 Wells Custom Jeeps - Request for a use permit for light vehicle sales located at 101 Ballast Rock Road, Powells Point, Tax Map 124, Parcel 68B, Poplar Branch Township.

Brief Description of Agenda Item:

Request for a use permit for light vehicle sales located at 101 Ballast Rock Road, Powells Point, Tax Map 124, Parcel 68B, Poplar Branch Township.

Board Action Requested

Action

Person Submitting Agenda Item

Cheri Elliott, Assistant

Presenter of Agenda Item

Laurie LoCicero



STAFF REPORT
PB 17-03 WELLS CUSTOM JEEPS
BOARD OF COMMISSIONERS
AUGUST 7, 2017

APPLICATION SUMMARY

| | |
|--|--------------------------------------|
| Property Owner: Michael W. Wells | Applicant: Michael W. Wells |
| Case Number: PB 17-03 | Application Type: Use Permit |
| Parcel Identification Number: 0124000068B0000 | Existing Use: Vacant |
| Land Use Plan Classification: Full Service | Parcel Size (Acres): 1.98 |
| Request: Use Permit, Light Vehicle Sales | Zoning: General Business (GB) |

SURROUNDING PARCELS

| | Land Use | Zoning |
|-------|----------------------|--------|
| North | Self Service Storage | GB |
| South | Office (SAMPAT) | GB |
| East | Office | GB |
| West | Contractor Services | GB |

STAFF ANALYSIS

The applicant is requesting a use permit to establish a Light Vehicle Sales use to be located at 101 Ballast Rock Rd. in Powells Point. The applicant proposes construction of a new building which meets the design standards required along Caratoke Highway and is apropos of the surrounding development. The use involves extensive aftermarket modifications to new Jeeps per custom order. However, vehicle service and repair is not proposed as part of the use. All work will be conducted within an enclosed building and most display will take place in the indoor showroom.

INFRASTRUCTURE

| | |
|-----------------------|--|
| Water | Public |
| Sewer | Septic |
| Transportation/Access | Access is provided from Ballast Rock Rd. |
| Stormwater/Drainage | Stormwater regulations shall be met during site plan review. |

Attachment: wells jeep staff report (BOC) (PB 17-03 Wells Custom Jeeps)

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

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

1. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. TRC approval of a Major Site Plan application is required.

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. The proposed use will not materially endanger the public health or safety and conforms to adjacent land uses. The proposed use will complement the existing commercial development adjacent to the site.

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

Preliminary Applicant Findings:

1. The proposed use will not injure the values of adjoining or abutting properties. The proposed use will maintain a clean commercial site and all activities related to car repair will take place within the building. Cars will not be housed regularly within the parking lot for display.

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

Preliminary Staff Findings:

1. POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.
2. POLICY TR4: ACCESS TO THE COUNTY'S MAJOR ROADWAYS shall be managed so as to preserve the intended purpose of the highway, protect taxpayer dollars invested, and minimize hazardous turning movements in and out of traffic flows. Methods may include, for example,

on the frequency of driveway cuts, shared driveway access, minimum lot frontages, connections between adjoining parking lots, central medians, etc.

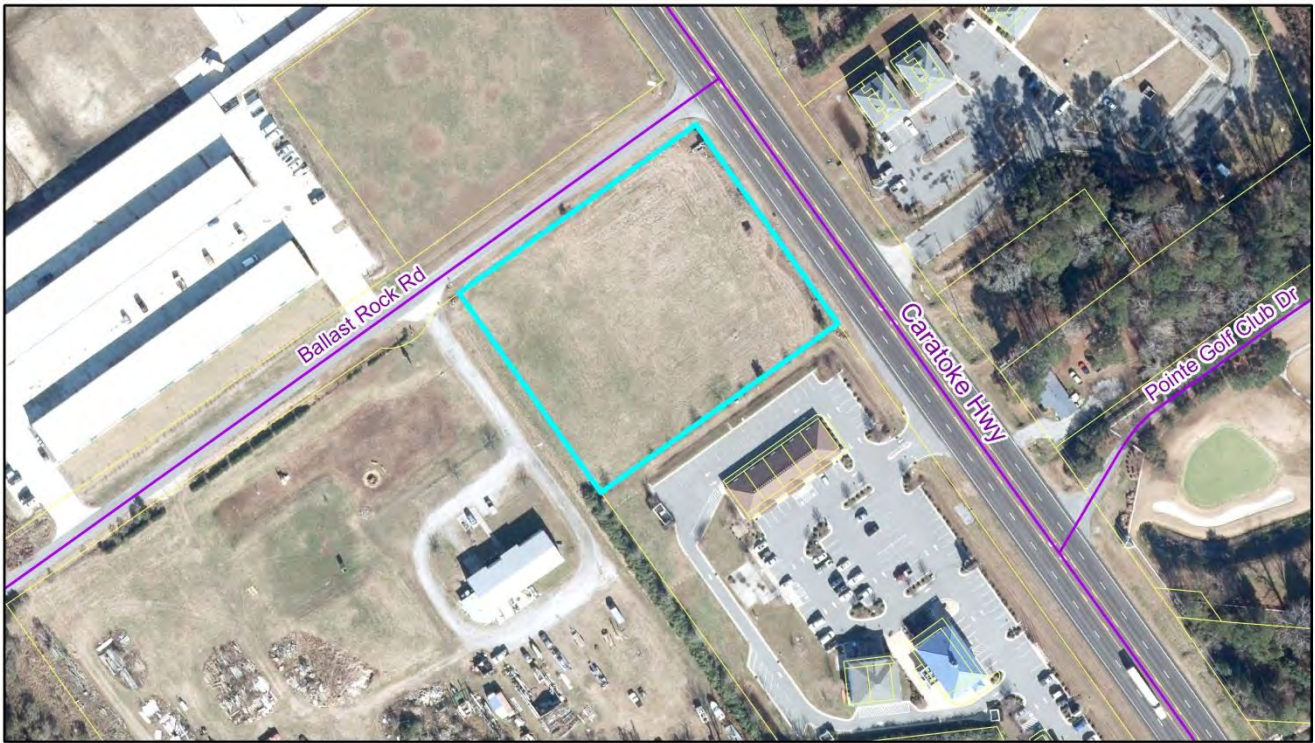
3. POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized.
4. POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

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

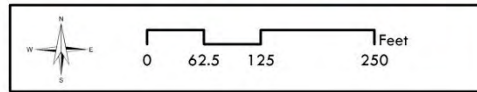
Preliminary Staff Findings:

1. The proposed use will have no impact on schools.
2. Currituck County has adequate public facilities to serve the proposed development.

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



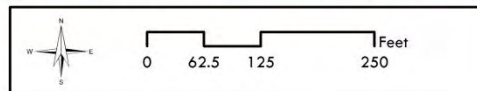
PB 17-03 Wells Custom Jeeps
Use Permit
Aerial



Currituck County
Planning and
Community Development

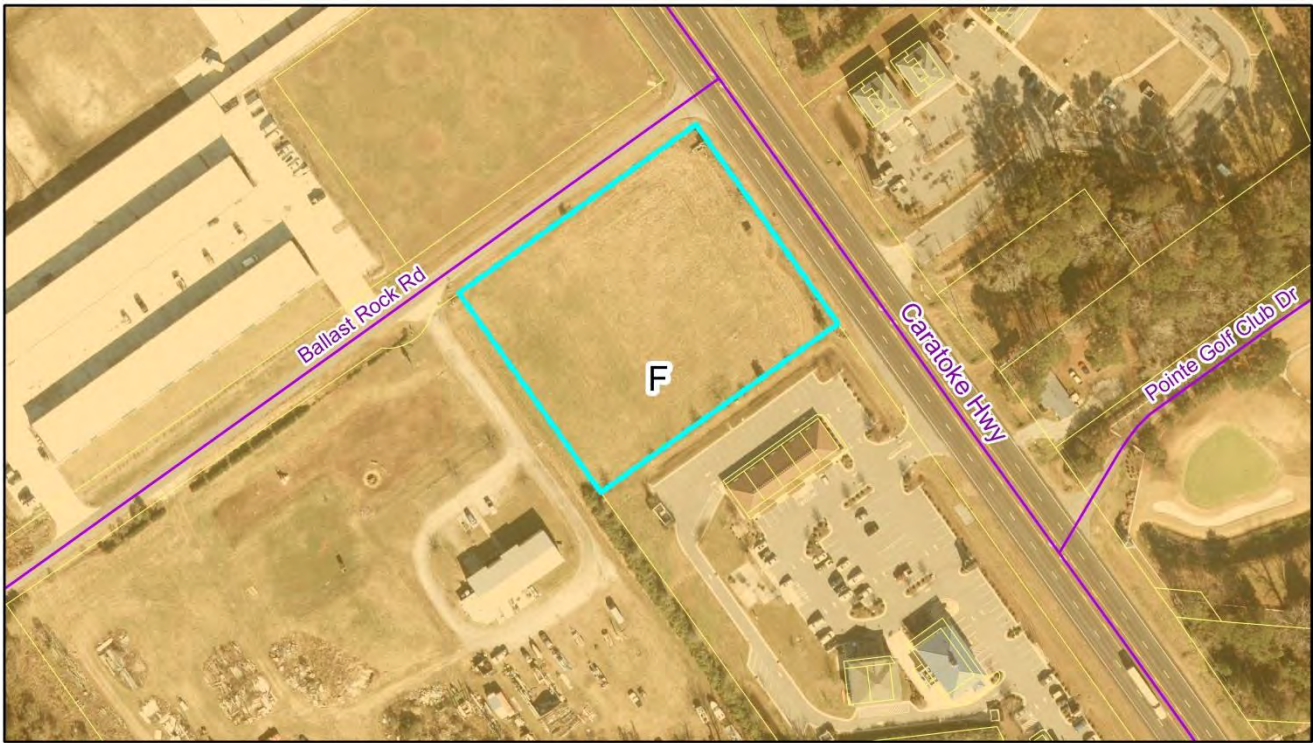


PB 17-03 Wells Custom Jeeps
Use Permit
Zoning

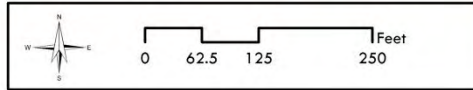


Currituck County
Planning and
Community Development

Attachment: wells jeep staff report (BOC) (PB 17-03 Wells Custom Jeeps)



PB 17-03 Wells Custom Jeeps
Use Permit
LUP Classification

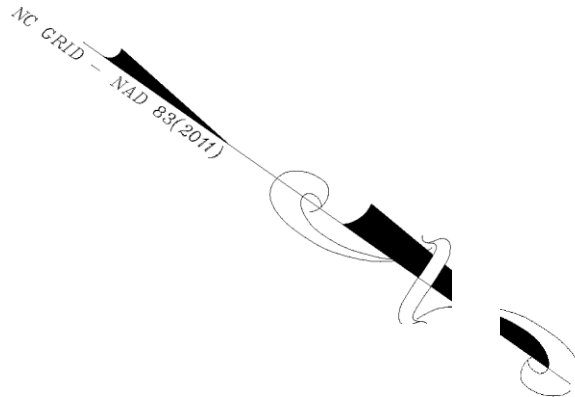


Currituck County
Planning and
Community Development

Attachment: wells jeep staff report (BOC) (PB 17-03 Wells Custom Jeeps)

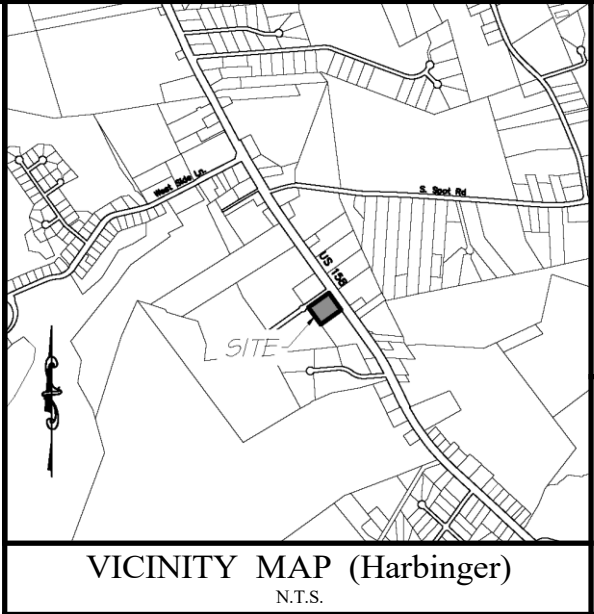
SEDIMENT CONTROL MEASURES, WASTEWATER SYSTEM, BUILDING DESIGN,
ETC. SEE APPROPRIATE SEPARATE PLANS.

| LOCATION | TYPE |
|------------|------|
| SCUTT EAST | 11A |
| SCUTT WEST | 11A |



NiF
SHALL 6RailP PROPERTIES, UC
DB 888, P6 154
LOT 4A
PC 1 SL 206
ZONED: 68

NiF
THE LAHPE RESERVE'S, file,
DB 1361, PG 184
LOT 5
PG SL 504
ZONE II, eB



Quible SINCE
& Associates, P.C.
ENGINEERING * CONSULTING * PLANNING
ENVIRONMENTAL SCIENCES * SURVEYING
NC License#: C-0208
PO Drawer 870, Kitty Hawk, NC 27949
Phone: (252) 481-8147 Fax: (252) 481-8146
E-Mail: administrator@quible.com



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OTHERWISE NOTED.

[illegible]

PRELIMINARY SITE SKETCH

LOT 2 BALLAST ROCK COMMECENTER
P.C. M, SL. 325

BRANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

| | |
|------------------------------|---------|
| ASSIGNED BY | FL |
| COMMISSION DO. DURHAM ST. | |
| P17002 | |
| CMS | |
| CMS | |
| MWS | |
| ISSUE DATE | 04/4/17 |
| SHI'IT | NO. |

Packet Pg. 86

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Know whars below.
~~Call before you dig.~~



Use Permit Application

OFFICIAL USE ONLY1

Case _____ Number: _____
 _____ Date Filed1 _____
 _____ Gate Keepers _____
 .Amount Paid: _____

Contact Information

APPLICANT:

Name: Michael W. Wells
 Address: 50 Sullivan Street
Warrenton, VA 20186
 Telephone: _____
 E-Mail Address: _____

PROPERTY OWNER:

Name: Michael W. Wells
 Address: 50 Sullivan Street
Warrenton, VA 20186
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: SAME _____

Property Information

Physical Street Address: 01 Ballast Rock Road
 Location: At the intersection of Ballast Rock Road and Caratoke Highway
 Parcel Identification Number(s): 012400006880000
 Total Parcel(s) Acreage: 1.98 acres
 Existing Land Use of Property: vacant Lot

Request

Project Name: Wells Custom Jeeps
 Proposed Use of the Property: Light Vehicle Sales
 Deed Book/Page Number and/or Plat Cabinet/Slide Number: DB 1382 Pg 372
 Total square footage of land disturbance activity: 1,190,800
 Total lot coverage: 5.5% Total vehicular use area: 21,149 SF
 Existing gross floor area: 0 Proposed gross floor area: 5,500 SF

Community Meeting

Date Meeting Held: 5.11.17 Meeting Location: 8466 Caratoke Highway

Attachment: Application (PB 17-03 Wells Custom Jeeps)

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

This Use Permit is being submitted to allow for light vehicle sales within the General Business zoning.

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

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

The proposed use will not materially endanger the public health or safety and conforms to adjacent land uses.

The proposed use will compliment the existing commercial development adjacent to the site.

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

The proposed use will not injure the values of adjoining or abutting properties. The proposed use will maintain a clean commercial site and all activities related to car repair will take place within the building. Cars will not be housed regularly within the parking lot for display.

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

The proposed use is in general conformance with the County's Land Use Plan and current UDO.

The Site Development Plan will be held to UDO standards for site layout, screening, and architectural standards.

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

The proposed use will not exceed the County's ability to provide adequate public facilities. Utility services are available to the site and onsite sanitary disposal will be designed and permitted with the site design.

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

Property Owner(s)/Applicant*

Date

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

Use Permit Conceptual Plan Design Standards Checklist

The table below depicts the design standards of the use permit application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

Use Permit

Conceptual Plan Design Standards Checklist

Date Received: _____

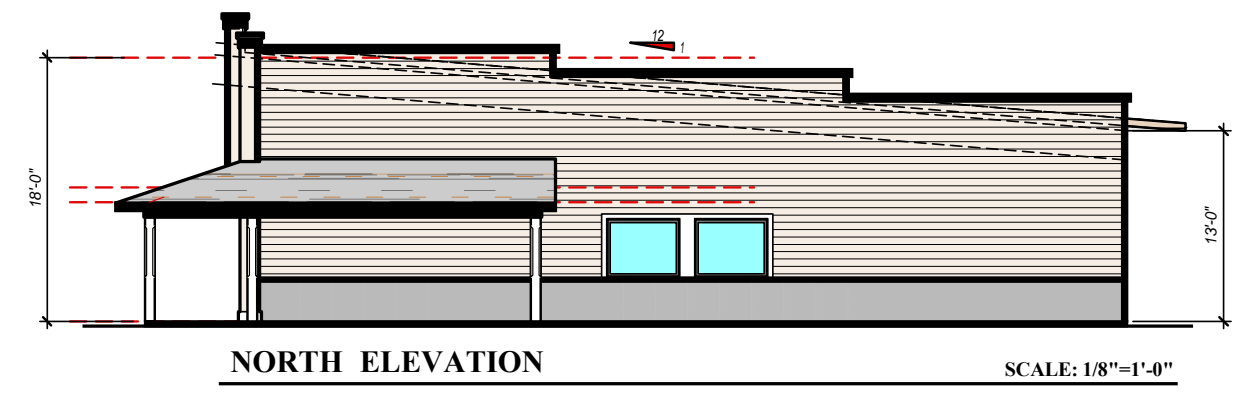
TRC Date: _____

Project Name: Wells Custom Jeeps

Applicant/Property Owner: _____

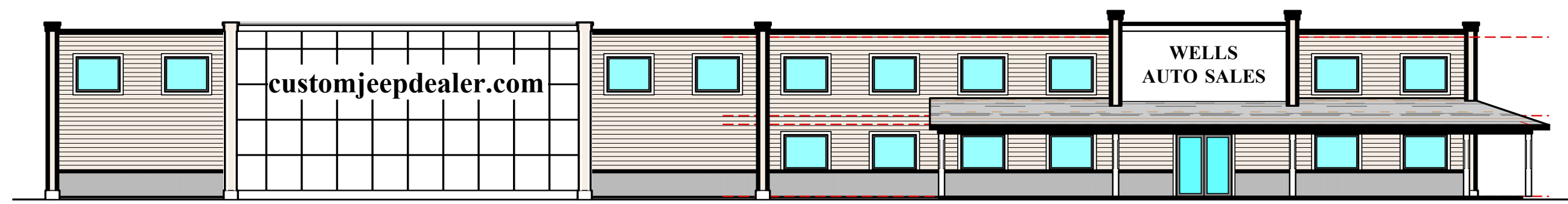
| Use Permit Conceptual Plan Design Standards Checklist | | |
|---|--|---|
| 1 | Property owner name, address, phone number, and e-mail address. | " |
| 2 | Site address and parcel identification number. | " |
| 3 | North arrow and scale to be 1" = 100' or larger. | |
| 4 | Vicinity map showing property's general location in relation to streets, railroads, and waterways. | " |
| 5 | Existing zoning classification and zoning setback lines of the property. | |
| 6 | A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements. | " |
| 7 | Approximate location of the following existing site features and infrastructure within the property and within 50' of the existing property lines: Pedestrian circulation, vehicular use areas, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries. | " |
| 8 | Approximate location of the following proposed site features and infrastructure: Structures and usages, parking and circulation plan (including streets, drives, loading and service areas parking layout and pedestrian circulation features), fences and walls, exterior lighting, drainage patterns and facilities intended to serve the development, landscape buffers and screening, and riparian buffers. | " |
| 9 | Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County." | " |
| 10 | 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. | " |
| 11 | Sight distance triangles. | " |
| 12 | Proposed common areas, open space set-asides, and required buffers. | |
| 13 | Architectural drawings and/or sketches illustrating the design and character of the proposed uses. | " |

Attachment: Application (PB 17-03 Wells Custom Jeeps)



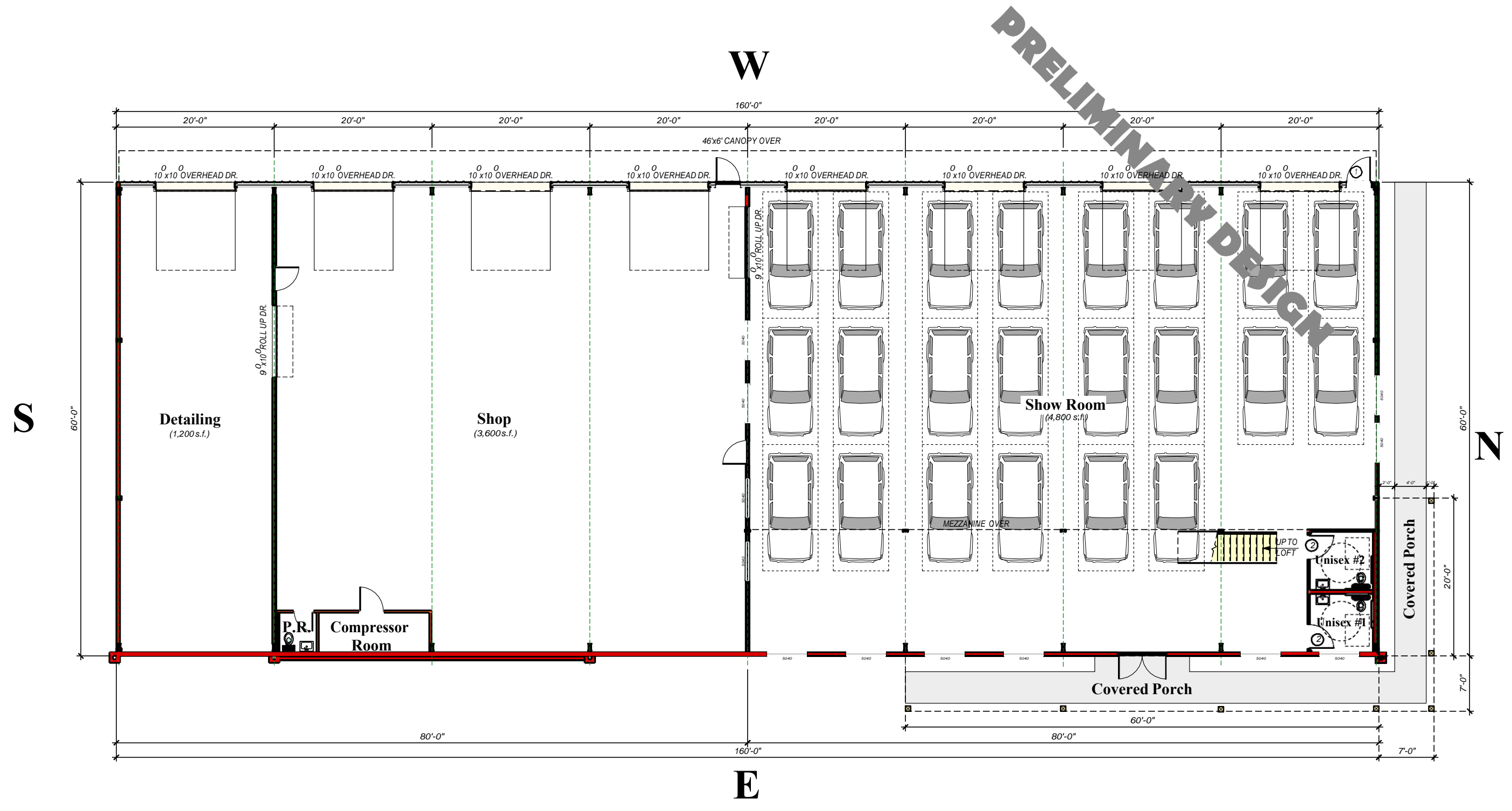
NORTH ELEVATION

SCALE: 1/8"=1'-0"



WEST ELEVATION

SCALE: 1/8"=1'-0"



FLOOR PLAN

SCALE: 1/8"=1'-0"

9,600 S.F.

RENAISSANCE
CONSTRUCTION COMPANY INCORPORATED

SMART CHOICE
Design Center

P.O. BOX 1411
MANTEO, NC 27954
(252) 473-3312 OFFICE
(252) 473-1772 FAX

Metal Building For:
Wells Auto Service
At:
Lot 2 - Ballast Rock Commerce Park
Poplar Branch Township - Currituck County - N.C.

Project No. -
Date: APRIL 27, 2017
Revisions
Drawn By: GILB
Sheet Content
FLOOR PLAN
WEST ELEVATION
NORTH ELEVATION

Sheet Number:
OF 1

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Community Meeting Report
Use Permit Application for Wells Auto
Sales Parcel Identification
Number 9837-66-1082
May 19, 2017

Please do not hesitate to contact Michael W. Strader, Jr. or myself at (252) 491-8147 or csaunders@quible.com should you have any questions and/or concerns.

Sincerely,
Quible & Associates, P.C.



Cathleen M. Saunders, P.E.

cc:

Attachment: community meeting (PB 17-03 Wells Custom Jeeps)

P.O. Drawer 870 • Kitty Hawk, NC 27949
Telephone (252) 261-3300 • Fax (252) 261-1260

COMMUNITY MEETING EXHIBITS

EXHIBIT 1 : Meeting Agenda

EXHIBIT 2 : Presentation Posters

EXHIBIT 3 : Attendance Sign-In Sheet

EXHIBIT 4 : Letters to Property Owners

EXHIBIT 5 : DRAFT Use Permit Application

EXHIBIT 1 : Meeting Agenda



**Community Meeting for Use Permit –
Wells Auto Sales Parcel Identification Numbers 9837-66-1082
Powells Point Currituck County, NC**

May 17, 2017

AGENDA

- 1. General Introduction**
 - a. Quible & Associates, P.C.
 - b. Wells Auto Sales, LLC
 - c. Currituck County
- 2. Existing Information**
 - a. Location:
 - i. 9837-66-1082
 - b. Current Land Use: Vacant
 - c. Site Zoning: GB; General Business
 - d. The existing site consists of a vacant lot without existing improvements.
- 3. Discussion**
 - a. Apply for a Use Permit to operate "Light Vehicle Sales" within property zoned General Business, as required by The Currituck County Unified Development Ordinance.
- 4. Site Development**
 - a. All site development will be in conformance with the County's Unified Development Ordinance.
 - b. The site development will be in general conformance with the County's Future Land Use Plan.
- 5. Questions & Comments**
 - a. Quible & Associates and representatives from Wells Auto Sales, LLC are available to answer questions and comments.
 - b. Comments can be provided in writing on Comment Forms provided or they can be sent to Cathleen Saunders, P.E. of Quible & Associates, P.C. by email at csaunders@quible.com or by phone at 252-491-8147.

Attachment: community meeting (PB 17-03 Wells Custom Jeeps)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1939)

Agenda Item Title

An Ordinance of the Currituck County Board of Commissioners Amending Chapter 9, Article I of the Currituck County Code of Ordinances by Adding Section 9-9 to Allow the Sale of Malt Beverages, Unfortified Wine, Fortified Wine, and Mixed Beverages on Sundays Beginning at 10:00 A.M.

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Ike McRee

**AN ORDINANCE OF THE
CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING CHAPTER 9, ARTICLE I OF THE CURRITUCK COUNTY CODE OF
ORDINANCES BY ADDING SECTION 9-9 TO ALLOW THE SALE OF MALT
BEVERAGES, UNFORTIFIED WINE, FORTIFIED WINE, AND MIXED BEVERAGES
ON SUNDAYS BEGINNING AT 10:00 A.M.**

WHEREAS, pursuant to N. C. Gen. Stat. Sect. §153A-145.7 a county may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 a.m. on Sunday pursuant to the licensed premises' permit issued under N. C. Gen. Stat. §18B-1001.

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

PART I. Chapter 9, Article I of the Code of Ordinances for Currituck County is amended by adding Section 9-9 to read as follows:

Sec. 9-9. Wine, Unfortified Wine, Fortified Wine, and Mixed Beverages On Sunday Mornings.

The sale of malt beverages, unfortified wine, fortified wine, and mixed beverages is allowed within the boundaries of the county on Sundays beginning at 10:00 a.m. pursuant to the licensed premises' permit issued under G. S. 18B-1001.

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

PART III. This ordinance is effective upon its adoption.

ADOPTED this 7th day of August, 2017.

Bobby Hanig, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board of Commissioners

(COUNTY SEAL)

APPROVED AS TO FORM:

Donald I. McRee, Jr.
County Attorney

Attachment: Ordinance allowing Sunday morning alcohol sales 071717 (Ordinance-Sunday Brunch-Alcohol Sales)

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1948)

Agenda Item Title

Consideration and Action: PB 14-32 Tucker's Cove: A request for a one year extension of the preliminary plat/use permit of a 25 lot residential major subdivision on property in Moyock located along the north side of Tulls Creek Road and across from Lou Sawyer Road, Tax Map 39, Parcel 13, Crawford Township.

Brief Description of Agenda Item:

A request for a one year extension of the preliminary plat/use permit of a 25 lot residential major subdivision on property in Moyock located along the north side of Tulls Creek Road and across from Lou Sawyer Road, Tax Map 39, Parcel 13, Crawford Township.

Board Action Requested

Action

Person Submitting Agenda Item

Cheri Elliott, Assistant

Presenter of Agenda Item

Laurie LoCicero



Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: June 16, 2017

Subject: PB 14-32 Tucker's Cove, Preliminary Plat Extension

On August 17, 2015, the Board of Commissioners approved the preliminary plat/use permit for Old Bay Ridge. This is a conservation subdivision consisting of 25 residential lots located off of Tulls Creek Road in Currituck. The preliminary plat approval is due to expire on August 17, 2017.

On June 13, 2017 the engineer, Mark Bissell – Bissell Professional Group, submitted a request for preliminary plat extension of the subdivision indicating the applicant has proceeded with the preparation of construction drawings and specifications. Significant time and effort have been spent on resolving some existing drainage issues involving adjacent properties and Tulls Creek Road that are necessary for the completion of construction drawings.

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

Attachment: Tuckers Cove PP Extension 8072017 (PB 14-32 Tucker's Cove)



June 13, 2017

Mr. Ben Woody, AICP
Director, Department of Planning & Community Development
Currituck County
153 Courthouse Road, Suite 110
Currituck, NC 27929

Re: PB14-32 Tucker's Cove – Request for Extension of Use Permit

Dear Ben:

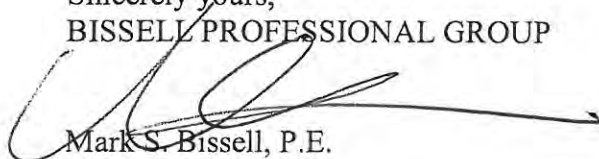
We represent Edward M. "Ned" Williams, who owns the subdivision known as Tucker's Cove, which was approved under Permit No. PB14-32 on August 17, 2015, for property located on Tax Map 39, Parcel 13A, Crawford Township. This permit was issued for a 25 residential lot traditional subdivision of 40,000 square foot lots. We are requesting approval of an extension of the use permit for one year for the following reasons:

1. The Use Permit has not expired.
2. The permit recipient has proceeded with due diligence with the subject project.
3. It appears the development would qualify for approval again under the current Unified Development Ordinance.

The applicant has proceeded with the preparation of construction drawings and specifications, but has not yet proceeded with construction. Significant time and effort have been spent on resolving some existing drainage issues involving adjacent properties and Tulls Creek Road, which was necessary to complete construction plans. Also, our client is not an experienced residential developer and has been searching for an experienced developer who will take the lead on building the infrastructure for this development. He has now made an agreement with a residential developer who will proceed with the construction. Final plans and permits should be in place in the near future and the developer is ready to proceed with the infrastructure work as soon as the construction authorization is received from Currituck County.

Thank you for your consideration of this request. Please let me know if we may provide any additional information at this time.

Sincerely yours,
BISSELL PROFESSIONAL GROUP



Mark S. Bissell, P.E.

cc: Mr. Ned Williams



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1957)

Agenda Item Title

Coastal Resilience Rainfall Flooding Study Grant Approval and Resolution

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



CURRITUCK COUNTY

Currituck County– Coastal Resilience Rainfall Flood Study 2017 – 2018

North Carolina Local Planning and Management Grant Program

Local Government: Currituck County

Federal ID #: 56-6000292

Local Administrator of this Project:

Ben Woody, Planning Director
153 Courthouse Road, Ste. 110
Currituck, NC 27929
252-232-6029 (phone)
252-232-3470 (fax)
ben.woody@currituckcountync.gov
(email)

Project Description:

Mapping and study of drainage basins countywide that will identify areas vulnerable to rainfall flooding due to poor soils, topography/low points, development, and drainage systems.

A. BUDGET SUMMARY

| | Grant Assistance Requested | Local Cash Contribution | Local In-Kind Contribution | TOTAL |
|------------------------------|-------------------------------|----------------------------|-------------------------------|-----------------|
| Subcontract Costs: | | | | |
| <i>Sub-contract services</i> | \$20,000 | \$6,667 | | \$26,667 |
| Subtotal | \$20,000 | \$6,667 | \$0 | \$26,667 |
| TOTAL BUDGET | \$20,000 | \$6,667 | \$0 | \$26,667 |
| Cost ratios | 75% | 25% | 0% | 100% |

Below is the project schedule for activities under the grant award. Progress monitoring will occur at 6-month intervals for the duration of the 12-month contract. Adjustments to the schedule will require approval by the Contract Administrator.

B. PROJECT SCHEDULE & ACTIVITIES CHART

This chart illustrates grant and local cash match amounts tied to deliverables per project period. Local funds must be spent before drawing down grant funds. Non-cash match is not illustrated or represented in this chart. However, non-cash match documentation must still be reported at the time of project closeout.

PROJECT SCHEDULE & ACTIVITIES CHART

Grant: \$ 20,000

Cash Match: \$ 6,667

Total Cash: \$ 26,667

Non-cash Match: \$ 0

Total Project Cost: \$ 26,667

| | |
|--|--|
| % of total work to be completed <p style="text-align: center;">25%</p> Grant funds to be spent: \$ 0 Local funds to be spent: \$ 6,667 | Project Period 1 <ul style="list-style-type: none"> • Complete sub-contract arrangements • Begin preparing rainfall flood study • Identify existing conditions and collect data |
| % of total work to be completed <p style="text-align: center;">75%*</p> Grant funds to be spent: \$ 20,000 Local funds to be spent: \$ 0 | Project Period 2 <ul style="list-style-type: none"> • Create spatial data • Analyze spatial data • Identify areas vulnerable to rainfall flooding • Provide a plan/framework to prioritize drainage basins for future detailed hydrological and hydraulic studies • Establish a process to collect data on areas/infrastructure vulnerable to flooding during large storm events • Complete and submit rainfall flood study • Complete and submit spatial layers for drainage basin boundaries and impervious surface in a Geodatabase (.gdb) that contains all associated feature layers and the map files (.mxd), along with documentation on how the layers were created • Submit grant closeout package |

*The final project period includes a holdback of 10% of the grant award, which is retained until a closeout packet is received and approved by the District Planner/Contract Administrator.

C. PROCESSES/DELIVERABLES/REPORTING BY THE APPLICANT

1. The DEQ/DCM will withhold the initial payment of grant funds awarded until the community has documented expenditure of the local cash match sum. In-kind services match is to be documented by the community and provided to DCM by the end of the grant contract period.
2. Cash and Non-Cash In-kind Contributions (General): Cash and in-kind contributions may be claimed as part of the local government's match when such contributions meet all of the following criteria:
 - a. Are verifiable from the local government's records;
 - b. Are necessary and reasonable for proper and efficient completion of the project;
 - c. Are not included as contributions for matching any other state or federally assisted projects or programs, except where authorized by state or federal statute;
 - d. Are provided for in the project budget approved by the Division of Coastal Management;
 - e. Do not include N.C. state sales tax; and
 - f. Conform to other provisions of these guidelines, as applicable.

In general, in-kind contributions are derived from resources already on hand or from donations, whereas cash contributions will be utilized to purchase new services or equipment necessary for proper completion of the planning and management project.

3. Cash Contributions: Local cash contributions may be claimed for the following accountable items: planning services and project design fees, legal studies, materials, and equipment. These costs must be incurred during the contract period.
4. State and Federal Funds: State and federal funds may be counted as cash match provided the funds are not being used as a match for other programs. Local government employee salaries do not qualify as cash match, but may be included toward non-cash in-kind match.
5. In-kind Contributions: Local in-kind non-cash contributions may be claimed for the following accountable items: design fees, labor (including local government salaried employees), and materials. These costs must be incurred during the contract period.
6. Volunteer Services: Volunteer services eligible as in-kind contribution are limited to professional engineering, planning services, architectural services, and volunteer civic groups when those services are not found in the local government. Paid fringe benefits that are reasonable, allowable and allocable may be included in the valuation, if approved by DCM. When an employer other than the local government furnishes the services of an employee, or when an individual contractor volunteers, these services shall be valued at the employee's regular rate of pay (plus an amount of fringe benefits, as described above), provided these services employ the same technical skill for which the employee is normally paid. All volunteer services must be documented by signed invoice showing the billing rate for the service, number of hours, and a statement that the charges are forgiven.

- a. Excluded from volunteer services are prison labor, court-required community service, and other work programs.
- b. In those instances in which the required skills are not found in the local government, or for other activities specifically approved by the Division of Coastal Management, rates shall be consistent with those paid for similar work in the labor market in which the local government competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, allowable, and allocable may be included in the valuation.

Deliverables:

- 7. The project will be required to be completed consistent with the deliverables outlined in the "Project Schedule and Activities Chart".
- 8. All reports, maps, and other documents completed as part of a contract shall carry the following notation:


"This (report, map document, etc.) was prepared by the (local gov't name) under grant award #NA15NOS4190091 to the Department of Environmental Quality, Division of Coastal Management from the Office for Coastal Management, National Oceanic and Atmospheric Administration. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of DEQ, OCM or NOAA."
- 9. Number of copies: Two (2) printed copies and two (2) digital copies on cd or USB Flash drive of the work called for in the contract shall be provided for review at the end of the contract period. The digital versions shall be labeled with software and version. Each plan, map, and drawing shall be provided as a single digital file. Acceptable digital formats for image files include: .gif, .jpg, .bmp, and .tif. Image files shall be no greater than 10 MB in size. Acceptable digital formats for document files include: .doc, .docx, .txt, .xls, .xlsx, .ppt, .pptx, and .pdf. CAD or AutoCAD drawings (.dwf, .dxf, and other CAD formats) are not acceptable and should be converted to .pdf for submittal.
- 10. Consistent with the "Project Schedule and Activities Chart" provided in the grant award, the community will be required to submit reports as to the status and progress of the project. The local District Planner (Contract Administrator) will provide the periodic and final closeout report form templates.

Reimbursement of project cost:

- 11. Actual payments of the award will be based on the local District Planner/Contract Administrator's approval of a monitoring report. Final requisitions and invoices for payment will be required to be received by DCM within 45 days after end of the grant contract period. Upon approval of the closeout packet, the State will release the final 10% as provided for in the contract.

12. The community will be required to maintain and make available at proper times to DEQ/DCM all bid documents, and accurate records of all expenditures for costs applicable to the grant award, and to submit properly certified billings for such costs on forms as may be prescribed by DEQ/DCM. The community will need to keep complete accounting records, including original invoices, payrolls, contracts, or other documents clearly showing the nature and purpose of all costs incurred under the grant award for a period of five (5) years following project completion, or until an audit has been completed, whichever is later. All accounting records and supporting documents must clearly show the contract number of the project to which they are applicable.
13. The community will be required to agree to refund to DEQ, subsequent to audit of the project financial records by DEQ, any funds not expended in compliance with the grant award.

D. SIGNATURE

Signature: 
Title: COUNTY MANAGER
Date: 6-14-17

ASSURANCES - NON CONSTRUCTION PROGRAMS

The **CONTRACTOR** certifies that with regard to:

DRUG-FREE WORK PLACE REQUIREMENTS - It will comply by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about -
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and,
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a) above;
- (d) Notifying the employee in the statement required by paragraph (a), above, that, as a condition of employment under the grant, the employee will -
 - (1) Abide by the terms of the statement; and,
 - (2) Notify the employer of any criminal drug statue conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- (e) Notifying the agency within ten (10) days after receiving notice under subparagraph (d)(2), above, from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), above with respect to any employee who is so convicted -
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or,
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f), above.

Authorized Signature: _____

Date: _____

6-14-17

ASSURANCES - NON CONSTRUCTION PROGRAMS

The **CONTRACTOR** certifies that with regard to:

DEBARMENT and SUSPENSION - To the best of its knowledge and belief that it and its principals:

- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;
- (b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
- (d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

Authorized Signature: _____



Date: _____

6-14-17

ASSURANCES - NON CONSTRUCTION PROGRAMS

The **CONTRACTOR** certifies that with regard to:

LOBBYING - To the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Authorized Signature: _____



Date: 6-14-17

CERTIFICATION OF ELIGIBILITY
Under the Iran Divestment Act

Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-86.55 *et seq.** requires that each vendor, prior to contracting with the State certify, and the undersigned on behalf of the Vendor does hereby certify, to the following:

1. that the vendor is not identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
2. that the vendor shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
3. that the undersigned is authorized by the Vendor to make this Certification.

Vendor: CURRITUCK COUNTY

By: 

Signature

Date

6-14-17

DANIEL F. SCANLON II

Printed Name

COUNTY MANAGER

Title

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address:
<https://www.nctreasurer.com/inside-the-department/OpenGovernment/Pages/Iran-Divestment-Act-Resources.aspx>
 and will be updated every 180 days. For questions about the Department of State Treasurer's Iran Divestment Policy, please contact Meryl Murtagh at MerylMurtagh@nctreasurer.com or (919) 814-3852.

* Note: Enacted by Session Law 2015-118 as G.S. 143C-55 *et seq.*, but has been renumbered for codification at the direction of the Revisor of Statutes.

**RESOLUTION AUTHORIZING LOCAL GOVERNMENT EXECUTION OF
A PLANNING & MANAGEMENT GRANT CONTRACT**

MINUTES OF A REGULAR MEETING OF THE Currituck County Board of Commissioners, North Carolina.

A regular meeting of the Currituck County Board of Commissioners was held in the Board Meeting Room of the Historic Currituck Courthouse, Currituck, North Carolina, the regular meeting place, on August 7, 2017. There were ____ of 7 Commissioners present.

The Currituck County Board of Commissioners was advised that a proposed contract between Currituck County and the North Carolina Department of Environmental Quality (DEQ) for the provision of Planning & Management grant funds was presented for the project known as Currituck County-Coastal Resilience Rainfall Flood Study 2017-2018, and discussed; that, under the terms of the said contract, the County of Currituck will pay a total of \$6,667.00 as its local share of the total project costs.

BE IT RESOLVED, BY THE Currituck County Board of Commissioners:

- 1) That the contract between Currituck County and the North Carolina Department of Environmental Quality be and the same is hereby approved.
- 2) That the County Manager and the Clerk be and they are hereby authorized to sign and execute the said contract for and on behalf of Currituck County and forward the same to the North Carolina Department of Environmental Quality.
- 3) That upon final execution, a copy of said contract be filed with the minutes. Upon motion of _____, seconded by _____, said resolution was passed unanimously.

I, Leeann Walton, Clerk to the Board of Commissioners, Currituck County, North Carolina, do hereby certify that the foregoing is a true copy of so much of the proceedings of the Currituck County Board of Commissioners at a meeting held on August 7, 2017, as related to the contract between Currituck County and the North Carolina Department of Environmental Quality, relative to the Planning & Management project for Currituck County, North Carolina.

WITNESS my hand and the corporate seal of the said Currituck County, North Carolina this the 7th day of August, 2017.

(SEAL)

(Clerk Signature)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1951)

Agenda Item Title

Disaster Debris Collection and Removal Contract Award Recommendations

Brief Description of Agenda Item:

The bidding process for disaster debris collection, disposal and monitoring has been completed and, after review, contract award recommendations are submitted for Board approval.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Daniel F. Scanlon



Brenda K. McQueen
Superintendent of Buildings

Currituck County

153 Courthouse Road, Suite 302
Currituck, North Carolina 27929
252-232-2504
FAX 252-232-3298

Brenda.McQueen@CurrituckCountyNC.gov

MEMORANDUM

To: Dan Scanlon, County Manager

From: Brenda McQueen, Public Works/Solid Waste

Date: July 28, 2017

Subject: Disaster Debris Management and Recovery Contract Recommendation
Disaster Debris Monitoring Contract Recommendation

A request for proposals was issued by the County June 1, 2017, with a due date of June 19, 2017.

We received three proposals for Disaster Debris Management and Recovery (Bergeron, DRC and SDR) and three proposals for Disaster Debris Monitoring (Landfall Strategies, Tetra Tech and Witt O'Brien). Bergeron's RFP was not considered as the instructions to bidders were not followed, also one appendix referenced was not included.

Attached are the bid tabulation sheets developed from information contained in the proposals along with communication between County staff that reviewed the RFP's.

Our recommendation, based on the RFP's received and the attachments to this Memorandum, is as follows:

Disaster Debris Monitoring: Landfall Strategies, LLC

Disaster Debris Management and Recovery: SDR (Southern Disaster Recovery)

Please advise if you have questions or require additional information.

Attachment: Disaster Debris Contract Recommendations 7-28-2017 (Contract Award Recommendations for Disaster Debris)

| Equipment & Labor Rates (hourly) | BERGERON | DRC | SDR | |
|--|----------|-----------|----------|--|
| JD 544 WHEEL LOADER WITH DEBRIS GRAPPLE | 145.00 | 165.00 | 80.00 | |
| JD 644 WHEEL LOADER WITH DEBRIS GRAPPLE | 155.00 | 185.00 | 90.00 | |
| EXTENDABOOM FORKLIFT WITH DEBRIS GRAPPLE | 140.00 | 135.00 | 65.00 | |
| 753 BOBCAT SKID STEER LOADER W/ DEBRIS GRAPPLE | 110.00 | 135.00 | 50.00 | |
| 753 BOBCAT SKID STEER LOADER W/ BUCKET | 110.00 | 135.00 | 45.00 | |
| 753 BOBCAT SKID STEER LOADER W/STREET SWEEPER | 90.00 | 135.00 | 45.00 | |
| 30-50 H FARM TRACTOR WITH BOX BLADE OR RAKE | 85.00 | 100.00 | 45.00 | |
| 2 - 2 1/2 CU YD ARTICULATED LOADER W/ BUCKET | 140.00 | 180.00 | 55.00 | |
| 3 - 4 CU YD ARTICULATED LOADER W/ BUCKET | 165.00 | 195.00 | 75.00 | |
| JD 648E LOG SKIDDER | 175.00 | 250.00 | 75.00 | |
| CAT D4 DOZER | 135.00 | 120.00 | 65.00 | |
| CAT D5 DOZER | 145.00 | 240.00 | 70.00 | |
| CAT D6 DOZER | 155.00 | 360.00 | 75.00 | |
| CAT D7 DOZER | 170.00 | 450.00 | 95.00 | |
| CAT D8 DOZER | 185.00 | 500.00 | 105.00 | |
| CAT 125 - 140 HP MOTOR GRADER | 135.00 | 260.00 | 65.00 | |
| JD 6Y90 TRACKHOE W/ DEBRIS GRAPPLE | 145.00 | 180.00 | 110.00 | |
| JD 690 TRACKHOE W/ BUCKET AND THUMB | 145.00 | 180.00 | 120.00 | |
| RUBBER TIRED EXCAVATOR W/ DEBRIS GRAPPLE | 155.00 | 170.00 | 100.00 | |
| JD 310 RUBBER TIRED BACKHOE W/ BUCKET AND HOE | 135.00 | 165.00 | 70.00 | |
| 210 PRENTISS KNUCKLEBOOM W/ DEBRIS GRAPPLE | 225.00 | 270.00 | 112.00 | |
| CAT 623 WSELF-LOADER SCRAPER | 175.00 | 270.00 | 110.00 | |
| HAND-FED DEBRIS CHIPPER | 75.00 | 295.00 | 50.00 | |
| 300 - 400 HP TUB GRINDER | 375.00 | 395.00 | 485.00 | |
| 800 - 1000 HP TUB GRINDER | 550.00 | 695.00 | 575.00 | |
| 30 TON CRANE | 150.00 | 275.00 | 85.00 | |
| 50 TON CRANE | 275.00 | 375.00 | 130.00 | |
| 100 TON CRANE (8 HOUR MINIMUM) | 325.00 | 695.00 | 250.00 | |
| 40 - 60' BUCKET TRUCK | 200.00 | 275.00 | 85.00 | |
| GREATER THAN 60' BUCKET TRUCK | 250.00 | 375.00 | 100.00 | |
| FUEL / SERVICE TRUCK | 95.00 | 135.00 | 60.00 | |
| WATER TRUCK | 90.00 | 135.00 | 45.00 | |
| PORTABLE LIGHT PLANT | 45.00 | 100.00 | 40.00 | |
| LOWBOY TRAILER W/ TRACTOR | 110.00 | 150.00 | 125.00 | |
| FLATBED TRUCK | 55.00 | 135.00 | 40.00 | |
| PICKUP TRUCK (UNMANNED) | 35.00 | 40.00 | 20.00 | |
| SELF-LOADING DUMP TRUCK W/ DEBRIS GRAPPLE | 225.00 | 270.00 | 110.00 | |
| SINGLE AXLE DUMP TRUCK, 5 - 12 CU YD | 60.00 | 120.00 | 50.00 | |
| TANDEM AXLE DUMP TRUCK, 16 - 20 CU YD | 75.00 | 140.00 | 50.00 | |
| TANDEM AXLE DUMP TRUCK, 21 - 30 CU YD | 85.00 | 180.00 | 60.00 | |
| TANDEM AXLE DUMP TRUCK, 31 - 50 CU YD | 95.00 | 220.00 | 70.00 | |
| TANDEM AXLE DUMP TRUCK, 51 - 80 CU YD | 120.00 | 280.00 | 85.00 | |
| POWER SCREEN | 275.00 | 275.00 | 85.00 | |
| STACKING CONVEYOR | 225.00 | 265.00 | 60.00 | |
| CHAINSAW (WITHOUT OPERATOR) | 11.00 | 5.00 | 15.00 | |
| AIR CURTAIN INCINERATOR, SELF-CONTAINED | 375.00 | 285.00 | 50.00 | |
| TEMPORARY OFFICE TRAILER | 350.00 | 350.00 | 25.00 | |
| MOBILE COMMAND AND COMMUNICATIONS TRAILER | 525.00 | 350.00 | 25.00 | |
| LABORER W/ SMALL HAND TOOLS | 35.00 | 40.00 | 18.00 | |
| TRAFFIC CONTROL FLAG PERSON | 35.00 | 40.00 | 18.00 | |
| SKILLED SAWMAN | 39.00 | 45.00 | 35.00 | |
| CREW FOREMAN WITH CELL PHONE | 75.00 | 75.00 | 50.00 | |
| TREE CLIMBER | 90.00 | 90.00 | 42.00 | |
| | | | | |
| | 8,545.00 | 11,885.00 | 4,660.00 | |

| Service Description | BERGERON | DRC | SDR | UOM |
|--|-----------|-----------|---------|------------------|
| Mobilization & Demobilization (lump sum) | 0.00 | 0.00 | 0.00 | Lump Sum |
| C&D Debris Removal ROW to DMS one-way haul: | | | | |
| 0 - 15.9 miles | 10.50 | 11.96 | 6.95 | cu yd |
| 16 - 30.9 milesw | 12.50 | 12.96 | 7.45 | cu yd |
| 31 - 60 miles | 13.50 | 14.96 | 8.25 | cu yd |
| Vegetative Debris Removal ROW to DMS, one way haul | | | | |
| 0 - 15.9 miles | 8.50 | 9.48 | 6.70 | cu yd |
| 16 - 30.9 milesw | 9.25 | 10.48 | 7.30 | cu yd |
| 31 - 60 miles | 11.50 | 12.48 | 7.90 | cu yd |
| C&D Direct haul to Final Disposal Site (non DMS) | | | | |
| 0 - 15.9 miles | 10.00 | 11.96 | 6.95 | cu yd |
| 16 - 30.9 milesw | 12.00 | 12.96 | 7.45 | cu yd |
| 31 - 60 miles | 14.50 | 18.96 | 8.25 | cu yd |
| Stumps greater than 24-inch diameter - Direct Haul to final disposal site from ROW | | | | |
| 0 - 15.9 miles | 45.00 | 12.48 | 6.70 | cu yd |
| 16 - 30.9 milesw | 55.00 | 13.48 | 7.30 | cu yd |
| 31 - 60 miles | 65.00 | 15.48 | 7.90 | cu yd |
| Vegetative Direct Haul to Final DS from ROW | | | | |
| 0 - 15.9 miles | 9.25 | 10.96 | 6.70 | cu yd |
| 16 - 30.9 milesw | 13.50 | 11.96 | 7.30 | cu yd |
| 31 - 60 miles | 15.00 | 17.96 | 7.90 | cu yd |
| Disaster deposited silt, mud, sand to DMS or FDS | | | | |
| 0 - 15.9 miles | 17.00 | 16.15 | 7.50 | cu yd |
| 16 - 30.9 milesw | 19.00 | 17.15 | 8.00 | cu yd |
| 31 - 60 miles | 21.00 | 19.15 | 8.50 | cu yd |
| Re-haul CD or RVM from DMS to FDS | | | | |
| 0 - 15.9 miles | 4.50 | 4.43 | 3.50 | cu yd |
| 16 - 30.9 milesw | 6.00 | 5.43 | 4.00 | cu yd |
| 31 - 60.9 miles | 7.50 | 7.43 | 4.50 | cu yd |
| 61 - 119.9 miles | 10.50 | 10.43 | 5.50 | cu yd |
| 120 - 150 miles | 18.00 | 12.43 | 5.50 | cu yd |
| Cutting standing tree Owner-determine hazardous (Cutting only) | | | | |
| 6 - 11.99 inch diameter | 125.00 | 45.00 | 45.00 | tree |
| 12 - 23.99 inch diameter | 250.00 | 90.00 | 65.00 | tree |
| 24 - 5.99 inch diameter | 375.00 | 155.00 | 135.00 | tree |
| 36 - 47.99 inch diameter | 450.00 | 265.00 | 155.00 | tree |
| 48 inch diameter and greater | 595.00 | 375.00 | 200.00 | tree |
| Cutting and/or removal of Dangerous Limbs from tree (must be greater than 2" to be eligible... cutting only) | | | | |
| 1 to 2 limbs | 120.00 | 80.00 | 60.00 | tree |
| 3 to 4 limbs | 120.00 | 85.00 | 75.00 | tree |
| 5 or more limbs | 120.00 | 90.00 | 80.00 | tree |
| Cutting fallen trees on ROW | | 100.00 | 0.00 | tree |
| Hazardous stump Extraction (Extraction only) | | | | |
| >24 - 35.99 inch diameter | 275.00 | 200.00 | 150.00 | each |
| 36 to 48 inch diameter | 450.00 | 350.00 | 250.00 | each |
| 48 inch diameter and greater | 625.00 | 450.00 | 400.00 | each |
| Backfilling of stump root ball holes | 150.00 | 60.00 | 25.00 | each |
| Collection, hauling and FDS White goods | 120.00 | 85.00 | 35.00 | Per unit |
| Staging collection and hauling to Owner designated SW facility of refrigerator contents or spoiled food | 125.00 | 3900.00 | 2000.00 | ton |
| DMS Management and material handling | | | | |
| Includes loading, sorting, segregation, prep for re-haul, special equipment for mats handling, roadway construction at site, traffic control and inspection tower construction as needed | 1.25 | 1.15 | 1.50 | cu yd |
| Reduction of DMS mats by grinding | 2.50 | 2.95 | 2.50 | cu yd |
| Reduction of DMS mats by incineration | 2.25 | 2.25 | 1.25 | cu yd |
| DMS preparation and reclamation | 10,000.00 | 5000.00 | 0.00 | per site / month |
| Load and haul of storm deposited soils (sild, sand, mud) | 17.00 | 17.15 | 7.50 | cu yd |
| Clearing debris from ditches and drainage canals: | | | | |
| 1 foot to 10-feet (average width) | 75.00 | 10.15 | 5.00 | per linear ft |
| 10.1 to 20 feet (average width) | 200.00 | 17.15 | 8.00 | per linear ft |
| 20.1 to 35 feet (average width) | 450.00 | 27.15 | 10.00 | per linear ft |
| Greater than 35 feet (average width) | 900.00 | 37.15 | 14.00 | per linear ft |
| Collection, hauling and FDS of dead animal carcasses | 5.00 | 5.95 | 2.25 | per pound |
| | 15,961.50 | 11,742.17 | 3885.00 | |

[illegible]



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1961)

Agenda Item Title

Amended Item-Library Board Appointment

Brief Description of Agenda Item:

Commissioner Hall requested an amendment to submit his nominee to serve on the Library Board.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



**CURRITUCK COUNTY
NORTH CAROLINA**

July 17, 2017

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Emergency Management Hurricane Preparedness

The Board of Commissioners attended a 5 PM work session on Hurricane Preparedness. Emergency Management Director, Mary Beth Newns, used a powerpoint to provide information on Emergency Operations Center (EOC) protocol and hurricane response processes. Policies and procedures were reviewed, from initial monitoring and weather advisories through emergency declarations and evacuation decisions. Evacuation routes and powers granted to the Board Chairman during a state of emergency were discussed. Information related to post storm procedures, WebEOC monitoring software, re-entry and demobilization were presented.

6:00 PM CALL TO ORDER

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

| Attendee Name | Title | Status | Arrived |
|------------------------|---------------|---------|---------|
| Bobby Hanig | Chairman | Present | |
| Mike H. Payment | Vice Chairman | Present | |
| Paul M. Beaumont | Commissioner | Present | |
| Mary "Kitty" Etheridge | Commissioner | Present | |
| Marion Gilbert | Commissioner | Present | |
| Mike D. Hall | Commissioner | Present | |
| Bob White | Commissioner | Present | |

Chairman Hanig called the meeting to order.

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

Reverend Susan Fitch-Slater was in attendance to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Chairman Hanig amended the agenda and added a Closed Session pursuant to G.S.

Communication: Minutes for July 17, 2017 (Approval Of Minutes for July 17, 2017)

143-318.11(a)(3) to consult with the county attorney and in order to preserve the attorney-client privilege.

Commissioner Gilbert moved for approval of the agenda. Commissioner Payment seconded and the motion passed unanimously.

Approved agenda:

Work Session

5:00 PM Emergency Management Hurricane Preparedness

6:00 PM Call to Order

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

B) Approval of Agenda

Public Comment

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

Public Hearings

A) **Public Hearing and Action: PB 17-04 Currituck County:**
The 2017 Housekeeping Amendment to modify and correct the Unified Development Ordinance Chapter 2 Administration, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 7 Environmental Protection, Chapter 9 Enforcement and, Chapter 10 Definitions and Measurements.

New Business

A) **An Ordinance of the Currituck County Board of Commissioners Amending Chapter 9, Article I of the Currituck County Code of Ordinances by Adding Section 9-9 to Allow the Sale of Malt Beverages, Unfortified Wine, Fortified Wine, and Mixed Beverages on Sundays Beginning at 10:00 A.M.**

B) **Board Appointments**

1. Library Board of Trustees
2. Senior Citizens Advisory

C) **Consent Agenda**

1. Approval Of Minutes for June 19, 2017
2. Resolution Requesting NCDOT Perform a Speed Limit Study-
Brumsey Road

3. Settlement of Delinquent Taxes for FY 2016-17
4. Report of Insolvents and Resolution Approving the Settlement with the Tax Collector for Insolvents
5. Sole Source Purchase Mueller System

D) Commissioner's Report

E) County Manager's Report

Closed Session

Amended Item-Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and in order to preserve the Attorney-Client privilege

Adjourn

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Marion Gilbert, Commissioner |
| SECONDER: | Mike H. Payment, Vice Chairman |
| AYES: | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |

PUBLIC COMMENT

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

Josh Bass, Currituck Chamber of Commerce President, spoke in favor of the Brunch Bill and asked the Board to lift the restriction and allow alcohol sales to begin at 10 AM on Sunday in Currituck County. Mr. Bass said Currituck businesses are at a competitive disadvantage compared to neighboring areas who are able to sell, resulting in lost revenue for Currituck businesses.

Dave Knoch, Corolla, distributed photos and discussed the negative impacts to his family related to county decisions to prohibit golf cart parking along the southern beach access road and the termination of the agreement with the Currituck Club for handicap beach transportation services. He spoke of the Corolla PAC, a group who plan to take up issues related to the safety of event homes and completion of the multi-use path.

Matthew Paulson of Kill Devil Hills, owner of First Light Breakfast and Burgers in TimBuck II, spoke in favor of allowing 10 AM liquor sales on Sunday, and presented surveys filled out by patrons to demonstrate their support.

John Wright of Powells Point, and owner of Sanctuary Vineyards, said the vineyards do lose sales between the hours of 10 AM and Noon on Sunday and asked the Board to vote in favor of the ordinance to expand the hours for alcohol sales.

Manly West of Currituck County spoke in opposition to the expanded hours for alcohol sales and asked the Board to vote against the ordinance.

With no one else wishing to speak Chairman Hanig closed the Public Comment period.

PUBLIC HEARINGS

A. Public Hearing and Action: PB 17-04 Currituck County: 2017 UDO Housekeeping Amendment

PB 17-04 CURRITUCK COUNTY

Amendment to the Unified Development Ordinance Chapter 2 Administration, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 7 Environmental Protection, Chapter 9 Enforcement, and Chapter 10 Definitions and Measurement.

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

Item 1: That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

2.2.3. Planning Board

B. Membership, Appointment, and Terms of Office

(7) General

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

Item 2: That Chapter 4. Use Standards and Chapter 10. Definitions and Measurement are amended by adding the following underlined language and deleting the struck-through language:

4.2.3. Institutional Uses

C. Wind Energy Facility, Large

(21) Environmental Review Required

An application for a large wind energy facility shall require review by ~~NC DENR~~, NCDEQ, USACOE, the US Fish and Wildlife Service, and the NC Wildlife Resources Commission. All comments from these agencies shall be included with the application.

4.2.5. Industrial Uses

C. Extractive Industry

(ii) Monitoring Wells

Monitoring wells may be required for mining activities with dewatering operations when an existing in use well, pond, or a source of salt water intrusion is within a 1,500 foot radius of the excavation area. A plan shall be provided outlining groundwater monitoring strategies which demonstrates the effects of pumping. Monitoring well requirements shall include the following:

- (A) Monitoring wells to assess hydrogeological conditions shall be constructed to comply with the provisions of ~~NC DENR~~ NCDEQ rule 15A NCAC 02C - Well Construction Standards.
- (B) Install to a depth equal to the maximum depth of the mine dewatering operation.
- (C) Monitoring wells shall be located between the excavation area and the in use wells or pond and located as close as possible to the mine property line. In no instance shall the monitoring well be located closer than one-third the distance from the in use well to the mine. In some instances, it may be necessary to install the well on adjacent properties, in which case a well construction permit will be required through ~~NC DENR~~ NCDEQ.

10.2 TABLE OF ABBREVIATIONS

| TABLE 10.2: ABBREVIATIONS | |
|---|--|
| ABBREVIATION | ASSOCIATED TERM |
| NC DENR or DENR <u>NCDEQ or DEQ</u> | North Carolina Department of Environment and Natural Resources <u>Environmental Quality</u> |

10.5 DEFINITIONS

CAMA

North Carolina's Coastal Area Management Act. This act, along with the Dredge and Fill Law and the federal Coastal Zone Management Act, is managed through North

Carolina Department of ~~Environment and Natural Resources~~' (NCDENR's)
Environmental Quality's Division of Coastal Management (DCM).

Item 3: That Chapter 9. Enforcement is amended by adding the following underlined language and deleting the struck-through language:

9.6.2. Civil Penalties

C. General

In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, the standards in this Ordinance may be enforced through the issuance of civil penalties.

D. Citation

Violation of this Ordinance subjects the violator to a civil penalty. To impose a civil penalty, the Planning Director shall first provide the violator a written citation, either by mail or personal service. The citation shall describe the violation, specify the amount of the civil penalty being imposed, and direct the violator to correct the violation and pay the civil penalty to the county within a stated time period. Unless otherwise specified, each day's continuing violation of any provision of this Ordinance shall be separate and distinct offense.

E. Amount of Civil Penalty

The amount of civil penalties for violations of this Ordinance shall not exceed a maximum amount of \$500 per day for each day the violation continues.

F. Recovery of Civil Penalty

If the violator fails to pay the civil penalty within ten days of the citation, the county may recover the penalties in a civil action in the nature of debt.

- (8) A civil penalty may not be appealed to the Board of Adjustment. ~~if the appeal is not filed within the time period specified in the citation.~~

Item 4: That Chapter 5. Development Standards is amended by adding the following underlined language:

5.6.7. Driveway and Access Standards

G. General Standards

- (7) Driveways on corner and double frontage lots shall provide access from the street with less traffic to the maximum extent practicable.

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

2.3.3. Community Meeting

A. Purpose

The purpose of the community meeting is to inform owners and occupants of nearby lands about a proposed development application that is going to be reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the development proposal as a means of resolving conflicts and outstanding issues, where possible.

B. Favored Practice

Community meetings are encouraged as opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by development proposals.

C. Applicability**(7) Community Meeting Mandatory**

A community meeting is required before submittal of any of the following applications:

- (a) Zoning map amendments to establish a more intense base zoning district;
- (b) Conditional rezonings;
- (c) Planned developments;
- (d) Use permits; and
- (e) Type II preliminary plats (for major subdivision) of 50 lots or more.

(8) Community Meeting Optional

A community meeting is encouraged, but not required, before submittal of any other development application that is subject to a public hearing (see Table 2.3.6.A, Required Public Hearings).

D. Procedure

If a community meeting is held by the applicant, it shall comply with the following procedures:

(7) Time and Place

The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the application.

(8) Notification**(a) Mailed Notice**

The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director and all persons to whom mailed notice of a public hearing on the development application is required by Section 2.3.6, Public Hearing Scheduling and Public Notification.

(b) Posted Notice

The applicant shall post notice of the community meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the Planning Director. Signs used for posted notice shall have a minimum size of six square feet per side.

(c) Notice Content

Notices shall identify the date, time, and place of the meeting and applicant contact information.

(9) Conduct of Meeting

At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.

(10) Staff Attendance

County staff shall attend the meeting for the purpose of advising attendees about applicable provisions of this Ordinance and the land use plan, but shall not serve as facilitators or become involved in discussions about the development proposal.

(11) Written Summary of Community Meeting

The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the development proposal, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.

(12) Response to Summary

Any person attending the community meeting may submit a written response to the applicant's meeting summary to the Planning Director within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available for public inspection.

(13) Additional Meetings

The applicant shall hold additional meetings to explain revised development proposals and applications that result in significant substantive revisions explained at a previous community meeting.

Item 6: That Chapter 5. Development Standards is amended by adding the following underlined language:

5.12. Applicability

A. General

These off-street parking and loading standards shall apply to all development in the county.

B. Time of Review

Review of proposed development to ensure compliance with the standards of this section shall occur at time of site plan (Section 2.4.7), planned development master plan (Section 2.4.5) zoning compliance permit (Section 2.4.9), or temporary use permit (see Section 2.4.11), whichever occurs first.

C. Existing Development

(1) Change in Use

Any change in use of an existing development shall provide the additional off-street parking and loading facilities required to comply with this section.

(2) **Expansion and Enlargement**

Any expansion or enlargement of an existing structure that will increase the number of units upon which the applicable parking standard is based (e.g., square feet, employees, dwelling units, seats, bedrooms) shall provide additional off-street parking, loading, and circulation facilities as required by application of these minimum off-street parking, loading, and circulation standards, unless exempted.

(3) **Nonconforming Parking or Loading Facilities**

Expansion or enlargement of an existing development on a site that does not comply with the standards of this section shall comply with the standards of Section 8.6, Nonconforming Sites.

D. Exemptions

The following activities are exempt from the requirements of this section:

- (1) Re-striping an existing parking lot which does not create a deficient number of parking spaces or nonconforming situation;
- (2) Expansion of a single-family or duplex dwelling that does not increase the number of bedrooms; and
- (3) Rehabilitation or re-use of an historic structure.

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

7.4.5. Flood Certificates / Certifications

All development within a special flood hazard area shall obtain all required flood certificates or certifications in accordance with this section and Table 7.4.5, Flood Certificates.

| TABLE 7.4.5: FLOOD CERTIFICATES | | | |
|--------------------------------------|---|---------------------------|---|
| CERTIFICATE TYPE | TYPE OF DEVELOPMENT SUBJECT TO REQUIREMENT | FLOOD ZONE WHERE REQUIRED | TIMING |
| Elevation Certificate | All residential and nonresidential development [1] | A, AE, VE, AEFW [3] | Under construction– required prior to scheduling rough in inspection; As-built – required prior to occupancy |
| Floodproofing Certificate | All nonresidential development with floor area below base flood elevation [1] [2] | | Prior to start of construction |
| Foundation Certification | Manufactured home with chassis 36 inches or more above grade [4] | A, AE | Prior to issuance of building permit |
| Watercourse Alteration Certification | Development seeking to alter or relocate a watercourse | A, AE, AEFW, VE | Prior to floodplain development permit |
| V-Zone | All residential and nonresidential | VE | Required as part of Building |

TABLE 7.4.5: FLOOD CERTIFICATES

| CERTIFICATE TYPE | TYPE OF DEVELOPMENT SUBJECT TO REQUIREMENT | FLOOD ZONE WHERE REQUIRED | TIMING |
|------------------|--|---------------------------|--------|
| Certificate | development | | Permit |

NOTES:

[1] Recreation vehicles, temporary structures, and accessory structures less than 150 square feet in area in the A and AE flood zones must comply with the standards of this section, but are exempted from elevation and flood-proofing certificate requirements

[2] Development subject to a floodproofing certificate is not required to obtain an elevation certificate

[3] Floodproofing is not permitted within the VE zone

[4] ~~Manufactured homes are not permitted in the VE zone~~

7.4.6. Standards

E. Standards for Coastal High Hazard Areas (VE Zones)

(7) Allowed Uses

- (a) No manufactured homes shall be permitted in the coastal high hazard flood zone, except for replacement manufactured homes located in existing manufactured home parks and subdivisions permitted by this ordinance subject to the standards in Section 7.4.6.A.4.
- (b) Recreational vehicles are permitted in the coastal high hazard flood zone, subject to the standards in Section 7.4.6.A.7, Recreational Vehicles.

Item 8: That Chapter 4. Use Standards and Chapter 10 Definitions and Measurement is amended by adding the following underlined language and deleting the following struck-through Section and Table references for Gasoline Sales, Home Occupations, Land Application of Sludge or Septage, Outdoor Storage, and Outdoor Display and Sales:

| UDO Section | Amendment Request |
|------------------------|------------------------|
| Section 4.2.4.H (1)(c) | 4.3.3. P.Q. |
| Section 4.2.4.H.(2)(c) | 4.3.3. P.Q. |
| Section 4.2.4.H.(3)(a) | 4.3.3. P.Q. |
| Section 4.2.4.I.(2)(b) | 4.3.3. P.Q. |
| Section 4.2.4.I.(2)(c) | 4.3.3. I.J. |
| Section 4.2.5.B.(2) | 4.3.3. P.Q. |
| Section 4.2.5.E.(6)(b) | 4.3.3. P.Q. |
| Section 4.3.3.O.(1) | 4.3.3. N.O. |
| Section 4.3.3.Q.(5) | 4.3.3. P.Q. |
| Section 4.4.6.C. | 4.3.3. O.P. |
| Section 10.4.3.A.(1) | 4.3.3. J.K. |

Item 9: 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 10: This ordinance amendment shall be in effect from and after the _____ day of _____, 2017.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: 7 AYES 0 NAYS

.....
PLANNING BOARD DATE: 6/13/2017
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 7 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 7/05/2017 & 7/16/2017
BOARD OF COMMISSIONERS PUBLIC HEARING: 7/17/2017
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

To: Board of Commissioners
From: Planning Staff
Date: July 17, 2017
Subject: PB 17-04 Currituck County - 2017 Housekeeping Amendment

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

- Item 1 Modifies Planning Board appointments by the Board of Commissioners.
- Item 2 Corrects the North Carolina Department of Environmental Quality (NCDEQ) department name change.
- Item 3 Corrects the appeal process for a notice of violation.
- Item 4 Provides driveway standards for double frontage lots.
- Item 5 Provides language for additional community meetings when development proposals and applications result in substantive revisions.
- Item 6 Clarifies the parking requirements for development that result in an increase in the number of bedrooms.
- Item 7 Corrects language to be consistent with the model flood ordinance for mobile homes replaced in coastal high hazard areas (VE zones).
- Item 8 Corrects reference errors in Chapter 4 Use Standards and Chapter 10 Definitions and Measurement for Gasoline Sales, Home Occupations, Land Application of Sludge or Septage, Outdoor Storage, and Outdoor Display and Sales.

Planning Board Recommendation:

Communication: Minutes for July 17, 2017 (Approval Of Minutes for July 17, 2017)

Shay Ballance motioned to recommend approval as presented by staff. Mr. O'Brien seconded the motion and the motion carried unanimously.

Planning Board Discussion (6/13/17)

Donna Voliva presented the staff report for the Currituck County 2017 Housekeeping Amendment which clarifies and revises miscellaneous sections of the Unified Development Ordinance (UDO).

Chairman Bell asked for questions from the board.

With no questions, Chairman Bell entertained a motion.

Shay Ballance motioned to recommend approval as presented by staff. Mr. O'Brien seconded the motion and the motion carried unanimously.

Planning Director, Laurie LoCicero, reviewed each of the proposed housekeeping amendments to the Unified Development Ordinance and responded to questions posed by the Board.

Chairman Hanig opened the public hearing. With no one wishing to speak the public hearing was closed.

Commissioner Gilbert moved to approve the amendment to modify and correct the Unified Development Ordinance Chapter 2-Administration, Chapter 4-Use Standards, Chapter 5-Development Standards, Chapter 7-Environmental Protection, Chapter 9-Enforcement and Chapter 10-Definitions and Measurements, as Items 1-8 presented by staff.

The motion was seconded by Commissioner Hall and passed unanimously.

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Marion Gilbert, Commissioner |
| SECONDER: | Mike D. Hall, Commissioner |
| AYES: | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |

NEW BUSINESS

A. An Ordinance of the Currituck County Board of Commissioners Amending Chapter 9, Article I of the Currituck County Code of Ordinances by Adding Section 9-9 to Allow the Sale of Malt Beverages, Unfortified Wine, Fortified Wine, and Mixed Beverages on Sundays Beginning at 10:00 A.M.

County Attorney, Ike McRee, reviewed the ordinance with the Board and explained that adoption of a local ordinance is required to enact the recently passed state legislation that allows for the retail sale of alcoholic beverages between the hours of 10 AM and Noon on Sundays. He said North Carolina ABC liquor stores would remain closed on Sundays and he responded to questions regarding the sampling of spirits and sales at county events, both of which he said would be allowed with proper permits and permissions.

Commissioner Beaumont spoke in opposition to the ordinance. He said he has significant reservations about opening the door to allowing Sunday morning alcohol

sales and cited several reasons, including safety. He questioned why the state ABC liquor stores would remain closed on Sunday.

Commissioners Hall and White each spoke in support of the ordinance. Commissioner Hall cited our uniqueness as a tourist destination and Commissioner White noted the opportunity for businesses to increase revenue.

Commissioner Etheridge said although personally not in favor, she was elected to represent constituents and had received calls asking for her to support the extended hours.

Commissioner Payment commented that individuals and businesses can determine whether they want to consume or sell alcohol during the extended hours and that the change would not compel him to do so.

Commissioner Gilbert said she had also received calls from people in favor of the extended hours, particularly for retail store sales rather than consumption.

After discussion, Commissioner Hall moved to adopt the ordinance as presented. The motion was seconded by Commissioner White resulting in the ordinance passing its first reading with a vote of 6-1. Commissioner Beaumont voted against adoption. The ordinance required a unanimous vote for adoption at a first reading and will be placed on the August 7, 2017, Board meeting agenda for a second reading.

| | | |
|------------------|--|-------------------------------|
| RESULT: | ORDINANCE PASSED FIRST READING [6 TO 1] | Next: 8/7/2017 6:00 PM |
| MOVER: | Mike D. Hall, Commissioner | |
| SECONDER: | Bob White, Commissioner | |
| AYES: | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner | |
| NAYS: | Paul M. Beaumont, Commissioner | |

B) Board Appointments

1. Library Board of Trustees

Commissioner White nominated Kerry Engley to the Library Board. Commissioner Gilbert moved for approval. The motion was seconded by Commissioner Payment and passed unanimously.

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Marion Gilbert, Commissioner |
| SECONDER: | Mike H. Payment, Vice Chairman |
| AYES: | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |

2. Senior Citizens Advisory

Commissioner Beaumont nominated David Myers to the Senior Citizens Advisory Board. Commissioner Gilbert moved for approval. The motion was seconded by Commissioner Payment and passed unanimously.

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Marion Gilbert, Commissioner |
| SECONDER: | Mike H. Payment, Vice Chairman |
| AYES: | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |

C) Consent Agenda

Commissioner Gilbert moved for approval of the Consent Agenda. Commissioner Beaumont seconded and the motion passed unanimously.

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Marion Gilbert, Commissioner |
| SECONDER: | Paul M. Beaumont, Commissioner |
| AYES: | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |

1) Approval Of Minutes for June 19, 2017

1. BOC Minutes for June 19, 2017

2. Resolution Requesting NCDOT Perform a Speed Limit Study-Brumsey Road

RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS REQUESTING A SPEED LIMIT STUDY ON BRUMSEY ROAD, LOCATED OFF OF TULLS CREEK ROAD, MOYOCK

WHEREAS, Currituck County has received citizen concerns regarding the current speed limit on Brumsey Road considering the increased presence of children in the area; and

WHEREAS, the Currituck County Board of Commissioners believes that a study should be performed to

determine whether the current posted speed limit of 35 MPH is safe and appropriate.

NOW THEREFORE BE IT RESOLVED by the Currituck County Board of Commissioners that Currituck County requests the North Carolina Department of Transportation to conduct a study to determine whether the speed limit on Brumsey Road should be reduced.

ADOPTED the 17th day of July, 2017.

ATTEST:

Bobby Hanig, Chairman

Leeann Walton, Clerk to the Board

(COUNTY SEAL)

3. Settlement of Delinquent Taxes for FY 2016-17

4. Report of Insolvents and Resolution Approving the Settlement with the Tax Collector for Insolvents

5. Sole Source Purchase Mueller System

RESOLUTION AUTHORIZING THE PURCHASE OF HERSHEY METER/HOT ROD AMRs FROM MUELLER SYSTEMS/FORTILINE THROUGH SOLE SOURCE PURCHASE

WHEREAS, N.C. Gen. Stat. §143-129(e)(6) authorizes a unit of local government to purchase apparatus, supplies, materials or equipment when standardization or compatibility is an overriding consideration; and

WHEREAS, Mueller Systems is the owner of Hershey Meter/Hot Rod AMR water meters and accessory equipment; and

WHEREAS, Mueller Systems only issues one distributor the authority to sell its products within a state and Fortiline is the sole supplier in North Carolina; and

WHEREAS, Hershey Meters/Hot Rod AMR water meters and accessory equipment are used by Southern Outer Banks Water System and Mainland Water; and

WHEREAS, the acquisition of Hershey Meters/Hot Rod AMR water meters and accessory equipment from Mueller Systems/Fortiline will assure standardization and compatibility of the parts used by the Southern Outer Banks Water System and Mainland Water and is the only source of needed and required water meters;

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

Section 1. The County of Currituck is authorized to enter into a contract in the amount of \$323,226.51 with Mueller Systems/Fortiline for the sole source purchase of Hershey Meter/Hot Rod AMR water meters and accessory equipment in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the county manager is authorized to execute the agreement with Mueller Systems/Fortiline for the acquisition apparatus, materials and equipment acquisition described in this resolution and the proposed contract.

Section 2. This resolution shall be effective upon its adoption.

This the ____th day of July, 2017.

Chairman
Board of Commissioners

Communication: Minutes for July 17, 2017 (Approval Of Minutes for July 17, 2017)

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

D) Commissioner's Report

Commissioner Beaumont discussed his experience as he recently dropped his son off to begin his service in the Marine Corps. He asked that everyone keep our servicemen in their thoughts and prayers.

E) County Manager's Report

No report.

CLOSED SESSION

1. Amended Item-Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and in order to preserve the Attorney-Client privilege

Chairman Hanig moved the Board into Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney and in order to preserve the attorney-client privilege.

ADJOURN

Motion to Adjourn Meeting

The Board returned from closed session and, with no further business, Commissioner Etheridge made a motion to adjourn. The motion was seconded by Commissioner Payment and passed unanimously, thus concluding the regular meeting of the Board of Commissioners at 7:10 PM.

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Mary "Kitty" Etheridge, Commissioner |
| SECONDER: | Mike H. Payment, Vice Chairman |
| AYES: | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |

Communication: Minutes for July 17, 2017 (Approval Of Minutes for July 17, 2017)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1938)

Agenda Item Title

Budget Amendments

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Number 20180001

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of August 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|------------------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 52606-545001 | Hurricane Matthew Snag/Clear Grant | \$ 28,100 | |
| 52330-448201 | NC Dept of Ag - Hurricane Matthew | | \$ 28,100 |
| | | <u>\$ 28,100</u> | <u>\$ 28,100</u> |

Explanation: Multi-year Grants - Hurricane Matthew Snag & Clear (52606) - Increase appropriations to record additional grant funds approved for the Hurricane Matthew snag and clear project.

Net Budget Effect: Multi-year Grant Fund (52) - Increased by \$28,100.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA's_Aug 7_BOC (Budget Amendments)

Number 20180002

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of August 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 12543-590003 | Capital Outlay | \$ 14,295 | |
| 12543-532103 | Fire Supplies | | \$ 14,295 |
| | | <u>\$ 14,295</u> | <u>\$ 14,295</u> |

Explanation: Moyock VFD (12543) - Transfer budgeted funds for radio equipment per request of Moyock VFD.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA's_Aug 7_BOC (Budget Amendments)

Number 20180003

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of August 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10415-514000 | Travel | \$ 600 | |
| 10415-514500 | Training & Education | | \$ 600 |
| | | <u>\$ 600</u> | <u>\$ 600</u> |

Explanation: Legal (10415) - Transfer budgeted funds for travel for the current fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA's_Aug 7_BOC (Budget Amendments)

Number 20180004

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of August 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 61818-536000 | Uniforms | \$ 700 | |
| 61818-532000 | Supplies | | \$ 700 |
| | | <u>\$ 700</u> | <u>\$ 700</u> |

Explanation: Mainland Water (61818) - Transfer budgeted funds for uniforms for new personnel.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA's_Aug 7_BOC (Budget Amendments)

Number

20180005

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of August 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

| <u>Account Number</u> | <u>Account Description</u> | Debit | | Credit | |
|-----------------------|----------------------------|---|--------|---|--------|
| | | <u>Decrease Revenue or Increase Expense</u> | | <u>Increase Revenue or Decrease Expense</u> | |
| 10531-545000 | Contracted Services | \$ | 18,000 | | |
| 10531-532000 | Supplies | \$ | 5,425 | | |
| 10531-514000 | Travel | \$ | 2,600 | | |
| 10531-514500 | Training and Education | \$ | 3,500 | | |
| 10531-514600 | Public Education | \$ | 1,000 | | |
| 10330-445000 | Emergency Management Grant | | | \$ | 30,525 |
| | | <u>\$ 30,525</u> | | <u>\$ 30,525</u> | |

Explanation: Emergency Management (10531) - Increase appropriations to record Emergency Management Planning Grant for 2017.

Net Budget Effect: Operating Fund (10) - Increased by \$30,525.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA's_Aug 7_BOC (Budget Amendments)

Number

20180006

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of August 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10460-590000 | Capital Outlay | \$ 8,252 | |
| 10460-516000 | Maintenance & Repair | | \$ 8,252 |
| | | <u>\$ 8,252</u> | <u>\$ 8,252</u> |

Explanation: Public Works (10460) - Transfer budgeted funds for capital maintenance projects: Repair brick and masonry on Knotts Island Sr Cetner Building (\$1,000) and repair chimney on historic courthouse (\$7,252).

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA's_Aug 7_BOC (Budget Amendments)

Number 20180007

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of August 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 50796-590012 | Park Equipment FY 2018 | \$ 20,000 | |
| 50380-481000 | Investment Earnings | | \$ 20,000 |
| | | <u>\$ 20,000</u> | <u>\$ 20,000</u> |

Explanation: County Governmental Construction - Carova Beach Park (50796) - Increase budgeted funds for playground equipment for the Carova Beach Park. This will be funded from investment earnings within the construction fund.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$20,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA's_Aug 7_BOC (Budget Amendments)

Number

20180008

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of August 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10530-561000 | Professional Services | | \$ 24,800 |
| 10530-505000 | FICA | \$ 800 | |
| 10530-502000 | Salaries | \$ 6,000 | |
| 10530-545000 | Contracted Services | \$ 18,000 | |
| | | <u>\$ 24,800</u> | <u>\$ 24,800</u> |

Explanation: Emergency Medical Services (10530) - Transfer funds for NC Department of Labor settlement.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BA-Add-Aug 7 (Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1960)

Agenda Item Title

Project Ordinance-Incinerator

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

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

SECTION 1. The project authorized is to design and construct an incinerator.

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

| | |
|-------------|-------------------|
| Incinerator | \$ 160,000 |
| | <u>\$ 160,000</u> |

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

| | |
|---|-------------------|
| Grant from Albemarle Regional Health Services | \$ 2,000 |
| Residual funds from Animal Shelter Construction | 38,183 |
| Transfer from Capital Improvements Fund | 119,817 |
| Existing funds from prior closed projects | |
| | <u>\$ 160,000</u> |

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

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

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 7th day of August, 2017.

Bobby Hanig, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

Attachment: Project Ord-Incinerator_Aug 7 (Project Ordinance-Incinerator)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1952)

Agenda Item Title

2017 Year End Surplus Resolution

Brief Description of Agenda Item:

Various departmental items for 2017 Surplus Resolution, year end.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

RESOLUTION

6.E.4.a

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

| County Asset Tag | Description | Serial Number |
|---------------------|--|--|
| 4276 | 30 x 60 Combo File - Map Room | VNT040794-4 |
| 7880 | Handeheld Ultrasonic Velocity Flowmeter | |
| 2911 | Newtown Road Sewer LPP System | |
| 2997 | Hurco Ripcord Unit & Vent Kit | |
| 7892 | Stryker MX Pro Stretcher & Post | |
| 7893 | Stryker MX Pro Stretcher & Post | |
| 7894 | Stryker MX Pro Stretcher & Post | |
| 7895 | Stryker MX Pro Stretcher & Post | |
| 7303A-D | 4 Minitor Pagers & Chargers | 136WLG3152, 136WLG3153, 136WLG3157, 136WLG3158 |
| 6838 | Panasonic CF-19 Docking Station Med 6 | 31204381, 031204382, 031204388, 031204391, 031204392, 031204393, 031204394, 031204395, 031204397 ZZCWA7032AE0019 & ZZCWA7030AE0043 |
| 6839 | Panasonic CF-19 Docking Station Med 62 | |
| 6840 | Panasonic CF-19 Docking Station Med 63 | |
| 6841 | Panasonic CF-19 Docking Station Med 8 | |
| 6842 | Panasonic CF-19 Docking Station Med 32 | |
| 6843 | Panasonic CF-19 Docking Station Med 52 | |
| 6622A-I | 9 Pentax Pocketjet 3+ Printers | |
| 6644 | 1 X 270 Vehicle Cradels for Planar Rear | 82561 |
| 6833 | Panasonic CF-19 Docking Station Med 2 | |
| 6834 | Panasonic CF-19 Docking Station Med 3 | |
| 6835 | Panasonic CF-19 Docking Station Med 4 | |
| 6836 | Panasonic CF-19 Docking Station Med 42 | |
| 6837 | Panasonic CF-19 Docking Station Med 52 | |
| 6142 | MRL PIC 2 Biphasic Defibrillator/Monitor | |
| 2679 | Jetstream Lightbar | 428ATN6057 M-00002946/D-055533 90100470 90100190 81000199/90100019 9918071 9918077 118303674 118303675 118303676 |
| 2923 | Mastrac 300 Mobile Radio | |
| 3408 | Physio Life Pak 11 - 15B | |
| 4022 | Kenwood VHF 32 Cahnnel Radio - 15A | |
| 4023 | Kenwood UHF Radio - 15A | |
| 4087 | Kenwood Mobile Radio | |
| 5281 | Blood Pressure Monitor w/Pilse Ox | |
| 5495 | Blood Pressure Monitor - Medic 4 | |
| 5783 | Pulse Ox/End Tidal CO2 - Medic 51 | |
| 5784 | Pulse Ox/End Tidal CO2 - Medic 15A | |
| 5785 | Pulse Ox/End Tidal CO2 - Medic 5 | |

Attachment: ANNUAL RESOLUTION-SURPLUS-2017 MAY 17 (Surplus Resolution-2017 Annual, Various)

5786 Pulse Ox/End Tidal CO2 - Medic 3
5787 Pulse Ox/End Tidal CO2 - Medic 15B
5789 Pulse Ox/End Tidal CO2 - Medic 52
5423 3 Portable Radios
6515 Intronix GoBook Laptop
6445 911 Software - Public Notification System
6177 2006 Crown Vic
6394 2007 Dodge Charger
4188 ANI/ALI Controller
6860 2008 Ford Ranger
5742 2004 Ford Crown Vic

118303678
118303679
118303682
20501605, 11202091, 11202092
ZZGEG7169ZZ435

2FAFP71W06X162082
2B3KA43H27H797261
II9409-10016
1TZR15E68PA87865
2FAFP71W54X112274

6.E.4.a

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

ADOPTED, this 7th day of August, 2017.

Bobby Hanig
County of Currituck, Board of Commissioners

LeeAnn Walton
Clerk to the Board

(Seal)

Attachment: ANNUAL RESOLUTION-SURPLUS-2017 MAY 17 (Surplus Resolution-2017 Annual, Various)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1950)

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 Board approval to hold a fireworks display at Whalehead in Historic Corolla on the rain date set for Wednesday, August 9, 2017. The annual Independence Day Celebration originally scheduled for Tuesday, July 4, 2017, was cancelled due to weather.

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 August 9, 2017, 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 August 9, 2017.

Section 2. This resolution shall be effective upon adoption.

ADOPTED this 7th day of August, 2017.

ATTEST:

Bobby Hanig, Chairman

(SEAL)

Leeann Walton, Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1947)

Agenda Item Title

Condemnation Order for 198 Shortcut Road

Brief Description of Agenda Item:

Creation of Ordinance for Condemnation of 198 Shortcut Road, Parcel #006000000720000

Board Action Requested

Action

Person Submitting Agenda Item

Sandee Salimbene, Assistant

Presenter of Agenda Item

Donald (Ike) I. McRee Jr



COUNTY OF CURRITUCK

Planning and Community Development Department
 Central Permitting and Inspection Division
 153 Courthouse Road, Suite 117
 Currituck, North Carolina 27929
 Telephone (252) 232-3378 / Fax (252) 232-3470

January 3, 2017

Certified Mail

Robin Poyner Williams
 Larry Lee Williams
 7068 Wayne Road
 Chincoteague, VA 23326

Re: 198 Shortcut Road, Parcel # 0060-000-0072-0000

Dear Mr. & Mrs. Williams,

On August 30, 2016, a condemnation hearing was held at the office of the Chief Building Inspector for the above referenced property.

Those in attendance:

- Stacey Smith, Code Enforcement Officer
- Robin Williams, Property Owner
- Larry Williams, Property Owner

At the hearing it was agreed by the owners and I the following action plan would be followed,

Action Required:

- By November 1, 2016 owner must submit a plan in writing to either repair or demolish the above structure(s).
- If Mr. & Mrs. Williams decides to demolish the structure(s) the following must be done:
 - The structure must be removed from the site by demolishing and the site cleared of all debris. All debris must properly be disposed of in appropriate manner.
 - A demolition permit must be obtained and work completed by January 1, 2017.
- If Mr. & Mrs. Williams decides to repair the structure(s) the following must be done:
 - A scope of work must be provided to the building inspector and a building permit must be obtained December 1, 2016.
 - A structural engineer must be obtained to evaluate the building for structural integrity and compliance with 2015 NC Existing Building Code.

On October 31, 2016 a meeting was arranged by Machele Payton Holl a relative of Mrs. Robin Williams to explore options of repairing, demolishing, and rebuilding a new structure. Donna Voliva, Planner, James Mims, Fire Marshal and I discussed all the options with the owners and Ms. Moll. It was agreed at the end of this meeting that the parties would submit a letter of their intent to either repair, demolish, or rebuild the structure by December 1, 2016. It was also agreed at this meeting if these conditions were not met that the county would proceed with the

Attachment: 198 Shortcut Road Condemnation (Condemnation Order for 198 Shortcut Road)

condemnation order. Of this date Mr. and Mrs. Williams have failed to meet the above actions required to halt the condemnation order.

6.E.6.a

My findings are as follows; due to the general disrepair of the structure, it is declared unfit for human habitations and is a risk to the safety and welfare of the general public.

IT IS THEREFORE ORDERED THAT:

- The structure is to be demolished; all materials to be removed from the property in question shall be disposed of in accordance with the laws, regulations and ordinances of the State of North Carolina and the County of Currituck.
- A demolition permit shall be obtained from the inspection department prior to any demolition work being performed.
- If the terms of this order are not complied with by Tuesday March 14, 2017 the matter will be brought before the Board of Commissioners of Currituck County to adopt an ordinance for the demolition of the structure.

The owners will be responsible for all costs incurred by the county for the removal of the structure. A lien will be placed on the property to insure repayment.

You have a right to appeal this decision to the Currituck County Board of Adjustment within 10 days of this ruling. If you choose to appeal, please contact our Planning Department.

If you have any questions concerning the order above you may contact me at (252) 232-6023 at your convenience.

Sincerely,



Bill News
Chief Building Inspector

CC: Ben Woody, Planning and Community Development Director
Dan Scanlon, County Manager
Ike McRee, County Attorney

Attachment: 198 Shortcut Road Condemnation (Condemnation Order for 198 Shortcut Road)

**COUNTY OF CURRITUCK**

Planning and Community Development Department
Central Permitting and Inspection Division
153 Courthouse Road, Suite G101
Currituck, North Carolina 27929
Telephone (252) 232-3378 / Fax (252) 232-3470

March 15, 2017

Certified Mail

Robin Poyner Williams
Larry Lee Williams
7068 Wayne Road
Chincoteague, VA 23326

Re: 198 Shortcut Road, Parcel # 0060-000-0072-0000

As of the above date a demolition permit has been obtained on February 28, 2017 by you and the structure has not yet been demolished.

In my condemnation order dated January 3, 2017 I ordered that the terms of the condemnation order be met no later than March 14, 2017 or the matter be brought before the Board of Commissioners of Currituck County to adopt an ordinance for the demolition of the structure.

I understand that you have obtained the demolition permit and are working on this matter however since you have not complied with the terms of the condemnation order I must proceed with the process of asking the Board of Commissioners to adopt the ordinance for demolition. I will request that the electrical power be removed from the structure by NC Dominion Power no later than March 22, 2017. You still have every opportunity during this process to remove the structure and void the adoption of an ordinance for the county to demolition.

If you have any questions or an update on the status of the demolition you may contact me at your earliest convenience.

Sincerely,

Bill Newns
Chief Building Inspector

CC: Ben Woody, Planning and Community Development Director
Dan Scanlon, County Manager
Ike McRee, County Attorney

Enclosure

Attachment: 198 Shortcut Road Condemnation (Condemnation Order for 198 Shortcut Road)



COUNTY OF CURRITUCK

Planning and Community Development Department
 Central Permitting and Inspection Division
 153 Courthouse Road, Suite G101
 Currituck, North Carolina 27929
 Telephone (252) 232-3378 / Fax (252) 232-3470

August 30, 2016

Hand Delivered

Robin Poyner Williams
 Larry Lee Williams
 7068 Wayne Road
 Chincoteague, VA 23326

Re: 198 Shortcut Road , Parcel # 0060-000-0072-0000

On August 30, 2016 a condemnation hearing was held in the Office of the Chief Building Inspector to determine a course of action regarding the above referenced property.

The hearing was conducted by Bill Newns, Chief Building Inspector for Currituck County.

Those in attendance:

- Stacey Smith, Code Enforcement Officer
- Robin Williams, Property Owner
- Larry Williams, Property Owner

Findings of Fact:

- Our office received a complaint regarding the condition of the structure(s) referenced above.
- A site visit was made to verify the condition of the property.
- The structure was identified as a possible safety hazard and unfit for human habitation due to neglect.
- Exposure to the elements has caused structural damage to the structure.
- Floors are rotted in several places
- Addition on east side is in a dilapidated state of repair
- Addition on rear of metal building roof is failing
- Heating unit for rear section has been removed
- Various openings into building are unprotected
- Exposed wiring in the attic area
- Building is not insulated
- No hot water to bathrooms
- Work has been done over the years without proper permits.
- The owners were identified via tax records.
- A notice of hearing was sent to the above parties.

Ruling:

The above Findings of Fact are enough to warrant the condemnation of the structure(s) therefore, the structure(s) are in a state of condemnation and action must be taken to abate the condemnation.

Action Required:

- By November 1, 2016 owner must submit a plan in writing to either repair or demolish the above structure(s).
- If Mr. & Mrs. Williams decides to demolish the structure(s) the following must be done:
 - The structure must be removed from the site by demolishing and the site cleared of all debris. All debris must properly be disposed of in appropriate manner.
 - A demolition permit must be obtained and work completed by January 1, 2017.
- If Mr. & Mrs. Williams decides to repair the structure(s) the following must be done:
 - A scope of work must be provided to the building inspector and a building permit must be obtained December 1, 2016.
 - A structural engineer must be obtained to evaluate the building for structural integrity and compliance with 2015 NC Existing Building Code.

Appeal Process

You have a right to appeal this order to the Currituck County Board of Adjustment by giving written notice of appeal to the Chief Building Inspector and to the clerk within 10 days following the day the order is issued. In the absence of an appeal, the order of the Chief Building Inspector is final.

Failure to Comply

If you fail to comply with this order and no appeal has been applied for, Currituck County will take action to abate and all cost will be the responsibility of the owner(s). Cost will be recouped by a tax lien on the property.

Issued this 30th day of August, 2016

If you have any questions concerning the order above you may contact me at your convenience.

Sincerely,

Bill Newns
Chief Building Inspector

CC: Ben Woody, Planning and Community Development Director
Dan Scanlon, County Manager
Ike McRee, County Attorney

Property Owner(s): _____ Date: _____
_____ Date: _____

Ike McRee

From: Stacey Smith
Sent: Wednesday, May 03, 2017 3:04 PM
To: Ike McRee; Sandee Salimbene
Cc: Bill News
Subject: Condemnation Order
Attachments: Williams Condemnation Order 1.3.17.doc; Follow up letter.doc; Condemnation Hearing Results.doc; 198 Shortcut Road title search

Good Afternoon,

Need to obtain a condemnation order from the BOC for the commercial structure located at 198 Shortcut Road.

Please find the attached file and if you should need anything further, please let me know.

Thanks, Stacey

Stacey Smith

Code Enforcement Officer
County of Currituck
Planning & Community Development
(252)232-6027
www.currituckgovernment.com

Attachment: 198 Shortcut Road Condemnation (Condemnation Order for 198 Shortcut Road)

Ike McRee

From: Sandee Salimbene
Sent: Wednesday, July 20, 2016 2:31 PM
To: Stacey Smith
Subject: 198 Shortcut Road title search

Stacey,

I performed the title search for the above referenced property, parcel ID #006000000720000. The property was deeded to Robin Poyner Williams by her father, Urias D. Poyner by a gift deed where Urias reserved a life estate in and to the property. Urias died August 11, 2013 and left all of his property to Robin in his will, of which I have a copy. I would send certified letters to:

Robin Poyner Williams
7068 Wayne Road
Chincoteague, VA 23336

And

Larry Lee Williams (husband)
7068 Wayne Road
Chincoteague, VA 23336

Let me know if you need anything else.

Thanks,

Sandee Salimbene

Paralegal
Currituck County
County Attorney's Office
153 Courthouse Road
Suite 210
Currituck, NC 27929
Phone: 252-232-0300 Ext. 4003
Facsimile: 252-232-3551
Email: Sandee.Salimbene@currituckcountync.gov

Attachment: 198 Shortcut Road Condemnation (Condemnation Order for 198 Shortcut Road)

**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE
OR DEMOLISH THE DWELLING LOCATED AT 198 SHORTCUT ROAD,
BARCO, NORTH CAROLINA AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THE PLACEMENT OF A NOTICE THEREON THAT THE SAME
MAY NOT BE OCCUPIED**

WHEREAS, the Board of Commissioners for the County of Currituck finds that the dwelling located at 198 Shortcut Road, Barco, North Carolina and described herein is unfit for human habitation pursuant to the March 15, 2017 order of the Chief Building Inspector issued in accordance with Article IV, Chapter 4 of the Code of Ordinances of the County of Currituck, North Carolina, (the "Code of Ordinances"), and that all of the procedures required in the county's ordinances have been complied with; and

WHEREAS, the dwelling described in the March 15, 2017 order of the Chief Building Inspector should be removed or demolished as directed by the Chief Building Inspector and should be placarded by placing on the dwelling a notice prohibiting use for human habitation; and

WHEREAS, the owners of the dwelling, Robin Poyner Williams and Larry Lee Williams have been given reasonable opportunity to remove or demolish the dwelling pursuant to Article IV, Chapter 4 of the Code of Ordinances and the order of the Chief Building Inspector and have failed to comply with, respond to or appeal within the time required by the Code of Ordinances, the Chief Building Inspector's order.

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

Section 1. The Chief Building Inspector is hereby authorized and directed to place a placard on the dwelling located at 198 Shortcut Road, Barco, North Carolina containing the following language:

"This building is unfit for human occupation. The use or occupation of this building for human habitation is prohibited and unlawful."

Section 2. The Chief Building Inspector is hereby authorized and directed to proceed to remove or demolish the above described dwelling in accordance with his March 15, 2017 order and in accordance with Article IV, Chapter 4 of the Code of Ordinances and N.C. Gen. Stat. §160A-443.

Section 3. The cost of removal or demolition of the dwelling shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Tax Collector for the County of Currituck and shall have the same priority

and be collected in the same manner as the lien for special assessments as provided in Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. Upon completion of the required removal or demolition, the Chief Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Chief Building Inspector shall certify the remaining balance to the Tax Collector for the County of Currituck. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Chief Building Inspector shall deposit the surplus in the Office of the Currituck County Clerk of Superior Court where it shall be secured and disbursed in the manner provided by N.C. Gen. Stat. §160A-443(6).

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 6. This ordinance shall be in full force and effect from and after the 7th day of August, 2017.

Bobby Hanig, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board of Commissioners

(COUNTY SEAL)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1958)

Agenda Item Title

Moyock VFD Purchase Request-Radio Equipment

Brief Description of Agenda Item:

Moyock Fire Department is seeking approval to spend \$14,294.25 from their existing Fire Supplies budgetary line item for the purchase of radio equipment.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Quote Number: QU0000408252

Effective: 05 JUL 2017

Effective To: 03 SEP 2017

6.E.7.a

Bill-To:

MOYOCK FIRE DEPT & RESCUE INC
P O BOX 81
MOYOCK, NC 27958
United States

Ultimate Destination:

MOYOCK FIRE DEPT & RESCUE INC
108 FIRE STATION CT
MOYOCK, NC 27958
United States

Attention:

Name: Bobby Pervere
Email: rpervere@gmail.com

Sales Contact:

Name: Warren Bell
Email: wbell@gately.com
Phone: 252-441-2066

Request For Quote: Bobby Pervere
Contract Number: NC STATE NON Ariba -725G
Freight terms: FOB Destination
Payment terms: Net 30 Due

| Item | Quantity | Nomenclature | Description | List price | Your price | Extended Price |
|------|----------|--------------|--|------------|------------|----------------|
| 1 | 2 | H98UCF9PW6BN | APX6000 700/800 MODEL 2.5 PORTABLE | \$6,885.00 | \$5,186.25 | \$10,372.50 |
| 1a | 2 | H885BK | ADD: 3 YEAR SERVICE FROM THE START LITE | | | |
| 1b | 2 | Q806BM | ADD: ASTRO DIGITAL CAI OPERATION | | | |
| 1c | 2 | H869BZ | ENH: MULTIKEY | | | |
| 1d | 2 | Q629AK | ENH: AES ENCRYPTION | | | |
| 1e | 2 | H64BE | ALT: PUBLIC SAFETY YELLOW HOUSING | | | |
| 1f | 2 | QA02006AA | ENH: APX6000XE RUGGED RADIO | | | |
| 1g | 2 | H122BR | ALT: 1/4- WAVE 7/800 GPS STUBBY (NAR6595A) | | | |
| 1h | 2 | G996AU | ADD: PROGRAMMING OVER P25 (OTAP) | | | |
| 1i | 2 | H38BT | ADD: SMARTZONE OPERATION | | | |
| 1j | 2 | Q361AR | ADD: P25 9600 BAUD TRUNKING | | | |
| 2 | 1 | NNTN7624C | CHARGER,CHR IMP VEH EXT NA/EU KIT | \$429.00 | \$321.75 | \$321.75 |
| 3 | 10 | NNTN8575A | AUDIO ACCESSORY-REMOTE SPEAKER MICROPHONE,IMPRES XE RSM XT CABLE GREEN | \$480.00 | \$360.00 | \$3,600.00 |

Total Quote in USD

\$14,294.25

PO Issued to Motorola Solutions Inc. must:

- >Be a valid Purchase Order (PO)/Contract/Notice to Proceed on Company Letterhead. Note: Purchase Requisitions cannot be accepted
- >Have a PO Number/Contract Number & Date
- >Identify "Motorola Solutions Inc." as the Vendor
- >Have Payment Terms or Contract Number
- >Be issued in the Legal Entity's Name
- >Include a Bill-To Address with a Contact Name and Phone Number
- >Include a Ship-To Address with a Contact Name and Phone Number
- >Include an Ultimate Address (only if different than the Ship-To)
- >Be Greater than or Equal to the Value of the Order
- >Be in a Non-Editable Format

Attachment: Moyock Fire(APX6000 XE x2)7-5-2017 (Moyock VFD-Approval of Purchase Request)

- >Identify Tax Exemption Status (where applicable)
- >Include a Signature (as Required)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1954)

Agenda Item Title

Job Description Revision-Telecommunicator I

Brief Description of Agenda Item:

Revisions to the Telecommunicator I job description are presented for Board approval. Deleted language is noted by strikethroughs and added/revised wording is underlined.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

TELECOMMUNICATOR I
CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: TELECOMMUNICATOR I

COMMUNICATIONS DEPARTMENT

POSITION DESCRIPTION

Performs skilled dispatching work in the Communications Center. Operates a telephone, two-way radio and other communications equipment in answering requests for fire, law enforcement, EMS or related assistance. Works on rotating or fixed shift and is expected to handle all assignments in an independent manner. Work requires judgment and discretion in handling all routine and emergency situations including the ability to remain alert throughout a shift. Employee must also have a working knowledge of the layout of the County and be able to speak clearly and distinctly. Work is performed under general supervision and is reviewed through observation, discussions, and review of records maintained. Reports to the Communications Supervisor.

ESSENTIAL JOB DUTIES AND FUNCTIONS

Operates telephone, two-way radio and other communications equipment on an assigned shift to answer requests for assistance for fire, law enforcement, EMS, and various local and State agencies.

Answers all calls and dispatches equipment and personnel as necessary and in accordance with established procedures.

Coordinates major incidents to ensure all proper notifications are made and assists in call handling if necessary.

Processes medical calls using IAED EMD protocols and provides pre-arrival and post-dispatch instructions to callers in accordance with established protocols.

Monitors dispatched units' activities; provides updated information to field units as information is received.

Monitors internet application 3SI alarm system for Navy Federal Credit Union; dispatches appropriate personnel upon receipt of alarm.

Operates a computer terminal; transmits and receives information via Department of Criminal Information (DCI) and National Crime Information Center (NCIC); prepares criminal and drivers histories upon request.

Broadcasts weather alerts, road closings, be-on-the-lookouts; requests mutual aid from other County agencies as requested.

Informs supervisor of unusual assistance calls, equipment breakdowns, or related matters needing immediate decisions.

Responsible for housekeeping in immediate console/dispatch room.

Assists with staffing the Emergency Operations Center (EOC) and other Emergency management duties as required.

Performs related work and other duties as assigned by the supervisor.

JOB KNOWLEDGE, SKILLS, AND ABILITIES

Working knowledge of the operation of two-way radio equipment and related FCC regulations.

Working knowledge of the geography of local and surrounding areas.

Working knowledge of CAD, computerized telephone system and voice recording equipment.

Working knowledge of TTY and Text to 911 operations.

Ability to learn, understand and apply traditional training and education.

Ability to respond to work during emergency situations or inclement weather. Ability to work a flexible schedule when circumstances necessitate. Must be able to work effectively despite sleep pattern disruptions.

Maintain confidentiality and state information on a "need to know" basis.

Ability to exercise sound judgment in emergency situations.

Ability to speak clearly, distinctly and politely.

Ability to deal calmly, tactfully, and courteously with the public, fellow staff and responders.

Ability to maintain simple but effective files.

Ability to learn, understand and apply additional training and education.

Possess the necessary skills to operate sophisticated computer and console equipment.

Ability to perform duties efficiently and effectively under all circumstances.

Maintain compliance in all categories of the EMD program.

QUALIFICATIONS

Must be a US citizen, high school graduate or equivalent, at least 21 years of age and possess valid North Carolina Driver License. Must maintain continuous home and/or personal cell telephone service and possess reliable transportation.

As part of pre-screening process must pass computerized aptitude testing with a passing score of 85 ~~80~~%.

Required to obtain NC DCI Certification within 120 days of indoctrination.

Within 12 months of employment must successfully complete the following: The NC Sheriffs' Education and Training Standards Commission Telecommunicator Officer Course; CPR and IAED EMD Certification. As directed by the Communications Supervisor, must complete Incident Command System (ICS) training including but not limited to IS-100, 200, ~~300, 400~~, 700 and 800.

Continuously maintain all above mentioned certifications and obtain continuing education requirements.

~~Must be able to type at least 45 wpm.~~ Must be able to demonstrate PC proficiency in word processing, spreadsheets, internet and email use.

COMPETENCIES

Business Ethics: Treats people with respect; Keeps commitments; inspires the trust of others; Works with integrity and ethically; Upholds organizational values.

Communications: Expresses ideas and thoughts verbally and in written form; Exhibits good listening and comprehension; Keeps others adequately informed; Selects and uses appropriate communication methods.

Customer Service: Displays courtesy and sensitivity; Manages difficult or emotional customer situations; Responds promptly to customer needs.

Dependability: Responds to requests for service and assistance; Follows instructions, responds to management direction; Takes responsibility for own actions; Commits to doing the best job possible; Keeps commitments; Meets attendance and punctuality guidelines.

Job Knowledge: Competent in required job skills & knowledge; Exhibits ability to learn and apply new skills; Keeps abreast of current developments; requires minimal supervision; Displays understanding of how job relates to others; Uses resources effectively. Must maintain a working knowledge of all public safety communications equipment, practices, and procedures including but not limited to: computer aided dispatch, radio, mapping, telephone and emergency protocols.

Quality: Demonstrates accuracy and thoroughness; Displays commitment to excellence; Looks for ways to improve and promote quality; Applies feedback to improve performance; Monitors own work to ensure quality.

Relationship Building: Builds rapport across the organization; Establishes collaborative relationships to achieve objectives; Seeks win-win solutions to conflict; Develops network of professional contacts; Displays empathy and is tolerant of diverse viewpoints.

Initiative: Volunteers readily; Undertakes self-development activities; Seeks increased responsibilities; Takes independent actions and calculated risks; Looks for and takes advantage of opportunities; Asks for help when needed.

WORK ENVIROMENT

Work is performed in an indoor, tight spaced environment with stationary seating, surrounded by several computerized monitors. The majority of time is spent seated however tele-communicators have freedom to stand and move in a limited area. Work entails extensive keyboarding and manual dexterity, also reaching, stretching, bending, and lifting of standard dispatch supplies, materials, maps, binders and flip cards.

ESSENTIAL PHYSICAL SKILLS/DEMANDS

Physical Requirements: Must be able to see and use all related communications equipment, computer monitors, telephones and radios including hand and foot pedals, TTY's, copiers, fax machines, etc. Requires the ability to exert up to 25 pounds of force occasionally and a negligible amount of force frequently. Must be able to sit or stand for extended periods of time with limited range of mobility.

Keyboarding Skills: Must have the ability to type accurately on a computer keyboard while conversing with callers- accurately record data without transposing numbers or information. Required to engage in repetitive hand motions.

Interpersonal Communication: Requires the ability to speak and or signal people to convey or

exchange information. Includes receiving instructions, assignments or directions from supervisors.

Manual Dexterity: Requires the ability to handle a variety of equipment/items, such as keyboards, control knobs, toggle switches, etc.

Vision Acuity: Must have the ability to read and discern visual images on a variety of media using normal eyesight or corrective lenses. Corrected vision should be at least 20/30 in each eye. Must have the ability to distinguish between colors on a color coded computer screen in order to perform essential job tasks.

Hearing Acuity: Must have the ability to hear and understand sound sources coming through a communications headset and or standard telephone receiver, including the ability to hear and understand other sound sources while wearing a headset. In order to perform the essential job tasks, you must be able to hear and differentiate speech/transmissions at various intensity levels.

Physical Communication: Requires the ability to talk and hear. Must be able to hear, understand and respond to verbal information in person, or by phone including difficult to understand callers. Must hear, understand and respond using radio transmitters and receivers, radio consoles, telephone/radio headsets, and other complex communications equipment.

Judgement: Must have the ability to effectively prioritize situations and information and make appropriate decisions based on the information received. Must have the ability to learn and apply new information; ability to handle multiple streams of information simultaneously; ability to remember numerous details.

ED: 08/07/2017 (REV BOC)

ED: 11/24/2016 (REV BOC)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1955)

Agenda Item Title

Road Addition Petition to NCDOT for State Maintenance-Laurel Woods

Brief Description of Agenda Item:

Petition for Road Addition to state maintenance in Laurel Woods, consisting of a continuation of Laurel Woods Way, Pond Pine Loop and Red Maple Court.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

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

ROADWAY INFORMATION: (Please Print/Type)

County: CURRITUCK Road Name: LAUREL WOODS WAY (CONT.), POND PINELoop, RED MAR J.
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: LAUREL WOODS ESTATES PH3 & 4 Length (miles): SEE PAGE 2 DETAIL

Number of occupied homes having street frontage: 57 Located (miles): ~ 1/4 MILE

miles N ☐ S ☐ E ☐ W ☒ of the intersection of Route US168 and Route LAUREL WOODS BLVD
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of LAUREL WOODS ESTATES in CURRITUCK County, do hereby request the Division of Highways to add the above described road.

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

Name: SAM MILLER Phone Number: 757-513-7671

Street Address: 111 CURRITUCK COMM. PK SUITE B MOYOCK, NC 27958

Mailing Address: SEE ABOVE

PROPERTY OWNERS

Name

Mailing Address

Telephone

NA

INSTRUCTIONS FOR COMPLETING PETITION:

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

FOR NCDOT USE ONLY: Please check the appropriate block
☐ Rural Road ☐ Subdivision platted prior to October 1, 1975 ☐ Subdivision platted after September 30, 1975
REQUIREMENTS FOR ADDITION

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

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

| <u>ROAD NAME</u> | <u>HOMES</u> | <u>LENGTH</u> | <u>ROAD NAME</u> | <u>HOMES</u> | <u>LENGTH</u> |
|------------------|--------------|---------------|------------------|--------------|---------------|
| LAUREL WOODS WAY | (43) | 3957' | | | |
| POND PINE LOOP | (9) | 842' | | | |
| RED MAPLE COURT | (5) | 572' | | | |
| | | | | | |
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Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1953)

Agenda Item Title

Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement
Authorized by NC G.S. 160A-20

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the Ocean Sands Water and Sewer District, a blended component unit of the County of Currituck, North Carolina desires construction of a new **Ocean Sands Wastewater Treatment Plant** and demolition of the existing sewage treatment plant and all related appurtenances (the "Project") to better serve the citizens of Ocean Sands Water and Sewer District located in Corolla, North Carolina; and

WHEREAS, The Ocean Sands Water and Sewer District desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Ocean Sands Water and Sewer District a blended component unit of the County of Currituck, North Carolina, meeting in regular session on the 7th day of August, 2017, make the following findings of fact:

1. The proposed contract is necessary or expedient because the current wastewater treatment plant has reached the end of life and it is no longer cost effective to continue to maintain the existing assets.
2. The proposed contract is preferable to a bond issue for the same purpose because this project will be constructed in the Ocean Sands Water and Sewer District, Currituck, NC and will only serve the residents of this subdivision. Tourism is the main industry in Currituck County and this area is predominantly vacation rental houses where the property owners are not registered voters in Currituck County. With the current interest rates for borrowing, installment purchase financing will enable this project to proceed more expediently. This project is phases two and three of a larger project. Phase one is close to completion and was financed with existing funds from the enterprise fund.
3. The cost of financing under the proposed contract is greater than the cost of issuing general obligation bonds. Although, the interest rate on borrowing with a bond issue may be slightly less than the interest rate of an installment purchase, the costs of the local government application fee, costs associated with a public election and the time lost completing the bond process outweighs the possible slight savings in interest rate.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the project was bid under the formal bidding requirements.
5. The Ocean Sands Water and Sewer District, a blended component unit of the County of Currituck, NC debt management procedures and policies are good because the County Finance Director, County Manager, County Board of Commissioners and the Governing Body of the Ocean Sands Water and Sewer District have reviewed the project estimates and increased the tax rate within the district anticipating the need for this project.
6. The increase in taxes necessary to meet the sums to fall due under the proposed contract will be six cents per \$100 valuation and is not deemed to be excessive.

7. The Ocean Sands Water and Sewer District and the County of Currituck are not in default in any debt service obligations.
8. The attorney for the Ocean Sands Water and Sewer District, a blended component unit of the County of Currituck, has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.
9. The probable net revenues of the project to be financed will be sufficient to meet the sums to fall due under the proposed contract.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Officer of the County of Currituck is hereby authorized to act on behalf of the Ocean Sands Water and Sewer District in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 7th day of August, 2017.

The motion to adopt this resolution was made by Commissioner _____, seconded by Commissioner _____ and passed by a vote of _____ to _____.

Chairman, Ocean Sands Ocean Sands Water and Sewer District

ATTEST:

Clerk

This is to certify that this is a true and accurate copy of Resolution No. _____ Adopted by the Ocean Sands Water and Sewer District, a blended component unit of the County of Currituck on the 7th day of August, 2017.

Clerk

Date

Attachment: OSWSD-Resolution_Aug 7 (OSWSD-Resolution to Authorize Debt Process)